

Notice of Intent to Relocate



Packet #28



These forms must not be used to engage in the unauthorized practice of law. The court is not responsible for (1) actions taken by the users of these forms or (2) their reliance upon the instructions or information provided.

GENERAL INFORMATION & Frequently Asked Questions

This packet will give you an overview of how to properly complete and file the necessary forms to inform the other parent that you want to move either **out of state or more than 100 miles away from your current residence**. If, in the last year, there was a court order or written agreement between you and the other parent allowing the relocation, you DO NOT need to fill out this packet.

If the court order or written agreement is more than one year old, you must provide notice of your intent to relocate **45 days prior** to the actual move.

While the process may seem overwhelming, please know that this packet is written with your needs in mind, and is intended to make this process as easy for you as possible. Work on the forms with the instructions one at a time.

Other important forms and instructions for Family Court cases can be found online at <http://www.sc.pima.gov/Default.aspx?tabid=119>



This symbol is a warning. It can mean a few different things:



- The topic can be confusing and you may need to ask a lawyer for help.
- You may need to make sure that something is done.

Whenever you see this symbol, **make sure** you read the information carefully and understand it fully.

When should I use this packet?

Complete this packet to inform the other parent of your intent to relocate if:

- You will be moving out of the state of Arizona **or**
- You will be moving more than 100 miles away from your current residence

IMPORTANT!



1. This form should be used **only if** you have a parenting time and legal decision-making order issued by a court **in the state of Arizona**. If your order was issued by another state, **STOP**. These forms cannot be used. A different procedure is required to enforce out-of-state orders and you may need to contact an attorney to assist you.
2. According A.R.S. §25-408 (A), **45 days' written notice** must be provided to the other parent **prior** to the planned move. This means that you must file the forms in this packet and serve the forms on the other parent **45 days before you move**. This is required so the other parent has an opportunity to respond to your request.

What is mediation?



Mediation is when you and the other parent meet with a neutral third party, called a mediator. Mediators are professionals who can help you solve past or present problems, as well as anticipate future problems. Mediators work with both parties in a dispute to help resolve the areas of disagreement or trouble. Mediation can be used to produce a written agreement about the relocation and its affects on parenting time. Free mediation services are available through the Conciliation Court. For more information, see Packet #15, *Mediation*.

Do I need to serve the papers on the other party?

Any time you file a legal document with the court, you must “serve” the other person. This is done to notify the other party about the proceedings and gives the opportunity to respond. The completed notice must be mailed by certified mail, return receipt requested or by using one of the methods described in Packet #10, *Service of Papers*. After receiving your notice, the other parent has 30 days to file a motion seeking to prevent the relocation.



Failure to provide 45 days' written notice to the other parent prior to moving may result in sanctions by the court. Sanctions can include the assignment of court costs and attorney fees and a charge of contempt.

What if I need to move sooner than 45 days?

Notice to the other parent must be given first, but if the circumstances causing the need to move are due to health, safety, employment, or eviction of you or your current spouse, you may be able to move *temporarily* with your child sooner than 45 days.



NOTE: If you and the other parent share joint legal-decision making and have substantially equal parenting time, you **cannot move** without a written agreement signed by both parents allowing the temporary relocation.

Do I still need to follow the existing parenting plan?

Yes, all parents must continue to comply with the current agreement or court orders no matter how far away the new home is located until a new agreement is reached through mediation or new orders are issued by the court.

What if the other parent and I have an agreement about relocating?

If your parenting plan or some other written agreement specifically allows or does not allow relocation, the court will follow that agreement unless it can be shown that the agreement is no longer in the child's best interests.

What will the court consider when making its decision?

Generally, unless the court finds that parenting time seriously endangers the child's physical, mental, moral, or emotional health, both parents are entitled to reasonable parenting time. If a hearing is held to decide whether you will be allowed to relocate with your child, the burden of proving what is in the child's best interests will be on you. The court will consider the following best interest factors found in A.R.S. § 25-403

1. The past, present and potential future relationship between the parent and the child.
2. 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.
3. The child's adjustment to home, school and community.
4. If the child is of suitable age and maturity, the wishes of the child as to legal decision-making and parenting time.
5. The mental and physical health of all individuals involved.
6. Which parent is more likely to allow the child frequent, meaningful and continuing

contact with the other parent. This paragraph does not apply if the court determines that a parent is acting in good faith to protect the child from witnessing an act of domestic violence or being a victim of domestic violence or child abuse.

