

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.