**If I Move Out of State How Will It Affect My Holiday Parenting Schedule?**

For any parents living in the Chicago area who recently got [divorced](https://www.divorcelawyerschicago.org/divorce/) and have a [parenting plan](https://www.divorcelawyerschicago.org/visitation-parenting-time/) or an allocation judgment in place, it can be stressful to think about moving out of state—especially during holidays. In Illinois, parenting schedules typically are developed in one of two ways: either through a parenting plan that both parents play a role in creating, or through an allocation judgment through which the court allocates parenting time. Under the Illinois Marriage and Dissolution of Marriage Act ([750 ILCS 5/](http://www.ilga.gov/legislation/ilcs/ilcs4.asp?ActID=2086&ChapterID=59&SeqStart=8300000&SeqEnd=10000000)), when parents can agree to a parenting plan (which includes a parenting time schedule in addition to parental responsibilities), then the court does not need to issue an allocation judgment. When parents cannot agree to the terms of a parenting plan, an allocation judgment will set out a parenting schedule.

Most parenting time schedules include two different schedules: parenting time during normal weeks and months, and specific parenting time schedules during holidays. For instance, a holiday parenting time schedule might outline which parent spends time with the child during major holidays such as Thanksgiving, Christmas, or Hanukkah, while these holiday parenting time schedules can also outline parenting time schedules for government holidays in which parents often have time off from work (such as Memorial Day or Labor Day). How does moving out of state affect a holiday parenting schedule?

**Agreement to Modify a Parenting Schedule in Illinois**

First, and most importantly, the parenting schedule you have in place in Illinois will still be valid even for the parent who relocates to another state. For parents who developed a parenting plan—and already have a history of compromise and working together for the child’s best interest—it is important to know that Illinois law ([750 ILCS 5/610.5](http://www.ilga.gov/legislation/ilcs/documents/075000050K610.5.htm)) allows you to modify the parenting schedule at any point. To be clear, if you know you are moving out of state and your current parenting schedule will not work with your relocation, you can work with the child’s other parent to modify the holiday schedule.

For instance, if both parents lived in Chicago when the holiday parenting schedule was developed, the parents might have agreed for one parent to spend time with the child on New Year’s Eve and for the other parent to spend time with the child on New Year’s Day. If one of those parents will be moving out of the state, it is likely to become much more difficult to keep that schedule. If the parties can agree to a new holiday parenting schedule that is feasible for both parties, then the law says that the parties can modify the schedule. Without an official modification through the courts, however, a change in the parenting schedule is not valid. As such, it is very important to obtain approval for the modification from the court.

**When Parties Do Not Agree: Exceptions to the Two-Year Modification Rule**

When the parents cannot agree to a modification of the holiday parenting schedule, what options does the relocating parent have? Under Illinois law, when parents do not agree on a parenting schedule modification, the court will not modify the schedule for at least two years from the date of its entry unless an exception applies.

One of those exceptions concerns the parent’s relocation. As the law explains ([750 ILCS 5/609.2](http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=075000050K609.2)), a parent’s relocation out of state “constitutes a substantial change in circumstances” such that the court can modify the holiday parenting schedule. The relocating parent must provide notice, and then the court can modify the parenting plan or the allocation judgment to reflect the parent’s new residence. The new holiday parenting schedule will be developed based on the child’s best interests.

**Contact a Chicago Parenting Time Attorney**

If you are moving out of state and need help modifying your holiday parenting schedule, you should seek advice from a [Chicago parenting time lawyer](https://www.divorcelawyerschicago.org/contact/). Don’t hesitate to reach out to my office today for professional assistance with your case.