

CUSTODY STIPULATION & AGREEMENT – ONE CHILD

USE THESE INSTRUCTIONS AND FORMS WHEN YOU AND THE OTHER PARTY HAVE A CUSTODY AGREEMENT AND WANT THE COURTS TO ENTER YOUR AGREEMENT AS AN ORDER OF COURT.

You must both initial and sign all necessary forms prior to filing.

IT IS STRONGLY RECOMMENDED THAT YOU CONTACT ATTORNEY CONNECTION AT (717) 854-8755 FOR A LOW-COST INITIAL CONSULTATION WITH AN ATTORNEY BEFORE PROCEEDING FURTHER.

The information in this packet is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their content.

YORK COUNTY CUSTODY FORMS AND INTRODUCTION

THESE FORMS AND INSTRUCTIONS WERE
ORIGINALLY DRAFTED BY MID-PENN LEGAL
SERVICES FOR USE BY THEIR CLIENTS.

YORK COUNTY GRATEFULLY
ACKNOWLEDGES THE INVALUABLE
GUIDANCE AND SUPPORT PROVIDED BY
MID-PENN LEGAL SERVICES IN PERMITTING
YORK COUNTY TO UTILIZE THEIR ORIGINAL
FORMS IN THE PREPARATION AND
INSTITUTION OF THESE CUSTODY FORMS
AND INSTRUCTIONS. MOREOVER, YORK
COUNTY GRATEFULLY ACKNOWLEDGES
FRANKLIN AND FULTON COUNTIES FOR
PERMITTING YORK COUNTY TO UTILIZE
THEIR CUSTODY FORMS AND INSTRUCTIONS
AS NEEDED.



ATTENTION



THE PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

204 Pa. Code §213.81

IS EFFECTIVE JANUARY 6TH, 2018

IN ORDER TO FOLLOW THIS RULE, YOU WILL NEED A CONFIDENTIAL INFORMATION FORM, A CONFIDENTIAL DOCUMENT FORM **OR** A CERTIFICATE OF COMPLIANCE FORM WITH **EVERY FORM YOU FILE**

www.pacourts.us/public-records

1. CLICK ON THE LINK ABOVE
2. SELECT THE PUBLIC RECORDS FORMS ICON
3. SELECT FROM THE FOLLOWING:

- **CONFIDENTIAL INFORMATION FORM** (used as a **REFERENCE KEY** for information considered to be confidential within the packet)
 - **ABUSE VICTIM ADDENDUM** (used when there is an **ACTIVE** protective order in place and victim's address is confidential)
- **CONFIDENTIAL DOCUMENT FORM** (used to **SEAL INFORMATION** from public access)
- **CERTIFICATE OF COMPLIANCE** (used to **ACKNOWLEDGE** that you are in compliance with the public access policy when any other form **DOES NOT APPLY**)

4. YOU MUST FILE ONE OF THE PREVIOUS FORMS WITH **EACH DOCUMENT** THAT IS FILED WITH THE PROTHONOTARY'S OFFICE.

CONFIDENTIAL INFORMATION is defined as:

- Minor's Name, Date of Birth (except when charged as defendant in a criminal case)
- IN FAMILY COURT ACTIONS – Abuse victim's contact information, including their employer's name, address and work schedule
- SSN
- Financial Account Numbers (You may use the last 4 digits)
- Driver's License Numbers
- State Identification Numbers

CONFIDENTIAL DOCUMENTS are defined as:

- Financial Source Documents
- Minor's Educational Record
- Medical/Psychological Record
- CYF or CYS Record
- Marital property inventory and pre-trial statement in Divorce proceedings
- Income & Expense Statements in Support action
- Agreement between parties in Divorce proceedings

JUDGES MAY DENY YOUR PETITION FOR FAILURE TO COMPLY WITH THIS POLICY and SANCTIONS MAY BE IMPOSED

DISCLAIMER

NO PERSON IN THE COURT SELF-HELP CENTER, ADMINISTRATIVE OFFICE OF YORK COUNTY COURTS, THE PROTHONOTARY'S OFFICE, OR IN ANY COURT OFFICE IS PERMITTED TO PROVIDE YOU WITH LEGAL ADVICE. THE INFORMATION IN THE PACKETS IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS.

IT IS STRONGLY RECOMMENDED THAT YOU CONSULT WITH AN ATTORNEY. THE YORK COUNTY ATTORNEY CONNECTION PROGRAM WILL REFER YOU TO A FAMILY LAW ATTORNEY WHO WILL MEET WITH YOU FOR THIRTY MINUTES TO REVIEW YOUR RIGHTS AT A REDUCED FEE. YOU CAN CONTACT ATTORNEY CONNECTION AT (717) 854-8755.

INTRODUCTION

IMPORTANT NOTICES

Proper use of these forms will enable you to start a custody action to obtain a custody order; start an action to modify an already existing custody order; start an action to request permission to relocate with the child or children; or start an action to find the other party in contempt of an already existing custody order. The best interest and permanent well-being of your children will certainly be affected by the outcome of any custody proceeding.

ACCORDINGLY, BEFORE PROCEEDING FURTHER WITH THESE FORMS IT IS IMPORTANT THAT YOU CAREFULLY READ, UNDERSTAND, AND CONSIDER THE FOLLOWING:

→If you decide to represent yourself (known as “pro se”) in a custody action, it may take a lot of time, and cause you difficulty, confusion, and frustration. You will not be given any leeway because you are not an attorney. You will be held to the same standard as an attorney. You must follow the Rules and Procedures of York County and of Pennsylvania.

→This packet is not a substitute for professional legal advice about your specific situation. Speaking with an attorney is highly recommended especially if you plan to raise issues of abuse, neglect, unfitness, mental illness, psychological problems, criminal convictions, criminal charges and/or any other complex issues.

→No person in the Court Self-Help Center, Administrative Office of York County Courts, the Prothonotary’s Office, or any other court office is permitted to help you fill out these forms or to help you decide which set of forms to use.

Before proceeding further, carefully read and review the following important custody definitions and important custody issues.

IMPORTANT CUSTODY DEFINITIONS

Abuse: The occurrence of one or more of the following acts between family or household members, sexual or intimate partners, or persons who share biological parenthood:

- (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
- (2) Placing another in reasonable fear of imminent serious bodily injury.
- (3) The infliction of false imprisonment pursuant to 18 Pa.C.S. §2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
- (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury.

Adult: An individual 18 years of age or older.

Agency: Any organization, society, institution, court facility or other entity, which provides for the care of a child. The term does not include a county children and youth social service agency.

Child: An un-emancipated person under 18 years of age.

Conciliation Conference: A process in which a neutral person meets with the parties to try to resolve / settle the dispute in an agreeable manner.

Custody order: The written document, signed by a judge, stating where a child will live and how decisions will be made.

Defendant: A person sued in a civil proceeding or accused in a criminal proceeding.

Legal custody: The right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions.

Memorandum: A party's written statement of its legal arguments presented to the court.

Modify: To change.

Parental duties: Includes meeting the physical, emotional and social needs of the child.

Partial physical custody: The right to assume physical custody of the child for less than a majority of the time.

Party: Anyone taking part in a lawsuit as a plaintiff or a defendant.

Petition for Contempt: A legal paper filed in court by one party when the other party has violated a custody order. The Petition describes the contempt (violation).

Physical custody: The actual physical possession and control of a child.

Plaintiff: The party who brings (starts) a civil suit in a court of law.

Primary physical custody: The right to assume physical custody of the child for the majority of time.

Pro-Se: A Latin term meaning “for one’s self.” It also means “without an attorney”

Relocation: A change in a residence of the child that significantly impairs the ability of a non-relocating party to exercise custodial rights. An inter-county move may constitute a relocation if it materially affects some aspect of the child’s life.

Service: Delivery of court papers to a party in accordance with local rules of court.

Shared legal custody: The right of more than one individual to participate in making major decision on behalf of the child.

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.

Sole legal custody: The right of one individual to exclusive legal custody of the child.

Sole physical custody: The right of one individual to exclusive physical custody of the child.

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.

