

Case Law from Eckert to Current / Relocation Cases by District																
Case Name	Citation	Year	App. Dist.	Tr. Court Rvrsd.	Pre or Post Mod?	History / Quality (3)	Failed to Exercise (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 Rdctn. (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 but F missed btw.15-20 Sats. b/c of work. Testimony F stopped practice.	Testimony that academic opportunities in MA superior than to Hampshire, IL ✓	F: Extended Family F in IL	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	De Factor Split custody. 16 (F) and 9 (M) as primary,	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*			Regularly exercises.	-	Father as primary's parents / GPs in VA. No extended family in IL, ¶ 33.		"Extremely articulate, mature 13 year-old son expressed reasoned and independent preference	VA		Strong and compelling presumption	Deference given to trial court's fulsome decision. Reliable testimony by son that mother had been discussing relocation to Tennessee where man she was dating lived creating double standard.	
				* Re Trial Ct's Decision												
Apt. Ct. First.																
Zamarripa-Gesundheit	175 Ill.App.3d 184	1988	1	Reversed	Post			Upon move, would receive comparable Jewish education (important to both parents)	-	Spouse's job transfer	Yes	11 yr-old dtr. interviewed in camera. Antiquated language re preference and custodian's discretion, yet immature child this case., p. 188	WA	Yes but % not clear.	No mention	One of earlier indirect benefits case based on job xfer of the new husband. Strong trickle down case not consistent with Collingbourne and current factors
IRMO Roppo*	225 Ill.App.3d 721	1991	1	Reversed *	Post. Shortly after div.		No testimony about the quality specifically of the schools, 725	Both families had grown up and attended schools in Vesper, WI area, 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.	Wisconsin (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 proceed as if motion for directed verdict denied.
Miroballi	225 Ill.App.3d 1094	1991	1	Reversed*	Post-2 yrs. after div.		Yes. Not consistently exercised visitation, 1095	Evidence re better schools in Farmington Hills, MI vs. Tinley Pk, 1096	-	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 Zamarripa. "On balance, we do not think that the interests of the custodial mother should be subordinated to those of the noncustodial father."
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		Airfare would be free. Impact on visitation factor against removal. Note dissent more consistent with current statute and Collingbourne re not against manifest weight.
IRMO D.T.W.	2011 IL App (1st) 111225	2011	1		Initial								FL			Parental alienation key factor in case involving professional basketball star D. Wade.
Second.																
Gratz	193 Ill.App.3d 142	1989	2	Reversed	Post / Modification of Custody					Proven health benefits	Not the emphasis of decision		Arizona			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		All in Switzerland	Mother: Job as physicist in Switzerland. Was able to find nothing comparable here.			Switzerland			Justice Hutchinson (w/ McClaren and Grometer): Father exercised only 50% of allotted parenting time, had fmlly in Switzerland and travelled Europe several times each year.
Main	361 Ill. App. 3d 983	2005	2	Affirm	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 Florida 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)			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	Affirm	"Relocation is another topic for another day."		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												

