

AVERY T. MILLER, SR.,
Plaintiff

v.

RASHA A. JONES,
Defendant

: IN THE COURT OF COMMON PLEAS OF
: DAUPHIN COUNTY, PENNSYLVANIA
:
: NO. 2012 CV 2845 CU
:
: CIVIL ACTION – LAW
: IN CUSTODY

2016 FEB 22 PM 3:23
DAUPHIN COUNTY
PENNA

MEMORANDUM OPINION

The instant matter was initiated on April 6, 2012, upon the filing of a Complaint for Custody by Plaintiff Avery T. Miller, Sr. (hereinafter "Father") naming Defendant Rasha A. Jones (hereinafter "Mother"), and seeking partial physical custody during the school year and primary physical custody during the summer of their minor son, Avery T. Miller, Jr. (DOB: 8/21/08) (hereinafter "Little Avery" or "child"). On May 16, 2012, the parties attended a custody conciliation conference, but were unable to reach an agreement regarding the best interests of Little Avery. A custody hearing was held before the Honorable Deborah E. Curcillo on June 29, 2012. Following the hearing, an Order was entered wherein Father was awarded physical custody every other weekend during the school year, and one (1) full week per month during the summer.¹

On June 13, 2014, Mother filed a Petition for Modification of a Custody Order seeking to alter the physical custody schedule due to the child beginning first (1st) grade, and a determination as to which school the child would attend. The parties again attended a custody conciliation conference on July 30, 2014, but were unable to reach an agreement. A custody hearing was scheduled before the Honorable Bernard L. Coates, Jr. for September 25, 2014. Prior to the commencement of the custody hearing, however, the parties reached an agreement wherein Father was awarded

¹ See Order filed June 29, 2012.

physical custody every other weekend during the school year, and shared physical custody on a week-on, week-off basis during the summer.²

On February 27, 2015, Father filed a Petition for Contempt. The parties attended a custody conciliation conference on April 10, 2015, wherein the parties were able to reach an agreement regarding the contempt issues.³ On August 6, 2015, Mother filed a Petition for Modification requesting the ability to unilaterally determine which school and after-school programs the child attends. In addition, she requested that Father be directed to provide the child's school with his contact information, as well as a prohibition against spanking by anyone other than the parties. The parties again attended a custody conciliation conference and were unable to reach an agreement. This Court was assigned the case on September 30, 2015, and scheduled a pretrial conference for November 13, 2015.

On January 28, 2016, this Court held a custody hearing in which both parties testified. In addition, we heard testimony from Maternal Aunt (Sharon Carr) and Sametrian Miller (Father's wife). Mother currently resides in Harrisburg, Pennsylvania, and Father currently resides in Richmond Virginia.

Mother is requesting a modification of the current custody because she would like to enroll Little Avery in private school, and is concerned that the amount of time spent in the car travelling is having a negative effect on the child. The child is currently in the second (2nd) grade at Foose Elementary in the Harrisburg City School District. Although the child is doing well in school, Mother would like him to attend a private school because of problems with the school district. Mother testified that it is her belief

² See Order filed October 2, 2014.

³ See Order filed April 22, 2015.

that the primary focus in Foose Elementary is discipline, and education is second. Foose Elementary is located in the Hall Manor section of Harrisburg City, which is a known area for crime and drugs. Mother stated that the school environment is entirely different from what the child is exposed to at home. She is worried that Little Avery will succumb to peer pressure as he gets older and does not want him to get into trouble in the future. In addition, Mother feels that Little Avery is not performing to his ability as the school district's curriculum is lower than surrounding school districts.

When Little Avery was beginning school, Mother stated that she enrolled him at Bible Baptist (now known as West Shore Christian Academy), but that he only attended for one (1) week. When Father learned of the legal issues facing one of the school's teachers, he decided to pull Little Avery from that school.⁴ After removing him from Bible Baptist, Mother stated that Father failed to help her choose another school. Since that time, Mother has repeatedly asked Father to agree to enroll Little Avery in a private school and Father has refused. Mother has looked into both Harrisburg Academy and Harrisburg Christian as possible alternatives. She stated that Harrisburg Academy would have awarded Little Avery a scholarship, but that he would have had to repeat a grade. Harrisburg Christian would accept Little Avery in his current grade, but does not offer a scholarship.

