

Upcoming move: What divorced California parents need to know?

Whether moving across the state from Anaheim to the Bay area or across the country to Boston or New York City, separated or divorced parents must consider how the move will affect their child custody arrangement. Following a divorce, it may be necessary to move for work reasons or to be closer to family, but parental relocation often requires modifying a custody or visitation order.

Some parents are able to reach a new agreement that may provide one parent more summer visitation to make up for missed weekend visits. On the other hand, if the move comes as a surprise an ex-spouse may be unwilling to agree to any changes. In these cases, the court may have to decide what is in the child's best interest.

In any move, it is always important to consider the quality of the school district. For a custodial parent finding a home in a better school district usually strengthens the case for relocation.

Requirements of a California move-away request

California law allows a custodial parent to relocate with a minor child, if the move does not "prejudice the rights or welfare of the child." A move cannot be solely to limit the noncustodial parent's visitation.

The noncustodial parent needs to show how the move will harm the child, if he or she has an objection to the move. Some of the questions the court may address in deciding a move-away request are:

How far away is the parent moving?

What is the current relationship between the child and each parent?

Is the child old enough to express a preference? What is it?

The court may also need to balance the child's need for stability and continuity against the disruption of a move to a new city or state. After approval of the move-away request, there are steps parents can take to ease the process for a child.

Helping a child adjust

When a child is school age, it is often best to plan a move to coincide with summer break. This is less disruptive and allows the child time to go to the new school for a tour and meet teachers or the principal before classes start the next school year.

Depending on the age of a child, discussing the details of the move and asking the child for input can ease the process. Offering the ability to design a new bedroom can give the child a chance to create a space where he or she feels comfortable. Both parents should also focus on the positives of the move and new opportunities that might exist.

If it becomes necessary to move your family, but an ex-spouse objects, contact an experienced family law attorney. An attorney can help you navigate the judicial system and ensure that your wishes are heard.