

TIOGA COUNTY, PENNSYLVANIA

CUSTODY RELOCATION SELF-HELP PACKAGE

*Prepared by the Tioga County Bar Association for use by indigent pro se litigants
in Tioga County, Pennsylvania*

THIS PACKAGE IS FOR USE WHEN YOU WANT TO RELOCATE AND YOUR RELOCATION WILL AFFECT THE CUSTODY OR VISITATION OF YOUR CHILD(REN)

- **IF YOU WANT TO FILE A NEW CUSTODY CASE AND NO CUSTODY ORDER IS IN EFFECT YET, YOU WILL ALSO NEED THE 'CUSTODY COMPLAINT SELF-HELP PACKAGE.'**
- **IF YOU AND THE OTHER PARENT HAVE AN AGREEMENT ON HOW CUSTODY SHOULD BE HANDLED, BUT THERE IS NO CUSTODY ORDER IN EFFECT YET, YOU WILL NEED THE 'NEW CUSTODY AGREEMENT SELF-HELP PACKAGE.'**
- **IF YOU AND THE OTHER PARENT HAVE AGREED TO MODIFY AN EXISTING CUSTODY ORDER, YOU WILL NEED THE 'CUSTODY MODIFICATION AGREEMENT SELF-HELP PACKAGE.'**
- **IF THERE IS ALREADY A CUSTODY ORDER IN EFFECT AND YOU WANT TO MODIFY IT, BUT THE OTHER PARENT DOES NOT AGREE, YOU WILL NEED THE 'PETITION TO MODIFY CUSTODY SELF-HELP PACKAGE.'**
- **IF THERE IS ALREADY A CUSTODY ORDER IN EFFECT AND YOU WANT TO RELOCATE WITH YOUR CHILD(REN), YOU WILL NEED THE 'RELOCATION SELF-HELP PACKAGE.'**
- **IF THERE IS ALREADY A CUSTODY ORDER IN EFFECT AND THE OTHER PARENT HAS VIOLATED THE EXISTING CUSTODY ORDER, YOU WILL NEED THE 'CONTEMPT PETITION SELF-HELP PACKAGE.'**
- **IF YOU CANNOT AFFORD TO PAY THE FILING FEES FOR A CUSTODY CASE AND YOU NEED TO ASK THE COURT TO WAIVE THE FILING FEES, YOU WILL NEED THE 'IFP PETITION SELF-HELP PACKAGE.'**

INSTRUCTIONS:

In Pennsylvania, you must give any other person with custody or visitation rights formal notice of a proposed relocation and an opportunity to object *before* you relocate.

The law in Pennsylvania does not set a minimum distance for when court approval is required before you can move with your child(ren). Instead, a "relocation" is considered any change in the residence of a child that significantly impairs the ability of a non-relocating party to exercise custody or visitation rights. Whether or not a proposed move will be considered a relocation therefore depends on the specific facts and circumstances of each individual case. Short moves within the same community that do not affect the other parent's ability to see a child are generally not considered relocations (although you should normally still provide anyone who holds any form of custody or visitation rights with your updated contact

information whenever it changes). However, any move that would change or significantly increase the travel or transportation burden on the other parent in order for them to exercise custody or visitation rights probably is a relocation. You should consult a lawyer if you have any questions about whether or not your proposed move meets the legal criteria for a relocation under Pennsylvania law.

If you are considering relocating with your child(ren), you can use this package to apply for the necessary modification of your custody order before you relocate with your child(ren). **Normally, notice of a proposed relocation must be provided to the other parent and any other party with custody or visitation rights at least sixty (60) days prior to the date of the proposed relocation.** If you are not able to provide *at least* sixty (60) days' prior notice of the proposed relocation, you should contact an attorney immediately to discuss your options for expedited handling of your case. If you cannot afford an attorney, North Penn Legal Services or the Tioga County Court Administrator's office may be able to provide you with information about obtaining legal assistance at little or no cost. North Penn Legal Service can be reached by calling (877) 953 – 4250.

Please note that this self-help package is designed primarily for use when a prior custody order is already in effect and you already have primary physical custody under the terms of that prior custody order.

- **If there is no prior custody order in effect and you plan on relocating**, then you should normally file *both* a Custody Complaint (see the "Custody Complaint Self-help Package") *and also* the enclosed relocation paperwork.
- **If there is already a prior custody order in effect but you do not hold primary physical custody under the terms of that custody order**, and you plan on relocating and would like to take the children with you, then you should normally file *both* a Petition to Modify Custody (see the "Petition to Modify Custody Self-help Package") *and also* the enclosed relocation paperwork.

Please also note that if the other parent (or other party or parties) agree(s) to the relocation and is willing cooperate, you can also use either the "New Custody Agreement Self-help Package" or "Custody Modification Agreement Self-help Package" instead of this package if the other parent is willing to sign an agreement that says you can relocate with the child(ren) (if you use a signed agreement instead of the relocation procedure, make sure your agreement states specifically with as much detail as possible that the other parent consents to the relocation).

STEP 1: COMPLETE THE NOTICE OF PROPOSED RELOCATION

The first step in the process is to complete the Notice of Proposed Relocation. On the top of the first page, fill in case caption by adding the names of the Plaintiff and the Defendant and the docket number exactly as they appear on your existing custody order. Whoever is listed as the Plaintiff on the existing custody order is still the Plaintiff, and whoever is listed as the Defendant in the existing custody order is still the Defendant. If you do not already have a custody order, you will also need to a "Custody Complaint Self-Help Package." If there is no prior order you should leave the docket number blank.

Page 2, Question 2 – Fill in the address of the proposed new residence, if known. If you do not have a specific new address yet, then state as specifically as possible where you intend to move. You should also indicate if your new mailing address will be different from your new physical address.

Page 2, Question 3 – Fill in the names and ages of everyone else who will be living with you after the relocation. **Remember not to use the names of any minor children.** If there will be any other minor children living with you at the new residence (in addition to the child(ren) in question) you should only identify them by their initials.

Page 2, Question 4 – Fill in the new telephone number if known.

Page 2, Question 5 – Fill in the name of the proposed new school district and the name of the school each child will attend, if applicable.

Page 2, Question 6 – State the projected date of the proposed relocation.

Page 2, Question 7 – Explain your reason for relocating.

Page 3, Question 8 – In this section, you should fill out your proposal for handling custody after the relocation. **Please be as specific as possible because if there is no objection to your proposal, the new custody order will need to exactly match your answers to this question:**

Legal Custody: Start by stating whether or not you and the other parent (or other party or parties) would share legal custody after the relocation. Legal custody means the right to make major decisions on behalf of a child, including, but not limited to, medical, religious and educational decisions. Except in unusual circumstances, both parents typically share legal custody of their children even if the children reside primarily with only one parent. If you currently share legal custody, normally the court will expect you and the other parent to continue sharing legal custody even after a relocation.

