

Post-Eckert Case Law / Relocation Cases by District: 2024

Case Name	Citation	Year	App. Dist.	App. Div.	Tr. Court Rvrsd.	Pre or Post Mod?	Reasons for Relocation (1)	Motives in Resisting (2)	History / Quality (3)	Failed to Evidence Parenting Time (3)	Educational Opportunities (4)	Extended Family (5)	Enhancement to General Quality of Life (6), etc.	Indirect Benefits Considered (6)	Wishes of Child / Maturity (8)	Where Relocation Sought (Miles) (7, 9, 10)	Parenting Time Rcdtn. (7, 9, 10)	Deference to Trial Court's Decision	Comment:
Allowed Supreme Ct.																			
Collingbourne	204 Ill. 2d 498*	2003			Affirmed*	Post				Re 9 yr-old, M exercised / F missed btw.15-20 Sats. b/c of work. F stopped practice. Rarely attended school functions.	Testimony re academic opportunities in MA superior than to Hampshire, IL ✓	F: Extended Family F in IL. Key factor in appellate court's reversal. Note: split custody: boys 5 yrs. Apart	M: married man employed out of state. "Creation of a new family unit ... social environment of a 'traditional family setting' may be considered. ¶ 529.	Yes, but.	De facto split custody. 16 (F) and 10 (M) as primary. In camera conducted of 10-yr old slightly against move.	MA	0%. 8 to 10 wks. summer plus	Yes. 522, Strong and compelling, 524	Key Supreme Court decision affirming consideration of indirect benefits. 8 to 10 weeks in summer plus extended visitation proposed at other times. New H's business prevented him from relocating.
Fatkin	2019 IL 123602*	2019			Affirmed*					M Regularly exercises	-	Father as primary. His parents / GPs in VA. No extended family in IL, ¶ 33.			13. In camera. "Extremely articulate" mature child expressed reasoned and independent preference in favor.	VA	not so clearly against manifest weight of evid that manifest injustice occurred	Strong and compelling presumption	Deference given to trial court's fulsome decision. Reliable testimony by son that mother had been discussing relocation to another state (TN)--where man she was dating lived--creating double standard.
Apt. Ct. First. Allowed																			
Zamarripa-Gesundheit*	175 Ill.App.3d 184	1988	1	4	Denial Reversed	Post						-	Spouse's job transfer	Yes	11-yr. old dtr intrvrd in camera. Antiquated language re pref and ctn's discretion, yet immature child. p. 188	WA	Yes but % not clear.	-	Early indirect-benefits case based on job xfer of new husband. Strong trickle-down case not consistent with <i>Collingbourne</i> and current factors
IRMO Roppo*	225 Ill.App.3d 721	1991	1	1	Reversed *	Post. Shortly after div.				No testimony about the quality specifically of the schools, 725	Both families grew up / attended schools in Vesper, WI, 730. F's Brother and step-children in IL, 732	Extended family on both sides	Husband's job in WI critical factors	Yes	3 yr-old.	WI (4.5 hrs.)	0%. Could supplement with months at summer breaks	-	Unusual reversal. Reversed directed finding only in the F's favor at close of M's case in chief re the relocation issue. Case remanded and proceeded as if motion for directed verdict denied.
Miroballi*	225 Ill.App.3d 1094	1991	1	4	Reversed*	Post-2 yrs. after div.				Yes. Not consistently exercised visitation, 1095	Evidence re better schools in Farmington Hills, MI vs. Tinley Pk, 1096	Although children would no longer live in the same city w/ their father, would live close enough to spend time with him / maintain ties with extended family. 1109	Spouse out of state: Mother able to live in "traditional family setting" not having to work outside the home.	Yes. Strong statement re 1st Dist, 4th Div.'s position	7th and 3rd grade (apx. 12 and 8.)	MI: Finding Flights Detroit to Chicago \$45.	Apt ct. found workable schedule could be reached if removal allowed		"Trial Court's directed verdict denying removal reversed. A dated decision quoting from <i>Zamarripa</i> . "On balance, we do not think that the interests of the custodial mother should be subordinated to those of the noncustodial father." No remand.
Meeta Bhati and Singh*	397 Ill. App. 3d 53	2009	1		Reversed	Post-2 or 3 yrs. after div.				Evidence mixed.			Spouse physician out of state. Removal allow stay-at-home mother.	Yes	Age 6-7.	NC	Would Diminish	J. Hoffman's dissent: critical of not deferring to trial court per <i>Collingbourne</i>	Airfare would be free. Impact on visitation factor against removal. Note dissent more consistent with current statute and <i>Collingbourne</i> re not against manifest weight. Justice Hoffman's dissent was ahead of its time.
IRMO D.T.W.	2011 IL App. (1st) 111225*	2011	1			Initial.							Favored relocation due to several factors including demanding professional basketball career of F reducing travel time, etc. ¶ 119, 120		8 and 3.	FL	Strong & Compelling presumption: ¶ 116. [Eckert]	Parental alienation key factor in case involving professional basketball star D. Wade.	
Scott v. Haritos	2022 IL App. (1st) 220074*	2022	1			Parentage. Initial. M had moved prior to F's filing. Tr ct ordered temp. return.	M asserted physical abuse incident.	"more about controlling" M shown by abuse, inflexibility and his own move away from M earlier	3 days every 2 wks or 18% of parenting time.	Not an issue, but exercised only limited parenting time including F's move away.	Neutral	Neutral. Both extended family in Chicago but M had extended family in AL	Favored Relocation. Open non-contingent employment opportunity with 60% increase income. Unlike <i>Davis</i> mother had sought other employment in IL.	Yes. Mother in IL lived in unsafe area w/ lower cost of living near her family	2 - Neutral due to age.	AL. Yet F moved 122 miles away from Chicago while child and M lived there at his behest.	Favored relocation given F's move Chgo to Champaign and 18 days / 6 months.	Strong and compelling citing Eckert	Deferential manifest-injustice standard per <i>Fatkin</i> . F sought return of the child.
Kenney (v. Strang)	2023 IL App. (1st) 221558*	7/25/23	1	2		Initial.	Favored M b/c of her support system, improved environment / happiness as primary caretaker. Backdoor to indirect benefits	Favored Father as genuinely believed relationship wd be impacted	Slightly favored mother.	N/A	Favored mother / relocation	Favored mother / relocation: Mother's extended family in CO and more involved. Extremely close ritnshp w/ mtrnl gps.	Children had lived in CO for "all their conscience lives." Split time btw CO and IL during pregnancy and mrg.	See factor (1)	N/A	CO (Yet children already in that state). Twins delivered at Northwestern b/c excellent neonatal unit	Two-weeks on/off schedule no longer viable given starting 1st grade in a yr.	Always strong and compelling citing Fatkin / Eckert (accord Kimberly R.). Tr. Ct's lengthy oral and written decision noted	11th Factor Critical: Finding that primary residence with Father in IL would be traumatic for the children as they had been living in CO. 12/16 dob of twins / 05/18 M primarily in CO with twins. 2 months later F files for div. Goal is to establish a reasonable schedule, "not a perfect one."

