

PETITION FOR RELOCATION

INSTRUCTION SHEET

USE THIS FORM IF YOU WISH TO MOVE WITH YOUR CHILDREN FROM THE AREA, THE NON-CUSTODIAL PARENT DOES NOT AGREE AND THERE EXISTS A CUSTODY ORDER IN EFFECT.

1. Complete, date and sign the Cover Sheet for the Petition for Special Relief Pursuant to PA. R.C.P. 1915.13 to Authorize Removal of Child From Jurisdiction (Relocation Petition). (See the detailed instructions in the pages to follow)
2. Complete, date and sign the Petition for Relocation Pursuant to PA. R.C.P. 1915.13 to Authorize Removal of Child From Jurisdiction (Relocation Petition). (See the detailed instructions in the pages to follow)
3. File the completed Petition for Relocation and Proposed Orders by mailing or hand-delivering them in person to:
Pike County Prothonotary and Clerk of Courts
Pike County Courthouse
412 Broad Street
Milford, PA 18337-1522
(570) 296-7231

*Note that if no custody order currently exists, you must file a Complaint for Custody prior to filing the Petition for Relocation. There will be additional fees for this filing.
4. A stamped, self-addressed envelope large enough to accommodate the pleading **MUST** accompany any request for service such as copies, docket entries, or the return of any certified or time-stamped copies of any document.
5. At the same time the Petition for Relocation is filed, you **MUST** serve a time-stamped copy of the Petition to the Defendant(s). You must either serve the Defendant(s) in person, or you may mail a copy via first class Certified mail with Return Receipt Requested. You need to complete a **CERTIFICATE OF SERVICE** indicating the manner in which you served/will serve the Petition. The Certificate of Service **must be** attached to the Petition.
6. Your action will be deemed defective if you fail to serve the named Defendant(s) and fail to attach the Certificate of Service.

APPLICABLE PROVISIONS OF THE LAW

Definitions

23 Pa. C.S. § 5302:

Custody: the legal right to keep, control, guard, care for and preserve a child and includes the terms “legal custody”, “physical custody” and “shared custody”.

Legal Custody: the legal right to make major decisions affecting the best interests of a minor child, including but not limited to, medical, religious and educational decisions.

Partial Custody: the right to take possession of a child away from the custodial person for a certain period of time.

Physical Custody: actual physical possession and control of a child.

Primary Physical Custody: the minor child resides in your residence for the majority of time and you are the primary caretaker of the minor child

Secondary Physical Custody: the minor child resides with you for only certain specific periods of time. Also known as visitation

Shared Custody: shared legal or shared physical custody or both of a child in such a way as to assure the child of frequent and continuing contact, including physical access, to both parents.

Visitation: the right to visit a child, but does not include the right to remove the child from the custodial person’s control.

Child: any unemancipated person under 18 years of age.

Person acting as a parent: a person other than a parent, including an institution, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody.

HOW TO FILL IN THE COVER SHEET

HEADING (CAPTION):

Fill in the names of the plaintiff and defendant in the heading of the Cover Sheet exactly as they appear in the Custody Complaint.

Plaintiff- the person who has filed the Complaint

Defendant- the person against whom the Complaint was filed

The docket number can be found in the caption of your Complaint for Custody. Place this number exactly as it appears in the Custody Complaint.

LINE 1:

Fill in your name, address, phone number and attorney (if applicable) of the Plaintiff.

Fill in the name, address, phone number and attorney (if applicable) of the Defendant.

LINE 2:

Fill in the name(s) and age(s) of the child(ren) involved and state with whom the child(ren) are residing.

LINE 3:

Indicate whether, to your knowledge, either the Plaintiff or Defendant has attended the Kids First Class.

LINE 4:

State the current status of any current custody orders and/or custody arrangements.

LINE 5:

Indicate whether there has been any domestic violence between you and the other party within the past twenty-four (24) months. If so, explain briefly.

LINE 6:

Indicate whether any of the child(ren) involved in this case have been the subject of child abuse within the past twenty-four (24) months. If so, explain briefly.

LINE 7:

Indicate whether there been any Protection of Abuse Orders involving you and the other party and/or child(ren) within the past twenty-four (24) months. If so, explain briefly.

SIGN AND DATE THE COVER SHEET

HOW TO FILL IN THE RULE TO SHOW CAUSE

1. Complete the Caption with the names of the Plaintiff, Defendant and the Docket number. Each should appear exactly as they do on the Custody Complaint.
2. Insert the Petitioner's name in the blank provided. If you are filing the Petition, you are the Petitioner.
3. Insert the Respondent's name in the blank provided.

Leave the rest of the Rule to Show Cause blank for the Court to complete.

HOW TO FILL IN THE PROPOSED ORDER

1. Complete only the Caption with the names of the Plaintiff, Defendant and the Docket number. Each should appear exactly as they do on the other documents filed.

Leave the rest of the Proposed Order blank for the Court to complete.

HOW TO FILL IN THE PETITION

HEADING (CAPTION):

Fill in the names of the plaintiff and defendant in the heading of the Petition exactly as they appear on the Custody Complaint.

