

## ***County of Berks***

# **CUSTODY AGREEMENT FORM AND INSTRUCTIONS**

### **WARNING**

Custody is civil litigation and is a very serious matter. It is highly recommended that you hire an attorney to represent you in any custody action. If you would like information about hiring an attorney, please call the Berks County Bar Association Lawyer Referral Service at 610-375-4591. If you choose not to hire an attorney, you may lose rights important to you. The court will expect you to follow the rules of procedure the same as though you had an attorney representing you. You should not use the information contained in this packet as a substitute for professional legal advice.

#### **Disclaimer**

Court staff is not able to give you legal advice or help you fill out/complete these forms. The information in this packet is not a substitute for professional legal advice. The Court, the Berks County Bar Association and the Task Force for Self-Represented Litigants assume no responsibility and accept no liability for actions taken by users of these documents, including reliance on their contents.

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## I. General Information

### A. Introduction

This packet of information has been created by members of the Berks County Bar Association. These materials are intended to assist individuals involved in a custody action by providing general information and legal forms. IT IS HIGHLY RECOMMENDED THAT YOU HIRE AN ATTORNEY TO REPRESENT YOU IN ANY CUSTODY ACTION. The information contained in this packet is not to be used as a substitute for professional legal advice. Even if you do not hire an attorney to begin your custody action, you can change your mind and choose to hire an attorney at any time. If you need help finding an attorney, you can contact the Berks County Bar Association Lawyer Referral Service by calling 610-375-4591.

### B. Legal Definitions

There are two forms of custody: Legal Custody and Physical Custody

1. Legal Custody is the right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions. Legal Custody can be shared or can be solely with one person.
2. Physical Custody is when a person has actual physical possession and control of a child.

There are different types of physical custody, which include:

- a. Partial Physical Custody: The right to assume physical custody of the child for less than the majority of the time.
- b. Primary Physical Custody: The right to assume physical custody of the child for the majority of the time.
- c. Shared Physical Custody: The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.
- d. Sole Physical Custody: The right of one individual to exclusive physical custody of the child.
- e. Supervised Physical Custody: Custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.

Further information about custody law can be found in the Pennsylvania statutes (Purdon's) at 23 Pa.C.S.A. Sections 5321 to 5340.

### C. Rules of Court

A copy of the Berks County Local Rules of Civil Procedure and the Pennsylvania Rules of Civil Procedure can be obtained from the law library located on the 10th Floor of the Courthouse or on the Court's website, [www.co.berks.pa.us](http://www.co.berks.pa.us) . The rules of court applicable to custody cases include Berks County Rules of Civil Procedure (B.R.C.P.) 212.2 and 1915.1 through 1915.33 and Pennsylvania Rules of Civil Procedure (Pa. R.C.P.) 1915.1 through 1915.25 and 1930.1 through 1940.9.

### D. Basic Procedure

This packet contains forms and instructions on how to file a custody order (agreement). Custody orders can be filed at the same time that the original custody complaint is being filed, at a later time to resolve a case that is still pending, or after a final order has been entered to modify or change the custody arrangements. If you need to start a custody case you may want to get the Custody Order packet.

**There are separate packets for Custody Orders, Modification of a Custody Order, Custody Exceptions, Praecipe to Withdraw/Discontinue, Enforcing a Custody Order (Contempt), Emergency Petition for Custody and Custody Relocation.**

## **II. Instructions**

If you have not already done so, prior to beginning this Section, please detach the Forms at the end of this packet. Please note that the Forms at the end of the packet are in the same order as these instructions. You **MUST** use both Forms 1 and 2.)

- A. Instructions for Completing the Custody Order (FORM 1)
- B. Instructions for Completing the Certificate of Addresses (FORM 2)

### **A. Instructions for Completing the Custody Order – (FORM 1)**

A Custody Order by agreement is used to specify what custody arrangement the parties have agreed to and make it into a formal Order of Court by having it signed by a Judge. The parties can then use this document to remind themselves what the arrangements are and to enforce the order if the other party is not abiding by the terms of the agreement.

The attached form contains the more common, standard custody provisions. Your custody agreement may include all of these provisions, some of these provisions or other provisions that are not included in the form, but can be added.

An Addendum Page has been added at the end of the form if additional space is needed for any of the provisions.

Neatly print or type the following information:

#### **Caption:**

- Neatly print or type the name of the person or persons who originally filed or is filing the custody complaint above the word “Plaintiff(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Neatly print or type the name of the person or persons who the original complaint was filed or is being filed against above the word “Defendant(s)” (this may be you or the other Party – look at your Custody Complaint or existing Custody Order to be sure).
- Fill in the Docket number next to “No.” on the right side of the caption – look at the custody complaint that was filed or your existing Custody Order to get this number. If you are filing this agreement with a new custody complaint, leave this blank and a number will be assigned by the Prothonotary’s Office.

#### **Introductory Paragraph:**

- Leave the date blank. The Judge will fill this in when they sign the Custody Order.
- Put the name of the Plaintiff on the first line above “Plaintiff’s Name”.

- Put that party's relationship to the child(ren) on the line above "Relationship to Child(ren)".
- Put the name of the Defendant on the next line above "Defendant's Name".
- Put that party's relationship to the child(ren) on the next line above "Relationship to Child(ren)".
- If you have more than one Plaintiff or Defendant, add additional names and relationships as needed. If you need additional space, put "See Addendum Page" below the Plaintiff's name and relationship, Defendant's name and relationship, or both. Add the additional names and relationships on the addendum page (instructions are below).
- Put the names of each child on the line above "Name of Child".
- Put each child's date of birth on the line above "Date of Birth" next to their name.
- If there are more than six (6) children, put "See Addendum Page" below the sixth's child's name and date of birth. Add the additional names and dates of birth on the addendum page (instructions are below).

### Section 1 **Legal Custody**

Legal custody specifies who has the right to make major decisions affecting the best interest of the child(ren) (See page 3 of this packet for a more complete definition).

- Circle "Mother and Father (Shared)" if the parties agree to shared legal custody; otherwise, circle "Mother Only", "Father Only" or "Other". If you circle "Other" indicate who has legal custody on the line after "Specify if Other" by putting their name(s) and relationship(s) to the child(ren).
- If you need additional space, put "See Addendum Page" below the name and relationship. Add the additional names and relationships on the addendum page (instructions are below).

### Section 2 **Physical Custody**

Physical custody specifies who has actual physical possession and control of the child(ren).

#### **A. Primary Physical Custody**

- A. Circle "Mother and Father (Shared)" if the parties agree to shared physical custody – the child(ren) will live equally or almost equally with both Mother and Father; circle "Mother" if it is agreed that Mother should have primary physical custody - the child(ren) live mostly with Mother; circle "Father" if it is agreed that Father should have primary physical custody - the child(ren) live mostly with Father; or circle "Other" if an arrangement other than one of these three has been agreed to. If you circle "Other" indicate which party or parties have primary physical custody on the line after "Specify if Other" by putting their name(s) and relationship(s) to the child(ren). If you don't circle "Other", leave this line blank.

- A. If you circled “Mother and Father (Shared)”, describe in detail what the physical custody arrangement is on the lines provided. [As an example, Mother and Father shall equally share custody switching custody every (day of the week) at (time) beginning with (Mother or Father) having custody on (insert date)]. If more space is needed, print or type “See Addendum Page” and complete the description of the arrangement on the addendum page (instructions are below). If you did not circle “Mother and Father (Shared)”, print or type “not applicable” on the lines provided – meaning that this section does not apply.

## **B. Partial Physical Custody**

- B. If you circled anything other than “Mother and Father (Shared)” in 2(A), complete section B. Circle “Mother”, “Father”, or “Other” to indicate which party has partial physical custody – the person who has physical possession of the child, but the child lives with someone else more than 50% of the time. If you circle “Other”, indicate which party or parties have partial physical custody on the line after “Specify if Other” by putting their name(s) and relationship(s) to the child(ren).
- B(1). Circle “every” or “every other” to indicate whether the weekend custody is every weekend or every other weekend. Put the day of the week the weekend custody begins on the first line above “Day of the week”. Put the time that the weekend custody begins on the first line above “Time”. Indicate if that time is AM or PM by putting an “A” or a “P” on the first line above “A/P”. Put the day of the week the weekend custody ends on the line above the second “Day of the week”. Put the time that the weekend custody ends on the line above the second “Time”. Indicate if that time is AM or PM by putting an “A” or a “P” on the line above the second “A/P”. If there is no weekend custody, leave this section blank.
- B(2). Circle “every” or “every other” to indicate whether the weekday custody is that day every week or every other week. Put the day of the week on the line above “Day of the week”. Put the time that the weekday custody begins on the first line above “Time”. Indicate if that time is AM or PM by putting an “A” or a “P” on the first line above “A/P”. Put the time that the weekday custody ends on the line above the second “Time”. Indicate if that time is AM or PM by putting an “A” or a “P” on the line above the second “A/P”. Put the date (month, day and year) that this weekday custody should begin on the line above “Date”. If there is no weekday custody, leave this section blank.
- B(3). If you have agreed to any other partial custody not already mentioned above, neatly and completely add those arrangements here after “Other”. If more space is needed, print or type “See Addendum Page” and complete the description of the arrangement on the addendum page (instructions are below). If there are no other arrangements, leave this section blank.

### **C. Supervised Physical Custody**

- C. If a party has supervised physical custody, put the name(s) of that person(s) and their relationship(s) to the child(ren) on the line above “Name(s) and Relationship(s) to Child(ren)”. Please specify clearly all the details of the supervised physical custody on the lines provided. If more space is needed, print or type “See Addendum Page” and complete the description of the arrangement on the addendum page (instructions are below). If there is no supervised physical custody arrangement, leave this section blank.

### **D. Holidays**

- D(1) Circle “Mother” or “Father” to indicate who has custody of the child(ren) for the next upcoming Holiday. Indicate the name of that holiday on the line above “Name of Holiday”. Indicate what year this begins on the line above “Year”. Put the time that custody for all of the alternating holidays begins on the first line above “Time”. Indicate if that time is AM or PM by putting an “A” or a “P” on the first line above “A/P”. Put the time that custody for all of the alternating holidays ends on the line above the second “Time”. Indicate if that time is AM or PM by putting an “A” or a “P” on the line above the second “A/P”. If you do not have an agreement for alternating holidays, leave this section blank.
- D(2) Circle “Even” or “Odd” to indicate whether Mother has the child(ren) for the period from Christmas Eve to Christmas Day in even or odd numbered years. Circle the opposite “Even” or “Odd” to indicate whether Father has the child(ren) for the period from Christmas Eve to Christmas Day in even or odd numbered years. One must be “even” and the other must be “odd”. If this provision does not apply, don’t circle anything.
- D(3) Put the time that custody for Mother’s Day begins on the first line above “Time”. Indicate if that time is AM or PM by putting an “A” or a “P” on the first line above “A/P”. Put the time that custody for Mother’s Day ends on the line above the second “Time”. Indicate if that time is AM or PM by putting an “A” or a “P” on the line above the second “A/P”. If you do not have an agreement for Mother to have custody on Mother’s Day, leave this section blank.
- D(4) Put the time that custody for Father’s Day begins on the first line above “Time”. Indicate if that time is AM or PM by putting an “A” or a “P” on the first line above “A/P”. Put the time that custody for Father’s Day ends on the line above the second “Time”. Indicate if that time is AM or PM by putting an “A” or a “P” on the line above the second “A/P”. If you do not have an agreement for Father to have custody on Father’s Day, leave this section blank.
- D(5) If you have agreed to any other holiday custody arrangements not already mentioned above, neatly and completely add those arrangements here after “Other”. If more space is needed, print or type “See Addendum Page” and

complete the description of the arrangement on the addendum page (instructions are below). If there are no other holiday arrangements, leave this section blank.

