

WYOMISSING-READING-BERKS COUNTY FAMILY LAW ATTORNEY

Attorney Jana R. Barnett regularly represents clients in family law matters, and makes herself aware of updates in family law so that she can better represent her clients.

The current Child Custody Statue took effect on January 24, 2011, and controlled all child custody proceedings commenced on or after that date.

The sections in the current custody statute are:

§5321	Scope of Chapter
§5322	Definitions
§5323	Award of Custody
§5324	Standing for any form of physical custody or legal custody
§5325	Standing for partial physical custody and supervised physical custody
§5326	Effect of adoption
§5327	Presumption in cases concerning primary physical custody
§5328	Factors to consider when awarding custody
§5329	Consideration of criminal conviction
§5330	Consideration of criminal charge
§5331	Parenting plan
§5332	Informational programs
§5333	Counseling as part of order
§5334	Guardian <i>ad litem</i> for child
§5335	Counsel for child
§5336	Access to records and information
§5337	Relocation
§5338	Modification of existing order
§5339	Award of counsel fees, costs and expenses
§5340	Court-appointed child custody health care or behavioral health practitioners

Under the new statute:

- * The court is required to explain the reasons for its decision, either in open court or in a written opinion or order.
- * The concept of “visitation” has been eliminated from child custody options.
- * “Relocation” is defined as a change in the child’s residence which significantly impairs the ability of the nonrelocating party to exercise custodial rights.
- * Parties living in the same residence may file for custody. However, a custody order will only be effective when one party moves out of the residence, or is awarded exclusive possession of the residence.

- * A grandparent or great-grandparent seeking custody on the grounds that the child lived with the grandparent or great-grandparent for at least twelve consecutive months must file a custody action with six months of the child's leaving the grandparent's or great-grandparent's home.
- * Greatgrandparents may file for partial physical custody or supervised physical custody.
- * The court must start with the presumption that the parents are on equal footing.
- * No party may receive a preference because of gender.
- * The court is required to consider sixteen (16) factors when determining the best interests of the child; factors affecting the safety of the child must be given more weight.
- * The parties may be required to submit a parenting plan to the court which addresses the schedule for custody; education and religious involvement of the child; the health care of the child; child care arrangements; transportation arrangements; the procedure for resolving differences between the adults.
- * The court may appoint a guardian *ad litem* and/or attorney to represent the child, and assess the cost on the parties.
- * No relocation may occur unless the party proposing the relocation fulfills the requirements of the statute, and provides notice in the specified way at the specified time and includes specified information. The party entitled to receive notice of proposed relocation has the power to object to the relocation and/or modification of the custody order, but must raise the objection with the court and relocating party in the specified way at the specified time and include specified information. Absent proper objections, the party giving proper proposals of relocation must file a confirmation of relocation with the court. Where timely objections have been filed, the court must hold expedited full hearings on the proposed relocation.
- * Counsel fees, costs and expenses may be awarded where the court finds that the conduct of a party was obdurate, vexatious, repetitive or in bad faith.

The law must be reviewed carefully in light of every situation.

If you would like to speak with Berks County Attorney Jana R. Barnett 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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and 1238 Cleveland Avenue, Wyomissing, PA 19610-2102. Attorney Jana R. Barnett practices special education law, family law, employment law, and employment discrimination law in Reading, Wyomissing and the surrounding cities and towns, as well as in Berks County, the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the Middle District of Pennsylvania.