

**STANDARD CONDITIONS REGARDING  
SHARED CUSTODY & PARTIAL  
PHYSICAL CUSTODY ORDERS -- Updated July, 2015**

Access to Records. Both parents shall have full access to all relevant medical, dental, psychological, educational, or religious records. Each parent may obtain such records directly from the provider without the other parent's consent. Parents shall provide each other with any records not easily obtainable by the other parent. Any school district which the child attends shall provide both parents identical information.

Each parent has a duty to promptly provide to the other parent, without request, full and complete information concerning the child's health, education, and welfare including information from any doctor, dentist, teacher, coach, school, church, or childcare provider. This obligation includes providing copies of all reports and documents including but not limited to birth records, social security cards, health insurance cards, medical and dental reports, school records and information such as report cards, progress reports, disciplinary reports, schedules of school and extracurricular activities, and any similar information concerning activities of the child. If any of the above information concerns dates, times, and places of coming events, it shall be provided immediately to the other parent so that parent will have the opportunity to attend or participate in the activity.

Each parent is entitled to complete and full information directly from any hospital, doctor, dentist, coach, daycare provider, psychiatrist or medical care provider, education or religious institution, or teacher. Each parent is entitled to examine any documents concerning the child and to receive copies of files or reports concerning the child directly from any such person or entity. Such documents include, but are not limited to, medical records, psychiatric records, academic records, school report cards, birth certificates or other governmental records. The child's school is authorized and encouraged to communicate with each parent regarding the child's progress and schedule of activities. Such authorities are authorized to communicate with each parent regarding any matters concerning the child; consent of the "custodial" parent is not necessary.

Both parents are encouraged to attend school conferences and other activities. Both parents shall be listed with the school as the parties to be contacted in the event of an emergency and to be notified regarding school events. A parent receiving any notice of a parent/teacher conference shall immediately notify the other parent of the time and date.

Decision-making. Both parents shall use their best efforts to engage in joint decision-making with respect to the child. Parents shall consult with each other concerning major health decisions, religious upbringing, choice of day care provider, transfer of schools, changes in school curriculum, participation in extracurricular activities, participation in non-school lessons or structured non-school activities or organizations, participation in summer camps, and similar activities. Neither parent shall have the child consult with a therapist or have the child examined for alleged sexual abuse without an Order of Court or upon direction of Clinton County Children and Youth Services.

With regard to any emergency decisions which must be made, the parent exercising custody of the child at the time shall be permitted to make the decision necessitated by the emergency without consulting the other parent in advance; however, the custodial parent shall inform the other of the emergency and consult with the other within two (2) hours. Day-to-day decisions of a routine nature will be the responsibility of the parent having physical custody at the time.

Both parents must agree that the child can participate in an extracurricular activity before either parent signs the child up for such activity. Once both parents agree on an activity, both shall permit the child to attend practices and events concerning that activity. The parent having physical custody of the child at the time has the responsibility of providing transportation to and from that activity. In the event such transportation cannot be provided, the custodial parent shall immediately notify the other parent and provide him or her with the opportunity to transport the child to the activity.

Conflict in Partial Custody Orders. In the event certain provisions in a Partial Custody Order are inconsistent, the provisions concerning specific holidays shall supersede provisions concerning weekends and midweek visits; provisions concerning vacations shall supersede provisions concerning weekends and midweek visits except that the non-custodial parent must include a scheduled weekend in any vacation.

Implementation. In implementing this Custody Order, both parents shall be flexible and act in the child's best interest, shall consult with the child where appropriate, and give due regard to the child's legitimate wishes and needs. Both parents shall use their best efforts in presenting a united front to the child and in shielding the child from an awareness of their parents' discussions and differences as to decision-making. Both parents shall use their best efforts to ensure that their spouses, extended families, and household members cooperate in carrying out the intent and spirit of the Custody Order. Both parents shall avoid permitting spouses or paramours to interfere with their communication with one another and shall communicate directly with one another to the maximum extent possible rather than through a spouse or paramour.

