

**RELOCATION, RESEARCH, AND FORENSIC EVALUATION,  
PART I: EFFECTS OF RESIDENTIAL MOBILITY ON  
CHILDREN OF DIVORCE<sup>1</sup>**

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The issue of relocation presents courts and child custody evaluators with dilemmas on the issue of allowing a child to move with a parent to a new community and how to craft long-distance parenting plans if relocation is allowed. The issue of the potential effects of residential moves on children of divorce has focused on the importance of the child–nonresidential parent relationship. The research literature on the effects of residential moves, or relocation, on children of divorce has not been fully integrated into the examination of this issue and its relevance for the child custody evaluation. The literature shows residential mobility is a general risk factor for children of divorce and this is a starting point for the custody evaluation, but it is not a basis for bias or a presumption against relocation. Predicting a child’s adjustment to relocating or not relocating requires a careful and contextual investigation of the child and family circumstances. The research literature is a helpful frame of reference.

**Keywords:** *relocation; child custody; forensic; evaluation; residential mobility*

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This article is the first of a two-part examination of the research literature that is relevant to understanding the complex problem of relocation and child custody evaluation. In this first part, the very substantial research literature on the effects of residential mobility on children of divorce is applied to the context of legal relocation disputes and child custody evaluation. This literature has only been touched upon by reviews of social science theory and research relevant to the relocation problem (Austin, 2000a; Gindes, 1998; Kelly & Lamb, 2003; Shear et al., 2004; Warshak, 2000). The literature also has been overlooked in prominent state high court relocation decisions (*Baures v. Lewis*, 2001; *In re Marriage of Burgess*, 1996; *In re Marriage of Ciesluk*, 2005; *In re Marriage of LaMusga*, 2004) where social science research was considered. It was absent from most of the competing amici curae briefs in the California cases filed by divorce researchers and practitioners (Wallerstein et al., 2004; Wallerstein & Tanke, 1996; Warshak et al., 2004). This literature establishes that relocation for children of divorce, like divorce itself, stands as a general risk factor for long-term behavioral outcomes and informs evaluators and decision makers about a base rate of harm associated with relocation for children of divorce. Part II of this article presents, for the first time, an extensive review of the research in support of the forensic relocation risk assessment model for child custody evaluation (Austin, 2000a, 2000b, 2005, 2006, 2007; Austin & Gould, 2006). This model appears to be widely used by custody evaluators. Relevant research for each risk and protective

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factor will be reviewed. Knowledge about the risk of harm associated with relocation and the potential effects of the core risk and protective factors that are going to be relevant to the individual relocation custody case are necessary tools for the custody evaluator. Practice tips are offered for evaluators.

### RESEARCH AND RELOCATION: A CAVEAT

While social science research is extensively reviewed in this article and applied to child custody and relocation, the reader is reminded of the danger of overinterpreting research findings and the limitations to the survey research method. In addition, evaluators need to be mindful not to overpredict child outcomes based on what the research says and to always stay closely focused on the facts of the case and evaluation data. In other words, evaluators need to be responsible in how they communicate research findings to the court. While the research reviewed here shows there is convincing evidence that relocation significantly expands the level of risk for children of divorce, the literature should not be viewed as creating a basis for a bias or legal presumption against relocation. A risk prediction is a probabilistic statement. It is nothing more; it is not determinative. Each case is fact driven and, in most states, there is no legal standard for or against relocation. When a legal presumption on relocation does not exist, each party needs to start on an even playing field in a relocation dispute (*In re Marriage of Ciesluk*, 2005) as the evaluator gathers data and the court hears evidence.

### THE RELOCATION DILEMMAS

American history is built on a legacy of exploration and mobility, so it is not surprising that early research on the effects of residential mobility viewed the process as intentional and positive or that the potential negative effects on children were largely ignored (Wood, Halfon, Scarlata, Newacheck, & Nessim, 1993). American society has been an increasingly mobile one for many decades, with advances in technology and efficiency of transportation. Interstate travel and communication have advanced at a geometric rate. There has been a concomitant rise in the divorce rate to a relatively high and stable level, around 50%, and a reshaping of family structures with an increasing percentage of never-married parents (Amato & Sobolewski, 2004; Terry-Humen, Manlove, & Moore, 2001). There is a trend of more children living in alternative family structures than in intact, never-divorced families and these alternative structures are less stable (Amato & Sobolewski, 2004; Artis, 2007; Bumpuss, 1990; Sorensen & Zibman, 1995), including higher rates of residential mobility (McLanahan & Sandefur, 1994; Schacter, 2004). It is expectable that the issue of relocation of a child with one of the parents following divorce, or the end of a never-married relationship between the parents, would become an increasingly prominent social and legal issue.

