

New Hampshire Relocation Statutes

N.H. Rev. Stat. Ann. § 458:23-a. Relocation of the Principal Residence of a Child

I. This section shall apply to relocation of the principal residence of a child if the existing custody order or other enforceable agreement between the parties does not expressly govern the relocation issue. This section shall not apply if the relocation results in the child moving closer to the non-custodial parent or to any location within the child's current school district.

II. The custodial parent, prior to relocating, shall provide reasonable notice to the non-custodial parent. For purposes of this section, 60 days notice shall be presumed to be reasonable unless other factors are found to be present.

III. At the request of either the custodial or non-custodial parent, the court shall hold a hearing on the relocation issue.

IV. The custodial parent seeking permission to relocate bears the initial burden of demonstrating, by a preponderance of the evidence, that:

- (a) The relocation is for a legitimate purpose; and
- (b) The proposed location is reasonable in light of that purpose.

V. If the burden of proof established in paragraph IV is met, the burden shifts to the non-custodial parent to prove, by a preponderance of the evidence, that the proposed relocation is not in the best interest of the child.

VI. If the court has issued a temporary order authorizing temporary relocation, the court shall not give undue weight to that temporary relocation as a factor in reaching its final decision.

VII. The court, in reaching its final decision, shall not consider whether the custodial parent seeking to relocate has declared that he or she will not relocate if relocation of the child is denied.

N.H. Rev. Stat. Ann. § 460:15. Custody of Children

No person shall take from the custody of such wife any minor child of the marriage residing with her, or remove the child from this state against the consent of the mother.

N.H. Rev. Stat. Ann. § 460:20. Custody of Children

No person shall take from the custody of such husband any minor child of the marriage residing with him, or remove the child from this state against the consent of the father.