

## **How far apart you live in custody cases**

The “proximity of the parties to each other” factor seems like a minor, relatively simple factor in child custody cases on the surface. Proximity of the parties is the distance the two parties are to each other and to the school district the child is attending. In rural areas, this factor may not effect a shared custody schedule. But in a major metropolitan area, such as Pittsburgh or Philadelphia, this factor can have a major impact.

First, it is important to note that once a custody action commences the parties are bound to abide by the Pennsylvania Relocation statute. In part, the Pennsylvania Relocation statute states “no relocation shall occur unless all parties that have custody rights to the child consents to the proposed relocation or the court approves the proposed relocation. If a party is planning a move, that party must provide a 60-day notice to all parties who have custody rights. At that time, the other party will have the opportunity to object to the relocation.

Once a custody action has commenced and the parties are relatively locked into their residential locations due to the relocation statute, the proximity of their locations can have a major effect on custody time with the child. Proximity particularly affects whether the parties can maintain a shared custody schedule. In a major metropolitan area, a relatively small distance of ten to fifteen miles could have a major impact on the parties’ ability to have a shared order. On the other hand, some parties may find a small commute such as ten or fifteen miles may be manageable for the parties and the child. In deciding an appropriate custody schedule when the parties do not live within the same school district, the preference of the parties and the ability to manage the exchange schedule may be taken into account.

For example, if the parties live in Allegheny County with one person being located in Sewickley and one person being located in McKeesport, then a weekday exchange may be very difficult as it may take over an hour to travel between these two locations. An exchange such as this could limit the child’s ability to participate in school activities or extracurricular activities. Additionally, if an exchange could happen, it may be very difficult for the child to return to school the next day from a location outside of the child's school district.

While proximity of the parties may have a large effect on the custody schedule, we can typically find a custody schedule that works best for everyone involved. Particularly, we strive to find the custody schedule that works best for the child. Proximity of the parties is another important factor to keep in mind when commencing a custody action.

*(For more information on this topic or any topic in divorce, custody, mediation, child support, collaborative law, PFA matters, alimony, or other family law matters, visit [www.Pittsburgh-Divorce-Lawyer.com](http://www.Pittsburgh-Divorce-Lawyer.com) or contact **Notaro & Associates, PC** at **412-281-1988** for a free phone consultation with an attorney. You can also schedule online by clicking [here](#).)*