

## **RELOCATION**

If you have minor children and you wish to relocate, it is extremely important that you contact an attorney to make sure that you have taken the appropriate steps to follow Florida's statute on relocation. Conversely, if you have just been informed that your spouse plans to relocate with your child, you need to contact an attorney to help you file your timely objection. Failure to timely object to relocation can have a devastating effect on your future relationship with your child.

Whether you are looking to relocate or your spouse is looking to relocate with your child(ren), you need to follow the law.

It is important that every parent understand that "the act of relocating the child after failure to comply with the notice of intent to relocate procedure described in this subsection subjects the party in violation thereof to contempt and other proceedings to compel the return of the child and may be taken into account by the court in any initial or postjudgment action seeking a determination or modification of the designation of the primary residential parent or of the residence, custody, or visitation with the child as:

1. A factor in making a determination regarding the relocation of a child.
2. A factor in determining whether the designation of the primary residential parent or the residence, contact, access, visitation, or time-sharing arrangements should be modified.
3. A basis for ordering the temporary or permanent return of the child.
4. Sufficient cause to order the parent or other person seeking to relocate the child to pay reasonable expenses and attorney's fees incurred by the party objecting to the relocation.
5. Sufficient cause for the award of reasonable attorney's fees and costs, including interim travel expenses incident to visitation or securing the return of the child."

## **FACTORS TO DETERMINE CONTESTED RELOCATION**

No presumption shall arise in favor of or against a request to relocate with the child when a primary residential parent seeks to move the child and the move will materially affect the current schedule of contact, access, and time-sharing with the nonrelocating parent or other person. In reaching its decision regarding a proposed temporary or permanent relocation, the court shall evaluate all of the following factors:

- (a) The nature, quality, extent of involvement, and duration of the child's relationship with the parent proposing to relocate with the child and with the nonrelocating parent, other persons, siblings, half-siblings, and other significant persons in the child's life.
- (b) The age and developmental stage of the child, the needs of the child, and the likely impact the relocation will have on the child's

physical, educational, and emotional development, taking into consideration any special needs of the child.

- (c) The feasibility of preserving the relationship between the nonrelocating parent or other person and the child through substitute arrangements that take into consideration the logistics of contact, access, visitation, and time-sharing, as well as the financial circumstances of the parties; whether those factors are sufficient to foster a continuing meaningful relationship between the child and the nonrelocating parent or other person; and the likelihood of compliance with the substitute arrangements by the relocating parent once he or she is out of the jurisdiction of the court.
- (d) The child's preference, taking into consideration the age and maturity of the child.
- (e) Whether the relocation will enhance the general quality of life for both the parent seeking the relocation and the child, including, but not limited to, financial or emotional benefits or educational opportunities.
- (f) The reasons of each parent or other person for seeking or opposing the relocation.
- (g) The current employment and economic circumstances of each parent or other person and whether or not the proposed relocation is necessary to improve the economic circumstances of the parent or other person seeking relocation of the child.
- (h) That the relocation is sought in good faith and the extent to which the objecting parent has fulfilled his or her financial obligations to the parent or other person seeking relocation, including child support, spousal support, and marital property and marital debt obligations.
- (i) The career and other opportunities available to the objecting parent or objecting other person if the relocation occurs.
- (j) A history of substance abuse or domestic violence as defined in s. 741.28 or which meets the criteria of s. 39.806(1)(d) by either parent, including a consideration of the severity of such conduct and the failure or success of any attempts at rehabilitation.
- (k) Any other factor affecting the best interest of the child or as set forth in s. 61.13.