

Required Procedure to Obtain Court Approved Relocation

1. Complete the Petition and Notice for Relocation in its entirety and file the Petition and Notice for Relocation with the

Prothonotary's Office
Luzerne County Courthouse
200 North River Street
Wilkes-Barre, PA 18711

2. A copy of the completed Petition and Notice for Relocation (along with the Counter Affidavit Regarding Relocation) **MUST** be served by

CERTIFIED MAIL
Return Receipt Requested
Restricted Delivery

upon any person who has primary custody, partial custody or supervised physical custody rights with the child(ren) as set forth in paragraph 5 of the Petition.

3. The recipient of the Petition and Notice for Relocation has **30 days from the date of receipt of the certified mail** to file objections with the

Prothonotary's Office
Luzerne County Courthouse
200 North River Street
Wilkes-Barre, PA 18711

and serve a copy of any objections on all parties by certified mail, return receipt requested, restricted delivery.

4. **IF NO TIMELY OBJECTIONS ARE FILED:**

The party requesting permission to relocate should appear at

Orphans' Court
Bernard C. Brominski Building
113 West North Street
Wilkes-Barre, PA 18711

on any Thursday between 9:30 a.m. and 11:00 a.m. **after the expiration of 30 days from the date of receipt of service** of the Petition and Notice for Relocation. The party requesting permission to relocate should bring the following:

- * Original Completed Petition and Notice for Relocation
- * Completed Counter Affidavit, if applicable
- * Signed and Dated Green Certified Mail Card
- * Order (included in Relocation packet) to schedule hearing

An Affidavit of Service will be completed and the case will be listed for an expedited Master's Conference for review and appropriate Order.

IF TIMELY OBJECTIONS ARE FILED:

The contested matter must proceed to a Court hearing if the party seeking relocation wishes to proceed. A Petition requesting a hearing MUST be filed and parties requesting the hearing are strongly advised to seek legal representation.

NOTICE

If you object to the relocation of the Petitioner or object to any modification of the Custody Order, you are REQUIRED to complete and file the counter-affidavit within thirty (30) days of the date the Petition and Notice of Relocation has been SERVED UPON YOU.

Objections must be filed at the following address:

Prothonotary's Office
Luzerne County Courthouse
200 North River Street
Wilkes-Barre, PA 18711

Immediately upon filing, you MUST serve the Petitioner with a copy of your filed objections.

If you do not complete and file the counter-affidavit within thirty (30) days of the date of receipt, the Court will assume that you DO NOT OBJECT to the Petition and Notice for Relocation and will proceed accordingly.

	:	IN THE COURT OF COMMON
	:	PLEAS OF LUZERNE COUNTY
	:	
Plaintiff	:	
	:	
vs.	:	CIVIL ACTION – LAW
	:	IN CUSTODY
	:	
	:	
Defendant	:	No.

PETITION AND NOTICE FOR RELOCATION

1. Plaintiff is _____, whose address is _____, and is the

mother, father, custodian of the minor child(ren)
 (Any child must be identified by initials only)

_____.

2. Defendant is _____, whose address is _____, and is the

mother, father, custodian of the minor child(ren)
 (Any child must be identified by initials only)

_____.

3. Primary physical custody of the above child(ren) is in _____

_____ by :

a. Court Order dated _____.

b. Agreement of the parties.

c. Other (explain) _____.

4. _____ (Petitioner) is requesting Court approval to relocate with the minor child(ren) and states the following in support of this Petition:

a. New address _____

b. Mailing address (if different) _____

c. Names and ages of all individuals residing or intending to reside in the new residence *(Any child must be identified by initials only)*

d. Home telephone number of new residence _____

e. Name of the new school district and school _____

f. Date of proposed relocation _____

g. Reasons for the proposed relocation _____

h. Proposed revised custody schedule (see attachment).

i. Other relevant information. _____

5. This Petition must be served upon any individual who has custody or partial custody rights to the child(ren) by certified mail, return receipt requested no later than:

- a. Sixty (60) days before the proposed relocation date or,
- b. Ten (10) days after the Petitioner learns of the relocation if Petitioner could not have reasonably known of the proposed relocation within the sixty (60) day notice period and it is not reasonably possible to delay the relocation so as to comply with the sixty (60) day notice period.

6. A Counter-Affidavit is attached to this Petition to be completed in order to object to the proposed relocation and/or the proposed Custody Order Modification. THE COUNTER-AFFIDAVIT MUST BE FILED WITH PROTHONOTARY'S OFFICE BY MAILING, (INCLUDING A SELF ADDRESSED STAMPED ENVELOPE) OR DELIVERING SAME TO : PROTHONOTARY'S OFFICE, 200 NORTH RIVER STREET, WILKES BARRE, PENNSYLVANIA, 18711, WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THIS PETITION. FAILURE BY ANY PARTY TO FILE THE COUNTER-AFFIDAVIT WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THE PETITION SHALL FORECLOSE THAT PARTY FROM OBJECTING TO THE RELOCATION. A

COUNTER-AFFIDAVIT FILED BY ANY PARTY MUST BE SERVED ON
ALL OTHER PARTIES BY CERTIFIED MAIL, RETURN RECEIPT
REQUESTED.

Wherefore, your Petitioner requests approval by this Court of relocation of the
minor child(ren).

DATE: _____

PETITIONER

	:	IN THE COURT OF COMMON
	:	PLEAS OF LUZERNE COUNTY
	:	
Plaintiff	:	
	:	
vs.	:	CIVIL ACTION – LAW
	:	IN CUSTODY
	:	
	:	
Defendant	:	No.

COUNTER AFFIDAVIT REGARDING RELOCATION

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

CHILD’S INITIALS ONLY	AGE	CURRENTLY RESIDING AT
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have received a notice of proposed relocation and:

1. _____ I do not object to the relocation and I do not object to the modification of the custody Order consistent with the proposal for revised custody schedule as attached to the notice.
2. _____ I do not object to the relocation, but I do object to modification of the custody Order, and I request that a Hearing be scheduled:
 - a. _____ Prior to allowing the above named child(ren) to relocate.

- b. _____ After the child(ren) relocate.
3. _____ I do object to the relocation and I do object to the modification of the custody Order, and I further request that a Hearing be held on both matters prior to the relocation taking place.

I UNDERSTAND THAT IN ADDITION TO CHECKING (2) OR (3) ABOVE, I MUST FILE THIS NOTICE WITH THE PROTHONOTARY'S OFFICE IN WRITING AT 200 NORTH RIVER STREET, WILKES BARRE, PENNSYLVANIA, 18711

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)

(Printed Name)

CERTIFICATE OF COMPLIANCE

I 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.

Submitted by: _____

Signature: _____

Name: _____

Attorney No. (if applicable): _____