In addition to the school issue, Mother is concerned that the amount of time spent travelling in the car is having a negative effect on Little Avery. She testified that the child frequently cries when driving to the exchange location and expressed her belief that the child does not like being in the car. She is requesting a schedule

⁴ Father testified that Mother did not discuss enrolling the child prior to doing so, and said that she wanted him to attend for their music program. When Father discovered that the school's music teacher was charged (and later convicted) with sexual crimes, he decided to pull Little Avery out of the school.

whereby Father would drive to Harrisburg one (1) weekend a month, and for the other weekend, the parties would continue to meet halfway.

During the hearing, Mother also raised concerns about Father's use of discipline and the child's exposure to violence in Father's home. Mother testified that she is not opposed to spanking or even the use a belt in terms of punishment. However, Mother is opposed to the use of corporal punishment on the child's bare skin. She stated that there was an incident that was relayed to her by Little Avery that Father spanked him on his bare skin. Mother asked Father not to spank him without clothes on, but stated Father did not agree with her.

She also testified that the child reported to her that he had witnessed violence in Father's home. Mother is a mandatory reporter for child abuse, and therefore was required to report what the child had told her to Children and Youth Services, which was subsequently unfounded. She would like to put the child in counseling to ensure that he is not afraid of going to Father's home. However, when she attempted to take the child to a psychologist, she was told that she would need Father's permission because the parties have shared legal custody. She was unable to obtain Father's consent.

With regard to the school issue, Father testified that he does not believe the child would receive any additional benefit from a private school at his current age. He stated that Little Avery is bright and is performing well in school, and that he has never been told by a teacher that the child is not living up to his potential. Despite Father's bad personal experience with private schools, he testified that he would be open to considering private school for Little Avery when he gets older. He has visited Foose Elementary and is not concerned with the environment or demographic make-up. He

has also visited Harrisburg Academy and was not pleased with their "walk of shame" for students who misbehaved.

Father stated that his disciplinary techniques are to first talk to Little Avery, then take away privileges, and if all else fails, he resorts to spanking. He testified that Little Avery has a bathroom problem in that he chooses to hold it if he does not want to stop playing his video game or come inside from playing. This has resulted in the child soiling himself. When he does soil himself, Father will discipline him. Father admitted that he has spanked Little Avery on his bare skin in the past, but that it is not a common occurrence. He explained that Little Avery had soiled himself and after removing his clothes, was spanked.

Father denies that there is any domestic violence in his home and further denies that there was a physical altercation between him and his wife. In addition, Father stated that he is tired of dealing with conflict during custody exchanges. He said that Mother does not allow the child to take any gifts or items from Father's home to hers. As an example, he testified that he bought the child head gear for wrestling, but Mother refused to allow the child to bring it to her home. Father is requesting that the physical custody schedule remain the same during the school year, but reverse the time during the summer. He is also requesting that the exchange location be moved to Tyson's Corner in McLean, Virginia because it would be closer to halfway than their current exchange location (Hagerstown, Maryland).

Little Avery is currently seven (7) years old and is in the second (2nd) grade at Foose Elementary in the Harrisburg City School District. Despite the child's young age, the Court interviewed him at the request of the parties. The Court was very impressed

with his pleasant demeanor and overall positive attitude. Despite Mother's concerns that the amount of time the child spends in the care is having a negative effect on him, it appeared to the Court that Little Avery did not seem to notice. While he expressed that the drive is long, he stated that he typically spends it eating snacks, listening to music, or watching a movie.

CUSTODY FACTORS

- (1) *Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.*

Both parties testified that they encourage frequent and continuing contact between Little Avery and the other parent. While Mother expressed a desire to limit Father's custodial time during the school year, the Court believes it was made as a concern for the amount of time Little Avery spends in the car and not to alienate Father.

