

McKean County

CUSTODY RELOCATION FORMS AND INSTRUCTIONS

WARNING

Custody Relocation is civil litigation and is a very serious matter. It is highly recommended that you hire an attorney to represent you in any custody action. If you choose not to hire an attorney, you may lose rights important to you. The court will expect you to follow the rules of procedure the same as though you had an attorney representing you. The information contained in this packet is not to be used as a substitute for professional legal advice. Most individuals seeking a medical remedy for a medical problem will consult a medical expert—a doctor. If you are seeking a legal remedy for a legal problem, we recommend that you consult a legal expert—a lawyer.

Disclaimer

Court staff is not able to give you legal advice or help you fill out/complete these forms. 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.

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I. General Information

A. Introduction

These materials are intended to assist individuals involved in a custody action by providing general information and legal forms. IT IS HIGHLY RECOMMENDED THAT YOU HIRE AN ATTORNEY TO REPRESENT YOU IN ANY CUSTODY ACTION. The information contained in this packet is not to be used as a substitute for professional legal advice. Even if you do not hire an attorney to begin your custody action, you can change your mind and choose to hire an attorney at any time.

B. Legal Definitions

There are two forms of custody: Legal Custody and Physical Custody

1. Legal Custody is the right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions. Legal custody can be shared or can be solely with one person.
2. Physical Custody is when a person has actual physical possession and control of a child.

There are different types of physical custody, which include:

- a. Partial Physical Custody: The right to assume physical custody of the child for less than the majority of the time.
 - b. Primary Physical Custody: The right to assume physical custody of the child for the majority of the time.
 - c. Shared Physical Custody: The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.
 - d. Sole Physical Custody: The right of one individual to exclusive physical custody of the child.
 - e. Supervised Physical Custody: Custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.
3. Relocation: a change in a residence of the child which significantly impairs the ability of a non-relocating party to exercise custodial rights.

Further information about custody law can be found in the Pennsylvania statutes (Purdon's) at 23 Pa.C.S.A. Sections 5321 to 5340.

C. Rules of Court

A copy of the McKean County Local Rules of Civil Procedure and the Pennsylvania Rules of Civil Procedure can be obtained from the law library located on the 2nd Floor of the Courthouse or on the County's website www.mckeancountypa.org. Select the "Court of Common Pleas" under "Departments" and from the menu on the right select "Rules and Statutes."

D. Basic Procedure

This packet contains forms and instructions on how to provide proper notice of a proposed relocation and how to confirm a proposed relocation.

There are separate packets for Custody Orders, Modification of a Custody Order, Custody Agreements, Emergency Petitions for Custody and Enforcing a Custody Order (Contempt).

II. Instructions

If you have not already done so, prior to beginning this Section, please detach the Forms at the end of this packet. Please note that the Forms at the end of the packet are in the same order as these instructions. You **MUST** use Forms 1-7. You **MUST** use either Forms 8 or 9. You may need to use Forms 10-12.

- A. Instructions for Completing the Entry of Appearance (FORM 1)
- B. Instructions for Completing the State Cover Sheet (FORM 2)
- C. Instructions for Completing the Local Cover Sheet (FORM 3)
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- I. Instructions for Completing the Petition to Confirm Relocation (FORM 10)
- J. Instructions for Completing the Proposed Order to Confirm Relocation (FORM 11)
- K. Instructions for Completing the Request for a Hearing (Form 12).

A. Instructions for Completing the Entry of Appearance – (FORM 1)

STOP!!! REMOVE FORM 1. All parties representing themselves must fill out and file an Entry of Appearance form before they can file their Notice of Proposed Relocation. The Prothonotary uses the information on the form to ensure that all legal documents and orders are sent to the required parties:

Caption

- Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at your existing Custody Order to get this number.

Litigant Information

The Rest of the Form

- Section 1: place an “X” on the line before the word “Plaintiff” or “Defendant” accordingly.
- Section 2: Already filled out.
- Section 3: place an “X” on the situation that applies to you. Only check one. If you choose option 3, be sure the attorney signs the sheet as well.
- Section 4: place an “X” on the line before the word “I” and sign on the line at the end of the sentence.