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Second - Allowed																			
Gratz*	193 Ill.App.3d 142	1989	2		Reversed	Post / Modification of Custody				Not an issue.			Proven health benefits	Not the emphasis of decision	9	Arizona	None		Modification of custody case interplay.
Repond*	349 Ill.App.3d 910	2004	2		Reversed	Post				F failed to exercise half his visitation in past several years. Sons could not live with F according to him.		All in Switzerland	Mother: Job as physicist in Switzerland. Was able to find nothing comparable here.		17, 15, 10. Wishes via court appointed mental health professional. Wishes mixed but eldest preferred	Switzerland	Would actually have more time than he had exercised in past several yrs.		Justice Hutchinson (w/ McClaren and Grometer); Father exercised only 50% of allotted parenting time, had frmlly in Switzerland and travelled Europe several times each year.
Main*	361 Ill. App. 3d 983	2005	2			Post			Little evidence of quality of relationship	Mixed evidence but some that F had not fully exercised his rights to visitation	Some evidence of better schools.	Greater family support system in FL vs. little extended family support in IL	Upon move would be living with M's mother with whom they lived earlier. Good job offer in FL.	Yes	-	FL (but parties had already lived 4.5 hrs. away in IL)		Re factor 3, we must defer to trial court's evaluation	Move to Florida allowed despite 4.5 hour move within Illinois even after removal battle in initial divorce lost (seeking removal to Florida)
Kavchak	2018 IL App. (2d) 170853*	2018	2			"Relocation is another topic for another day" w/ initial div. Issue addressed shortly after.				Clearly quite strong, ¶ 48.	Comparable with Mother paying for private school in N.C. with 100% college attendees	Evenly divided, 50. While family in IL, W's Mother (FL) planned to move to NC (not from IL). Her mother planned to move to N.C.	Lack of significant increase in salary not determinative (small increase). Dream job offer that would pay for her Ph.D.	Tr. Ct. considered ind. benes. Her Mother would pay for house other than mortgage, etc.	Kindergarten	NC		Para 65. Reference to P.D. and quoting, "always strong and compelling..."	Case talks to the importance of days/overnight counting accurately re substantial impairment. Father could prolong his work schedule for longer periods
* Reversal of Directed Finding against Removal																			
Third - Allowed																			
Taylor (Christian and David)*	202 Ill.App.3d 740	1990	3		Reversed	Modification / Relocation Case. Relocation should have gone first					Testimony of improved ed. opportunities in new locale. ✓	in Illinois	New spouse entered Navy, extended tour VA.	Yes	6-7. Allowance of hearsay when child 3 yrs. old rvrsd.	VA		-	Also addresses F's petition for modification being predicated on M's petition for removal. One of 7 cases cited by <i>Collingbourne</i> re general quality of life for custodial parent and child.
Good*	208 Ill.App.3d 775	1991	3		Reversed	Post: Cross-Petitions to Modify					Home and school environment in MI at least as good as in IL. ✓		Custodian F job transfer	Yes	5, 7	MI (8 hrs.)		-	Father / custodian had obtained temporary removal and case held that necessity equals in effect best interests of the child. Also addresses cross-petitions and burden of proof
Carlson*	216 Ill.App.3d 1077	1991	3		Reversed	Post				Dissent quoted <i>Eckert</i> , "When a parent has assiduously exercised..." See comment		Both sets GPs live in quad cities	Spouse out of state. Reference to "traditional family setting." 1082.	Yes	9, 6.	IA (75, 1.5 hrs.)	Substantial	-	Further visitation varied from almost daily contact to some weekends
Ballegeer*	236 Ill.App.3d 941	1992	3		Reversed	Post				Never missed a weekend.		In IL. Significant factor in trial ct's decision.	Custodian's M37 career opportunity where mother's ER closed local breach and offered position at corp. HQ.	Yes	7. In chambers interview preferring to live with Father at his farm.	CO		-	Likely different result now, affirming trial court's decision. Reflected permissive attitude of 3rd district regarding removal but superior job opportunities critical factor. Mother moved prior to decision.
Pfeiffer*	237 Ill.App.3d 510	1992	3			Post					Strong statement re this factor standing alone not sufficient, p. 514. Cites Taylor		Spouse's job transfer	Yes	6 with in camera interview not going to child's preference	DC		Strong and Compelling	
Pribble	239 Ill. App. 3d 761	1993	3		Reversed	Post					In St. Louis, IL area. "We realize that the children will move away from ... other relatives who have played a major role."		Spouse out of State Physician	Yes	8, 6, 3.5, 8 and six-year old interviewed by court with 8 yr-old being against removal.	IA		... and manifest injustice has occurred	Currently, trial court's decision would have been affirmed.
Taylor (Marsha and James)*	251 Ill.App.3d 58	1993	3						F Every weekend.	Diligent.	Detailed testimony re better opportunities		Spouse's job transfer / his increased salary.	Yes	10	TX		Tr. Ct.'s decision will not be reversed unless clearly against manifest weight	Reasons for seeking move were not frivolous, unpersuasive or inadequate. Reflected 3rd District's permissive attitude pre- <i>Collingbourne</i> where M could stay at home. Cited permissive <i>Zamaripa</i> case.
Young*	263 Ill.App.3d 901	1994	3		Reversed						Same	Farther from F but closer to M's. Original TX divorce where both parties moved here.	Custodian job transfer. Trial court failed to engage in <i>Eckert</i> analysis.	Yes	-	LA		-	Odd language, abuse of discretion to deny where removal would allow custodial parent to terminate reliance on state aid, establish self-sufficiency and advance her career. Texas law seemed to allow M to control location of residence?
Dorfman	2011 IL App (3d) 110099	2011	3			Post			Father initially sprvrd. Visits w/ 3 EOPs plus violations						8 and 9	GA	N/A	Strong and Compelling	Mother sought removal as father was getting out of prison. Electronic communication considered in this unusual case.
Coulter	2012 IL App (3d) 100973	2012	3										Career Advancement	Yes	-	Overseas	Substantial	RMF: presumption re tr. ct's ruling compelling...	M: Foreign Service Officer Job with State Department. M offered F all summer for parenting time plus.
Kincaid	2012 IL App (3d) 110511, ¶ 20, 38...	2012	3						F saw children only 49 days / yr. Did not know names of teachers / participate in extra-c activities.	Father failed to take advantage of midweek and summer visitation, 44. Tr. ct's finding F's primary focus his job versus his kids.	"at least equal and in some categories better..." ✓	In new state (50 family members of M).	Career Advancement	Yes	13, 15. In chambers interview, p. 18. 13 yr old enthusiastic and 15 yr old neutral to in favor.	TX. Austin to ORD 2 hrs / sufficient income to afford travel.		Strong and Compelling	Extended family support network. Father's primary motives to get better financial settlement rather than children in light of failure to take advantage of his allocated time.

