

Relocation & Child Custody: Knowing Your Rights

When parents divorce or separate, [relocation](#) is sometimes a major part of that process. Unfortunately, when one parent wants to move away, their actions could have a significant impact on the daily life of their child, and subsequently the child custody arrangement they share. Parents may have valid reasons to relocate, whether that be a new job, an educational opportunity, or to move closer to extended family. However, as good as their intentions are, the decision to move away can cause serious turmoil and will most likely require a change to any applicable child custody agreements.

If you or your co-parent is planning to relocate, make sure you know how this change could affect your child custody arrangement.

California Law & Relocation

According to California law, parents sharing custody of a child must obtain court approval before they can legally take their child away from the vicinity of the other parent. In some cases, parents with sole legal custody can make that choice independently and may relocate their child whenever they wish. However, even in these cases, parents must sometimes seek court approval if the other parent's visitation would change. In either case, the relocating parent is still required to provide notification of the move.

When parents share custody, they both have a right to make legal decisions for their child. When these conditions exist, it can be challenging for parents to agree to new living arrangements, a new schedule, and other applicable changes.

Approving the Move

When a parent wishes to relocate, he or she must seek approval for their intended move from the court. In California, the law states that the relocating parent must provide notification of their proposed move at least 45 days prior to the move date. This way, if the other parent objects to the move, he or she has the time to do so before the court. All parents must provide this notification, even if they have sole custody of their child.

What Will the Court Consider?

Whether or not the court approves of a move depends on what they deem is in the best interest of the child. For example, if the parent who is relocating has sole custody of his children, this new move will be a great educational opportunity for them, and they will still be able to see their mother on a regular basis through scheduled visits, the court is likely to approve. Parents with shared custody arrangements, however, often have a much more difficult time reaching an amicable resolution.

The court will consider the following when dealing with a relocation custody case:

- The distance of the move
- The cultural or educational advantages/disadvantages related to the move
- The child's relationship with each parent
- The child's connection to the existing community

- Whether or not the child has nearby friends and family members in either location
- The parent's reasons for relocating
- The child's preferences

In addition to the factors mentioned above, the court will also consider the parents' relationships with one another, and how that might affect their ability to co-parent from a distance. For example, if the relocating parent has a history of refusing the other parent his or her visitation rights, the court might be hesitant to grant that parent custody of the child after their relocation. Ideally, the parent with physical custody of the child will be open and communicative with the other parent, encouraging their relationship with their child rather than hindering it.

If you are planning on relocating and want to take your child with you, you need to know how to follow the appropriate legal procedures set forth by California law. Contrarily, if your co-parent plans on relocating with your child against your wishes, you have a right, as a parent, to be involved in your child's life. Whatever your situation, make sure you discuss your child custody relocation case with an experienced family lawyer you can trust.

[Contact Sullivan Law & Associates](#) to discuss your case with our Irvine family lawyers.