Physical Custody: Next you should state how you would like physical custody to be handled after the relocation. Physical custody basically means the actual physical care and control of a child. When a child lives entirely in the care and control of one parent with no time set aside for the other parent, the first parent has “Sole Physical Custody.” When parents share time equally, they have “Shared Physical Custody.” If a child lives primarily with one parent but has regular guaranteed contact with the other parent, then the first parent has “Primary Physical Custody” and the second parent has “Partial Physical Custody.” If a parent’s visitation with a child only takes place under the supervision of another party, that parent has “Supervised Physical Custody.” The major point of contention in most relocation cases is finding a way to preserve a child’s relationship with a non-relocating parent after the relocation.

Addition Terms: State any additional special conditions that you wish to have made part of the court order after the relocation. For example, you can specify terms for transportation, phone communication, school enrollment, or any other special terms that may be appropriate.

Page 4, Certificate of Compliance with Public Access Policy – By signing and filing the Notice of Proposed Relocation, you are certifying that it complies with the Public Access Policy of the Unified Judicial System of Pennsylvania and does not contain any (1) social security numbers, (2) financial account numbers, (3) driver’s license numbers, (4) state identification numbers, (5) minor’s names or dates of birth, (6) abuse victim’s addresses or other contact information, as defined by Pa.R.C.P. No. 1931(a), except for victim’s names. That policy is the reason why children can only be referred to by their initials except on the Confidential Information Form. For more information, visit: <http://www.pacourts.us/public-records/public-records-policies>

Page 4, Praeceptum for Self-Representation – In the ‘Praeceptum for Self-Representation,’ check the first box if you have never been represented by an attorney in connection with this custody case and check the second box if you previously had an attorney represent you in connection with this case (Note: If you currently have an attorney representing you in connection with this custody case and wish to keep your attorney then you should not use the packet - your attorney can create all of the necessary forms for you). The address you include below the signature line on Page 4 is the address the court and the other party are supposed to use to send legal papers to you. **Make sure the court and all other parties always have your current mailing address for legal papers because you will be treated as if you received any mail sent to you at the address you provide. If you do not keep your mailing address updated, you may miss important notices and fail to receive important legal documents.** The court provides a separate stand-alone ‘Praeceptum to Update Contact Information’ form that you can use later on to inform the court and other parties of any changes in your contact information.

Page 4, Verification and Signature – After you have filled out the rest of the Notice of Proposed Relocation, sign and date the last page. **By signing the Custody Complaint and filing it with the court you are asserting that the information you provide is true and correct to the best of your knowledge, information, and belief. If you intentionally provide false information in a document you submit to the court, you may be subject to criminal charges under 18 PA. C.S.A. § 4904.**

Subsequent Changes: If any of the information you include in the Notice of Proposed Relocation changes after you send it to the other parent (or other party or parties), or if you obtain additional information, then you must provide notice of such changes or additional information in writing to the other parent (or other party or parties).

STEP 2: FILE AND SERVE THE NOTICE OF PROPOSED RELOCATION

When you go to the Prothonotary’s office at the Tioga County Courthouse you will need the original Notice of Proposed Relocation, the blank Counter-Affidavit Regarding Relocation, and at least two (2) copies of both of those documents. You should first file the Notice of Proposed Relocation. The staff at the Prothonotary’s office will keep the original Notice of Proposed Relocation and return the copies to you with timestamps. You should keep one copy for your records. You will need to send a copy to the other parent (or other party or parties) in accordance with the instructions provided below. If there are more

than two parties to your custody case, you will need enough extra copies to send one copy to every other party.

You will also need one Counter-Affidavit for every Respondent. You should fill in the case caption on each copy of the Counter-Affidavit but should otherwise leave it blank.

It is your responsibility to send a copy of the Notice of Proposed Relocation and a Counter-Affidavit Regarding Relocation to every other party with custody or visitation rights. If the court has previously appointed a Guardian Ad Litem, you will also need to send a copy of the Notice of Proposed Relocation to the Guardian Ad Litem. If you have an open Children and Youth Services case, you must also send copies of your documents to the Children and Youth Services agency. You must send your documents by certified mail, restricted delivery, return receipt requested to every. If you do not know how to complete the postal “green card” the post office can assist you. When you mail something by certified mail, restricted delivery, return receipt requested, the recipient must sign for their mail in order to receive it. The postal green card with the person’s signature is then returned to you. You will need the green card with the recipient’s signature to prove that the recipient received these documents. **You must send the Notice early enough so that the recipient *actually receives* the Notice at least sixty (60) days before the proposed relocation.**

STEP 3: FILE YOUR CERTIFICATE OF SERVICE

When you receive a signed green card back from the Respondent, you will need to attach it to the first “Certificate of Service” in this package and file it at the Prothonotary’s Office. Fill in the case caption at the top of the Certificate of Service the same way you filled in the case caption on all of your other documents (only this time you should already have the docket number, so you can fill in the docket number yourself). Attach the postal green card to the Certificate of Service using glue or tape with the side containing the Respondent’s signature facing up. Then you should sign and date the Certificate of Service. You can then take it back to the Prothonotary’s office and file it as part of your case record. You should also make a copy for your own records. **Do not file the Certificate of Service unless and until you have attached the postal green card.** If you do, you will actually be committing a crime because the form itself certifies under potential legal penalties that the signed green card is attached. You will need to file a separate Certificate of Service for every Respondent.

NOTE: IT IS YOUR RESPONSIBILITY TO CONFIRM THAT EACH RESPONDENT HAS RECEIVED THE NOTICE OF PROPOSED RELOCATION. If a Respondent does not accept their mail, you may need to pay the Sheriff’s office or a constable to serve the papers for you, or you may need to talk to a lawyer about other service options. The time limit for the Respondent to object to the relocation does not start to run until after the Respondent has been formally served with the Notice of Proposed Relocation.

STEP 4: EITHER COMPLETE THE PETITION TO CONFIRM CONSENT TO RELOCATION OR REQUEST A HEARING

THE NEXT STEP IN THE PROCESS DEPENDS ON WHETHER OR NOT THE RESPONDENT FILES A COUNTER-AFFIDAVIT OBJECTING TO THE RELOCATION. IF THEY DO NOT FILE A COUNTER-AFFIDAVIT OBJECTING TO THE RELOCATION, THEN YOU CAN COMPLETE STEP 4(A) AND ASK THE COURT TO IMMEDIATELY APPROVE THE RELOCATION. IF THE RESPONDENT DOES FILE A COUNTER-AFFIDAVIT OBJECTING TO THE RELOCATION, YOU WILL INSTEAD NEED TO COMPLETE STEP 4(B) TO ASK FOR A HEARING. WHEN THIRTY (30) DAYS HAVE PASSED FROM THE DATE THE RESPONDENT ACTUALLY RECEIVED THE NOTICE OF PROPOSED RELOCATION, YOU SHOULD THEREFORE DO ONE OF THE FOLLOWING:

NO OBJECTION FILED: If no Counter-Affidavit is filed within thirty (30) days after a recipient receives the Notice of Proposed Relocation, then the recipient loses the right to challenge either the relocation or the proposed modification of custody, and you can file a “Petition to Confirm Consent to Relocation.” Please follow the instructions in [Step 4\(A\)](#) to complete the process.