Each parent shall encourage the child in the exercise of the other parent's partial custody rights and shall have the child ready and properly clothed and fed at the appropriate times. The custodial parent shall not begin any activity (such as starting a movie or inviting friends or relatives to visit) which would possibly overlap with the change of custody. In the event a parent chooses not to exercise partial custody rights on a given occasion, that parent shall provide reasonable advance notice of the decision to reduce or eliminate such a partial custody period. If no communication is received from the non-custodial parent, the custodial parent may assume there will be a "no show" after thirty (30) minutes.

During custody exchanges both parents shall conduct themselves in a civilized manner and avoid making any inappropriate comments or gestures toward the other parent or any other individuals present. Both parents shall treat the other with respect during the exchanges and refrain from doing or saying anything that might cause an argument in front of the child.

Major Events. Both parents shall be notified of and invited to major events in the child's life, including, but not limited to, graduations, awards, presentations, performances by the child, and similar extracurricular activities. The custodial parent has a special obligation to assure such notice.

Illness, Accidents, and Other Emergencies: Each parent shall promptly notify the other of any serious accident or illness or any legal or educational emergency involving the child. If a child is hospitalized, both parents and step- parents and/or any grandparents may visit with the child regardless of any custody schedule. If a child is taking medication, that medication or a prescription for the medication shall be made available to each parent. The non-custodial parent shall be provided copies of medical assistance and insurance documents.

Other Notice Requirements: Each parent shall provide the other their residential address, work address, landline telephone number, and cell number. Each parent must notify the other within twenty-four (24) hours of any change of work address or telephone or cell number. During periods when the child will be away from home overnight, the parent who has physical custody during that period shall notify the other parent of the travel and lodging plans, a method of contacting the child during the trip, and the identity of the persons with whom the child will be traveling or staying.

Transportation. Neither parent shall operate a vehicle transporting the child while the parent is under the influence of drugs or alcohol. Both parents shall ensure that the child is using an appropriate seat belt or child safety seat when being transported in vehicles either by that parent or by another person on that parent's behalf. A parent may use any licensed adult driver to provide transportation so long as that person is known to the child.

Telephone Contact. The parent out of custody shall be entitled to reasonable telephone contact with the child. Such telephone contact shall not be monitored by or interrupted by the custodial parent. In the event of long distance calls, the parents shall agree on specific times when the child will be available to receive calls, and the custodial parent shall be responsible for assuring the child's presence at the telephone. When the non-custodial parent leaves a message, it is the responsibility of the custodial parent to make sure the phone call is returned. Neither parent shall abuse the right to reasonable telephone contact; except in an emergency, no more than one call shall be made in any one day.

Notice of Proposed Relocation. A party proposing a relocation must notify every other individual who has custody rights to the child (including any parties, such as grandparents where those parties have petitioned the Court for and have been awarded partial physical custody or supervised physical custody). This notice must be provided to the nonrelocating parties with custody rights **by certified mail, return receipt requested**, at least sixty (60) days before the proposed relocation unless the relocating party did not know and could not reasonably have known of the relocation in sufficient time to comply with the sixty (60) day notice requirement and it is not reasonably possible for the relocating party to delay the date of the relocation to comply with the sixty (60) day requirement. In such a case, notice must be

provided no later than the tenth (10th) day after the date the relocating party knows about the relocation. The following information, if available, must be included with the notice of the proposed relocation:

- The address of the intended new residence.
- The mailing address, if not the same as the address of the intended new residence.
- Names and ages of the individuals in the new residence, including individuals who intend to live in the new residence.
- The home telephone number of the intended new residence, if available.
- The name of the new school district and school.
- The date of the proposed relocation.
- The reasons for the proposed relocation.
- A proposal for a revised custody schedule, if necessary.
- Any other information which the party proposing the relocation deems appropriate.
- A counter-affidavit as provided under 23 Pa.C.S. § 5337(d)(1) which can be used to object to the proposed relocation and the modification of a custody order. [A form counter-affidavit suitable for this purpose will be made available on the downloadable forms section of the Clinton County Court web site at: [http://www.clintoncountypa.com/departments/court\\_services/county\\_courts/forms.shtml](http://www.clintoncountypa.com/departments/court_services/county_courts/forms.shtml)]
- A warning to the nonrelocating party that if the nonrelocating party does not file with the court an objection to the proposed relocation within 30 days after receipt of the notice, that party shall be **foreclosed** from objecting to the relocation.

