

# NAVIGATING PARENTAL RELOCATION

By K. Dean Kantaras and Maurice Q. Thurman

When a parent moves as a result of a divorce or separation, it can be a very stressful and challenging experience for parents and their children. However, when a parent wishes to relocate, special consideration must be given to the potential impact on the parent-child relationship and the best interests of the children involved.

Historically, Florida law offered little guidance to judges who were deciding whether one parent should be permitted to relocate with a child over a long distance. During this time, there was little consistency among the various Florida courts on the issue of relocation.

Fortunately, the Florida legislature approved a new law, known as the Parental Relocation with a Child statute, in 2006. The parental relocation law provides Florida courts and parents with guidance on whether one parent should be permitted to relocate with the child.

The parental relocation law is now codified under section 61.13001 of the Florida Statutes. Under this law, a relocation is generally defined as the change of the principal residence of a parent. However, the change of location must be at least 50 miles from the principal residence and for at least 60 consecutive days. A relocation does not include a temporary absence from the principal residence for a vacation, educational purposes, or healthcare purposes for the child.

Florida's parental relocation law does allow a child to relocate with a parent if there is written agreement between the parents. If one of the parents objects to the other parent relocating with the child, the law requires the court determine whether relocation is in the best interest of the child. The parental relocation law also requires the court to consider several factors when deciding whether relocation is in the best interest of the child, such as: (1) The reasons the parent is seeking or opposing the relocation; (2) whether the relocation will enhance the general quality of life for both the parent and child; (3) the age and developmental stage of the child; (4) the child's preference, taking into consideration the age and maturity of the



K. Dean Kantaras, Esq.

child; (5) the feasibility of preserving the relationship between the child and the non-relocating parent; and (6) any history of substance abuse or domestic violence by either parent.

Florida courts have applied the parental relocation law to many cases since its enactment. In the case of *Valqui v. Rodriguez*, Florida's Third District Court of Appeal affirmed a trial court's ruling that allowed a mother to relocate with her child to California. 75 So. 3d 751 (Fla. 3d DCA 2011). In *Valqui*, the child's biological parents resided in Miami-Dade County, Florida. However, the mother filed a petition to relocate to California over the objection of the father. The mother requested to relocate with the child because the child's stepfather was a member of the U.S. Coast Guard and he had received travel orders to relocate to California.

The trial court ultimately concluded that the mother had a legitimate reason to relocate. This is because the mother needed to move to California in order for her husband to maintain employment with the Coast Guard. The trial court noted that the mother claimed that "she will have a better life with the children in California and be available to the children on a full-time basis while her husband works in the Coast Guard." The trial court also noted that "although California is a far distance away from South Florida, the mother believes that the child can spend

extended periods of time with the father during the summer and winter breaks and holidays."

In light of the trial court's well-reasoned decision on the mother's petition for relocation, the Third District Court of Appeal concluded that the trial court's decision was a "model of form, content and judicial conscientiousness." Therefore, the mother was permitted to relocate with the child to California. *Valqui v. Rodriguez* is an important case that demonstrates a judge's decision-making process when determining whether a child may relocate with a parent.

Typically, parental relocation cases have unique facts that must be raised and weighed by the court. Courts generally have broad powers under Florida law to approve or deny a parent's request to relocate with a child away from the other parent. For more information on parental relocation law, contact K. Dean Kantaras, P.A. (727) 781-0000.

*Martin v. Robbins* is an important case that demonstrates how supportive relationships can result in the reduction or termination of a former spouse's alimony obligation. For more information on Florida alimony law, contact K. Dean Kantaras, P.A. (727) 781-0000. ■■■

*EDITOR'S NOTE: K. Dean Kantaras has been licensed to practice law in Florida for more than 19 years. Mr. Kantaras is the managing partner of K. Dean Kantaras, P.A., a firm handling cases in family law and immigration. Mr. Kantaras is board certified in marital and family law by the Florida Bar, a distinction held by less than 1 percent of all attorneys licensed to practice in Florida. He is "A" rated by Martindale-Hubbell, the highest possible rating. He is a member of the Supreme Court of the United States, the United States Court of Appeals for the 11<sup>th</sup> Circuit and Middle District, The Florida Bar, and the Clearwater Bar Association. Maurice Z. Thurman, Esq. is an associate attorney at the firm. He is a member of the Florida Bar, Clearwater Bar and Canakaris Inn of Court. Their offices are located at 3531 Alternate 19, Palm Harbor, 34638, (727) 781-0000 and 1930 East Bay Drive, Largo, 33771, (727) 544-0000, kantaraslaw.com.*