

IN THE CIRCUIT COURT OF THE __TH
JUDICIAL CIRCUIT IN AND FOR _____
COUNTY, FLORIDA

IN RE: THE MARRIAGE OF

MINDY MOM,

GENERAL JURISDICTION DIVISION

Petitioner,

CASE NO.:

v.

FRED FATHER,

Respondent.

_____ /

**VERIFIED EMERGENCY MOTION FOR TEMPORARY ORDER TO RELOCATE
WITH MINOR CHILD**

Petitioner, MINDY MOM, being sworn, certify the following information to be true.

I. Notice of Intent to Relocate with Children

A Notice of Intent to Relocate with Children was served on the Respondent on _____. An Objection to Notice of Intent to Relocate with Children was filed by the Respondent on _____ (and served upon the Petitioner on _____) within 30 days of service of the Notice of Intent to Relocate. Petitioner requests the Court allow relocation with the following minor child: Little Kid DOB: _____.

II. Relocation Request

Petitioner intends to relocate with the minor child for a period of sixty (60) or more consecutive days to a location that is greater than 50 miles from the residence at the time of the last order on custody and/or visitation. Petitioner intends to relocate to the following location:

Physical Address: _____.

III. Reason for Relocation

The specific reason(s) for the proposed relocation of the minor children is as follows:

Petitioner has primary custody of the minor child. Petitioner recently married and her

Husband lives _____ where he has lived and worked for the same company for _____ years. Although mindful of the separation such a relocation would cause between the minor child and her father, the Respondent, Petitioner believes that such a relocation would be beneficial to the minor child and be in her best interests because it will increase her educational opportunities, provide her with a more stable financial support-system as well as a more stable familial environment; give the Petitioner greater ability to become employable on a steady basis and otherwise substantially improve the living conditions of the minor child, while at the same time provide reasonable visitation to the Respondent at no cost to him for the minor child's transportation.

IV. Why Relocation Should Be Granted

Section 61.13001(7) Florida Statutes (2008) provides:

In reaching its decision regarding a proposed temporary or permanent relocation, the court shall evaluate all of the following factors:

- (a) The nature, quality, extent of involvement, and duration of the child's relationship with the parent proposing to relocate with the child and with the nonrelocating parent, other persons, siblings, half-siblings, and other significant persons in the child's life.
- (b) The age and developmental stage of the child, the needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child.
- (c) The feasibility of preserving the relationship between the nonrelocating parent or other person and the child through substitute arrangements that take into consideration the logistics of contact, access, and time-sharing, as well as the financial circumstances of the parties; whether those factors are sufficient to foster a continuing meaningful relationship between the child and the nonrelocating parent or other person; and the likelihood of compliance with the substitute arrangements by the relocating parent once he or she is out of the jurisdiction of the court.
- (d) The child's preference, taking into consideration the age and maturity of the child.
- (e) Whether the relocation will enhance the general quality of life for both the parent seeking the relocation and the child, including, but not limited to, financial or emotional benefits or educational opportunities.

- (f) The reasons of each parent or other person for seeking or opposing the relocation.
- (g) The current employment and economic circumstances of each parent or other person and whether or not the proposed relocation is necessary to improve the economic circumstances of the parent or other person seeking relocation of the child.
- (h) That the relocation is sought in good faith and the extent to which the objecting parent has fulfilled his or her financial obligations to the parent or other person seeking relocation, including child support, spousal support, and marital property and marital debt obligations.
- (i) The career and other opportunities available to the objecting parent or objecting other person if the relocation occurs.
- (j) A history of substance abuse or domestic violence as defined in s. 741.28 or which meets the criteria of s. 39.806(1)(d) by either parent, including a consideration of the severity of such conduct and the failure or success of any attempts at rehabilitation.
- (k) Any other factor affecting the best interest of the child or as set forth in s. 61.13.

An analysis of the facts of this matter favor granting the Petitioner's relocation request because:

- (a) The nature, quality, extent of involvement, and duration of the child's relationship with the parent proposing to relocate with the child and with the nonrelocating parent, other persons, siblings, half-siblings, and other significant persons in the child's life.

Petitioner: Has had primary custody and has always placed the needs and best interests of the minor child first and has been the parent who has completely managed all aspects of the minor child's education, health and maturation. The Petitioner and the minor child enjoy a very close mother-daughter relationship and the minor child is completely dependent upon the Petitioner for all aspects of her care and upbringing.

