

Types of Court Hearings in Child Custody Cases

1. Custody Conference

A custody conference is the first court appearance in a custody case. The conference is presided over by a Custody Master or Hearing Officer, a neutral, court appointed, lawyer. The goal of a conference is to reach an agreement without taking testimony.

The children and third-party witnesses are typically not permitted at a custody conference.

The Master or Hearing Officer will summarize the disputes between the parties and submit a report to the Judge who will eventually preside over a trial if no agreement is reached.

2. Pre-Trial Conference

A pre-trial conference is held in front of Judge of the Court of Common Pleas. A pre-trial conference is a second attempt by the Court to broker an agreement between the parties.

If an agreement cannot be reached, the Judge will address legal issues that may arise during trial as well as scheduling matters.

3. Trial

A trial is the first and only opportunity for each side to call witnesses and present formal evidence to the Court. A trial may be a multi-day event and requires a significant amount of preparation by the parents and their attorneys.

Other types of Hearings

Other hearings that may occur in a custody case may include Relocation Hearings, Contempt Hearings, Intervention Hearings and Emergency or Special Relief Hearings.

Spirale Vargo Madsen & Blair

680 Wolf Avenue
Easton, Pennsylvania 18042
(610) 258-3757

www.SVMBLAW.com

All materials have been prepared for general information purposes only to permit you to learn more about our firm, our services and the experience of our attorneys. The information presented is not legal advice, is not to be acted on as such, may not be current and is subject to change without notice.

Child Custody

Client Guide

This brief guide will provide you with a procedural roadmap of custody litigation as well a broad overview of the factors a court will consider when deciding a child custody case.

SV
SMB
LAW OFFICES

Custody Factors

The Court utilizes the following factors when making a custody determination

1. Which party is more likely to encourage and permit frequent and continuing contact between the child and another party?
2. Is there present and past abuse committed by a party or member of the party's household?
3. What are the parental duties performed by each party on behalf of the child?
4. What is the need for stability and continuity in the child's education, family life and community life?
5. What is the availability of extended family?
6. What are the child's sibling relationships?
7. What is the well-reasoned preference of the child, based on the child's maturity and judgment?
8. Have there been attempts of a parent to turn the child against the other parent?
9. Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child that is adequate for the child's emotional needs?
10. Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child?
11. What is the proximity of the parties' residences?
12. What is the availability of each party to care for the child or their ability to make appropriate child-care arrangements?
13. What is the level of conflict between the parties and which party is responsible for the conflicts?
14. What is the history of drug or alcohol abuse of a party or member of a party's household?
15. What is the mental and physical condition of a party or member of a party's household?
16. Any other relevant factors that should be considered

Co-Parent Counseling

The Court will often order co-parent counseling in contested custody cases. The purpose of the co-parent counseling is two-fold.

The Court often hopes that the counseling will lead to better relationships between the parent and eventually they will be able to co-parent without Court intervention. On the other hand, if the party are unable to resolve their differences the co-parent counselor will be called to testify at trial and guide the Court in its custody determination.

This often makes the co-parent counselor the most important witness at trial and establishing a good relationship with the counselor an imperative for litigants.

How to succeed in Co-Parent Counseling

1. Make a great first impression.
2. Show an effort to avoid litigation
3. Be reasonable with the other parent.
4. Show the counselor that you have your child's best interests at heart.
5. Never allow yourself to belittle or berate the other parent in front of the counselor.



Types of Custody Awards

Types of custody awards by the court may order include:

- **Shared Legal Custody** – Both parents must consult with each other to make determinations regarding the child's education, health and other activities
- **Sole Legal Custody** – One parent is given sole discretion to make decisions regarding the child's education, health & well-being.
- **Shared Physical Custody** – Both parties will have roughly equal periods of time with the child(ren).
- **Primary Physical Custody** – One parent will exercise the majority of actual custody of the child while the other parent may have every other weekend and/or longer periods of custody in the summer.

Additional Custodial Resources

Depending on the facts of each individual case, the Court may order, or you may request, the following:

1. Court monitored communication mediums
2. Home Studies
3. Reunification Counseling
4. Urine Screening
5. Supervised Visitation
6. Psychological Evaluations