



House of Representatives

General Assembly

File No. 463

February Session, 2006

Substitute House Bill No. 5536

House of Representatives, April 10, 2006

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE RELOCATION OF PARENTS HAVING CUSTODY OF MINOR CHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) (a) In any proceeding
2 before the Superior Court arising after the entry of a judgment
3 awarding custody of a minor child and involving the relocation of
4 either parent with the child, where such relocation would have a
5 significant impact on an existing parenting plan, the relocating parent
6 shall bear the burden of proving, by a preponderance of the evidence,
7 that (1) the relocation is for a legitimate purpose, (2) the proposed
8 location is reasonable in light of such purpose, and (3) the relocation is
9 in the best interests of the child.

10 (b) In determining whether to approve the relocation of the child
11 under subsection (a) of this section, the court shall consider, but such
12 consideration shall not be limited to: (1) Each parent's reasons for
13 seeking or opposing the relocation; (2) the quality of the relationships
14 between the child and each parent; (3) the impact of the relocation on

15 the quantity and the quality of the child's future contact with the
16 nonrelocating parent; (4) the degree to which the relocating parent's
17 and the child's life may be enhanced economically, emotionally and
18 educationally by the relocation; and (5) the feasibility of preserving the
19 relationship between the nonrelocating parent and the child through
20 suitable visitation arrangements.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires a parent having custody of minor children to prove that relocation is in the best interest of the children. Current law places the burden of proof on the defendant to refute that a proposed move is not for good reason or in the best interest of the child. This change is not expected to substantially alter the workload of the Judicial Department and consequently there is no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5536*****AN ACT CONCERNING THE RELOCATION OF PARENTS HAVING CUSTODY OF MINOR CHILDREN.*****SUMMARY:**

This bill requires parents who relocate or plan to relocate with a child to prove that the relocation is in the child's best interest. Current law places the burden on the parent objecting to the move. It also codifies a nonexclusive list of factors family courts must consider when the non-relocating parent seeks to block the move due to its significant impact on an existing parenting plan (i.e., a court-approved custody and visitation schedule). These considerations are already required by the common (judge-made) law.

EFFECTIVE DATE: October 1, 2006

BURDEN OF PROOF IN PARENTAL RELOCATION DISPUTES

By law, a relocating parent has the burden of proving, by a preponderance of the evidence, that (1) the relocation is for a legitimate purpose and (2) the new location bears a reasonable relationship to that purpose. If those two burdens are met, current law shifts the burden to the parent objecting to the move to prove that it would not be in the child's best interest. The bill places all three burdens of proof on the relocating parent.

COURT CONSIDERATIONS

Factors a court must consider in resolving relocation disputes include, at a minimum:

1. each parent's reasons for seeking or opposing the relocation;

2. the quality of the child's relationship with each parent;
3. the relocation's impact on the quality and quantity of the child's future contact with the nonrelocating parent;
4. the degree to which the relocation may enhance the relocating parent and child economically, emotionally, and educationally; and
5. the feasibility of making suitable visitation arrangements to preserve the relationship between the child and nonrelocating parent.

BACKGROUND

Related Case

In 1998, the Connecticut Supreme Court ruled that a divorced parent objecting to his ex-spouse's decision to relocate with their child had to prove that the move was not in the child's best interests. The Court also listed factors that judges should consider in resolving these disputes (*Ireland v. Ireland*, 246 Conn. 413).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0 (03/27/2006)