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Fourth - Allowed																			
Deckard*	246 Ill.App.3d 427	1993	4									Yes	Spouse found out of state job	Yes	10, 15. No in camera request either parent. Apt. ct commented on permissive even if brought	GA	Increase in overnights (108 to 112). Father argued 29% reduction.		No to day counting. Key is whether a realistic and reasonable visitation schedule can be reached if removal is allowed.
Branham*	248 Ill.App.3d 898	1993	4							Not exercised his four wks summer visitation			Spouse out of state	Yes	Son. Age not stated.	WI (230). Compare <i>Krivi</i> . 3 hrs 15 min. drive.			
Herkert*	245 Ill.App.3d 1068	1993	4				Sound financial reasons plus care for her newborn child		Children estranged from their father. 1070.		As a child the F attended same schools the children would attend in NY.		Spouse found out of state job	Yes	13 and 11. In camera testimony both.	NY (inexpensive flights through M's er (airlines).	Total number could actually increase.	Yes. Only reverse if against manifest wt and manifest injustice occurred	Father's estabment due to his own behavior, e.g., he would read them articles about men's rights. Assigning blame does little to secure maximum involvement and cooperation of both parents.
Eaton*	269 Ill.App.3d 507	1995	4		Reversed	Post				F had taken all of his time except in summer. He started taking this time once relocation petition filed.		Children lived mjry of lives in FL. Extended family in Quincy, IL, but F's parents own condo in FL, etc.	Spouse out of state - lawyer	Yes	7, 10, 12. In Chambers interview all 3 children against removal.	FL	Drastically reduce extended family's time.		Highly mobile family / Mother's cooperation a factor in her favor. Case places greater weight on right to remarry, something emphasized by Fourth District line of cases prior to <i>Collingbourne</i> .
Ludwinski*	312 Ill. App. 3d 495	2000	4		Reversed	Post			Non-custodian with history of emotionally manipulating the boys	"Overscrupulously adhered to every doc and title of court's visitation orders."	Morman Faith plays role in the decision. 498, 499.	New Spouse (new W) extended family in UT.	Custodian F remarried. He had job offer. Expectations of higher inc. (30%+) while job in IL. uncertainty re Need not exhaust career opportunities in IL	Yes	11, 9. Evidence re preference not to move. "Yet problems lie in relying on the boys' wishes." Incentive parental manipulation. Psychologists for boys testified	UT	Significant. Mother had had 8 wks in the summer.		Non-custodial mother's credibility and history of emotionally manipulating boys key factors
Shaddle*	IRMO Shaddle, 317 Ill. App. 3d 428	2000	4		Reversed	Post: 2nd bite case							Spouse out of state job w/ superficial efforts only to seek IL employment. Yet testimony \$50k less income IL	Yes	9	FL			1st Removal request denied. After mother, who was an excellent parent, moved w/out child. appellate court reversed. Negative evidence re new husband and relationship with his son. Cites <i>Ludwinski</i>
Parr (post-Collingbrn)*	345 Ill.App.3d 371	2003	4		Reversed				Close relationship				Custodian's career opportunity	Yes	14, 9. GAL in favor of removal. No strong preference against the move.	CO			Wife good job offer in Colorado. Trial court reasoned M had to meet each "Eckert" factor, while apt ct reasoned tr ct should have balanced each.
Ford v. Mareness	368 Ill. App. 3d 172	2006	4		Reversed	Post-decree parentage case.							New Spouse						
Banister*	2013 IL App (4th) 120916	2013	4		Reversed	Post. Leapfrog case							Spouse had out of state job - army	Yes	9. In camera interview at request of F but neutral.	KY, Then ME: 320 mi. versus 1420	See ¶51		Case affirms previous <i>Lange</i> decisions of same district re jurisdiction that the court has authority to address a subsequent petition to remove (after the first one was granted). But contrary to later <i>Tavares</i> decision.
Tedrick	2015 IL App (4th) 140773	2015	4		Reversed						Evidence of better schools in Columbia, S.C. ✓	M: Parents and sisters in S.C. vs. Aunts and uncles in central IL but no immediate family. ¶20	Indirect Benefits. Stressful Illinois job.	Yes	7	Lexington, SC			Cited <i>Collingbourne</i> re tr. ct's decision only against man. wght IF evid clearly calls for opp. conclusion...
Fifth - Allowed																			
Shelton*	217 Ill.App.3d 26	1991	5			Post-5 years.							Spouse found out of state job	Yes	13, 11. No interview	FL		Manifest wt.	Reliance on <i>Zamiripa</i> .
Pribble*	239 Ill.App.3d 761	1993	5		Reversed					Regularly exercised except for 1 summer (4 wks vs 8 wks)	School in Ames outstanding curriculum.		Spouse out of state. Mother would not work outside home in new state.	Yes	8, 6, 4.	IA (404, 7 hrs.)			
Guthrie*	392 Ill. App. 3d 169	2009	5			Initial. Parties' ages 21 and 20			F's luring M back to IL considered under catch call analysis			Mother's family in Phoenix. Father's family not on speaking terms with Mother.	Yes given unique factors of short term marriage and Father luring mother back to IL, etc.	Yes	11 months.	AZ (initially lived there in short mrg).		Manifest weight cited and <i>Eckert</i> : "Always strong and compelling"	Marriage of short duration; parties met and initially lived in AZ. Father: dismal employment record.
Smith (Apt Ct.)*	2013 IL App (5th) 130349	2013	5		Reversed	Initial.						M: Extended family but in Cincinnati, OH area (two hours). Her parents moving to live nearby M		-	3	OH			Alternative custody orders impacted decision.
Williams v. Williams*	2018 IL App (5th) 170228	2018					Favored relocation: Mother unemployed and married to man who lived in N.C. with lucrative career.	Neutral	GAL waited until F's relationship improved	Father failed to take opportunities for parenting time		None in IL	This factor not focus but new husband in N.C.	See factor 1.	13, 8. GAL: children overall neutral, p. 80	NC		"Always strong and compelling" also citing to <i>Kavchak</i>	Father not supportive of ex's need for help with children. Better support network for the mother.

