

Name of Person Filing \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Daytime Telephone Number \_\_\_\_\_  
Representing Self \_\_\_\_\_

## ARIZONA SUPERIOR COURT, PIMA COUNTY

Regarding: **CASE NO.** \_\_\_\_\_

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

### NOTICE OF INTENT TO RELOCATE MINOR CHILD/CHILDREN

**ASSIGNED TO:** \_\_\_\_\_

Pursuant to A.R.S. §25-408 B, this Notice is given to: \_\_\_\_\_, the other parent of our child/children.

I am the  Petitioner  Respondent in the above matter.

Pursuant to written agreement or Court order dated \_\_\_\_\_ the  Petitioner  Respondent is entitled to custody or parenting time with our child/children.

I am giving the  Petitioner  Respondent sixty days advance notice that I may:

- Relocate our child/children out of Arizona to: \_\_\_\_\_  
OR  
 Relocate our child/children more than one hundred miles within Arizona, to:  
\_\_\_\_\_.

Within thirty days after this notice is made to you by certified mail, return receipt requested or pursuant to the Arizona rules of civil procedure, the nonmoving parent may petition the Court to prevent relocation of the child/children. After expiration of this time, any petition or other application to prevent relocation of the child/children may be granted only on a showing of good cause.

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Petitioner  Respondent

**INFORMATION REGARDING RELOCATION OF CHILD/CHILDREN  
OUT OF ARIZONA  
OR MORE THAN 100 MILES AWAY WITHIN ARIZONA**

Arizona law provides that both parents are entitled to reasonable parenting time rights to ensure that minor children have frequent and continuing contact with the noncustodial parent unless the Court finds, after a hearing, that parenting time would endanger seriously the child's physical, mental, moral or emotional health.

After a custody and parenting time order is entered, the parents must follow the order. In the event the primary physical custodian of the child desires or needs to relocate the child/children out of Arizona, or more than 100 miles away from the other parent within Arizona, the moving parent must provide the nonmoving parent with notice of his or her intent to relocate the child/children.

If there is a Court order or written agreement between the parents made within one year of the proposed relocation, which permits the relocation, then there is no requirement that the moving parent must provide a Notice of Intent to Relocate or otherwise petition the Court for permission to move.

Procedure:

The parent who wishes to move must provide the other parent with a Notice of Intent to Relocate to the other parent at least 60 days prior to the anticipated move. The Notice must be made by certified mail, return receipt requested or pursuant to the Arizona rules of civil procedure. If this notice is not provided, the Court may impose a sanction that will affect custody or parenting time in accordance with the child/children's best interests.

A parent who wishes to move may also file a Petition to permit relocation, with notice to the other parent, to determine the appropriateness of a relocation that may adversely affect the other parent's custody or parenting time rights. This Petition would take the place of the 60 day Notice of Intent to Relocate.

After the Notice of Intent to Relocate is provided to the other parent, the nonmoving parent may petition the Court to prevent the relocation of the child/children. This petition must be filed within 30 days of receipt of the Notice. After that time, any petition or other request to prevent relocation may be granted only on a showing of good cause.

While the Court action regarding relocation is pending:

A parent with sole custody, or a parent with joint custody and primary physical custody who is required to relocate because of health, safety or employment of the parent or of that parent's spouse may temporarily relocate in less than 60 days.

OR

A parent with joint custody and substantially equal physical custody and who is required to relocate because of health, safety or employment of the parent or of that parent's spouse in less than 60 days after written notice has been given to the other parent may temporarily relocate with the child/children only if both parents sign a written agreement to permit relocation of the child/children.

If the parents have a provision in their parenting plan or other written agreement in which they have specifically agreed to allow or not to allow relocation, the Court will follow that agreement, unless the Court finds that this agreement is no longer in the child/children's best interests. A.R.S. §25-408 (H).

If a hearing is required:

The Court will decide whether to allow the parent to relocate in accordance with the child/children's best interests. The burden of proving what is in the child/children's best interests is on the parent who wants to move. In deciding whether or not to approve a move, the Court will consider the factors in A.R.S. §25-403 which are:

A. The Court shall determine custody, either originally or upon petition for modification, in accordance with the best interests of the child. The Court shall consider all relevant factors, including:

1. The wishes of the child's parent or parents as to custody.
2. The wishes of the child as to the custodian.
3. The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest.
4. The child's adjustment to home, school and community.
5. The mental and physical health of all individuals involved.
6. Which parent is more likely to allow the child frequent and meaningful continuing contact with the other parent.
7. If one parent, both parents, or neither parent has provided primary care of the child.
8. The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding custody.
9. Whether a parent has complied with chapter 3, article 5 of this title.
10. Whether either parent was convicted of an act of false reporting of child abuse or neglect under §13-2907.02.

Additional findings are required regarding evidence of domestic violence, child abuse, and drug offense convictions.

In addition to the above, the Court will also determine:

- Whether the relocation is being made or opposed in good faith and not to interfere with or to frustrate the relationship between the child and the other parent or the other parent's right of access to the child.
- The prospective advantage of the move for improving the general quality of life for the custodial parent or for the child.
- The likelihood that the parent with whom the child will reside after the relocation will comply with parenting time orders.
- Whether the relocation will allow a realistic opportunity for parenting time with each parent.
- The extent to which moving or not moving will affect the emotional, physical or developmental needs of the child.
- The motives of the parents and the validity of the reasons given for moving or opposing the move including the extent to which either parent may intend to gain a financial advantage regarding continuing child support obligations.
- The potential effect of relocation on the child's stability.

Prior to holding a hearing, the Court may order the parents to attend mediation through the Family Center of the Conciliation Court so that the parents can try to reach an agreement without the need for a hearing. Either parent may request that a mediation appointment be set to try to reach an agreement without the need for a hearing. Forms to request a mediation appointment may be found "Mediation" Packet #15.