While relocation was not addressed with considerable frequency in appellate courts until the last decade, courts have always noted the difficulty of trying to reconcile competing issues and claims posed by relocation. In the 1960s, a state court remarked, "Many factors must be considered and weighed by the trial judge, whose responsibility in this type of proceeding is generally difficult and quite frequently most delicate in nature" (*Tanttila v. Tanttila*, 1963, p. 802). In the 1990s, in a groundbreaking case for New York, it was noted that relocation cases "present some of the knottiest and most disturbing problems that our

courts are called upon to resolve” (*Tropea v. Tropea*, 1996, p. 148). Beginning in 1990 (*Gruber v. Gruber*, 1990), the next dozen years brought a furious level of activity in state appellate courts and legislative responses to the relocation problem. Courts continue to find the dilemmas posed by relocation family scenarios to be extremely difficult to resolve: “Of the many emotional consequences attendant upon the dissolution of a marriage, perhaps none is more vexatious than that precipitated by the desire of a parent to relocate with minor child of the marriage” (*Dupré v. Dupré*, 2004, p. 245). This same opinion observed how “fluid” relocation law is after reviewing the approaches by other states.

The troubling aspect of relocation cases is that they present families and courts with the painful realities of change and loss associated with an alteration in the parent–child and other family relationships. The court is always faced with determining how to avoid or mitigate situations that can become a lose-lose-lose outcome for the child and both parents. When there are two highly involved and competent parents with quality parent–child relationships, either before and/or after the marital separation, and one of the parents wants to move with the child a considerable geographical distance, then what is the court to do? The social policy debate on relocation has focused on the potential harm to the relationship between the child and the nonresidential or nonrelocating parent (Bruch, 2006; Bruch & Bowermaster, 1996; Kelly & Lamb, 2003; Wallerstein & Tanke, 1996; Warshak, 2000). Courts have noted that, if all the nonrelocating parent had to do was show some degree of harm to this relationship, then no disputed relocation would be allowed (*In re Marriage of Edlund & Hales*, 1998; *Goldfarb v. Goldfarb*, 2004; *In re Marriage of La Musga*, 2004). Courts have established that social policy considerations dictate that relocation of the child with the residential parent sometimes needs to be allowed, but these cases are fact driven (*In re Marriage of Ciesluk*, 2005) and there is no bright line to use as a decision-making rule (*Dupré v. Dupré*, 2004). Courts need to determine if the risk of harm (or detriment) to the child surpasses a “threshold of harm” that only the court can determine (Austin, 2000b). The role of the evaluator is to assist the court by predicting the risk and degree of potential harm to the child associated with the four decisional alternatives<sup>2</sup> and to suggest harm-mitigation strategies for each alternative (Austin, 2000c).

## **RELOCATION AS A GENERAL RISK FACTOR: SUMMARY OF THE RESEARCH**

### **THE MOBILE SOCIETY**

Twenty years ago, Bronfenbrenner (1986), in an essay and research review on the ecological perspective on child development, observed that: “[o]ne key aspect of family ecology has been equally neglected by researchers in Europe and the United States—the impact on family functioning, and on children, of moving from place to place” (p. 736). He viewed “[g]eographic mobility” as an important component of an index of “instability of the family environment” that a European study found to be “a major predictor of the child’s subsequent development in adolescence and early adulthood” (p. 736). Professor Bronfenbrenner was concerned about the risk of developmental harm to children and recommended that researchers study “the direct and indirect effects on the child of simultaneous disruption of established patterns of relations within the peer group, the school, and the family, as well as the subsequent processes of rebuilding linkages in the new location” (p. 736). The concern was not even directed at child development in the context of divorce.

