**Learning More About Child Relocation After Divorce**

Once your [Chicago divorce](https://www.familylawadvocate.com/divorce/) has been finalized and you have a parenting plan or allocation judgment in place, you might be thinking about moving to a new house or even to a new state. As a brief reminder, under the Illinois Marriage and Dissolution of Marriage Act ([750 ILCS 5/](http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=075000050HPt%2E+VI&ActID=2086&ChapterID=59&SeqStart=8350000&SeqEnd=10200000)), when parents can come to an agreement about parenting time, then they can develop a parenting plan that the court can approve. When parents cannot agree about parenting time, the court will need to allocate parental responsibilities. This is called an allocation judgment. Sometimes a parenting plan or an allocation judgment can include language about relocation (such as how it will be handled), particularly if a parent knows it is likely to happen in the near future.

However, when a parent has been allocated a majority of the parenting time, or when both parents have been allocated equal parenting time, it is important to understand how relocation will work. In short, the statute makes clear that “a parent’s relocation constitutes a substantial change in circumstances,” and thus the parent will need to seek a modification of the parenting plan or allocation judgment in order to relocate the child.

**Illinois Law - Definition of Relocation**

How does the Illinois Marriage and Dissolution of Marriage Act define relocation? Under Part VI, relocation can refer to one of three scenarios:

* Child already lives in Cook County, DuPage County, Kane County, Lake County, McHenry County, or Will County, and the parent plans to change the child’s residence to one that is more than 25 miles from the current residence (but still within the state of Illinois);
* Child does not live in one of the abovementioned counties, and the parent plans to relocate the child to change the child’s residence to one that is more than 50 miles from the current residence (but still within the state of Illinois); or
* Parent plans to change the child’s residence to one that is more than 25 miles from the current residence and is outside the state of Illinois.

**Modifying a Parenting Plan or Allocation Judgment for Relocation**

If a parent plans to relocate, what does he or she need to do? The statute lays out a series of steps:

* Parent must provide written notice of the relocation to the other parent;
* Copy of that written notice will be filed with the clerk of the circuit court (at which point the court can decide to waive or seal information contained in the notice based on a history of domestic violence);
* Written notice must occur at least 60 days prior to the planned relocation unless 60 days’ notice is impracticable; and
* If 60 days’ notice is impracticable, the parent must provide written notice “at the earliest date practicable.”

Does the written notice need to say more than, simply, that the parent plans to relocate? The answer is yes. The statute identifies three key pieces of information that must be contained within the written notice:

* Intended date of the parent’s relocation;
* Address of the parent’s intended new residence (if it is already known); and
* Length of time the relocation will last (or, the relocation may be permanent).

If a parent seeking to relocate does not comply with the notice requirements discussed above, the court may decide that the relocation is not in good faith. In the event that both parents agree to the relocation and the other parent (who is not relocating) signs the written notice, the court will sign off on the relocation provided that it is in the best interests of the child.

**Contact a Chicago Divorce Lawyer**

If you have questions about relocation after divorce, you should speak with a Chicago divorce lawyer about your case. [Contact M. Scott Gordon & Associates](https://www.familylawadvocate.com/contact-us/) for more information.

