



ESTABLISHED 1924

**FARR LAW FIRM**

**FARR, FARR, EMERICH, HACKETT AND CARR, P.A.**

e-law

Newsletter

WWW.FARR.COM

PERSONAL INJURY &  
WRONGFUL DEATH

LITIGATION

ESTATE PLANNING

REAL ESTATE & TITLE  
INSURANCE

MARITAL & FAMILY

ENVIRONMENTAL  
& LAND USE

BUSINESS

TAXATION

ELDER LAW

ASSET PROTECTION

## ATTORNEYS

EARL DRAYTON FARR, JR.  
(Senior Counsel)

GUY S. EMERICH

JACK O. HACKETT II

MICHAEL P. HAYMANS

CHARLES T. BOYLE

DAROL H.M. CARR

CONNIE M. SCHIDER

DAVID A. HOLMES

GARY A. KAHLE

JENNIFER R. HOWELL

ROGER H. MILLER III

DOROTHY L. KORSZEN

JILL C. McCRORY

TINA M. MAYS

WILL W. SUNTER

ANTHONY C. DUBBANEH

ARETI G. TSITSAKIS

## GOING NOWHERE FAST

By: Charlie T. Boyle  
November 2007



If you are the primary residential parent post-dissolution and you intend to relocate to an area more than fifty miles away, you may be going nowhere fast.

In October, 2006, Florida enacted a statute setting forth specific procedures that must be followed before a primary residential parent will be allowed to relocate more than fifty miles from the non-residential parent. Florida Statute 61.13001 provides that unless the custodial parent agrees **in writing** to such a permanent relocation, then the primary residential parent must provide a written notice of intent to relocate to the non-residential parent.

The written notice of intent to relocate must contain very specific information including the following:

1. The location of the proposed new residence including state, city and physical address;
2. The home telephone number of the new residence;
3. The date of the intended relocation;
4. A detailed statement setting forth the specific reasons for the relocation including written documentation regarding any new employment; and,
5. A proposal for a post-relocation visitation schedule along with the specifics for all post-relocation transportation arrangements necessary to accomplish the new relocation visitation schedule.

The written notice of intent to relocate must be "served" upon the non-residential parent with the form of service dependent on the specific factual and procedural posture of each individual case. The non-residential parent has thirty days after receipt of the notice of intent to relocate to file an objection. If no objection is timely filed, then the residential parent may relocate. However, if an objection is timely filed, then the parent requesting relocation has the burden to file appropriate court pleadings requesting relocation.



ESTABLISHED 1924

**FARR LAW FIRM**

**FARR, FARR, EMERICH, HACKETT AND CARR, P.A.**

e-law

*Newsletter*

WWW.FARR.COM

PERSONAL INJURY &  
WRONGFUL DEATH

LITIGATION

ESTATE PLANNING

REAL ESTATE & TITLE  
INSURANCE

MARITAL & FAMILY

ENVIRONMENTAL  
& LAND USE

BUSINESS

TAXATION

ELDER LAW

ASSET PROTECTION

A primary residential parent who relocates without jumping through all of these procedural hoops is likely to find themselves in court. The statute sets forth a number of sanctions that a court can enforce against a parent who relocates without jumping through the hoops. Such sanctions include contempt, an order compelling the relocating parent to return the children or allowing the non-residential parent to pick up the children, and an order requiring the relocating parent to pay the attorney's fees and costs (including travel costs) of the non-residential parent.

Once the issue of relocation is before the trial court, the court will evaluate a list of specific criteria, which are designed to allow the court to determine whether relocation is in the best interest of the children.

In sum, if you are a primary residential parent contemplating relocation, you should consult an experienced family law attorney. Only after a consultation with such an attorney will you be informed as to the specific procedures required, and informed of the potential likelihood that a court may allow relocation over the objection of the non-residential parent.

To subscribe to our monthly newsletters, please visit our website at [www.FARR.com](http://www.FARR.com)

---

This newsletter is for general information and education purposes only.

It is not offered as legal advice or legal opinion.

---

To the extent this message contains tax advice, the U.S. Treasury Department requires us to inform you that any advice in this letter is not intended or written by our firm to be used, and cannot be used by any taxpayer, for the purpose of avoiding any penalties that may be imposed under the Internal Revenue Code. Advice from our firm relating to Federal tax matters may not be used in promoting, marketing or recommending any entity, investment plan or arrangement to any taxpayer.

Punta Gorda Office:  
99 Nesbit Street  
Punta Gorda, FL 33950  
Phone: 941.639.1158  
Fax: 941.639.0028

Englewood Office:  
33 S. Indiana Avenue  
Englewood, FL 34223  
Phone: 941.460.9334  
Fax: 941.460.9443