OBJECTION FILED: If the Respondent filed a timely Counter-Affidavit and objects to the relocation, you should instead request a hearing using the “Motion for Contested Relocation Hearing.” Please follow the instructions in [Step 4\(B\)](#) to complete the process.

STEP 4(A): COMPLETE THE PETITION TO CONFIRM CONSENT TO RELOCATION

Please note that although Respondents are supposed to send you a copy of the Counter-Affidavit at the same time they file the original with the court, some people fail to do so. You should therefore check directly with the Prothonotary’s office after thirty (30) have passed from the date of service (the date the recipient signed the postal green card) to make sure nothing has been filed. Additionally, if the other party files a Counter-Affidavit, but they consent to both the relocation and the proposed modification, then you can proceed directly to filing a Petition to Confirm Consent (if there is more than one Respondent, this only applies if *every* Respondent files a Counter-Affidavit consenting to both the relocation and the proposed modification).

Step 4(A)(1) - Fill out the Petition to Confirm Consent to Relocation:

Page 1, Questions 1-3 - Fill in the case caption at the top of the first page of the Petition to Confirm Consent to Relocation the same way you filled in the case captions on your other documents. You should then list the initials and year(s) of birth of the child(ren) the same way they are listed in the Notice of Proposed Relocation. You should then fill in your own name, address, and relationship to the child(ren), followed by the other party’s name, address, and relationship to the child(ren) (you are the Petitioner and the other party is the Respondent). Phone numbers should be included if available but are not required (they can be useful, though if the court needs to contact you about scheduling matters).

Page 2, Question 4 – As referenced above, sometimes more than two people are involved in a custody case. For example, grandparents and other third-parties are sometimes permitted to file for custody against the parents. If more than two people were named as parties to a prior custody order (or if this is

a new case, if more than two people are named as Defendants in the Custody Complaint), then every other named party must be listed as a Respondent to your petition and sent a copy of the Notice of Proposed Relocation. This is true even if someone has had minimal or no involvement with their child(ren) since a prior custody order was entered. You cannot simply ignore any other named party or leave them out of the process. The only exceptions are when parties are either (1) deceased, or (2) their legal rights have been completely terminated by prior court order. If there is more than one Respondent, you should check “Yes” to Question 4 and list the name, address, phone number, and relationship to the child(ren) of each additional respondent either in the margin of the page or on a separate additional sheet of paper. Please note that both parents must be included unless a parent is deceased or their parental rights have been completely terminated by court order.

Page 2, Question 4(a) – If you do omit a prior party to the case, use this question to explain why. Please remember that the only valid reasons for omitting a prior party are when that party is either (1) deceased, or (2) their legal rights have been completely terminated by prior court order.

Page 2, Question 5 – Next, you need to fill in the date the Notice of Proposed Relocation was filed with the court (this is the date that is time-stamped on the Notice of Proposed Relocation when you first bring it to the Prothonotary’s office) and also the date the Notice of Proposed Relocation was received by the Respondent (this is the date when the Respondent signed the postal green card – the date should be written directly on the postal green card along with the recipient’s signature). If there is more than one Respondent, list the service dates for the additional Respondents either neatly in the margin or on an extra page.

Page 2, Question 6 – Check the appropriate box to indicate whether the Respondent either (1) failed to file a Counter-Affidavit or (2) filed a Counter-Affidavit consenting to the relocation and to the proposed modification of custody. **Please note that if *any* Respondent filed a timely objection to either the relocation or the proposed modification, you should not use the Petition to Confirm Consent because a court hearing will be necessary before the relocation can be authorized and custody can be modified.**

Page 2, Question 7 – You should normally attach a copy of the prior custody order to your petition. However, the Public Access Policy of the Pennsylvania Unified Judicial System, effective January 6, 2018, prohibits the filing of documents that include children’s full names or dates of birth. Custody Orders from before the effective date of the new policy may include this prohibited information. That means that if you attach a copy of a prior custody order that includes the name or date of birth of any child, you need to redact that information. If you have any questions or concerns about how to prepare a redacted copy of the custody order, it may be better just to file your petition without a copy of the previous custody order. The court should still have access to the original and in light of the complications caused by the new policy, the court will probably excuse the omission. For more information about the Public Access Policy of the Pennsylvania Unified Judicial System, visit:

<http://www.pacourts.us/public-records/public-records-policies>

Page 2, Question 8 – Sometimes relocation petitions are filed while custody cases are already active and other court appearances have already been scheduled. For example, one parent may file a new custody

complaint and the other parent may then file a Notice of Proposed Relocation before the preliminary custody conference for the first parent's custody complaint. In order to avoid confusion, you should state in your petition whether or not any other court proceedings are already scheduled relating to the custody of the same minor child(ren). If this applies, you should indicate the type of court event (e.g. "preliminary custody conference," "pre-trial hearing," "custody trial," etc.), and the date and time for such court event.

Page 3, Certificate of Compliance with Public Access Policy – By signing and filing the Petition to Confirm Consent to Relocation, you are certifying that it complies with the Public Access Policy of the Unified Judicial System of Pennsylvania and does not contain any (1) social security numbers, (2) financial account numbers, (3) driver's license numbers, (4) state identification numbers, (5) minor's names or dates of birth, (6) abuse victim's addresses or other contact information, as defined by Pa.R.C.P. No. 1931(a), except for victim's names. That policy is the reason why children can only be referred to by their initials except on the Confidential Information Form. For more information, visit:

<http://www.pacourts.us/public-records/public-records-policies>

Page 3, Praeceptum for Self-Representation – In the 'Praeceptum for Self-Representation,' check the first box if you have never been represented by an attorney in connection with this custody case and check the second box if you previously had an attorney represent you in connection with this case (Note: If you currently have an attorney representing you in connection with this custody case and wish to keep your attorney then you should not use the packet - your attorney can create all of the necessary forms for you). The address you include below the signature line on Page 4 is the address the court and the other party are supposed to use to send legal papers to you. **Make sure the court and all other parties always have your current mailing address for legal papers because you will be treated as if you received any mail sent to you at the address you provide. If you do not keep your mailing address updated, you may miss important notices and fail to receive important legal documents.** The court provides a separate stand-alone 'Praeceptum to Update Contact Information' form that you can use later on to inform the court and other parties of any changes in your contact information.