- (2) *The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the child or an abused party and which party can better provide adequate physical safeguards and supervision of the child.*

Aside from Mother's allegation of domestic violence in Father's home based upon what the child has told her, there are no allegations that either party has abused the child or put the child in any danger.

- (3) *The parental duties performed by each party on behalf of the child.*

Both parties testified as to their ability to perform parental duties on behalf of Little Avery.

- (4) *The need for stability and continuity in the child's education, family life and community life.*

The stability of Little Avery is best served by maintaining the status quo and have him continue to attend Foose Elementary.

(5) *The availability of extended family.*

Mother currently resides in the Harrisburg area with Maternal Aunt. Father currently resides in Richmond, Virginia with his wife and child. There was no other testimony regarding extended family.

(6) *The child's sibling relationships.*

Little Avery has a half-brother at Father's home.

(7) *The well-reasoned preference of the child, based on the child's maturity and judgment.*

This Court met with Little Avery and found him to be a charming and intelligent young man. Due to his young age, the Court did not ask for the child's preference. It was apparent that Little Avery enjoys spending time with both of his parents.

(8) *The attempts of a parent to turn the child against the other parent, except in cases of domestic violence where reasonable safety measures are necessary to protect the child from harm.*

There are no allegations that either party has attempted to turn the child against the other parent.

(9) *Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.*

Both parents are capable of maintaining a positive relationships with Little Avery and appear to care deeply for him.

(10) *Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.*

During the school year, the child primarily resides with Mother who is able to attend to Little Avery's daily needs. Father's custodial time during the school year is primarily on weekends and he is able to attend to Little Avery's daily needs.

(11) The proximity of the residences of the parties.

Mother resides in Harrisburg and Father resides in Richmond, Virginia. The parties live approximately two hundred thirty-one (231) miles apart, with an approximate drive time of three hours and 40 minutes (3 h 40 min).

(12) Each party's availability to care for the child or ability to make appropriate child-care arrangements.

Both parties testified as to their availability to care for Little Avery and their ability to make appropriate child-care arrangements.

(13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.

While the current level of conflict is relatively low, the ability to co-parent with one another needs some work. The central issues in the custody hearing revolved around the child attending private or public school, and the use of corporal punishment as a form of discipline. There was testimony that the parties made some attempts to work it out among themselves to no avail.

(14) The history of drug or alcohol abuse of a party or a member of a party's household.

There is no reported history of drug or alcohol abuse by either party.

(15) The mental and physical condition of a party or a member of a party's household.

There was no testimony of any mental or physical condition of either party.

(16) *Any other relevant factor.*

No other significant factors were considered.

CONCLUSION

After consideration of the matter and based upon our review of the statutory factors, this Court issues the following **ORDER** which provides for custody in the best interest of the minor child.

(This space intentionally left blank.)

AVERY T. MILLER, SR.,
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FILED
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DAUPHIN COUNTY
PENNA

ORDER FOR CUSTODY

AND NOW, this 22nd day of February, 2016, after a careful review of the pleadings, testimony and evidence, and based upon the statutory factors, **IT IS HEREBY ORDERED**, in the best interest of Avery T. Miller, Jr. (DOB: 8/21/08), as follows:

LEGAL CUSTODY

1. Father and Mother shall **share legal custody** of the child. All major legal decisions concerning the child, including, but not limited to, the child's health, medical, dental, mental health, education, and religious training shall be made jointly by the parties, after discussion and consultation with each other, with a view toward obtaining and following a harmonious parenting plan, not in their own individual best interests, but rather in the child's best interest. Neither party shall impair the other party's rights to shared legal custody of the child. Neither party shall attempt to alienate the affections of the child from the other party.
 - A. The parties shall communicate with each other to coordinate appropriate disciplinary techniques for the child. Neither party shall inflict corporal punishment with objects or on bare skin as a form of discipline.
 - B. Day to day decisions shall be the responsibility of the party then having physical custody. With regard to any emergency decisions that must be made, the party having physical custody of the child at the time of the emergency shall be permitted to make any immediate decisions necessitated thereby. However, that party shall inform the other of the emergency and consult with him or her as soon as possible.
 - C. Absent an emergency, no party shall obtain medical care and/or have an initial interview with any health caregiver without the agreement of the other party.

