



FAMILY LAW

Relocating During or After Divorce Proceedings

Today's society is very mobile. People relocate due to marriage, employment transfer, employment or educational opportunities.

Married couples can relocate based on their personal determination as to what is best for their families.

Divorced custodial parents do not have that freedom. Most divorce decrees will include language that requires the custodial parent to return to court to obtain permission to relocate, if the relocation will affect the noncustodial parent's visitation schedule. There are no restrictions placed on a noncustodial parent.

In order to relocate, the custodial parent has the initial burden to prove that the relocation is for a legitimate purpose and that the proposed location is reasonable in light of that purpose. For example, a custodial parent will not be granted permission to relocate to Florida from Connecticut because he or she prefers warm weather.

If the custodial parent has met the standard, the noncustodial parent must prove that the relocation would not be in the best interest of the child.

The Court will determine whether or not the relocation is in the best interest of the child. The Court will consider the reason for the move, will the custodial parent comply with

visitation orders, the impact of the move on the quantity and quality of the child's future contact with the noncustodial parent, and the degree to which the custodial parent's and child's lives may be enhanced economically, emotionally and educationally by the move.

The Court takes any change or limitation on a noncustodial parent's visitation and participation in the child's life seriously. Before a decision is made to grant or deny the request to relocate, the Court gathers as much information as possible regarding the child and parents.

In almost all relocation cases, the Court will appoint an attorney for the minor child or a guardian ad litem for the minor child. The Court may also require a home study to review both parents' living arrangements and support systems. The Court will consider all the information and make its decision based on what is in the best interest of the child.

If you are a custodial parent and plan to relocate, do not quit your job or sell your home before consulting with an attorney. If you are the noncustodial parent and your ex intends to relocate, consult an attorney regarding your rights.

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