

This is a sample letter to send when you are moving:

Notice of Intent to Relocate

Date: _____

RE: Relocation of (your name and the names of all minor children subject to the notice.)

Dear (Name of person being notified):

Please be advised that I intend to relocate myself and the minor children, (names of children).

- (1) The specific address of the new residence is: _____.

OR

The specific address is not known at this time, but the city and state are: _____.

- (2) The mailing address is: _____.

OR

The mailing address is not known at this time but will be provided as soon as it is known to me.

- (3) The home telephone number of the new residence is: _____.

OR

The home telephone number of the new residence will be provided as soon as it is known to me.

- (4) The date of the intended relocation is: _____ (This date must be at least 60 days after the notice.)
- (5) The specific reasons for the proposed relocation are: (Give reasons.)
- (6) I propose a revised schedule of custody or visitation with the children as follows: (List those parts of the current schedule of custody or visitation that you propose to

change. For example:
transportation arrangements,
telephone contact, length and time
of visitation, etc.)

Sincerely,

(Your signature)

REMEMBER: IF YOU HAVE QUESTIONS, IT IS ALWAYS BEST TO SEEK LEGAL ADVICE FROM AN ATTORNEY.

LEGAL SERVICES OF SOUTHERN MISSOURI

Branch Offices:

1412 Highway 72 East • Rolla, MO 65401
573.341.3655 • 800.999.0249

116 North Main Street • Charleston, MO 63834
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MOVING CHILDREN AFTER COURT ORDERED VISITATION



LSSM
PROVIDING QUALITY LEGAL AID

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Missouri has laws about changing the permanent residence of your children after a divorce or custody matter is final. If you do not follow these laws, you may risk losing custody or visitation rights. The following are common questions and answers.

• **Why do I have to let my ex-spouse know when and where I am moving?**

Specific notice is required by any change of the residence of the children, absent exigent circumstances. This notice must be given even if you only move across the street. It applies to any permanent change of address. This is to ensure that all parties involved can exercise the court ordered visitation, custody, or contact with the children.

• **How and when do I give notice of my change of address?**

When you plan to move, the notice must be sent in writing, by certified mail, return receipt requested. Unless you have court permission to move immediately, the written notice must be provided at least 60 days before the proposed move.

• **What do I need to put into the notice?**

The required information contained in the notice is very specific and must include the following information:

- (1) The intended new residence, including the specific address and mailing address, if you know it. If you do not know it, the city you are moving to;
- (2) The home telephone number of the new residence, if you know it;
- (3) The date you intend to move;

- (4) A brief statement of the specific reasons why you want to move the children; and
- (5) A proposal for a revised schedule of custody or visitation with the children.

If you become aware of any change in the information that is required in the notice, you must immediately provide the information to the person receiving the notice.

• **Do I have to give the other party information on where I live if I feel my family is in danger?**

In exceptional circumstances, only the court can decide if the health or safety of any adult or child would be at risk by disclosing information required in the notice. The court may order that the information not be disclosed, along with any other action the court feels is necessary to meet the legitimate needs of everyone involved and the best interest of the children.

If you feel you are entitled to this type of protection from the court, you should consult with an attorney for advice.

• **What if I have given proper notice, but the other party does not want me to move the children?**

If you give proper notice, the residence of the children may be relocated 60 days after the notice unless a parent files a motion seeking an order preventing the relocation. The motion must be filed within 30 days after the notice of proposed relocation is received. The person seeking to move must then file a response to the motion within 14 days. If all of the required information is not included in the notice, the 30 day objection period will not start to run.

• **The other parent filed a motion to stop me from moving. What happens now?**

A hearing will be scheduled by the court. If you want to move, it is up to you to show that the proposed move is made in good faith, and is in the best interest of the children.

If the move is permitted:

- (1) The court can order contact with the person that is not moving including custody or visitation and telephone access sufficient to assure that the child has frequent, continuing,

and meaningful contact with the other parent unless it would not be in the children's best interest; and

- (2) The court can specify how the transportation costs will be divided between the parents and adjust the child support, as appropriate, to consider the costs of transportation.

• **The other parent has given consent for me to move the children. Now what?**

If you and the other parent can agree to a revised schedule of custody and visitation for the children, which includes a Parenting Plan, you may submit the agreement to the court, along with a written affidavit signed by all parties agreeing to the terms of the agreement. The court may then order the revised Parenting Plan and visitation schedule without a hearing.

• **The children's grandparents do not want me to move. Now what?**

Any persons entitled by court order to legal custody and/or visitation with a child and who is not a parent (for example: grandparents) may ask for a revised schedule of legal custody or visitation.

• **What if I don't give the other party notice of my intention to move the children?**

If you do not give proper notice of the proposed move, the court may consider the failure to give the proper notice in:

- (1) determining whether custody and visitation should be modified;
- (2) ordering the return of the children if the move occurs without notice; and
- (3) ordering the party seeking to move the children to pay reasonable expenses and attorney's fees incurred by the other party.

• **The other parent did not want me to move, so I had to hire an attorney. Can I make the other parent pay my attorney's fees?**

A person who objects to moving in good faith may not be ordered to pay the other party's attorney's fees or court costs.