#### **E. Vacations**

- E. Circle “one” or “two” to indicate whether you have agreed to one or two weeks vacation with the child(ren) each year. If you circled two weeks, Circle “consecutive” or “non-consecutive” to indicate whether those weeks can be 2 weeks in a row (consecutive) or whether they must be taken at two separate times with at least one week in between. If you only circled one week at the beginning of this paragraph, don’t circle either “consecutive” or “non-consecutive” because it won’t be applicable. If you do not agree that there be any vacation time, don’t circle anything in this paragraph.

#### **F. Other**

- F. If you have agreed to any other custody arrangements not already mentioned above, neatly and completely add those arrangements here after “Other”. If more space is needed, print or type “See Addendum Page” and complete the description of the arrangement on the addendum page (instructions are below). If there are no other arrangements, leave this section blank.
- G. This provision allows the parties to have flexibility to agree on changes to the custody schedule. All such changes are based on the mutual agreement of both parties. Nothing needs to be done here.

### **Section 3 Transportation**

If you have agreed to arrangements regarding who transports the child(ren) for custody exchanges or who pays for the transportation, neatly and completely state those arrangements on the lines provided in this section. If more space is needed, print or type “See Addendum Page” and complete the description of the arrangement on the addendum page (instructions are below). If there are no transportation arrangements, leave this section blank.

### **Section 4 Additional Provisions**

If you have agreed to any other provisions not already mentioned above, neatly and completely add those provisions on the lines provided in this section. Some additional provisions may include reasonable telephone contact while the child(ren) are with the other party; a restriction on removing the child(ren) from the Commonwealth of Pennsylvania or from the United States; a right of first refusal if one party cannot be with the child(ren) during their custodial time; an agreement to use mediation if there are future disagreements about the custody arrangements; provisions restricting drug or alcohol usage; etc. If you add any provisions, provide enough detail so that the provision can be understood and enforced. If more space is needed, print or type “See Addendum Page” and complete the description of the

provisions on the addendum page (instructions are below). If there are no other provisions, leave this section blank.

### Section 5 **Appendixes**

**Appendix A** contains rules of conduct that generally apply to most custody arrangements. Appendix A should be attached to all custody Orders except those where one party has sole legal and primary physical custody.

**Appendix B** which has the relocation rules should only be attached if Judge James M. Bucci is the assigned Judge.

**Appendix C** which explains joint/shared custody should only be attached if Judge James M. Bucci is the assigned Judge.

Circle “is” or “is not” to indicate if the parties agree that Appendix A will be attached and made part of the order. You **MUST** circle one of the options.

Circle “are” or “are not” to indicate if the parties agree that Appendixes B and C will be attached and made part of the order. You **MUST** circle one of the options.

### Section 6 **Jurisdiction**

The statement in this part of the Order means that the Court in Berks County, PA shall continue to be the location where changes to the custody order or violations are handled in the future. Nothing needs to be done in this section.

### Section 7 **Final Order**

The statement in this part of the Order means that this order is final and once it is signed by a Judge, the Order that you are agreeing to will remain the custody arrangement that all parties to the Order are required to follow unless a new Order is signed by a Judge at some time in the future. If you want to make changes to this agreement after it is signed by the Judge, you should file a new written agreement detailing the changes with the Prothonotary’s Office so that it can become a new Order, or file a Petition to Modify custody if all parties do not agree. Oral (verbal) modifications may not be enforceable should any of the parties not follow them. Nothing needs to be done in this section.

### Section 8 **Acknowledgement**

The statement in this part of the Order means that by signing the Order, you are agreeing that you have a copy of the Order and that you are agreeing to all of the arrangements detailed in the Order. Nothing needs to be done in this section.

## Section 9 Relocation Notice

The statement in this part of the Order puts all parties on notice that timely action must be taken before they can choose to relocate. Nothing needs to be done in this section.

