

In the Court of Common Pleas, Potter County, Pennsylvania

Instructions for Pro Se litigants seeking permission to relocate and modification of an existing custody order. Please find in this packet, the following documents:

1. "Notice of Proposed Relocation";
2. "Counter-affidavit Regarding Relocation";
3. "Affidavit of Service of Notice of Relocation";
4. Proposed "Order" granting permission to relocate and altering the existing custody arrangement.

These documents were prepared *gratis* as a courtesy for *pro se* filers, pursuant to the language found at 23 Pa. C .S. § 5337. These documents are not a substitute for trained legal counsel and are provided as guides only. The Court and its staff assume no responsibility and make no warranty with regard to the accuracy of information contained herein.

NOTE: If more than one person has custody rights to a child with whom you seek to relocate, you must notify EACH and EVERY person with custody rights:

Steps for requesting permission to relocate:

1. Complete the information on the "Notice of Proposed Relocation" form, initialing where appropriate. Date, sign, and print your name at the bottom.
2. Fill out **only** the caption portion of the "Counter-Affidavit Relocation."
3. Make and retain a copy of each of the completed "Notice of Proposed Relocation" and the "Counter-Affidavit Regarding Relocation" with the caption filled out.
4. Transmit, by **certified mail, return receipt requested**, both the "Notice of Proposed Relocation" and the "Counter-Affidavit Regarding Relocation" to **each** non-relocating party to whom notice is due (i.e., anyone who currently has custody rights to the child(ren) with whom you seek to relocate.
5. Retain the return receipt, indicating that the certified mail has reached the non-relocating parties to whom notice was due. **This is extremely important**, as it starts the clock running on each such party's ability to object to the proposed relocation by evidencing when notice was served upon each such party.
6. Each non-relocating party with custody right has thirty (30) days from the date of his or her receipt of the "Notice of the Proposed Relocation" and "Counter-Affidavit Regarding Relocation" to fill out the Counter –Affidavit and serve a copy, via certified mail, return receipt requested, upon the relocating party, as well as to file the original Counter Affidavit with the Court.

7. Once thirty (30) days have passed following the date on which the non-relocating party received the "Notice of Proposed Relocation" and "Counter-Affidavit Regarding Relocation," if no objection has been filed with the Court by a non-relocating party, that non-relocating party is foreclosed from objecting to the proposed relocation.

8. After thirty (30) days, the relocating party should then file the following:

(i) A completed, signed, dated and verified "Affidavit of Service of Notice of Relocation" with the copies of the "Notice of Proposed Relocation" transmitted to any non-relocating party and the certified mail return receipts indicating the date of receipt attached thereto;

(ii) A completed, signed, dated and verified "Petition to Confirm Relocation and Modify Existing Custody Order";

(iii) A Form Order with the caption and all pertinent fields of information filled out. NOTE: do not write anything following "AND NOW" on the last page of the form Order, as the Court will utilize that portion.

9. Pursuant to 23 Pa.C.S. § 5337(g), where a timely objection has been filed by a non-relocating party, the Court shall schedule a full expedited hearing on the proposed relocation. Where no objection has been filed, the court has the option to hold a hearing on its own motion or to approve the relocation, which is presumed uncontested in the absence of a timely objection. If the Court approves the proposed relocation, it shall (i) modify any existing custody Order; or (ii) establish the terms and conditions of a custody order if none previously existed.

IN THE COURT OF COMMON PLEAS OF POTTER COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

_____,
Plaintiff
Vs.
_____,
Defendant
:
:
:
:
:No. _____ of 2016
:
:
:
:CUSTODY -RELOCATION
:

NOTICE OF PROPOSED RELOCATION:

I am notifying you, as a person who has a right to custody, that I am proposing a relocation with the below named child(ren)

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

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

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

The following information regarding my relocation, which is true to the best of my knowledge, information and belief, is provided pursuant to the mandate set forth at 23 Pa. C. S. § 5337(c)(3):

(1) The address of my intended new residence is: _____

(2) The address at which I intend to receive mail, if difference from above, is : _____

(3) Other than myself and the above-named child, I have reason to believe the following individuals may reside at my intended new residence:

(i) Name: _____ Age: _____

Relationship: _____

(ii) Name: _____ Age: _____

Relationship: _____

(iii) Name: _____ Age: _____

Relationship: _____

(iiii) Name: _____ Age: _____

Relationship: _____

(4) The home telephone number of the intended new residence, if available, is: _____

(4.a) If no home telephone number is available, my cell phone number, if any, is: _____

(5) The name of the new school district and name and address of the new school, which the above-named child will attend, upon relocation, is: _____

(6) The date on which I anticipate the relocation to take place is: _____
(this date must be at least sixty (60) days from mailing date of this notice). If less than sixty (60) days from the mailing date, the reason I could not reasonably provide you with at least sixty (60) days notice is because: _____

in which case, I aver both that (i) I am notifying you no later than the tenth (10th) day after I became aware of the relocation, and (ii) it was not reasonably possible for me to delay the date of relocation so as to comply with the sixty (60) day notice requirement. (initial) _____

(7) My reason(s) for wishing to relocate are: _____

_____.

(8) I propose the following revised custody schedule: _____

_____.

(9) The following additional information is pertinent to the proposed relocation (optional):

_____.

(10) I aver that I have enclosed with this Notice a Counter-Affidavit Regarding Relocation substantially in the form required by 23 Pa.C.S. § 5337(d). (initial)_____.

