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**WYOMISSING-READING-BERKS COUNTY CHILD CUSTODY ATTORNEY**

Attorney Jana R. Barnett regularly represents clients involved in child custody disputes. Although child custody disputes generally are between biological parents, other people may seek and get custody or visitation of a child. Those people include grandparents and third parties who have served *in loco parentis* (that is, who assumed parental rights, duties, and obligations toward the child but did not adopt the child).

Under Pennsylvania law, 23 Pa.C.S. § 5402, a “Child Custody” proceeding is one in which legal custody, physical custody or visitation with respect to a child is an issue. Child custody issues may arise in proceedings for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights and protection from domestic violence.

There are two types of custody in Pennsylvania: **Legal Custody** and **Physical Custody**.

- **Legal custody** is the right to make major decisions affecting the best interests of a minor child. Examples of the types of decisions that are “legal” are medical, religious and educational. It is common for parents to have joint legal custody.
- **Physical custody** is the right to have the child for a period of time. A parent may have sole physical custody. A person with “primary” physical custody has the child a majority of the time; the other parent has “partial” physical custody. The term “shared physical custody” is often used interchangeably with “50-50” custody. “Visitation” is the right to visit a child.

In Berks County, when a child custody action is filed, Family Court Administration schedules most parties for parenting classes called “Children in the Middle,” mediation, and custody conciliation. “Children in the Middle” classes are held at The Family Guidance Center, 1235 Penn Avenue, Suites 205-206, Wyomissing, PA 19610. The cost of the parenting classes is \$40 per person.

Mediation is held at the courthouse, at a cost of \$75 per person. In mediation in Berks County, the parties have an opportunity to speak with the mediator privately, as well as together. The mediator will notify the Court and the parties’ attorneys of the outcome of the mediation.

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If the parents do not reach an agreement during mediation, they will attend custody conciliation at the 7<sup>th</sup> floor of the County Services Center, 633 Court Street, Reading, PA 19601. Unless the parents are living in the same house, the Custody Masters will listen to the parties, then recommend that the Court enter a specific Order. If neither party appeals the recommendation within twenty (20) days of the date that the recommendation is mailed, the recommended Order will become an Order of the Court.

Child custody orders may be modified when it is in the best interest of the child to do so.

Although many people benefit from “Children in the Middle,” mediation, and the masters’ recommended Orders, parties can reach agreements at any point in the process. If their agreements are written, parties can ask the Court to make their agreements a Court Order.

The Berks County Court of Common Pleas attaches an Appendix to custody Orders. These standard requirements are a roadmap for putting the best interests of the children first. The Appendix is part of the order and if these requirements are not followed, parties can ask the Court to take action.

To read statutes and related materials, please visit [www.janarbarnettesq.com](http://www.janarbarnettesq.com)

If you would like to speak with Attorney Jana R. Barnett about a child custody matter and learn how she can assist you, call her at 610-478-1860, or click here to send her an e-mail, and she will reply as quickly as possible.

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Attorney Jana R. Barnett’s offices are located at 525 Kenhorst Boulevard, Reading, PA 19611 and 1238 Cleveland Avenue, Wyomissing, PA 19610-2102. Attorney Jana R. Barnett practices family law, employment law, and employment discrimination law in Reading, Wyomissing and the surrounding cities and towns, as well as in Berks County, Bucks County, Chester County, Delaware County, Lancaster County, Lehigh County, Montgomery County, Northampton County, Philadelphia County and in the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the Middle District of Pennsylvania.