



# **WASHINGTON COUNTY COURT OF COMMON PLEAS PRO SE CUSTODY PACKET**

## **NOTICE**

**ALL PARTIES INVOLVED IN LITIGATION ARE STRONGLY ENCOURAGED TO SEEK PROFESSIONAL LEGAL ADVICE FROM AN ATTORNEY.** Court staff cannot offer any legal advice. The information in this packet is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents.

If you want to hire an attorney and do not know one, you should call the Bar Association's Lawyer Referral Service (LRS) at 724-225-6710 to schedule a half-hour consultation with a licensed, insured attorney who has experience in the area of law related to your legal matter. The initial half-hour consultation with the attorney is \$50.00 to be paid in advance to the Bar Association; any fees beyond the first half-hour should be discussed and agreed upon by you and the lawyer.

If you meet certain income and other qualifications, you may be able to secure an attorney through Southwestern PA Legal Services at 724-225-6170. Ask if you are eligible for the Bar Association/Bar Foundation "Limited Representation Custody Program," and, if so, you may be referred to an attorney who will represent you at no cost at the initial custody meeting.

If you have questions about domestic violence or believe that you may be the victim of domestic violence, we strongly recommend that you contact the *Washington County Domestic Violence Services* at 724-223-8349.

If you suspect child abuse, please contact *CHILDLINE* at 1-800-932-0313. You can report suspected child abuse 24 hours per day and remain anonymous.

# PETITION FOR RELOCATION & ORDER

*Before pursuing a Petition for Relocation you should read the accompanying statute relating to relocation and consult with an attorney. The Custody Office and the Judge's Chambers are not permitted to advise you in this matter.*

## § 5337. Relocation.

(a) **Applicability.**--This section applies to any proposed relocation.

(b) **General rule.**--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 relocation.

(c) **Notice.**--

(1) The party proposing the relocation shall notify every other individual who has custody rights to the child.

(2) Notice, sent by certified mail, return receipt requested, shall be given no later than:

- (i) the 60th day before the date of the proposed relocation; or
- (ii) the tenth day after the date that the individual knows of the relocation, if:
  - (A) the individual did not know and could not reasonably have known of the relocation in sufficient time to comply with the 60-day notice; and
  - (B) it is not reasonably possible to delay the date of relocation so as to comply with the 60-day notice.

(3) Except as provided by section 5336 (relating to access to records and information), the following information, if available, must be included with the notice of the proposed relocation:

- (i) The address of the intended new residence.
- (ii) The mailing address, if not the same as the address of the intended new residence.
- (iii) Names and ages of the individuals in the new residence, including individuals who intend to live in the new residence.
- (iv) The home telephone number of the intended new residence, if available.
- (v) The name of the new school district and school.
- (vi) The date of the proposed relocation.
- (vii) The reasons for the proposed relocation.
- (viii) A proposal for a revised custody schedule.
- (ix) Any other information which the party proposing the relocation deems appropriate.
- (x) A counter-affidavit as provided under subsection (d)(1) which can be used to object to the proposed relocation and the modification of a custody order.
- (xi) A warning to the nonrelocating party that if the nonrelocating party does not file with the court an objection to the proposed relocation within 30 days after receipt of the notice, that party shall be foreclosed from objecting to the relocation.

(4) If any of the information set forth in paragraph (3) is not known when the notice is sent but is later made known to the party proposing the relocation, then that party shall promptly inform every individual who received notice under this subsection.

**(d) Objection to proposed relocation.—**

(1) A party entitled to receive notice may file with the court an objection to the proposed relocation and seek a temporary or permanent order to prevent the relocation. The nonrelocating party shall have the opportunity to indicate whether he objects to relocation or not and whether he objects to modification of the custody order or not. If the party objects to either relocation or modification of the custody order, a hearing shall be held as provided in subsection (g)(1). The objection shall be made by completing and returning to the court a counter-affidavit, which shall be verified subject to penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(2) An objection made under this subsection shall be filed with the court within 30 days of receipt of the proposed relocation notice and served on the other party by certified mail, return receipt requested.

(3) If notice of the proposed relocation has been properly given and no objection to the proposed relocation has been filed in court, then it shall be presumed that the nonrelocating party has consented to the proposed relocation.

(4) If a party who has been given proper notice does not file with the court an objection to the relocation within 30 days after receipt of the notice but later petitions the court for review of the custodial arrangements, the court shall not accept testimony challenging the relocation.

**(e) Confirmation of relocation.--**If no objection to the proposed relocation is filed under subsection (d), the party proposing the relocation shall file the following with the court prior to the relocation:

(1) an affidavit stating that the party 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;

(2) Proof that proper notice was given in the form of a return receipt with the signature of the addressee and the full notice that was sent to the addressee.

(3) a petition to confirm the relocation and modify any existing custody order; and

(4) a proposed order containing the information set forth in subsection (c)(3).

**(f) Modification of custody order.--**If a counter-affidavit regarding relocation is filed with the court which indicates the nonrelocating party both has no objection to the proposed relocation and no objection to the modification of the custody order consistent with the proposal for revised custody schedule, the court may modify the existing custody order by approving the proposal for revised custody schedule submitted under subsection (c)(3)(viii), and shall specify the method by which its future modification can be made if desired by either party. If a counter-affidavit regarding relocation is filed with the court which indicates the nonrelocating party objects either to the proposed relocation or to the modification of the custody order consistent with the proposal for revised custody schedule, the court shall modify the existing custody order only after holding a hearing to establish the terms and conditions of the order pursuant to the relocation indicating the rights, if any, of the nonrelocating parties.

**(g) Hearing.--**

(1) Except as set forth in paragraph (3), the court shall hold an expedited full hearing on the proposed relocation after a timely objection has been filed and before the relocation occurs.

(2) Except as set forth in paragraph (3), the court may, on its own motion, hold an expedited full hearing on the proposed relocation before the relocation occurs.

(3) Notwithstanding paragraphs (1) and (2), if the court finds that exigent circumstances exist, the court may approve the relocation pending an expedited full hearing.

(4) If the court approves the proposed relocation, it shall:

- (i) modify any existing custody order; or
- (ii) establish the terms and conditions of a custody order.

**(h) Relocation factors.--**In determining whether to grant a proposed relocation, the court shall consider the following factors, giving weighted consideration to those factors which affect the safety of the child:

(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 any 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 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.

**(i) Burden of proof.--**

(1) The party proposing the relocation has the burden of establishing that the relocation will serve the best interest of the child as shown under the factors set forth in subsection (h).

(2) Each party has the burden of establishing the integrity of that party's motives in either seeking the relocation or seeking to prevent the relocation.

**(j) Failure to provide reasonable notice.--**The court may consider a failure to provide reasonable notice of a proposed relocation as:

(1) a factor in making a determination regarding the relocation;

(2) a factor in determining whether custody rights should be modified;

(3) a basis for ordering the return of the child to the nonrelocating party if the relocation has occurred without reasonable notice;

(4) sufficient cause to order the party proposing the relocation to pay reasonable expenses and counsel fees incurred by the party objecting to the relocation; and

(5) a ground for contempt and the imposition of sanctions against the party proposing the relocation.

**(k) Mitigation.**--Any consideration of a failure to provide reasonable notice under subsection (i) shall be subject to mitigation if the court determines that such failure was caused in whole, or in part, by abuse.

**(l) Effect of relocation prior to hearing.**--If a party relocates with the child prior to a full expedited hearing, the court shall not confer any presumption in favor of the relocation.

**Also see Rule 1915.17. Relocation.**



IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION

Plaintiff, )  
)  
vs. ) No. \_\_\_\_\_  
)  
Defendant. )

**ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY**  
**PURSUANT TO Pa.R.C.P. No. 1930.8**

I, \_\_\_\_\_, the Plaintiff or Defendant (circle one), represent myself in the within action.

REMOVAL OR WITHDRAWAL OF COUNSEL OF RECORD (If Applicable)

\_\_\_\_\_ Remove \_\_\_\_\_, Esquire, as my attorney of record.

\_\_\_\_\_ Withdraw my appearance for the filing party.