(11) You are hereby warned that if you do not file with the Court an objection to the proposed relocation within thirty (30) days of receiving this notice, you shall be foreclosed from objecting to the relocation I propose or from offering evidence challenging it.

(12) I understand that I have the continuing obligation to supplement the above information if new information pertinent to the proposed relocation or the custody arrangement involving the above-named child(ren) is not known at this time, but later becomes known to me. (initial)_____.

Date: _____

Signature: _____

Print Name: _____

IN THE COURT OF COMMON PLEAS OF POTTER COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

_____,
Plaintiff

:

:

:

Vs. _____:No. _____ of 2016

:

:

_____,
Defendant _____:CUSTODY –RELOCATION

:

COUNTER-AFFIDAVIT REGARDING RELOCATION

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

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

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

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

I acknowledge that I have received a notice of proposed relocation and I consent or object to the proposed relocation by initiating the appropriate line below:

1. _____ I do not object to the relocation and I do not object to the modification of the custody Order consistent with the proposal for revise custody schedule as attached to the notice; **OR**

2. _____ 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 (if objecting only to the modification of the existing custody arrangement, initial either a. or b. below):

a. _____ Prior to allowing (Name of Child(ren)) _____
_____ to relocate: **OR**

b. _____ After the child(ren) has/have relocated.

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

I understand that in addition to initialing either (2) or (3) above, **I must also file this counteraffidavit with the court AND serve it on the other party by certified mail, return receipt requested. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I shall be foreclosed from objecting to the relocation.**

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: _____

Signature: _____

Print Name: _____

IN THE COURT OF COMMON PLEAS OF POTTER COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

Plaintiff	:	
	:	
Vs.	:	:No. _____ of 2016
	:	
Defendant	:	:CUSTODY –RELOCATION
	:	

AFFIDAVIT OF SERVICE OF NOTICE OF RELOCATION

I, (name) _____, Plaintiff/ Defendant, certify that on the
_____ day of (month) _____, 20_____, I served by certified mail, return
Receipt requested, a notice of a proposed relocation to every individual having a right to any form of
Custody regarding the following minor child(ren):

[1] Child's Name: _____

Child's Age: _____

Currently residing at _____

[2] Child's Name: _____

Child's Age: _____

Currently residing at: _____

[3] Child's Name: _____

Child's Age: _____

Currently residing at: _____

[Attach additional sheets if more than three children].

I served notice of my proposed relocation upon the following individuals:

[1] Name of Individual with Custody Rights: _____

With regard to the following child(ren): _____

Served at the following address: _____

[2] Name of Individual with Custody Rights: _____

With regard to the following child(ren): _____

Served at the following address: _____

[3] Name of Individual with Custody Rights: _____

With regard to the following child(ren): _____

Served at the following address: _____

[Attach additional sheets if more than three (3) other individuals with custody rights].

I certify, by placing my initials in the spaces below, that each of the following statements is true and correct to the best of my knowledge:

1. _____ I have attached to this affidavit a copy of the notice(s) of relocation transmitted and the **original** certified mail return receipt(s) evidencing that such notice(s) was/were served, the addresses to which such service was made and indicating the date(s) upon which service was made; AND

2. _____ I served the notice **at least** sixty (60) days prior to the date of my proposed relocation; OR

_____ I did not know about the proposed relocation in sufficient time to comply with the sixty (60) day notice requirement, therefore, I have provided the aforementioned notice within ten (10) days from the first date I knew of the relocation. The reason(s) I could not reasonably have known about the relocation in sufficient time to comply with the sixty (60) day notice requirement is (are): _____

_____ ; AND

3. _____ I included a Counter-Affidavit, substantially in the form required by 23 Pa.C.S. § 5337(d)(1), with each notice of proposed relocation served, which Counter-Affidavit permits that individual/ those individuals to object to my proposed relocation.

4. _____ The time for objection, i.e., thirty (30) days from the date each individual with custody rights **received** notice of my proposed relocation, as evidenced by the attached return receipt, has expired and no objection to my proposed relocation was timely filed within said thirty (30) days by any individual with custody rights to the above-named minor child(ren);

OR

_____ An objection to my proposed relocation was filed on (date) _____
by (name) _____ and I respectfully request a hearing to determine whether the relocation is in the above-named child(ren)'s best interest, despite such objection.

