

INSTRUCTIONS FOR CUSTODY RELOCATION ACTIONS

Relocation is defined in Pennsylvania Law as a change in a residence of a child which significantly impairs the ability of a non-relocating party to exercise custodial rights.

Further, no relocation shall occur unless:

- (1) every other person with custody rights consents; or
- (2) the Court approves the proposed relocation.

A party proposing to relocate with a child(ren) is required to provide the following notice:

- (1) The party proposing the relocation shall notify every other individual who has custody rights to the child(ren).
- (2) Notice, sent by certified mail, return receipt requested, shall be given no later than:
 - (i) the 60th day before the date of proposed relocation; or
 - (ii) the 10th day after the date that the individual knows of the relocation, if:
 - (A) the individual did not know and could not reasonably have known of the relocation in sufficient time to comply with the 60-day notice; and
 - (B) it is not reasonably possible to delay the date of the relocation so as to comply with the 60-day notice.

The information requested on the "Notice of Proposed Relocation" form attached to these rules must be filled out completely before it is sent, by certified mail, return receipt requested, to any other individual who has custody rights to the child(ren). If any of the information requested in the "Notice of Proposed Relocation form is not known when the Notice is sent, but later known to the party proposing relocation, that party must promptly inform the other individuals who received notice of relocation of that information.

Make sure you completely fill out the "Notice of Proposed Relocation," including the caption at the top of the first page and the case number. You also must fill out the caption and the case number at the top of the "Counter-Affidavit Regarding Relocation."

You should file the original "Notice of Proposed Relocation" with the Prothonotary's Office, and keep a copy of the completed "Notice of Proposed Relocation" with the "Counter-Affidavit Regarding Relocation."

Be sure to sign the "Notice of Proposed Relocation" at the bottom of the second page on the signature line indicating "Party Proposing Relocation" and that you date the Notice on the line to the left of your signature.

Objection to Relocation.

Any party who is entitled to receive notice of a proposed relocation may file an objection to that proposed relocation and seek a temporary or permanent Order to prevent the relocation. Objection shall be made by completing and

returning to the Court a counter-affidavit, which shall be filed with the Court within thirty (30) days of receipt of the proposed relocation notice and served on the party proposing relocation by certified mail, return receipt requested, addressee only. Any objecting party should then keep a copy of the completed "Counter-Affidavit Regarding Relocation," as well as the original receipt as proof of the certified mailing to the proposed relocating party if there becomes any dispute as to whether the "Counter-Affidavit Regarding Relocation" was properly served up on the proposed relocating party.

If a party who has been given proper notice of a proposed relocation does not file an objection to that proposed relocation within the thirty (30) days after receiving notice, it will be presumed that the non-relocating party has consented to the proposed relocation and the Court, in any future proceeding, shall not accept testimony challenging the relocation.

Confirmation of Relocation Where No Objection to Relocation has been filed.

If no timely objection to the proposed relocation is filed, the party proposing the relocation needs to file, with the Court, the following items PRIOR to the relocation:

1. An Affidavit in the form attached to these instructions stating that the party proposing relocation provided notice to every individual entitled to notice, the time to file an objection to the proposed relocation has passed and no individual entitled to receive notice has filed an objection to the proposed relocation;
2. Proof that proper notice was given in the form of a return receipt with the signature of the addressee and the full notice that was sent to the addressee;
3. A Petition to Confirm Relocation and Modify any Existing Custody Order on the form attached to these instructions; and
4. A Proposed Order in the form attached to these instructions.

Make sure you have completely filled out, signed and dated the "Affidavit," "Proof of Service" and the "Petition to Confirm Relocation and Modify any Existing Custody Order" before filing those documents with the Court. Also, be sure you have attached all required items.

Hearing if Objection to Relocation and/or Modification of Custody Order.

If any party with custody rights has filed a timely "Counter-Affidavit Regarding Relocation" objecting to the relocation and/or modification of the Custody Order, an expedited hearing must be held before the relocation occurs unless the Court finds that exigent circumstances exist, in which case the Court may approve the relocation pending an expedited full hearing.

The Court may set an expedited full hearing on its own Motion, but if it does not do so, said hearing will be scheduled upon Motion of either party. A copy of a form "Motion for Expedited Full Hearing" on the proposed relocation is attached, as is a form alleging exigent circumstances exist and, therefore, the relocation should be approved pending an expedited full hearing.

Both a "Motion for Expedited Full Hearing" and a "Motion to Approve Relocation Pending an Expedited Full Hearing" require the attachment of Exhibit 208.3(a) headed "NOTICE."

