

Relocation Issues

Child custody cases can be difficult to navigate, especially when there are extenuating circumstances, like relocation. The Metropolitan Washington area has three “state” lines, multiple county jurisdictions and a highly mobile population that routinely migrates to and from the region from all over the country and the world. Oftentimes, to facilitate contested child custody cases, the court will appoint professionals or investigators whose findings and opinions can significantly impact these cases. These findings and recommendations, once approved by the court, can be very difficult to reverse or change. Our team has experience representing clients in contested child custody matters and working with court-appointed professionals to ensure the best possible outcome for our clients and their children.

When a custodial parent relocates with a child, it can potentially wreak havoc on an already challenging child custody situation – often forcing a child to have a long-distance relationship with one of their parents.

Absent an agreement between the parties, a relocation dispute may arise if the noncustodial parent objects to the intended move based on its potential effect on custody and visitation. As such, courts are often left to decide whether child custody relocation is contrary to or in the best interests of the child, and may transfer custody from one parent to the other to maintain stability and a strong relationship with the parent not moving away.

The laws vary greatly among jurisdictions concerning child custody relocation. State laws often spell out requirements for relocating with a child, including rules concerning notice, consent and presumptions.

Many states allow child custody relocation provided there is an agreement in place that contains express consent to relocate and a proposed visitation schedule. This typically takes place during the original child custody proceedings and is usually contained within a clause in the child custody plan.

Some states require a custodial parent to give notice, usually written, of an intended move to the noncustodial parent within a certain time period specified in the statute. For example, 30, 60 or 90 days of notice could be required before the intended move. In addition to a notice requirement, some states require consent of the noncustodial parent to allow the move or that they object by filing a motion seeking to prevent relocation.

Some states determine whether to allow a child custody relocation based on distance. For example, if the new location is within a certain distance, even if within the same state, a court may factor that in its determination. Other states consider any move out of the state a significant factor, even if it's barely across state lines, and may prevent a move altogether.

Some states require detail, such as a statement describing a “good faith” reason for the move, especially if moving the child would disrupt the child’s school, emotional and social stability. Good faith reasons may include:

- Better cost of living
- Wanting to be closer to one’s family to help with childcare responsibilities
- New job
- Continuing one’s education

Conversely, a court may object to a move based on “bad faith” reasons, such as wanting to move far away from an ex-spouse in revenge or retaliation.

In addition, because child custody relocation may invoke a substantial change in circumstances, the parties may also need to seek a court modification of custody or visitation order. In certain circumstances, such as joint custody situations, a court may need to reassess child custody between the parties altogether and suggest the non-relocating parent take physical custody of the child to maintain as much stability as possible.

In terms of increased travel costs, some states require a 50–50 split in increased fees, while other states may require the party who is moving to incur most of the transportation costs related to visitation.

Our team successfully supports clients with custodial relocation issues in Maryland, the District of Columbia and Virginia or proposed relocations across the country.

To consult with a member of our Family Law team to discuss an issue related to Relocation, **[contact us](#)**.

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