Understanding the effects of relocation on children of divorce is important because of the high level of residential mobility among this cohort. Divorced parents relocate at a much higher rate than intact families with two biological parents. The group of divorced parents who relocate at the highest rate are more likely to have young children, for example, ages 20–34. Among divorcing parents, the majority have children under 6 years of age (Emery, 1998). Based on the summary of U.S. Census data, during 2002–2003, the following estimates are known (Schachter, 2004). 40.1 million U.S. residents moved and this was a decline from 17% of the population moving in 1994 to 14% in this latest measurement, but there was an increase in long-distance moves. The highest moving groups were 20–24, 25–29, and 30–34 years old, with their respective rates being 30.1%, 28.1%, and 19.8%. “The median distance of an intercountry move was 160 miles, while the mean (average) distance was a much longer 400 miles” (Schachter, 2004, p. 10).<sup>3</sup> Nineteen percent of the moves were intercounty and 19% were interstate. Eleven percent of divorced/separated adults moved compared to 7.8% of married adults. There are higher moving rates for younger children: 21.4% for ages 1–4, 15.9% for ages 5–9, and 13.2% for ages 10–14. If we accept the hypothesis that very young children are at the highest risk for relocation-related adjustment problems (Kelly & Lamb, 2003), then the census data show the typical move will involve a younger child, with an average move of 404 miles for the very young child (ages 1–4) and 374 miles for the young, school-age child (ages 5–9).

#### EFFECTS OF RESIDENTIAL MOBILITY<sup>4</sup> ON CHILDREN’S ADJUSTMENT

The most informative and robust scientific studies of the effect of relocation on children’s adjustment come from large, representative sample survey studies in sociology and demography.<sup>5</sup> This literature demonstrates the harmful effects, due to mobility, for children and this effect is magnified in nonintact families. Outcome measures are varied, such as school behavior problems, academic success, school graduation/dropout rates, teen pregnancy, age of first sexual activity, child well-being, and amount of idle time. The effect for residential mobility is strong *after controlling for income* (McLanahan & Sandefur, 1994). This literature largely has been overlooked by social scientists who have entered an advocacy role on legal standards appropriate for relocation (Wallerstein & Tanke, 1996; Warshak, 2000) in favor of an emphasis on research about the relative importance of the nonresidential parent for the child’s adjustment. State high courts which have referenced social science research have uniformly ignored this literature (*Baures v. Lewis*, 2001; *In re Marriage of Ciesluk*, 2005). My review of the controlling cases revealed only one appellate decision (*Dupré v Dupré*, 2004) that made reference to this literature and this was one study on residential mobility that did not control for type of family structure. A recent case cited the U.S. Census on mobility data and concluded that, because relocation is a very frequent occurrence, it must not be that harmful (*In re Marriage of Ciesluk*, 2005). The research reviewed below suggests this conclusion is without foundation and the proper one, is that relocation may or may not be harmful for the individual child depending on the combination of risk and protective factors that may be present. The child of divorce starts out in a position of greater risk of adjustment problems following a residential move.

Researchers have established the correlation between residential mobility and children’s adjustment and achievement *across all family structures* (Coleman, 1990; Simpson & Fowler, 1994; Wood et al., 1993).<sup>6</sup> These data show that the frequency of residential moves is related to school achievement and behavioral problems, so that a threshold of mobility of three or more moves doubles the likelihood of behavioral and emotional problems

(Simpson & Fowler, 1994). How relocation disrupts the access to resources was demonstrated in a study that found children who “had moved more than twice were three times as likely to lack a regular site for preventive or sick care and 1.6 times as likely to use an emergency department for sick care, as were children who never moved” (Fowler, Simpson, & Schoendorf, 1993, p. 934). Unfortunately, this research did not control for family structure. This literature suggests residential mobility may be a general risk factor for children’s adjustment, irrespective of the issue of divorce and living in a single, parent-headed household. For example, residential and school mobility negatively impacts the extent to which parents know their children’s friends and their parents (Haynie, 2004).

Residential mobility is correlated with poor academic performance (Haveman, Wolfe, & Spaulding, 1991; Pribesh & Downey, 1999), school dropout rates (Astone & McLanahan, 1994), drug and alcohol abuse (Hoffman & Johnson, 1998), premarital child bearing (South & Baumer, 2000), and a variety of behavioral problems (Pittman & Bowen, 1994).

The difference among children’s adjustment between intact and single-parent homes is substantial, without considering residential mobility. For example, McLanahan and Sandefur (1994) report that children from single-parent homes are twice as likely to drop out of high school (29% to 13%). Disruptions to family structure, between the ages of 14–17, are correlated with a lower high school graduation rate (Sandefur, McLanahan, & Wojtkiewicz, 1992). Children in single-parent or stepfamilies receive less encouragement with schoolwork than children living with two biological parents (Astone & McLanahan, 1991). The question, then, is how much of the measured effects on child outcome data are due to divorce and loss of available resources or divorce plus residential change and the resultant expanded loss of resources? McLanahan and Sorensen (1984), for example, found that change in family structure, combined with residential moves, resulted in negative changes in psychological status. The research reviewed below shows that residential mobility explains a significant amount of the divorce effects on child outcome measures.

