

Child Custody Matters

The family law attorneys at Vetrano | Vetrano & Feinman understand that child custody matters can be overwhelming and confusing. We hope that this guide will help with some of your basic questions and our family and divorce attorneys are available to consult with you about specific questions you have that may not be covered in this guide.



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Pennsylvania Child Custody Lawyers

When there are children in a marriage that is breaking down, child custody and visitation (parenting time) can be the most difficult and most important matters to address. The family attorneys at Vetrano | Vetrano & Feinman LLC firmly believe that a family is forever — regardless of the change in parents' marital status. Lawyers can help a couple eliminate the husband/wife relationship but no one can alter the fact that this couple will always be the mother and father of these children.

A family is forever. Divorce can be painful and disruptive, but the connection of parents to their children continues. In short, notwithstanding the divorce, children need their parents.

We will help you find solutions to the difficult issues that face you as a divorcing couple so that your family can survive the divorce.



The Different Types of Custody

Most parents will share the legal custody of their children, that is the decision making power that parents have concerning their children. Sharing legal custody means that the parents must discuss important issues that affect their children such as medical, educational, and religious matters.

Physical custody refers to the time each parent spends with the children. The parents can have shared physical custody (sometimes referred to as 50/50 custody or joint custody) or one parent can have primary physical custody with the other parent having partial physical custody.

A shared custody schedule could be structured as week on/week off. For middle school or older children, the parents could switch custody and care of the children every Friday after school. For younger children, parents who share physical custody will probably want the children to be with each parent on a more frequent basis. Such a schedule could be established by having the parents alternate weekends from Friday after school until Monday when school begins. In addition, one parent would have the children overnight every Monday and Tuesday and the other parent would have the children overnight every Wednesday and Thursday.



Primary custody schedule would have the children staying primarily with one parent during the school week (Sunday overnight through Thursday overnight). The parents would alternate spending weekends with the children from Friday until either Sunday evening or Monday morning.

Each parent would have vacation time with the children and the parents would alternate having custody of the children on holidays, including school holidays such as spring/winter breaks.

Custody schedules are created to meet the needs of the family putting the best interests of the children first.

Our child custody attorneys will discuss your unique case and determine whether your family would benefit from the collaborative law approach, appointment of a co-parenting counselor, or a parent coordinator.

Visitation

Parenting After Divorce — Short-term and Long-term

Our family lawyers know from experience that child custody matters (along with other aspects of a divorce) can be addressed in a way that minimizes the effect on children. Our attorneys help divorcing parents plan for their interaction with their children after the divorce. We consistently look for family-centric solutions to the issues facing the parents, such as post-divorce modifications to existing custody orders.

While our family lawyers are aware of, and advocate for, clients' immediate concerns, we also help you to not lose sight of long-term interests. We understand that most people want to be a part of the significant events in a child's life. We provide legal representation and guidance consistent with that desire.

Placing your Child's Interests before all others

Because a divorce can be so emotionally challenging for children, we often recommend that clients consult with a child specialist. This specialist can meet with your children and be their advocate to help you understand how your actions and decisions are affecting your children, now or in the future.



The child specialist will help both parents arrive at a custody schedule that meets the needs of the children and the parents. Parents often only see custody schedules that meet their own needs without considering how such schedules affect the children.

Some parents have very different parenting styles and rules that make co-parenting after a separation or divorce difficult. Rather than argue about different parenting approaches, a co-parenting counselor can meet with the parents to teach them the skills to be effective co-parents in different households to minimize the tensions between the parents and the children.

If divorced or separated parents cannot agree on many issues and find that they are struggling on a regular basis to reach agreement on issues facing the family, instead of going to court for a decision on these difficult issues, a parent coordinator can be appointed with decision making power, granted to the parent coordinator by the parents or by the court.

Some parents grant the parent coordinator decision making power over schedule changes or other common disputes while preserving their rights to go to court over more serious issues. The parent coordinator is usually designated as an independent party, with the ability to report to the court about the dispute.



If both sides agree, child custody, visitation, child support and all other legal issues can be decided through a collaborative approach.

Family law attorneys and judges can dissolve a marriage, but they do not change the parent-child relationship.

The child custody lawyers at Vetrano | Vetrano & Feinman LLC negotiate child custody and visitation agreements that foster the best interests of the children. We will discuss the unique details of your case to help decide whether the appointment of a parent coordinator or co-parenting counselor would benefit your family.

