



## **When a Parent Needs to Relocate, Virtual Visitation May Be an Option, Michigan Family Law Attorney Says**

*Michigan family law attorney Paul J. Tafelski says that arranged video conference visits could be a fair solution when a court allows the custodial parent to move with a child.*

Bloomfield Hills, Michigan ([PRWEB](#)) August 29, 2010 -- The increased use of online video conference technology could add a new twist to a custodial parent's request to relocate after a divorce, Michigan family law attorney [Paul J. Tafelski](#) says.

The issue drew national attention earlier this month when a New York court ordered a woman moving to Florida to use the Skype video conference program so her children could have long-distance visitation with their father.

The mother in the case, *Baker v. Baker* (New York Law Journal, No. 29610-2007), claimed she needed to move because her home was in foreclosure. The court ordered three Skype communications per week between the father and his two children.

“Virtual visitation, such as Skype video conferences, may not be the answer in every situation, but in cases where the custodial parent's move appears to be justified, it can be a fair solution for the other parent,” says Tafelski, whose Oakland County firm, Paul J. Tafelski, P.C., represents family law clients in a variety of areas, including [child custody](#).

“If the court is going to permit the relocation, the other parent should request virtual visitation as a way to continue a meaningful relationship with the child,” he says.

Michigan follows what's called the “100-mile rule,” which prevents a custodial parent from moving a child's residence by more than 100 miles without first securing the non-custodial parent's consent or a court's permission.

If the non-custodial parent objects, a hearing is held in which the court considers the “D'Onofrio factors,” which are codified under MCL 722.31(4):

- Whether the change has the capacity to improve the quality of life for both the child and the relocating parent;
- The degree to which each parent has used their scheduled parenting time;
- If the parent and child changes domiciles, the ability of the court to fashion an order or modify an existing order to preserve and foster the parenting relationship between the child and the parents;
- The extent that the parent opposing the move is motivated by a desire to secure a financial advantage with respect to a support obligation; and
- The existence of domestic violence.

“Virtual visitation – whether it's by Skype, iChat, e-mail, chat rooms, texting or any other forms that are being commonly used today – could play into the third factor,” Tafelski says.



“If the court determines that the relocation is needed to improve the quality of life for the child and custodial parent, it could order virtual visitation as a way to preserve and foster the non-custodial parent’s relationship with the children.”

However, Tafelski says virtual visitation should be used to supplement, not substitute, for actual visitation, or parenting time.

“A video conference can provide a quality visit, but isn’t the same as watching your child’s ballgame or giving the child a hug,” he says. “Only when the relocation is absolutely necessary should a video visit be considered. Even then, the non-custodial parent should still have actual, physical visitation time with the child.”

Tafelski says that virtual visitation clauses can also be inserted in divorce settlements.

The clauses should address the form of visitation, the days and times for the visits, which parent will provide the necessary hardware and software and, in cases involving young children, whether the custodial parent will need to initiate the video conference and then leave the room in order to ensure privacy.

“Technology is constantly changing,” Tafelski says, “and family law is keeping pace with those changes.”

About Paul J. Tafelski, P.C.

The Bloomfield Hills, Michigan, family law firm of [Paul J. Tafelski, P.C.](#), emphasizes mediation and other forms of alternative dispute resolution, but is always prepared to fight for its clients in the courtroom. Paul J. Tafelski, P.C., provides insight and expertise about prenuptial and postnuptial agreements, divorce, asset division, spousal support, child custody, child support and domestic violence. Contact the firm at (248) 451-2200 or through its [online form](#) to schedule an initial consultation and discuss your short-term and long-term plans.

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