IMPORTANT ISSUES IN CUSTODY.

“Standing”: Not everyone is entitled to start an action for custody. Persons entitled by law to start an action for custody have “standing” to bring the action. Parents of the child have standing since the law entitles them to bring an action for custody of their child. Other persons, such as grandparents, may have standing in certain circumstances. (See 23 Pa.C.S. §§5324 and 5325) These forms have been prepared

for use by parents. **Other persons desiring to start a custody action are strongly encouraged to seek the assistance of an attorney to ascertain if they have standing.**

Parties living separate and apart in the same residence with the child may start a custody action but the custody order entered as a result will not be effective until the parties no longer reside in the same residence.

Types of Custody Awards. After considering the relevant factors (discussed below), the court may award any of the following types of custody it is in the best interest of the child:

1. Shared physical custody.
2. Primary physical custody.
3. Partial physical custody.
4. Sole physical custody.
5. Supervised physical custody.
6. Shared legal custody.
7. Sole legal custody.

FACTORS CONSIDERED FOR CUSTODY

In Pennsylvania, neither the mother nor the father of a child will be the preferred custodian in a custody action simply because of gender. However, in a custody action between a parent and a non-parent, the parent will be the preferred custodian.

In ordering any form of custody, the court is required to determine the best interest of the child by considering all relevant factors, especially those that affect the safety of the child, including the following factors:

1. Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.
2. The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the child or an abused party and which party can better provide adequate physical safeguards and supervision of the child.
3. The parental duties performed by each party on behalf of the child.
4. The need for stability and continuity in the child's education, family life and community life.
5. The availability of extended family.
6. The child's sibling relationships.
7. The well-reasoned preference of the child, based on the child's maturity and judgment.
8. The attempts of a parent to turn the child against the other parent, except in cases of domestic violence where reasonable safety measures are necessary to protect the child from harm.
9. Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.

10. Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.
11. The proximity of the residences of the parties.
12. Each party's availability to care for the child or ability to make appropriate child-care arrangements.
13. The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.
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.

CRIMINAL CONVICTIONS AND/OR CRIMINAL CHARGES

According to 23 Pa.C.S. §§5329 and 5330, the Court (either the Conciliator or the Judge) is required to consider certain criminal offenses for which either party or a member of a party's household has been convicted or for which either party has been charged before the court can make a determination or order of custody.

CONSIDERATION OF CRIMINAL CONVICTION.

Offenses. Where a party seeks any form of custody, the court is required to consider whether that party or member of that party's household has been convicted of or has pleaded guilty or no contest to any of the offenses listed below or an offense in another U.S. State or another country substantially equivalent to any of the listed offenses. The court must consider such conduct and determine that the party does not pose a threat of harm to the child before making any order of custody to that parent when considering the following offenses:

- (1) 18 Pa.C.S. Ch. 25 (relating to criminal homicide).
- (2) 18 Pa.C.S. §2702 (relating to aggravated assault).
- (3) 18 Pa.C.S. §2706 (relating to terroristic threats).
- (4) 18 Pa.C.S. §2709.1 (relating to stalking).
- (5) 18 Pa.C.S. § 2901 (relating to kidnapping).
- (6) 18 Pa.C.S. § 2902 (relating to unlawful restraint).
- (7) 18 Pa.C.S. § 2903 (relating to false imprisonment).
- (8) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).
- (9) 18 Pa.C.S. §3121 (relating to rape).
- (10) 18 Pa.C.S. §3122.1 (relating to statutory sexual assault).
- (11) 18 Pa.C.S. §3123 (relating to involuntary deviate sexual intercourse).
- (12) 18 Pa.C.S. §3124.1 (relating to sexual assault).
- (13) 18 Pa.C.S. §3125 (relating to aggravated indecent assault).
- (14) 18 Pa.C.S. §3126 (relating to indecent assault).
- (15) 18 Pa.C.S. §3127 (relating to indecent exposure).
- (16) 18 Pa.C.S. §3129 (relating to sexual intercourse with an animal).

- (17) 18 Pa.C.S. §3130 (relating to conduct relating to sex offenders).
- (18) 18 Pa.C.S. §3301 (relating to arson and related offenses).
- (19) 18 Pa.C.S. §4302 (relating to incest).
- (20) 18 Pa.C.S. §4303 (relating to concealing death of child).
- (21) 18 Pa.C.S. §4304 (relating to endangering welfare of children).
- (22) 18 Pa.C.S. §4305 (relating to dealing in infant children).
- (23) 18 Pa.C.S. §5902(b) (relating to prostitution and related offenses).
- (24) 18 Pa.C.S. §5903(c) or (d) (relating to obscene and other sexual materials and performances).
- (25) 18 Pa.C.S. §6301 (relating to corruption of minors).
- (26) 18 Pa.C.S. §6312 (relating to sexual abuse of children).
- (27) 18 Pa.C.S. §6318 (relating to unlawful contact with minor).
- (28) 18 Pa.C.S. §6320 (relating to sexual exploitation of children).
- (29) Section 6114 (relating to contempt for violation of order or agreement).
- (30) The former 75 Pa.C.S. §3731 (relating to driving under the influence of alcohol or controlled substance).
- (31) 75 Pa.C.S. Ch.38 (relating to driving after imbibing alcohol or utilizing drugs).
- (32) Section 13 (a)(1) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, to the extent that it prohibits the manufacture, sale or delivery, holding, offering for sale or possession of any controlled substance or other drug or device.

Parent Convicted of Murder. The court cannot award custody, partial custody or supervised physical custody to a parent who has been convicted of murder under 18 Pa.C.S. §2502(a) (relating to murder) of the other parent of the child **unless** the child is of suitable age and consents to the order.

Evaluation and Counseling. At the initial in-person contact with the court, the judge, conference officer or other appointed individual (like a conciliator) shall perform an initial evaluation to determine whether the party or household member who committed the one of the above offenses poses a threat to the child and whether counseling is necessary. The initial evaluation shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court determines it is necessary. **The court may, and most likely will, order a party to pay all or part of the costs of the counseling and evaluations.** If you, or a household member have one of the enumerated offenses, it is highly recommended that you obtain an evaluation from a court approved resource and attach a copy to your conciliation memorandum and bring the original to the conciliation conference.

CONSIDERATION OF CRIMINAL CHARGE.

When a party finds out that the other party has been charged with one of the offenses listed above, the non-offending party may move for a temporary custody order or modification of an existing custody order and the court shall hold the hearing as soon as possible to determine if the offending party poses a risk to the child.

THESE FORMS DO NOT SPECIFICALLY ADDRESS THE SITUATION WHERE A PARTY OR A PARTY'S HOUSEHOLD MEMBER HAS BEEN CONVICTED, PLEADED GUILTY OR NO CONTEST TO ONE OF THE ABOVE OFFENSES. ACCORDINGLY, IF CRIMINAL CONVICTIONS OR CHARGES ARE INVOLVED IN YOUR CASE, YOU SHOULD NOT ATTEMPT TO REPRESENT YOURSELF BUT RATHER YOU SHOULD SEEK THE REPRESENTATION OF AN ATTORNEY.

AFTER READING THIS INTRODUCTION, IF YOU STILL WANT TO START A CUSTODY ACTION WITHOUT THE ASSISTANCE OF AN ATTORNEY, THEN GO TO "PACKET A" FOR INSTRUCTIONS AND FORMS RELATING TO STARTING A CUSTODY ACTION TO OBTAIN A CUSTODY ORDER; GO TO "PACKET B" FOR INSTRUCTIONS AND FORMS RELATING TO STARTING AN ACTION TO MODIFY AN ALREADY EXISTING CUSTODY ORDER; GO TO "PACKET C" FOR INSTRUCTIONS AND FORMS RELATING TO STARTING AN ACTION TO REQUEST PERMISSION TO RELOCATE WITH THE CHILD OR CHILDREN; OR GO TO "PACKET D" FOR INSTRUCTIONS AND FORMS RELATING TO STARTING AN ACTION TO FIND THE OTHER PARTY IN CONTEMPT OF AN ALREADY EXISTING CUSTODY ORDER.

