
Judiciary Committee

HB 2197

Title: An act relating to objection to relocation in child custody cases.

Brief Description: Concerning objecting to relocation in child custody cases.

Sponsors: Representative Jenkins.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires a person objecting to the relocation of a child to establish adequate cause for a hearing on the objection.
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Hearing Date: 1/16/14

Staff: Edie Adams (786-7180).

Background:

In dissolution or legal separation cases in which there are minor children, the court must establish a parenting plan that provides for the care of the minor children. The parenting plan must include an allocation of decision-making authority to one or both parents and set forth the child's residential time with each parent.

Generally, a court may modify the residential provisions of a parenting plan only upon a showing of a substantial change of circumstances with respect to the child or the nonmoving party, and that the modification is in the best interests of the child. A person petitioning for a modification of a custody order or parenting plan must file an affidavit with supporting facts, and the court will deny the motion for a modification unless the court finds that adequate cause for the modification is presented in the affidavit.

Under the Relocation Act (Act), when a parent with whom a child resides the majority of the time intends to relocate, he or she must notify every other person who has residential time or

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visitation with the child of the intent to relocate. "Relocate" means a change in the principal residence either permanently or for a protracted period of time.

The Act establishes procedures for the other persons with residential time or visitation to object to the relocation. There is a rebuttal presumption that relocation will be permitted unless the objecting party demonstrates that the detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating parent.

A person objecting to the relocation of the child may do so through a petition for modification of the parenting plan pursuant to relocation. The petitioner does not need to show adequate cause other than the proposed relocation, and a hearing to determine adequate cause is not required as long as the request for relocation is being pursued.

Summary of Bill:

A party objecting to a notice of intent to relocate a child must submit an affidavit setting forth facts supporting the objection, and provide notice and a copy of the affidavit to other parties to the proceeding. The court must deny the objection unless the court finds that adequate cause for the objection is established.

In a proceeding to modify a parenting plan pursuant to relocation, a hearing for adequate cause for modification is not required if a finding of adequate cause has previously been made with relation to an objection to relocation.

Appropriation: None.

Fiscal Note: Requested on January 13, 2014.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.