

INSTRUCTIONS

Attached is a form informing the Court that you, the custodial parent, are moving.

These instructions are intended to be a general guide to help you get the forms filled out, filed with the Court, and properly before the Judge. These instructions are not intended to be a legal analysis of your request or advice as to whether you should win your request. They are merely to assist you in preparing and presenting your request.

WARNING

The filing of the Notice of Intent to Relocate **does not** authorize you to relocate a minor child outside the area specified in your Parenting Time Order or in the Decree of the Court, including the provisions of a Shared Parenting Plan. **If you wish to relocate a minor child outside the area specified in your Parenting Time Order, Decree or Shared Parenting Plan, IN ADDITION to filing this Notice, you MUST do one of the following BEFORE relocating:** 1) File a motion for authorization to relocate the minor child(ren) and have that motion granted by the Court; **or** 2) present the Court with an agreed entry signed by both parties (and each party's attorney, if applicable) permitting the relocation of the minor child(ren) and have that agreed entry approved and signed by the Court. The Court reserves the right to require an oral hearing prior to authorization of an agreed entry.

If you wish to move from the address stated in the last court entry regarding parenting, ORC Section 3109.051(G) requires that you must give notice of your intent to relocate to the other parent, the court which issued the order, and the Child Support Enforcement Agency **PRIOR** to your relocation. The form for that purpose follows. You must file the original Notice to Relocate with the court, with instructions for service to the other parent and CSEA. You should do this before you relocate. Keep a copy for yourself. This Notice to Relocate is not complete or effective until the other parent has been served.

If there will be a change in parenting time access, you must (1) File a motion for authorization to relocate the minor child(ren) and have that motion granted by the Court; or (2) present the Court with an agreed entry signed by both parties (and each party's attorney, if applicable) permitting the relocation of the minor child(ren) and have that agreed entry approved and signed by the Court. It may be a good idea to talk to the other parent to see whether he or she agrees to your move. If the move is okay with them, you should file an agreed entry with the Court. If not, you may have to have a hearing.

Remember that Ohio retains jurisdiction of custody matters, and a new court may not be able to determine custody.

A. FILLING OUT THE FORM – TYPEWRITTEN OR IN INK

1. You should fill out the forms before you go to the Court to file them. Other than telling you the time and date of the hearing and telling you the proper case number, the Court Clerk's staff will not help you complete the form.
2. Notice of Intent to Relocate – Fill in the name of the county and court division (i.e., Juvenile, Domestic Relations). Fill in the name, address, telephone number, and birth date for you and the other party. If you were the Plaintiff before, you are still the Plaintiff. Fill in the case number. If you do not have the case number, you can get it from the Clerk of Courts when you go to file the Notice.

You must provide a valid address to mail the form to the other party.

3. Make five (5) copies. Four of the copies will be filed with your original, and you will retain one.

B. FILING THE NOTICE

1. After the form is filled out and copied, take it to the Clerk at Juvenile Court to be filed.
2. When you file your Notice, the Juvenile Clerk will take the original and four copies of your papers. You should ask the Clerk to time-stamp your copy of the Notice. This will be your proof that you filed the originals.
3. As provided in Ohio Revised Code Section 3109.051(G), the Court shall send a copy of this Notice to the other parent of your child(ren), unless he/she has been convicted of or pleaded guilty to a violation of Ohio Revised Code Section 2919.25 (Domestic Violence) involving a victim, who at the time of the commission of the offense, was a member of this family or household, has been convicted of or pleaded guilty to any other offense involving a household member which resulted in physical harm to the household member, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. **If you have reason to believe that this Notice should not be sent to the other parent, you may request a court hearing on only that issue by completing the Motion for Hearing Pursuant to ORC 3109.051(G)(2) (Form DR 2.8A) The Motion for Hearing must be filed with the Court along with this Notice form.**

If you do not request a court hearing, a copy of this Notice will be sent to the other parent.

C. PREPARATION FOR THE HEARING

1. **There may be a hearing.** You must be prepared for the hearing. You should dress appropriately and have with you any witnesses that you wish to use to support your request. Your child or children may also be able to testify.
2. The Judge will want to know basically these things: Why you want to move, what are your arrangements for the other party's parenting time, and why it is in the best interests of the child(ren) to go with you.
3. At the hearing, you will be asked questions by the Judge or by the other party or by an attorney. Respond directly to the questions. Listen to the question and make sure that you provide the information that you are asked. If you do not understand the question or are not sure what you are being asked you have the right to have the question explained to you before answering it.

