

Darrell M. Harding Attorney at Law, PLC

With more than twenty years of experience we know that not every case is the same and provide each case with the personalized individual attention it deserves. Our firm is committed to providing our clients with skillful and professional representation. We provide our clients personalized attention and service. Our firm understands that family issues involving divorce and/or children can be emotionally and physically stressful. We are here to help guide you through the legal system and will take you through the process one step at a time.



Darrell M. Harding graduated with honors with a Bachelor of Science in Psychology from Brigham Young University in 1984. He also graduated at the top of his class with his Juris Doctor Degree from J. Reuben Clark Law School, Brigham Young University, in 1988. He served as Legal and Political Chairman over the Civil Law Division from 1987-1988, Negotiator Forum Vice President in 1988 and served on the Law Review. For over 23 years he has focused exclusively on family law to best serve individuals like you.

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CHILD RELOCATION

DID YOU KNOW:

A court can prevent a custodial parent from removing a child from the state without the court's permission.

**Read on to better
analyze your case.**



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The common scenario occurring with more frequency in our mobile society is: Two people meet, fall in love, have a couple of children, and then get divorced or break up. The issue then becomes: What to do with the children when the custodial parent wants to leave the area or state and take the children with him/her.

A court may forbid a custodial parent from removing a child from the state without the court's permission, or it may permit the child to be removed. The standard the court applies in making its determination is what is in the "child's best interest". This standard applies to intra-state moves as well as moves out of state. The factors a court must consider to determine what is in a child's best interest are covered in the "Custody" pamphlet in detail; however, when a child relocation is at issue, the relocating custodial parent has the additional burden to prove that the move is in the child's best interest. It is important to distinguish between a move that is in the custodial parents best interest and a move that is in the child's best interest. You need to explicitly show that the move is good for the child, and/or show that the noncustodial parent's relationship with the child can be maintained even if you move, or show that the non-custodial parent had no real relationship with the child to begin with.

The following are non-exhaustive factors you should consider in developing a case to relocate:

1. Why exactly is the custodial parent moving?

2. Does the custodial parent have similar opportunities closer to his/her current residence?

3. What benefits does the area of relocation offer the child that are not available at the custodial parent's current residence?

4. What effort did the custodial parent make to find a job locally?

5. What other family members live at the area of relocation versus the custodial parent's current residence?

6. How does the schools/community in the area of relocation compare with the schools at the custodial parent's current location?

7. How does the extracurricular offerings of the area of relocation compare with the schools/community of the custodial parent's current residence?

8. How does this move financially benefit the child?

9. How does the new house and neighborhood at the area of relocation compare with the custodial parent's current residence?

10. How does the cultural opportunities at the area of relocation compare with the custodial parent's current area?

11. How does the parks, libraries, hospitals and other amenities of life at the area of relocation compare with the custodial parent's current area?

12. How does the crime rate of the area of relocation compare with the custodial parent's current area?

13. What plan does the relocating custodial parent have to make sure the child's relationship with the non-custodial parent is maintained?

14. Is the custodial parent a level headed person who will act in good faith to work to maintain the child's relationship with the other parent if relocation is allowed?

15. Is the non-custodial parent current on his/her child and/or spousal support obligations or has the custodial parent been meeting the child's needs on his/her own, making a higher paying job more beneficial to the child?

16. How frequent has the non-custodial parent visited the child?

17. How involved is the non-custodial parent in the child's life? Does he/she coach the child's team, attend school functions, and attend the child's extracurricular activities?

CAUTION! Before you make any irreversible plans to relocate or you agree to the custodial parent relocating, you should hire a lawyer and develop an "exit strategy" that encompasses the factors and issues outlined in this pamphlet. Only after you have fully developed an "exit strategy" that you and your attorney believe will convince a judge that your relocation is in the child's best interest should you begin the process of giving your 30 days written notice of your intent to relocate and file the appropriate pleadings to receive court permission to relocate.