

## RELOCATION PETITION

### INSTRUCTION SHEET

**These instructions are meant to give you general information and not legal advice.**

If you wish to move with your children out of the Philadelphia area and the non-custodial parent does not agree, you must get permission from the court. This is a complicated matter and you should consult an attorney or go to 1501 Arch Street, Philadelphia, PA to get help.

Under Pennsylvania law, relocation is defined as “a change in a residence of the child which significantly impairs the ability of a nonrelocating party to exercise custodial rights.”

The law states that no relocation shall occur unless:

1. Every individual who has custody rights to the child consents to the proposed relocation; or
2. The court approves the proposed location.

Your relocation notice and petition must proceed as follows:

1. Send a copy of the Notice of Relocation and the Counter-Affidavit Regarding Relocation by certified mail, return receipt requested, to every person who has custody rights to the child. You should also send a copy by regular mail. Restrict signature on the receipt to the individual it is addressed to. This notice **must** be sent no later than 60 days prior to the date of your proposed relocation.

*Note:* If you did not know of the relocation in 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 rule, you **must** send the notice of relocation within 10 days of knowing of your relocation.

2. Keep the receipts when they are returned to you. They include the date on which the other party or parties received their packages from you.
3. Wait 30 days from the date on the return receipt. If no objection to your relocation has been filed in court within this time, or the other person has consented, move on to Step 5. If someone does object to your proposed relocation, that person will file a copy of the Counter-Affidavit with the court and also give a copy to you. If there is no custody case about your child already in court, you must at this time file a complaint for custody. If there is an existing custody case, you must file a petition to modify the custody order. The court will then hold a hearing, and you will need to show that it is in your child's best interests to relocate.

*Note:* The court will apply the following factors when deciding whether to allow you to relocate with the child (pursuant to 23 Pa.C.S. §5337(h)):

1. 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.
  2. 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 the special needs of the child.
  3. 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.
  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 the 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 the other 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 interest of the child.
4. If no one objects on the Counter-Affidavit, you should file the following information with the court **before** you move:
- a. An affidavit stating that you 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 (detailed instructions included below).
  - b. Proof that you gave proper notice. This is the return receipt(s) from the certified mail, with the signature of the addressee.
  - c. A copy of the Notice of Relocation that you sent to everyone with custody rights to the child.
  - d. A Petition to Confirm the Relocation and Modify the Custody Order (detailed instructions included below).
  - e. A proposed new custody order that includes all of the information that you put in your Notice of Relocation (detailed instructions included below).

5. Fill out the Domestic Relations Information Sheet with as much information as you have. You will also need the Criminal Record and Abuse History Verification.
6. The filing fee for a Relocation Petition is \$42.68. If you cannot pay the filing fee you may ask to be excused from paying the fee by filing a **Petition to Proceed in Forma Pauperis (IFP)**. If you receive welfare or SSI, bring your welfare photo ID or proof that you receive SSI.
7. File the completed documents and proof, the Domestic Relations Information Sheet, and the Criminal Record and Abuse History Verification with the filing fee by mailing or hand-delivering them in person to:

Clerk of Court  
1501 Arch Street-11th Floor  
Philadelphia, PA 19102

8. **If you file in person, you may pay the filing fee by money order, or credit card. If you file by mail, you may pay by money order ONLY.** Make the money order payable to "OFFICE OF JUDICIAL RECORDS." **Personal checks will not be accepted.**
9. Whether you file the petition by mail or hand-deliver it to the office of the Clerk of Family Court, you must file the original *AND* two (2) copies. A copy machine is available at the Clerk's office at a cost of \$0.25 per page.

TERMS THAT ARE USED IN THE PETITION:

PLAINTIFF	Person who filed the original custody complaint.
DEFENDANT	Person against whom the original custody complaint was filed.
PETITIONER	Person who is filing for permission to relocate.
RESPONDENT	Person against whom you are filing.

HOW TO FILL IN THE NOTICE OF PROPOSED RELOCATION

HEADING (CAPTION).

If you have an existing custody order or pending custody case, fill in the names of the plaintiff and defendant in the heading of the petition exactly as they appear on your custody paperwork, as well as the Domestic Relations Number, which should also appear in the caption of your custody paperwork. If you do not have an existing custody order or pending custody case, know the plaintiff is the person who is filing, and the defendant is the person against whom the plaintiff is filing.

