

\$40.00 Filing Fee – Cash or Money Order

REQUIREMENTS REGARDING RELOCATION OF RESIDENCE

Relocation is defined as 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 contemplating such a move, you are STRONGLY urged to seek the advice of an attorney to make sure that you are following the procedures. 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's approval of 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. You must 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, restricted delivery (addressee only), return receipt requested.
2. Notice must be given 60 days before the date of the proposed relocation OR
3. 10 days after the date that the party knows about the relocation, but only if the individual did not know about the relocation in time to comply with the 60 day notice or it is not possible to delay the date of relocation to comply with the 60 day notice.
4. You MUST include with this mailing the attached "Counter-Affidavit Regarding Relocation".

WHAT DO(ES) THE OTHER PARTY(IES) DO WHEN THEY RECEIVE THE NOTICE AND COUNTER-AFFIDAVIT?

1. If you receive a notice of relocation and a counter-affidavit, and you object to the proposed relocation, you must complete the counter-affidavit. The non-relocating party must serve the counter-affidavit on the party proposing the change by certified mail, return receipt requested, restricted delivery (addressee only), or pursuant to Pa.R.C.P. No.1930.4 within 30 days of receipt of the notice of proposed relocation. If there is an existing child custody case, the objecting party must also file the completed counter-affidavit in the Mifflin County Prothonotary Office, 20 N. Wayne St., Lewistown, PA 17044 within 30 days from the day you receive the notice and counter-affidavit.
2. If no objection to the proposed change of a child's residence is timely served after notice, the proposing party may change the residence of the child and this will not be considered a 'relocation' under the statute or rule.

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

If the party proposing relocation seeks an order of court, has served a notice of proposed relocation as required, has not received an objection to the move and seeks confirmation of the relocation, the party proposing the relocation shall file:

- A complaint for custody and a petition to confirm relocation when no custody case exists OR
- A petition to confirm relocation when there is an existing custody case AND
- A proposed order including the information set forth at 23 Pa.C.S. §5337(c)(3).

WHAT DO I DO IF A COUNTER-AFFIDAVIT IS SERVED ON THE PARTY SEEKING TO RELOCATE WHICH INDICATES THAT THE NON-RELOCATING PARTY OBJECTS EITHER TO THE PROPOSED RELOCATION OR TO THE MODIFICATION OF THE CUSTODY ORDER?

If the party proposing the relocation has received notice of objection to the proposed move after serving a notice of proposed relocation as required by 23 Pa.C.S. §5337 et seq., the party proposing relocation shall file:

- A complaint for custody or petition for modification as applicable;
- A copy of the notice of proposed relocation that was served on the non-relocating party;
- A copy of the counter-affidavit indicating objection to relocation; and
- A request for a hearing.

WHAT DO I DO IF THE RELOCATING PARTY HAS NOT DONE ANYTHING AFTER I SERVED THE OBJECTION TO PROPOSED RELOCATION ON THE RELOCATING PARTY?

If the non-relocating party has been served with a notice of proposed relocation and the party proposing relocation has not followed through with the procedure set forth above, the non-relocating party may file:

- A complaint for custody or petition for modification as applicable;
- A counter-affidavit as set forth in 23 Pa.C.S. §5337(d)(1) and
- A request for a hearing.

WHAT DO I DO IF THE NON-RELOCATING PARTY HAS NOT BEEN SERVED WITH A NOTICE OF PROPOSED RELOCATION AND SEEKS AN ORDER OF COURT PREVENTING RELOCATION?

If a non-relocating party has not been served with a Notice and seeks a court order preventing relocation, the non-relocating party shall file:

- A complaint for custody or petition for modification as applicable;
- A statement objecting to relocation; and
- A request for hearing.

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

(if you need more room please use a separate sheet of paper)

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

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

WARNING TO NON-RELOCATING PARTY

IF YOU 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 Notice of Proposed Relocation are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to sworn falsification to authorities).

Date

Signature

Respondent's Contact Information:

Petitioner's Contact Information:

Respondent's Name

Petitioner's Name

Respondent's Street Address

Petitioner's Street Address

Respondent's City, State and Zip

Petitioner's City, State and Zip

Respondent's Phone Number

Petitioner's Phone Number

Respondent's Email Address

Petitioner's Email Address

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of *the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents Differently than non-confidential information and documents.

Submitted by: _____
Print name of who filed document

Signature: _____

Name: _____
Print

**IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA
CIVIL ACTION**

Plaintiff

vs

Defendant

CP-44-CV-_____-20____

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 the Notice of Proposed Relocation.

I, _____, file this counter affidavit regarding the proposed relocation.
Respondent

I received the Notice of Proposed Relocation on _____.
Date

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

<u>Initials:</u>	<u>Age:</u>
_____	_____
_____	_____
_____	_____
_____	_____

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

_____, _____
Street Address City Zip County

Check one of the following:

- 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 do object to modification of the custody order and I request that a hearing be scheduled.

I request that a hearing be scheduled, check one:

- Prior to allowing the child(ren) to relocate.
- 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 court-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

Respondent's Contact Information:

Petitioner's Contact Information:

_____ Respondent's Name

_____ Petitioner's Name

_____ Respondent's Street Address

_____ Petitioner's Street Address

_____ Respondent's City, State and Zip

_____ Petitioner's City, State and Zip

_____ Respondent's Phone Number

_____ Petitioner's Phone Number

_____ Respondent's Email Address

_____ Petitioner's Email Address

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of *the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: _____
Print name of who filed document

Signature: _____

Name: _____
Print