

CUSTODY DEFINITIONS

Some of the definitions affecting custody cases are as follows:

“Child” An unemancipated individual under 18 years of age. 23 Pa. C.S.A. § 5322 (2011)

“Child Custody Determination” A judgment, decree or other order of a court providing for legal custody or physical custody with respect to a child. The term includes a permanent, temporary, initial, and modification order. The term does not include an order relating to child support or other monetary obligation of an individual. 23 Pa. C.S.A. § 5402 (2004)

“Child Custody Proceeding” A proceeding in which legal custody or physical custody with respect to a child is one of several issues. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency or emancipation. 23 Pa. C.S.A. § 5402 (2004)

“Court” An entity authorized under the law of a state to establish, enforce, or modify a child custody determination. 23 Pa. C.S.A. § 5402 (2004)

“Custody” The legal right to keep, control, guard, care for and preserve a child and includes the terms “legal custody,” “physical custody,” and “shared custody”. Pa. R.C.P. 1915.1 (2008)

“Home County” The county in which the child immediately preceding the time involved lived with the child’s parents, a parent, or a person acting as a parent, or in an institution, for at least six consecutive months, and in the case of a child less than six months old, the county in which the child lived from birth with any of the persons mentioned. A period of temporary absence of the child from the physical custody of the parent, institution, or person acting as parent shall not affect the six-month or other period. Pa. R.C.P. 1915.1 (2008)

“Home State” The state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child six months of age or younger, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is a part of the period. 23 Pa. C.S.A. § 5402 (2004)

“Legal Custody” The right to make major decisions on behalf of the child, including, but not limited to, medical, religious, and educational decisions. 23 Pa. C.S.A. § 5322 (2011)

“Modification” A child custody determination that changes, replaces, supersedes or is otherwise made after a previous determination concerning the same child, whether or not it is made by the court that made the previous determination. Pa. C.S.A. § 5402 (2004)

“Parental Duties” Includes meeting the physical, emotional and social needs of the child.
23 Pa. C.S.A. § 5322 (2011)

“Partial Physical Custody” The right to assume physical custody of the child for less than a majority of the time. 23 Pa C.S.A. § 5322 (2011)

“Physical Custody” The actual physical possession and control of a child.
23 Pa. C.S.A. § 5322 (2011)

“Primary Physical Custody” The right to assume physical custody of the child for a majority of time. 23 Pa. C.S.A. § 5322 (2011)

“Relocation” A change in a residence of the child which significantly impairs the ability of a nonrelocating party to exercise custodial rights. 23 Pa. C.S.A. § 5322 (2011)

“Shared Legal Custody” The right of more than one individual to legal custody of the child.
23 Pa. C.S.A. § 5322 (2011)

“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.
23 Pa. C.S.A. § 5322 (2011)

“Sole Legal Custody” The right of one individual to exclusive legal custody of the child.
23 Pa. C.S.A. § 5322 (2011)

“Sole Physical Custody” The right of one individual to exclusive physical custody of the child.
23 Pa. C.S.A. § 5322 (2011)

“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. 23 Pa. C.S.A. § 5322 (2011)