When divorce and residential mobility are both entered into regression equations, then there is a strong effect on educational outcomes. This is a large literature that utilizes large samples and usually a longitudinal research design (McLanahan & Sandefur, 1994; Rumberger & Larson, 1998).

When different family structures are taken into account, it is more relevant to understanding how children of divorce and singleparents or stepfamilies are likely to cope with relocation. Tucker, Marx, and Long (1998) found that school-age children (ages 7–12) living in family structures other than intact families are at significantly greater risk for school problems, both academic and behavioral, when they encounter as few as one residential move. Thus, all family structures combined with relocation produced more developmental problems than two-parent, never-divorced families who moved. There were no significant differences in child outcome data between the other types of family structures, such as mother-only households, stepfamilies, child living with father only arrangements, or living with other relatives.

Wood et al. (1993) obtained similar findings with younger children. These data are reinforced by McClanahan and Sandefur (1994), who summarized the findings of four data sets (three longitudinal) on the effects of residential mobility and child adjustment to divorce with data on moves since school-age years and also during high school. They found, expectedly, that intact families report the least mobility, that those in a “step-family experience the most mobility” (p. 123), and that there are significant correlations between group mobility and child outcomes. For example, residential mobility accounts for about half of

the greater high school dropout and teen pregnancy rates for nonintact families, compared to two-parent families. McLanahan and Sandefur (1994) further found residential mobility explained “two thirds of the difference between children in single-parent families and two-parent families” on measures of child well-being (p. 129). While mobility appears to stand as a general risk factor for children from divorced, never-married, or stepfamilies, one prominent researcher concluded children from married and never-divorced families are generally quite resilient in response to relocation (J. Marx, 2005, personal communication). There is a convergence of sound methodological studies that confirm this hypothesis (Pribesh & Downey, 1999).

Relocation inherently involves a transition in many aspects of the child’s life. How the child adapts and copes will be a function of many variables, but the core of the adjustment process appears to revolve around the reduction in social resources available to the child or the influx of negative resources, such as teenagers integrating into an undesirable peer group (Haynie, 2004). Other researchers have utilized the reduction of the social resources hypothesis by applying the concept of social capital to explain differences in children’s adjustment in families (Amato & Sobolewski, 2004; Fagan & Barnett, 2003; Furstenberg, 2005; Hetherington, 1999).

### **RESIDENTIAL MOBILITY AS PART OF LIFE INSTABILITY FOLLOWING DIVORCE**

Divorce signifies a major transition in the life of parents and children. Many changes naturally occur within the family system. Moving residences is an important part of the increase in overall instability in the lives of the children of divorce. Other alterations include change in schools, losing touch with peers/classmates and acquiring new ones, meeting and maybe starting to live with parents’ new partners, and so on. Moving instigates a constellation of changes that create the potential for instability in the child’s environment. Some researchers have measured these concomitant sources of environmental change, which include residential moves, and found that greater instability in the life of the child is expectedly associated with less favorable adjustment (Amato, 1993; Stohlberg & Ankers, 1983). Artis (2007) found, with a large sample of kindergarten children, that the number of residential moves and the length of partner-relationship duration in cohabitating, nonmarried, and stepfamilies both were significantly associated with child adjustment in explaining less favorable comparisons with children from intact families. These two variables were used as a definition of stability for the child. The “relocation effect” or “residential mobility effect” is thus the combined result of the multiple changes that accompany moving the child’s residence and the other cooccurring environmental changes.

### **ESTIMATING THE BASE RATE OF HARM DUE TO RELOCATION<sup>7</sup>**

The effect sizes in the survey research can be used as estimates for a base rate of relocation-engendered harm.<sup>8</sup> Tucker et al. (1998) found, when children of divorce move only one time, “the odds of having problems in school increase 40 percent” (p. 122). In a sample of 4,499 family units, 16.7% of the children in intact families showed academic and behavioral problems compared to 29.5% in mother-only households. So, using the Tucker et al. data, a rough estimate of the effect size is about a 13% difference. McLanahan and Sandefur (1994) found that “the baseline differential for high school graduation is 6 percentage points for children in single parent homes and 5 percentage points for children

in stepfamilies” (p. 125). On this measure, mobility, combined with school quality, explained about 40% of the difference for stepfamilies. On measures of teen birth risk and idleness, the base rate differences were 9% and 11%, respectively. The authors concluded residential mobility accounts for 25–30% of the difference on high school dropout rates and teen pregnancy rates and, when combined with income, accounts for 60% of the difference on these dependent variables.

