

Questions and Answers about Washington's Relocation Law

A. Should I read this?

If you are your child's legal custodian, or if, effective 7/28/19, you share joint custody, and you want to move (relocate) with the child, you may have to do a few things first under state law. If an existing court order gives someone else visitation rights, or equal time with the child, you must give that person notice of your plan to move. A parent who objects to the child moving must file an objection with the court within 30 days.

❖ This law is complicated. Talk to a lawyer before deciding whether to move.

If there is no existing court order, or the court order does not give anyone else visitation rights or equal time with the child, the law does not apply to you. You can move. Just be aware of custodial interference laws and jurisdiction laws. (See Section "C," below.)

This publication has no court forms. If you are ready to file something, use one of these packets available at WashingtonLawHelp.org:

- [Following Washington's Relocation Law](#)
- [Objecting When the Other Parent Wants to Move with the Child](#)
- [Getting an Ex Parte Order to Move with Your Children](#)

If you are a noncustodial parent with the right to time with the child under a parenting plan, or you have joint custody and you have gotten notice of the other parent's intended move, read this for general info about trying to stop the move.

If you are a third party with some right to time with the child, read the section "Objections by Nonparents." Your rights are limited.

❖ The law is complicated. Read this step-by-step.

❖ "Parenting plan" here can also mean a custody order.

B. Where can I read the law?

You can read the relocation law starting at [RCW 26.09.405](#). RCW stands for Revised Code of Washington.

C. We do not have a parenting plan. Can I move with the child?

If there is no existing order regarding residential time or visitation, **the law does not apply**. You can move. Just be aware of custodial interference laws and UCCJA (jurisdiction) laws.

Even where there is no parenting plan, **custodial interference laws** make it a crime to take or hide a child from the other parent to deny that parent access to the child. It is a more serious crime if someone moves the child from the state where the child lives.

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- ❖ Let the other parent know where you are going and how to reach you to arrange contact with the child. That should minimize the risk of your being charged with criminal custodial interference.
 - ❖ If you feel there are safety reasons you cannot tell the other parent where you are going, talk to a lawyer right away.
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The **UCCJA** is the law controlling which court has **jurisdiction** (authority) to make custody and visitation decisions about your child. It says that, in most cases, if a child moves out of state, the old state is still the child's "home state" for six months after the move as long as one parent still lives there. Any court action within the first six months after the move probably must take place in the old state. If you have no parenting plan, and the other parent stays in Washington and files a court case, you must respond in and be ready to return to Washington.

D. We have a parenting plan. I want to move with the child. What do I do?

1. How do I move within the same school district?

You must provide every person entitled to visitation (or who has equal time with the child):

- your new address
- your phone number
- any new daycare provider or school

The notice may be in any form. You can tell the other parent on the phone, in person, by email, or hand them a note. **It is best to send a letter** by certified mail or any form of mail providing proof of delivery. Keep a copy for your records.

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- ❖ No one may object to this type of relocation.
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2. How do I move outside of our school district?

You must give the other parent and anyone else entitled to visitation notice of your intent to move.

Generally, you must give notice **at least 60 days** before the date of your intended move in one of these ways:

- personal service, by a third party who signs a statement that they gave the other parent the notice
- any form of mail requiring a return receipt

❖ **Example 1:** You plan to move on September 1. You must give the other parent notice on or before July 2.

❖ **Example 2:** You give notice on July 1 that you plan to move to another city. You do not have the exact new address at the time of notice, so you do not include it. On July 15, you get a new address. You must write the court and everyone entitled to residential time or visitation a letter with the new address. This shows the court you are following the law in “good faith.” This helps when the court decides whether to allow the relocation.

The next section explains exceptions to this 60-day notice requirement.

3. What if I have an emergency and need to move quickly?

You must give notice within five days after you actually know you are moving. You must show you could not reasonably have known about the move in time to give 60 days’ notice, and you cannot reasonably delay the move.

❖ **Example:** On November 1 you get a notice that the military is transferring you on November 30. You must give notice by November 6.