\_\_\_\_\_, Esq. (Please print) PA ID # \_\_\_\_\_

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

\_\_\_\_\_  
Attorney's Signature

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

All pleadings and legal papers can be served on me at the address listed below, which may or may not be my home address pursuant to Rule 1930.8:

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

\_\_\_\_\_  
Signature of Plaintiff or Defendant

\_\_\_\_\_  
Print Name,

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Fax number

\_\_\_\_\_  
Telephone number

**THE PARTY FILING THIS ENTRY OF APPEARANCE MUST PROVIDE NOTICE BY SENDING A COPY TO ALL PARTIES AND ATTORNEYS INCLUDING THE ATTORNEY REMOVED FROM THE CASE.**

Revised October 1, 2019

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

_____	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. _____
	)	
_____	)	
	)	
Defendant.	)	

**NOTICE OF PROPOSED RELOCATION**

You, \_\_\_\_\_ are hereby notified that  
\_\_\_\_\_ (party proposing relocation) proposes to relocate with the  
following minor child(ren): \_\_\_\_\_  
\_\_\_\_\_.

To object to the proposed relocation, you must complete the attached counter-affidavit and serve it on the other party by certified mail, return receipt requested, addressee only, or pursuant to Pa.R.C.P. No. 1930.4 within thirty (30) days of receipt of this notice. If there is an existing child custody case, you also must file the counter-affidavit with the court. If you do not object to the proposed relocation within thirty (30) days, the party proposing relocation has the right to relocate and may petition the court to approve the proposed relocation and to modify any effective custody orders or agreements. **FAILURE TO OBJECT WITHIN THIRTY (30) DAYS WILL PREVENT YOU FROM OBJECTING TO THE RELOCATION ABSENT EXIGENT CIRCUMSTANCES.**

Address of the proposed new residence: \_\_\_\_\_  
\_\_\_\_\_.

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

Mailing address of intended new residence (if not the same as above) \_\_\_\_\_  
\_\_\_\_\_.

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

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).

Home telephone number of the new residence: \_\_\_\_\_

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

Name of the new school district 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).

Date of the proposed relocation: \_\_\_\_\_

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

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).

Proposed modification of custody schedule following relocation: \_\_\_\_\_

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Other information: \_\_\_\_\_

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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 OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IF YOU CANNOT AFFORD AN ATTORNEY:

IF YOU CAN AFFORD AN ATTORNEY:

SOUTHWESTERN PA LEGAL SERVICES  
10 WEST CHERRY AVENUE  
WASHINGTON, PA 15301  
724.225.6170

LAWYER REFERRAL SERVICE  
119 SOUTH COLLEGE STREET  
WASHINGTON, PA 15301  
724.225.6710

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION

\_\_\_\_\_, )  
 )  
Plaintiff, )  
 )  
vs. ) No. \_\_\_\_\_ )  
 )  
\_\_\_\_\_, )  
 )  
Defendant. )

**COUNTER-AFFIDAVIT REGARDING RELOCATION**

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

Child's Name	Present Residence <i>(full address)</i>	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have received a notice of proposed relocation and (check all that apply):

- I do not object to the relocation.
- I do not object to the modification of the custody order consistent with the proposal for modification set forth in the notice.
- I do not object to the relocation, but I do object to modification of the custody order.
- I plan to request that a hearing be scheduled by filing a request for hearing with the court:
  - Prior to allowing \_\_\_\_\_ to relocate.  
(name of child/children)
  - After the child/children relocate.
- I do object to the relocation.
- 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 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 thirty (30) days of my receipt of the proposed relation 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

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

\_\_\_\_\_, )  
 )  
Plaintiff, )  
 )  
vs. ) No. \_\_\_\_\_ )  
 )  
 )  
\_\_\_\_\_, )  
 )  
Defendant. )

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of  
Petitioner's Notice of Proposed Relocation, it is hereby ORDERED and DECREED as follows:

- (1) A Pre-Trial Conference is scheduled on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at  
\_\_\_\_\_ o'clock \_\_\_\_ . M.
- (2) A Trial on the Petition is set for the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at  
\_\_\_\_\_ o'clock \_\_\_\_ . M. in Courtroom No. \_\_\_\_ of the Washington County  
Courthouse.

**BY THE COURT:**

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