## Section 10 Addendum

Circle "is" or "is not" to indicate whether an Addendum Page has been added to the Order. An Addendum Page should only be added if the information in any of the parts of the Order did not fit in the space provided and additional space was needed. You **MUST** circle one of the options.

## Signatures

- The person who originally filed the custody case should sign their name on the line above "Plaintiff's Signature". That person should then put the date that they signed the Custody Order on the line to the right of "Date".
- The person who the original custody case was filed against should sign their name on the line above "Defendant's Signature". That person should then put the date that they signed the Custody Order on the line to the right of the "Date".
- The Judge will sign on the line below "BY THE COURT" after you give this Custody Order to the Prothonotary's Office.

## Addendum Page

- Write the name(s) of the Plaintiff's on the line to the right of "Plaintiff(s)".
- Write the name(s) of the Defendant's on the line to the right of "Defendant(s)".
- Use the lines provided on this page if the information in any of the parts of the Order did not fit in the space provided and additional space is needed. Identify the number and letter of the part of the Order you are adding additional information to first, and then add the additional information. If you are adding information on the Addendum page for more than one part of the Order go in order starting at the beginning. If you want to add a part or section that is not included in the Order, you can indicate them on this page. Make sure to clearly identify all of the parts by number and letter. You can create new parts or sections as needed and give those parts or sections, a new number and letter. If no additional space is needed for the Order, leave this page blank and do not include it.

## Appendixes to Order

The information contained in the appendixes is standard. Nothing needs to be done with any of the Appendixes other than attaching one or more of them to the Custody Order.

### **C. Instructions for Completing the Certificate of Addresses – (FORM 2)**

#### Certificate of Addresses (Form 2)

When you file a Custody Order, you must provide the Prothonotary's Office with a document listing the correct addresses of all the parties so that they can mail the documents to all of the parties after the Judge signs the Order – Form 1.

- Put the name of the person who originally filed the custody case above "Plaintiff(s)" (the person filing the Custody Order can be either the Plaintiff or the Defendant).
- Put the name of the person(s) who the custody complaint was originally filed against above "Defendant(s)".
- Put the Docket number for your custody case next to "No." (you can find the Docket number on your original Custody Complaint or on your existing Custody Order).
- Put the name(s) and address(es) of all the Plaintiff(s) to the right of "Atty. for Plaintiff:" If the party is acting as their own attorney and representing themselves, put a comma and the words "Pro se" after that parties name.
- Put the name(s) and address(es) of all the Defendant(s) to the right of "Atty. for Defendant:" If the party is acting as their own attorney and representing themselves, put a comma and the words "Pro se" after that parties name.
- Sign your name on the line above "Signature".
- File this Form along with Form 1 in the Prothonotary's Office.

### **III. Forms**

- A. Custody Order (Form 1)
- B. Certificate of Addresses (Form 2)

PLEASE DETACH THE FOLLOWING FORMS AND FILL IN THE FORMS WHILE GOING THROUGH THE INSTRUCTIONS.

PLEASE NOTE THAT YOU DO NEED TO FILL IN AND USE BOTH FORM 1 (only the applicable pages) and FORM 2.

Plaintiff(s) : IN THE COURT OF COMMON PLEAS  
 : OF BERKS COUNTY, PENNSYLVANIA  
 : CIVIL ACTION – LAW  
 vs. : CHILD CUSTODY  
 : No.  
 Defendant(s) :  
 : Assigned to: \_\_\_\_\_, J.

