

# TIME-SHARING AGREEMENTS AND RELOCATION

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Florida Statute § 61.13001 applies when a parent who is subject to a court order regarding time sharing chooses to relocate with the child(ren). In sum, the statute defines relocation as the change in location of a parent's residence from where the parent lived at the time of the last order establishing or modifying time sharing. The statute applies to changes of location that are "at least 50 miles from that residence, and for at least 60 consecutive days." This statute does not apply to temporary absences from the principal residence for purposes of vacation, education, or the provision of health care for the child.

The parents may agree to the relocation and can sign an agreement that reflects consent to the relocation and defines an access or time sharing schedule for the nonrelocating parent and any other persons who are entitled to access or time sharing. This agreement should also include any transportation arrangements needed to carry out the time-sharing schedule.

If the parents do not enter such

agreement, the parent wanting to relocate may file a petition to relocate. The petition must include, among other things, a proposal for a time-sharing schedule that will give the nonrelocating parent opportunities for access and time-sharing with the child(ren). This proposal should also include any transportation arrangements necessary to carry out the time-sharing schedule. The relocating parent has to prove that relocation is in the best interest of the child. If the relocating parent is able to prove that, then the nonrelocating parent has to show that the proposed relocation is not in the best interest of the child. Once this petition is filed by the relocating parent, the nonrelocating parent has 20 days to respond.

The court uses several factors to determine whether the relocation will be granted or not. These factors

include: the child's relationship with the parent proposing the relocation and the nonrelocating parent; the age and development stage of the child and the impact of relocation; and the feasibility of preserving the child's relationship with the nonrelocating parent. Additionally, the court will consider the child's preference while also taking into account the age and maturity of the child. Lastly, the court is able to consider "any other factor affecting the best interests of the child." ■■

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