

Utah Child Relocation Laws and Divorce

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By David Pedrazas

Divorce is hard on kids and parents. Even if the parents can't live together, the situation is usually *easier for children when they can see both parents regularly*. That's why relocation is such a difficult issue. **Under Utah law, "relocation" means any move within 150 miles from the custodial parent's residence**, so it's not necessarily an out-of-state move. Even though today's technology allows the noncustodial parent to communicate and "see" a child more often than in the past, it's not the same as frequent, face-to-face interaction. Divorced parents whose relationship is basically amicable can find themselves fighting tooth and nail over relocation. That's why **a decision regarding relocation comes down to a judge's ruling**. Below is an explanation of **how the process works and the ways in which a judge makes their decision**.

Advanced Notice

If a custodial parent plans to move more than 150 miles from the current home, he or she must give the noncustodial parent **at least 60 days advanced notice regarding the move**. The 150 miles is a bottom line – if the parent wants to move 149 miles away and can prove the distance, no notice is required.

If the noncustodial parent agrees to the relocation, the situation is easier. **The notice allows either parent to request a new visitation schedule from the court**. If the noncustodial parent decides to *challenge the request* for relocation, the judge makes the decision, but even when parents agree **a judge formalizes the arrangement**.

Legitimate Relocation Reasons

Just deciding on a change of scenery isn't a legitimate reason for a custodial parent to relocate with a child in Utah. **The parent must prove there are compelling, justifiable reasons to make the move**. The *two most common* requests for relocation involve:

- **Employment** – the parent has a *higher-paying job offer* than is available in their current Utah location.
- **Remarriage** – the parent has remarried, and the new spouse lives and works *outside of the 150 mile radius*.

In the Best Interests of the Child

When it comes to a relocation decision by a Utah court, the standard is always the best interests of the child. Unfortunately, in many cases the opinion of the child bears little weight in the decision, at least before high school age. **The judge considers various elements, including:**

- **Needs** – are the *interests and activities of the child available in the new location*? Most sports and arts activities can be duplicated elsewhere, but a child who lives to ski isn't going to have much opportunity in Florida, for example.
- **Living Conditions** – if the custodial parent's new dwelling is similar to the current home, that's a neutral factor. However, *the new living conditions could influence a judge's decision in a positive or negative way*.
- **Education** – is the new school the child will attend *of the same quality as the current school*? Does it *offer any special programs* in which the child is now enrolled? Again, these factors may weigh in as neutral, positive or negative.
- **Special Needs** – Some children have special needs based on their health or mental development. *If top-*

notch hospitals or other facilities are available in the new area and far superior to those in the current Utah area, that is an important positive factor for the relocation. Of course, the opposite is a strong negative.

- **Community Ties** – Is there a close-knit family in the *current* Utah location? Are there any close family members in the *new* location?
- **Impact of the relocation on the child's relationship with the noncustodial parent.**

Other Court Considerations

While the best interests of the child are paramount, they are not the only standards considered by a judge in custodial relocation cases. Other factors come into play, including:

- Reason for relocation
- Both parents' financial resources
- Costs and difficulty of exercising parental time

Since no two situations are alike, there are other factors the court may deem relevant for a particular case. ***The court will usually order the relocating parent to pay the travel expenses when the child visits the other parent.*** The exact holidays and summer schedule the child spends with each parent is also decided by the court.

The Utah Law Office of David Pezrazas Can Help

If you or your former spouse plans to relocate, [contact family law attorney David Pedrazas](#) who has over **15 years of experience in child custody and relocation cases**. We understand divorce and custody law can be hard to deal with on your own, as well as stressful for your family. That's why ***having a family law attorney on your side to help you navigate through the entire process and makes things easier is in the best interest of you and your family.*** Our goal is to use all of our *knowledge* and *expertise* to provide you with all the information you need to make the *best decision possible*. **Contact the Salt Lake City Law Office of David Pedrazas, PLLC online or call us at 801-263-7078 for a free 30-minute consultation to discuss your specific case.**

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