

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

_____	:	No. _____-FC-_____ -03
Plaintiff	:	
	:	CIVIL ACTION – LAW
vs	:	
	:	
_____	:	CUSTODY
Defendant		

ORDER APPROVING STIPULATION & AGREEMENT

AND NOW, this _____ day of _____, 20 ____, based on Stipulation and Agreement of the parties, the Court hereby Orders as follows:

1. This Order of Court in custody concerns the following minor children (hereinafter “Children”):

_____	_____	_____	, born _____
(first name of child)	(middle name of child)	(last name of child)	(year of birth of child)
_____	_____	_____	, born _____
(first name of child)	(middle name of child)	(last name of child)	(year of birth of child)
_____	_____	_____	, born _____
(first name of child)	(middle name of child)	(last name of child)	(year of birth of child)
_____	_____	_____	, born _____
(first name of child)	(middle name of child)	(last name of child)	(year of birth of child)

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

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

3. Primary Physical Custody or Shared Physical Custody

- The Children shall live with Plaintiff. (Plaintiff shall have primary physical custody of the Children).
- The Children shall live with Defendant. (Defendant shall have primary physical custody of the Children).
- The Children shall live with both Plaintiff and Defendant on the following schedule:

(The parties shall share physical custody of the Children)

4. Partial Physical Custody or Supervised Physical Custody

- The Children shall live with Plaintiff, and Defendant shall have the right to have the Children in his/her custody on the following schedule:

(Plaintiff shall have primary physical custody of the Children and Defendant shall have partial physical custody of the Children.)

- The Children shall live with Defendant and Plaintiff shall have the right to have the Children in his/her custody on the following schedule:

(Defendant shall have primary physical custody of the Children and Plaintiff shall have partial physical custody of the Children.)

- The Children shall live with Plaintiff, and Defendant shall have the right to have supervised physical custody of the Children supervised by

_____ (name of the supervisor) on the following schedule:

(Plaintiff shall have primary physical custody of the Children and Defendant shall have supervised physical custody of the Children.)

- The Children shall live with Defendant, and Plaintiff shall have the right to have supervised physical custody of the Children supervised by

_____ (name of the supervisor) on the following schedule:

(Defendant shall have primary physical custody of the Children and Plaintiff shall have supervised physical custody of the Children.)

- Due to a shared physical custody arrangement in Paragraph 3 above, no partial physical custody or supervised physical custody is granted.
- No partial physical custody or supervised physical custody is awarded to the party who does not live with Children.

5. Holidays and Vacation

- Easter
 - Plaintiff shall have custody of the Children
from _____ (time) on _____ (day)
until _____ (time) on _____ (day)
 - on alternating years
 - every year
 - Defendant shall have custody of the Children
from _____ (time) on _____ (day)
until _____ (time) on _____ (day)
 - on alternating years
 - every year
- Mother's Day
 - Plaintiff shall have custody of the Children
from _____ (time) on Mother's Day

until _____ (time) on Mother's Day

- on alternating years
- every year

- Defendant shall have custody of the Children
from _____ (time) on Mother's Day
until _____ (time) on Mother's Day

- on alternating years
- every year

- Father's Day

- Plaintiff shall have custody of the Children
from _____ (time) on Father's Day
until _____ (time) on Father's Day

- on alternating years
- every year

- Defendant shall have custody of the Children
from _____ (time) on Father's Day
until _____ (time) on Father's Day

- on alternating years
- every year

- Independence Day (4th of July)

- Plaintiff shall have custody of the Children
from _____ (time) on _____ (date)
until _____ (time) on _____ (date)

- on alternating years
- every year

- Defendant shall have custody of the Children
from _____ (time) on _____ (date)
until _____ (time) on _____ (date)

- on alternating years
- every year

- Thanksgiving

- Plaintiff shall have custody of the Children

from _____ (time) on _____ (day)
until _____ (time) on _____ (day)

- on alternating years
- every year

- Defendant shall have custody of the Children

from _____ (time) on _____ (day)
until _____ (time) on _____ (day)

- on alternating years
- every year

- Christmas

- Plaintiff shall have custody of the Children

from _____ (time) on _____ (date)
until _____ (time) on _____ (date)

- on alternating years
- every year

- Defendant shall have custody of the Children

from _____ (time) on _____ (date)
until _____ (time) on _____ (date)

- on alternating years
- every year

- Vacation

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

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

- Other:

6. 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.

