

RELOCATION PETITION

INSTRUCTION SHEET

These instructions are meant to give you general information and not legal advice.

If you wish to move with your children out of the Philadelphia area and the non-custodial parent does not agree, you generally must get permission from the court. This is a complicated matter and you should consult an attorney or go to 34 S. 11th Street, Philadelphia, PA to get help. To ask the Court's permission to relocate with your children, you must file a Petition For Special Relief Pursuant To Pa.R.C.P 1915.13 To Authorize Removal of Child From Jurisdiction and Request For Plowman Hearing. This is also known as a Plowman's Petition or Relocation Petition.

The Court will decide if it is in the child(ren)'s best interest to relocate and will consider the following three things in making its decision:

1. It must be demonstrated that the move will substantially improve your quality of life, as well as that of your child(ren);
2. It must be demonstrated that your motive in making the move is pure, that is, it is not based on whimsical or spiteful reasons; and,
3. It must be demonstrated that there is a realistic substitute visitation arrangement that will enable the non-custodial parent to have an ongoing relationship with the child(ren).

Your relocation petition must address these issues.

1. Fill in the Domestic Relations Information Sheet and the Motion Cover Sheet with as much information as you have.
2. Complete only the caption on the Rule to Show Cause and Order.
3. Complete, date and sign the Petition for Special Relief Pursuant to Pa.R.C.P. 1915.13 to Authorize Removal of Child From Jurisdiction and Request for Plowman Hearing (Relocation Petition). (detailed instructions included)
4. The filing fee for a Relocation Petition is \$38.80. If you cannot pay the filing fee you may ask to be excused from paying the fee by filing a **Petition to Proceed In Forma Pauperis (IFP)**. If you receive welfare or SSI, bring your welfare photo ID or proof that you receive SSI.
5. File the completed Relocation Petition and Information Sheets with the filing fee by mailing or hand-delivering them in person to:

Clerk of Court
1133 Chestnut Street
Philadelphia, PA 19107

NOTE: If no custody order currently exists, you may also have to file a Complaint for Custody. There may be additional fees for this filing

6. If you file in person, you may pay the filing fee by money order, cash or credit card. If you file by mail, you may pay by money order ONLY. Make the money order payable to “PROTHONOTARY CLERK OF FAMILY COURT”. Personal checks will not be accepted.

7. Whether you file the petition by mail or hand-deliver it to the office of the Clerk of Family Court, you must file the original *AND* six (6) copies. A copy machine is available at the Clerk’s office at a cost of \$.25 per page.

8. Once the petition is filed, you will receive in the mail a completed “Rule to Show Cause” stating the date on which the Relocation Petition has been scheduled before a Judge. You must give a copy of this “Rule to Show Cause” and all the other papers you filed to the other party in the case or their attorney if they are represented. This is called “service.” Service may be done by mail or by having an adult deliver a copy of the papers in person. After the packet is served on the other party, you should complete the Certificate of Service form; it must be signed by the person who made service if it was not you yourself. You will take this Certificate of Service to the hearing to show the Judge that you provided notice of the hearing to the other side.

TERMS THAT ARE USED IN THE PETITION:

PLAINTIFF Person who is filing complaint

DEFENDANT Person against whom you are filing

HOW TO FILL IN THE PETITION

HEADING (CAPTION).

Fill in the names of the plaintiff and defendant in the heading of the petition exactly as they appear in the initial custody complaint. The plaintiff is the person who filed the custody complaint. The defendant is the person against whom the custody action was filed. The plaintiff and defendant keep those titles throughout the case. The Domestic Relations Number (D.R. No.) is the number assigned your case by the Court. You can find this number in the caption of your Complaint for Custody.

LINE 1.

If you are filing the Relocation Petition, you are the petitioner. Fill in your name and address as the petitioner. Indicate whether you are the plaintiff or defendant in the custody complaint by circling the appropriate term.

LINE 2.

The person against whom the petition is filed is the respondent. Fill in the name and address of the respondent. Indicate whether the respondent is the plaintiff or defendant in the custody complaint by circling the appropriate term.

LINE 3.

Fill in your relationship to the child(ren). List the name and date of birth (DOB) of each child involved in this petition.

LINE 4.

Fill in the other party's relationship to the child(ren).

LINE 5.

Circle A if there is no current custody order related to this/these child(ren).
Circle B if there is a current custody order, enter the date the last order was issued and then describe the order.

LINE 6.

Circle A if you are filing another complaint or petition along with this petition.
Circle B if you have already filed another petition or there is a petition already pending. Fill in the date the petition was filed and when it is next listed.