ALTERNATIVE STEPS
(IF YOU AND THE OTHER PARENT HAVE A CUSTODY AGREEMENT).
NOTE : It is required that you use the online forms to complete this packet.

If you and the other parent have agreed to a custody arrangement, there is no need for you and the other parent to attend a Conciliation conference, mediation, or a hearing. The Court may incorporate your agreement into a Custody Order if you complete the following steps:

- Complete the Proposed Order of Court, the Stipulation and Agreement, the Petition for Entry of Stipulated Order, the Criminal Record and Abuse History Verification Forms, and the Entry of Appearance as a Self-Represented Party forms.
- Both parties must sign the forms in 4 different places in the presence of a witness and initial every page.
- Not counting the original, make enough copies of the packet for both parties and the judge. Keep your copies in a safe place for your records.
- Take the **original and copies** of the Stipulation, Petition for Entry of Order, the Criminal Record & Abuse History Verification Forms, and the Entry of Appearance forms AND the original with **2 copies** of the Proposed Order to the Prothonotary's Office on the 1st floor of the Judicial Center.
- You must pay the filing fee at that time. If granted, the Prothonotary will mail a copy of the Order.

IF YOU CANNOT AFFORD THE FILING FEE AND MEET CERTAIN FINANCIAL GUIDELINES, YOU CAN REQUEST THAT THE COURT PERMIT YOU TO PROCEED "IN FORMA PAUPERIS" MEANING YOU WILL NOT HAVE TO PAY THE FILING FEE. TO REQUEST IN FORMA PAUPERIS STATUS GO TO THE IN FORMA PAUPERIS PACKET AND FOLLOW THE INSTRUCTIONS.

YOU MUST SUBMIT THE IN FORMA PAUPERIS FORMS ALONG WITH THE CUSTODY STIPULATION PACKET TO THE JUDGE.

Starting the Action. Choose the appropriate form. If only one child is subject to the custody order, utilize the form for one child and if more than one child is subject to the custody order, utilize the form for multiple children.

NOTE: It is required that you complete these forms online. If the judge cannot read a form that is handwritten, he or she may deny the petition, discard your forms, or take no action at all.

A. Completing the Captions of the Proposed Order of Court and the Stipulation & Agreement and the Petition for Entry of Stipulated Order.

1. The caption is the top part of the first page of each document. The names of the parties, the docket number (which will be assigned by the Prothonotary when the document is filed), the type of document and the court's name are contained in the caption.
2. If this is a new case, you are "the Plaintiff" since you are filing this action. Type your full, legal name, including middle initial, above the word "Plaintiff" in the caption of the Order and Stipulation.

The other parent is "the Defendant". Type the other parent's full, legal name, including middle initial, above the word "Defendant" in the captions of the Order and the Stipulation.

If this is not a new case and you and the other parent are agreeing to modify or change an existing custody order, then you must look at the existing order to fill in the caption to match the caption on the existing order. The Plaintiff, Defendant, and Case/Docket Number will be exactly as they appear on that order.

YOU MUST COMPLETE THE CAPTION ON EVERY FORM YOU FILE. THE DOCKET NUMBER WILL BE PROVIDED TO YOU BY THE PROTHONOTARY'S OFFICE WHEN YOU FINISH FILING. FILL IN THE DOCKET NUMBER IN THE CAPTION OF ALL FORMS IF YOU KNOW IT & ON ALL FORMS THAT YOU FILE AFTER THE ABOVE DOCUMENTS ARE FILED.

Fill in the various parts of the Agreement Reached Packet (Order Incorporating Stipulated Order, Petition for Entry of Stipulated Order, Stipulation & Agreement, Criminal Record/Abuse History Verifications for Plaintiff & Defendant, and Entry of Appearance for both Plaintiff & Defendant). When you have completed the forms, they should accurately show the custody agreement & schedule you have reached with the other parent. You and the other party must sign the forms in 4 different places. You must also initial the bottom of every single page of the Petition and Stipulation & Agreement. Fill in only the Caption on the Order Incorporating Stipulation. LEAVE THE REST OF THE FORM ORDER BLANK.

B. Completing the Stipulation and Agreement.

****REMINDER** ONLY MINOR'S INITIALS AND YEAR OF BIRTH ARE TO BE INCLUDED IN THESE FORMS**

STIPULATION AND AGREEMENT

First complete the caption at the top of the page.

In the first lines, type the date you and the other parent are completing the "Stipulation & Agreement.

1. In paragraph # 1, fill in **each child's initials and the year the child was born.**
2. Paragraph #2 deals with Legal Custody. You will select **only one** type of legal custody—Shared Legal, Sole Legal-Plaintiff, or Sole Legal–Defendant.

NOTE: "legal custody" means the right to make major decisions on behalf of the child, including, but not limited to, medical, religious and educational decisions.

Types of legal custody: "**shared legal custody**" means the right of more than one individual to legal custody of the child; "**sole legal custody**" means the right of one individual to exclusive legal custody of the child.

3. Paragraph #3 deals with Physical Custody. You will **only mark one type** of custody in #3. When you have selected and filled in a type of physical custody in either 3A), 3B), OR 3C), then move on to #4.

MARK ONLY ONE CIRCLE IN NUMBER 3 A-C.

3A) SOLE PHYSICAL CUSTODY

Sole Physical-Plaintiff or Sole Legal Defendant. No partial physical or supervised custody is awarded to the party who does not live with the child.

3B) PRIMARY PHYSICAL CUSTODY

Primary Physical-Plaintiff or Primary Physical-Defendant. The child shall live with the party who has Primary Physical Custody; primary physical custody is the right to have the child the majority of the time. You must type in the schedule of partial custody for the parent with whom the child does not live.

3C) SHARED PHYSICAL CUSTODY

The parties shall share physical custody of the child. The child spends significant periods of time with both parties; both parties have substantial periods of physical custody. You must write the schedule for each parent to have custody of the child.

NOTE: “**physical custody**” means the actual physical possession and control of a child. Types of Physical Custody: “**sole physical custody**” means the right of one individual to exclusive physical custody of the child; “**primary physical custody**” means the right to assume physical custody of the child for a majority of the time; “**partial physical custody**” means the right to assume physical custody of the child for less than a majority of the time; and “**shared physical custody**” means the right of more than one individual to exercise custody of the child.

SUPERVISED CUSTODY

***If you and the other parent agree that one party’s periods of custody should be supervised, first select one of the types of custody in 3A), 3B) or 3C). Then indicate in the lines below the selection that the other party’s schedule of custody will include supervision. Go to #3D) and mark the correct circle for the supervision of the Plaintiff or the Defendant. Type the name of the person you and the other party have agreed will supervise custody. Then, type the schedule of supervised custody on the lines provided.

The supervisor must complete an Affidavit of Accountability of Supervisor You must include it and submit it along with the rest of the stipulation packet.

3D) SUPERVISED PHYSICAL CUSTODY

Defendant’s Custody Shall Be Supervised or Plaintiff’s Custody Shall Be Supervised. One parent’s custodial time with the child must be supervised by a supervisor agreed upon by both parties. You must type the name of the supervisor and the schedule of supervised custody.

4. In section #4, fill in the schedule of all holidays and vacation. If a special holiday or occasion is not listed (for example, child’s birthday or annual family reunion), you may use the “Other Special Days” section to schedule custody for those days. Select “odd,” “even,” or “every” year for each holiday.

5. Holidays a priority. There is nothing to fill in in this paragraph, however, you should carefully read it as it relates to holidays taking precedence over regular periods of custody.