Plaintiff- the person who has filed the Complaint

Defendant- the person against whom the Complaint was filed

The docket number can be found in the caption of your Complaint for Custody. Place this number exactly as it appears in the Custody Complaint.

LINE 1:

If you are filing this Petition, you are the Petitioner. Fill in your name and address of the Petitioner. Indicate whether you are the Plaintiff or the Defendant in the Custody Complaint 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 Complaint by circling the appropriate term.

LINE 3:

Fill in your relationship to the child(ren). Fill in the name(s) and date(s) of birth of the child(ren) who are the subject of this Petition.

LINE 4:

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

LINE 5:

Indicate the date the last custody order was issued and then describe the order.

LINE 6:

Indicate where and when you want to move.

LINE 7:

This paragraph describes the legal standard that must be met before the Court can permit you to leave the jurisdiction with the child(ren). It is not necessary for you to add to or modify this paragraph.

LINE 8:

Indicate the information regarding where you want to move, then explain to the Court in detail why you believe that moving to that area will substantially improve your life and that of your child(ren).

SIGN AND DATE THE PETITION

VERIFICATION:

Sign and date the Verification indicating that statements made with the Complaint are true.

DO NOT FORGET TO COMPLETE A CERTIFICATE OF SERVICE AND ATTACH IT TO THE PETITION

**IN THE COURT OF COMMON PLEAS
OF PIKE COUNTY, PENNSYLVANIA
CIVIL**

_____	:	
Plaintiff	:	Petition for Relocation
	:	No. _____ - _____ Civil
_____	:	
Defendant	:	IN CUSTODY
	:	

COVER SHEET

(To be attached to the pleading- Fill out COMPLETELY including docket number)

- | | |
|-------------------------|-----------------|
| 1. PLAINTIFF | DEFENDANT |
| Name: _____ | Name: _____ |
| Address: _____ | Address: _____ |
| _____ | _____ |
| Phone: _____ | Phone: _____ |
| Attorney: _____ | Attorney: _____ |
2. Names and ages of all children involved; state with whom living;
- _____
- _____
- _____
3. Have you attended Kids First Class: Plaintiff _____ Defendant _____
4. Status of current custody orders or custody arrangements.

5. Has there been any domestic violence between you and the other party within the past twenty-four (24) months? _____ Yes _____ No
If so, explain:

6. Have any of the children involved in this case been the subject of child abuse within the past twenty-four (24) months? _____ Yes _____ No
If so, explain:

7. Have there been any Protection from Abuse Orders involving you and the other parent and/or children within the past twenty-four (24) months?
_____ Yes _____ No If so, explain:

Date Signed: _____	Submitted By: _____
O _____ M _____ C/H _____	MOU _____ FO _____ W/D _____

**IN THE COURT OF COMMON PLEAS
OF PIKE COUNTY, PENNSYLVANIA
CIVIL**

Plaintiff	:	
	:	
	:	No. _____ - _____ Civil
Defendant	:	
	:	IN CUSTODY
	:	

ORDER

AND NOW , this _____ day of _____, 20____,
upon consideration of the Petitioner's Petition for Relocation, the request
is hereby GRANTED.

BY THE COURT,

Hon. J.

**IN THE COURT OF COMMON PLEAS
OF PIKE COUNTY, PENNSYLVANIA
CIVIL**

_____,
Plaintiff, :
: :
: : No. _____ - _____ Civil
_____, :
Defendant : IN CUSTODY
:

PETITION FOR RELOCATION

1. The Petitioner is (name) _____
Is (circle one) **Plaintiff** or **Defendant** in the Custody Complaint, and
resides at (street, city, state, zip) _____

2. The Respondent is (name) _____
Is (circle one) **Plaintiff** or **Defendant** in the Custody Complaint, and
resides at (street, city, state, zip) _____

3. The Petitioner's relationship to the following child(ren) is that of
_____.
Name: _____ DOB: _____
Name: _____ DOB: _____
Name: _____ DOB: _____
Name: _____ DOB: _____
Name: _____ DOB: _____

4. The relationship of Respondent to the child(ren) is that of:
_____.

5. A custody order was entered on (date) _____
that states the following:

6. Petitioner wishes to relocate with the child(ren) to (name city, state)
_____. Petitioner

would like to relocate on or about (date of planned move)
_____.

7. In considering Petitioner's request, the Court must consider: a) whether the planned relocation will substantially improve Petitioner's quality of life, as well as that of the children; b) whether Petitioner's motive in wishing to make the move is pure and not based on whimsical or spiteful reasons; and c) whether there is an available, realistic, substitute visitation arrangement that can be made which will foster an ongoing relationship between the child(ren) and the non-custodial parent.

8. Petitioner believes that relocation to (city, state) _____ will substantially improve the quality of life for Petitioner and the child(ren) for the following reasons:

- a. _____

- b. _____

- c. _____

- d. _____

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

Date: _____
_____ Petitioner

I verify that the statements made in this Complaint are true and correct. 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