**CUSTODY ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, it is hereby

ORDERED and DECREED that the custody arrangement between \_\_\_\_\_, Plaintiff's Name  
 \_\_\_\_\_ and \_\_\_\_\_, Defendant's Name, \_\_\_\_\_ for the  
 Relationship to Child(ren) Relationship to Child(ren)

following children:

_____	_____
Name of Child	Date of Birth
_____	_____
Name of Child	Date of Birth
_____	_____
Name of Child	Date of Birth
_____	_____
Name of Child	Date of Birth
_____	_____
Name of Child	Date of Birth
_____	_____
Name of Child	Date of Birth

shall be as follows:

1. **Legal Custody** shall be: Mother and Father (Shared) / Mother Only / Father Only / Other

[CIRCLE ONE]

(Specify if Other) \_\_\_\_\_  
 Name(s) and Relationship(s) to Child(ren)

2. **Physical Custody** shall be:

A. **Primary Physical Custody:** Mother and Father (Shared) / Mother / Father / Other

[CIRCLE ONE]

(Specify if Other) \_\_\_\_\_  
 Name(s) and Relationship(s) to Child(ren)

If shared, the custody schedule shall be as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Partial physical custody: Mother / Father / Other [CIRCLE ONE]**

(Specify if Other) \_\_\_\_\_  
Name(s) and Relationship(s) to Child(ren)

1) Every / Every other [CIRCLE ONE] weekend from \_\_\_\_\_  
Day of the week  
at \_\_\_\_\_ .M. to \_\_\_\_\_ at \_\_\_\_\_ . M.  
Time (A / P) Day of the week Time (A / P)

2) Weekdays (every / every other) [CIRCLE ONE] \_\_\_\_\_ from  
Day of the week  
\_\_\_\_\_ .M. to \_\_\_\_\_ . M. beginning on \_\_\_\_\_  
Time (A / P) Time (A / P) Date

3) Other \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Supervised Physical Custody** between the child(ren) and \_\_\_\_\_  
Name(s) and relationship(s) to child(ren)

shall occur as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



E. **Vacations:** The parties shall have the right to one / two [**CIRCLE ONE**] consecutive / non-consecutive [**CIRCLE ONE**] week(s) of vacation each year with the child(ren). Each party must provide the other party with at least thirty (30) days written notice of their choice of week(s). Mother's choice of week(s) shall take priority in even numbered years and Father's choice of week(s) shall take priority in odd numbered years. Each party shall give the other an itinerary to include the address and telephone number of the vacation location.

F. **Other:** The following additional custody arrangements are agreed to:

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G. At other times as the parties may from time to time agree.

3. **Transportation:**

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4. **Additional provisions:**

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5. Appendix A is / is not [**CIRCLE ONE**] attached and made a part of this Order.  
Appendixes B and C are / are not [**CIRCLE ONE**] attached and made a part of this Order.
6. The Berks County Court of Common Pleas shall retain jurisdiction over this matter.
7. This Order shall be a Final Order and shall remain in effect until further Order of this Court. All modifications to this Order must be in writing to be enforceable.
8. The parties agree to this Order and acknowledge that they have received a copy of this order.
9. The parties are aware that if one of them is planning to relocate with the child(ren) and the relocation will significantly impair any other party's exercise of their custodial rights, that they are obligated to provide a detailed notice and counter-affidavit by certified mail, return receipt requested to all individuals who have custody rights to the child(ren) at least 60 days in advance of the proposed relocation in compliance with 23 Pa. C.S.A. Section 5337.
10. An Addendum Page is / is not [**CIRCLE ONE**] attached and made a part of this Order.

Plaintiff 's Signature	Date
Defendant 's Signature	Date

**BY THE COURT:**

\_\_\_\_\_  
J.



## APPENDIX A TO CUSTODY ORDER

Certain rules of conduct which generally apply to custody matters are set forth below and are binding on all parties. Violation of any of these rules could become the subject of contempt proceedings before this Court, or could be grounds for modification of this Order. Custody orders are civil court orders and are not enforceable by police or other law enforcement. The word "child" is used below, but these rules apply to all the children in the Order. If any of these general rules conflict with any specific provisions of the Order, the Order shall control.

