

Custody Rights: Parental Relocation



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CUSTODY RIGHTS BETWEEN UNMARRIED PERSONS

This brochure is about what happens when a parent with a child wants to move out of state or more than fifty (50) miles away from the other parent.

Tennessee has a law that requires a parent with a minor child who wants to move out of state or more than fifty (50) miles away from the other parent to do certain things before moving. This law only applies if the parent who wants to move either lives with the child or visits the child and, if it is the child's father, who has already established paternity through the court.

This brochure is only intended as a short summary of Tennessee law on parental relocation. For further information, you should consult an attorney.

WHAT DOES THE LAW REQUIRE?

- **Notice to the other parent:** The parent who wants to move must send the other parent a written notice before they move.
 - The notice should tell the other parent where they are moving and their reasons for moving. Also, it has to tell the other parent that they have the right to file a petition in court within thirty (30) days if they do not agree with the move or the moving parent will be allowed to move automatically.
 - The notice has to be sent by certified or registered mail to the other parent.
 - The notice has to be sent at least sixty (60) days before the move
- **New visitation schedule:** After giving notice, the parent who is moving must see if the other parent will agree to a new visitation schedule, including transportation costs for exchange of the child. If the parents cannot agree on a new schedule, the parent wanting to move must file a petition in court to change visitation to a schedule that will work after the move. The court will hold a hearing and decide

WHAT IF THE PARENT WHO IS NOT MOVING IS AGAINST THE PARENT MOVING WITH THE CHILD?

- The parent who is moving away must file a petition with the court asking for approval of the relocation by the court. The non-moving parent must file a response within 30 days to prevent the move.
- Alternately, the non-moving parent may file a petition opposing the move within thirty (30) days of the parent receiving the notice from the other parent about moving.
- The court will decide whether the parent wanting to move with the child will be allowed to move and take the child with them.
- If no petition against the move is filed, the parent who wants to move with the child is allowed to move as long as new visitation schedule is in place.

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This pamphlet is intended for general information only. The circumstances of every case are different and need to be dealt with on a case-by-case basis. This is not a substitute for the advice of a lawyer. Also, the law may change and may be different from county to county.

