

## PETITION FOR ENTRY OF A CUSTODY CONSENT ORDER

This entire packet will need to be completed.

Biological parents must be parties to the action unless their parental rights were terminated by Court Order or they are deceased; the Court Order of termination must be attached.

All parties to the action must sign the consent agreement. All the signatures on the Custody Consent agreement must be notarized after the entire packet is completed.

Each parent and other parties to the action will need to complete a biographical information form. Print more if needed.

If this is the first time a custody order is being established, the entire fee for establishing a custody order is due.

Call (814) 451-6234 for current filing fee.

A check or money order payable to the Prothonotary must be included when the packet is dropped off or mailed. Be sure your name and telephone number is on the check or money order.

Issues pertaining to child support will not be addressed in a custody consent order processed by the Custody Conciliation Office.

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

**PETITION FOR ENTRY OF A CUSTODY CONSENT ORDER**

AND NOW, to-wit, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, comes  
 \_\_\_\_\_, the mother, and \_\_\_\_\_, the father,  
 \_\_\_\_\_ petitioni

ng this Court for the entry of a “Consent Order” concerning the custody of the child(ren) identified  
 herein, and in support thereof state as follows:

1. The parties seek an order of custody of the following children:

<u>Name</u>	<u>Date of Birth</u>	<u>Present Address</u>

2. Our addresses and telephone numbers are as follows:

<u>Name</u>	<u>Relation to Child(ren)</u>	<u>Entire Address, Zip code, County &amp; Phone</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. The child(ren) **(is / are)** presently in the custody of \_\_\_\_\_.

4. The parties have no knowledge of a custody proceeding concerning the child(ren) pending in any other court.

5. There **(is / is not)** an Order presently in effect concerning the custody of the child(ren).

6. The parties **(know / do not know)** of a person not a party to the proceedings who has physical custody of the child(ren) or claims to have custody or visitation rights with respect to the

child(ren).

7. Each parent whose parental rights to the child have not been terminated and the person who has physical custody of the child(ren) have been named as parties to this action.

8. We believe that the arrangement set forth in the Consent Order is in the best interest of the child(ren) and we recognize our continuing obligation to act in the child(ren)'s best interest.

9. We agree, as a condition of our agreement, to attend the "Children Coping with Divorce, Custody and/or Visitation" seminar.

10. Explain special circumstance related to establishing the Consent Order if any.

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WHEREFORE, we request the Court grant our petition and enter the Consent Order.

I verify that the statements made in this complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Mother

\_\_\_\_\_  
Father

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
VS. \_\_\_\_\_  
\_\_\_\_\_

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

**CONSENT AGREEMENT**

We have agreed to the following appropriate arrangement for the custody of our child(ren):

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:

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 4<sup>th</sup> from 12:00 noon until July 5<sup>th</sup> at 12:00 noon unless mutually agreed to do otherwise.



## CONSENT AGREEMENT

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

**CONSENT AGREEMENT**

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.**

We agree to abide by the agreement developed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and submit it to the Court of Common Pleas to be formalized into an order of court.

\_\_\_\_\_  
Mother

\_\_\_\_\_  
Father

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Notary

CUSTODY BIOGRAPHICAL INFORMATION

Date \_\_\_\_\_ Relationship to child(ren) \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone # \_\_\_\_\_ Date of birth \_\_\_\_\_

Names of all persons living at that address \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

List your **current** employment or **current** schooling \_\_\_\_\_

\_\_\_\_\_

Your work and/or school schedule \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Current attorney for this Custody action (name) \_\_\_\_\_

**If you are not represented by an attorney**, you must complete the "Entry of Appearance as a Self-Represented Party" form.

Date of completion of Children Cope with Custody and/or Visitation Seminar \_\_\_\_\_

**Names and birth dates** of child(ren) involved in this custody case

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of separation from the other parent \_\_\_\_\_

**Is there a current Protection From Abuse Order? Yes - Expiration Date** \_\_\_\_\_



CUSTODY BIOGRAPHICAL INFORMATION

Date \_\_\_\_\_ Relationship to child(ren) \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone # \_\_\_\_\_ Date of birth \_\_\_\_\_

Names of all persons living at that address \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

List your **current** employment or **current** schooling \_\_\_\_\_

\_\_\_\_\_

Your work and/or school schedule \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Current attorney for this Custody action (name) \_\_\_\_\_

**If you are not represented by an attorney**, you must complete the "Entry of Appearance as a Self-Represented Party" form.

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