

## What it Takes to Prevent Removal

Notwithstanding recent changes in the ways courts analyze removal cases,<sup>1</sup> the foundation for opposing any removal action goes back to the days of **Eckert**. Again, work with an experienced, skilled attorney to prepare your opposition. Successful oppositions include at least one of the **four Eckert factors**: **(1)** the move will not enhance the general quality of life for either the custodial parent or the children; **(2)** your motives in resisting the removal are based not in attempting to thwart your former spouse's efforts at a new life, but merely in your love for your child and your attempt to secure your child's best interests (consider, for example, the strategic difference between the argument that you won't see your child as much, as opposed to the more powerful argument that your child won't see **you** as much); **(3)** that it is in the best interest of the child to have a healthy and close relationship with both parents and therefore the visitation rights of the child to spend substantial time with you should be carefully considered; and **(4)** that no matter how convenient, frequent, or robust, **any** visitation schedule that requires the child to travel significant distances merely to have contact with the other parent imposes an unreasonable burden on the child. Additionally, your opposition case may examine the motives of the custodial parent in seeking the relocation to determine whether the removal is merely a ruse intended to defeat or frustrate visitation – obviously, this last element will depend on the facts and history of your case.

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This article was written by the law office of Cowell Taradash, P.C., whose attorneys are familiar with the latest court decisions, recent changes in the law and even the tendencies of many judges. We can help. Contact us at 866.987.6723 or [info@illinoisdivorce.com](mailto:info@illinoisdivorce.com).