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Not Allowed																			
Supreme Ct.																			
Eckert*	119 Ill. 2d 316	1988			Affirmed*					"When a parent has assiduously exercised his or her visitation rights, a court should be loath to interfere with it by permitting removal of the children for frivolous or unpersuasive or inadequate reason." Inverse language. 327		Much of son's extended family lived in IL. ¶ 329	Sets standard re "enhancing the general quality of life of both the custodial parent and the children." New position of mother--would pay little if anything more. 328, 329. Claim of enhanced salary was dubious.		7. Child told judge in chambers that he was not allowed to phone his F and did not understand why	AZ	A reasonable visitation schedule is one that will preserve and foster the child's relationship with the noncustodial parent.	"Strong and compelling"	5 Non-Exclusive Factors: "When removal to a distant jurisdiction will substantially impair the noncustodial parent's involvement with the child, the trial court should examine the potential harm to the child which may result from the move." 328. Guided by public policy to secure maximum involvement of both parents re the well-being of the children.
Smith (Sup Ct)*	172 Ill. 2d 312	1996	*		Affirmed*			Close Relationship with F	Testimony that F had pattern of derogatory remarks about M and involving child with adult matters (\$ issues btw parents)	Although comparable, essentially the same.			New Spouse Job		11. In camera. Also, 5 yr old child	NJ	Finding visitation would be extremely difficult because of the time travelling.	"Strong and compelling."	Overall enhancement of children's lives (here lack of showing) focus of Court's decision. Quoted <i>Eckert</i> re removal to a distant jurisdiction will substantially impair non-custodial parent's involvement w/ the children, there may be harm to the children.
* Re Trial Ct's Decision																			
First - Not Allowed																			
Stone*	201 Ill. App. 3d 238	1990	1	6				Exemplary parent w/ excellent relationship	N/A	-		Most in Chicago area.	No new Spouse or Job Transfer, but engaged to police officer previously worked in Chicago.	No	12, 9.	CO			9-yr old child had severe brain damage
Christenson*	247 Ill. App. 3d 51	1993	1	5									No New Spouse or Job Transfer		Daughter testified wishes to see F every day. Her age not stated.	SC	49.22% or 63 days per year		
Gibbs*	268 Ill. App. 3d 962	1994	1	4						Consistently exercised			New Spouse / No Job Transfer		5	FL	Substantial		Trial ct found M violated court orders in moving to FL and not providing F all of visitation that he was entitled.
Demaret	2012 IL App (1st) 111916	2012	1		Affirmed						Evidence re comparable or better school for eldest daughter but not for other children, 46		Pay Increase for Financially Successful Mother. Explored new job at Marsh, NY. Annual minimal salary \$475k. Had earned \$263k.	Yes	4 children: 14, 13, 12, 10.	NJ. Evidence apx. Same time flying versus current time in IL	Longer wkends compensation for missed midweek difficult to put into practice, 54		No economic necessity for mother who had earned \$200k to \$300k. Rejected indirect benefits theory as applied.
Kimberly R.	2021 IL App (1st) 201405	2021	1			Pre: Factor 2 favored F re difficulties M created with vstn	Neutral, para. 82.	May have weighed in F's favor as M's roadblocks made it difficult to exercise parenting time.	Limitations with F's relationship of both parents.	Mother made vstn w/ autistic child more difficult. Favored neither parent.	Neutral considering burdens on mother.	Favored father where F's entire extended family in IL and M's Father in IL but willing to move to TN. M extended family IL	Routine especially important with child with autism as negative for factor 6.	Yes	6	TN	Both parents history of being unable to cooperate and this would not improve with move. Factor 9 favored Father	"Always strong and compelling" Citing to <i>Fatkin</i>	Burden of production and persuasion, citing <i>Levites</i> . Factor 9 "possible arrangements" favored F where completed steps to be "reintroduced" with visitation originally supervised. Parties failed to present workable parenting plan beyond M could drive child back for visitation. M took no concrete steps considered in catch-all factor.