LINE 7.

Fill in the information regarding where and when you want to move.

LINE 8.

Stays the same. This is the legal standard that must be met before the Court can permit you to leave the jurisdiction with the child(ren).

LINE 9.

Fill in the information regarding where you want to move. Explain to the Court why you believe leaving the area will substantially improve your life and that of your child(ren). The Court may consider the prospect of gainful employment, the need to be close to supportive family, an improved physical environment for your child(ren), better schools that will benefit the child(ren), and any other factors that show that an improved life style will result from your move.

LINE 10.

Stays the same.

LINE 11.

Stays the same.

SIGN AND DATE THE PETITION FOR PROTRACTED CUSTODY HEARING.

SIGN AND DATE THE VERIFICATION THAT THE STATEMENTS ARE TRUE.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____	:	
PLAINTIFF	:	FAMILY COURT DIVISION
vs.	:	CIVIL ACTION
_____	:	
DEFENDANT	:	D.R. NO.
	:	

RULE TO SHOW CAUSE

AND NOW, this ____ day of _____, 20____, a RULE is hereby granted upon Respondent, _____, to show cause why an order should not be issued as *(Insert Respondent's name)* requested in Petitioner's Petition for Special Relief pursuant to Pa.R.C.P. 1915.13, to authorize removal of the child(ren) _____ from the jurisdiction and request for *(Insert names of child(ren))* immediate "Plowman" Hearing.

Rule returnable the ____ day of _____, 20____, at Family Court Building, 34 S. 11th Street, Philadelphia, PA, Courtroom number _____, at _____ a.m./p.m.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

PLAINTIFF

vs.

DEFENDANT

:
:
: FAMILY COURT DIVISION
:
: CIVIL ACTION
:
:
: D.R. NO.
:
:

ORDER

AND NOW, this _____ day of _____, 20_____, upon consideration of Petitioner's request for Special Relief Pursuant to Pa.R.C.P. 1915.13 to Authorize Removal of Child from Jurisdiction, it is hereby ORDERED, ADJUDGED and DECREED that:

J.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____	:	
PLAINTIFF	:	FAMILY COURT DIVISION
vs.	:	CIVIL ACTION
_____	:	
DEFENDANT	:	D.R. NO.
	:	

PETITION FOR SPECIAL RELIEF PURSUANT TO PA.R.C.P. 1915.13
TO AUTHORIZE REMOVAL OF CHILD FROM JURISDICTION
AND REQUEST FOR PLOWMAN HEARING

1. Petitioner is (name) _____
is **plaintiff or defendant** (circle one) in the custody complaint,
and resides at (street, city, state, zip) _____

2. Respondent is (name) _____
is **plaintiff or defendant** (circle one) in the custody complaint,
and resides at (street, city, state, zip) _____

3. Petitioner's relationship to the following minor child(ren) is _____
LIST FULL NAME(S) AND DOB(S) OF CHILD(REN).

4. Respondent's relationship to the child(ren) is _____

5. CIRCLE ONE:

A. No custody order exists concerning these children.

B. A custody order was entered on _____ (date) that states the following:

6. CIRCLE ONE:

A. A complaint/petition for custody is being filed with this petition.

B. A complaint/petition for custody was filed on _____ (date) and a hearing has been scheduled on _____(date).

7. Petitioner wishes to relocate with the child(ren) to _____ (city, state).
Petitioner would like to relocate on or about _____ (date of planned move).

8. In considering Petitioner's request, the Court must consider: a) whether the planned relocation will substantially improve Petitioner's quality of life, as well as that of the children; b) whether Petitioner's motive in wishing to make the move is pure and not based on whimsical or spiteful reasons; and, c) whether there is an available, realistic, substitute visitation arrangement that can be made which will foster an ongoing relationship between the child(ren) and the non-custodial parent.

9. Petitioner believes that relocation to _____ (city, state) will substantially improve the quality of life for Petitioner and the child(ren) for the following reasons:

a. _____

b. _____

c. _____

d. _____

e. _____

10. Petitioner's motives in seeking to relocate are pure and in no way done to interfere with Respondent's relationship with the child(ren).

11. A realistic substitute visitation schedule to allow Respondent time with the child(ren) is possible. Petitioner is willing to work out a reasonable visitation schedule with Respondent.

WHEREFORE, Petitioner respectfully requests that the Court grant Petitioner permission to relocate with the children.

Date: _____
_____ Petitioner

I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to the penalties of PA. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: _____
_____ Petitioner