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Sometimes after a divorce one of the former spouses feels the need for a clean break. This can be a very difficult time, sometimes leading to the decision to move away from the city where the couple shared their home in an effort to make a new start. When children are involved, it is not so easy to pick up and move. In Colorado, a parent who is divorced and who wishes to relocate with his or her child must file an appropriate motion with the Court and be prepared to address specific statutory factors so that the Court may determine if the relocation is in the child's best interest. Since the decision to move affects all aspects of child custody, these decisions will be rendered carefully.

The relevant law

If a parent is considering relocating with his or her child and has already been granted custody a majority of the time, the first thing he or she must do is notify the other parent. The notice must be in writing, and it must include the following:-The location where the party intends to reside.-The reason for the move.-A proposed revised parenting time plan.

If the other parent objects to the move, a hearing on modification of the parenting plan will receive priority on the court's docket.

While many states' relocation statutes contain a specified distance within which a parent is allowed to move without involving the court, Colorado does not. Instead the statute provides that if a parent intends to relocate with the child to a residence that substantially changes the geographical ties between the child and the other parent then a hearing must be held and specific factual findings must be made by the court. No specific distance is specified by the statute; as such the move could be in-state and still be found to change the geographical ties. An attorney can analyze the specific facts of the case to determine if a planned move will require approval by the court.

As with all court decisions that include determinations about child custody, the best interest of the child is the key factor. The statute that applies when a former spouse plans to move away

with his or her child adds additional factors to the best interests determination. These factors include:-The reasons why the party wishes to relocate with the child.-The reasons why the opposing party is objecting to the proposed relocation.-The history and quality of each party's relationship with the child since any previous parenting time order.-The educational opportunities for the child at the existing location and at the proposed new location.-The presence or absence of extended family at the existing location and at the proposed new location.-Any advantages of the child remaining with the primary caregiver.-The anticipated impact of the move on the child.-Whether the court will be able to fashion a reasonable parenting time schedule if the change requested is permitted.

The court may also consider any other relevant factors.

If you are a divorced parent and you are contemplating moving away from the area where you currently reside, you should speak to an attorney about your plans. In addition, if you are still married but contemplating relocating during a separation or prior to your divorce is final, contacting a family law attorney can help you understand the whether you can relocate, where you can relocate to, and when you can relocate. An experienced lawyer can help you navigate your way through the minefield of relocation decisions and deliver you and your loved ones the peace of mind that comes from knowing that you will be professionally guided every step of the way.