Date

Plaintiff/Defendant

I verify that the foregoing is 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

Plaintiff/Defendant

IN THE COURT OF COMMON PLEAS OF POTTER COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

_____,
Plaintiff
Vs. _____,
Defendant
:No. _____ of 2016
:CUSTODY –RELOCATION

PETITION TO CONFIRM RELOCATION AND MODIFY EXISITING CUSTOY ORDER

1. The Petitioner is: (name) _____
2. The Petitioner is (circle one) **Plaintiff** or **Defendant** in the Custody Complaint, found at Potter County Docket # _____.
3. The Petitioner currently resides at: _____

4. The Respondent is: (name) _____
5. The Respondent if (circle one) **Plaintiff** or **Defendant** in the Custody Complaint, found at Potter County Docket # _____.
6. The Respondent currently resides at: _____

7. The Petitioner's relationship to the following child(ren) is that of: _____
Name: _____ Age _____
Name: _____ Age _____
Name: _____ Age _____
8. The relationship of Respondent to the above-named child(ren) is that of: _____
9. A custody Order, found at Potter County docket # _____, was entered on (date) _____. The custody Order provides the following custody arrangement: _____

10. Petitioner wishes to relocate with the above-named child(ren) to the following location:

Petitioner would like to relocate on or about: (date) _____,
20__.

11. (initial one) _____ Petitioner avers that the relocation will **not** necessitate a change in the existing custody Order; **OR** _____ Petitioner avers that the relocation will necessitate a change in the existing custody Order and therefore requests this Court to enter a new custody Order with the following proposed custody schedule:

12. Petitioner acknowledges that, pursuant to 23 Pa.C.S. § 5337(i), Petitioner has the burden of establishing that the proposed relocation will serve the best interests of the above-named child(ren). Each party has the burden of establishing the integrity of that party's motives with regard to the relocation. In considering Petitioner's request, the Court must consider the following factors:

- (i) The nature, quality, extent of involvement and duration of the child's relationship with the party proposing to relocate and with the nonrelocating party, siblings, and other significant persons in the child's life;
- (ii) The age, developmental stage, needs of the child and the likely impact the relocation will have on the child's physical, educational and emotional development, taking into consideration any special needs of the child;
- (iii) The feasibility of preserving the relationship between the nonrelocating party and the child through suitable custody arrangements, considering the logistics and financial circumstances of the parties;
- (iv) The child's preference, taking into consideration the age and maturity of the child;
- (v) Whether there is an established pattern of conduct of either party to promote or thwart the relationship of the child and the other party;
- (vi) Whether the relocation will enhance the general quality of life for the party seeking the relocation, including but not limited to, financial or emotional benefit or educational opportunity.

(vii) 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.

(viii) The reasons and motivation of each party for seeking or opposing the relocation (i.e., whether a party's motive is pure or spiteful/whimsical).

(ix) The present and past abuse committed by a party or member of the party's household and whether there is a continued risk of harm to the child or an abused party.

(x) Any other factor affecting the best interest of the child.

13. Petitioner believes that relocation will improve the quality of life for Petitioner and the child(ren) for the following reasons: _____

_____.

WHEREFORE, Petitioner requests this Court to grant permission to relocate with the above-named child(ren).

Date: _____

Petitioner's Signature: _____

Print Name: _____

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. § 4904 relating to unsworn falsification to authorities.

Date: _____

Petitioner's Signature: _____

Print Name: _____

IN THE COURT OF COMMON PLEAS OF POTTER COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

_____,
Plaintiff
Vs. _____
Defendant
:No. _____ of 2016
:CUSTODY -RELOCATION

ORDER

Petitioner, _____ has requested permission to relocate on or about
(date) _____ to (address of intended new residence): _____

Having a mailing address of _____

And a home phone number of _____, with the following minor

Child(ren):

Child's Name _____ Age _____ Currently residing at _____

Child's Name _____ Age _____ Currently residing at _____

Child's Name _____ Age _____ Currently residing at _____

The above-named child(ren) are expected to attend (school district name) _____ at _____

(school name and address) _____

_____.

According to the Notice of Relocation filed by Petitioner, the following additional persons are expected to live at the new residence:

(i) Name: _____ Age: _____
Relationship: _____

(ii) Name: _____ Age: _____
Relationship: _____

(iii) Name: _____ Age: _____
Relationship: _____

(iii) Name: _____ Age: _____
Relationship: _____

The reason for relocation proffered by Petitioner is: _____

_____.

This Court, after having considered the factors set forth at 23 Pa.C.S. § 5337(h) and ¶ 12 of the Petition to Confirm Relocation and Modification, is satisfied that Petitioner's

motives for relocating are pure, that the nonrelocating party was appropriately served with notice of relocation pursuant to 23 Pa.C.S. § 5337, and that the relocation and modification of custody will be in the best interests of the above-named child(ren). Petitioner has the continuing obligation to keep the nonrelocating party apprised of changes in the information set forth in this Order. Failure to do so may be construed as contempt of Court.

AND NOW, this _____ day of _____, 20____, it is hereby Ordered that the Petition for Relocation is GRANTED and the previous custody Order entered on the above-referenced docket number on (date) _____ is hereby modified as follows: _____

_____.

By The Court:

J.