

# **Indiana Legal Services, Inc**

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## **Custodial Parent Moving With Child**

Effective July 1, 2006, if a parent who has custody of a minor child or parenting time with a minor child plans to move to a new residence, that parent must file a notice with the court and send a copy of the notice to the other parent.

### **What kind of notice do I need to file?**

The notice must include the following:

- The address and phone number of the place where you plan to move.
- Any other phone number for you.
- The date that you plan to move.
- A brief statement of the specific reasons you plan to move.
- A proposal for a new schedule of parenting time/visitation.
- A statement that a parent must file an objection to the child moving no later than 60 days after receiving the notice.
- A statement that the other parent may file a petition to modify custody, parenting time, or child support.

### **I have custody of my child. I want to move to a different state to take a new job. Can I move with my child?**

Maybe. However, if a custodial parent wants to move with the child, the custodial parent must first notify the court and the non-custodial parent who has or is seeking parenting time with the child. The court then might set a hearing (or either parent can ask for a hearing). The court can change custody, visitation or child support orders concerning the child.

### **I have custody of my child, and her father was NOT given any visitation. Do I have to notify him if I am planning to move out of state?**

It depends. If he has parenting time or he is trying to get parenting time you must send him a copy of the notice. You still have to file the Notice with the court.

### **Can the court refuse to allow me to move?**

The court cannot refuse to allow you to move. However, the court COULD refuse to allow you to take the child with you. The court could modify custody, visitation or child support if you want to

move with the child.

### **What things will the court consider?**

The court must consider:

- The distance involved in the move.
- How hard it will be for the other parent to exercise parenting time after the move.
- Whether the relationship between the other parent and the child can be preserved after the move.
- Whether you have a pattern of trying to support or deny the other parent's contact with the child.
- The reasons for the move.
- The reasons the other parent doesn't want you to move.

The court can consider other factors that affect the best interests of the child.

### **What if my ex-wife, who has custody, is planning to move and I don't want her to take my child?**

First, if you and your ex-wife can talk about these issues, you should discuss it with her. If you cannot reach an agreement, you need to tell the court in writing that you disagree with her plan to move. The court then should set a hearing as discussed above.

### **What if I have already moved with my child, but I did not file a notice with the court before I moved?**

You should file the Notice of Intent to Move BEFORE you actually move. However, you can file the Notice after you have moved. It is probably better to file the notice late than to not file it at all. You may want to contact an attorney to discuss your particular circumstances before you file a Notice of Intent to Move.

If you did not file the Notice before you moved because you did not know about this requirement, you can tell the court that is why you did not file the Notice before you moved.

### **How do I file this Notice?**

If you cannot get an attorney to help you with this, you can file the Notice yourself. You need to type or print a document that has at the top of it the same information at the top of your custody order (state, county, court, parties' names, cause number). You should then explain to the court where and why you want to move with the child. You need to sign it, and take the original to the court that issued the custody order. You also need to send a copy of it to the other parent.

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