

Custody and Relocation in Pennsylvania

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Relocation with a child in Pennsylvania is a complicated issue involving whether or not the parent who is relocating has primary physical custody and whether the location of his/her new residence will impact the visitation time of the parent who has partial physical custody, or any other party having visitation with the child.

The process does not revolve around which parent has legal custody but how the relocation will affect the visitation rights of the other parent (or sometimes other parties, i.e., if a grandparent had partial physical custody/visitation rights). If the parent with primary physical custody wishes to relocate with the child, he or she must provide the other parent a formal notice of relocation, which must outline detailed information regarding the relocation.

Following receipt of the Notice of Relocation, the non-relocating parent has thirty (30) days to file an objection to the Notice of Relocation with the Court. If such an objection is filed, the Court will schedule a hearing to determine the merits of relocation and whether same is in the best interest of the child(ren).

If no objection is filed, the relocating parent must file a request to have the Court confirm his/her relocation with the child(ren). At that hearing, the Court will likewise make a determination as to whether the relocation is in the best interest of the child(ren), however, if no objection is filed, there is a presumption that the parties' agree to the relocation and that same is in the child(ren)'s best interest, and thus the relocation is normally granted.

If you are thinking of relocating and that relocation may negatively impact the other parent's visitation schedule, it is imperative that you seek legal advice and ensure the proper notice is given and confirmation is granted by the Court before the move. As this can be a complicated issue and every case is fact-sensitive and unique, be sure to consult with a family law attorney, and sufficient time to obtain the necessary confirmation is allotted to ensure your move goes smoothly and visitation is not disrupted.

For more information on this topic, please contact Megan Smith at msmith@offitkurman.com.