Second - Not Allowed																			
Kutinac*	182 Ill. App. 3d 377	1987	2		Reversed.								No new spouse or job transfer.	No	9, 10	FL			
Jaster*	222 Ill. App. 3d 122	1991	2			Initial.				Not a factor: Since separation F had constant involvement, 126, 128		Most in DuPage/Cook Co., but some of M's extended family in GA.	No new spouse or job transfer.	No	12, 9, 7	GA	"proposed visitation schedule was cost-prohibitive, unrealistic, and unworkable"	Yes. "The evidence also supports the conclusion before us..." p. 128	F was an "exemplary parent." Mother moved to Georgia during pendency of divorce case and ordered to return.
Berk*	215 Ill. App. 3d 459	1991	2						F "religiously" exercised.			Most in IL including on M's side.	Higher. std. of living insufficient	No	In Camera interview w/ 14 yr old child. Preference to leave but because bored with IL. 12 yr-old son: "funner." Both non-mature reasons.	Canada (1,300)	Reduction by 20% is substantial, 467	Yes.	Substantial reduction. Wishes of child(ren) not controlling where not strong or anything more than a change of scenery. 467. Self-help line of cases, "This State's courts ... will not be intimidated or threatened by "irrevocable" actions of parents. Karen has made her choice to move to Humboldt. She must now live with the consequences of that decision."
Tysl v. Levine (Parentage)*	278 Ill. App.3d 431	1996	2		Reversed	Post. Original jt. legal custody in '90. Relocation sought '94.				Testimony F "always exercised." p. 435, 436, 438 "virtual co-parents."	At best neutral re schools in new state, p. 436, 439	No relatives in GA / Extended family in IL, p. 439. Distinguishes <i>Pfaffler</i> as to not "standing alone."	Spouse had employment. "Boils down to her desire to live with her new husband in Georgia... Such evidence is insufficient to carry the burden. P. 442	No?	9. Apt. ct reversed in part b/c: no ruling re motion for in camera interview / ord for psy eval.	GA		Yes.	F had 150 nights visitation per year with children. Note that removal statute applied b/c of petition for removal, "we will seek guidance from cases decided under Section 609..."
Stahl*	348 Ill. App. 3d 602	2004	2								Perhaps better.	M had family but 4 hours north in WI.	Remarriage. Trial court did not find that the children's lives would be enhanced directly or indirectly.	Not per se.	9, 7.	WI (Cedarburg, 20 mi. n. of Milwaukee). Two hrs.	manifest wt + manifest injustice	Justice Bowman dissents	
Johnson and Pisowicz*	352 Ill. App. 3d 605	2004	2					Strong bond btw F / children	Exercises most if not all of his visitation rights...			F's extended family in IL vs. sister in Phoenix, 612.	Required job transfer of H or face severance package		In camera. Children 14/12 did not want to move to AZ.	AZ	"Dramatically": One evening ea. wk plus one every other	manifest wt + manifest injustice	Extended family in IL. Significant involvement of F. Paraphrase: Removal to AZ would require F to visit "very differently, much less frequently, and in bigger blocks of time." Generous schedule proposed only days before trial.
Matchen*	372 Ill. App. 3d 937	2007	2									More IL ties	New spouse but possible to move.		14 and 12. In camera against.	3 hrs. to WI	"always strong and compelling" citing <i>Collingbourne</i> .	Distance: McHenry County to Wisc. Dells. In camera testimony of children against move. Children strong ties to area.	