6. Transportation. Select the way you and the other party will handle custody exchanges.

7. Enumerated Offenses (Pages # 7-8 of the Stipulation & Agreement)
This section deals with convictions or pending charges any party may have and whether or not that party poses a threat of harm to the child. See the list of included offenses below:

23 Pa.C.S.A. § 5329 Consideration of criminal conviction
18 Pa.C.S. Ch. 25 (relating to criminal homicide).
18 Pa.C.S. § 2702 (relating to aggravated assault).
18 Pa.C.S. § 2706 (relating to terroristic threats).
18 Pa.C.S. § 2709.1 (relating to stalking).
18 Pa.C.S. § 2901 (relating to kidnapping).
18 Pa.C.S. § 2902 (relating to unlawful restraint).
18 Pa.C.S. § 2903 (relating to false imprisonment).
18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).
18 Pa.C.S. § 3121 (relating to rape).
18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
18 Pa.C.S. § 3124.1 (relating to sexual assault).
18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
18 Pa.C.S. § 3126 (relating to indecent assault).
18 Pa.C.S. § 3127 (relating to indecent exposure).
18 Pa.C.S. § 3129 (relating to sexual intercourse with animal).
18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders).
18 Pa.C.S. § 3301 (relating to arson and related offenses).
18 Pa.C.S. § 4302 (relating to incest).
18 Pa.C.S. § 4303 (relating to concealing death of child).
18 Pa.C.S. § 4304 (relating to endangering welfare of children).
18 Pa.C.S. § 4305 (relating to dealing in infant children).
18 Pa.C.S. § 5902(b) (relating to prostitution and related offenses).
18 Pa.C.S. § 5903(c) or (d) (relating to obscene and other sexual materials and performances).
18 Pa.C.S. § 6301 (relating to corruption of minors).
18 Pa.C.S. § 6312 (relating to sexual abuse of children).
18 Pa.C.S. § 6318 (relating to unlawful contact with minor).
18 Pa.C.S. § 6320 (relating to sexual exploitation of children).
Section 6114 (relating to contempt for violation of order or agreement).
The former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance).
75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs).
Section 13(a)(1) of the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, to the extent that it prohibits the manufacture, sale or delivery, holding, offering for sale or possession of any controlled substance or other drug or device.

(b) Parent convicted of murder.--No court shall award custody, partial custody or supervised physical custody to a parent who has been convicted of murder under 18 Pa.C.S. § 2502(a) (relating to murder) of the other parent of the child who is the subject of the order unless the child is of suitable age and consents to the order.

(b.1) Parent convicted of certain sexual offenses.--

(1) Notwithstanding any provision of this chapter to the contrary and subject to paragraph (2), if a parent who is a victim of any of the offenses set forth in this paragraph objects, no court shall award any type of custody set forth in section 5323 (relating to award of custody) to the other parent of a child conceived as a result of any of the following offenses for which the other parent has been convicted:

18 Pa.C.S. § 3121.

18 Pa.C.S. § 3122.1.

18 Pa.C.S. § 3124.1, where the offense involved sexual intercourse.

18 Pa.C.S. § 3124.2 (relating to institutional sexual assault), where the offense involved sexual intercourse.

- If neither party has any charges or convictions, mark the first box.
- If the Plaintiff has a conviction/charge for an enumerated offense but the parties agree that Plaintiff does NOT pose a threat of harm to the child, then mark the 2nd box.
- If Defendant has a conviction/charge for an enumerated offense, but the parties agree that Defendant does NOT pose a threat of harm to the child, then mark the 3rd box.
- If Plaintiff has a conviction/charge for an enumerated offense and Plaintiff DOES pose a threat of harm to the child and the parties agree that Plaintiff shall have the right of supervised physical custody as outlined in the physical custody section, then check the 4th box. Be sure that you have also selected one of the choices under section 3D) in the physical custody section and outlined the schedule for supervised custody (Instructions Page #3; Form Page #).
- If Defendant has a conviction/charge for an enumerated offense and Defendant DOES pose a threat of harm to the child and the parties agree that Defendant shall have the right of supervised physical custody as outlined in the physical custody section, then check the 5th box. Be sure that you have also selected one of the choices under section 3D) in the physical custody section and outlined the schedule for supervised custody (Instructions Page #3 Form Page #).
- If Plaintiff has a conviction/charge for an enumerated offense and Plaintiff DOES pose a threat of harm to the child and shall not have custody rights until Plaintiff completes some form of treatment, then select the 6th box under #7 and then type in the lines provided exactly what treatment the Plaintiff must complete before having any custody rights.
- If Defendant has a conviction/charge for an enumerated offense and Defendant DOES pose a threat of harm to the child and shall not have custody rights until Defendant completes some form of treatment, then select the 7th box under #7 and then type in the lines provided exactly what treatment the Defendant must complete before having any custody rights.

STANDARD PROVISIONS #s 8-15.

8. Extracurricular activities
9. Disparaging Remarks
10. Financial Care of the Child
11. Mutual Consultation
12. Illness of the Child
13. Welfare of the Child to be considered
14. Smoke/Drink/Illegal Substances
15. Modification of Order

If parties do not agree to any part of one or more of the standard provisions, that section should be crossed out and both parties must initial next to that paragraph.

16. Relocation of the Party.

The relocation statute outlines the rules for relocating.

A Relocation is defined as a change in a residence of the children which significantly impairs the ability of a non-relocating party to exercise custodial rights 23 Pa.C.S. 5322. No relocation shall occur unless every individual who has custody rights to the children consents to the proposed relocation or the Court approves the proposed relocation. If a party seeks to relocate, that party shall notify every other individual who has custody rights to the children. Both parties must follow the statutory requirements contained in 23 Pa.C.S. 5337. Specifically, the relocating party must notify every other individual who has custody rights to the children by certified mail, return receipt requested. The notice must then comply with the following requirements:

Notice must be sent no later than:

- (1) The 60th day before the date of the proposed relocation; or
- (2) The 10th day after the date that the individual knows of the relocation if the individual did not know and could not reasonably know of the relocation in sufficient time to comply with the 60 day notice requirement and it is not reasonably possible to delay the date of relocation so as to comply with the 60 day notice requirement.

Unless otherwise excused by law, the following information must be included in the notice:

- (1) The address of the intended new residence.
- (2) The mailing address, if not the same as the address of the intended new residence.
- (3) Names and ages of the individuals in the new residence, including individuals who intend to live in the new residence.
- (4) The home telephone number of the intended new residence, if applicable.
- (5) The name of the new school district and school

- (6) The date of the proposed relocations
- (7) The reasons for the proposed relocation
- (8) A proposal for a revised custody schedule
- (9) Any other information which the party proposing the relocation deems appropriate
- (10) A counter-affidavit as provided under subsection (d)(1) which can be used to object to the proposed relocation and modification of the custody order.
- (11) A warning to the non-relocating party that if the non-relocating party does not file with the Court an objection to the proposed relocation within 30 days after receipt of notice, that party shall be foreclosed from objecting to relocation.

If any of the aforementioned information is not known when the notice is sent but is later made known to the party seeking relocation, then that party shall promptly inform every individual who received notice.

If the non-relocating parent objects to the proposed move he/she must do so by filing the counter-affidavit with the Court and the other party within 30 days. The notice of objection to the opposing party must be sent by certified mail, return receipt requested. If no objection is made in the manner set forth above then it shall be presumed that the non-relocating parent has consented to the proposed relocation and the Court will not accept testimony challenging the relocation in any further review of the custodial arrangements.

The Court shall hold an expedited full hearing on the proposed relocation after a timely objection has been filed and before relocation occurs. The Court may permit relocation before a full hearing if the Court finds that exigent circumstances exist.

When you have completed all of the sections of the STIPULATION AND AGREEMENT, you and the other party must sign page # 11 of the form in the presence of an adult witness. The witness(es)' name(s) must be printed legibly below the signature lines.

YOU AND THE OTHER PARTY MUST INITIAL THE BOTTOM OF EVERY PAGE OF THE STIPULATION AND AGREEMENT.

C. Completing the Petition for Entry of Stipulated Order

PETITION FOR ENTRY OF STIPULATED ORDER

First complete the caption at the top of the page.

1. In paragraph #1, fill in the plaintiff's street address. Then fill out the plaintiff's mailing address (if it is different from the address where the plaintiff lives).
2. In paragraph #2, fill in the defendant's street address and mailing address (if the mailing address is different from where the defendant lives).
3. In paragraph #3, fill in the child's initials and the year the child was born.

4. In paragraph #4, mark whether the plaintiff is the father or mother of the child. If the plaintiff is neither the father nor the mother, select the “other” choice and write in the plaintiff’s relationship to the child.