### **IS THE RELOCATION AGGREGATE EFFECT DUE TO THE HYPERMOBILE MINORITY?**

Divorced and never-married residential parents move much more frequently than two-parent, never-divorced parent families. Booth and Amato (2001) found 46% of young adults whose parents had divorced reported having moved within the first year following the marital separation. Studies show stepfamilies move the most frequently (McLanahan & Sandefur, 1994; Tucker et al., 1998). The frequency of postseparation/divorce residential mobility has been uncovered in various samples (Braver & O’Connell, 1998; Ford, 1997; Hetherington & Kelly, 2002; McLanahan & Sandefur, 1994; Tucker et al., 1998).

A possible explanation for the relocation effect is that it reflects a small group of hypermobile families in the nonintact family structures that distort group averages. The effect of frequency of moves has been extensively studied and with inconsistent results. Tucker et al.’s (1998) data disconfirms the hypothesis because they found only one residential move created significant differences in school outcomes between intact and nonintact families. Hagan, MacMillan, and Wheaton (1996) did not find a significant correlation between frequency of moves and educational outcomes, without controlling for family structure. Simpson and Fowler (1994) found three or more moves doubled the risk of behavioral problems. Wood et al. (1993) also found hypermobile children had a greater chance of repeating a grade and having multiple behavioral problems. Thus, frequency of moves beyond a threshold increases the risk for developmental and behavioral problems, averaging across family structures, but only one move places the child at risk in nonintact families. Multiple moves add to the risk, or the probability of aversive child outcomes, when paired with divorce and a nonintact family structure. Putnam’s (1995) metaphor captures this process: “Mobility, like frequent re-potting of plants, tends to disrupt root systems, and it takes time for an uprooted individual to put down new roots” (p. 30).

In a disputed relocation case, it could be argued that the residential mobility/relocation literature does not apply. That is, the aggregate data are not helpful in understanding the individual case. The research only provides the basis for a research hypothesis. Individualized assessment is always necessary in a relocation dispute. The evaluation may reveal a combination of facts and factors that allow for a prediction of substantial harm if the child relocates with the parent or with the option of the child’s relocation being denied and there is a change in the primary custodial parent. On the other hand, the context and data may show there is a good chance of a successful relocation for the child, as painful as this may be for the nonrelocating parent. This may be the first move for the parent and child. There may not have been three moves. The research also shows residential change very frequently follows a marital separation, so it is statistically unlikely that there have not also been previous postseparation moves. The child is likely to already have been adversely affected by moves with the residential parent or by the nonresidential parent moving away from the child (Braver, Ellman, & Fabricius, 2003).<sup>9</sup> Stress and potential loss of social resources available to the child are an inevitable part of the child’s relocation experience.

## EXPLAINING THE RELOCATION EFFECT

A preferred theoretical explanation for the effects of relocation is organized under the sociological concept of social capital (Coleman, 1990). This is a general concept and is defined in terms of the sources of support and resources available to children from parents, siblings, extended family, school, organized groups, and agencies. It refers to social support, social networks, and common values. The type of support referred to under the rubric of social capital can be operationalized in terms of love, commitment, trust, educational behaviors, role models, guidance, and so on. It is the noneconomic and human capital that contributes to the long-term development of the child. It is derived from the child's relationships with family, extended family, peers, teachers, coaches, and so on. Prominent divorce effects researchers have utilized this general concept to explain child long-term outcome data surrounding divorce (Amato & Sobolewski, 2004; Hetherington, 1999). Its application to the effects of relocation on children's adjustment is just as straightforward.

Just as divorce creates a temporary loss in social capital (McLanahan & Sandefur, 1994), relocation places the child at risk for a reduction in social capital (Austin, 2005). If divorce and relocation temporally cooccur, then it follows the child is at the greatest level of risk (Austin, 2005). This is a hypothesis that waits to be tested, but is endorsed by researchers (Hetherington & Kelly, 2002, p. 129) and is reflected in the relocation risk factor of "recentness since marital separation" in the risk assessment model (Austin, 2000a).

