

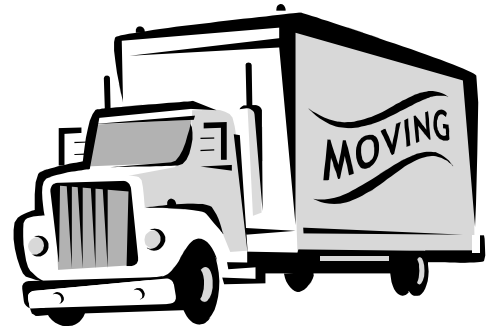
## Moving the Children out of Minnesota

If the parent with physical custody of the children wants to move out of the State of Minnesota with the children and the other parent has court ordered parenting time rights, the custodial parent must get the other parent's permission to move with the children, or get permission from the court. If you don't have court ordered parenting time rights, the custodial parent does not have to get your permission or the court's permission to move with the children.

If this issue goes to court, the judge must decide whether to let the custodial parent move with the children.

Major changes were made in the law that the judge must now use in making this decision. Those changes became effective August 1, 2006. Now, if the issue goes to court, the judge must consider 8 factors in deciding whether to allow the move:

- (1) the child's relationship with each parent, siblings and other important people in the child's life;
- (2) the age and needs of the child, and how the move might affect the child;
- (3) how possible it would be to continue the relationship with the noncustodial parent, considering the logistics and financial situation of the parents;
- (4) the child's preference, taking into consideration the age and maturity of a child;
- (5) if there is a pattern of conduct of the custodial parent either encouraging or discouraging the child's relationship with the noncustodial parent;
- (6) if the move will make the custodial parent and child's life better, including financial or emotional benefit or educational opportunity;
- (7) why each parent wants or doesn't want the move;
- (8) the effect on the safety and well-being of the child, or of the parent who wants to move, if there has been domestic abuse between the parents



The custodial parent who wants to move with the children has the burden of proof to show it is in the child's best interest to move. But if the parent requesting permission to move has been a victim of domestic abuse by the other parent, the burden of proof is on the parent opposing the move.

The judge has to consider all 8 factors in making the decision. The judge is not limited to just these 8 factors. If the purpose of the move is to interfere with parenting time given to the other parent, the judge must not allow the move.