Page 3, Verification and Signature – After you have filled out the rest of the Petition Confirm Consent to Relocation, sign and date the last page. **By signing the Petition to Confirm Consent to Relocation and filing it with the court you are asserting that the information you provide is true and correct to the best of your knowledge, information, and belief. If you intentionally provide false information in a document you submit to the court, you may be subject to criminal charges under 18 PA. C.S.A. § 4904.**

Step 4(A)(2) - Complete the Proposed New Custody Order

You will also need to prepare a proposed new custody order and submit it to the court along with the Petition to Confirm Consent. Fill in the case caption at the top of the first page of the proposed custody order the same way you filled in case captions in all of your other documents. Do not fill in the date on the first line where it says "AND NOW, this ____ day of _____, 20____," (the court will fill in that part). In Part 1 you should list the initials and age(s) of the child(ren) the same way you did for the Notice of Proposed Relocation and Petition to Confirm Consent. In Part 2 you should write out the date when the Notice of Proposed Relocation was filed with the court (this is the date that was time-stamped

on the Notice of Proposed Relocation by the Prothonotary's office). In Parts 3-5 you will need to write out the new custody provisions exactly as you wrote them out in your proposal in Question 8 of the Notice of Proposed Relocation (Important: You must copy the language you used in Question 8 of the Notice of Proposed Relocation word-for-word – the proposed order must exactly match the Notice of Proposed Relocation or the judge will not sign it). Do not sign the proposed order. Only the judge assigned to the case can sign the custody order. You should, however, add your name and the Respondent's name to the Distribution list at the bottom of the proposed custody order.

Step 4(A)(3) – Prepare copies and file your Petition to Confirm Consent

When you go back to the Prothonotary's office, you will need the original and two copies of the Petition to Confirm Consent (as before, add extra copies for each additional Respondent). You will also need your proposed new custody order. When you get to the Prothonotary's office they will keep the original Petition to Confirm Consent, but they will return to you the copies after they time-stamp them. One copy is for your records and the other copies must be mailed by you to the Respondent(s). The Prothonotary's office will also keep the proposed new custody order for the judge to review.

Step 4(A)(4) – Serve the Petition and File Your Certificate of Service

You should mail a copy of the Petition to Confirm Consent to the Respondent(s) by regular-first class mail. You will then have to fill out and file another certificate of service for the Petition to Confirm Consent. Please note that only original service (i.e. the first document you mail to a Respondent) must be by certified mail. After a Respondent has signed a green card confirming their address, you can mail subsequent legal papers to them at the same address by regular mail, or to any other address the Respondent provides in writing and files with the court. The second Certificate of Service in this package is for use when certified mail is not required.

Step 4(A)(5) – Receive Your New Custody Order

The judge will review the court file and your proposed custody order, and if there are no problems, the judge will sign your proposed custody order. After the custody order is signed by the judge, the court will make copies of the signed custody order and mail them to you and to the Respondent(s). Once you receive your copy of the new custody order with the judge's signature, you can relocate with the child(ren) according to the terms of the Relocation Notice and the terms of the new custody order. If the court rejects your proposed custody order for any reason, the court will provide additional instructions. ***This is the end of the Relocation Process.***

STEP 4(B): COMPLETE THE MOTION FOR CONTESTED RELOCATION HEARING

If the Respondent files a timely Counter-affidavit objecting to the relocation then you will need to request a court hearing to obtain permission to relocate. YOU DO NOT NEED TO REQUEST A HEARING, HOWEVER, UNLESS THE RESPONDENT OBJECTS TO THE RELOCATION. IF THE RESPONDENT DOES NOT FILE A TIMELY

COUNTER-AFFIDAVIT, YOU SHOULD INSTEAD FILE A PETITION TO CONFIRM CONSENT TO RELOCATION USING THE INSTRUCTIONS IN STEP 4(A).

The Motion for a Contested Relocation Hearing can be used to schedule a relocation hearing:

Step 4(B)(1) - Fill out the Motion for Contested Relocation Hearing:

Page 1, Questions 1-3 - Fill in the case caption at the top of the first page of the Motion for Contested Relocation Hearing the same way you filled in the case captions on your other documents. You should then list the initials and year(s) of birth of the child(ren) the same way they are listed in the Notice of Proposed Relocation. You should then fill in your own name, address, and relationship to the child(ren), followed by the other party's name, address, and relationship to the child(ren) (you are the Petitioner and the other party is the Respondent). Phone numbers should be included if available but are not required (they can be useful, though if the court needs to contact you about scheduling matters).

Page 1, Question 4 –Next, you need to fill in the date the Notice of Proposed Relocation was filed with the court (this is the date that is time-stamped on the Notice of Proposed Relocation when you first bring it to the Prothonotary's office) and also the date the Notice of Proposed Relocation was received by the Respondent (this is the date when the Respondent signed the postal green card – the date should be written directly on the postal green card along with the recipient's signature). If there is more than one Respondent, list the service dates for the additional Respondents either neatly in the margin or on an extra page.

Page 2, Question 5 – Restate the date of the proposed relocation. This will aid the court in scheduling the hearing.

Page 3, Certificate of Compliance with Public Access Policy – By signing and filing the Motion for Contested Relocation Hearing, you are certifying that it complies with the Public Access Policy of the Unified Judicial System of Pennsylvania and does not contain any (1) social security numbers, (2) financial account numbers, (3) driver's license numbers, (4) state identification numbers, (5) minor's names or dates of birth, (6) abuse victim's addresses or other contact information, as defined by Pa.R.C.P. No. 1931(a), except for victim's names. That policy is the reason why children can only be referred to by their initials except on the Confidential Information Form. For more information, visit:

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Page 3, Praeceptum for Self-Representation – In the 'Praeceptum for Self-Representation,' check the first box if you have never been represented by an attorney in connection with this custody case and check the second box if you previously had an attorney represent you in connection with this case (Note: If you currently have an attorney representing you in connection with this custody case and wish to keep your attorney then you should not use the packet - your attorney can create all of the necessary forms for you). The address you include below the signature line on Page 4 is the address the court and the other party are supposed to use to send legal papers to you. **Make sure the court and all other parties always have your current mailing address for legal papers because you will be treated as if you received any mail sent to you at the address you provide. If you do not keep your mailing address updated, you may miss**

important notices and fail to receive important legal documents. The court provides a separate stand-alone 'Praecipe to Update Contact Information' form that you can use later on to inform the court and other parties of any changes in your contact information.

