

Courts Cracking Down on Bad Faith Negotiation of Non-Relocation Clause

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Who will get the kids is often one of the most contentious issues that must be resolved during a divorce, as typically both parents are willing to give up almost anything in terms of other assets to be named the primary custodial parent. The desire to be named the primary custodial parent is sometimes so great, unscrupulous litigants may negotiate the marital settlement agreement (“MSA”) in bad faith and make false representations to the other parent in order to convince them to concede primary custody of the children. Along these same lines, a parent may only be willing to concede primary custody of the children under the condition that the other parent not relocate the children to a new place that makes regular visitation impracticable, and accordingly, a non-relocation clause will be included in the MSA. Read the rest of the article.