- Section 5: place a full mailing address in the space provided unless protected as explained in the second paragraph.
- Section 6: place a telephone number in the space provided unless protected as explained in the second paragraph.
- Section 7: read and understand.
- Section 8: place the name and address of the opposing party or the opposing party's attorney.
- Section 9: Read, date and sign the verification.
- Send a copy of the completed form to the individuals named via First Class Mail.
- File the Original with the Notice of Relocation as proscribed in Section H.

B. Instructions for Completing the State Cover Sheet– (FORM 2)

STOP!!! REMOVE FORM 2. The State Cover Sheet is used by the Pennsylvania Court Administrator to collect data that is used to improve the Pennsylvania Court System.

Section A: Case Information

- Second Box: neatly type or print your name under “Lead Plaintiff’s Name” or “Lead Defendant’s Name” accordingly
- Second Box: neatly type or print the name of the person or persons you are filing against under “Lead Defendant’s Name” or “Lead Plaintiff’s Name” accordingly

DO NOT FILL IN ANYTHING FURTHER ON FORM 2

C. Instructions for Completing the Local Cover Sheet – (FORM 3)

STOP!!! REMOVE FORM 3. The Local Cover Sheet is used by the Court for case tracking purposes. Parties can use the Local Cover Sheet to quickly find contact information for the opposing party.

Caption

- Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at your existing Custody Order to get this number.

Case Information

- Write the current date in the space provided.

Section 2

- Put an “X” on the line before “Plaintiff” or “Defendant” accordingly.
- Do not fill in any other information on Section 2.

Section 3

- If you are the Plaintiff, do not fill in any information after the words “The plaintiff is represented by:” If you are the Defendant and you know the name and contact information of the Plaintiff’s attorney, then fill in the information after the words “The plaintiff is represented by:”
- If you are the Plaintiff, after the words “The plaintiff appears *pro se*” place your address, telephone number, and e-mail. If you are the defendant and you know that the Plaintiff is not represented by an attorney, then place the Plaintiff’s contact information after the words “The plaintiff appears *pro se*...”

Section 4

- If you are the Plaintiff and you know the name and contact information of the Defendant’s attorney, then fill in the information after the words “The defendant is represented by...”
- If you are the Defendant, then fill in your personal contact information after the words “The defendant appears *pro se*.” Be sure to include your address, phone number, and e-mail.

D. Instructions for Completing the Supplemental Cover Sheet – (FORM 4)

STOP!!! REMOVE FORM 4. The Supplemental Cover Sheet is used by the Court for statistical purposes.

Caption:

- Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at your existing Custody Order to get this number.

E. Instructions for Completing the Notice of Proposed Relocation – (FORM 5)

STOP!!! REMOVE FORM 5. This form must be filled out if you are planning on relocating, according to the legal definition (see Definitions Section), any or all of the children. Please neatly fill out the following information:

Caption

- Neatly print or type the name of the person or persons who originally filed the custody complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).

- Fill in the Docket number next to “No.” on the right side of the caption – look at the Custody Complaint that was filed or your existing Custody Order to get this number.

Section 1

- Put the full name of the person to whom you are giving notice after the word “You.”
- Put your full name after the word “that.”
- Put the names of all the children you plan to relocate after the word “child(ren).”

Section 2

- You do not need to fill anything out in this section.

Section 3

- Put the physical address of your new residence, including house number, street name, city, and zip code on the line provided.
- Put an “X” in the box before “Check here if address confidential...” only if you have been a victim of abuse, you live in a shelter, or your address is otherwise protected by 23 Pa.C.S. § 5336(b).
- Put the mailing address of your new residence on the line provided or write “same as above.”
- Put an “X” in the box before “Check here if address is confidential” only if you have been a victim of abuse, you live in a shelter, or your address is otherwise protected by 23 Pa.C.S. § 5336(b).

Section 4

- Put the name(s) of the individuals who plan to live with you at the proposed new residence on the lines below “Name”. Put each individual’s age on the lines below “Age” next to each of their names.
- Put an “X” in the box before “Check here if information is confidential” only if you have been a victim of abuse, you live in a shelter, or your address is otherwise protected by 23 Pa.C.S. § 5336(b) or (c).