Page 3, Verification and Signature – After you have filled out the rest of the Motion for Contested Relocation Hearing, sign and date the last page. **By signing the Petition to Confirm Consent to Relocation and filing it with the court you are asserting that the information you provide is true and correct to the best of your knowledge, information, and belief. If you intentionally provide false information in a document you submit to the court, you may be subject to criminal charges under 18 PA. C.S.A. § 4904.**

Step 4(B)(2) – Prepare the Proposed Scheduling Order

You will also need to prepare the proposed scheduling order (Titled “Notice and Order”) for the court. You should fill in the case caption at the top of the scheduling order the same way did on the first page of your other documents. You should also fill in your name and the Respondent’s name in the Distribution list at the bottom left side of the scheduling order. You should not fill in the date of the conference or sign the scheduling order. The date is set by the Court and the order will be signed by the judge.

IF THE COURT HAS PREVIOUSLY APPOINTED A GUARDIAN AD LITEM IN YOUR CASE, YOU MUST ADD THEIR NAME TO THE DISTRIBUTION LIST AT THE BOTTON THE ORDER. FAILURE TO INCLUDE THE GUARDIAN AD LITEM IN THE DISTRIBUTION LIST MAY RESULT IN DELAYS IN HEARING YOUR CASE.

Step 4(B)(3) – Prepare copies and file your Petition to Confirm Consent

When you go back to the Prothonotary’s office, you will need the original and two copies of the Motion for Contested Relocation Hearing (as before, add extra copies for each additional Respondent). You will also need your proposed scheduling order. When you get to the Prothonotary’s office, they will keep the original Motion for Contested Relocation Hearing, but they will return to you the copies after they time-stamp them. One copy is for your records and the other copies must be mailed by you to the Respondent(s). The Prothonotary’s office will also keep the proposed scheduling order for the court to review and fill in a date and time. After a date is assigned, a copy of the scheduling order will be mailed to you.

Step 4(B)(4) – Serve the Motion and Order and File Your Certificate of Service

After you receiving the completed scheduling order with the hearing date, you should mail a copy of your Motion for Contested Relocation Hearing and a copy of the scheduling order to the Respondent(s) by regular-first class mail. You will then have to fill out and file another certificate of service. Please note that only original service (i.e. the first document you mail to a Respondent) must be by certified mail. After a Respondent has signed a green card confirming their address, you can mail subsequent legal papers to them at the same address by regular mail, or to any other address the Respondent provides in writing and files with the court. The correct Certificate of Service is included with this package.

Step 4(B)(5) – Attend the hearing

A relocation hearing is a full evidentiary hearing subject to the Pennsylvania Rules of Evidence. It is strongly recommended that you have an attorney assist you at a relocation hearing.

If you do not have an attorney, however, it is critical that you bring any witnesses and evidence you wish to present with you to the hearing. It will *not* be acceptable to tell the judge that someone else *could* testify on your behalf, or that some document or other piece of evidence *could* prove something, if those witnesses, documents, or other pieces of evidence are not actually present in court at the time of the hearing. You are expected to be fully prepared at the date, time, and place set for the hearing, and the court will rarely give you permission to come back later with additional witnesses and evidence simply because you did not understand that you were supposed to bring them to the hearing.

You should also be aware that the law is very strict about what types of testimony and evidence can be presented in court. The Rules of Evidence take lawyers years to learn, and are far too complicated to explain here, but a good general principle to remember is that witnesses can usually only testify about what they have seen with their own eyes and heard with their own ears – not simply what they believe to be true.

After the hearing, the judge will make a decision and issue an order either granting or denying your request to relocate.

This Self-Help Custody Relocation Package is provided by the Tioga County Bar Association for the benefit of pro se custody litigants in Tioga County, Pennsylvania and may be reproduced without restriction. No warranties of any kind are made in connection with these instructions or the included documents, nor is this package intended as a substitute for individualized legal advice. For further assistance, please contact North Penn Legal Services at (877) 953 – 42

ADDITIONAL CONTENTS OF THIS PACKAGE:

1. NOTICE OF PROPOSED RELOCATION (4 PAGES)
2. COUNTER-AFFIDAVIT (1 PAGE)
3. CERTIFICATE OF SERVICE – NOTICE OF PROPOSED RELOCATION (1 PAGE)
4. PETITION TO CONFIRM CONSENT TO RELOCATION (3 PAGES)
5. CERTIFICATE OF SERVICE – PETITION TO CONFIRM CONSENT (1 PAGE)
6. CUSTODY ORDER (2 PAGES)
7. MOTION FOR CONTESTED RELOCATION HEARING (2 PAGES)
8. SCHEDULING ORDER (“NOTICE AND ORDER”) (1 PAGE)
9. CERTIFICATE OF SERVICE – MOTION FOR CONTESTED RELOCATION HEARING (1 PAGE)

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

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:
:
:
:
:
:

NO: ____ FS ____

CIVIL ACTION - CUSTODY

.....

NOTICE OF PROPOSED RELOCATION

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

| | |
|--------------------------|----------------------|
| <u>Child's initials:</u> | <u>Year of birth</u> |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Are there more than four children? Yes No

(If the answer is "Yes" you will need to list each additional child's initials and year of birth in the margin or on a separate sheet – see accompanying instructions).

THE FULL NAME(S) AND DATE(S) OF BIRTH OF THE ABOVE CHILD(REN) ARE ON RECORD AT THE TIOGA COUNTY COURTHOUSE IN A CONFIDENTIAL INFORMATION FORM OR CONTAINED IN PRIOR PLEADINGS UNDER SEAL (SEE TIOGA COUNTY LOCAL RULE NO. 102, EFFECTIVE JANUARY 6, 2018).

WARNING: IF A NON-RELOCATING PARTY DOES NOT FILE AN OBJECTION WITH THE COURT TO THE PROPOSED RELOCATION WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS NOTICE, THE PARTY MAY NOT OBJECT TO THE RELOCATION.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, 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.

**TIOGA COUNTY COURT ADMINISTRATION
TIOGA COUNTY COURTHOUSE
118 MAIN STREET, WELLSBORO PA 16901
(570) 724 - 9380**

**or NORTH PENN LEGAL SERVICES
TOLL FREE: (877) 953 – 4250**

This Self-Help Custody Relocation Notice is provided by the Tioga County Bar Association for the benefit of pro se custody litigants in Tioga County, Pennsylvania and may be reproduced without restriction. No warranties of any kind are made in connection with this document or any associated documents or instructions, which are not intended as a substitute for individualized legal advice. For further assistance, contact North Penn Legal Services at (877) 953 – 4250 or Tioga County Court Administration at (570) 724 – 9380.