Respondent: Although the minor child is close to the Respondent, the Respondent does not exercise any responsibility or take any interest in the day to day aspects of her up-bringing. The Respondent is neglectful of the minor child's educational needs and requirements and frequently mishandles health issues or concerns of the minor child when he is in her care.

Others: There are no other significant persons in the minor child's life that the proposed relocation would affect.

(b) The age and developmental stage of the child, the needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child.

The minor child is currently _____ () years of age. The school she currently attends is the _____ school. It carries a ____ rating based upon Florida's FCAT scores.

The school to which the Petitioner intends to relocate the minor child is _____ which is part of the _____ School District. _____ Schools has _____ demonstrated

Petitioner has taken a very active role in the minor child's education since she started Pre-kindergarten. Petitioner has been involved in all of the minor child's activities at school and field trips. Petitioner has funded all moneys needed by the minor child for field trips and extracurricular activities with no contribution from the Respondent. Petitioner monitors the minor child's homework nightly and makes sure that she starts and finishes her homework correctly and on time. Petitioner reviews the material with the minor child before her weekly Friday exams. Petitioner has also been paying for tutoring for the minor child when and where necessary during her attendance at school. With the parental concern, support and supervision of the Petitioner, the minor child has been receiving excellent grades.

The Respondent has never been involved in the minor child's schooling or played any role in supervising her or assisting her with her homework. He has not shown any interest to be involved as volunteer in the school. In all the years the minor child has attended school, the Respondent has only participated with the minor child in school as follows:

(c) The feasibility of preserving the relationship between the nonrelocating parent or other person and the child through substitute arrangements that take into consideration the logistics of contact, access, and time-sharing, as well as the financial circumstances of the parties; whether those factors are sufficient to foster a continuing meaningful relationship between the child and the nonrelocating parent or other person; and the likelihood of compliance with the substitute arrangements by the relocating parent once he or she is out of the jurisdiction of the court.

Petitioner has proposed an aggressive schedule of visitation, travel and open contact and access for the minor child to maintain her relationship with the Respondent and has committed to a time-sharing arrangement detailed in the Notice of Relocation. Petitioner, with her Husband's assistance, has the financial ability to ensure that the visitation is effectuated. Petitioner also has the sincere desire that the minor child not lose contact with her father and that the father-daughter bond between them remain strong. Petitioner has always complied with her obligations under the orders of this Court and fully intends to continue to comply with her obligations to arrange for, fund and encourage visitation as proposed by her or as ordered by this Court as any condition for her relocation with the minor child. Notwithstanding her intent to relocate, Petitioner's ties with the State of Florida and _____County remain strong and will likely continue into the future because all of her family and their children reside in _____County.

(d) The child's preference, taking into consideration the age and maturity of the child.

The Petitioner has never and will never put the minor child in a position to make such a choice. The Petitioner has always raised the minor child to have the utmost respect and love for both of her parents and, as such, the Petitioner does not believe that this is a factor which should be applicable, given the minor child's age and maturity.

(e) Whether the relocation will enhance the general quality of life for both the parent seeking the relocation and the child, including, but not limited to, financial or emotional benefits or educational opportunities.

The area to which the Petitioner proposes to relocate in the State of _____ is a suburb of _____, offering a superior quality of life for both the Petitioner and the minor child and enhanced career opportunities for the Petitioner.

Such relocation will be a substantial change in the living conditions for both the Petitioner and the minor child. Currently, the Petitioner and the minor child _____ have _____ the _____ following _____ living arrangements_____

From an emotional standpoint, both the Petitioner and the minor child will benefit from the caring assistance of the Petitioner's new Husband and will benefit from a more stable family unit providing greater adult support and supervision.

(f) The reasons of each parent or other person for seeking or opposing the relocation.

The Petitioner's reasons for the relocation are legitimate and flow from her seeking to better her and the minor child's lives and come as a natural consequence of her falling in love with and marrying her new Husband.

Respondent's Objection is neither verified nor does it include the specific factual basis supporting the reasons for seeking a prohibition of the relocation. Significantly, no statement of the amount of participation or involvement the objecting party currently has or has had in the life of the child is included.

Other than pure vindictiveness, the Petitioner doesn't understand the reason why the Respondent is opposing the relocation. The Respondent never has followed the schedule agreed to in the divorce agreement and has never showed up for his visitations with his daughter on Wednesday of every other week and Tuesday/Thursday of every other week.

g) The current employment and economic circumstances of each parent or other person and whether or not the proposed relocation is necessary to improve the economic circumstances of the parent or other person seeking relocation of the child.

