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- Colorado State Cases
- Colorado State & Federal Cases
- Colorado State Trial Court Orders
- 10th Circuit Federal & State Cases
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Q Custodial parent p

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## Overview (14)

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 Select all items | No items selected
Cases | [View all 55](#) **Auge v. Auge**

Supreme Court of Minnesota. | June 03, 1983 | 334 N.W.2d 393

**Custodial parent moved** for evidentiary hearing and for **permission** to remove parties' **child** from the **state**. The District Court, Ramsey County, Roland J. Faricy, Jr., J., denied...

...**Custodial parent moved** for evidentiary hearing and for **permission** to remove parties' **child** from the **state**....

...**Permission** for **custodial parent** to **move child** to another **state** may not be denied under statute merely because **move** might require adjustment in existing pattern of visitation. M.S.A. § 518.175, subd. 3....

 **Goldman v. Greenwood**

Supreme Court of Minnesota. | March 27, 2008 | 748 N.W.2d 279

FAMILY LAW - **Child** Custody. The modification of **child** custody order statute governed mother's motion to remove **child out of state**.

...Minnesota Statutes § 518.175, subd. 3, governs a **custodial parent's** relocation of a **child** to another **state**, providing as follows: (a) The **parent** with whom the **child** resides shall not **move** the residence of the **child** to another **state** except upon order of the court or with the consent of the other **parent**, if the other **parent** has been given **parenting** time by the decree....

... In Auge we said that a **custodial parent** is presumptively entitled to remove a **child** from the **state** and the burden of proof is on the party opposing such a **move** (hence the term "Auge" presumption)....

Statutes | [View all 38](#) **518.175. Parenting time**

MN ST § 518.175 | Minnesota Statutes Annotated

Minnesota Statutes Annotated  
Domestic Relations (Ch. 517-519)  
Chapter 518. Marriage Dissolution  
Proceedings

...**Permission** for **custodial parent** to **move child** to another **state** may not be denied under statute merely because **move** might require adjustment in existing pattern of visitation....

...Court is prohibited from allowing the removal of **children out of state** by the **custodial parent** if the purpose of the **move** is to interfere with the other **parent's parenting** time....

Out of Plan

## Cases (55)

1-20

Sort by: Relevance

 Select all items | No items selected **1. Auge v. Auge**

Supreme Court of Minnesota. | June 03, 1983 | 334 N.W.2d 393

**Custodial parent moved** for evidentiary hearing and for **permission** to remove parties' **child** from the **state**. The District Court, Ramsey County, Roland J. Faricy, Jr., J., denied...

...**Custodial parent moved** for evidentiary hearing and for **permission** to remove parties' **child** from the **state**....

...**Permission** for **custodial parent** to **move child** to another **state** may not be denied under statute merely because **move** might require adjustment in existing pattern of visitation. M.S.A. § 518.175, subd. 3....

 **2. Goldman v. Greenwood**

Supreme Court of Minnesota. | March 27, 2008 | 748 N.W.2d 279

FAMILY LAW - **Child** Custody. The modification of **child** custody order statute governed mother's motion to remove **child out of state**.

...Minnesota Statutes § 518.175, subd. 3, governs a **custodial parent's** relocation of a **child** to another **state**, providing as follows: (a) The **parent** with whom the **child** resides shall not **move** the residence of the **child** to another **state** except upon order of the court or with the consent of the other **parent**, if the other **parent** has been given **parenting** time by the decree....

... In Auge we said that a **custodial parent** is presumptively entitled to remove a **child** from the **state** and the burden of proof is on the party opposing such a **move** (hence the term "Auge" presumption)....

 **3. Hegerle v. Hegerle**

Court of Appeals of Minnesota. | September 18, 1984 | 355 N.W.2d 726

Former wife brought motion to amend order denying her petition to remove **child** with her to another **state**, and requested equal division of physical custody or, in the alternative full...

...Whether court denies **custodial parent's** request to **move child** to another **state** or grants noncustodial **parent's** motion opposing removal of **child out of state** by **custodial parent**, a change of custody in those cases is often effected, which requires evidentiary hearing; however, if **custodial parent** is granted **parenting**

## » RELATED DOCUMENTS

## Secondary Sources

**OUT OF STATE AND OUT OF LUCK: THE TREATMENT OF NON-CUSTODIAL PARENTS UNDER THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN**

25 Yale L. & Poly Rev. 63  
Fall 2006

Yale Law and Policy Review

...Under this model, the **out-of-state**, non-**custodial parent** would be treated identically to a non-**custodial parent** living in the same **state** as the **child**....

[§ 35.6. Custody and visitation](#)

Minnesota Practice Series TM  
6 Minn. Prac., Methods Of Practice § 35.6 (3d ed.)

...(2) Whether the court has denied a request of the primary **custodial parent** to **move** the residence of the **child** to another **state**, and the primary **custodial parent** has relocated to another **state** despite the court's order.[...]

[§ 6:44. Modification of custody orders](#)

Minnesota Practice Series TM

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**Goldman v. Greenwood**

Supreme Court of Minnesota. | March 27, 2008 | 748 N.W.2d 279

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 Original Image of 748 N.W.2d 279 (PDF)748 N.W.2d 279  
Supreme Court of Minnesota.In re the Marriage of Deborah A. GOLDMAN, f/k/a Deborah A. Greenwood, Respondent,  
v.  
Mark E. GREENWOOD, Appellant.

No. A06-1110. | March 27, 2008. | Rehearing Denied May 14, 2008.

**Synopsis**

**Background:** Mother filed post-divorce motion for removal of **child** to New York City. The District Court, Hennepin County, denied the motion without an evidentiary hearing, and mother appealed. The Court of Appeals, [725 N.W.2d 747](#), reversed and remanded. Mother and father petitioned for review.

**Holdings:** The Supreme Court, [G. Barry Anderson, J.](#), held that:

- 1 locale restriction in the trial court's custody order was valid;
- 2 the modification of **child** custody order statute, rather than the statute pertaining to a **custodial parent's** relocation of a **child** to another state, governed mother's motion to remove **child out of state**; and
- 3 the trial court's refusal to grant mother and evidentiary hearing on her motion for remove **child out of state** was not an abuse of discretion.

Reversed.

[Paul H. Anderson, J.](#), filed a dissenting opinion.**West Headnotes (7)**

## RELATED TOPICS

## Child Custody

## Modification

[Best Interests of the Child](#)

## Removal from Jurisdiction

[Prospective Advantages of Custodial Parent Removal of Minor Children](#)

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[Custody Determination of Child Absent Abuse of Discretion](#)

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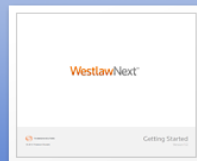
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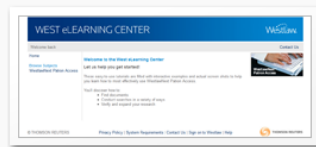


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- **Mac OS 10.5 or later running:**
  - Safari 4.0 or later or Firefox 3.0 or later
- JavaScript and cookies enabled
- Adobe Acrobat Reader 9.0 and Adobe Flash 10.0 installed
- 1024 x 768 screen resolution (or higher) recommended

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