
VS. _____

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
: NO.

PROPOSED ORDER OF COURT

1. The parents shall share the legal and physical custody of their child(ren)

The name(s) and birth date(s) of the child(ren) are as follows:

2. The child(ren) shall reside with the (mother/father) except that the (mother/father) shall have (partial custody/visitation) with the child(ren) as follows: OR

The parents shall share custody of their child(ren) as follows:.

a. Weekdays - _____

b. Weekends - _____

c. Summer/Vacation periods - _____

d. The non-festive holidays of Memorial Day, July Fourth and Labor Day shall be alternated beginning with _____. The hours for Memorial and Labor Days shall be from 10:00 a.m. until 6:00 p.m. and the hours for July Fourth shall be July 4th from 12:00 noon until July 5th at 12:00 noon unless mutually agreed to do otherwise.

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5. Each parent shall plan a birthday celebration for the child(ren) on one of their regularly scheduled partial custody days near the child(ren)'s birthday.

6. Each parent shall keep the other informed of the child(ren)'s health, progress in school, and general welfare and shall consult the other parent concerning major decisions affecting the child(ren).

7. Each parent is entitled to receive directly from schools, health care providers, or other relevant sources, information concerning their child(ren).

8. Neither parent shall engage in any conduct that presents to the child(ren) a negative or hostile view of the other.

9. Each parent shall encourage the child(ren) to comply with the custody arrangement and foster in the child(ren) a positive view of the other.

10. This custody arrangement may be modified by an agreement of the parties when required for the best interest of the child(ren). The term "mutual agreement" contemplates good faith discussions by both parents to reach an agreement as to specific dates and times of partial custody or visitation, and the unilateral determination of one parent to deny contact shall be viewed as a violation of this provision.

11. The parents agree, as a condition of this consent order, to attend the "Children Cope with Divorce, Custody and/or Visitation" seminar.

12. Jurisdiction of the aforementioned child(ren) and this matter shall remain in the Court of Common Pleas of Erie County, Pennsylvania unless and until jurisdiction would change under the Uniform Child Custody Jurisdiction and Enforcement Act 23 Pa. C.S.A. 5401 et. seq.

13. **NOTIFICATION OF OBLIGATIONS PRIOR TO RELOCATION.**

Relocation is a change in the child's physical residence, which significantly impairs the ability of a non-relocating party to exercise custody of the child. Relocation of the child shall not occur unless either (1) every individual with custody rights consents to the relocation; or (2) the court approves the relocation. For a full understanding of your rights and obligations regarding relocation, you must refer to Section 5337 of Pennsylvania's Domestic Relations Code.

Nevertheless, as a general course of action, the following applies:

I. **Any party proposing relocation must:**

At least 60 days prior to relocation, **send notice** of the proposed relocation, **via certified mail, return receipt requested**, to every individual with custody rights to the child.

The notice shall include the address of the new residence, new mailing address, names and ages of individuals who will live in the new residence, home telephone number of the new

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residence (if available), name of the new school district and school, date of the proposed relocation, the reasons for the proposed relocation, a proposed custody schedule, and a warning that failure to file an objection to the relocation within 30 days after receipt of the notice will foreclose the non-relocating party from objecting to the relocation.

If, subsequent to serving the notice of relocation, you become aware of information regarding the relocation that you did not previously have, you must promptly inform every individual who received notice of the relocation.

With the notice of relocation, you must **provide a counter-affidavit**. A form counter-affidavit is provided in the Domestic Relations Code (23 Pa.C.S. 5337).

If a timely objection to relocation is not filed, you must, prior to relocation, file: (1) an affidavit of notice; (2) proof of service (the return receipt with the addressee's signature); (3) a copy of the full notice sent; (4) a petition to confirm the relocation and modify any existing custody order; and (5) a proposed order.

II. **Any party objecting to relocation must, within 30 days of receipt of the notice of relocation:** (1) complete and file with the court a verified counter-affidavit; and (2) serve a copy of the counter-affidavit on the other party by certified mail, return receipt requested. Failure to file a timely counter-affidavit to the relocation will preclude you from objecting to the relocation.

14. VIOLATION OF THIS ORDER BY ANY PERSON MAY RESULT IN CIVIL AND CRIMINAL PENALTIES, INCLUDING PROSECUTION PURSUANT TO SECTION 2904 OF THE PENNSYLVANIA CRIMES CODE, INTERFERENCE WITH CUSTODY OF CHILDREN.

Print Name

Signature

Date