Section 5

- Put the telephone number of the intended new residence on the lines provided. Be sure to include the area code followed by the seven digit telephone number.
- Put an “X” in the box before “Check here if information is confidential” only if you have been a victim of abuse, you live in a shelter, or your address is otherwise protected by 23 Pa.C.S. § 5336(b) or (c).
- Put the name of the school district and the name of the school(s) you are proposing the child(ren) will attend on the line provided.
- Put an “X” in the box before “Check here if information is confidential” only if you have been a victim of abuse, you live in a shelter, or your address is otherwise protected by 23 Pa.C.S. § 5336(b) or (c).
- Put the date that you intend to move to the new location on the line provided.

- Put an “X” in the box before “Check here if information is confidential” only if you have been a victim of abuse, you live in a shelter, or your address is otherwise protected by 23 Pa.C.S. § 5336(b) or (c).

Section 6

- List all of the reasons for the proposed relocation on the lines provided.
- Put an “X” in the box before “Check here if information is confidential” only if you have been a victim of abuse, you live in a shelter, or your address is otherwise protected by 23 Pa.C.S. § 5336(b) or (c).

Section 7

- Please see Form 2.

Section 8

- Add any additional information that you believe is relevant to your request to relocate on the lines provided. If you need additional space, write “See attached Addendum” and attach an additional sheet of paper.
- Make five (5) copies of the completed Notice.

F. Instructions for Completing the Proposed Revised Custody Schedule – (FORM 6)

STOP!!! REMOVE FORM 6. The Proposed Revised Custody Schedule is the custody schedule that you are requesting the Judge to order.

The attached form contains the more common, standard custody provisions. Your proposed custody schedule may include all of these provisions, some of these provisions or other provisions that are not included in the form, but can be added. Please fill out this form and then make five (5) copies and bring it with you to the Prothonotary.

G. Instructions for Completing the Counter-Affidavit Regarding Relocation – (FORM 7)

STOP!!! REMOVE FORM 7. This form must be mailed to the non-relocating party. Neatly print or type the following information:

Caption

- Neatly print or type the name of the person or persons who originally filed the custody complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at the Custody Complaint that was filed or your existing Custody Order to get this number.

LEAVE THE REST OF THIS DOCUMENT BLANK. THIS INCLUDES THE VERIFICATION SECTION ON THE SECOND PAGE. THE PARTIES YOU ARE SENDING THE NOTICE TO ARE EXPECTED TO COMPLETE THE DOCUMENT AND VERIFICATION, FILE IT WITH THE COURT, AND SERVE IT ON ALL OTHER PARTIES BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

H. Instructions for Serving the Notice of Proposed Relocation – (FORM 8-9)

STOP!!! REMOVE FORMS 8-9. Notice of the proposed relocation must be sent at least sixty (60) days prior to the actual move. Notice must be sent to all individuals who have custodial rights to the children. There are two (2) documents in this packet that can be used to prove that the non-relocating party has received the Notice of Proposed Relocation and the Counter-Affidavit. Use Form 8 if you send them their copies by certified mail restricted to the addressee only and the mail is accepted; meaning you received the green card back with their signature. Use Form 9 if you send them their copies by certified mail restricted to addressee only, but they refuse to accept the certified mail; meaning you receive the documents back with a notation from the Postal Service that says “refused.” **YOU ONLY NEED TO COMPLETE ONE OF THESE FORMS.**

Executing Proper Notice

You must send the Notice of Proposed Relocation, the Proposed Revised Custody Schedule, and Counter-Affidavit via certified **AND** first class mail.

The Mail

- Send the Notice of Proposed Relocation, the Proposed Revised Custody Schedule and Counter-Affidavit via certified mail, restricted delivery to addressee only, return receipt requested **AND**
- Send the Notice of Proposed Relocation, the Proposed Revised Custody Schedule, and Counter-Affidavit via First Class Mail.
- Fill out either Form 4 or Form 5.

Proof of Service (Certified Mail) (Form 4)

- Once you receive the green card back, continue onto the next steps. If you receive the documents back “refused” move on to Form 5.
- Neatly print or type the name of the person or persons who originally filed the custody complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Put the docket number for your custody case next to “No.” (you can find the docket number in the caption of the Complaint).
- Put the date you mailed the documents after the words “I hereby certify that on...”
- Circle “Plaintiff” or “Defendant” accordingly.
- Put the address that you sent the documents to after the words “return receipt requested, at...”

