

## **Pa.R.C.P. 1915.17 Rule 1915.17. Relocation. Notice and Counter-Affidavit**

(a) A party proposing to change the residence of a child which significantly impairs the ability of a non-relocating party to exercise custodial rights must notify every other person who has custodial rights to the child and provide a counter-affidavit by which a person may agree or object. The form of the notice and counter-affidavit are set forth in subdivisions (i) and (j) below. The notice shall be sent by certified mail, return receipt requested, addressee only or pursuant to Pa.R.C.P No. 1930.4, no later than the sixtieth day before the date of the proposed change of residence or other time frame set forth in 23 Pa.C.S. § 5337(c) (2).

(b) If the other party objects to the proposed change in the child's residence, that party must serve the counter-affidavit on the party proposing the change by certified mail, return receipt requested, addressee only, or pursuant to Pa.R.C.P. No. 1930.4 within 30 days of receipt of the notice required in subdivision (a) above. If there is an existing child custody case, the objecting party also shall file the counter-affidavit with the court.

(c) If no objection to a proposed change of a child's residence is timely served after notice, the proposing party may change the residence of the child and such shall not be considered a "relocation" under statute or rule.

(d) The procedure in any relocation case shall be expedited. There shall be no requirement for parenting education or mediation prior to an expedited hearing before a judge.

(e) If the party proposing the relocation seeks an order of court, has served a notice of proposed relocation as required by 23 Pa.C.S. § 5337, has not received notice of objection to the move and seeks confirmation of relocation, the party proposing the relocation shall file:

- (1) a complaint for custody and petition to confirm relocation, when no custody case exists, or
- (2) a petition to confirm relocation when there is an existing custody case and
- (3) a proposed order including the information set forth at 23 Pa.C.S. § 5337(c)(3).

(f) If the party proposing the relocation has received notice of objection to the proposed move after serving a notice of proposed relocation as required by 23 Pa.C.S. § 5337 et seq., the party proposing relocation shall file:

- (1) a complaint for custody or petition for modification, as applicable;
- (2) a copy of the notice of proposed relocation served on the non-relocating party;
- (3) a copy of the counter-affidavit indicating objection to relocation; and
- (4) a request for a hearing.

(g) If the non-relocating party has been served with a notice of proposed relocation and the party proposing relocation has not complied with subdivision (f) above, the non-relocating party may file:

- (1) a complaint for custody or petition for modification, as applicable;
- (2) a counter-affidavit as set forth in 23 Pa.C.S. § 5337(d)(1), and

(3) a request for a hearing.

(h) If a non-relocating party has not been served with a notice of proposed relocation and seeks an order of court preventing relocation, the non-relocating party shall file:

(1) a complaint for custody or petition for modification, as applicable;

(2) a statement of objection to relocation; and

(3) a request for a hearing.

(i) The notice of proposed relocation shall be substantially in the following form:

(Caption)

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 receipt requested, addressee only, or pursuant to Pa.R.C.P. No. 1930.4 within 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 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 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
_____	_____
_____	_____
_____	_____
_____	_____

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 and school the child(ren) will attend after relocation: \_\_\_\_\_

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

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

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

Reasons for the proposed relocation: \_\_\_\_\_

\_\_\_\_\_

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

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

\_\_\_\_\_

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

\_\_\_\_\_

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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.

Lawyer Referral Service  
The Bar Association of Lehigh County  
1114 W Walnut St, Allentown, PA 1812  
Mailing Address  
P.O. BOX 4372 Allentown, PA 18105  
Phone 610-433-7094  
Fax 610-770-9826

Note: See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

(j) The counter-affidavit that must be served with the relocation notice shall be substantially in the following form as set forth in 23 Pa.C.S. § 5337(d):

(Caption)

COUNTER-AFFIDAVIT REGARDING RELOCATION

This proposal of relocation involves the following child/children:

Child's Name	Age	Currently residing at:
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

1. I do not object to the relocation
2. I do not object to the modification of the custody order consistent with the proposal for modification set forth in the notice.
3. I do not object to the relocation, but I do object to modification of the custody order.
4. I plan to request that a hearing be scheduled by filing a request for hearing with the court:
  - a. Prior to allowing (name of child/children) to relocate.
  - b. After the child/children relocate.
5. I do object to the relocation.
6. 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 counteraffidavit on the other 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 30 days of my receipt of the proposed relocation 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)

Note: See Pa.R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania