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HUFF POST DIVORCE

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Divorce Confidential: Considerations Before Relocating Your Children

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In the heat of your divorce, have you thought about possibly moving your children to another city, state or even country? Moving away may seem like a fabulous idea because maybe you are getting remarried and your new husband lives in another city. Or maybe you are involved in a heated divorce and the thought of distance from your ex-spouse sounds more than appealing. Perhaps you are enticed by the idea of a fresh start. Whatever your reason, there are important things to consider before you make a decision to move away with your children.

First of all, if your spouse does not agree to you and your children's relocation, your plan for a fresh start may not be as easy as you think. "Move-away" motions can be extremely expensive and can result in a long drawn-out process through the Court system. While the Courts will consider your request to move the children out of the state, it is usually not a quick decision but rather a well thought-out order by the Court. Thus, it could be months or even years before you are given the green light to move with your children to another city, state or country.

Before you make a decision to move your children, here are some helpful tips to consider before you make this life altering decision:

1. Think About the Best Interests of Your Children

Is this move beneficial for your children? When you relocate your children, you are moving them away from the other parent. That may be appealing to you, but to your children, this may be a devastating reality. Think about what is in the best interests of your children first and foremost. If your ex-spouse has an equal timeshare with the children, it may not be that easy to move the children away from their home state. You will also want to consider the fact that you may be moving your children away from the support system (both family and friends) that they are used to. When this becomes a litigated matter, your desire to move away may not happen immediately, so you also need to consider what the best timing is for your children's transition in this relocation. If your children are old enough to understand your decision to move, you may want to have open dialogue with them as to their wishes on whether they want to move at all.

2. Have a Plan

Have you thought out the relocation all the way through? What school will your children attend and is this school up to par with the current school that your children are attending? Who is going to help care for the children when you are unable to be there for them? Do you have family and/or friends who are in the vicinity to help with childcare and be a support system to you and your children? Do you have a job lined up and is this really a better opportunity than the current employment situation that you are facing in your home state? These are just a few questions to ask yourself prior to the relocation of your family. These are also some questions the Court will want you to explain prior to making its decision so it's important to have a plan and not make a decision based on a whim.

3. Communicate With the Other Parent

Communicate with the other parent about your desire to move. You may be surprised that he or she may be willing to work with you in allowing the relocation. This will also help you avoid costs associated with a litigated motion to move. Communicating with the other parent will also help you and your ex-spouse figure out an appropriate parenting plan and visitation schedule, which may include online "virtual visitation" through Skype or Facetime. It is also important to discuss travel expenses for visitation now that the two of you are no longer living in the same city. Open communication may reduce conflict between you and your ex-spouse and reassures the other parent that you are not trying to cut him or her out of the children's lives. It shows the other parent that you want them to be involved despite the distance.

These are some important questions to ponder upon before you make an ultimate decision to move forward with a move-away. In my next two blog posts, I will discuss the factors a Court will likely consider prior to making an order on your request to move away with the children, in addition to the risks you are exposing yourself to in litigating this matter. Ultimately, this should not be an impulsive decision but one that is well thought out and planned appropriately.

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