



# Dad's Expo



## 2012



## Kids' Voice of Indiana



### Indiana Relocation Notice Requirements for Parents

#### Relocating Parent

- A person who has or is seeking custody or parenting time (visitation) with a child; and
- Intends to move his or her principal residence. **IC 31-9-2-107.5**

#### Duties of Relocating Parent

- Filing notice of intent to move with the clerk of the Court that issued the custody or parenting time order; and
- Send a copy of the notice to the child's other parent (non-relocating parent). **IC 31-17-2.2-1**

#### Relocation Notice

Should include: (1) new home address and home telephone number; (2) any other telephone number for the relocating parent; (3) date of the intended move; (4) brief statement of reasons for child's proposed move; (5) proposed changes for parenting time; (6) statement that the other (non-relocating) parent must file objection with court within 60 days of receiving notice; (7) statement that the other (non-relocating) parent may file a petition to the Court to modify custody, parenting time, or child support order. **IC 31-17-2.2-3**

Relocation notice must be sent to other parent by registered or certified mail 90 days before moving. If sending notice 90 days before moving is not possible, notice must be given 10 days after the relocating parent learns new address and telephone number. Notice must be given at least 30 days before move. **IC 31-17-2.2-3**

Non-Relocating parent may file motion with Court asking Court to prevent the child from moving. Motion must be filed within 60 days of receiving notice. **IC 31-17-2.2-5**

If the other (non-relocating) parent does not file motion, the relocating parent who has custody of the child may move. **IC 31-17-2.2-5**

Court shall schedule hearing on child's move if the other (non-relocating) parent files motion seeking to prevent child's move. **IC 31-17-2.2-5**



Court may issue a temporary order preventing parent from moving child or ordering child returned to the other (non-relocating) parent if:

1. notice was not served in timely manner and parties have not presented agreement on parenting time schedule; or
2. child has moved without notice, agreement, or a court order; or
3. based on evidence presented at a temporary hearing, there is likelihood that Court will not approve child's move after final hearing. **IC 31-17-2.2-6**

Court may issue a temporary order authorizing relocating parent to move with child if:

1. timely notice was provided; and
2. Court issues revised schedule for temporary parenting time; and
3. based on evidence presented at temporary hearing, there is likelihood that Court will approve child's move after final hearing. **IC 31-17-2.2-6**

At final hearing, relocating parent must prove that child's proposed move is made in good faith and for legitimate reason. If relocating parent proves good faith and legitimate reason for move, the other (non-relocating) parent must prove that proposed move is not in child's best interest to prevent child's move. **IC 31-17-2.2-5**

Court shall consider the following in modifying custody, parenting time, or child support when relocating notice has been filed and a parent requests hearing:

1. distance involved in proposed move;
2. hardship and expense for the other (non-relocating) parent to have parenting time;
3. feasibility of preserving relationship between non-relocating parent and child;
4. any established pattern by relocating parent to promote or thwart non-relocating parent's contact with child;
5. reasons for seeking to move child and opposing child's move;
6. other factors affecting best interest of child. **IC 31-17-2.2-1**



All of Indiana's current laws may be accessed on the Indiana General Assembly website for free: [www.in.gov/legislative](http://www.in.gov/legislative)

**For laws specific to topics discussed in this paper:**  
<http://www.in.gov/legislative/ic/code/title31/>



Kids' Voice of Indiana



United Way agency

Kids' Voice of Indiana \* 9150 Harrison Park Court – C \* Indianapolis, IN 46216 \* 317-558-2870 \* [info@kidsvoicein.org](mailto:info@kidsvoicein.org)