1. In addition to the rights in the Order, all parties shall also have the following rights with respect to the child:

A. The right to reasonable telephone contact with the child when they are in the other party's custody.

*B. The right to be fully informed concerning the progress of the child in school and the child's medical status, including the right to obtain information directly from the child's school or medical practitioner.*

*C. The right to be informed in advance before any important decision is made concerning the child and the opportunity to participate in those decisions.*

2. In the event of any serious illness of the child at any time, the party then having custody of the child shall immediately communicate with the other parties by telephone or by any other means, informing the other parties as to the nature of such illness. During such illness, each party shall have the right to visit the child as he or she desires consistent with the proper medical care of the child.

3. None of the parties shall alienate or permit an attempt by anyone else to alienate the child from the other parties. While in the presence of the child none of the parties shall make any remarks or do anything which is derogatory or uncomplimentary to the other parties and it shall be the duty of each party to uphold the other parties as ones the child should respect and love.

4. Both parties shall provide each other with the addresses and telephone numbers of where they will be staying anytime they take a trip with the child out of the jurisdiction of Berks County in excess of three (3) days.

5. The parties shall not conduct arguments or heated conversation in the presence of the child or when the child can overhear the argument.

6. The parties shall at all times consider the child's best interests, and act accordingly. It is in a child's best interest for the parties to understand that the child is trying desperately to cope with the fact of his or her parents' separation, and needs help in loving both parents and any other involved parties.

7. Neither party shall question the child as to the personal life of any other party except insofar as necessary to insure the personal safety of the child. By this we mean that the child will not be used as a spy on any other party. It is harmful to a child to be put in the role of spy.

8. The parties should remember that they cannot teach the child proper moral conduct if that party is indulging in improper conduct. Children are quick to recognize hypocrisy, and the party who maintains a double standard will lose the respect of the child.

9. Weekend and evening custody shall be subject to the following general rules:

A. Arrangements should be worked out beforehand between the parties without forcing the child to make choices and run the risk of displeasure. However, the child shall be consulted as to their schedules when appropriate.

B. Custodial rights shall be exercised at reasonable hours and under circumstances reasonably acceptable to the other parties and to the needs and desires of the child.

C. If a party finds himself or herself unable to pick up or drop off the child at the designated or agreed to time, he or she should give immediate notice to the other parties to avoid subjecting the child to unnecessary worry or failed expectations.

D. The party having custody of the child should prepare them both physically and mentally for the transfer of custody to another party and should have them available at the time and place designated in the Order or mutually agreed upon.

E. If any party or the child has plans which conflict with their scheduled custodial time and they wish to change their custodial time, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and the parties should be flexible for the sake of the child.

F. If a party shows up to begin their custodial time with the child and the party is under the influence of alcohol or drugs, the custodial time may be considered forfeited on those grounds alone.

10. If any party feels that another party has violated this Order, they may petition the Court as set forth in Pa.R.C.P. 1915.12.

## APPENDIX B

Any Party to this action shall comply with the Provisions of 23 Pa. C.S.A. §5337 pertaining to a change in the residence as follows:

General Rule – No relocation shall occur unless:

- (1) every individual who has custody rights to the child consents to the proposed relocation; or
- (2) the court approves the proposed relocation.

(c) Notice.—

(1) The party proposing the relocation shall notify every other individual who has custody rights to the child.

(2) Notice, sent by certified mail, return receipt requested, shall be given no later than:

(i) the 60<sup>th</sup> day before the date of the proposed relocation, or

(ii) the 10<sup>th</sup> day after the date that the individual knows of the relocation, if:

(A) the individual did not know and could not reasonably have known of the relocation in sufficient time to comply with the 60-day notice; and

(B) it is not reasonably possible to delay the date of relocation so as to comply with the 60-day notice.

(3) Except as provided by section 5336 (relating to access to records and information), the following information, if available, must be included with the notice of the proposed relocation:

(i) The address of the intended new residence.

(ii) The mailing address, if not the same as the address of the intended new residence.

(iii) Names and ages of the individuals in the new residence, including individuals who intend to live in the new residence.

(iv) The home telephone number of the intended new residence, if available.

(v) The name of the new school district and school.

