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Legal Matters®

Relocation issues after a divorce

People move for a lot of reasons. Maybe you have an awesome career opportunity in a distant city or you either want to be closer to a new romantic interest or live in an area where you've got better odds of finding one. Perhaps you're a city girl who's sick of living in the sticks or a country boy who can't stand the hassles of urban life. Maybe you want to be near the beach or really good skiing.

But whatever your reason for relocating might be, a big move can be a lot more complicated if you're divorced with kids. If you're in that boat, it's important to be aware of certain issues that can arise and talk to a family law attorney about how best to address them.

The biggest issue to consider before relocating is how the move might affect your parenting plan. If you're like a lot of divorced couples living in the same area you very likely share parenting time. Perhaps it's joint custody split right down the middle where the



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kids spend half the week with you and half the week with your ex-spouse, or maybe your ex has the kids one night a week and every other weekend. If you're moving, say, 250 miles away, your arrangement will no longer be feasible. In that case, your relocation will require modification of your custody agreement.

If you have an understanding ex-spouse and you've maintained

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Too much Pokemon Go? Parents battle over screen time

Divorced parents can battle over a lot of things, including child support, bedtimes, who gets the kids for Thanksgiving or Christmas, educational philosophy,



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religious observances and stepparents newly arrived on the scene.

Now there's the issue of screen time. With the increasing pervasiveness of tablets and smart phones, particularly among the younger set, it's as common to see kids glued to their iPhones or iPads as it is to see adults. But studies show

that too much screen time isn't great for kids. It impacts their attention span and their cognitive abilities, and they can easily become addicted.

So what happens when you want your kids' screen time limited and your ex is perfectly happy to have them become technology zombies?

The best solution is probably to try to find a way to work it out. Sit down and have a discussion about the impact that screen time may be having on your child's studies, physical fitness and amount of sleep. Perhaps

discuss the age-appropriateness of the games your child is playing or the apps he or she is using. (For example, an 8-year-old is much too young to be Facebooking, Snapchatting or Instagramming). If it's just a basic philosophical difference and there's no legitimate apparent harm to the child, your best bet might just be to let it go. After all, you can still enforce your own rules when your child is with you.

On the other hand, if you truly feel the amount and type of screen time is causing harm to your child, you might consider court intervention, perhaps seeking an order that your child's usage be limited when he or she is with your ex-spouse. But let's be clear: You probably won't win. You'd most likely need hard evidence that your child is missing school or other important activities or has suffered some sort of actual physical or psychological harm from the excessive screen time or supposedly inappropriate use. Otherwise, it's just a battle of parenting philosophies and the court won't want to get into that. It also might make you look like a contentious, uncooperative parent, which could impact your standing in other future disputes.

Still, if this is a serious concern of yours, it may be worth talking to a family lawyer about the best way to proceed.

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Grandparent rights can be complicated, recent cases show

For grandparents fighting for the right to see their grandkids, a couple of cases out of Virginia suggest that it may be easier to hold onto visitation rights that a court has already granted than to go to court and secure them in the first place.

Take the case of Ohio couple Delmar and Susan Lang. Their son died a year after he and their daughter-in-law Melanie got divorced. The Langs' relationship with Melanie soon fell apart and she tried to keep them from seeing their four grandchildren.

The Langs went to court and a Ohio judge granted them visitation. But Melanie moved to Virginia, where she registered the Ohio order and asked a Virginia court to modify it and strip the Langs of visitation rights.

A judge denied her request and the Virginia Court of Appeals affirmed, rejecting Melanie's argument that the Langs had to show that approving her request would cause "actual harm" to the children. Instead, the court ruled that because the Langs had already won visitation rights in Ohio, the court only had to find that visitation was in the "best interests of the children." The court

also said that a ruling in Melanie's favor would encourage parents to relocate whenever wanted they to undo a custody ruling in their own state.

Compare this to the case where a Virginia grandmother's daughter tried to keep her from seeing her grandson. The grandmother, who had lived with the boy for the first three years of his life and had a strong relationship with him, went to court to seek a visitation order, arguing that it was in the best interests of the child. She lost. According to the court, while contact with the grandmother may well have been in the boy's best interest, the mother had the right to say no unless the grandmother could prove that the denial would cause "actual harm" to the child.