- D. All parties shall have the right to access the child's medical, dental, religious and school records, the address of the child and any other related information in accordance with 23 Pa. C.S.A. § 5336(a). All parties shall execute any and all legal authorizations so that the other party may obtain information from the child's school, physicians, dentists, orthodontists, counselors, psychologists, or other similar individual or entities concerning the child's progress and welfare.

PHYSICAL CUSTODY

2. School Year:

- A. Mother shall have **primary physical custody** of the child.
- B. Father shall have **partial physical custody** on alternating weekends from Friday at 6:00 P.M. until Sunday at 6:00 P.M. In the event the child has a three-day weekend, Father shall enjoy an extra day of physical custody.
- C. The child shall remain enrolled in Foose Elementary.

3. Summer:

- A. The parties shall **share physical custody** on a two-week on, two-week off basis. Exchanges shall occur on Sundays at 6:00 P.M. commencing the second (2nd) Sunday after the last day of school.

4. All custody exchanges shall take place at Rockville, Maryland.

5. Should either party have the child spend an overnight at a place other than their primary residence, the other party shall be given the address and telephone number where the child is spending the night.

HOLIDAYS

6. Easter, Memorial Day, Independence Day, Labor Day, and Thanksgiving: The parties shall alternate the holidays as they mutually agree.

7. Christmas: Christmas shall be divided into two segments. **Segment A** shall be from the day school lets out until December 25 at 5:00 P.M. **Segment B** shall be from December 25 at 5:00 P.M. until the end of the school holiday break.

A. Mother shall always have custody for Segment A.

B. Father shall always have custody for Segment B.

8. Mother's Day and Father's Day: Mother shall have custody on Mother's Day and Father shall have custody on Father's Day.
9. Other than Paragraph 5, the **holiday schedule** shall take **precedence** over the regular custody schedule.
10. The parties may revise this schedule upon mutual agreement and should be flexible for the sake of the child.

COUNSELING

11. The parties are strongly encouraged to identify and participate in therapeutic family counseling to help improve their ability to communicate with each other pertinent to custodial matters and ultimately help them to take whatever steps are necessary to effectively co-parent the child.

GENERAL CONDUCT

12. During any period of custody or visitation, the parties shall **not** possess or use **controlled substances** or consume alcoholic beverages to the point of **intoxication**. The parties shall likewise assure, to the extent possible, that other household members and/or houseguests comply with this prohibition.
13. Each party shall be entitled to reasonable **telephone** or **e-mail contact** with the child when they are in the custody of the other party. The parties shall provide to one another an emergency contact telephone number, e-mail address or contact person.
14. The parties shall **refrain** from making **derogatory comments** about the other party in the presence of the child and to the extent possible shall prevent third parties from making such comments in the presence of the child or otherwise harass or interfere with the parties' periods of physical custody.
15. The child shall be protected by the parties from individuals with **poor character** (including, but not limited to, individuals involved with illegal activity, immoral or intemperate behavior, or violent propensities). The parties shall, to the extent possible, avoid contact with such individuals of poor character.
16. Parties shall permit and support the child's access to **family relationships** and **events** (funerals, reunions, graduations, etc.). Events will be accommodated by both parties with routine periods of custody resuming immediately thereafter.
 - A. The parties shall not alienate the affections of the child from the other party and extended family. To the extent possible, the parties shall prevent third

parties from alienating the child's affections from the other party as well as extended family.

17. Each party shall promptly notify the other party of, and invite the other party to, **major events in the child's life**, including but not limited to graduations, awards presentations, performances, academic and athletic competitions and similar extracurricular activities.
18. The parties shall organize ways for the child to maintain their friendships, **extracurricular activities**, and other special interests, regardless of which parent has physical custody.
 - A. The parties shall honor and be supportive of the activities in which the child wishes to engage.
 - B. The parties shall confer with each other before arranging regularly occurring activities for the child which might interfere with regular periods of custody.
 - C. During the times that the parties have physical custody of the child, each party will make certain that the child attends his scheduled activities and transport the child on time to and from said activities.
19. Each party shall exercise care in responsibly choosing **child-care providers**. The telephone numbers of any and all child-care providers shall be provided by the parties to each other.

