

Question: *My ex-husband and I have been divorced for some time. I have full custody of our daughter. My ex-husband does not express any interest in our child's life and very rarely visits her.*

My parents live up north and I was wondering if I can move to Chicago with my daughter to live closer to my family.

Answer: If you move more than 50 miles from your current residence it raises a question of relocation. The Florida Statute defines relocation as a change in the principal residence of a child for a period of 60 consecutive days or more, which does not include temporary absences for vacation, education, or the provision of health care for the child. In your case you have several options:

Option #1: If you and your ex-husband still communicate on some level, and he does not mind if you and your daughter move, you can enter into a written relocation agreement with your ex-husband. The agreement will need to state that he does not object to your move, and must describe what visitation schedule and transportation arrangements you and he have agreed upon. Then the agreement will need to be ratified by the court.

Option #2: If you and your ex-husband do not communicate, you still need to notify him, and every other person who is entitled to visitation with your daughter, about your intention to relocate with the child. There are certain requirements and specific information that need to be included in the notice. For example, among other things, you will need to let your ex-husband know your new address, phone number, the date when you plan to relocate,

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and the reasons for your relocation. If at that point you do not have a new address where you plan to live, or if your new address will ever change later on, you will need to notify your ex-husband about your current location as soon as you will know it. You also will need to establish a new visitation schedule for your ex-husband and means of achieving it, including the necessary transportation arrangements. Additionally, in your notice you will need to include specific information advising your ex-husband about his right to object to your relocation. If he does object to your relocation, you will need to have a court hearing and prove to the judge why the relocation would be in the best interest of your daughter. In his objection, your ex-husband will need to state specific reasons for his objection, including the explanation and the amount of his involvement in your child's life.

To determine whether the relocation is in the best interest of your child, the court might consider such factors as your and your ex-husband's relationship with the child, the age and specific needs of your child, the likelihood of preserving the relationship between your ex-husband and the child, your child's preference, your and your ex-husband's economic circumstances, and a history of substance abuse or domestic violence in your family. For example, if you are trying to relocate because you got an excellent job offer that you cannot refuse, or if you are moving into the area where you have a lot of relatives and family members, both of which will enhance your and your child's quality of life, your ex-husband, who has not been involved in your child's life, will probably have a difficult time trying to prove that the relocation would not be in your child's best interest.

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