- Put the green card on the form. THE ORIGINAL GREEN CARD MUST BE ATTACHED TO THIS FORM. You can tape it to a blank 8 ½ by 11 inch sheet of paper and paper clip that paper to this Form. DO NOT STAPLE THE GREEN CARD ONTO THE FORM.
- Put your signature on the line above the word “Plaintiff/Defendant.”
- Circle “Plaintiff or Defendant” accordingly.
- After this Form is completed, you must file it in the Prothonotary’s Office so the Court has proof that the non-relocating party received notice.

Affidavit of Service (Form 5)

If you mailed all of the necessary documents and they came back “refused.”

- Once you receive the green card back, continue onto the next steps. If you receive the documents back “refused” move on to Form 5.
- Neatly print or type the name of the person or persons who originally filed the custody complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Put the docket number for your custody case next to “No.” (you can find the docket number in caption of the original Complaint).
- Put your name on the first blank line.
- Put the address of the person you are filing against on the line before the word “address.”
- Put the date that you sent the certified mail on the line before the word “date.” DO NOT SIGN THE FORM YET.
- Circle “plaintiff” or “defendant” accordingly.
- Take the filled out form to a Notary Public.
- In front of the Notary Public, sign your name on the line above “Plaintiff/Defendant.”
- Circle “Plaintiff or Defendant” accordingly.
- Have the Notary Public sign and date in the appropriate place on the form.
- After this Form is completed, you must file it in the Prothonotary’s Office so the Court has proof that the non-relocating party received notice.

I. Instructions for Completing the Petition to Confirm Relocation (No response from non-relocating party) – (FORM 10)

STOP!!! REMOVE FORM 10. This form only needs to be filled out if thirty (30) days (check the green card) has passed since the non-relocating party received the Notice of Proposed Relocation and he/she has not responded. In addition, a proposed Order must be filled out and filed along with the Petition. If the non-relocating party has sent you notice that he/she does not object to the relocation or the proposed change in custody, then you can relocate without further Court involvement. Finally, if there is no current custody order in your case, then you must fill out and file a Custody Complaint along with this Petition. There is a separate packet that will explain how to fill out and file a Custody Complaint.

Caption

- Neatly print or type the name of the person or persons who originally filed the Custody Complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at the Custody Complaint that was filed or your existing Custody Order to get this number.
- Attach the Affidavit of Service including the green card if it has not already been filed with the Prothonotary.

Date and Signature

- Put today’s date on the line next to “Date.”
- Sign your name on the line above “Signature.”
- Fill out the proposed Order according to the instructions below.

J. Instruction for Completing the Proposed Order to Confirm Relocation- (FORM 10)

STOP!!! REMOVE FORM 10.

Caption

- Neatly print or type the name of the person or persons who originally filed the custody complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at the custody complaint that was filed or your existing Custody Order to get this number.
- Leave the rest of the document blank.**
- Attach a copy of your Notice of Proposed Relocation.
- File this Order, a copy of your Notice of Proposed Relocation, and the Petition to Confirm Relocation with the McKean County Prothonotary.

K. Instruction for Completing the Request for Hearing (Non-relocating Party objects)— (FORM 11)

STOP!!! REMOVE FORM 11. This form only needs to be filled out if the non-relocating party has sent you notice his/her objection to the relocation or the proposed change in custody. If there is no current custody order in your case, then you must fill out and file a Custody Complaint along with this Request. There is a separate packet that will explain how to fill out and file a Custody Complaint.

Caption

- Neatly print or type the name of the person or persons who originally filed the custody complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed against above the word “Defendant(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at the custody complaint that was filed or your existing Custody Order to get this number.
- Neatly print your name after the word “I...”

Date and Signature

- Put today’s date on the line next to “Date.”
- Sign your name on the line above “Signature.”
- File the request with the McKean County Prothonotary along with one (1) copy of the completed Notice of Proposed Relocation, the completed Proposed Revised Custody Schedule and the Counter-Affidavit indicating that the non-relocating party objects.