RELOCATION

20. No party shall **relocate** the child if such relocation will significantly impair the ability of the non-relocating party to exercise his or her custodial rights unless the other party consents in writing or the Court approves the proposed relocation.
 - A. The party seeking relocation must follow the procedures required by 23 Pa.C.S.A. § 5337 as set forth in Exhibit A attached to this Order.
 - B. The parties are always encouraged to relocate closer to each other's residences.

BY THE COURT:



William T. Tully, J.

DISTRIBUTION:

Rasha A. Jones, 1041 South 18th Street, Harrisburg, PA 17104

Avery T. Miller, Sr., 3405 Ransom Hills Court, Richmond, VA 23237

Court Administration

FILE

EXHIBIT A

REQUIREMENTS REGARDING RELOCATION OF RESIDENCE

Relocation is defined as a move or change of residence that will significantly impair the ability of the non-relocating party to easily exercise periods of custody. **You cannot relocate with the child(ren) without following these procedures.** If contemplating such a move, you are *strongly* urged to seek the advice of an attorney to make sure that you are following the procedures. You are not permitted to relocate your residence without either:

- The consent of every individual who has custody rights to the child(ren) to the proposed relocation OR
- The court's approval of the proposed relocation.

NOTICE

1. The party proposing the relocation must notify every other party who has custody rights to the child(ren) of the proposed move. You must complete the attached "Notice of Proposed Relocation to Be Completed by Party Intending to Relocate" and send the notice to all other parties by certified mail, restricted delivery (addressee only), return receipt requested.
2. Notice must be given 60 days before the date of the proposed relocation OR 10 days after the date that the party knows about the relocation only if the individual did not know and could not have reasonably known about the relocation in time to comply with the 60 days notice or it is not reasonably possible to delay the date of relocation to comply with the 60 day notice.
3. You must include with this mailing the attached "Counter-Affidavit Regarding Relocation". The other parties must complete this form to indicate their position with regard to the proposed move.

WHAT DO(ES) THE OTHER PARTY(IES) DO WHEN THEY RECEIVE THE NOTICE AND COUNTER-AFFIDAVIT?

1. If you receive a notice of relocation and a counter-affidavit, and you object to the proposed relocation, you must complete the counter-affidavit. The non-relocating party must serve the counter-affidavit on the party proposing the change by certified mail, return receipt requested, restricted delivery (addressee only), or pursuant to Pa.R.C.P. No. 1930.4 within 30 days of receipt of the notice of proposed relocation. If there is an existing child custody case, the objecting party must also file the completed counter-affidavit with the Prothonotary's Office, Dauphin County Courthouse, 101 Market Street, Harrisburg, PA, within 30 days from the day you receive the notice and counter-affidavit.
2. If no objection to the proposed change of a child's residence is timely served after notice, the proposing party may change the residence of the child and this will not be considered a 'relocation' under the statute or rule.

WHAT DO I DO IF NO OBJECTION TO THE PROPOSED RELOCATION IS SERVED OR FILED?

If the party proposing relocation seeks an order of court, has served a notice of proposed relocation as required, has not received an objection to the move and seeks confirmation of the relocation, the party proposing the relocation shall file:

- A complaint for custody and a petition to confirm relocation when no custody case exists OR
- A petition to confirm relocation when there is an existing custody case AND
- A proposed order including the information set forth at 23 Pa.C.S. §5337(c)(3).

WHAT DO I DO IF A COUNTER-AFFIDAVIT IS SERVED ON THE PARTY SEEKING TO RELOCATE WHICH INDICATES THAT THE NON-RELOCATING PARTY OBJECTS EITHER TO THE PROPOSED RELOCATION OR TO THE MODIFICATION OF THE CUSTODY ORDER?

