

Superior Court of Washington, County of _____

In re:

Petitioner/s (as listed on the parenting/custody order):

And Respondent/s (as listed on the parenting/
custody order):

No.

Motion for Temporary Order Preventing
Move with Children (Relocation)
(MTPM)

**Motion for Temporary Order Preventing
Move with Children (Relocation)**

To both parties:

Deadline! Your papers must be filed and served by the deadline in your county's Local Court Rules, or by the State Court Rules if there is no local rule. Court Rules and forms are located online at www.courts.wa.gov.

If you want the court to consider your side, you **must**:

- File your original documents with the Superior Court Clerk; AND
- Give the Judge/Commissioner a copy of your papers (if required by your county's Local Court Rules); AND
- Have a copy of your papers served on all other parties or their lawyers; AND
- Go to the hearing.

The court may not allow you to testify at the motion hearing. Read your county's Local Court Rules, if any.

Bring proposed orders to the hearing.

To the person filing this motion:

You must schedule a hearing on this motion. You may use the *Notice of Hearing* (form FL All Family 185) unless your county's Local Court Rules require a different form. Contact the court for scheduling information.

To the person receiving this motion:

If you do not agree with the requests in this motion, file a statement (using form FL All Family 135, Declaration) explaining why the court should not approve those requests. You may file other written proof supporting your side.

1. My name is _____.

2. I have a court order giving me a legal right to spend time with the following children:

Child's name	Age	Child's name	Age
1.		4.	
2.		5.	
3.		6.	

3. The relocating person (*name*): _____ (*check one*):

☐ plans to move with the children on (*date*): _____.

☐ has already moved with the children on (*date*): _____.

4. Objection

I have filed (or am filing with this motion) an *Objection about Moving with Children and Petition about Changing a Parenting/Custody Order (Relocation)* (form FL Relocate 721).

5. Request

I ask the Court to order the relocating person to (*check all that apply*):

☐ **not** move with the children.

☐ return the children.

Warning to the person who intends to move!

If the hearing on this motion is scheduled to be held within **15 days** of the day you are served with the *Objection about Moving*, you **must not** move with the children before the hearing unless the special circumstances described in RCW 26.09.460(3) apply.

RCW 26.09.460(3) says: "If a person intending to relocate the child is relocating to avoid a clear, immediate, and unreasonable risk to the health or safety of a person or the child, notice may be delayed for twenty-one days."

➤ Reasons for request

6. No proper notice

☐ Does not apply.

☐ I have **not** received a *Notice of Intent to Move with Children* from the relocating person.

☐ I received a *Notice of Intent to Move with Children* from the relocating person on (*date*): _____. This is late notice because I received it after the legal deadline and without good legal reasons to justify delay. (See RCW 26.09.440.)

I was substantially prejudiced by the late notice or lack of notice. (*Explain how getting late notice or no notice put you in an unfair position*):

☐ The *Notice* is improper because the children live with me most of the time and the Child Relocation Act does not apply.

7. Move happened without agreement, court order or proper notice

- ☐ Does not apply.
- ☐ The relocating person already moved with the children and:
 - I did not agree to the move;
 - There was no court order allowing the move; and
 - The relocating person did not give proper notice of the move.

8. Move unlikely to be approved

- ☐ Does not apply.
- ☐ The court is unlikely to approve the planned move at trial. My reasons for believing this are based on the factors in RCW 26.09.520 as explained in my *Objection*. The children (*check one*):
 - ☐ spend substantially equal time with each parent (45 percent or more). It is not in the children's best interests to move.
 - ☐ live with the relocating person most of the time. Even though the law presumes that the move will be allowed, I can show that the move would cause more harm to the children than good to the children and the relocating person who wants to move.
- ☐ The *Notice* is improper because the children live with me most of the time and the Relocation Act does not apply.

9. No reason to move now

- ☐ Does not apply.
- ☐ Whether or not the move will be approved at trial, the circumstances **do not** justify allowing the move before the court makes a final decision.

Explain: _____

10. Active duty military

(The **federal** Servicemembers Civil Relief Act covers:

- Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;
- National Guard or Reserve members under a call to active service for more than 30 days in a row; and
- commissioned corps of the Public Health Service and NOAA.

The **state** Service Members' Civil Relief Act covers those service members listed above who are either stationed in or residents of Washington state, and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)

- ☐ None of the other parties are covered by the state or federal Service Members' Civil Relief Acts.
- ☐ (Name): _____
is covered by the ☐ state ☐ federal Service Members' Civil Relief Act.
 - ☐ For persons covered only by the **state** act – Military duty may keep the service member or dependent from responding or coming to the hearing on this motion. I ask the court to approve temporary orders even if the covered person asks for a

stay or doesn't respond. It would be very unfair (a manifest injustice) not to make temporary orders now because: _____

11. Other information (if any)

Person filing this motion fills out below

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (*city and state*): _____ Date: _____

► _____
Person filing this motion signs here *Print name*

I agree to accept legal papers for this case at (*check one*):

- ☐ my lawyer's address, listed below.
☐ the following address (*this does **not** have to be your home address*):

street address or PO box *city* *state* *zip*

(*Optional*) email: _____

(*If this address changes before the case ends, you **must** notify all parties and the court clerk in writing. You may use the Notice of Address Change form (FL All Family 120). You must also update your Confidential Information Form (FL All Family 001) if this case involves parentage or child support.*)

Lawyer (if any) fills out below:

► _____
Lawyer signs here *Print name and WSBA No.* *Date*

Lawyer's street address or PO box *city* *state* *zip*

Email (*if applicable*): _____

Warning! Documents filed with the court are available for anyone to see unless they are sealed. Financial, medical, and confidential reports, as described in General Rule 22, **must** be sealed so they can only be seen by the court, the other party, and the lawyers in your case. Seal those documents by filing them separately, using a *Sealed* cover sheet (form FL All Family 011, 012, or 013). You may ask for an order to seal other documents.