IV. Forms

- A. Entry of Appearance (Form 1)
- B. State Cover Sheet (Form 2)
- C. Local Cover Sheet (Form 3)
- D. Supplemental Cover Sheet (Form 4)
- E. Notice of Proposed Relocation (Form 5)
- F. Proposed Revised Custody Schedule (Form 6)
- G. Counter-Affidavit Regarding Relocation (Form 7)
- H. Proof of Service - Certified Mail (Form 8)
- I. Affidavit of Service- Certified Mail (Form 9)
- J. Petition to Confirm Relocation (Form 10)
- K. Proposed Order to Confirm Relocation (Form 11)
- L. Request for Hearing (Form 12)

PLEASE DETACH THE FOLLOWING FORMS AND FILL IN THE FORMS WHILE GOING THROUGH THE INSTRUCTIONS.

PLAINTIFF

IN THE COURT OF COMMON PLEAS
McKEAN COUNTY, PENNSYLVANIA

vs.

NO. _____

DEFENDANT

ENTRY OF APPEARANCE AS SELF-REPRESENTED PARTY

1. I am the ___ Plaintiff ___ Defendant in the above-captioned case.

2. I intend to represent myself in the X custody, ___ divorce case.

Check only one line in Question 3

3. ___ This is a new case and I am representing myself. I have decided not to hire an attorney to represent me. **OR**

___ This is not a new case and I am representing myself. I have decided not to hire an attorney to represent me. **OR**

___ This is not a new case. _____ previously

(Name of Attorney)

represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case. I have provided a copy of this form to that attorney listed above at the following address:

That attorney has acknowledged his/her withdrawal from this case by signing this form.

_____, Esq.
(Attorney Signature)

4. ___ I am entering my appearance as a self-represented party _____
(Your Signature)

5. I understand that I need to provide a street address or P.O. Box for the purpose of receiving all future pleadings and other legal notices. I further understand that this does not need to be my home address. My address for the purpose of receiving all future pleadings and other legal notices is:

I understand that this address will be the only address to which notices and pleadings in this case will be sent and that I am responsible to check the mail at this address so I do not miss important deadlines or proceedings.

I am not providing my address because I reside at a confidential location protected by the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Address Confidentiality Program, 23 Pa. C.S. §6701-6713, and/or the Child Custody Act, 23 Pa. C.S. §5336(b).

6. My telephone number where I can be reached is _____.

I am not providing my telephone number because it is confidential pursuant to the Protection From Abuse Act, 23 Pa. C.S. § 6112 and/or the Child Custody Act, 23 Pa. C.S. § 5336(c).

7. I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.

8. I understand that I must ensure that a copy of this form is served on all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name _____

Address _____

Name _____

Address _____

9. **I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities that could result in a fine and/or prison term.**

Date

(Your Signature)

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet



County _____

<i>For Prothonotary Use Only:</i>		TIME STAMP
Docket No:	_____	

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:	
<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Writ of Summons
<input type="checkbox"/> Transfer from Another Jurisdiction	<input type="checkbox"/> Petition
	<input type="checkbox"/> Declaration of Taking
Lead Plaintiff's Name: _____	Lead Defendant's Name: _____
Are money damages requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Dollar Amount Requested: _____ (check one) <input type="checkbox"/> within arbitration limits <input type="checkbox"/> outside arbitration limits
Is this a Class Action Suit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this an MDJ Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of Plaintiff/Appellant's Attorney: _____	
<input checked="" type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)	

SECTION B

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

<p>TORT (do not include Mass Tort)</p> <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: _____	<p>CONTRACT (do not include Judgments)</p> <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other _____ <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other _____ <input type="checkbox"/> Other: _____	<p>CIVIL APPEALS</p> <p>Administrative Agencies</p> <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other _____ <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: _____
<p>MASS TORT</p> <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: _____	<p>REAL PROPERTY</p> <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other: _____	<p>MISCELLANEOUS</p> <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input checked="" type="checkbox"/> Other: Custody _____
<p>PROFESSIONAL LIABILITY</p> <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: _____		

 Plaintiff : IN THE COURT OF COMMON PLEAS OF
 vs. : McKEAN COUNTY, PENNSYLVANIA
 : CIVIL DIVISION - ___ Law ___ Equity
 : ___ Medical Professional Liability Action

 Defendant : NO. _____

LOCAL COVER SHEET

Dated: _____, 20____

1. Type of Pleading (*e.g.* Complaint in Divorce) Custody Relocation

2. By whom filed: Plaintiff ___ Defendant Are monetary damages requested? ___ Yes No

Jury trial demanded ___ Yes No Complex* ___ Yes No Small Claim (<\$12,000) ___ Yes No

To be listed for Arbitration? ___ Yes No *Note: A civil action is to be listed for Arbitration unless (1) the amount in controversy exceeds \$50,000 exclusive of interest and costs or (2) the case involves title to real property. * For definition:*

See Note following [L205.2\(b\)\(2\)](#).

