

Before moving, a parent may have to seek approval from a Texas court

Written by Australian Business

September 12, 2013 /**24-7PressRelease**/ -- There are many reasons that someone may have to move unexpectedly. In this economic climate, sometimes people simply have to go where the jobs are in order to make ends meet. Or, perhaps an aging family member is in need of the care of a nearby loved one. Whatever the reasons for a move, if

[child custody](#)

is involved, a Texas court may have to step in to either approve or disallow the move.

Court will decide whether move is in the best interests of the child

Generally speaking, it is the policy aim of applicable Texas family law to encourage frequent and continuing interaction between a child and his or her parents, provided the parents have shown that they can act in accordance with the child's best interests. That being the case, final Texas divorce orders or decrees may contain some form of geographical residence restriction to ensure the child can maintain contact with both parents.

Before moving, the parent who wishes to relocate may file a motion with the court that requests modification of the geographical residency restriction. Texas does not have specific statutes applicable to factors to consider in parental [relocation](#) , but it does have public policy and case law relevant to the issue of relocation.

A Texas judge may look at a variety of factors when deciding whether to allow or disallow the move. Some of the most common include:- The child's current relationship with both parents.- The effect moving will have on the child's relationships with extended family members and others in the community.- The reasons for the move (for instance, moving to accept a job opportunity may be a good faith reason to relocate, while moving to force a wedge between the other parent and the child would be a vindictive motive that would be disfavored).- The ability of the non-moving parent to continue to maintain a relationship with the child (does the non-moving parent have the ability to also move or to visit easily, are there alternative options like virtual visitation available, etc.).- The type and breadth of opportunities that would be available to the child in the new location versus the current location, such as educational, economical and leisure opportunities.

The Texas Family Code specifically allows the court to divide any increased expenses that result from the move between the parents on "a fair and equitable basis," factoring in the reasons for the increased expense, and, as always, the best interests of the child. It is presumed that the parent who is seeking the move should pay any increased expenses, but this presumption can be rebutted with appropriate evidence.

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Get help from a Texas family law attorney in presenting your case

Whether you are trying to move with your child, or you wish to stop your former partner from relocating with your child, it is important to get the right legal help. Your lawyer can argue persuasively on your behalf and help make the judge see things from your point of view. Get in touch with a Texas family law attorney today to learn more about parental relocation cases.

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