Case Name	Citation	Year	App. Dist.	App. Div.	Tr. Court Rvrsd.	Pre or Post Mod?	Reasons for Relocation (1)	Motives in Resisting (2)	History / Quality (3)	Failed to Evidence Parenting Time (3)	Educational Opportunities (4)	Extended Family (5)	Enhancement to General Quality of Life (6), etc.	Indirect Benefits Considered (6)	Wishes of Child / Maturity (8)	Where Relocation Sought (Miles) (7, 9, 10)	Parenting Time Rcdtn. (7, 9, 10)	Deference to Trial Court's Decision	Comment:
Parentage of P.D. (Alley v. Dufelmeier)*	2017 IL App (2d) 170355	2017	2			Post. 4 years following joint custody award with M as residential custodian	M urged consideration of "indirect benefits" urging that H's job transfer required and trickle down effects	Even if 1st factor favored relocation, 2nd factor favored the Father (concern for F/son rltshp).	Neutral	F diligent in exercising.	Neutral	All in IL	Spouse required to relocate. Rejected consideration of trickle-down effects.	No	Age 4.5. Developmental level considered, ¶ 44.	NJ	Quality of current parenting time would not be met.	"grant great deference..."	One year earlier, sought removal to CA.
Levites	2021 IL App (2d) 200552*	2021	2			Initial. Denial "without prejudice." Respondent-appellant mother later appealed from final judgment denying relocation.				"Petitioner consistently exercised his parenting time."	"The court appeared to have viewed this factor as neutral"	"This factor does favor relocation"		Attempted to backdoor via catch-all	N/A tender years.	CA	Allowing relocation may effectively terminate Father's relationship w/ child. "If someone comes up with a better plan."	Sup Ct in <i>Fatkin</i> explained deferential standard of review: "always strong and compelling."	Burden of proof properly placed on respondent-appellant mother. Trial court affirmed based on manifest weight.
Third - Not Allowed.																			
Creedon*	245 Ill.App. 3d 531	1993	3							Not a factor. To the extent that parenting time reflects closer than customary rltshp btw. non-residential parent and child, may be considered	Comparable.	In IL with mother's family 6.5 hours from TX	No new spouse or job transfer		14, 12. In camera conducted but trial court properly declined to directly ask children where they preferred to live, p. 534	TX		"manifest weight + manifest injustice"	15 days between entry of divorce judgment and filing removal petition. P. 537. Excellent discussion of complaints about the unpredictability of decisions.
Elliott*	279 Ill.App.3d 1061	1996	3						Involved father				Fiancé had practice in OH	No	Dtr. In camera interview against. 8, 6.	OH		"manifest weight + manifest injustice"	Children entire life in IL: Father close relationship; Child's Preference against. Standard of review reflects the fact that the decision especially is w/in privity of trial court.
Hansel*	366 Ill. App. 3d 752	2006	3						Exercised all his time incl. extracurricular, school and sporting events.		No evidence that schools or extracurricular activities better in NC	Extended family in Illinois	Fiancé self employed in N.C.	Trial court finding that the move would not enhance the child's general quality of life	9 years old.	NC		"manifest weight + manifest injustice"	Father's diligence, extended family factor and 604.5 testimony against removal.
Shinall v. Carter (parentage)	2012 IL App (3d) 110302	2012	3		Reversed re Removal	Initial Determination with close call as to custody award to mother.							New Husband lived in CO.		3. At Ava's young age, the proposed schedule would deprive Ava of a stable home environment. 49.	CO	Drastic: 182 to 91	Burden on parent seeking removal.	General quality of life improvement not shown. Important factor: 3 year old child.
Prusak	2020 IL App (3d) 190688*	2020	3		Affirmed trial court's original decision.					F diligently exercised his parenting time. ¶ 16.	Even if comparable, Chicago area certainly provides greater diversity / cultural opportunities	While M. had family support in Evansville area, that type of support existed in Naperville area, ¶ 16, 39.	Majority of factors favored F., and M's self-help in moving w/out authority worked against her	No mention. M's employment not dependent on moving to IN	Preferences of children (15/11) communicated via GAL. ¶ 17. 15 yr-old wishes mixed while 11 yr old not significant weight b/c of age.	Indiana (Naperville to Evansville, IN) 5.5 hrs. No evidence at trial of direct flights.	Deference given to trial court's original decision (before its own reconsideration)	Trial court originally found that the children would be burdened by the travel time.	
Fourth - Not Allowed.																			
Davis*	229 Ill.App.3d 653	1992	4		Reversed					No evidence failed to exercise or does not enjoy close relationship. Quote from Eckert: Where parent diligently exercised ...		In Illinois w/ only surviving paternal grandparent here.	S out of St. Job / No increased income.		14, 13, 6. In camera of all three. Split custody with F two older boys and M of dtr. Dtr did not want to move.	GA	35%	Manifest wt + manifest injustice. Discretion not unlimited	Effect on surviving paternal grandparent's time considered. While not relied upon, custodian at one point had denied visitation. Compare <i>Deckard</i> .
Clark*	246 Ill.App.3d 479	1993	4						F close relationship with dtr.	Same quote from Eckert. Here exercised visitation beyond terms of Judgment, 483	No evidence.	Child close relationship with extended family in IL, 483	New Spouse / No Job Transfer		8	TN (463)	Seems clear time would be substantially curtailed	manifest wt.	Even if plan presented that preserved # days, cannot ignore interval btw visits would be drastically changed
Lange*	307 Ill. App. 3d 303	1999	4		Post: Leapfrog Case.					F assiduously exercised his rights.		In Illinois.	No evidence increased income	Insufficient evidence	Ages 7 / 5	First, IN; Next, TX	Referred to removal to distant location. Total no. would actually increase	manifest wt or manifestly unjust	Children had close relationship w. father and family members close in distance. Divorce judgment allowed removal to Indiana. Cited <i>Clark</i> re interval btw visits.
Fifth - Not Allowed																			
Firkus*	223 Ill.App.3d 94, 95	1991	5						F good relationship with the child	F "has always exercised his visitation rights."	Little evidence re school system FL.	Extended family in IL with good relationship	No prima facie case presented.		-	FL	M admitted visitation might be reduced during school yr. 1 / month.	Yes. 95.	Directed verdict against removal affirmed. Presenting some evidence as to each Eckert factor not = to prima facie case.
Krivi*	283 Ill.App.3d 772	1995	5		Reversed	Initial.				F diligently exercised his visitation rights.					4, 3.	Mount Vernon to Minnesota (850). Time for exchanges critical	Distance: proper consideration in determining feasibility of schedule	Discretion not unlimited. "Manifest weight and manifest injustice"	No financial incentive for move. Distance key factor: "Biggest impediment is sheer distance involved." Strong statement re limitations of exercising time in another state. Case cites <i>Gitlin on Divorce</i> .

