

Packet J – Intent to Relocate

1. **READ FIRST BEFORE PROCEEDING:** Instructions 5 – Notice of Intent to Relocate

Instructions

2. Local Form 112 – Notice of Intent to Relocate (No Change)
3. Local Form 113 – Notice of Intent to Relocate
4. Local Form 114 – Order RE: Notice of Intent to Relocate



Summit County
Domestic Relations Court
Administrative Judge Katarina Cook
Judge Kani H. Hightower

Notice of Intent to Relocate Instructions

You need to file a *Notice of Intent to Relocate* each time you move pursuant to your Court Orders and Local Rule 2.09.

In advance of a move, the relocating parent shall file with the Summit County Clerk of Courts, and serve upon the other parent, a *Notice of Intent to Relocate*. It is in the best interest of the child(ren) to discuss your relocation with the other parent as soon as making a decision on relocation. At the *minimum*, notice must be provided pursuant to the following timeline:

- 30 day notice if the move shall be within the current county of residence;
- 60 day notice if the move shall be outside the current county of residence, but within the same state;
- 90 day notice if the move shall be outside the current state of residence.

If you have missed the above deadlines for good cause, the Court will take that into consideration. Be prepared to provide the Court any proof or verification of why the deadline was missed.

Also, if you intend to move, but do not yet have a permanent address, file the *Notice of Intent to Relocate* Local Form __ indicating the general location. Check the box that says the complete address will be supplemented at a later date and provide that information to the Court as soon as it is available.

Unless you follow the proper procedures, you do NOT have the legal authority to relocate your minor children.

Before you file your *Notice*, please choose the option below that best suits your circumstances. Please see the expanded descriptions listed below Option D.

- ☐ **Option A.** You are moving and both/all parties agree to keep the same custody/parenting time arrangement. Complete the *Notice of Intent to Relocate – NO CHANGES REQUIRED* Local Form 112. There is no filing fee with this option.
- ☐ **Option B.** You are moving and both/all parties agree to the relocation. However, there will be a new agreement to a new custody/visitation arrangement that will be used after the move. That new agreed entry needs to be attached to the *Notice of Intent to Relocate*, and there is a \$50 fee.*
- ☐ **Option C.** You are moving and you and the other party/parties have NOT agreed on a new custody/visitation agreement to use after the move, but agree to use the Court's informal mediation program to attempt to establish a new agreement. If there is a new agreement reached, there is a \$50 fee* that will be payable upon your filing of the *Agreed Judgment Entry*.
- ☐ **Option D.** You are moving and you do NOT agree with the other party on a new custody/visitation schedule and cannot establish a new custody/visitation schedule without court involvement. You must file a *Notice of Intent to Relocate* and request a hearing. The current filing fee for this option is \$240.



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Expanded Descriptions of Options

Option A. You and the other party agree on what will happen with custody and/or visitation after the move. If your relocation is a short distance you may agree to keep all the terms of your prior Court Order. If so, you would file a *Notice of Intent to Relocate NO CHANGES REQUIRED* which is for parties that both agree to the current parenting plan/parenting time schedule. Both parties must sign and notarize. The judge must also sign this Notice. No filing fee required. Local Form # 112 will need to be completed.

Option B. You and the other party agree on what will happen with custody and/or visitation after the move. However, you may also agree you need to modify the prior Court Order. If you need to change the terms, please state the new terms as clearly as possible in your *Agreed Entry*. If there is a change in visitation, please state specific days and times for visits. It is acceptable to state visitation will be as the parties agree, but you should provide a default schedule if there are any disagreements in the future. The Court cannot enforce a parenting time schedule that does not exist. Please consider any change to your holiday schedule and summer vacation schedule the move may require. Please include where any exchange of the child(ren) will take place. The more specific your *Agreed Entry* is, the more likely it will be approved without a court hearing. Local Form #s 113, 109, and 114 will need to be completed.

You will therefore be filing a Notice of Intent to Relocate, and submitting an Agreed Entry and Order RE: Notice of Intent to Relocate for the Judge's signature. (If the case has been closed for more than 45 days, you are required to pay a \$50 filing fee and the receipt must be attached to the proposed Agreed Entry .)*

Option C. You and the other party/parties do not agree on any new changes that may be necessary based upon the relocation. This is not uncommon as relocations often involve changes that parties need guidance to implement. The Court has a free yearly informal mediation program to help parties reach agreements in these cases. You would meet at the Court with a trained mediator who would attempt to facilitate an agreement based on your changed circumstances and the best interests of the child(ren). Mediation is not binding until you reach an agreement. Local Form #111, 113, and 114 need to be completed.