(vi) The date of the proposed relocation.

- (vii) The reasons for the proposed relocation.
- (viii) A proposal for a revised custody schedule.
- (ix) Any other information which the party proposing the relocation deems appropriate.
- (x) A counter-affidavit as provided under subsection (d)(1) which can be used to object to the proposed relocation and the modification of a custody order.
- (xi) A warning to the nonrelocating party that if the nonrelocating party does not file with the court an objection to the proposed relocation within 30 days after receipt of the notice, that party shall be foreclosed from objecting to the relocation.

(4) If any of the information set forth in paragraph (3) is not known when the notice is sent but is later made known to the party proposing the relocation, then that party shall promptly inform every individual who received notice under this subsection.

(d) Objection to proposed relocation.—

(1) A party entitled to receive notice may file with the court an objection to the proposed relocation and seek a temporary or permanent order to prevent the relocating. The nonrelocating party shall have the opportunity to indicate whether he objects to relocation or not and whether he objects to modification of the custody order or not. If the party objects to either relocation or modification of the custody order, a hearing shall be held as provided in subsection (g)(1). The objection shall be made by completing and returning to the court a counter-affidavit in substantially the same form:

This proposal of relocation involves the following child/children:

Child's Name	Age	Currently residing at:
Child's Name	Age	Currently residing at:
Child's Name	Age	Currently residing at:

I have received a notice of proposed relocation and

1. \_\_\_ I do not object to the relocation and I do not object to the modification of the custody order consistent with the proposal for revised custody schedule as attached to the notice.
2. \_\_\_ I do not object to the relocation, but I do object to modification of the custody order, and I request that a hearing be scheduled:

- a. \_\_\_ Prior to allowing (name of child/children) to relocate.
- b. \_\_\_ After the child/children relocate.

3. \_\_\_ I do object to the relocation and I do object to the modification of the custody order, and I further request that a hearing be held on both matters prior to the relocation taking place.

I understand that in addition to checking (2) or (3) above, I must also file this notice with the court in writing and serve it on the other party by certified mail, return receipt requested. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I shall be foreclosed from objecting to the relocation.

## **Appendix C**

### **EXPLANATION OF JOINT/SHARED CUSTODY**

Legal custody of the child/children shall be shared by the parties. This means that each party shall have an equal right, to be exercised jointly with the other party, to make all major non-emergency decisions affecting the child/children's general welfare including, but not limited to, all decisions regarding the child/children's health, education and religion, and/or social and moral development. All parties shall be entitled to full participation in all educational and medical/treatment appointments, evaluations and/or medical tests with regard to the minor child/children.

Each party shall be entitled to and have access to all records, documents and information pertaining to the child/children including, but not limited to, medical, dental, religious and school records, birth certificates and other governmental records. To the extent that one party has possession of any such records, documents or information, that party shall be required to share the same, or copies thereof, with the other party within such reasonable time as to make the records and information of reasonable use to the other party (for example, school notices shall be given in advance of the activity about which the notice is written).

Each party shall be entitled to receive copies of any notices that come from the child/children's school with regard to school pictures, extracurricular activities, children's parties, musical/theatrical presentations, orientation sessions, parent-teacher conferences and the like.

A copy of the Custody Order and this Appendix shall be deemed sufficient authorization for release of any records pertaining to the child/children requested by either party.

Plaintiff(s) : IN THE COURT OF COMMON PLEAS  
: OF BERKS COUNTY, PENNSYLVANIA  
: CIVIL ACTION – LAW  
vs. : CHILD CUSTODY  
: No.  
: .  
Defendant(s) : Assigned to: , J.

**CERTIFICATE OF ADDRESSES**

Pursuant to B.R.C.P. 207.1(f) (4), I hereby certify that the following are the parties to be served with copies of the accompanying Custody Order and that these are their addresses to the best of my knowledge, information and belief:

Atty. for Plaintiff:

Atty. for Defendant:

\_\_\_\_\_  
(Signature)