CUSTODY

REQUIREMENTS REGARDING RELOCATION OF RESIDENCE

A relocation is a move or change of residence that will significantly impair the ability of the non-relocating party to easily exercise periods of custody. **You cannot relocate with the child(ren) without following these procedures**. If you are contemplating such a move, you are *strongly* urged to seek the advice of an attorney to make sure that you are following the procedures. Court staff and staff within the Prothonotary's Office are not permitted to give legal advice.

You are not permitted to relocate your residence without either:

- The consent of every individual who has custody rights to the child(ren) to the proposed relocation

OR

- the court approves the proposed relocation.

NOTICE

1. The party proposing the relocation must notify every other party who has custody rights to the child(ren) of the proposed move by certified mail, return receipt requested. You should complete the attached "Notice of Proposed Relocation to Be Completed by Party Intending To Relocate" and send the notice to all other parties by certified mail, return receipt requested.

2. Notice must be given 60 days before the date of the proposed relocation **OR** 10 days after the date that the party knows about the relocation only if the individual did not know and could not have reasonably known about the relocation in time to comply with the 60-day notice or it is not reasonably possible to delay the date of relocation to comply with the 60-day notice.

3. You **must** include with this mailing the attached "Counter-Affidavit Regarding **Relocation.**" The other parties must complete this form to indicate their position with regard to the proposed move.

WHAT DO OTHER PARTIES DO WHEN THEY RECEIVE THE NOTICE AND COUNTER-AFFIDAVIT?

1. If you receive a notice and a counter-affidavit, you must complete the counter-affidavit and file with the Prothonotary's Office this completed counter-affidavit within 30 days from the day you receive the notice and counter-affidavit. If you fail to file this counter-affidavit within the 30 days, you **will be foreclosed** from objecting to the relocation.

2. If the counter-affidavit is timely filed and the party objects to the proposed relocation or objects to the proposed modification of the custody order, a hearing will be held.

3. You must serve the other party with the counter-affidavit by certified mail, return receipt requested.

4. If notice of the proposed relocation has been properly given and no objection to the proposed relocation has been filed with the Prothonotary, then it will be presumed that the nonrelocating party has consented to the proposed relocation.

5. If a party who has been given proper notice does not file with the court an objection to the relocation within 30 days after receipt of the notice but later petitions the court for review of the custodial arrangements, the court shall not accept testimony challenging the relocation.

WHAT DO I DO IF NO OBJECTION TO THE PROPOSED RELOCATION IS FILED?

The party proposing relocation shall file the following with the Prothonotary prior to relocation:

1. An affidavit stating that the party 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 a copy of the full notice that was sent to the addressee.

3. A petition to confirm the relocation and modify any existing custody order, and

4. A proposed order containing the information in the notice.

WHAT DO I DO IF A COUNTER-AFFIDAVIT IF FILED WITH THE PROTHONOTARY THAT INDICATES THERE IS NO OBJECTION TO THE PROPOSED RELOCATION AND NO OBJECTION TO THE MODIFICATION OF THE CUSTODY ORDER CONSISTENT WITH THE PROPOSAL FOR A REVISED CUSTODY SCHEDULE?

The court may modify the existing custody order by approving the proposal for a revised custody schedule submitted with the notice. You should submit a proposed order with distribution and attach a copy of the notice and the counter-affidavit.

WHAT DO I DO IF A COUNTER-AFFIDAVIT IS FILED WITH THE PROTHONOTARY WHICH INDICATES THE NONRELOCATING PARTY OBJECTS EITHER TO THE PROPOSED RELOCATION OR TO THE MODIFICATION OF THE CUSTODY ORDER?

You should file a motion for a hearing with the Prothonotary's Office. The matter will be assigned to a judge for the scheduling of a hearing and disposition.

_____	: IN THE COURT OF COMMON PLEAS OF
Plaintiff	: MIFFLIN COUNTY, PENNSYLVANIA
	:
v.	: CP-44-CV- _____-20____
	:
_____	:
Defendant	: IN CUSTODY

NOTICE OF PROPOSED RELOCATION TO BE COMPLETED BY PARTY INTENDING TO RELOCATE

I, _____, parent of_____

_____

intend to move on _____ and answer the following questions as follows.

1. What is the address of the intended new residence?

   _____

2. What is the mailing address of the intended new residence?

   _____

3. What are the name(s) and age(s) of all individual(s) who will be living at this new residence?

   _____

   _____

4. What is the home telephone number of the intended new residence?

   _____

5. What is the name of the new school and the new school district?

   _____

6. What is the date of the proposed relocation? _____

7. What are the reasons for the proposed relocation (attach additional sheet, if necessary)?

   _____

   _____

   _____

   _____

   _____

8. How do you propose to change the custody schedule that is currently in effect?

_____

_____

_____

_____

9. Is there any other information relevant to the proposed relocation?

_____

_____

_____

10. I have included a counter-affidavit you can use to object to the proposed relocation.

WARNING TO NON-RELOCATING PARTY

IF YOU WANT TO OBJECT TO THE PROPOSED RELOCATION, YOU MUST FILE THIS COUNTER-AFFIDAVIT WITH THE PROTHONOTARY'S OFFICE WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS NOTICE OR YOU WILL BE FORECLOSED FROM OBJECTING TO THE RELOCATION.

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

_____ _____

Date Signature

_____

Print Name

_____

Address

_____

Telephone Number

_____	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	MIFFLIN COUNTY, PENNSYLVANIA
	:	
v.	:	CP-44-CV- _____-20____
	:	
_____	:	
Defendant	:	IN CUSTODY

COUNTER-AFFIDAVIT REGARDING RELOCATION

The party objecting to the Notice of Relocation must file this document with the Prothonotary's Office within thirty (30) days of receipt of the Notice of Proposed Relocation.

I, _____, file this counter-affidavit regarding the proposed relocation. I received the Notice of Proposed Relocation on _____.

1. What are the names and ages of the child(ren) affected by the proposed relocation?

   _____

   _____

2. Where do this/these child(ren) currently reside?

   _____

Check one of the following boxes:

☐ I do not object to the relocation and I do not object to the modification of the custody order consistent with the proposal for revised custody schedule as attached to this notice.

☐ I do not object to the relocation, but I do object to modification of the custody order and I request that a hearing be scheduled.

I request that a hearing be scheduled

☐ a. Prior to allowing the child(ren) to relocate.

☐ b. After the child(ren) relocate.

☐ I do object to the relocation and I do object to the modification of the custody order, and I request that a hearing be held on both matters prior to the relocation taking place.

I understand I must file this counter-affidavit with the Prothonotary's Office and I must mail a copy to the other party by certified mail, return receipt requested. I understand if I fail to file this counter-affidavit and mail a copy to the other party within thirty (30) days of receipt of the proposed relocation notice, I shall be prevented from objecting to the relocation.

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

_____
Date

_____
Signature

_____
Print Name

_____
Address

_____
Telephone Number