

## 2016: Gitlin on Divorce - Relocation Cases by District

Case Name	Citation	Year	App. Dist.	Tr. Court Rvrsd.	State Removal Sought (Miles)	Cnsdrtn. of Indirect	Enhancement to General Quality of Life	Reduction in Visitatn.	Comment:
<b>Allowed</b>									
<a href="#">Collingbourne</a>	204 Ill. 2d 498	2003		Reversed*	Massachusetts	Yes	Mother married man employed out of state.	0%	Key Supreme Court decision affirming consideration of indirect benefits. 8 to 10 weeks in summer plus extended visitation proposed at other times.
<b>First</b>									
<a href="#">Roppo</a>	225 Ill.App.3d 721	1991	1	Reversed	Wisconsin (4.5 hrs.)	Yes	Distance critical factor	0%	
<a href="#">Zamarripa-Gesundheit</a>	175 Ill.App.3d 184	1988	1	Reversed	Washington	Yes	Spouse's job transfer		One of earlier indirect benefits case based on job xfer.
<a href="#">Miroballi</a>	225 Ill.App.3d 1094	1991	1	Reversed*	Michigan	Yes	Spouse out of state		*Trial Court's directed verdict denying removal reversed by ap. ct.
<a href="#">IRMO D.T.W.</a>	2011 IL App (1st) 111225	2011	1		Florida				Alienation important factor in this case involving professional basketball star D Wade.
<a href="#">Bhati and Singh</a>	397 Ill. App. 3d 53	2009	1	Reversed	North Carolina	Yes	Spouse physician out of state	Would Dimish	Airfare would be free. Impact on visitation factor against removal.
<b>Second</b>									
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<a href="#">Repond</a>	349 Ill.App.3d 910	2004	2	Reversed	Switzerland		Mother: Job as physicist in Switzerland. Was able to find nothing comparable here.		Justice Hutchinson (w/ McClaren and Grometer): Father exercised only 50% of allotted parenting time, had fmly in Switzerland and travelled Europe several times each year.
<a href="#">Gratz</a>	193 Ill.App.3d 142	1989	2		Arizona	No	Proven health benefits		
<b>Main</b>									
	361 Ill. App. 3d 983	2005	2	Affirm	Florida	Yes			Move to Florida allowed despite 4.5 hour move within Illinois even after removal battle in initial divorce lost (seeking removal to Florida)
<b>Third:</b>									
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<a href="#">Ballegeer</a>	236 Ill.App.3d 941	1992	3	Reversed	Colorado	Yes	Custodian's career opportunity		
<a href="#">Carlson</a>	216 Ill.App.3d 1077	1991	3	Reversed	Iowa (75, 1.5 hrs.)	Yes	Spouse out of state	Substantial	Fthr visitation varied from almost daily contact to some weekends
<a href="#">Good</a>	208 Ill.App.3d 775	1991	3	Reversed	Michigan (8 hrs.)	Yes	Custodian job transfer		
<a href="#">Young</a>	263 Ill.App.3d 901	1994	3	Reversed	Louisiana	Yes	Custodian job transfer		
<a href="#">Pfeiffer</a>	237 Ill.App.3d 510	1992	3		Wash. D.C.	Yes	Spouse's job transfer		
<a href="#">Taylor</a>	202 Ill.App.3d 740	1993	3		Virginia	Yes	Spouse's job transfer		
<a href="#">Coulter</a>	2012 IL App (3d) 100973	2012	3		Overseas	Yes	Career Advancement	Substantial	Foreign Service Officer Job with State Department. Mother offered all summer for parenting time plus.
<a href="#">Kincaid</a>	2012 IL App (3d) 110511	2012	3		Texas	Yes	Career Advancement		Extended family support network. Father failed to take advantage of mid-week and summer visitation.
<b>Fourth:</b>									
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<a href="#">Tedrick</a>	2015 IL App (4th) 140773	2015	4		South Carolina	Yes	Indirect Benefits. Stressful Illinois job.		
<a href="#">Banister</a>	2013 IL App (4th) 120916	2013	4	Reversed	KY, Then Maine: 320 mi. versus 1420	Yes	Spouse had out of state job - army	See para. 51	Case affirms previous <i>Lange</i> decisions of same district re jurisdiction. But contrary to later <i>Tavares</i> decision.
<a href="#">Deckard</a>	246 Ill.App.3d 427	1993	4		Georgia	Yes	Spouse found out of state job	Increase	
<a href="#">Branham</a>	248 Ill.App.3d 898	1993	4		Wisconsin (230)	Yes	Spouse out of state		
<a href="#">Herkert</a>	245 Ill.App.3d 1068	1993	4		New York	Yes	Spouse found out of state job		
<a href="#">Eaton</a>	269 Ill.App.3d 507	1995	4	Reversed	Florida	Yes	Spouse out of state - lawyer	'Drastic'	Highly mobile family/ Mother's Cooperation a factor in her favor
<a href="#">Parr</a>	802 N.E.2d 393	2003	4	Reversed	Colorado	Yes	Custodian's career opportunity		Wife good job offer in Colorado
<b>Fifth:</b>									
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<a href="#">Prible</a>	239 Ill.App.3d 761	1993	5	Reversed	Iowa (404, 7 hrs.)	Yes	Spouse out of state		
<a href="#">Shelton</a>	217 Ill.App.3d 26	1991	5		Florida	Yes	Spouse found out of state job		
<a href="#">Guthrie</a>		2009	5	Reversed	Arizona	Yes			Marriage of short duration; parties met and initially lived in AZ. Father: dismal employment record.

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<b>Not Allowed</b>									
<b>First</b>									
<i>Stone</i>	559 N.E.2d 92	1990	1		Colorado	No	No new Spouse or Job Transfer		Child had severe brain damage
<i>Christenson</i>	617 N.E.2d 302	1993	1		S. Carolina		No New Spouse or Job Transfer	49%	
<i>Gibbs</i>	645 N.E.2d 507	1994	1		Florida		New Spouse / No Job Transfer	Substantial	
<a href="#">Demaret</a>	2012 IL App (1st) 111916	2012	1		New Jersey	Yes	Pay Increase for Financially Successful Mother		No economic necessity for mother who had earned \$200k to \$300k. Rejected indirect benefits theory as applied.
<b>Second</b>									
<a href="#">Matchen</a>		2007	2	Affirm	3 hrs		New Spouse but possible to move.		Distance: McHenry County to Wisc. Dells. In camera testimony of children against move. Children strong ties to area.
<a href="#">Johnson and Pisowicz</a>	815 N.E.2d 1238	2004	2	Affirm	Arizona		Required job transfer of H or face severance package	"Dramatically": One evening ea wk plus one every other	Extended family in IL. Significant involvement of father. "A removal to Arizona would instead require Joseph and the children to visit very differently, much less frequently, and in bigger blocks of time." Generous schedule proposed only days before trial.
<a href="#">Stahl</a>	348 Ill. App. 3d 602	2004	2	Affirm	2.5 hrs: Kane County to Cedarburg, WI	Not really	Mother wanted to marry man from Cedarburg. Trial court may not have been aware of <i>Collingbourne</i> -- See <i>Repond</i>	Significant: e.g. 10 daytime visits / mo.	Kane County to Cedarburg, WI. Impact on father's visitation during week. Note: Bowman Dissent re not consistent with <i>Collingbourne</i> and similarly situated individuals should be able to receive similar treatment.
<i>Tysl v. Levine (Parentage)</i>	278 Ill.App.3d 431	1996	2	Reversed	Georgia	No?	Spouse Had Employment		Father had 150 nights visitation per year with children.
<i>Kutinac</i>	538 N.E.2d 862	1987	2	Reversed.	Florida	No	No New Spouse or Job Transfer		
<i>Berk</i>	574 N.E.2d 1364	1991	2		Canada (1,300)	No	Higher. std. of living insufficient	18%	Substantial reduction
<i>Jaster</i>	583 N.E.2d 659	1991	2		Georgia	No	No New Spouse or Job Transfer		F was an "exemplary parent"
<b>Third:</b>									
<i>Elliott</i>	279 Ill.App.3d 1061	1996	3		Ohio	No	Fiancé had Practice in Ohio		Children entire life in IL; Father close relationship; Child's Preference against
<i>Creedon</i>	615 N.E.2d 19	1993	3		Texas		No New Spouse or Job Transfer		15 days between entry of divorce judgment and filing removal petition
<a href="#">Hanse</a>	366 Ill. App. 3d 752	2006	3	Affirm	North Carolina		Fiancé self employed in N.C.		Extended family from IL. 604.5 testimony against removal.
<a href="#">Shinall v. Carter</a>	2012 IL App (3d) 110302	2012	3	Reversed	Colorado		New Husband lived in CO.	Drastic: 182 to 91	General quality of life improvement not shown. Important factor: 3 year old child.
<b>Fourth:</b>									
<i>Davis</i>	229 Ill.App.3d 653	1992	4	Reversed	Georgia		S out of St. Job / No increased income.	35%	Effect on surviving paternal grandparent's time considered.
<i>Clark</i>	246 Ill.App.3d 479	1993	4		Tennessee (463)		New Spouse / No Job Transfer		
<a href="#">Lange</a>	307 Ill. App. 3d 303	1999	4		First, IN, Then Texas		No increased income		Children had close relationship w. father and family members close in distance. Divorce judgment allowed removal to Indiana
<b>Fifth:</b>									
<i>Johnson</i>	660 N.E.2d 1370	1996	5	Reversed	Texas (550)			50%	Most relatives in IL; Father had extensive parenting time.
<i>Krivi</i>	283 Ill.App.3d 772	1995	5	Reversed	Minnesota (850)				factor.
<i>Firkus</i>	223 Ill.App.3d 94, 95	1991	5		Florida		No prima facie case presented.		
<a href="#">Newton v. Sale</a>	283 N.E.2d 837	2004	5	Affirm	Washington (state)		Spouse out of state but other factors	Substantial	Key factors are lengthy move shortly after the divorce.
<b>Other</b>									
<i>Smith (Sup Ct)</i>	665 N.E.2d 1209	1996	*		New Jersey		New Spouse Job		Overall enhancement of children's lives focus of Court's decision.
<b>Bold = Post-Collingbourne</b>									

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<b>Summary</b>	<b>Cases</b>	<b>Not</b>		<b>Post-</b>	<b>Cases</b>	<b>Not</b>	Reversals Post-Collingbourne		
<b>By District Ove</b>	<b>Allowed</b>	<b>Allowed</b>		<b>Cbourne</b>	<b>Allowed</b>	<b>Allowed</b>			
First	5	3		First	2	1			
Second	3	7		Second	2	3			
Third	6	3		Third		2			
Fourth	6	3		Fourth	2				
Fifth	3	4		Fifth	1	1			
<b>Total</b>	<b>23</b>	<b>20</b>		<b>Total</b>	<b>7</b>	<b>7</b>			
<b>Not included:</b>									
→	<i>IRMO Sobel</i> : 2003 Reverse Removal Case								
→	<i>IRPO Tavares</i> , 363 Ill. App. 3d 964 (5th Dist., 2006): Leave to allow to one state obviates necessity to petition to remove to another.								
→	<i>IRMO Boehmer</i> , 371 Ill.App.3d 1154 (Second Dist., 2007): Side agreement allowing removal								