

CUSTODY GUIDELINES

Disagreements are normal in any relationship. From time to time you will experience differences of opinion with the other parent.

The following guidelines will help you protect your legal interests and decrease the likelihood of harm to your child.

DECISION MAKING

Shared legal custody means that both parents must be involved in **major** decisions affecting the welfare of their child(ren). Such major decisions may include, but are not limited to, education, medical and dental care, and religious training.

Discussing and agreeing on the day-to-day needs (e.g., bedtime, routines, etc.) of your child(ren) with the other parent is important to ensure consistency and stability in your child(ren)'s life. For example, if a decision needs to be made regarding a child's participation in an ongoing structured activity (e.g., soccer, football, dance, etc.) and it will interfere with the custody schedule or require the participation of the other parent, tell the other parent your plans and work out any problems before you commit the child to the activity.

Should a non-structured social activity arise for the child (e.g., school dance, slumber party, birthday party, etc.), the parent who will have physical custody at the time of the activity decides whether the child can participate. It is then the responsibility of that parent to transport the child to and from the activity.

The method of discipline used with your child(ren) should be consistent in both your home and the home of the other parent. The natural parents are the primary disciplinarians, but when unavailable,

you should give a clear message to your child that a stepparent or other care giver is acting as an "authority figure" and must be respected.

Withholding physical custody is **NEVER** to be used as a form of punishment for a child. Soliciting the cooperation and support of the other parent in order to present a united effort is more effective in correcting the misbehavior of a child.

Any decision that would permanently or significantly alter a child's physical appearance (e.g., ear piercing, haircuts, etc.) must be made jointly with the other parent.

COMMUNICATION AND TELEPHONE ACCESS

You are entitled to reasonable access to your child(ren) by telephone, text message or e-mail at reasonable times and reasonable intervals when they are in the custody of the other parent. The other parent has the same rights when you have the child(ren). You have a duty to promptly return telephone calls placed by the other parent and to ensure the child(ren) do the same.

Unless restricted by court order, communication regarding the child will be directly between you and the other parent. The communication should not be through third parties or the child(ren). You should not expect the child(ren) to deliver money or messages from you to the other parent. Never place your child(ren) in the middle of a parental dispute.

Any communication between you and the other parent should focus on the child(ren) and matters that directly affect the best interest of your child(ren) and should not be a means of harassment.

Conversations with your child(ren) should be child-oriented, optimistic and positive. You must refrain from the following "bad faith" conduct:

- Interrogating or quizzing a child about what is going on at the other parent's home.
- Asking a child to keep secrets from the other parent.
- Trying to conduct parental business (e.g., support, divorce, etc.) during exchanges.
- Expressing sadness or grief when your child(ren) go with the other parent.
- Telling a child, who may want a new toy or want to do something that costs money, to "Ask your father because he does not pay me enough support" or, "Ask your mother because I give her lots of child support and she just wastes the money."
- Asking a child, directly or subtly, "Which one of us do you really want to be with?" This places a burden on the child to choose between parents.
- Eavesdropping on or interrupting a child's telephone conversations with the other parent.
- Placing a "call block" on the other parent's phone to prevent telephone access to your child(ren) is never appropriate.

OUT OF TOWN MOVES

Regardless if there is a custody order or not, you can only move, or "relocate", with the child(ren) if that move would not significantly impair the other parent's ability to exercise his or her periods of custody. If you plan on moving with the child, and that move would significantly impair the other parent's ability to exercise their periods of custody, then you must have the other parent's consent to move. If the other parent will not consent to you moving with the child, then you will have a hearing before a judge who will decide if you can move with the child.

MEDICAL PROCEDURES

You must inform the other parent of any significant illness or injury suffered by a child.

“Significant” means any condition that would require the child to miss school or be taken to a health care provider. If a medical emergency arises, seek medical treatment and then notify the other parent.

ALTERNATE CHILD CARE

Each parent should be considered as the first option as care giver over any third party when one parent is unavailable for an extended time. If the other parent is unavailable to care for your child(ren), you can use a third party as care giver at the expense of the parent who has or should have physical custody at that time.

PROMPTNESS

There may come a time when, for one reason or another, the child(ren) may exhibit some level of reluctance about participating in the agreed-upon schedules. Nevertheless, you must try to ensure the child(ren) are ready and available for the scheduled time with the other parent. Encourage the child(ren) to participate in the agreed-upon schedules and do not allow a child to take control over whether or not they want to visit. In Pennsylvania, a child cannot refuse to see the other parent until age 18.

If the other parent does not arrive to exercise their visitation custody within a reasonable time of the scheduled visit without previously notifying you, you may assume he or she has chosen not to exercise that particular period of visitation or partial custody. The time sharing will resume on the next scheduled visit.

SAFETY

Neither parent nor any third party around the child shall be under the influence of alcohol or drugs prior to or during any period of time with the child.

Each parent, or any other party who may be transporting the child(ren), is expected to use proper seat belts, child seats, and any other safety precautions required by Pennsylvania law. Anyone transporting the child(ren) must have a valid driver’s license and car insurance.

***For more information or to apply
for our services visit our website at:***

www.nwls.org

Or Call 1-800-665-6957

In Erie County, call (814) 452-6957



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Northwestern Legal Services

Information Regarding

CUSTODY



A brief overview of custody
guidelines of conduct