

OKLAHOMA'S RELOCATION NOTIFICATION REQUIREMENT

If you are divorced with minor children and plan to move more than 75 miles away from your primary residence, you must give notice of your intent to the other parent. It does not matter if you are the custodial parent or non-custodial parent. This is a requirement by the State of Oklahoma and it must be written into your final Decree of Dissolution of Marriage.

This law was created to protect the parent-child relationship from being interrupted without good reason. The non-moving parent has a right to object to the move and a hearing may be held in which the court will decide whether this move is in the best interest of the child.

If you are contemplating the divorce process and have considered moving either during or after the divorce, you will want to discuss this issue with your attorney and your spouse. You may be able to work together to find a suitable solution.

The following is an example of the relocation language that might go into your final decree.

RELOCATION: In accordance with 43 O.S. § 112.3, if either party intends to move his or her primary residence or the primary residence of the children over seventy-five (75) miles for a period of sixty (60) days or more when such move is not a temporary absence from the children's principal residence, the relocating party shall furnish the following information to the other party:

- a. the intended new address, including the specific address, if known;
- b. the new mailing address, if not the same;
- c. the home telephone number, if known;
- d. the date of the intended move or proposed relocation;
- e. a brief statement of the specific reasons for the proposed relocation of the child, if applicable; and
- f. a proposal for a revised visitation schedule with the children.

The relocating party shall give notice of the relocation and change of address to the other party sixty days preceding the relocation. If the relocating party did not know, and could not have reasonably known of the change in sufficient time to provide a sixty-day notice, then such party shall give notice on or before the tenth day after the date that he or she knows of the change.

The obligation of a party to give notice and to provide the information set out above shall continue so long as custody or visitation occurs with a child covered by this order. The failure of a party to give notice and to provide the information set out above may result in further litigation to enforce the order, including contempt of court. Failure of a party to give notice of the children's relocation may be taken into account in a modification of custody and/or visitation or access to the children. The Court may assess reasonable attorney fees and costs against a party who fails to give the required notice. The party who receives notice that the children will be relocated has thirty (30) days to seek a temporary or permanent order to prevent the relocation. If he or she does not request a hearing within thirty (30) days, the relocation will be authorized.

~ **Barbara Ann Bartlett** ~

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