**Can I Move Out of State with My Children During or After Divorce?**

Going through a [divorce](http://www.divorcelawyerschicago.org/divorce/) is difficult enough without having children from the marriage. When children are involved, emotions often run high in all parties involved. Seemingly common issues, such as considering a new job in another state, can have serious consequences for your parenting rights and responsibilities. If you are considering a new job or relocating for another reason, can you move out of state with your children while your divorce is pending? How about after a parenting plan is in place and parental responsibilities have been allocated?

To better understand how relocation works, we want to take a closer look at Part VI of the Illinois Marriage and Dissolution of Marriage Act. Relocation is defined at 750 ILCS 5/600(g) and dealt with at 750 ILCS 5/609.2.

**Defining Relocation Under Illinois Law**

The first thing you need to know if you are thinking about moving out of state with your children is that the court will define such a move as “relocation.” How does Illinois law define relocation? The statute says that relocation can mean several different things:

* Change of residence from the child’s current primary residence (located in Cook, DuPage, Kane, Lake, McHenry, or Will Counties) to a new residence within the state that is more than 25 miles from the child’s current residence but still within Illinois;
* Change of residence from the child’s current primary residence that is not in one of the counties located above to a new residence within Illinois that is more than 50 miles from the child’s current primary residence; or
* Change of residence from the child’s current primary residence to a residence outside the state of Illinois that is more than 25 miles from the child’s current residence.

As you can see, relocation can have different meanings under the law. Even a move to a primary residence that is a short commute away can count as a relocation according to the statute. As such, as the third category above clarifies, a move out of state qualifies as a “relocation” according to the Illinois Marriage and Dissolution of Marriage Act.

**Seeking Leave from the Court**

A parent cannot simply move out of state with a child during the divorce process. Even if a divorce is pending and the court has not yet made a determination, the parent who provides the child’s primary residence needs to ensure that the court and other relevant parties know about the planned move before anything takes place. An experienced Chicago divorce lawyer can help with this.

Once parental responsibilities have been allocated or there is a parenting plan in place, the court will need to approve any relocation. As the statute explains, if a parent has been allocated a majority of the parenting time or shares parenting time, then that parent can seek to relocate with the child. In so doing, the parent seeking relocation will need to seek a modification of the allocation judgment or of the parenting plan (depending upon the specific facts of the case). In determining whether to modify the allocation judgment or the parenting plan, the court will need to determine whether relocation is in the best interests of the child.

**Contact a Chicago Divorce Attorney**

The laws governing moving your children are complex and very fact sensitive. This article only addresses the basics so that you are aware that legal action may be required before a move occurs. If you have questions about relocation, I can help. As an experienced divorce lawyer representing individuals throughout the greater Chicago area, I have the skill and dedication necessary to assist you in your case. Don’t hesitate to reach out to me directly for assistance.