

Episode Title: Can a Parent Move Away with a Child in California?

Does a parent have the automatic right to move away with a child under California law?

No, a parent does not have an automatic right to move away with a child in California. The situation is complex and depends on several factors, such as whether there are existing court orders, if the parents were married, and the specifics of any custody agreements. Each case is unique, and the initial circumstances significantly affect the court's decision-making process.

How does having a final custody order in place affect a parent's ability to move away with a child?

If a final custody order is in place, the analysis changes because the court has to consider the terms already agreed upon or decided by a judge. For instance, if custody was adjudicated with specific terms, such as sole physical custody to one parent, any relocation request will be examined under those existing orders. The court evaluates whether the move would be detrimental to the child and considers if the relocation was previously agreed upon or ordered by a judge.

How does the distance of the move impact the court's evaluation of a relocation request?

The distance of the proposed move can significantly impact the court's evaluation. Even a move of as little as 20 miles can be scrutinized if it changes school districts or affects the other parent's visitation rights. Courts consider factors like the child's needs, existing support systems, and the potential disruption to the child's life. The key issue is whether the move would interfere with the visitation rights of the non-custodial parent.

What happens if a parent relocates without court permission?

Relocating without court permission can lead to serious legal consequences. If there are existing court orders, moving without consent may be considered a violation, potentially resulting in legal actions such as emergency hearings or even involvement from an abduction unit. This unit, often comprising law enforcement and the district attorney's office, can be activated to locate and return the child. Unauthorized relocation can also negatively affect future custody decisions.

Could you provide an example of a case where one parent wanted to relocate and the other objected?

In a recent case, a mother wanted to move to Las Vegas with her children and partner, while the father objected. Both parents had joint legal and physical custody, and the court had to consider factors such as the children's special needs, the parents' compliance with previous court orders, and the overall best interests of the children. After a thorough trial where these aspects were analyzed, the court ruled against the mother's relocation request, allowing the children to remain with the father.