## HOW TO CHARACTERIZE THE RELOCATION BASE RATE<sup>10</sup> AND EFFECT SIZE

The base rate is important for two reasons. First, it gives empirical meaning to the language of harm that is found in relocation appellate decisions (Austin, 2000b) and the assumption that some degree of expected harm accompanies relocation (*In re Marriage of LaMusga*, 2004; *In re Marriage of Littlefield*, 1997; *Ramirez-Barker v. Barker*, 1994). Second, it provides an estimate of the probability or risk of negative outcomes for the identified group of children of divorce as a starting point for the evaluator and the court.

The effects of relocation on children of divorce can be measured by the percentage of children who show adjustment problems (academic and behavioral problems at school) or exhibit certain behaviors, for example, school dropout and teen pregnancy. The differential frequency data compared to intact families constitutes the base rate of harm associated with relocation. Emery (1998) has described a problem with applying the divorce effects research or making generalizations because divorce-related adjustment problems are low base-rate phenomena. That is, when a phenomenon or behavior itself is a rare occurrence, it follows that predictive accuracy will be low. It is a relatively rare occurrence. Research shows about 75% of children from divorced families show fairly normal adjustment, but the other 25% show significant problems (Kelly & Emery, 2003). This does not seem to be a low frequency of problematic behaviors one might be attempting to predict. In the relocation research of Tucker et al. (1998), for example, there was base-rate frequency of school problems of about 29%, which is not a low base rate phenomenon, and an effect size of a 13% difference compared to intact families.

Having a clear idea about the relocation base rate of harm can help the evaluator take a more balanced approach to the whole issue of a child moving away from one parent. The research shows the risk of harm due to relocation is significant, but it also shows the effect is not huge. Thirteen percent more children in nonintact families in Tucker et al.'s sample had school problems, but 71% of these relocated children did not. While not a huge effect

in the survey literature, residential mobility has higher predictive power on adjustment than almost any other variable. Theory and research show decision makers make prediction errors when they ignore base rate information and overly rely on salient, but insignificant factors (Kahneman & Tversky, 1982). It is helpful information to be used as part of the evaluator's approach and the decision maker's heuristic framework.

It is unclear how to label the magnitude of the relocation effect on children's adjustment. Ultimately, it may be a value judgment or a social policy determination in the hands of the courts. Many appellate decisions have assumed relocation is going to be harmful, to some degree, to the child and child–nonrelocating parent relationship (*In re Marriage of Edlund & Hales*, 1998; *Ramirez-Barker v. Barker*, 1992), but it is up to the trial court to determine if the harm rises to a level of sufficient detriment to deny a relocation request (*Baures v. Lewis*, 2001; *In re Marriage of Burgess*, 1996).

It appears in the survey research, when the outcome measure is binary in nature, for example, school dropout and teen pregnancy (McLanahan & Sandefur, 1994), then the base rate and effect sizes are lower, even if it is statistically significant. When the predictive measure is a combination of measures, or a summated scale, such as school problems or emotional-behavioral problems (Simpson & Fowler, 1994; Tucker et al., 1994), then the empirical estimate of the base rate is higher and ostensibly substantial upon qualitative as well as quantitative analysis. It remains the summary conclusion of various researchers that residential mobility explains a large percentage of the *effect*, or statistical difference, between intact and other family structures on multiple child outcome measures.

#### PUTTING POSTDIVORCE RESIDENTIAL MOVES IN CONTEXT

Demographic research provides convincing evidence that relocation is a general risk factor or that there is a base rate of harm for the population of children from nonintact families who move, even as few as one time (Tucker et al., 1998). This empirical generalization is fuel for the relocation controversy (Wallerstein & Tanke, 1996; Warshak, 2000) that sometimes views relocation in the context of child custody disputes in good or bad terms amidst polemical rhetoric (Bruch, 2006; Bruch & Bowermaster, 1996). What the demographic (and other) research does not provide is a detailed view of the variability of family and children's adjustment to relocation within this heterogeneous population or control for the type of move with respect to distance or reasons for the move. One conclusion from high-quality divorce effects research is that the heterogeneity of the divorce experience for children, or the within-group variance, sometimes provides the most insight (Ahrns, 1994; Hetherington & Kelly, 2002). The same can be said of residential moves and relocation.

