

Delta Sample Custody Agreement Form

Notes about this form:

-This form is in the format of a court order and assumes both parties consent to the arrangement and the judge signs it. Parties do not need a judge's signature to have a valid custody agreement. However, a court order can be enforced by law enforcement. This form is just an example where the Mother filed a complaint for custody or has decided to be named as the plaintiff. If the parties agree to a consent order, like this, the actual person named as the plaintiff or defendant does not affect custody rights. This form is not meant to provide the limitations of any custody agreement. It is meant to show the basic outline of a typical custody agreement.

-Parties can create almost any conditions and arrangements that they can imagine as long as what they do is in the best interest of the child/children.

-Each county has different custody forms so you should review the particular county requirements first before drafting a consent order such as this.

-This sample form has Mother as the primary custodial parent. The parties can decide how they want to arrange custody so please review the **Delta Guide to Child Custody Definitions and Concepts** so as to understand important concepts to help you draft your agreement.

-IMPORTANT! Delta recommends that whatever custody arrangement that you draft, you have an experienced attorney review it and consult with the attorney to ensure all of your rights are protected. There are many considerations not addressed here.

IN THE COURT OF COMMON PLEAS OF **Name** COUNTY, PENNSYLVANIA

Name of Mother,)	FAMILY DIVISION
)	
Plaintiff,)	NO. FD Case Number
)	
vs.)	
)	
Name of Father,)	
)	
Defendant.)	

ORDER- CUSTODY

AND NOW, to-wit, this _____ day of _____, **year**, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. The parties, **Mother's Name** (Hereafter "Mother") and **Father's Name** (Hereafter "Father") are the parents of the minor children, namely **Child 1's name** (DOB **-----**) and Child 2's Name (DOB **-----**).

2. Both parties shall have shared legal custody of the children. Shared legal custody means that the parties share responsibility for all major decisions concerning the education, medical care, dental care, religion and all other matters which concern the general welfare of the minor children. For this purpose, the parties sharing legal custody shall consult and confer with each other on matters affecting the welfare of the minor children. They will take into account the best interests of the minor children, and to the extent possible, the wishes of the minor children. The parties shall be entitled to complete access and information from any doctor, dentist, or other health care provider treating each minor child, as well as information from any school or school authority instructing the minor children and their respective school records. The names addresses and telephone numbers of each party sharing legal custody shall be listed by each health care provider with a notation that all parties sharing legal custody shall be notified in case of emergency involving the minor child. Each party sharing legal custody shall have full authority to sign for emergency care, school absences, and any other activity requiring a signature of a parent or guardian. Each party shall endeavor to keep the other party notified of school conferences and programs, as well as other extracurricular school and community activities affecting the minor children. Both parties shall confer as to the children's activity, school and childcare schedules. Responsibility for day-to-day parenting decisions will rest with the parent with whom the child is then residing, including vacation and holiday parenting. Examples of parental day-to-day decisions include treatment of minor health problems and injuries, diet, television, house rules and discipline, bedtime, etc. Mother and Father will ensure that the child's school books, book bag, lunch and sports equipment will be given to him/her when he/she visits the other parent.

3. Mother will have primary physical custody of Child 1 and Child 2.

4. Physical custody of the children shall be as follows:

A. Father shall have custody each week when he is home on Friday after school or if there is no school then 3:00 PM, until Sunday at 8:00 PM. Father shall also have custody on days when the children are not in school (during the school year for single day-offs), 3:00 pm until 9:00 pm.

B. Mother shall have custody at all other times.

C. All exchanges shall occur at the residence of the party giving up custody of the children (i.e., the person starting custody must arrive at the other party's residence or agreed upon location

to pick up the children). Locations and times for exchanges can be modified as agreed to by the parties if 24-hour notice is given.

5. Neither party may relocate the minor children unless every individual who has custody rights to the child consents to the proposed relocation OR the Court approves the proposed relocation. Notice of the proposed relocation AND Counter Affidavit must be served on every individual who has custody rights to the child as set forth at 23 Pa.C.S.A. Sec. 5337. All parties shall also comply with Local Rule regarding change of residence. Parties shall provide at least sixty (60) days of such proposed relocation.

6. Each party is permitted two (2) weeks of continuous vacation days with the children provided they do the following:

A. Provide sixty (60) days notice to the other party prior to using the vacation days.

B. Provide detailed information regarding the destination and duration of all trips over a length of 3 days in which the parent plans to take the child out of their domicile.

C. Such vacation periods shall be in seven (14) day increments, however, accommodation of an additional day for travel on either side of the proposed one (1) week period shall be allotted when necessary.

7. Each party is permitted holidays as follows:

A. Father's Day: Father.

B. Mother's Day: Mother.

D. Memorial Day Weekend: Friday after school through Monday at 8:00 pm: Father.

E. Labor Day Weekend: Friday after school through Monday at 8:00 pm: Mother.

F. Thanksgiving: Parents shall alternate years for celebration of this holiday. Father will have custody commencing the Wednesday prior at 7:00 p.m. until Thursday at 7:00 p.m. in even-numbered years. Mother shall have the same custodial time in odd-numbered years. Father may exercise his weekly custodial time in addition to the holiday time, to permit travel and greater custodial period during his year, resulting in four (4) overnight custodial days.

G. Child's birthday: The parent having physical custody on the child's birthday, shall have

custody of the child that day. Christmas: Father shall have custody of the minor children during Christmas Eve, commencing December 23rd at 7:00 p.m. until December 24th at 9:00 p.m. Mother shall have custody of the minor children commencing 9:00 p.m., December 24th until 7:00 p.m., December 25th. The parties shall alternate this schedule each year.

H. Other holidays: The parent that has the children when they wake up in the morning on the day of the holiday until 4:00 pm that day. The other parent then has custody from 4:00 pm until 9:00 pm. The parties can, by mutual agreement, modify these times.

I. The holiday physical custody schedule set forth herein shall take precedence over the weekend physical custody schedule set forth herein, unless the parties mutually agree to do otherwise.

8. Each party with custody shall allow phone contact with the child by the non-custodial party for the purposes of communicating with the child. All calls shall be made within reasonable hours (7:00 AM – 9:00 PM). The parties agree to provide each other with cell phone number and other contact phone numbers and to notify one another immediately if these numbers are changed.

9. The parties agree that neither party shall obstruct the development and maintenance of love and affection between the child and the other party. Neither will interfere with reasonable and proper companionship with the other party, including reasonable communication by telephone or writing. Neither party will do or say anything that may estrange the child from the other parent.

10. The parents may decide different time arrangements than those provided in this Order of Court, and make decisions whenever they mutually agree on any proposed change. Nothing in this Order of Court shall limit or restrict the ability of the parents to mutually agree on alternative parenting arrangements. If for any reasons the parents cannot agree on a proposed change, the terms of this Order shall be followed.

11. Pursuant to 23 Pa. C.S.A. Section 5323(f), law enforcement authorities may enforce this Order of Court by assisting in the return of the physical custody of the minor children to the rightful party.

BY THE COURT:

The Honorable Judge **Name**

CONSENTED TO:

Name, Mother

Name, Father