3. The plaintiff is represented by:

Attorney _____ Email _____

Firm _____

Address _____

Tel. # _____ Fax # _____ Supreme Court ID No. _____

The plaintiff appears *pro se*:

Address _____

Telephone number _____ Email _____

4. The defendant(s) is (are) represented by (attach a separate sheet of paper, if necessary):

Attorney _____ Email _____

Firm _____

Address _____

Tel.# _____ Fax # _____ Supreme Court ID No. _____

The defendant(s) appear(s) *pro se* (attach a separate sheet of paper, if necessary):

Address _____

Telephone number _____ Email _____

 Filer/Counsel for the Plaintiff/Defendant

Plaintiff

vs.

Defendant

IN THE COURT OF COMMON PLEAS
OF McKEAN COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. C.D.

**McKEAN COUNTY COURT OF COMMON PLEAS
SUPPLEMENT TO Pa.R.C.P. No. 205.5 COVER SHEET**

FAMILY LAW

- Annulment
- Child Custody/Visitation
- Divorce
- Paternity

Divorce Counts

Check all that apply

- Alimony/Spousal Support
- Alimony *pendente lite*, counsel fees & costs
- Child Custody/Visitation
- Child Support
- Equitable Distribution/Property Rights

Other: _____

ORPHAN'S COURT

- Adoption
- Wills
- Administration of Estates
- Accounts
- Trust Estates
- Minors
- Incapacitated Persons
- Auditors & Masters
- Official Examiners
- Absentees & Presumed Decedents
- Real Property Transactions
- Non-Profit Corporations
- Other: _____

Nature of the Case

Custody Relocation

Note: Be brief and concise. Type or print legibly.

Plaintiff,

vs.

Defendant.

**FORM 5
IN THE COURT OF COMMON PLEAS OF**

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

NOTICE OF PROPOSED RELOCATION

1. You, _____, are hereby notified that _____ proposes to relocate with the following minor child(ren):

2. 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 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.**

3. 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).

4. 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).

5. 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).

6. Reasons for the proposed relocation:

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

7. Proposed modification of custody schedule following relocation:

Please See Form 2.

8. 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.

Northwestern Legal Services
100 Main Street
Bradford, PA 16701
814-362-6596

FORM 5

FORM 6

)	
Plaintiff,)	THE MCKEAN COUNTY COURT
v.)	OF COMMON PLEAS
)	
)	CIVIL DIVISION
)	
Defendant.)	
)	Your Case No. _____

PROPOSED REVISED CUSTODY SCHEDULE

1. Who is included

The following child(ren) is/are included in this agreement (The child(ren) listed here must have the same schedule; make a different plan for any child(ren) with a different schedule.)

Name	Date of Birth

Additional schedules are attached for other child(ren) _____.

2. Legal Custody: *decision making (choose one)*

Shared legal custody: We can communicate and make joint decisions regarding our child(ren)'s major medical, educational, legal and religious needs; therefore, we shall share this responsibility.

Sole legal custody: Most of the time, we cannot communicate and make joint decisions regarding our child(ren), therefore sole legal custody shall be with Father Mother and he/she shall be responsible for all major decisions regarding the child(ren). This parent shall keep the other parent informed of our child(ren)'s major decisions. This parent shall list the other parent on all forms and registrations as a parent and emergency contact person.

3. Physical Custody: *where children live (choose one)*

Shared Physical Custody: We can communicate and coordinate with each other to provide for our child(ren)'s physical care on a day-to-day basis. The schedule below shall be the shared physical custody schedule for our child(ren).

Primary Physical Custody: Our child(ren)'s needs can best be met by primary physical custody being with Father Mother and the child(ren) spending time with the other parent according to the schedule below.

Partial Physical Custody: Our child(ren)'s needs can best be met by partial physical custody being with Father Mother and the child(ren) spending time with the other parent according to the schedule below.