What's the difference between the cases? Ohio might simply be more generous in extending visitation rights to grandparents. But it also may just be tougher for grandparents to gain visitation rights that they didn't previously have than to keep visitation rights that a court has already awarded.

Of course, the law can differ from state to state, so talk to a lawyer where you live.

Issues to consider before relocating after a divorce

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an amicable, trusting relationship after the divorce, you may be able to do this by mutual agreement. But in the event that your ex puts up roadblocks, you could end up in court. If that happens, a judge will have to decide whether the move is in the best interest of your children. This means you'll need to make a strong case about a number of things.

For example, you'll need to have a very good reason for the move. Let's say you're moving for a new job. A court may look more favorably upon relocation if you can show that this is going to dramatically improve the financial situation for your kids, opening up better opportunities and providing them with a higher standard of living. This might require proof of a higher salary, better benefits and a lack of decent opportunities in your field where you live.

What if you're moving to be closer to family? Maybe you have no family where you currently live, resulting in a very limited support system. If you can demonstrate that you'll have a stronger support system where you're moving, and make a specific showing of how your kids will benefit by being closer to grandparents, aunts, uncles and cousins, this can help your case.

If you want to relocate because you're getting re-married, that alone isn't likely to convince a judge to sign off on the move. But if you can show specifics about how the new living situation will help your children — perhaps a better financial situation, a more stable family unit or additional emotional support — you may be in a stronger position.

Maybe you're moving because you simply want to give yourself and your kids a fresh start in a new location. In that case, it'll be harder to counter-balance the negatives of pulling your children away from their other parent. But the more evidence you can provide that it'll be in your children's best interest — for example, the new location might have better schools, better health facilities or more enrichment opportunities — the stronger position

you'll be in.

Beyond being able to justify the move, you'll need to be able to convince the court that it won't harm your kids' relationship with their other parent. This



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requires a showing that you're committed to having them maintain strong ties with your ex-spouse. You should be prepared to be flexible on summer and school vacation time and be as helpful as possible with the logistics of getting the kids back and forth, whether by car or by plane.

Along these same lines, if your spouse is willing to travel to see your kids regularly, you'll need to be accommodating in terms of providing access. It's also important that you show a willingness to give your ex plenty of contact with your kids via phone and through apps like FaceTime and Skype, and that you're committed to keeping him or her fully informed about your children's education, health, extracurricular activities and athletic endeavors.

These are all complicated issues, so it's a good idea to start addressing them as soon as you start thinking about relocating. Talk to a family law attorney on how to best manage them.



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Be sure to protect your privacy in a divorce

If you're like most people, you've probably read stories about celebrity divorces, seen their dirty laundry aired in public and maybe even breathed a sigh of relief that you're not in that boat. But even if you're a relative nobody, your privacy can still be compromised during a divorce, causing you both emotional and financial harm.

That's because a divorce is a legal proceeding, and in most states court documents are a matter of public record.

So how can you protect yourself? First, many states allow you to withhold certain highly confidential pieces of information from publicly searchable court

documents. This includes Social Security numbers, driver's license numbers, your mother's maiden name and other types of information that can be used for identity theft and fraud purposes — or to gain access to other compromising information about you that you want to keep private. It's a great idea to talk to a family law

attorney where you live to see what kind of identifying information you can protect in court papers and how to do so.

Another way to avoid embarrassment is to think about whether you want to put ugly personal details about your spouse into court filings during a contentious divorce. While it's understandable that you may want to get an advantage over your spouse and cast him or her in the harshest possible light, remember that he or she could then decide to do the same to you. Think hard about whether escalating things to this level, with the resulting emotional fallout for yourself and potentially your kids, is worth any benefit from making this kind of stuff available to the public.

A third way to keep private information private is to avoid court in the first place and opt for mediation or a collaborative divorce process instead. In that case all the paperwork is private and the only public product is the final divorce agreement. By that point, any ugly underlying details can be worked through and the agreement can be drafted to limit your public exposure. Talk to an attorney in your area about these options.

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