5. In paragraph #5, mark whether the defendant is the father or mother of the child. If the defendant is neither the father nor the mother, select the “other” choice and write in the defendant’s relationship to the child.

6. In paragraph #6, you must tell the Court whether or not the parents were married when the child was born. Choose the first option if the child was born IN WEDLOCK (parents were married at time of child’s birth). Then type the child's initials in the blank provided.

Choose the 2nd option if the child was born OUT OF WEDLOCK (parents were not married at the time of the child’s birth). Then type the child's initials in the blank provided.

7. In Paragraph #7, fill in all the people who live with the plaintiff and write each person’s relationship to the plaintiff. If listing a minor, only include initials.

8. In Paragraph #8, fill in all the people who live with the defendant and write each person’s relationship to the defendant. If listing a minor, only include initials.

9. In Paragraph #9, you must list all the places the child has lived for the last 5 years. You must also list all the people who have lived with the child at each address over the last 5 years. If listing a minor, only include initials.

Start with the child’s current address. Indicate the date the child moved there, the address, and all of the people who currently live there with the child. If listing a minor, only include initials.

Then list all of the other addresses where the child has lived for the last 5 years. For each address, include the dates the child lived there, the addresses, and the people who lived there with the child. If listing a minor, only include initials.

10. In Paragraph #10, check the first option if you and the other party have never been involved in another custody case concerning this child in this court or in another court.

Check the 2nd option if you and the other party have been involved in another custody case concerning this child. Type the name and location of the court where the custody proceeding took place and list the docket number.

11. In Paragraph #11, check the first option if you and the other party do not KNOW of any other custody cases concerning the child. Check the 2nd option if you do have knowledge of any other custody case concerning this child. Type in the name and location of the court where the case took place and the case/docket number.

12. Paragraph #12 requires that you list any other person who lives with the child or who claims to have custody or visitation rights to the child. Check the first choice if you and the other party do NOT know of anyone else who claims he/she has rights to the child. Check the 2nd option if you and other party do know of another person. Type the name(s) AND ADDRESSES of any other person who claims rights to the child.

13. In Paragraph #13, mark the first option if this is a new custody case and this will be the first Order of Court entered in this case. Mark the 2nd option if you and the other party are changing or modifying an Order of Court that you already have.

14. In Paragraph #14, you must list any past violent or abusive conduct of either party. If no one has engaged in past violent or abusive conduct, then mark the first box. Check the correct box if either the plaintiff or the defendant has been violent or abusive in the past, and then type what that behavior was. You must choose one of the next options to ensure that the child is being protected in spite of the past behavior. If additional conditions are added to the Stipulation & Agreement for the protection of the child or abused party, then you have 2 options: 1) you must include those provisions in Paragraph #7 of the Stipulation & Agreement (supervised custody or exactly what treatment the party must complete before exercising custody rights- Instructions page #) or 2) you must create a Paragraph #17 of the Stipulation & Agreement that outlines the conditions and include it.

15. After the Stipulation and Agreement is prepared and agreeable to both you and the other parent, you and the other parent should sign the Stipulation and Agreement where indicated.

In Paragraph #15 of the Petition, you and the other party are agreeing that you want the stipulation for custody (pages 1-11 of the Stipulation and Agreement) adopted as a Custody Order by the Court. Fill in the date that you and the other party completed the Stipulation in the two blanks in this paragraph. You and the other party must sign the Petition in front of an adult witness. That witness must clearly print his/her name below the signature line.

IN ADDITION TO SIGNING HERE, YOU AND THE OTHER PARTY MUST INITIAL THE BOTTOM OF EVERY PAGE OF THE PETITION TO ENTER STIPULATED ORDER.

D. Completing the Criminal Record /Abuse History Verification Forms

CRIMINAL RECORD & ABUSE HISTORY VERIFICATION

You and the other party must each complete the criminal history certification form.

Complete the caption, just as you did with the other forms.

Fill your name in the first blank.

You are to answer each of the questions on the forms for you AND FOR EVERY ADULT MEMBER OF YOUR HOUSEHOLD.

1. If anyone in your household has been convicted of or has charges pending for any of the listed crimes, check the 1st box, then check the box to indicate whether it was you or a household member. Then list the date of conviction/guilty plea/no contest/pending charges. Then write what the sentence was. Do not check any boxes or write anything if you and no one in your household has been charged with or convicted of the crime listed.

2. In Question #2, you must indicate any history of violence or abusive conduct for you or any member of your household. Indicate whether you or any adult

member of your household had a finding of abuse or involvement with a Children & Youth Agency or any similar agency in Pennsylvania or any other jurisdiction. Also check the correct box if you or any adult member of your household had any abusive conduct with a PFA (Protection from Abuse) in Pennsylvania or any other jurisdiction.

In the lines provided, state the date and details of the child abuse and the jurisdiction.

3. List any treatment or evaluations or counseling you or any member of your household participated in after conviction or finding of abuse.

4. In the first section, list the names, birthdates, and relationships to the children of the people you live with who have a conviction on the list.

In the second section, list the names and ages of all the people who live with you, whether they have any convictions or charges or not.

5. In #5, list any criminal or abuse history that you know about the other party or the members of the other party's household.

6. List any services provided by a child welfare agency to anyone in your household.

Sign the form and print your name beneath your signature. By signing, you are swearing under penalty of law that everything in this form is true to the best of your knowledge.

E. Completing the Entry of Appearance as Self-Represented Parties

BOTH PLAINTIFF AND DEFENDANT MUST COMPLETE ONE OF THE ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY FORMS

1. Complete the caption as you did on the other forms. In Paragraph #1, print your name and indicate whether you are the plaintiff or defendant in this case.

2. If you previously had an attorney in this case but are now choosing to represent yourself, you must complete one of the two parts of Paragraph #2. Then move on to Paragraph #3.

3. If you have never had an attorney in this case, then skip to Paragraph #3 and complete your current mailing address and other requested information.

Check the box to indicate how you complied with the U.J.S. Public Access Policy.

Sign and date the form.

Both parties must complete & sign this form & submit along with the rest of your packet.

You must file a new form with the Prothonotary EVERY TIME YOUR ADDRESS CHANGES.

F. Completing the Proposed Order Incorporating Stipulation

1. Complete the Caption at the top of the page just as you did on all of the other forms.
2. There is nothing left to do on this form; the Judge will sign this proposed order if you have correctly and completely filled out the other forms in the packet.

G. Filing the Stipulation for Custody and Proposed Order.

1. After both you and the other parent have completed, signed, and initialed the Stipulation & Agreement, the Petition for Entry of Stipulated Order, the Criminal Record/Abuse History Verifications, and the Entry of Appearance as Self-Represented Parties forms, make three copies of the completed packet.
(The originals + 3 copies = 4 total)

2. Take the **originals & copies** of your Stipulation & Agreement, Petition for Entry of Stipulated Order, Criminal Record & Abuse History Verification forms, Entry of appearance forms, as well as **the original + 2 copies of the Order Incorporating Stipulation** to the Office of the Prothonotary, located on the first floor of the York County Judicial Center. You will have to pay the filing fee at this time. You can pay by cash, certified check, money order, or credit card. Call the Prothonotary's Office to find out the amount of the filing fee (717-771-9611).

If you are approved for IFP (*In Forma Pauperis*) Status, you will not have to pay the filing fee.

The Prothonotary will stamp the original and copies of all of the forms except the proposed Order. The Prothonotary will keep the originals and forward the copies of the Petition, Stipulation, Criminal Record forms, Entry of Appearance forms, and all of the copies of the proposed Order to AOYCC (Administrative Offices of York County Courts). The Prothonotary will return the other stamped copies to you for you and the other parent to keep for your records.

AOYCC will forward the documents to a Judge for his/her review & signature. If the Judge grants your petition, you and the other party will receive a signed copy of the Order Incorporating your Stipulation in the mail. Keep the signed Order with the copies of your Stipulation, Petition, & other forms.

If you incorrectly completed the forms, the Judge may issue an Order Denying your Petition. You will receive a copy of the denial Order in the mail, and your forms will be discarded as a result of those errors. You may re-file new forms with any necessary corrections.

