

# MOVING THE KIDS AWAY FROM THE OTHER PARENT - Kidnaping or Kindness

“I can’t make it here. I need a fresh start ! What do you mean I can’t move with my children to Florida ?”

“My children mean the world to me. What do you mean their mother can just up and leave and move with them to Florida ?”

## A Tough Case Indeed

One of the most difficult legal challenges one can face is whether children can be moved by one parent far away from the other parent. This issue is termed a ‘relocation’ case.

Custody and visitation laws are intended to protect the best interests of children. At the crux of what is deemed by the law to be best for children is that, although they do not live in an intact, unified household, they still have as good of a relationship as possible with both of their parents.

Clearly, upon relocation both the quality and quantity of the relationship between the children and the parent that is left behind is at high risk to suffer. As a starting point, this is not in the children’s best interests.



## Legal Factors Part I - Basic Custody

In a standard case to determine which parent will have basic custody, the Court’s will examine :

- the fitness of each parent
- the environments that each parent has to offer
- the ability of each parent to provide for the child’s emotional and intellectual development
- the children’s preference when they are of a mature age
- if a parent has been the children’s primary caretaker in the past
- which parent is likely to foster a relationship between the non-custodial parent and the children

## Legal Factors Part II - Relocation

In considering a relocation request, Court’s will examine various additional factors :

- each parent’s reasons for seeking or opposing the move
- the quality of the relationships between the children and each parents
- the impact of the move on the quantity and quality of the children’s future contacts with the non-custodial parent
- the degree to which the custodial parent’s and children’s life may be enhanced economically, emotionally, and educationally by the move
- the feasibility of preserving the relationship between the non-custodial parent and children through suitable visitation arrangements

## The Key to Victory

Outcomes of countless relocation cases have been split rather equally between allowing the move and denying the move. It all comes down to how the above factors are presented in Court.

If you are the parent asking to relocate, then you must show in great detail why the move is wonderful for the children and what the feasible plan is to preserve the relationship between the children and the parent who is left behind.

Conversely, if you are the parent opposing the move, then you must comprehensively show how the children will suffer from the move and how their relationship with you being left behind cannot be protected.

For Help With Relocation and  
All Family Law Cases Contact  
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