In order to request an informal proceeding, you will file a Notice of Intent to Relocate, indicate Informal Proceeding, complete the Informal Proceeding Request , and provide an Order RE: Notice of Intent to Relocate to the Court. (If you successfully reach an agreement through mediation and submit an Agreed Entry as in Option B, there is a \$50



**Summit County
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Agreed Entry fee if the case has been closed for more than 45 days, and the receipt must be attached to the proposed Agreed Entry .)*

If you are not successful in reaching an agreement, you must file a Notice of Intent to relocate, pay a \$240 filing fee*, and have the matter set for hearing (see Option D below).

Option D. You wish to relocate and you do not believe you can come to an agreement with the other party without court involvement.

You must complete a Notice of Intent to Relocate, a proposed *Order RE: Notice of Intent to Relocate*, and a companion motion requesting modification of the current orders. *The proposed Order requires the Judge's signature before it can be filed* with the Clerk of Courts. The relocating parent must also obtain a hearing date with the Court at the time of filing.

There is a \$240 Filing Fee*.

Because the other party must be served, you are required to provide accurate contact information for that party including an address, a phone number and/or any email address. You must complete Local Form #113, 114 and the appropriate Motion.

- * If you cannot pay the fee at the time of filing, you may file a *Motion to Proceed in Forma Pauperis* requesting the action be commenced without paying the filing fees up front. At the conclusion of the case, the fees will have to be paid as part of the court costs and the Court can set up a payment plan.

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO**

_____ Name Plaintiff /Petitioner 1	)	CASE NO. _____
	)	JUDGE _____
	)	MAGISTRATE _____
-VS.-)	
	)	<u>NOTICE OF INTENT TO RELOCATE</u>
	)	<u>No Changes Required</u>
_____ Name Defendant /Petitioner 2	)	<u>Pursuant to O.R.C. §3109.051(G) and</u>
	)	<u>Local R. 2.09</u>

In advance of a move, the relocating parent and the non-moving parent hereby agree to the relocation set forth below. Therefore, this Notice shall serve as the Notice of Intent to Relocate and shall be filed with the Clerk of Court. Notice must be provided pursuant to the following timeline:

- 30 days if the move shall be within the current county of residence;
- 60 days if the move shall be outside the current county of residence but within the same state;
- 90 days if the move shall be outside the current state of residence.

I understand that I do not have the legal authority to relocate the minor child(ren) prior to the Court approving the Notice.

I, _____, as parent in the above-captioned case, hereby give notice of my intent to relocate. I intend to have the following child(ren) move with me (list names and dates of birth of children):

- | | |
|----------------|----------------------|
| a. Name: _____ | Date of Birth: _____ |
| b. Name: _____ | Date of Birth: _____ |
| c. Name: _____ | Date of Birth: _____ |
| d. Name: _____ | Date of Birth: _____ |

1. (a) ☐ I plan to move to (street address, city, state and zip code):

Proposed Date of Move: _____.

- (b) ☐ OR I plan to move to _____ (City or County and State)
and I will provide address at a later date.

(c) ☐ OR Due to concerns for the safety of myself and/or the minor child(ren), I am not providing the new location pursuant to O.R.C. §3109.051(G)(2)(3) and (4) at this time. For service of court documents, mail to the address below my signature.

2. _____, the non-moving parent/party, has been notified of the Intent to Relocate, agrees to the relocation and further agrees that there are no changes to the current parenting plan and that no hearing will be scheduled.

The Court hereby approves this *Notice of Intent to Relocate-No Changes Required* and makes it an Order of this Court.

JUDGE

Signature Date

Printed Name

Address

City, State, Zipcode

Phone Email

Signature Date

Printed Name

Address

City, State, Zipcode

Phone Email

Plaintiff/Petitioner 1 signature

SWORN TO before me and signed in my presence
on this ____ day of _____, ____.

Notary Public
My Commission Expires:

Defendant /Petitioner 2 signature

SWORN TO before me and signed in my presence
on this ____ day of _____, ____.