3. Keep your copies in a safe place for reference purposes.

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

No. _____-FC-_____ -03

Plaintiff

CIVIL ACTION – LAW

vs

CUSTODY

Defendant

STIPULATION AND AGREEMENT

AND NOW, this _____ day of _____, 20____, the Petitioners submit the following Stipulation & Agreement of the parties for Consideration:

1. This Custody Stipulation & Agreement concerns the following minor child (hereinafter “Child”):

_____, born _____
(child's initials only) (year of birth of child)

2. Legal Custody (choose only 1 option)

SHARED LEGAL CUSTODY

Plaintiff and Defendant shall share in making major decision about the Child, such as in medical, educational, and religious matter. (Parties shall share legal custody of the Child.)

SOLE LEGAL CUSTODY – PLAINTIFF

Plaintiff shall be the only person with the right to make major decisions about the Child, such as in medical, educational, and religious matters. (Plaintiff shall have sole legal custody of the Child.)

SOLE LEGAL CUSTODY – DEFENDANT

Defendant shall be the only person with the right to make major decisions about the Child, such as in medical, educational, and religious matters. (Defendant shall have sole legal custody of the Child.)

3. Physical Custody (choose only 1 option)

A) SOLE PHYSICAL CUSTODY

SOLE PHYSICAL CUSTODY – PLAINTIFF

The Child shall live with Plaintiff. No partial physical custody or supervised physical custody is awarded to the party who does not live with Child.

SOLE PHYSICAL CUSTODY – DEFENDANT

The Child shall live with Defendant. No partial physical custody or supervised physical custody is awarded to the party who does not live with Child.

B) PRIMARY PHYSICAL CUSTODY

PRIMARY PHYSICAL CUSTODY – PLAINTIFF

The Child shall live with Plaintiff. Defendant’s schedule of partial custody:

PRIMARY PHYSICAL CUSTODY – DEFENDANT

The Child shall live with Defendant. Plaintiff’s schedule of partial custody:

C) SHARED PHYSICAL CUSTODY

THE PARTIES SHALL SHARE PHYSICAL CUSTODY OF THE CHILD

The Child shall live with both Plaintiff and Defendant on the following schedule:

until _____(time) on _____(day)
on odd years on even years
every year

- Mother's Day

- Plaintiff shall have custody of the Child

from _____(time) on Mother's Day

until _____(time) on Mother's Day

on odd years on even years
every year

- Defendant shall have custody of the Child

from _____(time) on Mother's Day

until _____(time) on Mother's Day

on odd years on even years
every year

- Father's Day

- Plaintiff shall have custody of the Child

from _____(time) on Father's Day

until _____(time) on Father's Day

on odd years on even years
every year

- Defendant shall have custody of the Child

from _____(time) on Father's Day

until _____(time) on Father's Day

on odd years on even years
every year

- Independence Day (4th of July)

- Plaintiff shall have custody of the Child

from _____ (time) on _____ (date)
until _____ (time) on _____ (date)
on odd years on even years
every year

- Defendant shall have custody of the Child

from _____ (time) on _____ (date)
until _____ (time) on _____ (date)
on odd years on even years
every year

- Thanksgiving

- Plaintiff shall have custody of the Child

from _____ (time) on _____ (day)
until _____ (time) on _____ (day)
on odd years on even years
every year

- Defendant shall have custody of the Child

from _____ (time) on _____ (day)
until _____ (time) on _____ (day)
on odd years on even years
every year

- Christmas

- Plaintiff shall have custody of the Child

from _____ (time) on _____ (date)
until _____ (time) on _____ (date)
on odd years on even years
every year

- Defendant shall have custody of the Child
 from _____ (time) on _____ (date)
 until _____ (time) on _____ (date)
 on odd years on even years
 every year

- Vacation

Plaintiff shall have custody of the Child for _____ (number of days) days of uninterrupted custody of Child during the month(s) of _____ (month/s) every year. Plaintiff shall notify Defendant of his/her vacation with the Child at least 30 days before the vacation.

Defendant shall have custody of the Child for _____ (number of days) days of uninterrupted custody of Child during the month(s) of _____ (month/s) every year. Defendant shall notify Plaintiff of his/her vacation with the Child at least 30 days before the vacation.

- Other special days:

5. Holidays a Priority.

The periods of partial custody for holidays, vacations, or other special days set forth in this order shall be in addition to, and shall take precedence over, but shall not alter the schedule or sequence of regular periods of partial custody for that parent set forth previously in this agreement.

6. Transportation.

Plaintiff shall provide transportation of the Child for the custody exchanges

Defendant shall provide transportation of the Child for the custody exchanges

The party beginning a period of custody of the Child shall provide transportation for the custody exchanges.

The party ending a period of custody of the Child/ shall provide transportation for the custody exchanges.

The parties shall meet at _____
(name of meeting place) to exchange custody of the Child

Other:

At all times the child are being transported, appropriate passenger restraints must be utilized. No person transporting the child shall consume alcoholic beverages prior to transporting the child. No person transporting the child shall be under the influence of alcoholic beverages or illegal substances.

7. **Enumerated Offenses; 23 Pa.C.S.A. §5329**

*(see Criminal Record Verification for included offenses)

Neither party has any convictions or pending charges for an offense enumerated in 23Pa.C.S.A. Section 5329, or an equivalent offense in another jurisdiction, nor have they been found to be abusive by a Children and Youth Agency or by a Protection from Abuse Action. Both parents filed their Criminal Record/Abuse History Verifications confirming the same.

Plaintiff has a conviction/charge for an enumerated offense and the parties agree that Plaintiff does NOT pose a threat of harm to the child.

Defendant has a conviction/charge for an enumerated offense and the parties agree that Defendant does NOT pose a threat of harm to the child.

Plaintiff has a conviction/charge for an enumerated offense and Plaintiff DOES pose a threat of harm to the child and shall have the right of supervised physical custody as outlined in the physical custody section.

Defendant has a conviction/charge for an enumerated offense and Defendant DOES pose a threat of harm to the child and shall have the right of supervised physical custody as outlined in the physical custody section.

Plaintiff has a conviction/charge for an enumerated offense and Plaintiff DOES pose a threat of harm to the child and shall not have custody rights until Plaintiff completes the following treatment:

Defendant has a conviction/charge for an enumerated offense and Defendant DOES pose a threat of harm to the child and shall not have custody rights until Defendant completes the following treatment:

8. EXTRACURRICULAR ACTIVITIES:

Each party shall provide the other with reasonable notice of school or other activities whenever possible.

The parties are directed to honor and participate in the activities in which Child wishes to engage. Neither parent, however, shall commit Child to any activity unless Child definitely desires to attend that activity. Once of age, participation in activities which take place during the school year is contingent upon the Child maintaining passing grades in school. During the times that the parents have custody of Child, they will make certain that Child attends any extracurricular activities. The parties are directed to be supportive of the activities and will timely transport Child to and from preparations, practice, competitions, and other related events, so that the child is able to participate in those events.

Neither parent shall commit Child to activities that fall on the other parent's period of custody without the consent of the other parent. Consent shall not be unreasonably

withheld. If Child is involved in an activity which occurs during both parents' periods of custody, both parents shall cooperate in providing transportation of Child to the activity. However, the custodial parent shall not be required to take Child to that activity if the custodial parent and Child are out of town for a previously scheduled vacation.

In the event that the custodial parent is unable to deliver Child to the particular activity, the parent who has custody of Child at that time shall notify the non-custodial parent, who shall be entitled to pick up and deliver Child to the designated activity. The custodial parent shall make certain that Child is ready for pickup in time sufficient to enable Child to timely attend the activity.

9. DISPARAGING REMARKS:

Each of the parties, and any third party in the presence of Child, shall take all measures deemed advisable to foster a feeling of affection between Child and the other party. Neither party shall, nor shall either parent permit any third person to, do or say anything which may estrange Child from the other parent, the parent's spouse or relatives, or injure Child's opinion of the other party, or which may hamper the free and natural development of Child's love and respect for the other parent. This includes, but is not limited to, posting derogatory or negative comments about the other parent on social media websites.