Case Name	Citation	Year	App.	Tr. Court	Pre or Post	History /	Failed to	Educational	Extended	Enhancement to	Indirect	Wishes	Where Relocation	Parenting Time	Deference to	Comment:
			Dist.	Rvrsd.	Mod?	Quality (3)	Exercise (3)	Opportunities (4)	Family (5)	General Quality of Life (6), etc.	Benefits Considered (6)	of Child / Maturity (8)	Sought (Miles) (7, 9, 10)	Rdctn. (7, 9, 10)	Trial Court's Decision	
Third																
Taylor I	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 Collingbourne 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	Five and Seven.	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			Dissent quoted from Eckert, "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		IA (75, 1.5 hrs.)			Fthr visitation varied from almost daily contact to some weekends
Ballegeer	236 Ill.App.3d 941	1992	3	Reversed						Custodian's career opportunity	Yes		CO			
Pfeiffer	237 Ill.App.3d 510	1992	3	Affirmed					Strong statement re this factor standing alone not sufficient, p. 514	Spouse's job transfer	Yes		D.C.			
Taylor (Marsha and James)	251 Ill.App.3d 58	1993	3	Affirmed				Detailed testimony re better opportunities		Spouse's job transfer	Yes		TX			
Young	263 Ill.App.3d 901	1994	3	Reversed						Custodian job transfer	Yes		LA			
Coulter	2012 IL App (3d) 100973	2012	3	Affirmed						Career Advancement	Yes		Overseas	Substantial		Foreign Service Officer Job with State Department. Mother offered all summer for parenting time plus.
Kincaid	2012 IL App (3d) 110511, ¶ 20, 38...	2012	3	Affirmed			Father failed to take advantage of midweek and summer visitation, 44	"at least equal and in some categories better..." ✓	In new state	Career Advancement	Yes		TX			Extended family support network.
Fourth																
Deckard	246 Ill.App.3d 427	1993	4							Spouse found out of state job	Yes		GA	Increase		
Branham	248 Ill.App.3d 898	1993	4							Spouse out of state	Yes		WI (230)			
Herkert	245 Ill.App.3d 1068	1993	4							Spouse found out of state job	Yes		NY			
Eaton	269 Ill.App.3d 507	1995	4	Reversed						Spouse out of state - lawyer	Yes		FL	'Drastic'		Highly mobile family / Mother's cooperation a factor in her favor
Parr	345 Ill.App. 3d 371	2003	4	Reversed						Custodian's career opportunity	Yes		CO			Wife good job offer in Colorado. Trial court reasoned had to meet each "Eckert" factor.
Banister	2013 IL App (4th) 120916	2013	4	Reversed	Post. Leapfrog case					Spouse had out of state job - army	Yes		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		Lexington, SC			Emphasis on previous "precarious and punishing" nature of former wife's job in Illinois. Had to work 60 to 70 hours a week including nights and weekends. New job 37.5 hours a wk.
Fifth																
Shelton	217 Ill.App.3d 26	1991	5							Spouse found out of state job	Yes		FI			
Prible	239 Ill.App.3d 761	1993	5	Reversed						Spouse out of state	Yes		IA (404, 7 hrs.)			
Guthrie		2009	5	Reversed					New St.		Yes		AZ			Marriage of short duration; parties met and initially lived in AZ. Father: dismal employment record.
Williams v. Williams	2018 IL App (5th) 170228	2018		Affirmed					None in IL				NC			Father failed to take opportunities for parenting time and was not supportive of ex's need for help with children

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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.		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.		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 year old child examined in camera and 5 yr old child	NJ	Finding visitation would be extremely difficult because of the time travelling.		Overall enhancement of children's lives (here lack of showing) focus of Court's decision. Quoted Eckert 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							No new Spouse or Job Transfer	No		CO			Child had severe brain damage
Christenson	247 Ill. App. 3d 51	1993	1							No New Spouse or Job Transfer			SC	49%		
Gibbs	268 Ill. App. 3d 962	1994	1							New Spouse / No Job Transfer			FL	Substantial		
Demaret	2012 IL App (1st) 111916	2012	1					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.	New Jersey. 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.
Second - Not Allowed																
Kutinac	182 Ill. App. 3d 377	1987	2	Reversed.						No New Spouse or Job Transfer	No		FL			
Jaster	222 Ill. App. 3d 122	1991	2			Not a factor: Since separation F had constant involvement, 126, 128			Nearly all in DuPage/Cook Co.	No New Spouse or Job Transfer	No		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"
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
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 Pfeiffer 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 [her] burden. P. 442	No?		GA		Yes.	Father 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..."
Johnson and Pisowicz	352 Ill. App. 3d 605	2004	2	Affirm		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		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	Affirm					More IL ties	New Spouse but possible to move.			3 hrs to WI			Distance: McHenry County to Wisc. Dells. In camera testimony of children against move. Children strong ties to area.
Parentage of P.D.	2017 IL App (2d) 170355	2017	2	Affirm	Post. 4 years following joint custody award with M as residential custodian				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.

