

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

\*\*\*\*\*

You, \_\_\_\_\_, defendant/respondent have been sued in Court to obtain/modify custody, partial custody or supervised physical custody of the minor child(ren) named in the attached Complaint/Petition. If you fail to appear as provided by this Order, an order for custody may be entered against you or the court may issue a warrant for your arrest. If you need an interpreter, please contact the Family Court at 610-478-6208 ext. 5770 (Si necesita un Interprete, por favor llame al Tribunal de Familia al 610-478-6208 ext. 5770).

**PLEASE CAREFULLY READ THE IMPORTANT NOTICES BELOW**

**YOU MUST FILE** a verification with the court regarding any criminal record or abuse history regarding you or anyone living in your household on or before the initial in-person contact with the court including judges and custody conciliators, but not later than 30 days after service of the complaint or petition. **A copy of the verification form is attached.**

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

**SCHEDULING ORDER**

1. All parties shall attend and complete the **“CHILDREN IN THE MIDDLE” PROGRAM**, unless otherwise indicated below. **Contact Family Guidance within three (3) days of receiving this Scheduling Order** to schedule a time to complete the program (see contact information below). **IF YOU FAIL TO COMPLY WITH THIS PROVISION OF THE ORDER, CONTEMPT CHARGES MAY BE FILED AGAINST YOU WITH THE COURT.**

**Plaintiff(s) – MUST ATTEND**

**Defendant(s) - MUST ATTEND**

**CHILDREN IN THE MIDDLE PROGRAM**

**The Family Guidance Center  
1105 Berkshire Blvd., Suite 110,  
Wyomissing, PA 19610  
Phone: 610-374-4963**

This class to make you more aware of what children go through when their family is separated is required for all parties in a Custody action. Each party attends the class separately. You must each pay the required fee directly to the Family Guidance Center when you register for the class.

**NOTE:** Once this Scheduling Order is signed, all parties are required to attend the Children in the Middle Program as ordered, even if an agreement is submitted later.

2. All parties shall attend **CUSTODY CONCILIATION** on:

LOCATED AT: **Family Court Custody Office**  
Berks County Services Center, 7th Floor  
633 Court Street, Reading, PA 19601, Phone: 610-478-6208 ext. 5770

Custody Conciliation is a conference held before a Hearing Officer, who may enter a Recommended Order. The recommendation may also include proposed sanctions if any of the fees are not paid by the parties.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**LAWYER REFERRAL SERVICE OF THE BERKS COUNTY BAR ASSOCIATION**  
544 Court Street  
Reading, Pennsylvania 19601  
(610) 375-4591

If you are incarcerated, you have the right to file a writ of habeas corpus ad testificandum to enable you to participate in the proceedings.

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Berks County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office at (610) 478-6208 ext. 5770. All arrangements must be made at least 72 hours prior to any business before the Court.

**You must attend:** 1) the Children in the Middle Program and 2) the Custody Conciliation Conference all as indicated above.

**BY THE COURT:**

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

DATE : \_\_\_\_\_



## **NOTICE OF CUSTODY FACTORS**

You have been sued in Court, or have filed suit in Court, to obtain/modify custody, partial custody or supervised physical custody of minor child(ren).

**PLEASE CAREFULLY READ THE IMPORTANT STATUTORY FACTORS BELOW.** These factors are what the Court is required to consider and weigh in making custodial decisions. It is critical that you understand and present these factors to the Court when litigating your case.

### **§ 5328. Factors to consider when awarding custody.**

**(a) Factors.**--In ordering any form of custody, the court shall determine the best interest of the child by considering all relevant factors, giving substantial weighted consideration to the factors specified under paragraphs (1), (2), (2.1) and (2.2) which affect the safety of the child, including the following:

(1) Which party is more likely to ensure the safety of the child.

(2) The present and past abuse committed by a party or member of the party's household, which may include past or current protection from abuse or sexual violence protection orders where there has been a finding of abuse.

(2.1) The information set forth in section 5329.1(a) (relating to consideration of child abuse and involvement with protective services).

(2.2) Violent or assaultive behavior committed by a party.

(2.3) The level of cooperation and conflict between the parties, including:

(i) which party is more likely to encourage and permit frequent and continuing contact between the child and the other party or parties if contact is consistent with the safety needs of the child; and

(ii) the attempts by a party to turn the child against the other party, except in cases of abuse where reasonable safety measures are necessary to protect the safety of the child. A party's good faith and reasonable effort to protect the safety of a child or self shall not be considered evidence of unwillingness or inability to cooperate with the other party. A party's reasonable concerns for the safety of the child and the party's reasonable efforts to protect the child shall not be considered attempts to turn the child against the other party. A child's deficient or negative relationship with a party shall not be presumed to be caused by the other party.

(3) A willingness and ability of a party to prioritize the needs of the child by providing appropriate care, stability and continuity for the child, considering the parental duties performed by the party on behalf of the child in the past and whether the party is willing and able to perform the duties in the future, and attend to the daily physical, emotional, developmental, educational and special needs of the child.

(4) The need for stability and continuity in the child's education, family life and community life, except if changes are necessary to protect the safety of the child or a party.

(5) (Deleted by amendment).

(6) The child's sibling and other familial relationships.

(7) The well-reasoned preference of the child, based on the child's developmental stage, maturity and judgment.

(8) (Deleted by amendment).

(9) (Deleted by amendment).

(10) (Deleted by amendment).

(11) The proximity of the residences of the parties.

(12) Each party's employment schedule and availability to care for the child or ability to make appropriate child-care arrangements.

(13) (Deleted by amendment).

(14) The history of drug or alcohol abuse of a party or member of a party's household.

(15) The mental and physical condition of a party or member of a party's household.

(16) Any other relevant factor.

**(a.1) Exception.**--A factor under subsection (a) shall not be adversely weighed against a party if the circumstances related to the factor were in response to abuse or necessary to protect the child or the abused party from harm and the party alleging abuse does not pose a risk to the safety of the child at the time of the custody hearing. Temporary housing instability as a result of abuse shall not be considered against the party alleging abuse.

**(a.2) Determination.**--No single factor under subsection (a) shall by itself be determinative in the awarding of custody. The court shall examine the totality of the circumstances, giving weighted consideration to the factors that affect the safety of the child, when issuing a custody order that is in the best interest of the child.

**(b) Gender neutral.**--In making a determination under subsection (a), no party shall receive preference based upon gender in any award granted under this chapter.

**(c) Grandparents and great-grandparents.--**

(1) In ordering partial physical custody or supervised physical custody to a party who has standing under section 5325(1) or (2) (relating to standing for partial physical custody and supervised physical custody), the court shall consider the following:

- (i) the amount of personal contact between the child and the party prior to the filing of the action;
- (ii) whether the award interferes with any parent-child relationship; and
- (iii) whether the award is in the best interest of the child.


(2) In ordering partial physical custody or supervised physical custody to a parent's parent or grandparent who has standing under section 5325(3), the court shall consider whether the award:

- (i) interferes with any parent-child relationship; and
- (ii) is in the best interest of the child.

**(d) List of custody factors.**--Within 30 days of the receipt of a custody complaint, petition for the modification of custody or petition to intervene in matters relating to custody, the court shall provide all parties named in the complaint or petition with a copy of this section.

**BY THE COURT:**

DATE: \_\_\_\_\_



\_\_\_\_\_  
Catherine J. Nadirov, Esquire  
Family Court Administrator