Other exceptions:

- a. You are going into a domestic violence shelter: you may delay notice for 21 days. The shelter does not have to disclose any confidential information about itself.
 Example: You enter a DV shelter on July 1. You do not have to give notice until July 27 (21 days plus the five days discussed above). You do not need to include the confidential address.
- b. If you are in the Address Confidentiality Program or have a court order that lets you withhold specific info, do not put that info in your notice.

- c. If you are moving to avoid a clear, immediate, and unreasonable risk to your health or safety or your child’s health or safety, you can delay notice for 21 days (plus five days discussed above). This is the same as if you were moving to a DV shelter.

If you believe releasing certain info required in the notice would risk your or your child’s health or safety, you can ask for an *ex parte* hearing to have that part of the notice requirement waived (canceled). You have an *ex parte* hearing without giving the other person notice of the hearing, or giving them very little notice. Usually this hearing is the same day you ask for it. Use [Getting an Ex Parte Order to Move with Your Children](#).

After this hearing, the court may waive some or all the required notice info. Then you would not have to give notice or all the normally required details. Or the court may grant some other type of relief that meets your child’s and/or your needs.

❖ “The court” here means the judge or family court commissioner who hears your case.

E. Where do I file my notice?

In the same court that entered your divorce or parenting plan, if possible. If you file in a different county, you must first register your current parenting plan as a foreign order in that county, and get a new case number for that county.

F. What if I do not give notice?

This is grounds for sanctions (punishment) by the court, including contempt. If you move without giving notice, or after giving improper notice, the court could

- order the child to move back to your old location in Washington, or the other parent’s home
- order you to pay the other parent’s attorney’s fees and costs

A court that finds you in contempt could order jail time, fines, or some other punishment.

❖ A court that finds you in contempt more than once in a three-year period may award the other parent custody.

G. I have given notice. When can I move?

Usually you should wait until 60 days have passed after giving notice before moving, unless one of the exceptions above applies.

In general:

- You may not move the child during the first 30 days without a court order, unless you can show that the other parent will not object.
- If no one files an objection within 30 days, you can move.
- If someone DOES file an objection, wait until the judge has made a final decision about that objection OR you get a court order letting you move on a temporary basis. (See section below on Temporary Orders.)

Technically, the objecting parent must schedule a hearing within fifteen days by filing a motion to stop you from moving temporarily before the court makes its final decision. Even if she does not do this, think carefully about moving before the court makes a final decision. If you cannot follow the existing parenting plan after you move, you run a very serious risk of being in contempt. (See above.)

Even if you could still follow the parenting plan after moving, the judge may think it was in “bad faith” to move after the other parent objected. You might have to move your child twice if the court’s final order does not let you move the child permanently.

H. I am the other parent. I have gotten a notice of intended relocation. How do I object?

If the proposed relocation is within the same school district, you **may not** object. You can still modify (change) the parenting plan if needed to make minor changes to visits or other sections. (**Examples:** who provides transportation; the spot where you exchange the child.)

If the proposed relocation is **outside the current school district** and you do not want your child to move, you **must** file an objection **within 30 days** of getting that notice. You file the Objection form with the court and serve copies on the moving parent **and everyone else with visitation rights**. Use [Objecting When the Other Parent Wants to Move with the Child](#).

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- ❖ **Writing the judge or relocating parent a letter is not enough under the law.**
 - ❖ The court cannot stop the adult from moving. If you file an objection to stop the child from moving, be ready to have the child live with you, and to prove to the court that would be in the child’s best interest.
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If you do not object to the child moving but disagree with the moving parent’s new proposed parenting plan, you can use this process to object to it.

I. I am the other parent. What if the parent moved outside the school district without giving me proper notice?

You can file an objection.

J. Where do I file my objection?

In one of these: the county where

- the notice of relocation was filed (if you know)
- you were divorced
- the parenting plan was filed

If you file in a different county than the one that entered the parenting plan, you must first register the parenting plan as a foreign order in that county, and get a new case number.

If you live in a county different from the one that entered the old parenting plan and where the child lives, do not file it in your own county. You must file either in the county whose court entered the old parenting plan or where the child lives.

