

**The child custody law has certain steps you must follow to move with your children. If you do not follow the steps, you could get into trouble and may lose your children. You really need to talk with an attorney, who can discuss your case with you and help you with the paperwork.**

**This paper will provide basic information about moving and the law. It is important to understand that just reading this paper is not enough. Getting advice from an attorney is necessary when thinking about moving so you can understand how the law will affect your plans.**

### **When will the law make me file paperwork so I can move with my children?**

You will have to file paperwork to move with your children if your move is a "Relocation." The custody law calls moving a "relocation." Even moving a short distance may be a "relocation." For example, some judges may find that moving a child to another school is a "relocation." Some judges may find that moving to a nearby town or city is a "relocation." Moving to another county or state is most likely a "relocation."

### **Will I get in trouble for coming into the domestic violence shelter with my children?**

Staying at the shelter is temporary and probably would not be considered a relocation under the custody law. However, you should contact an attorney as soon as possible. An attorney will help you decide what you should do to keep the children with you.

### **Who has to say it's OK for me to relocate?**

The other parent of the child or anyone else who has custody rights to the child must agree to the move or the judge must approve the move.

### **Who might have "custody rights?"**

The law is not clear about who has "custody rights." It's possible that a parent can have "custody rights" without any court order. A parent may have "custody rights" even if they don't have regular contact with the child or pay child support. Depending on the situation, a grandparent could have custody rights. This is another reason why it is important to talk with an attorney.

### **What do I have to do to get an OK to move?**

The other parent of the child and anyone else who has custody rights needs to know about the move. The paperwork you must fill out is called a "Notice." It includes a form for the other parent to fill out. You have to send the form for the other parent to fill out along with the "Notice." It is important to have an attorney help you with the "Notice" and the form.

### **What do I have to do if my children have different parents?**

You may have to give the "Notice" to each parent of a child you plan to move with. Again, it is important to have an attorney help you decide if you have to give a "Notice" to each of the other parents.

### **What happens when the other parent receives the "Notice" that I want to move?**

1. The other parent may not have a problem with you moving or changing an already existing custody order and will mail you the form saying that.
2. The other parent may not have a problem with you moving, but has a problem with changing an already existing custody order and will mail you the form saying that.
3. The other parent has a problem with you moving and will mail you the form saying that.
4. The other parent doesn't respond to your "Notice."

### **What happens if the other parent doesn't respond to the "Notice?"**

If the other parent doesn't reply to your Notice, it is assumed that the other parent doesn't have a problem with you moving with the children. You still have other papers to fill out and give to the judge to approve your move. An attorney can help you fill out and file the paperwork.

### **What happens if the other parent doesn't want me to move or doesn't want to change the custody order we have?**

You will have a hearing in front of a judge before you can move.

### **What does the judge look at during the hearing?**

The judge will look at many things. Domestic violence is just one of the things that the judge will think about. It will help you to have an attorney, because the attorney can talk to the judge about these things.

### What could happen to me if I don't give the other parent "Notice" that I am moving?

It is likely that the other parent will find out that you have moved. When the other parent finds out that you have moved, they can file for custody of the children. If that happens, you will have to come back to where you used to live and have a hearing in front of the judge. The judge can take into account that you moved without giving the other parent notice and may not allow you to leave with the children.

The judge may give your abuser custody of the children and not allow or limit your contact with your children. The judge may make you pay for your abuser's attorney and expenses. The judge may find you in contempt and order some type of punishment.

### Can I be charged with any crime if I leave with my children and don't give the other parent "Notice" that I left?

In some cases you could be charged with kidnapping, interference with the custody of a child, or the concealment of the whereabouts of a child. A warrant could be issued for your arrest. You may be charged with contempt of court and receive jail time.

You and your children may also become registered in a federal database for missing children. This means that the police can pick you up.

This is why it is very important that you get an attorney and give the other parent notice that you want to move before you do move.

### How do I find an attorney?

The domestic violence program may have a list of attorneys that might be able to assist you. They may also have a list of agencies that can assist you.

You can also contact the Pennsylvania Bar Association for help finding an attorney at 1-800-692-7375.

There is a free hotline you can call if you are thinking about moving out of state with your children. The hotline is from the Legal Resource Center on Violence Against Women, 1-800-556-4053; their email address is: [lrc@lrcvaw.org](mailto:lrc@lrcvaw.org)

If you are thinking about getting a custody order or moving, having an attorney's advice and help is extremely important.

**Pennsylvania Coalition Against Domestic Violence**

**800-932-4632 ♦ www.pcadv.org ♦ 2012**



## For Domestic Violence Survivors

### Things to Know If You Want to Move With Your Children

**You may be thinking about moving with your children. Whether you are moving across the street, down the block, to another county or to another state, you need to know about Pennsylvania's child custody law.**