There will be some instances of relocation for some nonintact families that will benefit the children by producing better opportunities for a higher standard of living, increased social contacts, better schools, and so on. This is the assumption under some state legal standards, for example, *Baures v. Lewis* (2001), but even when state court decisions have established a presumption in favor of relocation, there has been an emphasis on the need for individualized determinations for the disputed relocation case (*Baures*, 2001; *Burgess*, 1996; *In re Marriage of Francis*, 1996). The move may make sense for the decision maker or seem to be a *cogent move*. One experimental study (Pettit & McLanahan, 2003) found relocation among poor residents of public housing resulted in an increase in parental contacts with the parents of the children's friends, thus indirectly improving the children's well-being via a "social capital effect." Thus, there can be good moves and bad moves, moves that make sense and those that do not, depending on the life context for the

family and the child. McLanahan and Sandefur (1994), in measuring the reasons for moves, did find that for single mothers it was least likely that they moved to enhance material well-being, for example, for employment or a better residence. Moves were more likely to be nonvoluntary, such as for losing housing or consumptive reasons (to find housing), and least likely to be productive (to find employment). In disputed child custody cases, there usually are going to be asserted various tangible benefits to the parent and child, direct and indirect, associated with a move.

One distinguishing feature of moves concerns distance. Local and long-distance moves are going to be qualitatively different, with more disruption to relationships and activities associated with long-distance moves. A qualification of the generalization about residential moves increasing risk to children of divorce is that the research literature studies have generally not examined qualitative differences in the moves. Local and long-distance moves have been combined in the aggregate data analysis. I have been cross-examined on this empirical issue, but in legal relocation disputes the issue usually involves a long-distance move, although not always.<sup>11</sup> In some states a move must exceed 100 miles before it is considered relocation (Arizona, Michigan). The U.S. Census data described above show that the majority of moves are going to be local and within the same county, but a significant percentage of moves will be intercounty and interstate. So the average distance turns out to be very substantial. Hagan et al. (1996) reasoned that local moves do not cause as much loss in resources and social capital, but others suggest even local moves can alter the quality of the noncustodial parent's involvement (Shear, 1996).

In disputes, courts obviously are going to put the facts and circumstances of the proposed move in proper context. There are sound theoretical reasons to assume long-distance interstate moves, or even international moves, are going to qualitatively affect the nonresidential-parent-child relationship more and place the child at more risk to lose out on receiving free-flowing social capital from one parent. Distance makes it more difficult to craft a parenting time plan that keeps the nonmoving parent involved and requires the evaluator and court to have a harm-mitigation mindset when there is going to be a long-distance parenting plan put into place.

## **SUMMARY AND IMPLICATIONS FOR CHILD CUSTODY EVALUATION**

Methodologically sound survey studies show strong effects on child outcomes due to residential mobility following divorce. The measurement of child adjustment problems, as a function of residential changes, ranges from greater frequency of school behavior problems with younger children to lower academic achievement, greater teen pregnancy, and lower psychological well-being in older children. The effect seems to be independent of the age of the child at the time of divorce (McLanahan & Sandefur, 1994). On average, children from single-parent and remarried households are at greater developmental risk for adjustment problems due to relocation, compared to children from intact families. This research literature appears to establish relocation as a general risk process for children of divorce and provides a base rate level of harm due to relocation that can be found in the effect sizes in the survey studies. It also reflects the process of environmental instability for children following divorce. Evaluators should still keep in mind the great variability in the reasons for moving and the likely effects of relocation on a given family, just as researchers remind us to pay close attention to the within-group variability in the aggregate data on children's adjustment to divorce (Ahrns, 1994; Hetherington & Kelly, 2002). Kelly and

Emery (2003) make this point as a caveat in interpreting divorce effects research and emphasize that the normative outcome data from research studies should not be confused with the individual case in practice. An umbrella of social policy issues casts a shadow over relocation, along with the practical realities in many families, so that relocation by parents and children will be permitted in many contested child custody cases.