Form last updated: December 4, 2020

1. The name, address, phone number, and relationship to the above-listed child(ren) of the party proposing the relocation (hereinafter "Petitioner") is as follows:

Name: _____ Relationship to the above-listed
Address: _____ child(ren):

Phone No.: _____ Mother
 Father
 Other: _____

2. The Petitioner proposes to relocate the above child(ren) as follows:

Address after relocation: _____

The mailing address for the proposed new residence is as follows:

same as above, or _____.

3. The name(s) and age(s) of any individual(s) who will reside in the new residence with the child(ren) is/are as follows (*In accordance with the Public Access Policy of the Pennsylvania courts and Tioga County Local Rule No. 102, effective January 6, 2018, only use initials to identify minor children*):

Name: _____ Age: _____
Name: _____ Age: _____
Name: _____ Age: _____
Name: _____ Age: _____

4. The telephone number of the proposed new residence will be as follows:

Not yet known, or (_____) _____ - _____

5. The name of the new school district the child(ren) would attend after the relocation is a follows: _____.

The child(ren) would attending the following schools within said district:

| <u>Child's initials:</u> | <u>Name of School:</u> |
|--------------------------|------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

6. The date of the proposed relocation is as follows: _____.

7. The reason for the proposed relocation is as follows:

8. The Petitioner requests that following relocation custody be modified as follows:

Legal Custody: Legal custody is the right and responsibility to make major decisions on behalf of a child. Legal custody includes, but is not limited to, the right to make medical, religious and educational decisions for a child. Following the relocation, the Petitioner proposes that legal custody of the above-listed child(ren) be as follows:

Shared Legal Custody: The parties will share legal custody of the above-listed child(ren). To the greatest extent possible, the parties will communicate and coordinate with each other before making any major decisions relating to the care and upbringing of the child(ren). The parties will also freely share information relating to the health and welfare of the child(ren).

or

Sole Legal Custody: _____ shall have sole legal custody and major decision-making power for the above-listed child(ren).

Physical Custody: Physical custody is the right and responsibility to provide actual physical care for and exercise control over a child. Following the relocation, the Petitioner proposes that physical custody of the above-listed child(ren) will be as follows:

Sole Physical Custody: _____ shall have sole physical custody of the above-listed child(ren),

or

Shared Physical Custody: The parties will share physical custody of the above-listed child(ren) approximately equally according to the following schedule:

or

Primary Physical Custody and Partial Physical Custody: Following the relocation, _____ shall have primary physical custody of the above-listed child(ren) and _____ shall have partial physical custody according to the following schedule:*

* If no schedule is provided, then a party with partial physical custody will only be entitled to exercise any periods of physical custody with the ongoing consent of the party holding primary physical custody.

or

Other: Following the relocation, physical custody of the child(ren) shall be as follows:

And also any other contact or visitation as the parties may agree.

Additional proposed terms, if any:

9. A Counter-Affidavit which can be used by any other party to object to this proposed relocation is attached to this Notice of Proposed Relocation.

CERTIFICATION OF COMPLIANCE WITH PUBLIC ACCESS POLICY

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

PRAECIPE FOR SELF-REPRESENTATION

I, the undersigned Petitioner, represent myself in this action.

I have not previously been represented by an attorney in this action, *or*

I was previously represented by _____, Esquire, but am no longer represented by any attorney and wish said attorney removed as my attorney of record (Note: The plaintiff must send a copy of this document to the attorney removed from this case).

I understand that I am under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to any attorneys of record.

All pleadings and legal papers can be served on me at the address provided below.

VERIFICATION

I, the undersigned Petitioner do verify that the statements made in the foregoing Notice of Proposed Relocation, Certificate of Compliance with Public Access Policy, and Praecipe for Self-Representation are all true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Petitioner’s Signature (pro se)

Address: _____

Phone: _____

This Self-Help Custody Relocation Notice is provided by the Tioga County Bar Association for the benefit of pro se custody litigants in Tioga County, Pennsylvania and may be reproduced without restriction. No warranties of any kind are made in connection with this document or any associated documents or instructions, which are not intended as a substitute for individualized legal advice. For further assistance, contact North Penn Legal Services at (877) 953 – 4250 or Tioga County Court Administration at (570) 724 – 9380.

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

:
:
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:
:

NO: ____ FS ____

CIVIL ACTION – CUSTODY

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COUNTER-AFFIDAVIT REGARDING RELOCATION

I, _____, have received a Notice of Proposed Relocation involving the following child(ren):

| <u>Child's initials:</u> | <u>Year of birth</u> |
|--------------------------|----------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

- I DO NOT OBJECT to the relocation and I DO NOT OBJECT to a modification of custody consistent with the proposal contained in the Notice of Proposed Relocation.
- I DO NOT OBJECT to the relocation, but I DO OBJECT to the proposed modification of custody contained in the Notice of Proposed Relocation and I request a hearing be scheduled:
 - prior to allowing the child(ren) to relocate, *or* after the child(ren) relocate(s).
- I DO OBJECT to the relocation and I DO OBJECT to the proposed modification of custody and I further request that a hearing be held on both matters prior to relocation taking place.

I understand that if I *either* (1) do not object to relocation, but object to the proposed modification of custody and have requested a hearing, *or* (2) if I do object to the relocation and have requested a hearing, *then*: I must file a copy of this Counter-Affidavit with the Court and serve it on the other party by certified mail, return receipt requested. I understand that if I fail to do so within thirty (30) days of my receipt of the Notice of Proposed Relocation, then I will not be permitted to object to the relocation.

I verify that the statements made in this Counter-Affidavit are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Affiant's Signature
Address: _____

The original of this form must be filed with the Prothonotary's Office at the Tioga County Courthouse, 118 Main Street, Wellsboro, Pennsylvania 16901, and a copy must be served on all other parties in accordance with the Pennsylvania Rules of Civil Procedure.

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

:
:
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NO: ____ FS ____

CIVIL ACTION – CUSTODY

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CERTIFICATE OF SERVICE

I, _____ (The Applicant for Relocation), certify that I have served a true and correct copy of my Notice of Proposed Relocation, together with the required Counter-Affidavit form, by sending the same to the below-named Respondent by U.S. certified mail, restricted delivery, return receipt requested. The postal green-card signed by the Respondent is attached below.

I verify that the statements made in this Certificate of Service are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Applicant for Relocation’s Signature (pro se)

Attach the postal return-receipt (“green”) card here with clear tape or glue. Make sure that the side with the Respondent’s signature faces up.

IF YOU CAN STILL READ THIS, THEN THIS FORM IS NOT READY TO BE FILED WITH THE COURT.

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

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:
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:
:

NO: ____ FS ____

CIVIL ACTION – CUSTODY

.....

