

STEPS IN THE CUSTODY PROCESS

ARE BOTH OF YOU IN AGREEMENT REGARDING YOUR SHARED CUSTODY ARRANGEMENT?

If both parents are in agreement regarding their shared custody arrangements and wish to have that agreement formalized into an Order of Court, **both** parents must be willing to appear **voluntarily** for a conference and both parties must also agree to attend the Children Cope with Divorce seminar that is held at Family Services. No notices will be sent to either party. At this conference, the terms of your agreement will be put into writing. Be prepared to pay the appropriate filing fee and you will be given the necessary paperwork to obtain a docket number so that the agreement will be made into an Order.

YES

1. Call the Custody Conciliation Office at (814) 451-6234 for an agreement conference.
2. Attend the agreement conference.
3. Attend Children Cope with Divorce seminar.

NO

1. File a petition for custody.
2. Attend Children Cope with Divorce seminar.
3. Attend the intake conference.

If there is no agreement or if either party is reluctant to meet **voluntarily**, then you must proceed by filing a custody petition with the Court. All parties will be required to appear at the intake conference and attend the Children Cope with Divorce seminar. You may follow the instructions in this packet and use the accompanying blank forms to file a petition on your own. If you do not want to or cannot file your own petition, you must hire your own private attorney to prepare and file one for you. Northwestern Legal Services will not do this for you. If both parties are residing at the same address, a petition cannot be filed.

DID A CONSENT AGREEMENT RESULT FROM THE INTAKE CONFERENCE?

An intake conference will be scheduled to take place **after** you have completed the Children Cope with Divorce seminar. This is an **informal** meeting, **not a hearing**. No evidence or testimony is presented, and the **children are not interviewed**. There is no third party (for example, a stepparent or grandparent) allowed to be present at the conference unless everyone agrees. At this meeting, areas of agreement and disagreement are identified and you will have the opportunity to work out the terms of the custody arrangement with the assistance of a Custody Conciliator.

It is not necessary for an attorney to be present during any conferences; however, either party may have an attorney present. The only time that Northwestern Legal Services would be able to represent you at a conference is if the opposing party has hired an attorney and will have that attorney present. You must call our New Client Line at (814) 452-6957 to open a new file for direct representation and you must be able to tell the screeners the name of the opposing party's attorney.

YES

1. No further action necessary. You will receive a copy of the handwritten agreement following intake. In a week to ten days, you will receive your Court Order.

NO

1. An Order will be issued and you must follow this Order. A Temporary Order may be issued and a conciliation conference scheduled at a later date.

Most matters are resolved at this level; however, if full agreement of the custody arrangements cannot be accomplished at this stage, you will then be scheduled to attend a conciliation conference. A Temporary Court Order will be issued that you must follow until the conciliation conference. The purpose of the Temporary Order is to ensure that there is no break in contact between the children and both parents until such time as a more permanent arrangement can be made in the conciliation conference or by the Court.

***DID THE CONCILIATION CONFERENCE
RESULT IN A CONSENT AGREEMENT?***

The objective of the conciliation conference is to foster agreement between the parties in such a way that they are committed to a custody arrangement that will be entered as an Order of Court. This conference is also informal. No record of the proceeding is maintained and no evidence or testimony is required for either party or witnesses. Once again, it is not necessary to have an attorney present. If no agreement is reached, the custody conciliator will prepare a Recommended Order and forward it to the Court. You must follow this Order.

YES

1. No further action necessary. You will receive a copy of the handwritten agreement following intake. In a week to ten days, you will receive your Court Order.

NO

1. If full agreement cannot be reached, the conciliator will prepare a Recommended Order and forward it to the Court. You must follow this Order.

***DO YOU AGREE TO FOLLOW THE
RECOMMENDED ORDER?***

If you object to the Recommended Order, you must file a Request for Adversarial Hearing within ten days from the date your Order was mailed to you. The matter will then be scheduled for trial by the Family Court Judge. You will be notified of the trial date and also of the date for a pre-trial status conference that you must attend prior to the scheduled trial. A copy of the request must be submitted to the Custody Office.

YES

1. No further action necessary. In a week to ten days, you will receive your Court Order.

NO

1. If you object to the Recommended Order, you may file a **Request for Adversarial Hearing** within ten days from the date your Order was mailed to you.

TEMPORARY CUSTODY AND SPECIAL RELIEF

Before a party can request temporary custody or special relief, a petition for custody must have been filed or a Court Order must be in effect. These requests are **rarely** granted unless the petitioner can adequately establish that the child is in immediate danger of physical injury or serious emotional harm.

A party seeking temporary custody or special relief must present a petition to the Family Motion Court Judge. Such requests are normally decided following a hearing in Motion Court with **both** parties present. A copy of the petition must be served on the opposing party by personal service or by mail. If the petition is served through "personal" service, it must give the opposing party two full business days' notice. If service is completed by mail, it must give the opposing party five full business days' notice from the date that it was deposited in the U.S. mail. You must give the opposing party notice of the date and time you plan to appear in Motion Court. If you are pursuing this option, you may want to consult an attorney. Northwestern Legal Services does not assist petitioners in drafting or presenting motions for temporary custody or special relief. However, if you are served with a notice for such a hearing in Motion Court and the opposing party has hired a private attorney to represent them, you should call our New Client Line as soon as possible to see if you are eligible for direct representation.