If any of the bulleted information set forth above is not known when the notice is sent, or is later rendered inaccurate, the party proposing the relocation must promptly inform every individual who has custody rights to the child(ren) in question regarding those items of information and by supplying current and accurate information.

A party entitled to receive notice of a proposed relocation may file with the court an objection to the proposed relocation and seek a temporary or permanent Order to prevent the relocation. The nonrelocating party shall have the opportunity to indicate whether he objects to relocation and whether he objects to modification of the existing custody Order. If the party timely objects to either relocation or modification of the custody order, a hearing shall be held as provided in 23 Pa.C.S. § 5337(g)(1). The objection shall be made by completing and filing with the court a counter-affidavit, which shall be verified subject to penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and substantially in the form provided under 23 Pa.C.S. § 5337(d)(1) [A form counter-affidavit suitable for this purpose will be made available on the downloadable forms section of the Clinton County Court web site at: [http://www.clintoncountypa.com/departments/court\\_services/county\\_courts/forms.shtml](http://www.clintoncountypa.com/departments/court_services/county_courts/forms.shtml)].

- An objection made under this subsection shall be filed with the court **within 30 days of receipt of the proposed relocation notice and served on the other party by certified mail, return receipt requested.**
- If notice of the proposed relocation has been properly given and no objection to the proposed relocation has been filed with the court within thirty (30) days of the nonrelocating party's receipt of the notice of proposed relocation, then it shall be

presumed that the nonrelocating party has consented to the proposed relocation.

- If a nonrelocating party has been given proper notice and fails to file an objection to the relocation, in the form of the counter-affidavit described by 23 Pa.C.S. § 5337(d)(1) 30 days after receipt of the notice but later petitions the court for review of the custodial arrangements, **the court shall not accept testimony challenging the relocation.**
- If no objection is filed, then the person who desires to relocate must file the following prior to relocating:
  - (1) An affidavit verifying that notice was served on all individuals with custody rights, the time for objection (30 days from date of each nonrelocating party's receipt of the notice of relocation) has passed and that no objection was filed within that period. [A form affidavit suitable for this purpose will be made available on the downloadable forms section of the Clinton County Court web site at: [http://www.clintoncountypa.com/departments/court\\_services/county\\_courts/forms.shtml](http://www.clintoncountypa.com/departments/court_services/county_courts/forms.shtml)]
  - (2) The **original** certified mail return receipt evidencing that notice has been served upon each and every nonrelocating party having a right to any form of custody of the child(ren) who are subject to the proposed relocation.
  - (3) A petition requesting the Court to approve the relocation and requesting any desired modifications to the existing Custody Order.
  - (4) An Order permitting the relocation and, where necessary, modifying the existing custody arrangement.
- If a timely objection is filed by a nonrelocating party, the person proposing the relocation should file the documents listed above at (1)-(4), noting, however, on the Affidavit of Service that an objection was filed, when, by whom, and requesting a hearing. In the event an objection is filed the Court shall schedule a hearing, at which it will determine whether the relocation is in the best interests of the child(ren) and the relocating party.

A packet containing the necessary relocation documents has been prepared free of charge and is available at the Court Administrator's Office on the second floor of the Clinton County Courthouse as well as on the Clinton County website at:

[http://www.clintoncountypa.com/departments/court\\_services/county\\_courts/forms.shtml](http://www.clintoncountypa.com/departments/court_services/county_courts/forms.shtml)