

750 ILCS 5/609.2

750 ILCS 5/609.2 Parent's Relocation.

- (a) A parent's relocation constitutes a substantial change in circumstances for purposes of Section 610.5 [750 ILCS 5/610.5].
- (b) A parent who has been allocated a majority of parenting time or either parent who has been allocated equal parenting time may seek to relocate with a child.
- (c) A parent intending a relocation, as that term is defined in paragraph (1), (2), or (3) of subsection (g) of Section 600 of this Act [750 ILCS 5/600], must provide written notice of the relocation to the other parent under the parenting plan or allocation judgment. A copy of the notice required under this Section shall be filed with the clerk of the circuit court. The court may waive or seal some or all of the information required in the notice if there is a history of domestic violence.
- (d) The notice must provide at least 60 days' written notice before the relocation unless such notice is impracticable (in which case written notice shall be given at the earliest date practicable) or unless otherwise ordered by the court. At a minimum, the notice must set forth the following:
 - (1) the intended date of the parent's relocation;
 - (2) the address of the parent's intended new residence, if known; and
 - (3) the length of time the relocation will last, if the relocation is not for an indefinite or permanent period.

The court may consider a parent's failure to comply with the notice requirements of this Section without good cause (i) as a factor in determining whether the parent's relocation is in good faith; and
- (ii) as a basis for awarding reasonable attorney's fees and costs resulting from the parent's failure to comply with these provisions.
- (e) If the non-relocating parent signs the notice that was provided pursuant to subsection (c) and the relocating parent files the notice with the court, relocation shall be allowed without any further court action. The court shall modify the parenting plan or allocation judgment to accommodate a parent's relocation as agreed by the parents, as long as the agreed modification is in the child's best interests.
- (f) If the non-relocating parent objects to the relocation, fails to sign the notice provided under subsection (c), or the parents cannot agree on modification of the parenting plan or allocation judgment, the parent seeking relocation must file a petition seeking permission to relocate.
- (g) The court shall modify the parenting plan or allocation judgment in accordance with the child's best interests. The court shall consider the following factors:
 - (1) the circumstances and reasons for the intended relocation;
 - (2) the reasons, if any, why a parent is objecting to the intended relocation;
 - (3) the history and quality of each parent's relationship with the child and specifically whether a parent has substantially failed or refused to exercise the parental responsibilities allocated to him or her under the parenting plan or allocation judgment;
 - (4) the educational opportunities for the child at the existing location and at the proposed new location;
 - (5) the presence or absence of extended family at the existing location and at the proposed new location;
 - (6) the anticipated impact of the relocation on the child;

- (7)** whether the court will be able to fashion a reasonable allocation of parental responsibilities between all parents if the relocation occurs;
 - (8)** the wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to relocation;
 - (9)** possible arrangements for the exercise of parental responsibilities appropriate to the parents' resources and circumstances and the developmental level of the child;
 - (10)** minimization of the impairment to a parent-child relationship caused by a parent's relocation; and
 - (11)** any other relevant factors bearing on the child's best interests.
- (h)** If a parent moves with the child 25 miles or less from the child's current primary residence to a new primary residence outside Illinois, Illinois continues to be the home state of the child under subsection (c) of Section 202 of the Uniform Child-Custody Jurisdiction and Enforcement Act [750 ILCS 36/202]. Any subsequent move from the new primary residence outside Illinois greater than 25 miles from the child's original primary residence in Illinois must be in compliance with the provisions of this Section.