PETITION TO CONFIRM CONSENT TO RELOCATION

1. This case involves a proposed relocation and custody modification relating to the following minor child(ren):

| <u>Child's initials:</u> | <u>Year of birth</u> |
|--------------------------|----------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Are there more than four children? Yes No

(If the answer is "Yes" you will need to list each additional child's initials and year of birth in the margin or on a separate sheet – see accompanying instructions).

THE FULL NAME(S) AND DATE(S) OF BIRTH OF THE ABOVE CHILD(REN) ARE ON RECORD AT THE TIOGA COUNTY COURTHOUSE IN A CONFIDENTIAL INFORMATION FORM OR CONTAINED IN PRIOR PLEADINGS UNDER SEAL (SEE TIOGA COUNTY LOCAL RULE NO. 102, EFFECTIVE JANUARY 6, 2018).

2. Petitioner's name, address, and relationship to the above-listed child(ren) is as follows:

| | |
|------------------|---|
| Name: _____ | Petitioner's relationship to the above- |
| Address: _____ | listed child(ren): |
| _____ | <input type="checkbox"/> Mother |
| _____ | <input type="checkbox"/> Father |
| Phone No.: _____ | <input type="checkbox"/> Other: _____ |

3. Respondent's name, address, and relationship to the above-listed child(ren) is as follows:

| | |
|------------------|---------------------------------------|
| Name: _____ | Respondent's relationship to the |
| Address: _____ | above-listed child(ren): |
| _____ | <input type="checkbox"/> Mother |
| _____ | <input type="checkbox"/> Father |
| Phone No.: _____ | <input type="checkbox"/> Other: _____ |

This Self-Help Petition to Confirm Consent to Relocation is provided by the Tioga County Bar Association for the benefit of pro se custody litigants in Tioga County, Pennsylvania and may be reproduced without restriction. No warranties of any kind are made in connection with this document or any associated documents or instructions, which are not intended as a substitute for individualized legal advice. For further assistance, contact North Penn Legal Services at (877) 953 – 4250 or Tioga County Court Administration at (570) 724 – 9380.

4. Is there more than one Respondent? Yes No

(If the answer is "Yes" you will need to list each additional Respondent's name, address, phone number, and relationship to the child(ren) either in the margin or on a separate sheet – see accompanying instructions. Please note that all other named parties to any prior custody action or order involving the above-named minor child(ren) must be named as Respondents to this petition unless a party is now deceased or their parental rights have been terminated by court order).

4(a). If any named party to a prior custody action or order has not been listed a Respondent to this petition, please explain why: _____
_____.

5. A Notice of Proposed Relocation was filed with this court on (___/___/___) and served on the Respondent on (___/___/___) (insert dates in MM/DD/YY format). A certificate of service confirming the same has been filed with the court.

(If there is more than one Respondent, list dates of service for each respondent in the margin or on a separate sheet. A certificate of service is required for each Respondent. See accompanying instructions.)

6. The Respondent either did not file a Counter-Affidavit within thirty (30) days of the date of service of the Notice of Proposed Relocation, or the Respondent filed a Counter-Affidavit stating they do not object to the relocation and do not object to a modification of custody consistent with the proposal contained in the Notice of Proposed Relocation.

(If there is more than one Respondent, then this petition requires the consent of every Respondent.)

7. Is there already a prior custody order in this case? Yes No

If there is already a prior custody order in this case, is a copy of the previous custody order attached to this petition? Yes No

(In accordance with the Public Access Policy of the Pennsylvania Unified Judicial System, effective January 6, 2018, please note that any prior custody orders that list children's full names and dates of birth must be redacted to remove such information before being attached to this petition.)

8. Has a preliminary custody conference, custody trial, or any other court proceeding relating to the custody of the above-listed minor child(ren) already been scheduled to take place in connection with this case? Yes No

If the answer is "Yes," what is the type, date, and time of such proceeding?

Type of proceeding: _____ Date: _____ Time: _____

WHEREFORE the Petitioner respectfully requests that this honorable Court issue an order authorizing the Petitioner to relocate with the child(ren) in accordance with the terms of the Notice of Proposed Relocation, and that the court grant an appropriate order for modification of custody in accordance with the proposal contained in the Notice of Proposed Relocation.

CERTIFICATION OF COMPLIANCE WITH PUBLIC ACCESS POLICY

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

PRAECIPE FOR SELF-REPRESENTATION

I, the undersigned Petitioner, represent myself in this action.

I have not previously been represented by an attorney in this action, *or*

I was previously represented by _____, Esquire, but am no longer represented by any attorney and wish said attorney removed as my attorney of record (Note: The plaintiff must send a copy of this document to the attorney removed from this case).

I understand that I am under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to any attorneys of record.

All pleadings and legal papers can be served on me at the address provided below.

VERIFICATION

I, the undersigned Petitioner do verify that the statements made in the foregoing Petition to Confirm Consent to Relocation, Certificate of Compliance with Public Access Policy, and Praecipe for Self-Representation are all true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Petitioner's Signature (pro se)

Address: _____

Phone: _____

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

:
:
:
:
:
:
:

NO: ____ FS ____

CIVIL ACTION - CUSTODY

.....

CERTIFICATE OF SERVICE

I, _____, the Petitioner in Relocation, certify that I have served a true and correct copy of the Petition to Confirm Consent to Relocation on the Respondent by sending the same to the Respondent by regular U.S. first-class mail, to the following address:

Respondent's Name: _____

Respondent's Address: _____

Date of mailing: _____

I verify that the statements made in this Certificate of Service are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Petitioner's Signature

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

:
:
:
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:
:
:

NO: ____ FS ____

CIVIL ACTION - CUSTODY

.....

CUSTODY ORDER

AND NOW, this ____ day of _____, 20____, a Notice of Proposed Relocation having been filed with this court, and no Counter-Affidavit having been filed within the time allotted by law either objecting to such proposed relocation, or objecting to the proposed modification of custody contained therein, and upon consideration of the Petition to Confirm Consent to such relocation, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. This order shall govern the legal and physical custody of the following minor child(ren):

| | |
|--------------------------|----------------------|
| <u>Child's initials:</u> | <u>Year of birth</u> |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

CONFIDENTIAL INFORMATION ABOUT THE ABOVE-IDENTIFIED CHILD(REN), INCLUDING FULL NAME(S) AND DATE(S) OF BIRTH, IS PROVIDED IN A CONFIDENTIAL INFORMATION FORM OR PLEADINGS FILED UNDER SEAL (SEE TIOGA COUNTY LOCAL RULE NO. 102, EFFECTIVE JANUARY 6, 2018).