7. Whether one parent intentionally misled the court to cause an unnecessary delay, to increase the cost of litigation or to persuade the court to give a legal decision-making or a parenting time preference to that parent.
8. Whether there has been domestic violence or child abuse pursuant to A.R.S. § 25-403.03.
9. The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding legal decision-making or parenting time.
10. Whether a parent has complied with chapter 3, article 5 of Title 25.
11. Whether either parent was convicted of an act of false reporting of child abuse or neglect under A.R.S. § 13-2907.02

The court will also consider:

1. 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.
2. The prospective advantage of the move for improving the general quality of life for the custodial parent or for the child.
3. The likelihood that the parent with whom the child will reside after the relocation will comply with parenting time orders.
4. Whether the relocation will allow a realistic opportunity for parenting time with each parent.
5. The extent to which moving or not moving will affect the emotional, physical or developmental needs of the child.
6. 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.
7. The potential effect of relocation on the child's stability.



Instructions for Completing the *Notice of Intent to Relocate Minor Child/Children*

You may type on the forms or write on them using black ink

The Caption

The Caption is the information in the upper left-hand side of the first page of each form.

- **Personal information** – Fill in your name, street address, city, state, ZIP code, and telephone number.

If you are a domestic violence victim, do not write your address on this form.

Instead, write “Protected Address” and complete the *Request for Protected Address form.*

- **Case No.** – Enter your Superior Court Number as found on the original Petition.
 - **Petitioner** – Enter the Petitioner’s name, as found on the original Petition.
 - **Respondent** – Enter the Respondent’s name, as found on the original Petition.
1. Write the name of the judge assigned to your case.
 2. Write the name of the other parent.
 3. Check the box that indicates whether you are the Petitioner or the Respondent. If you are unsure, look at the documents that were first filed in your case.
 4. Provide the date of your most recent written agreement or court order and check both boxes if both parents have been granted legal decision-making or parenting time. Check only one box to indicate if only one parent, either the petitioner or respondent, has legal decision-making or parenting time. If you are unsure which parent is the petitioner or respondent, look at the documents that were first filed in your case.
 5. Check the box to indicate that the other parent is either the petitioner or respondent again as found on your documents that were first filed in your case.
 6. Check the first box if you plan to move out of the state of Arizona and provide the new address. Check the second box if you plan to move more than 100 miles away from your current address, but will remain in the state of Arizona. Provide the new address.
 7. Sign and date the form checking the same box for Petitioner or Respondent as you did above.

Name: _____
Address: _____
City, State, ZIP: _____
Daytime Telephone _____
Representing Self, Without a Lawyer

ARIZONA SUPERIOR COURT, PIMA COUNTY

Petitioner

and

Respondent

Case No. _____

NOTICE OF INTENT TO RELOCATE MINOR CHILD/CHILDREN

ASSIGNED TO: _____

Pursuant to A.R.S. §25-408 A, 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 legal decision-making or parenting time with our
child/children.

I am giving the Petitioner Respondent forty-five (45) 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



1. **Make two (2) copies of the completed *Notice of Intent* to :**
2. **Separate the documents into 3 sets.**
 - **Set 1** goes to the clerk of the court (original)
 - **Set 2** will go to **the other party**
 - **Set 3** is **your set** of copies
3. **File the papers at the court.**
 - Take the *Notice of Intent* to the **clerk of the Superior Court**. Arrive at least one hour before the court closes.

*First Floor
Superior Court Building
110 West Congress
Tucson, AZ 85701
Open 8 am to 5 pm, Monday through Friday (except legal holidays)*

4. **Serve the court papers on the other parent**
 - After you file the papers at the court, mail the other parent's copy by certified mail, return receipt requested or use Packet #10, *Service of Papers on the Other Party* for information on other ways to deliver **Set 2** of the documents to the other party. **YOU** are responsible for serving the other parent your *Notice of Intent to Relocate*. Failure to provide the documents to the other parent may result in denial of your request, delay in the proceedings, or sanctions.
5. **Wait thirty (30) days**
 - The other parent has 30 days to respond to your notice and petition to prevent your relocation with the child. If a petition is filed by the other parent, you will need to prepare for a hearing and watch for a notice from the court designating the time and date of that hearing. See Packet #14, *Trial Preparation* for information on how to best prepare.