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HUFF POST DIVORCE

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Caroline Choi

Family Law Attorney, Solomon Ward Seidenwurm & Smith LLP

Divorce Confidential: Your Legal Rights to Relocate Your Child

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In my previous post, I discussed the importance of a well thought-out plan before you decide to move your child away to another city or state. While it may be tempting to romanticize the idea of a fresh start, it is important to refrain from jumping the gun and instead reflect upon the effects of a move-away on your child and your ex-spouse.

Unless you and your ex-spouse agree to a relocation, the relocation process will be costly and time-consuming once the courts are involved in the decision-making process. Before you decide to move-away, it is prudent to become knowledgeable as to what the courts will consider in making its decision regarding your desire to relocate. Each state has specific laws regarding a parent's request to move away with children. Therefore, as soon as you decide you want to relocate or if you are served with move-away paperwork from your ex-spouse, the first step is to meet with an attorney and discuss your state's specific laws regarding relocation.

Move-away requests are taken very seriously by courts. That is why it is important to think about the following factors that many courts consider when making its decision regarding your request to relocate. Again, each state is different so be sure to consult with an attorney:

1. Best Interests Of The Child: When a court looks at the best interests of a child, they are mainly looking to the rights and welfare of the child in question. Best interests can include education such as schools and daycare. The established community available to the children is also important such as a support system of family and friends. Best interests also may include the relationship of the child with each parent and whether the move would continue to foster a relationship and access with the non-custodial parent. Task yourself: Where will my child attend school/daycare? What community should we plan to live in? What family and friends will my child be surrounded by and what support system do I have in place? These are things to consider because the court will consider it when deciding what is in the best interests of your child.

2. *Your Personal Plans:* In keeping with the theme of the best interests of the child, the court will likely request detailed information regarding your personal plans as well. Your plan is important because it directly relates to the best interests of the child. For example, what type of employment do you have lined up once you move and how will this help you support yourself and your child? Are you moving for personal reasons such as a new marriage? Are you pregnant and your new husband lives in a different city? These are all factors the court may take into consideration when making its final orders.

3. *Frustration Of Contact:* One thing you will want to reflect upon is the reason behind your decision to move with your child. Are you trying to frustrate your child's contact with your ex-spouse? If that is your goal, you may want to think twice before you file a motion for a move-away because it is likely that your motive will become transparent through court proceedings. Once a court finds that you are moving to frustrate contact with your ex-spouse, it may play into the court's decision to allow your relocation, not to mention this could also backfire, leaving you with even less time and contact with your child. At all costs, refrain from filing a motion in bad faith.

There is a lot to think about before you file a motion to relocate your child to another city or state. The best advice I can give you is to plan ahead and know your risks beforehand. Most importantly, make an informed decision that is based on what you know to believe is in the best interests of your child. Finally, once you make a decision to relocate, make sure you contact an attorney in your state and ask about the specific move-away laws in your state.

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