

## **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 party 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 a 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 still provide anyone else who holds any form of custody or visitation rights your updated contact information



## How to fill out the rest of the Notice of Proposed Relocation

**Page 1** – Identify the child(ren) using their initials and their year(s) of birth. In accordance with the new Public Access Policy of the Pennsylvania court system, you should no longer use minor children’s actual names or dates of birth in most court filings. If two or more children have the same initials, add a number or other appropriate extra character to differentiate them. Try to make your use of initials consistent with prior court orders and with other prior court documents relating to the same children. If there is no prior custody order, you will also need to fill out the Confidential Information Form included with the “Custody Complaint Self-Help Package.” When you are done, the first section of the first page of the Notice of Proposed Relocation should look something like this:

This proposal of relocation involves the following minor child(ren):	
<u>Child’s initials:</u>	<u>Year of birth</u>
<u>A.D.</u>	<u>2001</u>
<u>B.D. -1</u>	<u>2002</u>
<u>B.D. -2</u>	<u>2003</u>
<u>C.C.D.</u>	<u>2004</u>
Are there more than four children? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

If there are more than four children, check ‘Yes’ and list each additional child’s initials and year of birth in the margin as neatly and clearly as possible or on a separate sheet.

**Page 2, Question 1** – Fill in your full name, address, phone number, and your relationship to the child(ren). Here is an example:

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: <u>Jane Q. Doe</u>	Petitioner’s relationship to the above-listed child(ren):
Address: <u>123 Main St.</u>	
<u>Wellsboro, PA 16901</u>	<input checked="" type="checkbox"/> Mother
	<input type="checkbox"/> Father
Phone No.: <u>(570) 555-1234</u>	<input type="checkbox"/> Other: _____

**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 indicated it 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 children in question) you should also 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 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:

**Legal Custody:** Start by stating whether or not you and the other parent 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 think physical custody should 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 name. That policy is the reason why children can only be referred to by their initials.

**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 had an attorney previously but will be representing yourself in

connection with the proposed relocation. 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.

**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 Notice of Proposed Relocation 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 in the Notice of Proposed Relocation changes after you send it, or if you obtain additional information, you must provide it to the other parent.

## **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 the other copy to the other parent (see below). If there are more than two parties to your custody case, you will also need enough extra copies to send one to every other party. 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 the signed postal green card back from the recipient, you need to attach it to the first 'Certificate of Service' in this package and file it at the courthouse. Fill in the case caption at the top of the

Certificate of Service the same way you filled in the top of the Notice of Proposed Relocation. Sign and date the Certificate of Service. Attach the postal green card to the Certificate of Service and take it back to the Prothonotary's office at the courthouse. You should also make a copy for your own records. If the Defendant does not accept their mail, you may need to pay the Sheriff's office to serve the papers for you or you may need to talk to a lawyer about other service options.

#### **STEP 4: COMPLETE THE PETITION TO CONFIRM CONSENT TO RELOCATION**

If anyone with custody or visitation rights filed a Counter-Affidavit opposing either the relocation or your proposed modification of custody within thirty (30) days of receiving the Notice of Proposed Relocation, then the court will schedule a prompt custody conference or hearing to address the issue and will send notice of the date and time to all parties. If no Counter-Affidavit is filed within thirty (30) days after a recipient receives the Notice of Proposed Relocation, however, 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 note that although the other parent is supposed to send you a copy of the Counter-Affidavit at the same time they file it with the court, some parents fail to do this. You should therefore check directly with the Prothonotary's office after thirty (30) have passed from the date of service (the date the other parent signed the postal green card) to make sure nothing has been filed. If the other parent filed a Counter-Affidavit consenting to both the relocation and the proposed modification, then you proceed directly to filing a Petition to Confirm Consent.

**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, then every other named party must be listed as a Respondent to your petition and sent a copy of the Notice of Proposed Relocation. That 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 deceased or 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 5** – Next, you need to fill in the date the Notice of Proposed Relocation was filed with the court (this is the date that was time-stamped on the Notice of Proposed Relocation when you first brought it to the Prothonotary’s office) and also the date the Notice of Proposed Relocation was received by the Respondent (this is the date on which the Respondent signed the postal green card – the date should be written directly on the postal green card by 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 failed to file a Counter-Affidavit or filed one consenting to the relocation and 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.

**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 indicated 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 name. That policy is the reason why children can only be referred to by their initials.

**Page 3, Praeipce for Self-Representation** – In the ‘Praeipce 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 had an attorney previously but will be representing yourself in connection with this custody complaint. The address you include below the signature line on Page 3 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.

**Page 3, Verification and Signature** – After you have filled out the rest of the Petition to Modify Custody, sign and date the last page. By signing the Petition to Modify Custody 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 5: COMPLETE THE PROPOSED NEW CUSTODY ORDER**

You will also need to prepare a proposed 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 proposed custody order the same way you filled in case captions at the tops 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 Note: 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 6: 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 7: 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 must be by certified mail. Once 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.

## **STEP 8: RECEIVE YOUR NEW CUSTODY ORDER**

The judge will review the file and your proposed custody order, and if there are no problems, the judge will sign the proposed custody order. After the custody order is signed by the judge, the court will make certified copies 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.

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### 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)

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

\_\_\_\_\_  
*Plaintiff*

v.

\_\_\_\_\_  
*Defendant*

:  
:  
:  
:  
:  
:  
:

NO: \_\_\_\_ FS \_\_\_\_

**CIVIL ACTION - CUSTODY**

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**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**

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**Form last updated: January 1, 2018**

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 equally share physical custody of the above-listed child(ren) as follows:

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

*or*

**Primary Physical Custody/Partial or Supervised Physical Custody:** Following the relocation, \_\_\_\_\_ shall have primary physical custody and \_\_\_\_\_ shall have  partial physical custody and/or  supervised physical custody of the above-listed child(ren) as follows:

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

And any other contact or visitation as the party may agree.

Additional 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 Praeceptum 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: \_\_\_\_\_

**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.**

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

\_\_\_\_\_  
*Plaintiff*

v.

\_\_\_\_\_  
*Defendant*

:  
:  
:  
:  
:  
:  
:

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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:  
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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.

**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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**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).*
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*

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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 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**

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**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 equally share physical custody of the above-listed child(ren) as follows:

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

*or*

**Primary Physical Custody/Partial or Supervised Physical Custody:** Following the relocation, \_\_\_\_\_ shall have primary physical custody and \_\_\_\_\_ shall have  partial physical custody and/or  supervised physical custody of the above-listed child(ren) as follows:

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

And any other contact or visitation as the party may agree.

5. Additional 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)