The Petitioner's current employment is as follows: _____

The Petitioner's current monthly income is approximately \$_____ a month.

The anticipated employment and economic circumstances of the Petitioner after relocation is will be positive because

The current employment and economic circumstances of the Respondent is as follows:

(h) That the relocation is sought in good faith and the extent to which the objecting parent has fulfilled his or her financial obligations to the parent or other person seeking relocation, including child support, spousal support, and marital property and marital debt obligations.

The relocation is sought by the Petitioner in good faith.

The Respondent has failed in many respects to fulfill his financial obligations to the Petitioner, including child support and his daughter's health insurance.

Petitioner was forced to file a motion for civil contempt/enforcement to compel the Respondent to provide health insurance for the minor child.

After Respondent switched employment, Petitioner requested proof of continuing coverage and a copy of the health insurance card, yet to date Petitioner still has not been supplied with proof of insurance or the health insurance card from the Respondent.

Respondent has failed to maintain his visitation as per the schedule established by the Final Judgment. Petitioner even took action to attempt to enforce such visitation in the minor child's best interests by filing a motion for civil contempt/enforcement concerning visitation.

(i) The career and other opportunities available to the objecting parent or objecting other person if the relocation occurs.

There are more job opportunities in the relocation area than in _____ County, FL.

(j) A history of substance abuse or domestic violence as defined in s. 741.28 or which meets the criteria of s. 39.806(1)(d) by either parent, including a consideration of the severity of such conduct and the failure or success of any attempts at rehabilitation.

The conduct of the Respondent always has been disrespectful and contemptuous during and after separation and after divorce.

(k) Any other factor affecting the best interest of the child or as set forth in s. 61.13.

Petitioner's new husband is a very loving, family oriented, respectful, stable, hard working person and will be a good role model for the minor child as a friend and responsible adult in her life.

V. Necessity for Emergency Temporary Relief

The reason this matter needs to be considered on an Emergency Motion for Temporary Relief is as follows:

VI. Proposed Visitation Schedule, Transportation, and Payment of Costs:

A. Proposed Visitation Schedule:

See Supplemental Petition to Modify Parenting Plan/Time-Sharing Schedule And Other Relief.

B. Proposed Method of Transportation:

See Supplemental Petition to Modify Parenting Plan/Time-Sharing Schedule And Other Relief

C. Person Responsible for arranging transportation for visitation:

See Supplemental Petition to Modify Parenting Plan/Time-Sharing Schedule And Other Relief

D. Person responsible for payment of transportation costs:

See Supplemental Petition to Modify Parenting Plan/Time-Sharing Schedule And Other Relief

E. Method of Payment/Payment Plan

See Supplemental Petition to Modify Parenting Plan/Time-Sharing Schedule And Other Relief

VII. Respondent's Objection

Section 61.13001(5) Florida Statutes (2008) provides:

CONTENT OF OBJECTION TO RELOCATION.--An objection seeking to prevent the relocation of a child must be verified and served within 30 days after service of the Notice of Intent to Relocate. The objection must include the specific factual basis supporting the reasons for seeking a prohibition of the relocation, including a statement of the amount of participation or involvement the objecting party currently has or has had in the life of the child.

Here, Respondent's Objection is neither verified nor does it include the specific factual basis supporting the reasons for seeking a prohibition of the relocation. Significantly, no statement of the amount of participation or involvement the objecting party currently has or has had in the life of the child is included.

Dated:

Signature

Printed Name:

Address: _____

City, State, Zip: _____

Telephone Number: _____

**STATE OF FLORIDA
COUNTY OF**

BEFORE ME, the undersigned authority, personally appeared _____, who being first duly sworn, deposes and says that she has read the foregoing **VERIFIED EMERGENCY MOTION FOR TEMPORARY ORDER TO RELOCATE WITH MINOR CHILD**, and she states that on her personal knowledge everything alleged therein is true and correct.

SWORN TO AND SUBSCRIBED before me, this..... day of _____, 2009.

NOTARY PUBLIC, State of Florida
My Commission Number:
My Commission Expires:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was () *mailed*
() hand delivered () faxed to: {name} _____
at (address) _____
on the _____ day of _____, 20_____