

Dear Judge, I'm moving.

You've been in the same home for the last five years. Things are starting to get a little cramped. Luckily, your realtor just called to say your offer on a new home across town has been accepted. Slowly but surely, you start getting ready for the big move. A moving agency has been hired. Your dishes and glasses have been securely packed in crates. You've made that always exciting trip to the post office to have your mail forwarded. The local utility companies have all been contacted to establish service at the new home. Have you forgotten anything? Well, if you are divorced with children the answer to that question would be "yes".

Effectively July 1, 2007, divorced parents in the State of Indiana are required not only to notify their former spouse of their scheduled move but to notify the clerk of the court. Regardless of where you intend to move, across town or across the country, you are now required to give written notification of your intent to move via certified mail to your former spouse and to the clerk of the court ninety (90) days in advance of your scheduled move.

Some of you may be asking is a simple "Dear Judge" letter going to be sufficient and the answer to that would be "no". According to Ind. Code 31-17-2.2-3 the following information must be included in the notification to your former spouse and to the clerk of the court: your new address; your new home telephone number; any other applicable telephone numbers; the date you intend to move; a brief statement of the specific reasons for the proposed relocation of the child; a proposal for a revised schedule of parenting time with the child; a statement that your former spouse must file an objection to the relocation of the child with the court no later than sixty (60) days after receipt of the notice; and a statement that your former spouse may file a petition to modify a custody order, parenting time order, grandparent visitation order, or child support order.

The next question many of you will ask is, "do I have to comply if my parenting time arrangement is not going to change as a result of my move?" and my answer to that would be "yes." As the statute is currently written, any parent that has custody or parenting time must give notice of their intent to move. There are no exceptions based on distance or lack of impact on the parties' current custody arrangement. With that said, the only people who will likely be policing this are former spouses.

So, when you start thinking about packing up and moving across town or across country, also think about giving your divorce attorney a call to ensure proper notification is given to your former spouse. Or, check out [HYPERLINK "http://www.in.gov/legislative/ic/code/"](http://www.in.gov/legislative/ic/code/) www.in.gov/legislative/ic/code/ and review Indiana's most recent statutory provisions regarding child custody, parenting time and relocation.

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