**What Are the Rules for Moving Back Home After a Divorce with Children?**

What happens if you have resided in Chicago for most of your life—meaning that you have been an Illinois resident—and then you move to another state to get married, end up having children, and then [get divorced](https://www.divorcelawyerschicago.org/divorce/)? It could be difficult to move back to your home state of Illinois, depending upon what the rules are for relocation in the state where you had children. In addition, whether you can move back to Illinois likely depends upon what the children’s other parent allows.

In short, you will need to learn more about “relocation” and how courts make determinations concerning parents who plan to relocate, as well as situations in which a parent plans to relocate with the children from the marriage.

**Learning More About Relocation and Parental Responsibilities**

To think through the situation we described above in more detail, let us give you a hypothetical example. In this scenario, Parent A has lived in Chicago her entire life, but she moves away from Chicago to another city in another state to marry Parent B. While she is living outside the state of Illinois—for the sake of the hypothetical, we will say she has moved to Los Angeles—Parent A and Parent B get married and have a child. They remain married for a short while before Parent A files for divorce. Parent A and Parent B both share custody, or parental responsibilities. In other words, the court decides that both parents should be making significant decisions about the child’s upbringing in addition to spending physical time with the child.

Once the divorce proceeding has finished, Parent A decides she wants to move back to Chicago with the child. Is she able to do so? In this hypothetical, Illinois is the “home” state, and given that the divorce and custodial matters occurred outside of the state of Illinois, Parent A would likely need to determine how California law handles issues of relocation. For the sake of providing you with some clear-cut answers, let us change the hypothetical just a little bit: let us say that Illinois law would apply because the marriage, divorce, and determination of child custody matters (now referred to as the allocation of parental responsibilities in Illinois) all took place in Chicago. And, differently, the “home” state where Parent A wants to move is California.

Would an Illinois court permit the recently divorced Parent A to move to California after it recently issued an allocation judgment in which it allocated parental responsibilities and parenting time?

**Illinois Law and Relocation of the Parent and Child**

Under Illinois law ([750 ILCS 5/609.2](http://www.ilga.gov/legislation/ilcs/ilcs4.asp?ActID=2086&ChapterID=59&SeqStart=8300000&SeqEnd=10000000)), the parent’s relocation constitutes a substantial change in circumstances such that the court can modify an allocation judgment permitting the parent to relocate with the child. We should clarify that moving to another house in the same area is not the same as relocation—the law would define a move outside of the state of Illinois as a relocation that requires court approval. This relocation law only applies if parents share equal parenting time, or the parent seeking to relocate has been allocated a majority of the parenting time. In order to relocate to another state, an Illinois court would require the parent to provide notice in writing at least 60 days in advance of the planned relocation, providing the following information:

* Intended date of relocation;
* Address of intended new residence (if the parent knows it); and
* Length of time relocation will last (only if it is not permanent).

In deciding whether to grant Parent A’s request to modify the allocation judgment in order to relocate with the child to her home state, an Illinois court would take into account numerous factors to decide whether a relocation is in the child’s best interest, including but not limited to the following:

* Reasons for relocation;
* Why other parent is objecting to relocation;
* History of each parent’s relationship with the child;
* Educational opportunities for the child at current and new locations;
* Presence or absence of extended family at current and new locations;
* Impact of relocation on the child;
* Whether court will be able to allocate parental responsibilities adequately if the relocation occurs; and
* Wishes of the child.

If Parent A wants to move to a “home” state where she has a lot of extended family and a strong support system, this could be an important factor in the court’s decision whether to modify an allocation judgment.

**Seek Advice from a Family Law Attorney in Chicago**

The prospect of relocating with a child after divorce can be frustrating and complicated. If you have concerns, I can help you. Reach out to my office today for a consultation on your case.