7. Transportation.

- Plaintiff shall provide transportation of the Children for the custody exchanges
- Defendant shall provide transportation of the Children for the custody exchanges
- The party beginning a period of custody of the Children shall provide transportation for the custody exchanges.
- The party ending a period of custody of the Children shall provide transportation for the custody exchanges.
- The parties shall meet at _____
(name of meeting place) to exchange custody of the Children
- Other:

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

8. Relocation of the Party:

A Relocation is defined as a change in residence of the children which significantly impairs the ability of a non-relocating party to exercise custodial rights (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 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 relocation
- (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.

By the Court,

J.

Case No. _____

_____, born _____
(first name of child) (middle name of child) (last name of child) (year of birth of child)

_____, born _____
(first name of child) (middle name of child) (last name of child) (year of birth of child)

_____, born _____
(first name of child) (middle name of child) (last name of child) (year of birth of child)

4. The Plaintiff is the

- Father of the Children.
- Mother of the Children.
- _____ of the Children.

5. The Defendant is the

- Father of the Children.
- Mother of the Children.
- _____ of the Children.

6.

- The Children, _____
_____ (names of Children) were born in
wedlock.

- The Children, _____
_____ (names of Children) were born out of
wedlock..

7. Plaintiff currently lives with the following persons:

Person	Relationship to Plaintiff

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8. Defendant currently lives with the following persons:

Person	Relationship to Plaintiff

9. For the past five years, the Children have 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 Children in this or another court.
- Plaintiff and Defendant have been involved in another custody case concerning the Children 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 Children.
- Plaintiff and Defendant know of another custody case concerning the Children. 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 Children live or who claims to have custody or visitation rights to the Children.
- Plaintiff and Defendant know of the following person(s) (other than us) with whom the Children live or who claims to have custody or visitation rights to the Children:

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 entry of the proposed order does not cause risk of harm to the Children or the abused party notwithstanding Plaintiff's violent /abusive conduct.
 - The conditions for protection of the Children or abused party because of Plaintiff's violent/abusive conduct are contained in the proposed order.

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

-
- The entry of the proposed order does not cause risk of harm to the Children or the abused party notwithstanding Defendant's violent /abusive conduct.
 - The conditions for protection of the Children or abused party because of Defendant's violent/abusive conduct are contained in the proposed order.

15. Both Plaintiff and Defendant agree that it is in the best interest of the Children for the Court to enter the attached Order on Pages 1-7 of this Form.

FOR THIS 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 Children for the Court to enter the attached Order on Pages 1-7 of this Form.

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
_____ Signature of Defendant	_____ Date	_____ Signature of Witness of Defendant

CRIMINAL HISTORY CERTIFICATION OF PLAINTIFF

1. I, _____ (name of Plaintiff) certify that I:

was convicted of:	was charged with:	have NOT been charged, convicted or pleaded guilty or no contest to:	
			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)
			18 Pa.C.S. §23 Pa.C.S. §6114 (relating to contempt for violation of order 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, 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.
			18 Pa.C.S. §2502 (a) (relating to murder) of the child
			Criminal offence in any other state or jurisdiction substantially equivalent to any of the offenses listed above

2. I, _____ (name of Plaintiff) certify that a member of my household:

was convicted of:	was charged with:	have NOT been charged, convicted or pleaded guilty or no contest to:	
			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)
			18 Pa.C.S. §23 Pa.C.S. §6114 (relating to contempt for violation of order 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, 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.
			18 Pa.C.S. §2502 (a) (relating to murder) of the child
			Criminal offence in any other state or jurisdiction substantially equivalent to any of the offenses listed above

CRIMINAL HISTORY CERTIFICATION OF DEFENDANT

3. I, _____ (name of Defendant) certify that I:

was convicted of:	was charged with:	have NOT been charged, convicted or pleaded guilty or no contest to:	
			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)
			18 Pa.C.S. §23 Pa.C.S. §6114 (relating to contempt for violation of order 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, 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.

			18 Pa.C.S. §2502 (a) (relating to murder) of the child
			Criminal offence in any other state or jurisdiction substantially equivalent to any of the offenses listed above

4. I, _____ (name of Defendant) certify that a member of my household:

was convicted of:	was charged with:	have NOT been charged, convicted or pleaded guilty or no contest to:	
			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)
			18 Pa.C.S. §23 Pa.C.S. §6114 (relating to contempt for violation of order 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, 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.
			18 Pa.C.S. §2502 (a) (relating to murder) of the child
			Criminal offence in any other state or jurisdiction substantially equivalent to any of the offenses listed above

I verify that the statements made in the foregoing “Stipulation and Agreement” and “Criminal History Certification of Plaintiff” are true and correct. I understand that false statements herein are made subject to penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: _____

Signature of Plaintiff

I verify that the statements made in the foregoing “Stipulation and Agreement” and “Criminal History Certification of Defendant ” are true and correct. I understand that false statements herein are made subject to penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: _____

Signature of Defendant