

L1915.13-2. Petition for Emergency Relief Due to the Custodial Parent Moving the Child(ren)Outside of the Jurisdiction

A. Where a party believes there is a clear and specific intent that the child(ren) will be moved by the other party outside the jurisdiction of the court and that such move is not in the best interests of the child(ren), that party may file a petition requesting emergency relief, in a separate pleading captioned "Petition for Emergency Relief/Removal From the Jurisdiction." The petition shall conform to requirements of Pa.R.C.P. No. 1915.15, as may be applicable, and shall state the specific basis for the allegations justifying the request for an emergency hearing.

B. Upon filing, the petitioning party or counsel must present the petition to the court administrator, who shall immediately present the petition to a judge for consideration of the allegations. If the allegations are deemed sufficient in law, a timely evidentiary hearing on the issues will be held and the judge may also order any temporary relief as may be justified pending the hearing. If the allegations are not deemed sufficient in law to justify an emergency hearing, the judge may direct that the matter proceed to an initial conference under Rule L1915.3-1; or a reconsideration request under L1915.3-2; or, if already scheduled for a pre-trial conference or trial on other issues, direct that the relocation issues be determined together with all other issues.

C. Upon entry of an emergency relief order the petition, order and notice of the hearing date shall be served on the opposing party by the petitioner in the same manner as original process. In addition to service on the opposing party, the petitioner shall make reasonable efforts to provide a copy of the documents to any attorney whom the petitioner reasonably believes may be representing the interests of the other party.