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Third - Not Allowed																
Creedon	245 Ill.App. 3d 531	1993	3	Affirmed			Not a factor. To the extent that parenting time reflects closer than customary rtntshp btw. non-residential parent and child, may be considered	Comparable.		No New Spouse or Job Transfer		In camera conducted but trial court properly declined to directly ask children where they preferred to live, p. 534	TX			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	Affirmed						Fiancé had Practice in Ohio	No		OH			Children entire life in IL; Father close relationship; Child's Preference against
Hansel	366 Ill. App. 3d 752	2006	3	Affirmed		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			Father's diligence, extended family factor and 604.5 testimony against removal.
Shinall v. Carter (patentage)	2012 IL App (3d) 110302	2012	3	Reversed						New Husband lived in CO.		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	Affirm		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 without Authority Worked Against Her	No mention.	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.			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 ...			S out of St. Job / No increased income.			GA	35%		Effect on surviving paternal grandparent's time considered.
Clark	246 Ill.App.3d 479	1993	4				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		Not interviewed	TN (463)			Even if plan presented that preserved no. 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			Children had close relationship w. father and family members close in distance. Divorce judgment allowed removal to Indiana. Cited Clark 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.
Krivi	283 Ill.App.3d 772	1995	5	Reversed			F diligently exercised his visitation rights.						Mount Vernon to Minnesota (850)			No financial incentive for move; Distance significant factor. "Biggest impediment is sheer distance involved." Strong statement regarding limitations of exercising time in another state.
Johnson	277 Ill. App. 3d 675	1996	5	Reversed		Established / maintained close relationship since birth	F diligently exercised. Quote from Eckert.	Comparable. No proof as to degree school in Texas was of better quality	Most relatives close proximity to child's home	Trial ct finding that the general quality of life for daughter would not be diminished	Uncertainty	Age 8	TX (550)			Most relatives in IL; Father had extensive parenting time.
Newton v. Sale	347 Ill.App.3d 1083	2004	5	Affirm		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.			WA (state)	Substantial		Key factors are far away move, removal sought 3 wks. after div., and remarriage one day after div.

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			Dist.	Rvrsd.	Mod?	Quality (3)	Exercise (3)	Opportunities (4)	Family (5)	General Quality of Life (6), etc.	Benefits Considered (6)	of Child / Maturity (8)	Sought (Miles) (7, 9, 10)	Rdctn. (7, 9, 10)	Trial Court's Decision	
Not included:																
→	<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 (2d. Dist., 2007): Side agreement allowing removal															
	<i>Matthew L. v. Flynn (In re G.L.)</i> , 2017 Il.App.(1st) 167171: Issue of relocation waived							Addressed issue in arguable dictum ✓								

Relocation Cases: Th

Survey of All Cases

	<u>Allowed</u>	<u>Rev.</u>	<u>Not Allowed</u>	<u>Rev.</u>	<u>Total</u>	<u>% Not Alwd.</u>
First	5	4	4	0	9	44%
Second	5	2	7	2	12	58%
Third	9	5	5	1	14	36%
Fourth	7	4	3	1	10	30%
<u>Fifth</u>	<u>4</u>	<u>2</u>	<u>4</u>	<u>2</u>	<u>8</u>	<u>50%</u>
Total	30	17	23	6		
	Overall	57%	53	26%		
Total Both	53	43%	Of Appellate only			

Post-Relocation Act

Second	1
Third	1

Survey of Pre-Collingbrougne Cases Only

	<u>Allowed</u>	<u>Rev.</u>	<u>Not Allowed</u>	<u>Rev.</u>	<u>Total</u>	<u>% Not Alwd.</u>
First	3	3	3	0	6	50%
Second	2	1	4	2	6	67%
Third	7	5	2	0	9	22%
Fourth	4	1	3	1	7	43%
<u>Fifth</u>	<u>2</u>	<u>1</u>	<u>3</u>	<u>2</u>	<u>5</u>	<u>60%</u>
Total	18	11	15	5		
	Overall	61%		33%		
Total Both	33	45%				

ie Numbers

Survey of Post-Collingbourne Cases

	<u>Allowed</u>	<u>Rev.</u>	<u>Not Allowed</u>	<u>Rev.</u>	<u>Total</u>
First	2	1	1	0	3
Second	3	1	3	0	6
Third	2	0	3	1	5
Fourth	3	3	0	0	3
<u>Fifth</u>	<u>2</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>3</u>
Total	12	6	8	1	20
		50%		13%	
Total Both	20	40%			

% Not
Alwd.

33%

50%

60%

0%

33%

40%