

CHILD CUSTODY

Protecting the Best Interest of the Children

Perry A. Berg recently obtained a favorable decision in a custody dispute for the mother of two children. Six years after the couple was divorced, the mother requested permission to move the children out of the State of Minnesota. The father objected, although the distance between the family homes would increase only slightly. The father filed a motion requesting the physical custody of the children be modified and he be awarded sole physical custody on the grounds that the children were endangered by staying primarily with their mother due to her history of moving and health problems. After an evidentiary hearing, the Court concluded that the move of the children's residence out of state was in the best interest of the children, and that the father had failed to prove that the children's physical or emotional health was endangered by continuing custody with the mother.