LINE 1.

In the first space, write the other party's name. Then write your name and the names of the child/ren with whom you wish to relocate.

LINE 2.

Provide the address of the proposed new residence. This exact address can be kept confidential if there are safety concerns.

LINE 3.

Provide the mailing address of the proposed new residence if different than the address in line 2. This exact address can be kept confidential if there are safety concerns.

LINE 4.

Fill in the names and ages of every person who intends to live with you in the new residence. This information can be kept confidential if there are safety concerns.

LINE 5.

Write the home telephone number of the new residence, if available. This number can be kept confidential if there are safety concerns.

LINE 6.

Write the name of the school district and the school that the child(ren) will be attending, if available. Indicate if this information is confidential.

LINE 7.

Write the date that you plan to relocate. If a specific date is not known, write the month and year. Indicate if this information is confidential.

LINE 8.

Fill in the information regarding where you want to move. Explain why you believe leaving the area will substantially improve your life and that of your child(ren). The Court may consider the prospect of gainful employment, the need to be close to supportive family, an improved physical environment for your child(ren), better schools that will benefit the child(ren), and any other factors that show that an improved life style will result from your move. Indicate if this information is confidential.

LINE 9.

Indicate how you would like the current custody schedule to be modified after the relocation.

LINE 10.

Provide any other information that you believe is relevant.

SIGN AND DATE THE NOTICE OF PROPOSED RELOCATION.

SIGN AND DATE THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

## HOW TO FILL IN THE PETITION TO CONFIRM RELOCATION

### HEADING (CAPTION).

This should match the heading in the Notice of Proposed Relocation. As noted before, if you have an existing custody order or pending custody case, fill in the names of the plaintiff and defendant in the heading of the petition exactly as they appear on your custody paperwork, as well as the Domestic Relations Number, which should also appear in the caption of your custody paperwork. If you do not have an existing custody order or pending custody case, know the plaintiff is the person who is filing, and the defendant is the person against whom the plaintiff is filing.

### LINE 1.

If you are filing the Notice of Proposed Relocation, you are the petitioner. Fill in your name and address as the petitioner. Indicate whether you are the plaintiff or defendant in the overall custody case by circling the appropriate term.

### LINE 2.

The person against whom the petition is filed is the respondent. Fill in the name and address of the respondent. Indicate whether the respondent is the plaintiff or defendant in the custody case by circling the appropriate term.

### LINE 3.

Fill in your relationship to the child(ren). List the name and date of birth (DOB) of each child involved in this petition.

### LINE 4.

Fill in the other party's relationship to the child(ren).

### LINE 5.

Circle A if there is no current custody order related to this/these child(ren). If a custody complaint is pending, fill out the day on which the complaint for custody was filed and the date for which the court hearing is scheduled.

Circle B if there is a current custody order, enter the date the last order was issued and then describe the order.

### LINE 6.

Fill in the information regarding the city and state to which you plan to move.

LINE 7.

Fill in (1) the date that you sent the Notice of Relocation and (2) the date listed on the return receipt that you received.

LINE 9.

Fill in the information regarding where you want to move. Explain why you believe leaving the area will substantially improve your life and that of your child(ren). The Court may consider the prospect of gainful employment, the need to be close to supportive family, an improved physical environment for your child(ren), better schools that will benefit the child(ren), and any other factors that show that an improved life style will result from your move.

LINE 10.

Describe generally how you want the custody order to change.

SIGN AND DATE THE PETITION TO CONFIRM RELOCATION

SIGN AND DATE THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

HOW TO FILL IN THE **ORDER**

HEADING (CAPTION).

This should match the heading in the Notice of Relocation and Petition to Confirm Relocation. As noted before, if you have an existing custody order or pending custody case, fill in the names of the plaintiff and defendant in the heading of the petition exactly as they appear on your custody paperwork, as well as the Domestic Relations Number, which should also appear in the caption of your custody paperwork. If you do not have an existing custody order or pending custody case, know the plaintiff is the person who is filing, and the defendant is the person against whom the plaintiff is filing.

DATE

Leave the date area blank.

LINE 1.

In the first space, write your name. Circle whether you are the plaintiff or the defendant. Write the city and state to which you will be relocating. Use the lines provided to write the names and ages of the children who will be relocating.

LINE 2.

Write the names of any other individuals who intend to live with you in the new residence.

