

presented at the time of the conference, including the recommendation of the evaluator if an evaluation was performed. You and your attorney may request a psychological evaluation be performed of you, the other parent, children, or any other individuals deemed necessary. Montgomery County has a list of psychologists and psychiatrists who are competent to make recommendations regarding *best interest of the child* custody arrangements. Once the evaluation is complete, the case will proceed to a hearing before the Judge. The cost of the evaluation is substantial and may be ordered to be paid by one parent or shared by both.

A HEARING

If you still cannot reach an agreement, the Judge may begin the hearing that day if the Judge's schedule permits. If the case will take more time than is permitted by the court calendar that day, the Judge will refer the case to the trial list and allocate enough time to hear the case. The Judge may make an Interim Decision and Order which will govern until the full hearing occurs and a final decision is issued.

At the hearing, each party has the opportunity to present all relevant information to the Judge to make a decision that day in Court, or to put the decision in writing and send it to the attorneys and unrepresented parties at a later date.

TIME LINES

The timing for all of these steps is as follows:
From Complaint to Conciliation Conference to the Conference before the Judge, generally is approximately three to six months; depending on the Judge's schedule, from Conference to Hearing can be as short as three weeks but will likely be several months.

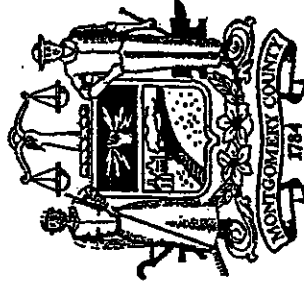
YOU CAN AGREE AT ANY TIME

Keep in mind that at any time during these proceedings, the parties can enter into agreement regarding the custody of the children. The agreement can be stated in either open Court, and a Court Reporter will transcribe the terms and conditions of the custody agreement, or the parties can submit a written agreement to the Judge.

PRIMARY PURPOSES

Again, it must be emphasized that the best interests of each child must be foremost throughout the custody process.

A GUIDE TO CHILD CUSTODY IN MONTGOMERY COUNTY



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For more copies of guides:

Child Custody
Child Support
Divorce

Equitable Distribution
Protection from Abuse
Alternative Ways to Resolve Conflict

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revised 09/02

One in a series of
informative pamphlets
developed by

The Montgomery County Commission
on Women and Families
in partnership with
Montgomery Bar Association
Family Law Section

**MOST IMPORTANT:
YOUR CHILD**

The primary consideration in determining whether or not you want to challenge custody or settle the case is what effect you believe it will have on your child. The best interests of your child should be the most important consideration of the parents in determining custody.

You should also understand that Custody is a complex, detailed, and costly procedure which can be alleviated by the parties by reaching an agreement. However, in the event that you feel it is best for your child to be heard by the Judge, that option is open to you.

FILING THE COMPLAINT

In order to begin custody proceedings, you must file a complaint for custody, partial custody, and/or visitation in the county in which the child resides or, if the child has not resided in that county for a period of six months immediately prior to the filing of the Complaint, you may need to file where the child resided for the past six months. If there is an issue as to where to file, consult your attorney.

The Complaint must include various information including the plaintiff's and defendant's addresses, the name, address, and age of the child, and why it is in the child's best interest for the Court to do what you are asking. You will need to check a form in the Rules of Civil Procedure to get all of the information you need to include. A statement ("verification") must be attached to the Complaint saying that the statements in the Complaint are true and correct and that you understand that the statements are made subject to criminal penalties. On the front of the Complaint you must attach an Order scheduling the hearing and directing the defendant to appear in Court. There is a standard form ("cover sheet") available from the Court that must be placed on top of the

Complaint. You must serve the Complaint and Notice of Hearing on the defendant by regular and certified mail, "deliver to addressee only", return receipt requested, or by having the Sheriff or a competent adult hand the defendant the Complaint.

COSTS

Costs for filing a custody complaint are currently \$214.00.

PROCEDURE - FIRST STEP

There is a three-tiered process in Montgomery County. The first step is a Custody Conciliation Conference with a Custody Conciliator who attempts to resolve the custody proceeding between the parents. The Conciliator speaks to the parents and then the attorneys to understand their respective positions and will offer suggestions to try and resolve the case which will be included in his written recommendation to the Court.

The Conciliator believes it necessary and helpful to speak to any child five (5) years of age or older, without the parents or attorneys, and they are required to attend the Conference.

IF YOU REACH AGREEMENT

If you reach an agreement at the Conference, the Conciliator will draft a stipulation for you to sign which will then be submitted to a Judge to enter the agreement as an Order of the Court.

If no agreement is reached, all parties must attend a four-hour parenting seminar entitled "Children First". A party may be held in contempt for failure to attend the seminar.

IF YOU DO NOT REACH

AGREEMENT - MEDIATION -

SECOND STEP

The parents must also attend a two-hour Custody Mediation Orientation session. This session is

to educate the parents concerning the Mediation Process so that they may determine whether to continue with mediation of the custody issues. The mediation orientation is not required if a party or the parties' child is or has been the subject of abuse during the custody action or within twenty-four months before the action is filed. After the orientation session, the mediation may be terminated by refusal of one of the parties to continue with mediation, or by the determination of mediator that the parties are unable to reach an agreement or that mediation is not appropriate.

If a full or partial agreement is reached through mediation, the mediator will prepare a written non-binding Memorandum of Understanding. The terms of the agreement will be given to the parties and their attorneys. This Memorandum does not become binding unless and until it is incorporated into a writing signed by the parties. The mediator does not act as an attorney, counselor, or psycho-therapist for any party during or after the mediation. The costs of mediation are governed by the Court and generally shared equally by the parties.

A list of qualified mediators is available from the Prothonotary and the Custody Conciliator's Office.

IF YOU DO NOT REACH

AGREEMENT - COURT

CONFERENCE - THIRD STEP

If you cannot reach an agreement, the case will be listed for Court. When the case is first scheduled for hearing, the Judge will hold a conference. The purpose of the conference is to review the case with the parties' attorneys and to attempt to resolve the case. The Judge normally will give the attorneys some guidance in attempting to resolve the case. The Judge may indicate what he/she will most likely do considering all of the facts and circumstances