Case Name	Citation	Year	App. Dist.	App. Div.	Tr. Court Rvrsd.	Pre or Post Mod?	Reasons for Relocation (1)	Motives in Resisting (2)	History / Quality (3)	Failed to Evidence Parenting Time (3)	Educational Opportunities (4)	Extended Family (5)	Enhancement to General Quality of Life (6), etc.	Indirect Benefits Considered (6)	Wishes of Child / Maturity (8)	Where Relocation Sought (Miles) (7, 9, 10)	Parenting Time Rcdtn. (7, 9, 10)	Deference to Trial Court's Decision	Comment:	
Johnson*	277 Ill. App. 3d 675	1996	5		Reversed				Established / maintained close relationship since birth.	F diligently exercised. Quote from Eckert. F had extraordinary involvement in child's life.	Comparable. No proof as to degree school in Texas was of better quality	Most relatives close proximity to child's home	Trial ct found: general quality of life for daughter would not be diminished.	Uncertainty. No change to mother's salary other capacity to engage children. See 2022 decision.	Age 8	TX (550) from St. Louis to Dalls, TX	At least 50%, citing Davis re 35% reduction	Manifest weight.	Key factors: Extended family in IL; Father's extensive parenting time.	
Sale	347 Ill.App.3d 1083	2004	5			Shortly after.			2 evenings / wk. plus alt. wkends.	F diligent in exercising visitation	No or little evidence comparing schools	Extended family in IL including gps, cousins, aunts, uncles	Spouse out of state but see comment. Length of M's relationship a factor.		5	WA (state)	Substantial	Cannot say clearly against manifest wt.	Key factors: Far away move, removal sought 3 wks. after div., and remarriage one day after div.	
* Link to Lexis																				
Color Keys																				
	Cases Post-Relocation Statute																			
	Cases involving Directed Finding																			
Not included:																				
→	<i>IRMO Sobel</i> : 2003 Reverse-Removal Case	2003																		
→	<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.	2006																		
→	<i>IRMO Boehmer</i> , 371 Ill.App.3d 1154 (2d. Dist., 2007): Side agreement allowing removal	2007																		
→	Matthew L. v. Flynn (In re G.L.) , 2017 IL App (1st) 163171: Issue of relocation waived	2017											Addressed issue in arguable dictum ✓							