The "NOTICE" form should indicate how a copy of the Motion was served on any other party and, in addition to providing the other necessary information required to the Court Administrator, if the Motion is for an expedited full hearing, you can simply indicate that it is an uncontested Motion only requesting a hearing. If the Motion is to

approve relocation pending an expedited full hearing, the “NOTICE” given to the other parties will have to indicate when the Motion is being presented in Motion Court since immediate relief is being requested and, therefore, the Motion must be considered by the Court with proper notice to the other parties as a contested motion, unless all other parties have agreed to the relocation pending the expedited full hearing.

Relocation Factors.

At an expedited full hearing, in determining whether to grant a proposed relocation, the Court will consider the following factors giving weighted consideration to those factors that affect the safety of the child(ren):

1. The nature, quality, extent of involvement and duration of the child’s relationship with the party proposing to relocate and with the non-relocating party, siblings, and other significant persons in the child’s life.
2. The age, developmental stage, needs of the child and likely impact the relocation will have on the child’s physical, educational and emotional development, taking into consideration any special needs of the child.
3. The feasibility of preserving the relationship between the non-relocating party and the child through suitable custody arrangements, considering the logistics and financial circumstances of the parties.
4. The child’s preference, taking into consideration the age and maturity of the child.
5. Whether there is an established pattern of conduct of either party to promote or thwart the relationship of the child and the other party.
6. Whether the relocation will enhance the general quality of life for the party seeking relocation, including but not limited to, financial or emotional benefit or educational opportunity.
7. Whether the relocation will enhance the general quality of life for the child, including but not limited to, financial or emotional benefit or educational opportunity.
8. The reasons and motivation of each party for seeking or opposing the relocation.
9. The present and past abuse committed by a party or member of a party’s household and whether there is a continued risk of harm to the child or an abused party.
10. Any other factor affecting the best interests of the child.

The party proposing the relocation has the burden of establishing that the relocation will serve the best interest of the child based on the above factors.

Each party has the burden of establishing the integrity of that party’s motives in either seeking a relocation or seeking to prevent the relocation.

At a Relocation Hearing, if the party seeking relocation has failed to provide reasonable notice, the Court may consider that failure as:

1. a factor in making a determination regarding the relocation;
2. a factor in determining whether custody rights should be modified;
3. a basis for ordering return of the child to the non-relocating party if the relocation has occurred without reasonable notice;
4. sufficient case to order the party proposing relocation to pay reasonable expenses and counsel fees incurred by the party objecting to the relocation; and
5. a ground for contempt and imposition of sanctions against the party proposing relocation.

However, any consideration of a failure to provide reasonable notice shall be subject to mitigation if the Court determines that such failure was caused in whole or in part by abuse.

At a Relocation Hearing, if a party has relocated with the child prior to an expedited full hearing, the Court shall not confer any presumption in favor of the relocation.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION

vs.

No. _____

NOTICE OF PROPOSED RELOCATION

You, _____, are hereby notified that Plaintiff / Defendant _____
_____ proposes to relocate with the following minor children:

Child's Name	Age	Currently Residing at:
_____	_____	_____
_____	_____	_____
_____	_____	_____

To object to the proposed relocation, you must complete the attached counter-affidavit and serve it on the other party by certified mail, return receipt requested, addresses only, or pursuant to Pa. R.C.P No. 1930.4 within 30 days of receipt of this notice. If there is an existing child custody case, you also must file the counter-affidavit with the court. If you do not object to the proposed relocation within 30 days, the party proposing relocation has the right to relocate and may petition the court to approve the proposed relocation and to modify any effective custody orders or agreements. FAILURE TO OBJECT WITHIN 30 DAYS WILL PREVENT YOU FROM OBJECTING TO THE RELOCATION ABSENT EXIGENT CIRCUMSTANCES.

1. Address of the proposed new residence: _____
_____.

Check here if the address is confidential pursuant to 23 Pa. C.S. § 5336(b).

2. Mailing address of intended new residence (if not the same as above): _____
_____.

Check here if the address is confidential pursuant to 23 Pa. C.S. § 5336(b).

3. Names and ages of the individuals who intend to reside at the new residence:

Name	Age
_____	_____
_____	_____

Check here if the address is confidential pursuant to 23 Pa. C.S. § 5336(b) or (c).

4. Home telephone number of the new residence: (____) _____ - _____
 Check here if the address is confidential pursuant to 23 Pa. C.S. § 5336(b) or (c).

5. Name of the new school district and school the child(ren) will attend after relocation: _____

 Check here if the address is confidential pursuant to 23 Pa. C.S. § 5336(b) or (c).

6. Date of the proposed relocation: _____
 Check here if the address is confidential pursuant to 23 Pa. C.S. § 5336(b) or (c).

7. Reason for the proposed relocation: _____

 Check here if the address is confidential pursuant to 23 Pa. C.S. § 5336(b) or (c).

8. Proposed modification of custody schedule following relocation: _____

9. Other information: _____

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GOT TO OR TELEPHONE THE OFFICE SET BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFIER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Crawford County Bar Association

Service to the Public Com.
C/O Court Administrator
Crawford County Courthouse
Meadville, PA 16335
(814) 333-7300, Ext. 498

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION

vs.

No. _____

COUNTER-AFFIDAVIT REGARDING RELOCATION

This proposal of relocation involves the following child(ren):

Child's Name

Age

Currently Residing at:

I have received a Notice of Proposed Relocation and (*check all that apply*):

1. I do not object to the relocation.
2. I do not object to the modification of the Custody Order consistent with the proposal for modification obtained in the Notice of Proposed Relocation.
3. I do not object to the relocation, but I do object to the modification of the Custody Order.
4. I plan to request that a hearing be scheduled by filing a request for hearing with the court:
 - a. prior to allowing the child(ren) to relocate.
 - b. after the child(ren) relocate.
5. I do object to the relocation.
6. I do object to the modification of the custody order.

I understand that in addition to objecting to the relocation or modification of the custody order above, I must also serve this counter-affidavit on the other party by certified mail, return receipt requested, addressee only, or pursuant to Pa. R.C.P. No. 1930.4, and, if there is an existing custody case, I must file this counter-affidavit with the court. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I understand that I will not be able to object to the relocation at a later time.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

DATE: _____

Respondent

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION

vs.

No. _____

AFFIDAVIT

AND NOW, this _____ day of _____, 20____, comes the _____
(fill in plaintiff or defendant)
and states that I have provided notice by certified mail, return receipt requested, addressee only, to every individual who has custody rights to the child(ren) subject to the proposed relocation and the time to file an objection to that relocation has passed with no individual entitled to receive notice having filed an objection to the proposed relocation.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. A. § 4904 (relating to unsworn falsification to authorities).

Date: _____

(Signature of party proposing relocation)

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION

vs.

No. _____

PROOF OF SERVICE

AND NOW, this _____ day of _____, 20____, the _____
(fill in plaintiff or defendant)
avers that certified mail notice, return receipt requested, addressee only, of the proposed relocation was sent to the following individuals:

1. _____
2. _____
3. _____
4. _____
5. _____

Attached to this "Proof of Service" are copies of any Notices that were sent to any party with custody rights to the child(ren) and a signed Return Receipt for each of those individual(s) verifying that they received that Notice.

I verify that the statements made in this "Proof of Service" are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 (relating to unsworn falsification to authorities).

Date: _____

(Signature of party proposing relocation)

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION

vs.

No. _____

PETITION TO CONFIRM RELOCATION AND MODIFY AN EXISTING CUSTODY ORDER

AND NOW, this _____ day of _____, 20____, the _____
(fill in plaintiff or defendant)

petitions the Court to enter the attached proposed Order confirming a relocation and modification of the existing Custody Order and in support thereof avers the following:

1. A "Notice of Proposed Relocation" was sent to each individual with custody rights to the child(ren), together with a Counter-Affidavit, which could be used to object to the proposed relocation and modification of a Custody Order.
2. Each such required Notice was sent by certified mail, return receipt requested, addressee only, and I have received the return receipts indicating that each person served received the Notice and have filed a "Proof of Service."
3. At least thirty (30) days have passed since all of those required Notices were received by every individual who has custody rights to the child(ren) and at least thirty (30) days have passed since each of those individuals received the Notice.
4. None of the individuals who have custody rights to the child(ren) have objected to the proposed relocation.

Wherefore, the _____, respectfully requests that the Court enter the
(Fill in name of party proposing relocation)
Proposed Order attached to this Petition.

I verify that the statements made in this Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 (relating to unsworn falsification to authorities).

Date: _____

(signature of Petitioner)

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION

vs.

No. _____

PROPOSED ORDER

AND NOW, this _____ day of _____, 20____, upon consideration of the "Petition to Confirm Relocation and Modify Existing Custody Order" and it appearing that all individuals with custody rights to the child(ren) have been duly served with no objection to the relocation and modification of the existing Custody Order having been filed by any such party after at least thirty (30) days having passed from the Notice being received, it is ORDERED and DECREED as follows:

1. The proposed relocation is CONFIRMED and the existing Custody Order is modified as follows:

a. The child(ren) will now reside at: _____

(fill in relocation address)

b. The mailing address for the child(ren) is: _____

(fill in relocation address)

c. The names and ages of individuals who will reside in the relocation residence are:

(fill in name) (age)

(fill in name) (age)

(fill in name) (age)

(fill in name) (age)

(fill in name) (age)

2. The home telephone number of the new residence is: (_____)
(fill in new telephone number or indicate "N/A" if it is not yet available)

3. The new school district where the child(ren) will attend school is the _____
(fill in name of school district)

School District and the child(ren) will attend the following schools:

- a. _____
(name of child) _____
(name of school)
- b. _____
(name of child) _____
(name of school)
- c. _____
(name of child) _____
(name of school)

- 4. The relocation will take place on the _____ day of _____, 20____.
- 5. Once the relocation occurs, the custody schedule between the parties with custody rights to the child(ren) shall be as follows:

(fill in custody schedule)

By the Court,

J.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION

vs.

