



General Assembly

February Session, 2006

**Raised Bill No. 5536**

LCO No. 2059

\*02059\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE BURDEN OF PROOF IN CUSTODY PROCEEDINGS REGARDING THE RELOCATION OF A PARENT WITH A MINOR CHILD.***

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

1 Section 1. (NEW) (*Effective October 1, 2006*) Notwithstanding any  
2 provision of law, in any proceeding before the Superior Court  
3 involving the custody of a minor child in which a motion is made by  
4 either parent of such child regarding relocation with the child, and the  
5 relocation would have a significant impact on an existing parental  
6 responsibility plan, the relocating parent bears the burden of proving,  
7 by a preponderance of the evidence, that (1) the relocation is for a  
8 legitimate purpose, (2) the proposed location is reasonable in light of  
9 such purpose, and (3) the relocation is in the best interests of the child.  
10 In determining whether to grant such motion, the court shall consider  
11 the child's relationship with the nonrelocating parent and the effect of  
12 the relocation on such relationship. The provisions of this section shall  
13 apply to any such motion filed or pending on or after the effective date  
14 of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	New section
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***Statement of Purpose:***

To require that, in child custody proceedings in which a motion is made by either parent regarding relocation with the child, the relocating parent has the burden of proving that the relocation is in the best interests of the child.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*