LINE 3.

Write the address of the new residence, if available. The exact address can be kept confidential if there are safety concerns.

LINE 4.

Write the mailing address of the new residence, if different from the address given in Line 3. Again, the exact address can be kept confidential if there are safety concerns.

LINE 5.

Write the home telephone number of the new residence, if available. This number can be kept confidential if there are safety concerns.

LINE 6.

Write the name of the school that the child(ren) will be attending in the first blank space and the name of the school district in which that school is located in the second blank space, if available.

LINE 7.

Write the date that you plan to relocate. If a specific date is not known, write the month and year.

LINE 8.

Write the name of the other party.

LINE 9.

Explain what you wish the modified custody agreement to be like after you relocate.

SIGNATURE SPACE

Leave this space blank.

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

Name

Age

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

5. Home telephone number of the new residence:

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

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

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

7. Date of the proposed relocation:

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

8. Reasons for the proposed relocation:

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

9. Proposed modification of custody schedule following relocation:

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10. Other information:

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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.

Philadelphia Bar Association  
Lawyer Referral and Information Service  
1101 Market Street, 11<sup>th</sup> Floor  
Philadelphia, PA 19107  
Telephone: 215-238-6333

WHEREFORE, Petitioner respectfully requests that the Court grant Petitioner permission to relocate with the child and to make appropriate partial custody provisions for Respondent.

Date: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

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 PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

\_\_\_\_\_  
PLAINTIFF

vs.

\_\_\_\_\_  
DEFENDANT

:  
:  
:  
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:  
:  
:  
:  
:  
:

FAMILY COURT DIVISION

CIVIL ACTION

Docket No.

**COUNTER-AFFIDAVIT REGARDING RELOCATION**

This proposal of relocation involves the following child/children:

Child's Name

Age

Currently residing at:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Child's Name

Age

Currently residing at:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 set forth in 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 \_\_\_\_\_ 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, 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)

\_\_\_\_\_  
(Signature)



6. Petitioner is seeking to relocate, with child(ren), to the city/state of \_\_\_\_\_.
7. Pursuant to 23 Pa.C.S. §5337(c), Petitioner sent Respondent a Notice of Relocation on \_\_\_\_\_ . Petitioner received a return receipt dated \_\_\_\_\_ . A copy of the return receipt is attached hereto as Exhibit "A."
8. Respondent did not file with the court an objection to the relocation within 30 days after receipt of the notice and has thus waived the right to object to the relocation, as stated in 23 Pa.C.S. §2337(d).

9. Petitioner should be permitted to relocate for these reasons:

- a. \_\_\_\_\_  
\_\_\_\_\_
- b. \_\_\_\_\_  
\_\_\_\_\_
- c. \_\_\_\_\_  
\_\_\_\_\_
- d. \_\_\_\_\_  
\_\_\_\_\_
- e. \_\_\_\_\_  
\_\_\_\_\_

10. Petitioner proposes the custody schedule should be modified as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, Petitioner respectfully requests that the Court grant Petitioner permission to

relocate with the child and to make appropriate partial custody provisions for Respondent.

Date: \_\_\_\_\_  
\_\_\_\_\_ Petitioner

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 PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
\_\_\_\_\_ Petitioner

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____	:	
PLAINTIFF	:	FAMILY COURT DIVISION
vs.	:	CIVIL ACTION
_____	:	
DEFENDANT	:	Docket No.
	:	

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of Petitioner's request for Relocation and Modification of the Custody Order, it is hereby ORDERED, ADJUDGED and DECREED that:

1. Petitioner, \_\_\_\_\_ (name), shall be allowed to relocate to \_\_\_\_\_ (city, state), with the following minor children:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The following other individuals intend to reside in the new residence:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The address of the new residence is \_\_\_\_\_.

4. The mailing address of the new residence is \_\_\_\_\_.

5. The home telephone number of the new residence is \_\_\_\_\_.

6. The children will be attending \_\_\_\_\_ School in the

\_\_\_\_\_ School District.

7. Petitioner intends to relocate on/in \_\_\_\_\_ (date).
8. A counter-affidavit was provided to the respondent, \_\_\_\_\_, with a warning that if the respondent did not object to relocation within 30 days, respondent would be prevented from objecting.
9. The new custody arrangement shall be as follows:

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\_\_\_\_\_ J.