No. _____

MOTION FOR EXPEDITED FULL HEARING

AND NOW, this _____ day of _____, 20____, the _____
(fill in plaintiff or defendant)
moves the Court to schedule an expedited full hearing on the request for a proposed relocation currently pending
before the Court.

Date: _____

Signature of movant

EXHIBIT 208.3 (a).

NOTICE

You are hereby notified that the attached motion/petition will be presented by me on the _____ day of _____, 20_____.

- to the Prothonotary.
- in Motion's Court at 8:45 a.m.
- in Custody Motion's Court at 1:00 p.m.

CERTIFICATION OF NOTICE AND SERVICE

The undersigned represents that three (3) business days' prior notice and a copy of this Motion and Proposed Order have been served by () first class mail, () fax, or () hand delivery on the _____ day of _____, 20____ upon all parties or their counsel of record in accordance with Pa. R.C.P. 440.

INFORMATION FOR THE COURT ADMINISTRATOR

- A. Is this an original filing in this case? Yes No
- B. Has any Judge heard this matter previously: Yes No
- C. If yes, name of Judge who presided over previous matter:
 Vardaro Spataro Stevens Other/Name _____
- D. Estimated court time required for this matter: _____ Minutes _____ Hours _____ Days
- E. Is this Motion/Petition opposed by another party? Yes No Uncertain

UNCONTESTED MOTION CERTIFICATION

The undersigned represents that:

- 1. All parties or counsel have consented.
- 2. Consents of all parties or counsel are attached.
- 3. The Order seeks only a return hearing or argument date and no other relief.
- 4. The Order seeks only the appointment of a master, mediator, or hearing officer and no other relief.

Opposing Counsel: _____
(If opposing party is unrepresented, their current address and telephone number):

Address: _____
Telephone: () _____

I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT

By: _____

Attorney for: _____

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION

vs.

No. _____

ORDER

AND NOW, this _____ day of _____, 20____, upon consideration of the "Motion for Expedited Full Hearing," it is ORDERED and DIRECTED that a hearing shall be held on the _____ day of _____, 20____, at _____ o'clock _____m. in Courtroom Number _____ of the Crawford County Courthouse.

By the Court,

J.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION

vs.

No. _____

MOTION TO APPROVE RELOCATION PENDING AN EXPEDITED FULL HEARING

AND NOW, this _____ day of _____, 20____, the _____
(fill in plaintiff or defendant)

as the moving party requesting a relocation avers that the following exigent circumstances exist and, therefore,
requests the Court to approve relocation pending an expedited full hearing.

(Briefly state the reasons why there are exigent circumstances.)

I certify that an expedited full hearing on the proposed relocation has been requested or the Court has set such a hearing on its own Motion.

Date: _____

Signature of Petitioner

EXHIBIT 208.3 (a).

NOTICE

You are hereby notified that the attached motion/petition will be presented by me on the _____ day of _____, 20_____.

- to the Prothonotary.
- in Motion's Court at 8:45 a.m.
- in Custody Motion's Court at 1:00 p.m.

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- A. Is this an original filing in this case? Yes No
- B. Has any Judge heard this matter previously: Yes No
- C. If yes, name of Judge who presided over previous matter:
 Vardaro Spataro Stevens Other/Name _____
- D. Estimated court time required for this matter: _____ Minutes _____ Hours _____ Days
- E. Is this Motion/Petition opposed by another party? Yes No Uncertain

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The undersigned represents that:

- 1. All parties or counsel have consented.
- 2. Consents of all parties or counsel are attached.
- 3. The Order seeks only a return hearing or argument date and no other relief.
- 4. The Order seeks only the appointment of a master, mediator, or hearing officer and no other relief.

Opposing Counsel: _____
(If opposing party is unrepresented, their current address and telephone number):

Address: _____
Telephone: (____) _____

I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT

By: _____

Attorney for: _____
Crawford County Courthouse
Self Represented Forms – Relocation Packet

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION

vs.

No. _____

ORDER

AND NOW, this _____ day of _____, 20____, upon consideration of the
"Motion to Approve Relocation Pending an Expedited Full Hearing", it is ORDERED and DIRECTED as follows:

By the Court,

J.