

**RELOCATION FILING INSTRUCTIONS FOR NOTICE AND
COUNTER-AFFIDAVIT**

FOR RELOCATING PARTY

**A COPY OF THESE INSTRUCTIONS MUST BE INCLUDED WITH DOCUMENTS SERVED
UPON THE OPPOSING PARTY**

1. Relocating Party SHALL serve a Notice of Proposed Relocation Packet (at least 60 days prior to relocation) by certified mail, return receipt requested.

2. **IF NO OBJECTION TO RELOCATION**

If the Relocating party has complied with (1), and an OBJECTION HAS NOT BEEN RECEIVED/TIMELY SERVED,

- a. The Relocating party MAY change the residence of the child(ren) without further action;
OR
- b. The Relocating party MAY seek an order of the court by filing the following:
 - ✓ Complaint for Custody (only if no existing case), or
 - ✓ Petition to Confirm Relocation, and
 - ✓ Proposed order including the information in the Notice of Proposed Relocation, and
 - ✓ Attached copy of (1) Notice of Proposed Relocation and certified mail confirmation.

3. **IF OBJECTION TO RELOCATION**

If the Relocating party has complied with (1), and an OBJECTION HAS BEEN RECEIVED/TIMELY SERVED,

- a. The Relocating party SHALL file:
 - ✓ Complaint for Custody (if no existing case), or
 - ✓ Petition for Custody (if existing case but no custody order), or
 - ✓ Petition to Modify Custody (if existing case and order),
AND
 - ✓ Attached copy of (1) Notice of Proposed Relocation and certified mail confirmation, and
 - ✓ Counter-Affidavit indicating objection to relocation, and
 - ✓ Praecipe for Hearing

FOR NON-RELOCATING PARTY

NOTE:FAILURE TO OBJECT WITHIN 30 DAYS OF RECEIPT OF NOTICE WILL PREVENT YOU FROM OBJECTING TO THE RELOCATION ABSENT EXIGENT CIRCUMSTANCES, AND THE PROPOSING PARTY WILL HAVE THE RIGHT TO RELOCATE WITH THE CHILD(REN).

FOR NON-RELOCATING PARTY (cont.)

4. Within 30 days of receipt of the Notice of Proposed Relocation (1), an OBJECTING NON-Relocating party shall serve a Counter-Affidavit indicating objection upon the Relocating party by certified mail, return receipt requested.

5. If the NON-Relocating party has NOT been properly served with Notice of Proposed Relocation (1), and seeks an order of court PREVENTING Relocation,
 - a. the NON-Relocating Party SHALL file:
 - ✓ Complaint for Custody (if no existing case), or
 - ✓ Petition for Custody (if existing case but no custody order), or
 - ✓ Petition to Modify Custody (if existing case and order),
AND
 - ✓ A statement indicating objection to relocation, and
 - ✓ Praecipe for Hearing

6. If the NON-Relocating party has been properly served with Notice of Proposed Relocation (1), and has properly served a Counter-Affidavit indicating objection, but the Proposing party HAS NOT COMPLIED with the filing requirements in (3),
 - a. the NON-Relocating party MAY file:
 - ✓ Complaint for Custody (if no existing case), or
 - ✓ Petition for Custody (if existing case but no custody order), or
 - ✓ Petition to Modify Custody (if existing case and order),
AND
 - ✓ Attached copy of (1) Notice of Proposed Relocation, and
 - ✓ Counter-Affidavit indicating objection to relocation with certified mail confirmation, and
 - ✓ Praecipe for Hearing

UPON THE FILING BY EITHER PARTY OF THE ABOVE COMPLAINT/PETITIONS, A HEARING/ CONFERENCE WILL BE SCHEDULED WITH THE ASSIGNED FAMILY JUDGE. PARTIES INVOLVED IN A RELOCATION ISSUE ARE NOT REQUIRED TO ATTEND MEDIATION OR THE "OUR CHILDREN FIRST" SEMINAR, UNLESS OTHERWISE ORDERED BY THE CASE JUDGE.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
FAMILY DIVISION

Plaintiff
v.

Defendant

: CASE NO. _____
:
: IN CUSTODY

NOTICE OF PROPOSED RELOCATION

You, _____, are hereby notified as required under Act 112, §5337 that
_____ proposes to relocate with the following minor children:

<u>Child's name</u>	<u>Birthdate</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

This Notice of Intent to Relocate is being provided by certified mail, return receipt requested, to every individual listed below, who has custody rights to the child(ren) as follows:

<u>Name</u>	<u>Relationship To Child</u>	<u>Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Date of Proposed Relocation: _____

Date of Service of Notice of Intent to Relocate: _____

I certify that this Notice is being provided:

_____ Prior to the 60th day before the date of the proposed relocation; OR
_____ The 10th day after I became aware of the relocation -- I did not know of the relocation and could not reasonably have known of the relocation in sufficient time to comply with the 60 day notice and it is not reasonably possible to delay the date of relocation to comply with the 60-day notice.

1. Address of intended new residence: _____

2. Mailing Address (if different from above): _____

3. Individuals who intend to reside in new residence:

<u>Name</u>	<u>Age</u>
_____	_____
_____	_____
_____	_____
_____	_____

4. Home telephone number of new residence: _____
Cell phone number where child / children can be reached: _____

5. Name of new School District: _____
Name and address of new School: _____

6. Date of proposed relocation: _____

7. Reasons for proposed relocation: _____

8. **A PROPOSED REVISED CUSTODY SCHEDULE IS ATTACHED.**

9. Other information regarding proposed relocation: _____

NOTICE TO NON-RELOCATING PARTY

TO OBJECT TO THE PROPOSED RELOCATION, THE NON-RELOCATING PARTY MUST COMPLETE THE ATTACHED COUNTER-AFFIDAVIT, AS PROVIDED UNDER SUBSECTION (D)(1) AND SERVE IT ON THE OTHER PARTY BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, ADDRESSEE ONLY, OR PURSUANT TO P.A.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 NON-RELOCATING PARTY DOES NOT OBJECT TO THE PROPOSED RELOCATION WITHIN 30 DAYS OF RECEIPT OF THIS NOTICE, 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 THE NON-RELOCATING PARTY FROM OBJECTING TO THE RELOCATION ABSENT EXIGENT CIRCUMSTANCES.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH 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 OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
409 CHERRY STREET
NORRISTOWN, PA 19401
610-279-9660, EXT. 201**

Date

Plaintiff / Defendant

8/27/13

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
FAMILY DIVISION

Plaintiff : CASE NO. _____
v. :

Defendant : IN CUSTODY

COUNTER-AFFIDAVIT REGARDING RELOCATION

This proposal of relocation involves the following child/children:

<u>Child's Name</u>	<u>Age</u>	<u>Currently residing at:</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have received a Notice of Intent to Relocate 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 revised custody schedule as attached to the Notice.
- _____ (3) I do not object to the relocation, but I do object to 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 child / children to relocate.
 - _____ (b) After the child/children 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. 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

Signature

8/27/13