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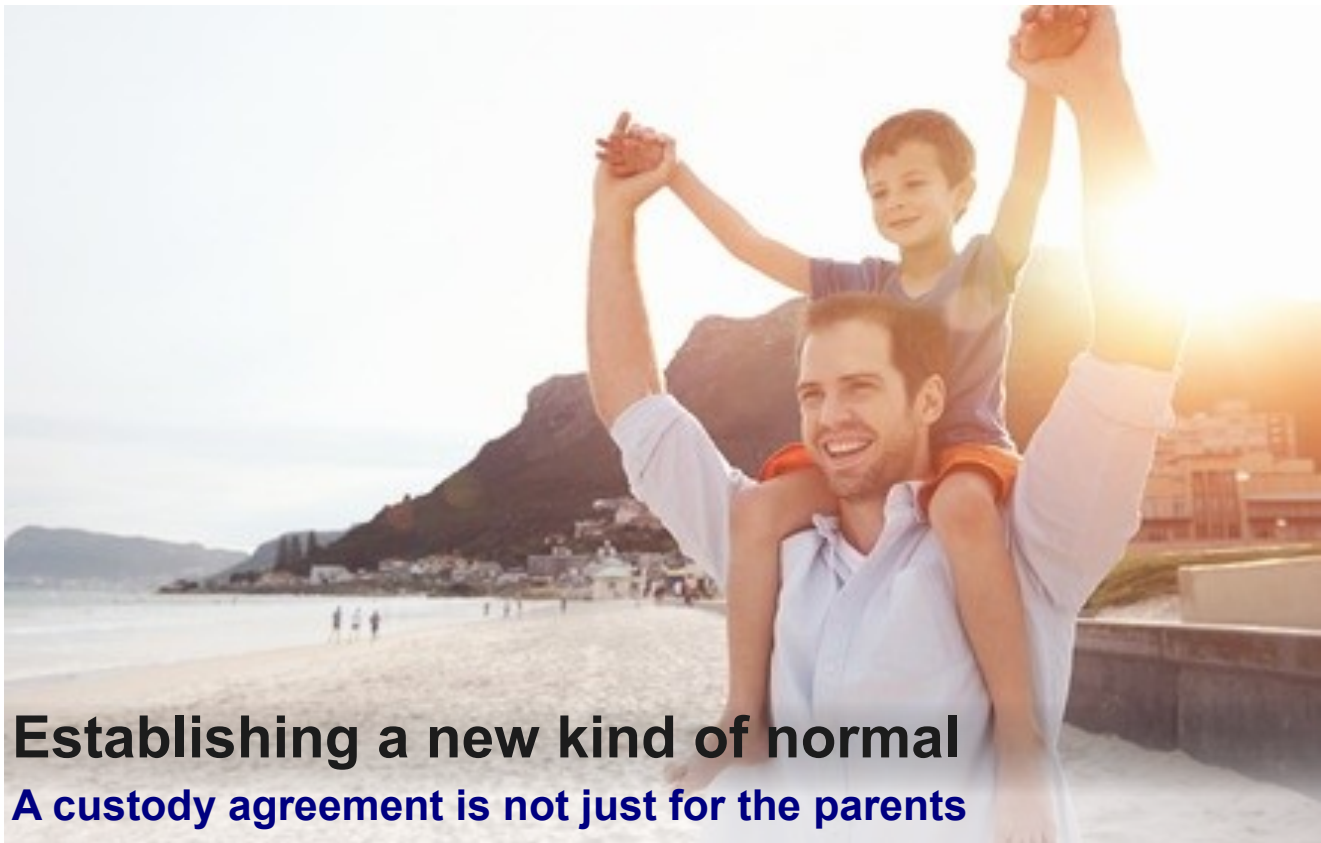
Custody Guide

Preparing families for a new lifestyle during separation and divorce



This is a publication of The Law Offices of Michael Kuldiner, P.C.
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Establishing a new kind of normal

A custody agreement is not just for the parents

For those who are just getting through their divorce, the most difficult aspect is how to best handle custody and the feelings of the children. If you have been able to pick up the *Children and Divorce Guide*, we hope you were able to find effective yet sensitive ways to discuss this change with your children. Even with the best discussion or counseling possible, the hurdles faced by parents and children will continue to appear on the horizon as time goes on.