The parties shall not use Child to send verbal messages to the other parent about the custody situation or changes in the custody schedule. The parties and their significant others shall conduct themselves civilly at all custody exchange, as well as at any time when together in the presence of the Child.

10. FINANCIAL CARE OF THE CHILD:

In the event that a significant matter arises with respect to the medical care, education, or financial care of Child, such as a change in occupation, health insurance, educational expenses, or residence of a party, those matters shall be discussed with the other parent before any change is made by either parent.

11. MUTUAL CONSULTATION:

Each party shall confer with the other on all matters of importance relating to Child's education and social adjustments. Each party is directed to keep the other informed of his or her residence and telephone number to facilitate communication concerning the welfare of Child and the custody situation. Each party shall supply the names of any individuals residing within the household, as well as the name, address, and phone numbers of any person in whose care Child will be for a period in excess of seventy-two (72) hours, and for each person or entity which may provide daycare for Child, excluding current daycare providers, relatives, or public school institutions.

12. ILLNESS OF THE CHILD:

In the event that the parties share legal custody of the child, emergency decisions regarding Child shall be made by the parent then having custody. However, in the event of any emergency or serious illness of Child at any time, any party then having custody of

Child shall immediately communicate with the other party by telephone, informing the other party of the nature of the illness or emergency so the other parent can become involved in the decision making process as soon as practical.

The term "serious illness" as used in this Order shall mean any illness or disability which confines a child to bed for a period in excess of seventy-two (72) hours and which places a child under the direction of a licensed physician.

13. WELFARE OF THE CHILD TO BE CONSIDERED:

The welfare and convenience of Child shall be the prime consideration of the parties in any application of the provisions of this Order. Both parents are directed to listen carefully and consider the wishes of Child in addressing the custodial schedule, any changes in the schedule, and any other parenting issues. However, neither parent is to discuss custody disputes with or in front of Child, or permit others to discuss custody issues and disputes within hearing distance of Child.

The parents shall permit and support Child's access to all family relationships. Special family events such as weddings, family reunions, family gatherings, funerals, graduations, etc. shall be accommodated by both parties with routine visitations resuming immediately thereafter. Each parent shall have the option of proposing time or date variations to the other parent when special recreational options or other unexpected opportunities arise. Each parent must confer with the other parent before arranging regularly occurring extracurricular activities for Child which might interfere with regular visitation.

14. SMOKE / DRINK / ILLEGAL SUBSTANCES:

No party shall smoke in any part of a confined area with Child present nor shall either party permit another person to smoke in any part of a confined area with Child present. No party or members of parties' household shall drink alcoholic beverages or consume illegal substances when Child is present in the home, and no party or member of parties' household shall be under the influence of alcohol or illegal substances when Child is present in the home.

15. MODIFICATION OF ORDER:

The parties are free to modify the terms of this Order. In order to do so, however, both parties must be in complete agreement with any new terms. This means both parties must consent on what the new terms of the custody arrangement or schedule shall be.

If both parties do not consent to a change, it does not mean each follows his or her own idea as to what he or she thinks the arrangements should be. The reason this Court Order is set out in detail is so both parties have it to refer to and to govern their relationship with Child and with each other in the event of a disagreement.

16. RELOCATION OF THE PARTY:

Relocation is defined as a change in the residence of the child which significantly impairs the ability of a non-relocating party to exercise custodial rights as outlined in 23Pa.C.S. §5322. No relocation shall occur unless every individual who has custody rights

to the children consents to the proposed relocation or the court approves the proposed relocation. If a party seeks to relocate, that party shall notify every other individual who has custody rights to the children. Both parties must follow the statutory requirements contained in 23 Pa.C.S. §5337.

If the non-relocating parent objects to the proposed move, he or she must do so by filing the counter-affidavit with the court and the other parent within thirty (30) days. The notice of objection to the opposing parent must be sent by certified mail, return receipt requested. If no objection is made in the manner set forth above, then it shall be presumed that the non-relocating parent has consented to the proposed relocation and the court will not accept testimony challenging the relocation in any further review of the custodial arrangements.

If timely objection has been filed and before a relocation occurs, the court shall hold an expedited full hearing on the proposed relocation. The Court may permit relocation before a full hearing if the court finds that exigent circumstances exist.

We (Plaintiff and Defendant) intending to be legally bound and waiving our rights to be present when this agreement and order are presented and executed, hereby stipulate and agree that it is in the best interest of the Child for the Court to incorporate this Stipulation as an Order. We further agree that there has been no fraud, concealment, overreaching, coercing or other unfair dealing by either of us during the preparation of the Stipulation and Agreement.

Signature of Plaintiff

Date

Signature of Witness of Plaintiff

Printed Name of Witness

Signature of Defendant

Date

Signature of Witness of Defendant

Printed Name of Witness

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

Plaintiff

vs

Defendant

No. _____-FC- _____-03

CIVIL ACTION – LAW

CUSTODY

PETITION FOR ENTRY OF STIPULATED ORDER

1. Plaintiff is an adult who lives at _____ (street address)
_____ (city), _____ (county), _____ (state).

Plaintiff's mailing address is _____ (street address or PO Box)
_____ (city), _____ (state), _____ (zip code).

2. Defendant is an adult who lives at _____ (street address)
_____ (city), _____ (county), _____ (state).

Defendant's mailing address is _____ (street address or PO Box)
_____ (city), _____ (state), _____ (zip code).

3. The Child who is the subject of this Stipulation and Agreement is:

_____, born _____
(child's initials only) (year of birth of child)

4. The Plaintiff is the

Father of the Child.

Mother of the Child.

_____ of the Child.

5. The Defendant is the

Father of the Child.

Mother of the Child.

_____ of the Child.

6.

The Child, _____ (child's initials only) was born in wedlock.
(Parents were married when child was born)

The Child, _____ (child's initials only) was born out of wedlock.
(Parents were not married when child was born)

7. Plaintiff currently lives with the following persons:

Person	Relationship to Plaintiff

8. Defendant currently lives with the following persons:

Person	Relationship to Defendant

9. For the past five years, the Child has resided at the following addresses with the following persons:

Date	Address	County	Household Members
From: _____			
To: Present			
From: _____			
To: _____			
From: _____			
To: _____			
From: _____			
To: _____			

From: _____			
To: _____			

10.

Plaintiff and Defendant have not been involved in another custody case concerning the Child in this or another court.

Plaintiff and Defendant have been involved in another custody case concerning the Child in this or another court. The other case was in _____
 _____ (name and location of court) and has a case number
 of _____ (court docket number). A copy of the
 current court order is attached.

11.

Plaintiff and Defendant do not know of any other custody cases concerning the Child

Plaintiff and Defendant know of another custody case concerning the Child. The other
 case was in _____
 (name and location of court) and has a case number of _____
 (court docket number). A copy of the current court order is attached.

12.

Plaintiff and Defendant do not know of any other person (other than us) with whom the
 Child lives or who claims to have custody or visitation rights to the Child.

Plaintiff and Defendant know of the following person(s) (other than us) with whom the Child live or who claims to have custody or visitation rights to the Child:

13.

Plaintiff and Defendant want to begin a custody case and want to have their first Order of Court in custody entered.

Plaintiff and Defendant want to modify a current Order of Court in this case. A copy of the current Order of Court is attached.

14.

Neither party has engaged in past violent or abusive conduct.

Plaintiff has engaged in the following past violent or abusive conduct:

The incorporation of the proposed Stipulation & Agreement as an Order of Court does not cause risk of harm to the Child or the abused party notwithstanding Plaintiff's violent / abusive conduct.

The conditions for protection of the Child or abused party because of Plaintiff's violent/abusive conduct are contained in Paragraph # 7 and/or Paragraph # 17 of the Stipulation & Agreement (Paragraph #17 must be added by parties).

Defendant has engaged in the following past violent or abusive conduct:

The incorporation of the proposed Stipulation & Agreement as an Order of Court does not cause risk of harm to the Child or the abused notwithstanding Defendant's violent /abusive conduct.