The research literature on residential mobility for children of divorce and general risk *is just a starting point* for an evaluator and the court, but it alerts both to the need to craft solutions to the relocation dilemma that will mitigate harm for the children when there may be a long distance parenting arrangement. It would be unsound to use the research reviewed here as a basis for a presumption or bias against relocation of a child with a parent who aspires to relocate because of the salient social policy issues that surround relocation cases. Relocation disputes are inherently driven by the facts of the case and the particulars of the family context. In Part II of this article on relocation, the risk assessment approach and the underlying research that supports the utility of the model will be discussed. As with all forensic evaluation models, this approach only provides a predictive framework to help organize the evaluator's data to facilitate communication concerning the issues that are before the court. For a relocation dispute, information beyond the research-based factors will be necessary, such as descriptive data on the relative advantages/disadvantages associated with relocating with the parent or staying in the custody of the nonmoving parent. It should always be helpful when the evaluator conducts a psychological cost/benefit analysis associated with the decisional alternatives that are available to the court.

## NOTES

1. I thank Professor Nicholas Bala, Professor Sarah Ramsey, and three anonymous reviewers from the journal for comments on previous versions of this manuscript.

2. (1) the children are allowed to relocate with the relocating parent; (2) the relocation of the children is denied and the parent decides not to relocate without the children; (3) the relocation is denied and the parent decides to relocate without the children; (4) the relocation is allowed and the other parent also relocates to the new community to be near the children. Some jurisdictions, in some legal contexts, may permit only some of these alternatives to be considered in making the comparisons of alternative residential living arrangements for the child, for example, relocation of parent and child versus status quo with a parent not relocating. It may be viewed as unconstitutional for a court to issue a conditional order that permits a parent to be the residential parent only if she or he does not relocate (*In re Marriage of Ciesluk*, 2005).

3. Note the coincidence that Hetherington found in her longitudinal study of families of divorce that the average geographical distance between parents was 400 miles when the children reached 15 years (Hetherington & Kelly, 2002).

4. I thank Professor Sarah Ramsey and an anonymous reviewer for pointing out that there needs to be a distinction drawn between the terms of relocation and residential mobility. It is suggested that relocation be reserved for those situations where a parent's request to move with a child becomes part of a contested legal case and residential mobility is used to refer to the act and effect of parents and children moving. Relocation obviously consists of residential mobility, and conversely, a long-distance move creates relocation.

5. This literature consists solely of survey research which has some inherent limitations, but can be extremely useful in testing a wide range of hypotheses. The literature is not a multimethod approach, such as that used by high-quality divorce effects studies (Ahrns, 1994; Hetherington & Kelly, 2002; Pruett, Williams, Insabella, & Little, 2003). Surveys use only self-report data, some important variables may not be measured, sometimes only one parent is interviewed, and there is no third-party information to confirm self-reports. The strength of surveys, and this literature, is large, representative sample sizes of thousands of respondents, standardization of data collecting procedures, measurement of a vast array of variables, and a longitudinal approach.

6. As with all research on the effects of divorce, the survey research statistics are correlational and do not establish causation, but advanced statistical analyses permit theorizing about causal pathways on children's long-term adjustment.

7. The reader again is reminded that the assertion that relocation is associated with increased potential of harm to children of divorce should not be interpreted as a bias against relocation (Austin, 2005; Stahl, 2006). Appellate courts accept the reality that relocation will likely produce some degree of harm (*In re Marriage of LaMusga*, 2004). The question in any given case always is how much expected harm will be enough to deny a relocation request.

8. Effect size measures the strength of correlation between two variables, such as the Pearson correlation coefficient, and it is preferred to a hypothesis testing approach that merely confirms if an association is statistically significant because “significant” results may not be theoretically meaningful (Meyer, Finn, Eyde, & Kary, 2001). The methodology of meta-analytic studies uses effect sizes across studies. The use of the concept of effect size here is done with descriptive statistics, as reported in the research studies, for example, McLanahan and Sandefur (1994) and Tucker et al. (1998), rather than more exact measures that can be derived from the general linear model.

9. This study was pioneering. It was the first direct examination of the long-term effects of residential mobility on children of divorce. It has stirred up controversy and has been criticized by proponents of a legal presumption in favor of relocation by a residential parent (Bruch, 2006; Wallerstein et al., 2004), in which the authors have responded (Fabricius & Braver, 2006). In light of a college student sample and the types of self-report measures, the results should be considered preliminary, but they are consistent with the literature reviewed in this article.

10. Base rate refers to the frequency of a behavior or set of behaviors within a given population. A secondary definition is comparative by the greater frequency of a phenomenon in one population versus another population, for example, between intact families versus children from divorce versus other family structures.

11. The move in the well-known California case of *In re Marriage of Burgess* (1996) involved a move of about 50 miles.

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