NOTICE TO THE NON-MOVING PARENT

Pursuant to Ohio Revised Code Section 33109.051(G)(1), upon your receipt of this Notice of Intent to Relocate, you may file a motion for a hearing to determine whether it is in the best interest of your child(ren) to revise the Parenting Schedule.

A WORD ABOUT MEDIATION

The Court may order you and the other party to go to mediation. **YOU MUST GO IF ORDERED.** If there is a reason mediation would not be appropriate, you should tell the Court immediately. Mediation is a chance to work out issues without lengthy hearings.

IN THE COMMON PLEAS COURT OF _____ COUNTY, OHIO
JUVENILE DIVISION

Case No. _____

Plaintiff / Petitioner (1)

Address

vs.

**NOTICE OF INTENT TO RELOCATE
ORC 3109.051(G)(2)**

Defendant / Petitioner (2)

Address

(To be filed not less than 60 days of the intended relocation)

I, _____, as Relocating Parent, hereby give notice of my intent to relocate within or outside the State of Ohio with the following minor child(ren), effective _____.

1. _____ born _____ Age _____

2. _____ born _____ Age _____

3. _____ born _____ Age _____

Intended New Address

Mailing Address (if not same)

Phone () _____

The name and address of the child's new school is

A brief statement of the reason for the proposed relocation of the child(ren) is as follows:

MAILING OF THIS NOTICE

As Relocating Parent, I

_____ have no objection to the Court mailing a copy of this notice to the Non-Moving Parent at his/her captioned address.

_____ want my address to remain confidential; therefore, I am requesting a hearing. If you are requesting a hearing, complete the attached affidavit. DO NOT provide your new residence address. DO provide an address where you wish to receive notice of your hearing date.

IMPACT ON VISITATION SCHEDULE and FILING FEES

As Relocating Parent, I

_____ represent that no change in the current Parenting Time Schedule is required (because the other parent and I are currently subject to a Parenting Time Schedule and the same will still continue to be applicable). I UNDERSTAND I MUST PAY A FILING FEE OF \$10.00.

_____ represent that upon relocating, the other Parent's visitation shall be affected; therefore, I want this matter set for hearing to consider a modification of the parenting time schedule. I UNDERSTAND I MUST PAY A FILING FEE OF \$85.00.

DATE _____
Relocating Parent

NOTICE TO NON-MOVING PARENT

You have the right to request a hearing for the Court to determine whether it is in the best interest of the child(ren) to revise the Parenting Time Schedule in this case.

If you do not request a hearing, the current Parenting Time Schedule may be modified as requested by the Relocating Parent as set forth above.

REQUEST FOR HEARING

_____ AS THE NON-MOVING PARENT, I WANT THIS MATTER SET FOR HEARING TO CONSIDER A MODIFICATION OF THE PARENTING TIME SCHEDULE. I UNDERSTAND THAT I MUST PAY A FILING FEE OF \$85.00.

MY CURRENT NAME AND ADDRESS:

DATE: _____
Non-Moving Parent

INSTRUCTIONS FOR SERVICE

Unless an objection to the mailing of this notice is set forth above, please serve a copy of the foregoing Notice of Intent to Relocate upon the other parent, _____, at his/her captioned address by certified mail, return receipt requested, and make the same returnable according to law. If an objection is set forth, please do not serve a copy of this notice, but set this matter for hearing on whether the Notice of Relocation should be served upon the other Parent.

Relocating Parent

CERTIFICATE OF SERVICE (For Court Use Only)

STATE OF OHIO

_____ COUNTY

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)
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SS:

AFFIDAVIT

_____, being first duly sworn, states the following to the questions set out herein:

1. State whether the non-moving parent _____ has ever been convicted of or pleaded guilty to a violation of Ohio Revised Code Section 2919.25 (Domestic Violence) involving a victim who, at the time of the commission of the offense, was a member of the family or household that is the subject of the proceeding in this case.

YES

NO

If yes, give the name of the court, date, and case number _____

2. State whether the non-moving parent _____ has ever been convicted of or pleaded guilty to any other offense involving a victim who, at the time of the commission of the offense, was a member of the family or household that is the subject of the proceeding in this case and caused physical harm to the victim in the commission of the offense.

YES

NO

If yes, give the name of the court, date, and case number _____

3. State whether the non-moving parent has been determined to be the perpetrator of the abuse act that is the basis of an adjudication that a child is an abused child.

YES

NO

If yes, give the name of the court, date, and case number _____

Affiant, Relocating Parent

Sworn and subscribed before me this _____ day of _____, 2015.

Notary Public