

Utah Child Custody Relocation Laws Attorney

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Relocation by a custodial parent can make divorce, an already complicated matter, even more tangled. Not only can it be difficult for children to adjust to a new living situation, it may also force them into a long-distance relationship with the parent left behind.

If you get a divorce in Utah and either you or your spouse is relocating, you will need to put thought into how visitation will work. If you cannot agree on a parent time arrangement that works for both of you, take a look at your divorce decree, as it should include a provision for what should happen in the instance that either parent wants to [move with the children](#) out of the state of Utah. Your [parenting plan](#) will provide guidelines based on state law.



Child Custody and Relocation Laws of Utah

Divorce often comes with a lot of anger and hurt feelings, and this can make it difficult for two parents to work together. If you are having trouble agreeing, Utah state law does provide guidelines that can help. However, judges generally will not make a decision about a [child relocation](#) case without testimony and evidence.

If a [parent intends to relocate](#), which for these purposes means moving 150 miles or further from the other parent's home, the relocating parent must provide 60 days advance written notice. Either parent can request a hearing, or the court can decide to hold one, to determine what the parent time arrangement will look like. At this time the court will also determine whether the relocation is in the best interest of the child. If they determine it isn't, custody may be switched to the other parent.

Moving Child Out of Utah before Divorce

Utah uses the Uniform Child Custody Jurisdiction and Enforcement Act to regulate pre-divorce moves out of state. The UCCJEA says that only the child's "home state" can make the initial custody determination, the home state usually defined as where the child has lived for six months or more. If you intend to move out of state with a child before divorce, you may request this initial custody determination.

Relocation of a Child after Divorce

As long as you follow the notification requirement, the divorce is finalized and you are the custodial parent, you may relocate. If you or the other parent wishes to determine a new parent time schedule, you may ask the court to review the request.

Determining if Relocation is in the "Best Interest of the Child"

Judges base their relocation determinations on the best interest of the child. They take many factors into account, such as which parent is most likely to prioritize a relationship between the child and the other parent, the history and past conduct of both parents, the child's relationship with both and other factors.

They also scrutinize the reason for the move, especially since moving often disrupts school life and may impact emotional or social stability. "Good faith" reasons include better cost of living, wanting to be closer to family, a new job (the offer already received at the time of the move), or continuing parental education. A "bad faith" reason, on the other hand, is moving a child away from the other parent for revenge.



In some states, judges will also examine the noncustodial parent's objections. If that parent, for instance, failed to regularly exercise their [visitation rights](#), the court may find in the custodial parent's favor and allow the move.

Utah Child Custody Evaluations

Either parent or the judge may request a custody evaluation to help courts make judgments about custody and parent time arrangements. The [custody evaluation](#) may take into account each party's ability to parent, the needs of the child and the fit between parent abilities and

child needs. The evaluation is performed by a variety of people, including physicians, therapists, counselors or social workers, and takes a wide range of factors into consideration, including past custody determinations, siblings, child preference and more.

Visitation Schedule, Travel Costs, and Modification of Child Custody

Laws vary from state to state, but since relocation and attendant travel costs may make visitation more difficult to the parent remaining behind, that parent may request a [modification of the original custody agreement](#).

A Utah Divorce Lawyer Can Help

Whether you are relocating or staying behind, we can help. While this article provides a general introduction, divorce and custody law is difficult and your case is as unique as you are. For more information on your specific case, please contact the [Law Office of David Pedrazas, PLLC](#)

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