

SEATTLE, WA, October 04, 2013 /24-7PressRelease/ -- **1. Relationships of the child** RCW 26.09.520 states that "there is a rebuttable presumption that the intended relocation of the child will be permitted. A person entitled to object to the intended relocation of the child may rebut the presumption by demonstrating that the detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating person...." based on 11 factors. The first factor is "the relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life." Obviously, a move to another school district or another state can significantly disrupt a child's existing social and familial relationships.

**2. Prior agreements of the parties** If the parents have made agreements relating to a relocation, this can be considered by, but is not binding on, the court.

**3. Disruption of custody vs. disruption of visitation** When a major move is made, either custody or visitation will likely be disrupted. If the move is allowed by the court, the non-custodial parent's visitation will be disrupted. If the child is not allowed to move, custody may be taken from the custodial parent. In either case, the disruption to the child is likely to be significant. The court must weigh all of these issues.

**4. "Section 191" factors** RCW 26.09.191 lists a number of factors which the court has to consider before limiting a parent's decision making (e.g., choice of school, elective surgery, etc.) or visitation (e.g., requiring supervised visits, or prohibiting overnights). These factors involve serious problems which impact one's parenting time or skill. The statute is very complicated, but the factors usually involve abandonment, physical or emotional abuse of a child, or a history of domestic violence or sexual assault.

**5. Good faith vs. bad faith** The relocation statute will normally allow a move which is made due to good faith reasons like a change in jobs, military duty, educational opportunities, poor health of a parent, and similar reasons for relocating. Relocation of a child which is planned in bad faith will be denied; examples are hatred of the other parent, a desire to conceal evidence of child abuse, or using the threat of a move to force the other parent to increase their child support.

**6. Impact on the child** The age, developmental stage, and needs of the child will affect the impact of a move. Teens, for example, may have more difficulty adjusting to a new school and friends than an infant. The court will consider the effect of a proposed move on the child's physical, educational, and emotional development, and will also take into consideration any special needs of the child (e.g., the availability of specialized medical care). The loss of contact with relatives after a move, or additional contact with special loved ones, will be considered by

the court.

**7. Quality of life** The quality of life, resources, and opportunities available to the child must be considered by the judge when comparing the child's current home and the proposed future location. Neighborhood, schools, sports, and activities are all relevant.

**8. Alternative arrangements to foster relationships** The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent is an important consideration. Modernly, for example, long distance relationships have been increasingly maintained by using Skype, web cams, and other forms of on-line video visitations.

**9. Alternatives to relocation** The alternatives to relocation, and whether it is feasible and desirable for the other party to also relocate, are considered. Alternatives to relocation might mean looking for a similar job near to the current home; relocation of the other parent might in some cases be possible by getting a job reassignment or applying to a school or college at the new location.

**10. Finances and logistics** The financial impact and logistics of the relocation are always important considerations. One topic that is often overlooked until after relocation is the cost of transportation to maintain regular visitations. If the noncustodial parent wants to see the child every other weekend, for example, that adds up to 26 round trips per year. If a round trip ticket is \$400, that amounts to \$10,400 per year. If visits are planned for 4 holidays per year, and if the noncustodial parent has to fly to a new state to pick up and return the child, that's \$4800 if the tickets are \$400 per person per trip (\$800 per visit for the parent to make 2 round trips, and \$400 for the child, or \$1200 total per visit X 4 visits= \$4800).

**11. Time left before the trial date** The statute requires the court to set a trial date much earlier than in other family law cases; the norm for a divorce in King County, for example, is about 11 to 12 months from the date the petition is filed. In relocation cases, the trial is usually held within 60 to 90 days after the objection to relocation has been filed. The relocating party often needs to file a motion to allow the move before the trial date due to practical issues like the start of a new job, the beginning of a new school year for the kids, or the military reassignment of a spouse. The court at such a motion will take into consideration whether or not it is practical to delay an order allowing an early move until the trial can be held.

## Relocation With The Children, Part 2 - 11 Statutory Factors

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