Relocation Cases: The Numbers: 2023-24

Survey of All Cases

	<u>Ultimately Allowed</u>	<u>Rev.</u>	<u>Ultimately Not Allowed</u>	<u>Rev.</u>	<u>Total</u>	<u>% Not Alwd.</u>
Sup.	<u>2</u>		<u>2</u>			
First	7	4	5	0	12	42%
Second	4	2	9	2	13	69%
Third	11	6	5	1	16	31%
Fourth	10	7	3	1	13	23%
<u>Fifth</u>	<u>5</u>	<u>2</u>	<u>4</u>	<u>2</u>	<u>9</u>	<u>44%</u>
Total	37	21	26	6		
	Overall	57%		23%		
Total Both	63		41%			

[Excluding IL Sup. Ct Cases]

Post-Relocation Act

Sup. Ct.	Allowed	Rev.	Not Allowed	Rev.	Total	% Not Alwd.
Fatkin	1					
1st	2	0	1			
2nd	2	0	1			
3rd	0	0	1			
<u>5th</u>	<u>1</u>	<u>0</u>	<u>0</u>			
Total	6	0	3	9		

[Including Fatkin]

Note: It is debatable re whether to include Roppo as it was a reversal and remand of directed finding against relocation.

Pre-Collingbourne Cases Only

	<u>Allowed</u>	<u>Rev.</u>	<u>Not Allowed</u>	<u>Rev.</u>	<u>Total</u>	<u>% Not Alwd.</u>
Eckert			1			
First*	3	3	3	0	6	50%
Second	1	1	4	2	5	80%
Third	9	7	2	0	11	18%
Fourth	6	3	3	1	9	33%
<u>Fifth</u>	<u>2</u>	<u>0</u>	<u>3</u>	<u>2</u>	<u>5</u>	<u>60%</u>
Total	21	14	16	5		
	Overall	67%		31%		
Total Both	37		43%			

Post-Collingbourne Cases

	<u>Allowed</u>	<u>Rev.</u>	<u>Not Allowed</u>	<u>Rev.</u>	<u>Total</u>	<u>% Not Alwd.</u>
First	4	1	2	0	6	33%
Second	3	1	5	0	8	63%
Third	3	0	3	1	6	50%
Fourth	4	4	0	0	4	0%
<u>Fifth</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>0</u>	<u>4</u>	<u>25%</u>
Total	17	8	11	1	28	39%
		47%		9%		
Total Both	28		39%			

65

Outliers

Dorfman, 3rd Dist. 2011

Hefer *Hefer v. Hefer*, 282 Ill. App. 3d 73 (4th Dist. 1996) Initial custody and impact of ou

Takeaways: Post-Collingbourne:

Only 1 cases resulting in denial of relocation as a result of a reversal.

Second District tends to be more difficult to obtain relocation.

Fourth District tends to be more lenient in granting relocation.