

Q

My child's father and I are separated, and we have a court order establishing custody. I have residential custody and he has visitation. I need to move out of the state so that I can be closer to family and get a better job. Do I need permission from the court before moving. What can I do?

-- Maria S., Cook County

A

Hi Maria,

Thanks for the question. I can give you step-by-step guidance on how to do this. With some patience, paperwork, and planning, it is fairly simple process.

Since you are moving more than 25 miles away, you will need the court's permission to relocation if the other parent does not approve.

- 1) File a [Notice of relocation](#). Give a copy to the other parent at least 60 days before you plan to move.
- 2) If the other parent agrees and signs the notice, you can file the signed notice with the court and move without going to court.
- 3) If the other parent doesn't agree or doesn't sign the notice, you have to go to court to ask permission to move. File a [Petition to relocate](#).

For more information, see [Moving with a child](#). Best of luck to you!

Sincerely, Nicole

Governing Law

Applicable Law

- 750 ILCS 5/ Illinois Dissolution of Marriage Act
- 600 Definitions
- 609.2 Parent's relocation
- 610.5 Modification

Background of the Law

No modification of parental responsibilities may be made within 2 years of entry of the previous court order, unless there is an emergency situation or a "substantial change in circumstances." 750 ILCS 5/610.5. Relocation is considered a substantial change under the Act. *Id.*

A parent is seeking "relocation" if:

- 1) The child's current primary residence is in Cook, DuPage, Kane, Lake, McHenry, or Will county, and the parent seeks to move to a new residence that is within Illinois and more than 25 miles away from the child's current residence;
- 2) The child's current primary residence is not located in a county listed in paragraph (1), and the parent seeks to move to a new residence within Illinois that is more than 50 miles from the child's current residence; or
- 3) The parent intends to move the child from their current primary residence to a residence outside of Illinois that is more than 25 miles from the current residence.

If a parent with equal or majority of parenting time wishes to move and the move qualifies as a relocation, the relocating parent must notify the other parent at least 60 days in advance of the change in residence. 750 ILCS 5/609.2. If the other parent does not agree to the relocation and sign the Notice, the relocating parent must seek permission of the court. If the other parent consents, the signed Notice should be filed and no further court action is required. *Id.*

Relevant ILAO Content

Pro se

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[Notice of relocation](#)

[Petition to relocate](#)

For legal professionals

[Divorce and custody \(Lawyer Manual\)](#)