Other Custody Arrangement (e.g. supervised custody) as follows:

4. Are your children old enough to go to school?

Yes. (Skip A. and go to B.) **No.** (Answer A. and B.)

A. Schedule before child(ren) is(are) old enough to go to school

Before reaching school age, the child(ren) shall reside with Father

Mother, except for the following days and times when the child(ren) shall reside with or be with the other parent:

i. from: _____ to _____
(Day and time) (Day and Time)

other: _____

Frequency:

every week every other week every two weeks _____

ii. and from: _____ to _____
(Day and time) (Day and Time)

other: _____

Frequency:

every week every other week every two weeks _____

B. Schedule after child(ren) is (are) old enough to go to school

After reaching school age, the child(ren) shall reside with Father

Mother, except for the following days and times when the child(ren) shall reside with or be with the other parent:

i. from: _____ to _____
(Day and time) (Day and Time)

other: _____

Frequency:

every week every other week every two weeks _____

ii. and from: _____ to _____
(Day and time) (Day and Time)

other: _____

Frequency:

every week every other week every two weeks _____

5. Place for custody exchanged between parents

The exchange of the child(ren) between parents shall take place at the following location(s):

6. Transportation for exchange between parents

Dad Mom Both Other _____
(Name of person who will be helping)

shall be responsible for transporting the child(ren).

Comments: _____

7. Third party assistance with exchanges between parents

- We do not propose assistance with the transfer.
 The following third party(ies) to conduct or supervise the transfer:

Name	Phone	Conduct	Supervise
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

8. Other conditions that shall govern exchanges, if any:

9. Vacation, holiday, birthday and special occasion schedule

There shall be no change in the **regular schedule (see pages 2-3) during** vacations and holidays unless specifically indicated below. *(Specify whether time will be shared, or with a particular parent in odd, even or every year.)*

	<u>With Dad</u>	<u>With Mom</u>	<u>Date/time begin and end</u>
New Years Eve	_____	_____	_____
New Years Day	_____	_____	_____
Easter Vacation	_____	_____	_____
Mother's Day	_____	_____	_____
Memorial Day Weekend	_____	_____	_____
Father's Day	_____	_____	_____
Independence Day	_____	_____	_____
Labor Day Weekend	_____	_____	_____
Thanksgiving Holiday	_____	_____	_____
Christmas Eve	_____	_____	_____
Christmas Day	_____	_____	_____
Children(s)' Birthday	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

10. Communications

The non-custodial parent shall have phone contact with the children on the following days _____ every week at the following times _____.

Other: _____

All communications between the parents shall be via:

Telephone

E-mail

Text-Messaging

Other: _____

11. Additional Provisions: Check all that apply

All parties shall undergo a psychological evaluation and follow through with any and all recommendations.

Other counseling routine: _____

Neither party shall consume alcohol during their custodial periods.

Other alcohol arrangement: _____

Neither party shall smoke in the presence of the child(ren) and shall not allow anyone else to smoke in the presence of the children.

Both parties shall take turns claiming the child(ren) on tax returns.

Other tax claim arrangement: _____

Both parties may attend the child(ren)'s extra-curricular activities.

The following person(s) are a danger to the children and shall not be present during partial custody or supervised custody _____

Other provision: _____

12. Child Restraints: The child(ren) shall at all times be secured in age appropriate safety restraints in the rear of any vehicle in which they ride.

13. Mutual Agreements: This custody arrangement may be changed by mutual agreement. A change intended to be permanent shall be put in writing and filed with the Court along with a Petition to Modify.

14. Appendix

Attached is an Appendix that is an integral part of the Order as the parties are Ordered to fully comply with it.

15. Other: _____

_____ more pages are attached and incorporated by reference.
of pages attached

Date

Plaintiff's Signature

Plaintiff's Name

Defendant's Signature

Defendant's Name

FORM 6

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

**FORM 7
IN THE COURT OF COMMON PLEAS OF**

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

COUNTER-AFFIDAVIT REGARDING RELOCATION

1. This proposal of relocation involves the following child/children:

Child's Name

Age

Currently residing at:

Child's Name

Age

Currently residing at:

Child's Name

Age

Currently residing at:

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

- a. I do not object to the relocation
- b. I do not object to the modification of the custody order consistent with the proposal for modification set forth in the notice.
- c. I do not object to the relocation, but I do object to modification of the custody order.
- d. I plan to request that a hearing be scheduled by filing a request for hearing with the court:
 - i. Prior to allowing _____ to relocate.
(name of child/children)
 - ii. After the child/children relocate.
- e. I do object to the relocation.

f. 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 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)

FORM 7

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

PROOF OF SERVICE

I hereby certify that on _____ (date), a copy of the notice of proposed relocation, counter-affidavit and proposed revised custody schedule was served upon (circle one) Defendant/Plaintiff by regular mail, postage pre-paid, and by certified mail, restricted delivery to addressee only, return receipt requested, at _____ (address). The return receipt signed by the defendant is attached.

(circle one) Plaintiff/Defendant

Plaintiff,

vs.

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

AFFIDAVIT OF SERVICE

_____, being duly sworn according to the law deposes and states that he/she served a true and correct copy of the notice of proposed relocation, counter-affidavit and proposed revised custody schedule by certified/registered mail, return receipt requested, restricted to addressee only and also by regular mail at _____ (address), on _____ (date). The regular mail has not been returned within fifteen days after mailing. Attached to this affidavit is the returned letter with the notation that the (circle one) defendant/plaintiff refused to accept delivery.

(circle one) Plaintiff/Defendant

Sworn and subscribed before me this _____ day of _____, 20_____.

Notary Public

Plaintiff,

vs.

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

PETITION TO CONFIRM RELOCATION

I, _____, hereby certify as follows:
(name)

1. I provided notice to every individual entitled to notice of my proposed relocation.

2. The time to file an objection to the proposed relocation has passed, and no objections have been filed to the Proposed Relocation.

3. An Affidavit of Service, including the signed green card, is attached, or has been previously filed with the Court, to prove that I gave proper notice to the named parties by sending the Notice of Proposed Relocation, Proposed Custody Schedule and Counter-Affidavit Regarding Relocation to them.

WHEREFORE, I request that the Court confirm relocation.

DATE: _____

Signature

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

ORDER

AND NOW this _____ day of _____, 20____, the Court having received a Petition to Confirm Relocation, based on the information on the attached Notice of Proposed Relocation, the Court hereby **CONFIRMS** the Petitioner’s request and **GRANTS** the Petitioner permission to relocate the child(ren).

BY THE COURT

CHRISTOPHER G. HAUSER, J.

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

IN THE COURT OF COMMON PLEAS OF

McKEAN COUNTY, PENNSYLVANIA

CIVIL DIVISION

NO. C.D.

REQUEST FOR HEARING

I, _____ , hereby certify as follows:
(name)

1. I provided notice to every individual entitled to notice of my proposed relocation.
2. The non-relocating party has timely objected to the relocation or the change in custody.
3. Attached is a copy of the Notice of Proposed Relocation sent to the party and a copy of the non-relocating party's Counter-Affidavit indicating an objection.

WHEREFORE, I request that the Court schedule a hearing regarding the relocation.

DATE: _____

Signature

STATUTORY APPENDIX

23 Pa.C.S. § 5337 (Relocation Statute)

- (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), in substantially the following form:

(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.

23 Pa.C.S. § 5336 (Confidential Information)

(a) General rule.--Except as provided in subsections (b) and (c):

(1) A party granted sole or shared legal custody under section 5323 (relating to award of custody) shall be provided access to:

- (i) the medical, dental, religious and school records of the child;
- (ii) the address of the child and any other party; and
- (iii) any other information that the court deems necessary or proper.

(2) Access to any records and information pertaining to the child may not be denied solely based upon a parent's physical custody schedule.

(3) Upon request, a parent, party or entity possessing any information set forth in paragraph (1) shall provide it to any party granted sole or shared legal custody.

(b) Nondisclosure of confidential information.--The court shall not order the disclosure of any of the following information to any parent or party granted custody:

- (1) The address of a victim of abuse.

(2) Confidential information from an abuse counselor or shelter.

(3) Information protected under Chapter 67 (relating to domestic and sexual violence victim address confidentiality).

(4) Information independently protected from disclosure by the child's right to confidentiality under the act of July 9, 1976 (P.L. 817, No. 143),¹ known as the Mental Health Procedures Act, or any other statute.

(c) Other information.--The court may determine not to release information set forth in subsection (a), in which case it shall state the reason for its denial on the record.