The conditions for protection of the Child or abused party because of Defendant's violent/abusive conduct are contained in Paragraph # 7 and/or Paragraph #17 of the Stipulation & Agreement. (Paragraph #17 must be added by parties).

15. Both Plaintiff and Defendant agree that it is in the best interest of the Child for the Court to incorporate as an Order of Court the Stipulation & Agreement dated _____.

FOR THESE REASONS, we (Plaintiff and Defendant) intending to be legally bound and waiving our rights to be present when this agreement and order are presented and executed, hereby stipulate and agree that it is in the best interest of the Child for the Court to incorporate as an Order of Court the Stipulation & Agreement dated _____.

We further agree that there has been no fraud, concealment, overreaching, coercing or other unfair dealing by either of us during the preparation of the Stipulation and Agreement.

Signature of Plaintiff

Date

Signature of Witness of Plaintiff

Printed Name of Plaintiff's Witness

Signature of Defendant

Date

Signature of Witness of Defendant

Printed Name of Defendant's Witness

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY DIVISION**

_____, NO. _____-FC-_____-03
 Plaintiff
 vs. Action in Custody

 Defendant

PLAINTIFF - CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

I _____, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. §4904 relating to unsworn falsification to authorities that:

- Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. §6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

Check all that apply	Crime	Self	Other household member	Date of conviction, guilty plea, no contest plea or pending charges	Sentence
	18 Pa.C.S. Ch. 25 (relating to criminal homicide)			_____	_____
	18 Pa.C.S. §2702 (relating to aggravated assault)			_____	_____
	18 Pa.C.S. §2706 (relating to terroristic threats)			_____	_____
	18 Pa.C.S. §2709.1 (relating to stalking)			_____	_____

18 Pa.C.S. §2901 (relating to kidnapping)

18 Pa.C.S. §2902 (relating to unlawful restraint)

18 Pa.C.S. §2903 (relating to false imprisonment)

18 Pa.C.S. §2910 (relating to luring a child into a motor vehicle or structure)

18 Pa.C.S. §3121 (relating to rape)

18 Pa.C.S. §3122.1 (relating to statutory sexual assault)

18 Pa.C.S. §3123 (relating to involuntary deviate sexual intercourse)

18 Pa.C.S. §3124.1 (relating to sexual assault)

18 Pa.C.S. §3125 (relating to aggravated indecent assault)

18 Pa.C.S. §3126 (relating to indecent assault)

18 Pa.C.S. §3127 (relating to indecent exposure)

18 Pa.C.S. §3129 (relating to sexual intercourse with animal)

18 Pa.C.S. §3130 (relating to conduct relating to sex offenders)

18 Pa.C.S. §3301 (relating to arson and related offenses)

18 Pa.C.S. §4302 (relating to incest)

18 Pa.C.S. §4303 (relating to concealing the death of child)

18 Pa.C.S. §4304 (relating to endangering welfare of children)

18 Pa.C.S. §4305 (relating to dealing in infant children)

18 Pa.C.S. §5902(b)
(relating to prostitution and related offenses)

18 Pa.C.S. §5903(c) or (d)
(relating to obscene and other sexual materials and performances)

18 Pa.C.S. §6301 (relating to corruption of minors)

18 Pa.C.S. §6312 (relating to sexual abuse of children)

18 Pa.C.S. §6318 (relating to unlawful contact with minor)

18 Pa.C.S. §6320 (relating to sexual exploitation of children)

23 Pa.C.S. §6114 (relating to contempt for violation of protection order or agreement)

Driving under the influence of drugs or alcohol

Manufacture, sale, delivery,
holding, offering for sale or
possession of any controlled
substance or other drug or
device

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

Check all
that
apply

Self

Other household
member

Date

A finding of abuse by a Children & Youth Agency or similar agency in Pennsylvania or similar statute in another jurisdiction

Abusive conduct as defined under the Protection from Abuse Act in Pennsylvania or similar statute in another jurisdiction

Involvement with a Children & Youth Agency or similar agency in Pennsylvania or another jurisdiction.

Where?:

Other: _____

State the date and circumstance of the child abuse, the named perpetrator of the abuse, and the jurisdiction or location where the abuse took place.

3. Please list any evaluation, counseling or other treatment received following conviction or finding of abuse:

4. If any conviction above applies to a household member, not a party, state that person's name, date of birth and relationship to the child(ren):

Identify any household members by name and age that currently reside with you, and were included in the responses to Questions 1 & 2:

5. If you are aware that the other party or members of the other party's household has or have a criminal/abuse history, please explain:

6. State whether you or any member of your household was provided services by a child welfare agency (eg., County Children, Youth, & Families Agency). If yes, please indicate:

a. The individuals who received services: _____

b. The type of services provided: _____

c. The circumstances surrounding the provision of services: _____

_____.

d. The time frame during which the services were or are being provided: _____

_____.

e. The jurisdiction or location where the services are being or were provided: _____

_____.

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Plaintiff's Signature

Plaintiff's Printed Name

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY DIVISION**

_____, NO. _____-FC-_____-03
 Plaintiff
 vs. Action in Custody

 Defendant

DEFENDANT - CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

I _____, hereby swear or affirm, subject to penalties of law including 18 Pa.C.S. §4904 relating to unsworn falsification to authorities that:

- Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. §6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

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	18 Pa.C.S. §2702 (relating to aggravated assault)			_____	_____
	18 Pa.C.S. §2706 (relating to terroristic threats)			_____	_____
	18 Pa.C.S. §2709.1 (relating to stalking)			_____	_____

18 Pa.C.S. §2901 (relating to kidnapping)

18 Pa.C.S. §2902 (relating to unlawful restraint)

18 Pa.C.S. §2903 (relating to false imprisonment)

18 Pa.C.S. §2910 (relating to luring a child into a motor vehicle or structure)

18 Pa.C.S. §3121 (relating to rape)

18 Pa.C.S. §3122.1 (relating to statutory sexual assault)

18 Pa.C.S. §3123 (relating to involuntary deviate sexual intercourse)

18 Pa.C.S. §3124.1 (relating to sexual assault)

18 Pa.C.S. §3125 (relating to aggravated indecent assault)

18 Pa.C.S. §3126 (relating to indecent assault)

18 Pa.C.S. §3127 (relating to indecent exposure)

18 Pa.C.S. §3129 (relating to sexual intercourse with animal)

18 Pa.C.S. §3130 (relating to conduct relating to sex offenders)

18 Pa.C.S. §3301 (relating to arson and related offenses)

18 Pa.C.S. §4302 (relating to incest)

18 Pa.C.S. §4303 (relating to concealing the death of child)

18 Pa.C.S. §4304 (relating to endangering welfare of children)

18 Pa.C.S. §4305 (relating to dealing in infant children)

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(relating to prostitution and related offenses)

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Manufacture, sale, delivery,
holding, offering for sale or
possession of any controlled
substance or other drug or
device

2. Unless indicated by my checking the box next to an item below, neither I nor any other member of my household have a history of violent or abusive conduct including the following:

Check all
that
apply

Self

Other household
member

Date

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Where?:

Other:

State the date and circumstance of the child abuse, the named perpetrator of the abuse, and the jurisdiction or location where the abuse took place.

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6. State whether you or any member of your household was provided services by a child welfare agency (eg., County Children, Youth, & Families Agency). If yes, please indicate:

a. The individuals who received services: _____

b. The type of services provided: _____

c. The circumstances surrounding the provision of services: _____

_____.

d. The time frame during which the services were or are being provided: _____

_____.

e. The jurisdiction or location where the services are being or were provided: _____

_____.

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Defendant's Signature

Defendant's Printed Name

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY DIVISION**

Plaintiff

NO. _____-FC-_____-03

v.

CUSTODY

Defendant

ORDER INCORPORATING STIPULATION

AND NOW, on this _____ day of _____, 20____, upon consideration of the foregoing Petition for Entry of Stipulated Order, it is hereby ordered that the terms, conditions and provisions of the Custody Stipulation, dated _____ are adopted as an Order of Court as if set forth herein at length.

BY THE COURT,

J.