Many parents hope that keeping an amicable dialogue about visitation will be enough to maintain a new lifestyle. A second home, driving arrangements, school, after school care or activities, and other caregiving concerns can become more of a burden for each parent to routinely manage. While an informal or verbal agreement may seem easiest, it rarely is of much use once emotions, time and money get into the mix.

With a custody agreement drafted by an experienced custody attorney, time with children becomes routine and the arrangements are enduring. These are the benefits that not only help parents the most, but help kids the most. A sense of consistency is incredibly important for young children to feel confident with their new lifestyle and maintain a connection with each parent. Reinforcing trust and accountability will be continuing themes throughout their lives and a custody agreement serves that purpose.

For parents who are not yet divorced and living separately or who were never married, a custody agreement can help the non-custodial parent regain or retain a normal visitation schedule with his or her child(ren). This guide will help explain the many types of custody that exist under Pennsylvania laws and elaborate on how it can be tailored to fit the best interests of the child(ren). An open dialogue between parents helps, but having a custody attorney on your team is the most effective way to ensure a consistent custody schedule with the other parent. 

Types of Custody

Understanding the language of family law

In Pennsylvania, there several different types of custody and there is visitation. The forms of custody are based upon where the child resides and with which parent. There parent is either the custodial or non-custodial parents; however, that label does not necessarily diminish the legal rights of another parent.

A custody attorney can help you fight for the appropriate form of custody that you see fit for your child. The courts review all of these matters with the best interests of the child in mind; this is the guiding principle behind how custody and visitation are determined.

It's important to note that custody, divorce, and support are all separate actions. While instances exist that minimal custody can alter support amount, the cases are filed separately with different areas of the court.

Pursuant to §5322(a), the forms of custody are defined as the following:

"Partial physical custody." The right to assume physical custody of the child for less than a majority of the time.

"Primary physical custody." The right to assume physical custody of the child for the majority of time.

"Shared legal custody." The right of more than one individual to legal custody of the child.

"Shared physical custody." The right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child.

"Sole legal custody." The right of one individual to exclusive legal custody of the child.

"Sole physical custody." The right of one individual to exclusive physical custody of the child.

"Supervised physical custody." Custodial time during which an agency or an adult designated by



the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.

Often, attorneys will rephrase or restate these forms as a manner of speaking, i.e. "split custody". Generally, the above terms are the best way to discuss what a client needs or wants from his or her custody agreement.

We help clients understand the full scope of options; sometimes, the legal realities or situational factors will limit or conflict with what a client wants. Our office fights for our clients to have the best possible outcome for their family and seeks to provide all options available.

Ultimately, the court is going to decide on what is in the best interests of the child. That decision is made an Order and becomes enforceable – that means there are repercussions if a party does not follow through on his or her end of the bargain.

Custody can also be modified. We help file for modifications when a client has an existing Order that is no longer relevant or if the parties are consistently violating the existing Order.

Life with children can be complex under the simplest of circumstances; keeping up with a changing lifestyle after a separation is made much easier by structure and the wisdom of a trusted custody attorney. 🏠

What Makes Us Different

At the Law Offices of Michael Kuldiner, P.C., we champion an amicable and efficient methodology to handling divorce and custody matters. With compassion, experience, and a practical approach to family law, we listen to clients and provide results.

Our experienced team of professionals will handle every aspect of your case with the upmost care and diligence; that's why our clients trust and recommend us to their friends and family. Each client receives a unique plan of action tailored to individual family needs.

By listening to our clients and allowing them to remain in control, we can apply our extensive family law experience in a way that gets the best results possible. Not all cases are the same, even if they do go through the same process.

Professionals who care

Above all else, our practice maintains a strong and personable rapport with our clients. Chances are, clients are coming to us during the toughest time in their lives—we take that personally and it shows in the service we provide.



Michael Kuldiner, Esquire

Michael has in-depth knowledge in family law matters such as divorce, support and custody. He is also part of the expanding field of collaborative divorce and has completed his certification in this discipline. Michael has been recognized by his clients/colleagues as a "SuperLawyer", nominated for the Bucks Happening, "Best Of" list and was selected into The National Trial Lawyers: Top 40 under 40 list.



Michael Petro, Esquire

Attorney Petro has a decade of experience in litigating divorce, family law and civil matters in Bucks, Montgomery, and Philadelphia Counties. His area of emphasis has focused on representing women and children of domestic violence. He also brings comprehensive experience in many other areas of law.