

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H3/16/21

A Bill

HOUSE BILL 1006

5 By: Representative Lowery
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE PARENT-CHILD INTRASTATE
9 RELOCATION ACT; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO CREATE THE PARENT-CHILD INTRASTATE
12 RELOCATION ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 9, Chapter 13, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 5 – Parent-Child Intrastate Relocation Act
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23 9-13-501. Title.

24 This subchapter shall be known and may be cited as the “Parent-Child
25 Intrastate Relocation Act”.
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27 9-13-502. Definitions.

28 As used in this subchapter:

29 (1) “Change of principal place of residence of a child” means a
30 change of residence of a child whose custody has been determined by a prior
31 court order with the intent that the child will reside at the residence for
32 more than forty-five (45) days; and

33 (2) “Principal place of residence of a child” means:

34 (A) The residence designated by a court order to be the
35 principal place of residence of the child;

36 (B) In the absence of a court order, the place of



1 residence of the child to which the parents have expressly agreed in writing
2 to be the principal place of residence of the child; or

3 (C) In the absence of a court order or an express
4 agreement in written form by the parents of the child determining the
5 principal place of residence of the child, either:

6 (i) The place of residence where the child has
7 resided with a custodial parent for six (6) consecutive months; or

8 (ii) The place of residence where the child has
9 resided from birth with a custodial parent, if the child is under six (6)
10 months of age.

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12 9-13-503. Limitations.

13 This subchapter applies only to the intrastate relocation of a child.

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15 9-13-504. Petition to relocate.

16 (a) The relocating custodial parent shall file a petition to change
17 the principal place of residence of a child if:

18 (1) A court has awarded custody of the child to the relocating
19 custodial parent or joint custody of the child to both parents; and

20 (2) The intended new principal place of residence of the child
21 is more than seventy-five (75) miles from the current principal place of
22 residence of the child.

23 (b)(1) A petition to change the principal place of residence of a
24 child filed by the relocating custodial parent shall include the following
25 information, if known:

26 (A) The intended new principal place of residence of the
27 child, including the specific street address;

28 (B) The mailing address of the intended new principal
29 place of residence of the child, if not the same as the street address;

30 (C) The telephone number or numbers at the new principal
31 place of residence of the child;

32 (D) If applicable, the name, address, and telephone number
33 of the school to be attended by the child;

34 (E) The date of the intended change of principal place of
35 residence of the child;

36 (F) A statement of the specific reasons for the proposed

1 change of principal place of residence of the child;

2 (G) A proposal for a revised schedule of custody of or
3 visitation with the child, if appropriate; and

4 (H) A warning order to the nonrelocating parent that
5 unless the nonrelocating parent makes a formal written objection to the court
6 concerning the petition to change the principal place of residence of the
7 child within thirty (30) calendar days of receipt of the notice the petition
8 may be granted by the court.

9 (2) A petitioner who petitions the court to change the principal
10 place of residence of a child shall request within his or her petition that
11 the information listed in subdivisions (b)(1)(A)-(H) of this section be
12 sealed by order of the court, otherwise the information listed in
13 subdivisions (b)(1)(A)-(H) of this section shall be redacted for purposes of
14 maintaining confidentiality of sensitive information.

15 (c) Notice of the petition to change the principal place of residence
16 of the child shall be given by the relocating custodial parent to the
17 nonrelocating parent in accordance with the Arkansas Rules of Civil
18 Procedure.

19 (d) The relocating custodial parent has a continuing duty under this
20 section to provide the information required under subsection (b) of this
21 section to the court and the nonrelocating parent as that information becomes
22 known.

23 (e) The relocating custodial parent's petition to change the principal
24 place of residence of the child may be granted by the court if the:

25 (1) Relocating custodial parent provides notice of the petition
26 in accordance with this section; and

27 (2)(A) Nonrelocating parent who is entitled to joint custody of
28 or visitation with the child does not object to the petition within thirty
29 (30) days of the date on which he or she receives notice of the petition and
30 proper service has been verified and entered into the record of the court.

31 (B) A nonrelocating parent who is incarcerated shall have
32 sixty (60) days to object to the petition.

33 (f) This section applies only to a case in which the court has
34 awarded:

35 (1) Joint custody of a child to both parents; or

36 (2) A noncustodial parent visitation with a child.

