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Litigation, Mediation, Collaborative

CASE PREPARATION WORKSHEET WHEN RELOCATION SOUGHT BY PARENT

Client's Name: _____ Date: _____

A situation with relocation can be litigated either in the beginning of a case and prior to any Orders having been issued in the matter or later and a party seeks to modify a prior Order and relocate outside of a previously order geographic restriction.

Obviously there are many, many factors involved in making such a decision and there is no "bright line" rule, other than when both parties are in agreement, wherein you can be assured that the relocation will occur. As a result, in a situation where a parent wants to relocate with a child, the Courts in Texas have enumerated a number of factors they consider in evaluating whether or not the desired relocation is in the best interest of the Child.

These factors have been enumerated below and the purpose of this worksheet is to give our office a summary of the evidence which may or may not be available with regard to each factor. The information on each of these factors is required by our office to evaluate your case, whether you seek to relocate or you oppose a relocation of the other parent. *Franco v. Franco, 81 S.W.3d 319 (Tex. App. – El Paso 2002, no pet); Lenz v. Lenz, 79 S.W.3d 10 (Tex. 2002); Bates v. Tesar, 81 S.W.3d 411 (Tex. App. – El Paso 2002, no pet).*

This form is to assist you in providing our office with the history of the facts surrounding the circumstances of a desired move by you or another parent in this case. Please answer as thoroughly as possible each question below.

Please do not skip a question, rather indicate that it is not applicable so that our office can properly take this into account. Please note: this form is required, in addition to the worksheet styled "Best Interest Client Worksheet". Both of these forms are available for download on our website at www.evansfamilylawgroup.com under the link "client resources".

(1) Is there a desire to relocate. If yes, please describe the proposed relocation and generally when the relocation is needed, required, or is otherwise proposed to occur.

(2) Describe the distance, assuming the proposed relocation occurs, that would exist between the parties and the child after relocation.

(3) Taking into account the proposed relocation, what are the proximity, availability, form, and safety of travel arrangements for the child and parent in exercising visitation after the proposed relocation? (nearest airport, availability of commercial flights, non-stop flights etc.)

(4) Describe from your perspective the “equality” of the relationship between each parent and the child.

(5) Describe the nature & quantity of the child’s contacts with the parent who is the “non-primary” parent and whether this is a factor in the desire to relocate.

(6) Will the proposed relocation significantly deprive the non-primary parent of meaningful access to the child or children?

(7) What are the primary motivations for the proposed move and what are the primary reasons for opposing the proposed relocation?

(8) If the proposed relocation occurs, what is the feasibility of being able to preserve the relationship between the non-primary parent and the child or children through suitable visitation arrangements?

In the context of a relocation case, the court's have considered additional factors in addition to those which are enumerated on the "Best Interest Client Worksheet". In addition to these best interest factors, the following factors are specifically considered by the Courts when evaluating a decision to relocate is in the child's best interest:

(9) What is the relationship with and presence of extended family?

(10) Describe the presence and significance, if any, of the child's friends.

(11) Describe whether or not there exists currently a stable and supportive environment for the child or, if not, how specifically the proposed relocation will provide a stable and supportive environment for the child.

(12) Describe specifically how, if so, the proposed relocation will improve the financial or job situation and ability to provide a better standard of living for the child by the primary parent.

(13) Describe specifically how, if so, the proposed relocation will provide a positive impact on the primary parent's emotional and mental state and the possible effect this would have on the child and the relationship with the primary parent. And, state, if applicable, how the proposed relocation will not provide a positive impact on the primary parent's emotion and mental state.

(14) Describe the effect the proposed relocation would have on the non primary parent's right and ability to have regular and meaningful contact with their child or children.

(15) Describe whether in your opinion the primary parent has the ability to relocate as well to continue to maintain the parental relationship and how.

(16) Describe the non primary parent's ability, if any, to be able to his or her work schedule to be with the child after the proposed relocation.

(17) State the reasons for and against the move in general terms.

(18) Describe whether there are any special needs or talents of a child or the children that should be taken into consideration and the accommodations that will be provided in should the proposed relocation occur (special talents, medical needs, disabilities, emotion or mental health needs, educational needs, sports ability etc)? And, state how these accommodations are or are not currently being met in the current geographic location where the child lives.

(19) State reasons, if applicable, whether the proposed relocation will enhance the primary parent's and the child's health, education, and economics.

(20) Please describe the comparison of education, health, and leisure opportunities (comparing homes, neighborhoods, schools) of the current living circumstances and the proposed relocation.

(21) State the negative impact of any continuing hostility between the conservators if the proposed relocation occurs.

(22) State the effect the proposed relocation would have on the relationship of the child and any extended family.

(23) Describe, if applicable, whether or not the child or children have any special ties to the community and how.
