

I Moved Out of State and My Spouse Stayed Behind; Can I File for Divorce in My New Home State?

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There are times when couples are not getting along and one of them may choose to move, not just out of the house, but out of state. Deciding where you can file for divorce when you live in two different states can be a complicated issue.

If there are children involved, you likely need to file where the child has lived for the past 6 months. There are extenuating circumstances where that is not the case, but most of the time, the “home state” for the child where the divorce can be filed, is where the child lived for 6 months before the filing.

If there are no children, the question of where to file for divorce depends on many factors that are reviewed by a court, if the place for the filing is contested. Some of the factors a court may review include: the length of time a party has lived in the state, where each party works, the contacts each party has to their own state, and the ability of the other party to engage in litigation outside of where they live.

Determining where you can file for divorce is a more complicated issue than people think. It's important to consult with an experienced family law attorney to discuss this issue, like the family law attorneys at Sandberg Phoenix.