Notary Public
My Commission Expires:

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO**

_____ Name Petitioner/Plaintiff	)	CASE NO. _____
	)	JUDGE _____
	)	MAGISTRATE _____
-vs.-	)	<u>NOTICE OF INTENT TO RELOCATE</u>
	)	<u>Pursuant to O.R.C. §3109.051(G) and</u>
_____ Name Respondent/Defendant	)	<u>Local R. 2.09</u>

In advance of a move, the relocating parent shall file with the Clerk of Court and serve upon the other parent a Notice of Intent to Relocate with a proposed Order Re: Notice of Intent to Relocate. Notice must be provided pursuant to the following timeline:

- 30 day notice if the move shall be within the child(ren)'s county of residence
- 60 day notice if the move shall be in the State of Ohio, but out of the child(ren)'s county of residence
- 90 day notice if the move shall be out of the State of Ohio

I, _____, as parent in the above-captioned case, hereby give notice of my intent to relocate. I intend to have the following child(ren) move with me:

a. Name: _____	Date of Birth: _____
b. Name: _____	Date of Birth: _____
c. Name: _____	Date of Birth: _____
d. Name: _____	Date of Birth: _____

1. (a) ☐ I plan to move to (street address, city, state and zip code):

Proposed Date of Move: _____

or (b) ☐ Due to concerns for the safety of myself and/or the minor child(ren), I am not providing the new location pursuant to O.R.C. §3109.051(G)(2)(3) and (4) at this time. For service of court documents, mail to the address below my signature.

2. I have mailed/mailed a copy of this notice to the other parent/legal custodian on (date:)_____.

3. ☐ If the parties are in agreement with the relocation, they must file an *Agreed Judgment Entry* with notarized signatures of each party attached to the proposed *Order Re: Notice of Intent to Relocate* Local Form 114 approved by the Court. If the parties file an Order and Agreed Judgment Entry signed by the judge, no hearing shall be required.
4. ☐ The parties are not in agreement with the relocation and/or new parenting time schedule. The moving party is requesting an **Informal Proceeding** and has submitted an *Informal Proceeding Request* Local Form 111 on (date) _____.
5. ☐ The parties are not in agreement and require Court involvement. The purpose of the hearing is to determine whether it is in the best interest of the child(ren) for the relocation to occur and to revise the parenting time schedule.

An Initial Hearing is set before Magistrate _____ on (date) _____,
20__ at _____ a.m./p.m.

6. The non-relocating parent may file a written responsive pleading to the relocation notice within **fourteen (14) days of service** to address reallocation of parenting time and/or to object to the relocation.

Signature

Date

Printed Name

Address

City, State, Zipcode

Phone

Email

CERTIFICATE OF SERVICE

I certify that on (date:) _____, a copy of this *Notice of Intent to Relocate* and proposed *Order Re: Notice of Intent to Relocate* has been served, via ☐ Email ☐ Mail to the following:

Name of other parent or legal custodian: _____
Address/es, City, State, Zipcode: _____
Email: _____, Phone: _____.

Signature certifying that notice has been sent

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO**

	)	CASE NO. _____
)	
Plaintiff /Petitioner 1	)	JUDGE _____
)	
-vs.-	)	MAGISTRATE _____
)	
	)	<u>ORDER</u>
)	
Defendant /Petitioner 2	)	<u>RE: NOTICE OF INTENT TO RELOCATE</u>

This matter came before the Court upon [name:] _____,

☐ Plaintiff/Petitioner 1 or/ ☐ Defendant/Petitioner 2, as parent in the above-captioned case, having filed a Notice of Intent to Relocate.

The Court hereby Orders:

- ☐ **Option B** The parties have agreed to the relocation and the Agreed Judgment Entry is signed by all parties, notarized, and was attached to the Notice of Relocation. No hearing regarding relocation and reallocation of parenting time is required.
- ☐ **Option C** This matter came before the Court on _____'s Notice of Relocation. The parties are referred to Family Court Services Department for Informal Mediation.
- ☐ **Option D** This matter is set for Initial Hearing on _____, at _____
a.m./p.m., before Judge/Magistrate _____.
- ☐ The moving party's Motion to Proceed *In Forma Pauperis* is granted. The Party filing the Notice of Intent to Relocate is to be placed on a payment plan with the Clerk's Office at a rate of \$25/month.

IT IS SO ORDERED.

JUDGE

Submitted by:

