

CUSTODY RELOCATION & MODIFICATION

INSTRUCTIONS-PRINT CLEARLY

1. READ these instructions before proceeding
2. Fill in the blanks of the complaint/petition and attach a copy of your current custody order.
3. Include the Certification of Compliance with your filing (can be found on <http://www.buckscounty.org/government/RowOfficers/Prothonotary/Forms> or in the Prothonotary Office).
4. Make two (2) copies of the filled out complaint/petition (One for you and one for the opposing party)
5. File the original (the one you filled out) & mail/deliver along with check/money order to:
Family Court Prothonotary
100 N. Main Street
Doylestown, PA 18901
(215-348-6822)
6. In approximately two weeks, you will receive notice of the conference date. At that time, you must serve the opposing party with a copy of the notice and the complaint/petition.

**The current filing fee is \$51.00, cash, money order or check made payable to:
"Prothonotary"**

CUSTODY RELOCATION

- (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) 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.

Objecting the proposed relocation

- (4) 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 non-relocating 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:

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

FAMILY DIVISION

(Plaintiff) * A06-_____
*
vs. *
*

(Defendant) * IN CUSTODY

NOTICE REGARDING RELOCATION

(1) 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 non-relocating party that if the non-relocating party does not file with the court an objection to the proposed relocation within 30 days after receipt of the notice, the party shall be foreclosed from objecting to the relocation.

Date

Signature

CUSTODY RELOCATION

COUNTER-AFFIDAVIT INSTRUCTIONS

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

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

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

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.

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.

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.

A petition to confirm the relocation and modify any existing custody order and

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

Modification of custody order: If a counter-affidavit regarding relocation is filed with the court which indicates the non-relocating 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 section 5337(c)(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 non-relocating 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 non-relocating parties.

Parties in a relocation case (those seeking to move and those opposing a move) should also file a petition to be scheduled with the Court.

HOW TO SERVE CUSTODY PAPERS (See PA Rule 1930.4 for Service)

The two most effective ways to make service are “**Personal Service**” and “**Service by Certified Mail.**”

A copy of your petition **plus** the notice you receive with the date of the conference must be served on the other party.

“**Personal Service**”. This can be done by giving the petition and notice of conference to the other party by **an individual 18 years of age or older, who is neither a party to the action, nor an employee or a relative of either party.** This person must fill out and sign an “Affidavit of Service”. **Please note you cannot serve the other party yourself.** The sheriff’s office or a process server can also be used.

The Affidavit of Service should include the following information:

- Date of service
- Time of service
- Place/address where service was made
- Who took the papers (it **must** be the defendant in the case)
- Who served the papers
- Signature of person who served the papers

(The affidavit may be handwritten on a plain piece of paper.)

“**Certified Mail**”. If you choose to serve the petition and notice of conference by certified mail, be sure you allow enough time to get the green card back from the Post Office. **Certified mail must be marked restricted delivery and must be signed by the defendant.** The green card and an affidavit identifying the other party’s signature on the card must be presented at the conference.

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
FAMILY DIVISION

_____ : A06-_____
(Plaintiff)
vs. :
_____ : IN CUSTODY
(Defendant)

NOTICE OF PROPOSED RELOCATION

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

To object to the proposed relocation, you must complete the attached counter-affidavit and serve it on the other party by certified mail, return receipt requested, addressee only, or pursuant to Pa.R.C.P. No. 1930.4 within 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.

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
FAMILY DIVISION

(Plaintiff) : AOB- _____
vs. :

(Defendant) : IN CUSTODY

COUNTER-AFFIDAVIT REGARDING RELOCATION

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:
_____	_____	_____

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 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)

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
FAMILY DIVISION

: A06-

vs.

: IN CUSTODY

ORDER

You, _____, have been sued in court in a child custody matter.

You are ORDERED to appear in person _____, 2015 @ _____ a.m. at the Family Masters Office, Bucks County Justice Center, 100 N. Main Street, Level B-1, Doylestown, PA 18901. If you fail to appear for this conference, an order for custody may be entered against you, or the Court may issue a warrant for your arrest.

You must file with the court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation) but not later than 30 days after service of the complaint or petition.

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.

All pending child custody claims properly filed by either party will be consolidated

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 to find out where you can get legal help.

Bucks County Bar Association
135 East State Street
Doylestown, PA 18901
(215)348-9413, 1-800-273-2929

Americans With Disabilities Act of 1990

The Court of Common Pleas of Bucks County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. **You must attend the conference.**

If you are incarcerated, you have the right to apply to the Court for a writ of habeas corpus ad testificandum to participate in the hearing/conference. You may also request to participate by telephone.

September 28, 2015

N.B. It is the responsibility of the petitioner to serve this notice and all other paperwork filed in reference to this matter on the other party named in this petition.

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
FAMILY DIVISION

_____ : A06-_____
(Plaintiff)
vs. :
_____ : IN CUSTODY
(Defendant)

PETITION FOR MODIFICATION OF A CUSTODY ORDER

1. The petition of _____ respectfully represents that on _____, _____ an Order of Court was entered for (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) , a true and correct copy of which is attached.

2. The petitioner is _____ residing at _____

3. The respondent is _____ residing at _____

4. This Order should be modified to provide that:

5. The modifications suggested above would serve the best interests of the child/children by:

WHEREFORE, Petitioner requests that the Court modify the existing Order because it will be in the best interest of the child(ren).

(Signature)

VERIFICATION

I verify that the statements made in this complaint 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 of Petitioner

IN THE COURT OF COMMON PLEAS, BUCKS COUNTY, PENNSYLVANIA

FAMILY DIVISION

: A06-

v.

ENTRY OF APPEARANCE - PRO SE

Please enter my appearance Pro Se - representing myself in the above case.

Date: _____

Signature: _____

Print Name: _____

Papers may be served at the address set forth below:

Address: _____

Telephone Number: _____

Fax Number for service of papers: _____

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
FAMILY DIVISION

: No. A06-

v.

: IN CUSTODY

ACKNOWLEDGMENT OF PATERNITY
WAIVER OF TRIAL

I, _____, do hereby acknowledge that I am the father of
the child, _____, born on _____
(name) (date)
in _____ County, _____. The child was born to
_____, of _____ County, _____.
(mother) (state)

I have been advised of and do hereby waive my rights to (1) genetic tests on the
issue of paternity, (2) a trial on the issue of paternity and (3) an attorney to represent me
on the issue of paternity.

I verify that the statements made in this acknowledgment and waiver 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.

Defendant

Date

AND NOW, this acknowledgment of paternity and waiver of trial are accepted.

BY THE COURT:

JUDGE

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

I _____, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities that:

1. Unless Indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. §6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
<input type="checkbox"/>	18 Pa.C.S. Ch. 25 (relating to criminal homicide)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2702 (relating to aggravated assault)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2706 (relating to terroristic threats)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2709.1 (relating to stalking)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2901 (relating to kidnapping)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2902 (relating to unlawful restraint)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2903 (relating to false imprisonment)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
<input type="checkbox"/>	18 Pa.C.S. §2910 (relating to luring a child into a motor vehicle or structure)	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

- | | | | | | |
|--------------------------|--|--------------------------|--------------------------|-------|-------|
| <input type="checkbox"/> | 18 Pa.C.S. §3121
(relating to rape) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3122.1
(relating to statutory
sexual assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3123
(relating to involuntary
deviate sexual
intercourse) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3124.1
(relating to sexual
assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3125
(relating to aggravated
indecent assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3126
(relating to indecent
assault) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3127
(relating to indecent
exposure) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3129
(relating to sexual
intercourse with animal) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3130
(relating to conduct
relating to sex offenders) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §3301
(relating to arson and
related offenses) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §4302
(relating to incest) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §4303
(relating to concealing
death of child) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

- | | | | | | |
|--------------------------|--|--------------------------|--------------------------|-------|-------|
| <input type="checkbox"/> | 18 Pa.C.S. §4304
(relating to endangering
welfare of children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §4305
(relating to dealing in
infant children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §5902(b)
(relating to prostitution
and related offenses) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §5903(c) or
(d) (relating to obscene and
other sexual materials
and performances) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6301
(relating to corruption of
minors) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6312
(relating to sexual abuse
of children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6318
(relating to unlawful
contact with minor) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 18 Pa.C.S. §6320
(relating to sexual
exploitation of children) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | 23 Pa.C.S. § 6114
(relating to contempt for
violation of protection
order or agreement) | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | Driving under the
influence of drugs or
alcohol | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |
| <input type="checkbox"/> | Manufacture, sale,
delivery, holding, offering for sale or
possession of any controlled substance or
other drug or device | <input type="checkbox"/> | <input type="checkbox"/> | _____ | _____ |

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

Check all that apply	Self	Other household member	Date
<input type="checkbox"/> A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	_____

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse: _____

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child. _____

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain: _____

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Docket No. A06-_____

Signature

Printed Name