2. The Petitioner's request to relocate with the child(ren) is GRANTED subject to the terms of the Notice of Proposed Relocation filed on ____ / ____ / ____.
3. **Legal Custody:** Legal custody is the right and responsibility to make major decisions on behalf of a child. Legal custody includes, but is not limited to, the right to make medical, religious and educational decisions for a child. Following the relocation, legal custody of the above-listed child(ren) will be as follows:

Shared Legal Custody: The parties will share legal custody of the above-listed child(ren). To the greatest extent possible, the parties will communicate and coordinate with each other before making any major decisions relating to the care and upbringing of the child(ren). The parties will also freely share information relating to the health and welfare of the child(ren).

or

Sole Legal Custody: _____ shall have sole legal custody and major decision-making power for the above-listed child(ren).

4. **Physical Custody:** Physical custody is the right and responsibility to provide actual physical care for and exercise control over a child. Following the relocation, physical custody of the above-listed child(ren) will be as follows:

Sole Physical Custody: _____ shall have sole physical custody of the above-listed child(ren),

or

Shared Physical Custody: The parties will share physical custody of the above-listed child(ren) approximately equally according to the following schedule:

or

Primary Physical Custody and Partial Physical Custody: Following the relocation, _____ shall have primary physical custody of the above-listed child(ren) and _____ shall have partial physical custody according to the following schedule:*

* If no schedule is provided, then a party with partial physical custody will only be entitled to exercise any periods of physical custody with the ongoing consent of the party holding primary physical custody.

or

Other: Following the relocation, physical custody of the child(ren) shall be as follows:

And also any other contact or visitation as the parties may agree.

5. Additional proposed terms, if any:

NOTICE REGARDING FURTHER RELOCATION: NO PARTY MAY MAKE A CHANGE IN THE RESIDENCE OF ANY CHILD WHICH SIGNIFICANTLY IMPAIRS THE ABILITY OF THE OTHER PARTY TO EXERCISE CUSTODIAL RIGHTS WITHOUT FIRST COMPLYING WITH ALL OF THE APPLICABLE PROVISIONS OF 23 PA.C.S. §5337 AND Pa.R.C.P. NO. 1915.17 REGARDING RELOCATION. STRICT COMPLIANCE IS REQUIRED.

BY THE COURT,

_____ J.

Distribution:

1. _____ (Petitioner)
2. _____ (Respondent)

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

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:
:
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:
:
:

NO: ____ FS ____

CIVIL ACTION – CUSTODY

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MOTION FOR CONTESTED RELOCATION HEARING

THIS FORM SHOULD ONLY BE USED AFTER A RESPONDENT HAS FILED A TIMELY COUNTER-AFFIDAVIT OBJECTING TO A PROPOSED RELOCATION AND THE PETITIONER IS ASKING THE COURT TO OVERRULE THE OBJECTION AND ALLOW THE RELOCATION.

1. Petitioner’s name, address, and relationship to the above-listed child(ren) is as follows:

Name: _____ Petitioner’s relationship to the above-listed child(ren):
Address: _____

Phone No.: _____

Mother
 Father
 Other: _____

2. Respondent’s name, address, and relationship to the above-listed child(ren) is as follows:

Name: _____ Respondent’s relationship to the above-listed child(ren):
Address: _____

Phone No.: _____

Mother
 Father
 Other: _____

3. Is there more than one Respondent? Yes No

(If the answer is “Yes” you will need to list each additional Respondent’s name, address, phone number, and relationship to the child(ren) either in the margin or on a separate sheet – see accompanying instructions. Please note that all other named parties to any prior custody action or order involving the above-named minor child(ren) must be named as Respondents to this petition unless a party is now deceased or their parental rights have been terminated by court order).

4. A Notice of Proposed Relocation was filed with this court on (___/___/___) and served on the Respondent on (___/___/___) (insert dates in MM/DD/YY format). A certificate of service confirming the same has been filed with the court.

This Motion for Contested Relocation Hearing is provided by the Tioga County Bar Association for the benefit of pro se custody litigants in Tioga County, Pennsylvania and may be reproduced without restriction. No warranties of any kind are made in connection with this document or any associated documents or instructions, which are not intended as a substitute for individualized legal advice. For further assistance, contact North Penn Legal Services at (877) 953 – 4250 or Tioga County Court Administration at (570) 724 – 9380.

(If there is more than one Respondent, list dates of service for each respondent in the margin or on a separate sheet. A certificate of service is required for each Respondent. See accompanying instructions.)

- 5. The date of the proposed relocation is (___/___/___).
- 6. The Respondent has filed a Counter-Affidavit objecting to the proposed relocation.

WHEREFORE the Petitioner respectfully requests that this honorable Court schedule a full evidentiary hearing, grant the Petitioner’s application to relocate with the child as described in the Notice of Proposed Relocation, and grant such other relief as the Court may deem just and proper.

CERTIFICATION OF COMPLIANCE WITH PUBLIC ACCESS POLICY

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

VERIFICATION

I, the undersigned Petitioner do verify that the statements made in the foregoing Motion for Contested Relocation Hearing, Certificate of Compliance with Public Access Policy, and Praecipe for Self-Representation are all true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Petitioner’s Signature (pro se)

Address: _____

Phone: _____

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

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NO: ____ FS ____

CIVIL ACTION - CUSTODY

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NOTICE AND ORDER

You, _____ (Respondent), have been sued in Court to obtain an order for the relocation of the following minor child(ren):

Child's initials: Year of birth

You are ordered to appear in person on the ____ day of _____, 20__ at ____ .m., at the Tioga County Courthouse at 118 Main Street in Wellsboro, Pennsylvania, for a full evidentiary hearing before the court relating to the issue of relocation. You are also required to complete and file a Criminal-Record/Abuse-History Verification Form prior to the Preliminary Custody Conference. This form is available from the Court Administrator.

If you fail to appear as required by this Order, the Court may enter an Order for custody in your absence and the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, 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.

**TIOGA COUNTY COURT ADMINISTRATION or NORTH PENN LEGAL SERVICES
TIOGA COUNTY COURTHOUSE
118 MAIN STREET, WELLSBORO PA 16901
(570) 724 - 9380**

TOLL FREE: (877) 953 – 4250

BY THE COURT:

Distribution:

1. _____ (Petitioner)
2. _____ (Respondent) _____ J.
3. _____ (GAL – if applicable)

AMERICANS WITH DISABILITIES ACT OF 1990: The Court of Common Pleas of Tioga County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

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NO: ____ FS ____

CIVIL ACTION – CUSTODY

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CERTIFICATE OF SERVICE

I, _____, the Petitioner in Relocation, certify that I have served a true and correct copy of the Motion for Contested Relocation Hearing and of the order scheduling a hearing for the ____ day of _____, 20__ at ____ .m. on the Respondent by sending the same to the Respondent by regular U.S. first-class mail, to the following address:

Respondent's Name: _____

Respondent's Address: _____

Date of mailing: _____

I verify that the statements made in this Certificate of Service are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Petitioner's Signature