

## Relocating a Child During or After a Divorce in South Jersey

Article By:

Divorce Litigation Practice Group

---

Both during and after a divorce, when a child or children are involved, custody orders establish a parenting plan between the divorcing or divorced couple so that the children may still spend time with both parents, even though they no longer reside together. However, custody agreements are complicated when one parent wants to move a considerable distance away from the other parent's home.

When moving a child out of the state, New Jersey law requires that the relocating parent of the minor child get permission either from the other parent or the courts.

When moving a child within the state, a parent may also require permission from either the court or the other parent to modify the parenting schedule if the new home is far away. For example, if a parenting plan includes language that allows for the parents to drop the children off at school following overnight visits, a significant move, even within the state, will require a change in this parenting plan because the distance for the parents to travel will likely change.

Technology has made it easier to parents to keep in touch with their children, even at a distance. Because of this, courts in New Jersey have allowed custodial parents to relocate with children in most circumstances. However, a court in determining such will rely on several factors.

One factor is the type of parenting arrangement currently in effect. A parent with sole or primary physical custody only has to show the court that the proposed move is in "good faith." They must also show that the child will still have access to good education, health, and recreation at their new home. Additionally, a new and feasible visitation plan should be proposed so that the child will still be able to see both of their parents. A non-custodial parent may attempt to show that the move is not in good faith, but this will usually be difficult, as current law favors the custodial parent in choosing where the child will live.

In addition to the custody agreement already established by the parents, a court may also look at the following factors in granting its permission for a parent to move a child:

- The child's preferences (if they are old enough to make this decision for themselves),
- The possibility of the non-custodial parent to also relocate

- Whether the child has any special talents, special accommodations they are receiving for these talents now, and whether the same accommodations are available in the new location
- Whether the child can continue their relationship with the non-custodial parent in the new location
- Whether the child is entering their senior year of high school
- Any effect the move may have on the child's relationship with extended family members

If you find yourself in a situation where you may have to seek the court's permission to move, or your child is being moved by their other parent, it is recommended you consult an experienced divorce attorney in South Jersey to ensure that your child's rights and your rights as a parent are treated fairly.

COPYRIGHT © 2025, STARK & STARK

---

National Law Review, Volume VI, Number 75

Source URL: <https://natlawreview.com/article/relocating-child-during-or-after-divorce-south-jersey>