If the party proposing the relocation has received notice of objection to the proposed move after serving a notice of proposed relocation as required by 23 Pa.C.S. §5337 et seq., the party proposing relocation shall file:

- A complaint for custody or petition for modification as applicable;
- A copy of the notice of proposed relocation that was served on the non-relocating party;
- A copy of the counter-affidavit indicating objection to relocation; and
- A request for a hearing.

WHAT DO I DO IF THE RELOCATING PARTY HAS NOT DONE ANYTHING AFTER I SERVED THE OBJECTION TO PROPOSED RELOCATION ON THE RELOCATING PARTY?

If the non-relocating party has been served with a notice of proposed relocation and the party proposing relocation has not followed through with the procedure set forth above, the non-relocating party may file:

- A complaint for custody or petition for modification as applicable;
- A counter-affidavit as set forth in 23 Pa.C.S. §5337(d)(1) and
- A request for a hearing.

WHAT DO I DO IF THE NON-RELOCATING PARTY HAS NOT BEEN SERVED WITH A NOTICE OF PROPOSED RELOCATION AND SEEKS AN ORDER OF COURT PREVENTING RELOCATION?

If a non-relocating party has not been served with a Notice and seeks a court order preventing relocation, the non-relocating party shall file:

- A complaint for custody or petition for modification as applicable;
- A statement objecting to relocation; and
- A request for hearing.

Plaintiff

: IN THE COURT OF COMMON PLEAS OF
: DAUPHIN COUNTY, PENNSYLVANIA

v.

: NO. _____ CV _____ CU

Defendant

: CIVIL ACTION-IN CUSTODY

NOTICE OF PROPOSED RELOCATION TO BE COMPLETED BY PARTY INTENDING TO RELOCATE

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 in the Prothonotary's Office, Dauphin County Courthouse, 101 Market Street, Harrisburg, PA. 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.

1. What is the address of the proposed new residence? _____
 Check here if the address is confidential pursuant to 23 Pa.C.S. §5336(b).
2. What is the mailing address of the proposed new residence? _____
 Check here if the address is confidential pursuant to 23 Pa.C.S. §5336(b).
3. What are the name(s) and age(s) of all individual(s) who will be living at this new residence? _____
 Check here if the information is confidential pursuant to 23 Pa.C.S. §5336(b) or (c).
4. What is the home telephone number of the intended new residence? _____
 Check here if the information is confidential pursuant to 23 Pa.C.S. §5336(b) or (c).
5. What is the name of the new school and the new school district that the child(ren) will attend after relocation?

 Check here if the information is confidential pursuant to 23 Pa.C.S. §5336(b) or (c).
6. What is the date of the proposed relocation? _____
 Check here if the information is confidential pursuant to 23 Pa.C.S. §5336(b) or (c).
7. What are the reasons for the proposed relocation? _____
 Check here if the information is confidential pursuant to 23 Pa.C.S. §5336(b) or (c).
8. How do you propose to change the custody schedule that is currently in effect? _____
9. Is there any other information that is relevant to the proposed relocation? _____
10. I have included a counter-affidavit that you can use to object to the proposed relocation.

WARNING TO NON-RELOCATING PARTY

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.

DAUPHIN COUNTY LAWYER REFERRAL SERVICE

213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made are subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

Date

Signature

Print Name

Address

Telephone Number

2-2015

Plaintiff

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COUNTER-AFFIDAVIT REGARDING RELOCATION

1. What are the names and ages of the child(ren) affected by the proposed relocation? _____
2. Where do this/these child(ren) currently reside? _____

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

- I do not object to the relocation
- I do not object to the modification of the custody order consistent with the proposal for modification set forth in the notice.
- I do not object to the relocation, but I do object to modification of the custody order.
- I plan to request that a hearing be scheduled by filing a request for hearing with the court:
 - a. Prior to allowing the child(ren) to relocate.
 - b. After the child(ren) relocate.
- I do object to the relocation.
- 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 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. If there is an existing custody case, I must file this counter-affidavit at the Prothonotary's Office, Dauphin County Courthouse, 101 Market Street, Harrisburg, PA. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I understand 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

Print Name

Address

Telephone Number