

INSTRUCTIONS FOR FILING A MOTION TO REMOVE OR TO CHANGE RESIDENCE

A motion to remove the children from this state or to substantially change their residence requires that you prove to the court that the move is in the best interests of the children. The court has different standards for different allocations of parental responsibilities. The court always needs to know whether the children live primarily with one or both parents. If your orders were entered before February 1999, the court needs to know whether legal custody is joint or sole. These terms are defined in the Instructions for Modification of Parental Responsibility or Allocation of Decision-Making Responsibility, and you should review those instructions. The court also needs to know what your original orders say about the possibility of moving with the children.

Removal involves complicated issues. The court has to look at how and where the children will live after a move, and consider how contact with the other parent will be maintained. Removal questions may also involve modifications of parenting time and child support. If you can afford to consult with a lawyer, you may wish to do so.

If you are moving the child's residence within this state, you may still need the court's permission. If the move is so substantial that parenting time or other parts of the parenting time agreement need to be modified, you will need to file a motion with the court. Again, the standard is best interests. You should inform the other parent as soon as practical of your intent to move, the new address, and how to reach the child(ren).