K. What if I do not object to the relocation?

If you do not object within 30 days of getting the notice to relocate, the court will allow the move. It will make the changes requested in the moving parent's proposed parenting plan.

L. I do not object to the move. Can I get changes to the parenting plan anyway?

Yes. You can still move to modify (change) the parenting plan. You can do so within the first 30 days after getting notice OR after the 30 days have passed. You may simply agree with the proposed parenting plan that came with the notice, or you can ask for different visitation.

❖ **Example:** You do not object to your child moving 35 miles away. You do want more overnight visits, or to change midweek visits to the weekend.

M. How does the court rule on my objection?

The court must decide if it should let the child move anyway. The court **will** allow the move **unless** you have evidence that the negative effect of the move outweighs its benefit to the child and moving parent. The court will consider:

- The relative strength, nature, quality, extent of involvement and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life.
- Past agreements between you and the other parent.
- If disrupting the contact between the child and moving parent would harm the child more than disrupting contact between the child and you would.
- If either parent or any other person entitled to time with the child is subject to limitations under [RCW 26.09.191](#).
- Each person's reasons for wanting or objecting to the move, and your good faith in asking for or objecting to the move.
- The child's age, developmental stage, and needs, and the likely impact the move or prevention of it will have on the child's physical, educational, and emotional development, taking into consideration any special needs the child has.
- The quality of life, resources and opportunities available to the child and moving parent in the current and proposed locations.
- The availability of alternative arrangements to foster and continue the child's relationship with and access to you.
- The alternatives to moving and if you can and should also move.
- The financial impact and logistics of the move or its prevention.

[RCW 26.09.520](#).

N. Is there anything the court cannot ask about?

The court SHOULD NOT consider:

- If the moving parent will stay if the court will not let the child move.
 - If you will actually move yourself, along with the child, if the court lets the child move.
- [RCW 26.09.530](#).

After the court decides whether to let the child move, the court can consider this evidence if it must still make changes to the parenting plan.

O. What happens after my deadline for objecting has run if I do not object?

If you do not object within 30 days of getting notice, the court will automatically grant the relocation.

After the 30-day period expires, either parent can ask the court to sign and enter the revised proposed parenting plan submitted with the notice. If you do not do this, it may be hard to enforce the new parenting plan.

P. I am a grandparent or other relative. Can I object to the move?

A court **may not** stop a move when only a nonparent objects UNLESS both of these are true:

- the nonparent has court-ordered visitation rights.
- the nonparent has been the child’s custodian for a good part of the past three years.

Q. Can I get a court order before the hearing on relocation happens?

Yes.

If you have objected to relocation and are waiting for a hearing, ask for a temporary order preventing the child’s move OR ordering the child’s return if they have already moved. Use [Objecting When the Other Parent Wants to Move with the Child](#).

If you have given notice of intended relocation, you can ask for a temporary order approving the move. (Use [Following Washington’s Relocation Law](#).) The court will grant the order, before a final hearing, if it finds both of these:

1. You gave the required notice when you were supposed to or, even if you did not, there is still enough reason to enter a temporary order.
2. After examining both parties’ evidence, it is likely the court would approve the move.

❖ In limited circumstances, a moving parent may be able to get an **ex parte** (emergency) order allowing the move before the 30 days have passed. Use [Getting an Ex Parte Order to Move with Your Children](#).

R. What if I need legal help?

- Apply online with [CLEAR*Online](https://nwjustice.org/get-legal-help) - nwjustice.org/get-legal-help
or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington’s toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- Outside King County: Call 1-888-201-1014 weekdays, 9:15 a.m. - 12:15 p.m.
- King County: Call 211 for info and referral to a legal services provider, weekdays 8:00 am – 6:00 pm. You can also call (206) 461-3200 or toll-free 1-877-211-WASH (9274). You can also get info on King County legal service providers at www.resourcehouse.com/win211/.
- Seniors age 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. Seniors in King County can call 2-1-1.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1-877-211-9274) using the relay service of their choice.

CLEAR and 211 will conference in free interpreters when needed.

Free legal education publications, videos and self-help packets covering many legal issues are available at WashingtonLawHelp.org.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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