



Custody and Mobility by Scott D. Abel

During a divorce or separation, It is generally always in a child's best interest to maintain a relationship with both parents. People as individuals, bring different skills and backgrounds to the raising of their children. What I as a father bring to the parenting table is very different than what my wife as a mother brings to that same table. During a divorce or separation, the child needs to maintain that relationship with both parents so as to have the benefit of both parent's skills.

However, one of the realities of our present day society, is that people are much more mobile than they used to be. People, for economic or social reasons, are prepared to move and do move much more frequently, which is not a concern if the family remains intact.

The issue becomes much more intensified if the parents are separated, and the custodial parent wishes to move with the child, causing the other parent to have his or her access interrupted. Take for example, the situation where the mother has primary care of the children, and the father sees the children every second weekend. The mother has accepted a job in Ontario, and wishes to move with the Children, causing the father to not be able to see the children

every second weekend.

We would advise the mother to have her notify the father, in writing, as early as possible, of the intended move. In this way, if the father does not oppose the move, plans can be made to ensure that the father will have continued periods of access to the children. They may not be as frequent, but the length of those periods may be extended.

If the father does oppose the move, if provides time for the matter to either again be discussed, or one or both parties to proceed to Court, in order for a judge to determine what ought to happen.

The Court is always interested in what is in the best interests of the child. If the move, although for economic reasons of the mother, is still in the best interests of the child, the Court will permit the mother to move.

By the moving parent advising the other parent early of their intentions, it allows the parent opposing the move to proceed to Court and for both parents to provide the Court with all of the relevant and important evidence that the Court will require, in order for the Court to make a reasoned and informed decision.

The parent who is moving also has reasons to advise the other parent early of the intended move. The last thing that the moving parent wishes to have happen is for the move to be planned, and the day before the move, or even during the move, for the Court to order that the parent cannot move with the Children. The Children will be disrupted as will the parent who intended on moving.

There is no easy answer in situations where one parent is seeking to move. On the one hand, the moving parent may have an opportunity for a new job, with a better income so as to be better able to provide for the children. On the other hand, such a move will result in the children seeing the parent who is not moving less frequently.

Although the world is getting smaller, in circumstances where the family has already suffered through a divorce, and now may be further separated geographically, the parent who is not moving will tell you that the world is not small enough.