

NOTIFICATION OF OBLIGATIONS PRIOR TO RELOCATION

Relocation is a change in the child's physical residence, which significantly impairs the ability of a non-relocating party to exercise custody of the child. Relocation of the child shall not occur unless either (1) every individual with custody rights consents to the relocation; or (2) the court approves the relocation. For a full understanding of your rights and obligations regarding relocation, you must refer to Section 5337 of Pennsylvania's Domestic Relations Code.

Nevertheless, as a general course of action, the following applies:

I. **Any party proposing relocation must:**

At least 60 days prior to relocation, **send notice** of the proposed relocation, **via certified mail, return receipt requested**, to every individual with custody rights to the child.

The notice shall include the address of the new residence, new mailing address, names and ages of individuals who will live in the new residence, home telephone number of the new residence (if available), name of the new school district and school, date of the proposed relocation, the reasons for the proposed relocation, a proposed custody schedule, and a warning that failure to file an objection to the relocation within 30 days after receipt of the notice will foreclose the non-relocating party from objecting to the relocation.

If, subsequent to serving the notice of relocation, you become aware of information regarding the relocation that you did not previously have, you must promptly inform every individual who received notice of the relocation.

With the notice of relocation, you must **provide a counter-affidavit**. A form counter-affidavit is provided in the Domestic Relations Code (23 Pa.C.S. 5337).

If a timely objection to relocation is not filed, you must, prior to relocation, file: (1) an affidavit of notice; (2) proof of service (the return receipt with the addressee's signature); (3) a copy of the full notice sent; (4) a petition to confirm the relocation and modify any existing custody order; and (5) a proposed order.

II. **Any party objecting to relocation must, within 30 days of receipt of the notice of relocation:** (1) complete and file with the court a verified counter-affidavit; and (2) serve a copy of the counter-affidavit on the other party by certified mail, return receipt requested. Failure to file a timely counter-affidavit to the relocation will preclude you from objecting to the relocation.