Child Support

When parents separate they have an obligation to support their children until they are graduated from high school or age 18, whichever is later. Pennsylvania has adopted support guidelines to determine the amount of child support a parent should pay based on the custody schedule and the parents' incomes from all sources.



In order to protect the children's rights to support from their parents, the custodial parent must file a complaint with the domestic relations office. The Family Law Attorneys at the King of Prussia law firm Vetrano | Vetrano & Feinman LLC are experienced at helping parents understand and deal with child support matters.

Our lawyers will explain the child support law that is detailed in the Pennsylvania Support Guidelines. Such guidelines are based on the idea that the children of separated or divorced parents should receive the same proportion of parental income as the children living in households with both parents. Parents pay basic child support based on the custody schedule.

In addition to the basic child support, parents share, in proportion to their incomes, the children's unreimbursed medical and dental expenses, extraordinary special needs of the children, private school tuition, and at times, for lessons and other extra activities of the children as agreed by the parents. Sometimes, during the separation, a parent may reside in the marital home subject to a high mortgage payment. The guidelines address when a mortgage payment is excessive so that the divorcing couple can share the large payment between them until the divorce is granted.

Our attorneys address the particulars of your case to ensure your children are provided for. We make certain your responsibilities are reasonable and in accord with the law, and we represent your interests in initiating or responding to support complaints or attempts to modify support. We offer counsel in child support at any stage of a divorce or for modification of child support obligations.

New Pennsylvania Child Support Guidelines Effective May 1, 2017 Result in Modest Increase in Child Support Orders

Effective May 1, 2017, there was a modification to the Pennsylvania Child Support Guidelines that provides parents who are receiving child support a slight increase in their child support payment. The Pennsylvania Child Support Guidelines "Guidelines" originally went into effect in 1989, and have been updated periodically since their inception, generally every four years. The Guidelines are based upon an income share model which determines what an intact family which has the same combined monthly income spends on their child(ren), based upon statistical data, and apportions that amount between the parents, so that the child(ren) receive the same amount of support from their parents. In order to obtain the increase in child support, the parent who receives child support should request a modification of the Child Support Order with the assistance of a family law attorney.



"The [Pennsylvania Child Support Guidelines] are based upon an income share model which determines what an intact family which has the same combined monthly income spends on their child(ren)."

Either parent can request a modification of their Child Support Order, upon a material and substantial change in circumstance. Some changes that may constitute a material and substantial change in circumstance are: increase or decrease in income, change in custody, increase or decrease in child care costs, increase or decrease in child related expenses, and a change in the child support guidelines.

If you experience a material and substantial change in circumstance, you should contact a qualified child support and family law attorney as soon as possible to determine whether to request a support modification. Support modifications are often only retroactive to the date the Petition for Modification of Support was filed; while there are some limited exceptions, they do not apply in most cases.



It is expected that Child Support will change over time as parents' income changes, custody changes, and your children's needs change. Therefore, it is important to review your Child Support Order periodically with a family law attorney who can provide you with an estimate of the appropriate child support calculation. In order to provide you with that estimate the child support and child custody attorneys will need the following documents:

- Current Child Support Order;
- Most recent tax return and paystubs for both parents reflecting year to date total income;
- Child Custody Order;
- Health insurance costs;
- Child care costs;
- School and extracurricular activity costs;
- A list of extraordinary expenses paid on behalf of the children.

If you are interested in reviewing your Child Support Order, or filing a Complaint in Support so that you begin receiving Child Support, the experienced family law attorneys at Vetrano | Vetrano & Feinman can calculate your child support pursuant to the new Child Support Guidelines.

How Long does a Child Support Obligation Last?

In Pennsylvania, parents have a duty to financially support their children until they become emancipated. Emancipation occurs when the child turns 18 years old and graduates from high school, whichever occurs last. This means that when parents are going through a divorce and one parent has a child support obligation to the other, that obligation can continue long past the finalization of the divorce.

But once a child is close to the age of emancipation, the court will send the custodial parent an “emancipation inquiry,” asking for confirmation of when the child will be graduating from high school and turning 18 years old. Depending on which county your case is taking place in, after they receive confirmation of the emancipation the court might automatically terminate the child support order if there was only one child on the order. If there are other children that remain on the order, the court might simply reallocate the existing child support amount between the remaining unemancipated children, thereby not reducing the overall child support obligation at all.



However, a child support obligation should really be recalculated when an older child becomes emancipated, because the guideline child support obligation for one child is not exactly half of what the obligation would be for two children. A family law attorney can help you determine the correct amount.

Obligations to provide health insurance for a child and share in the child’s unreimbursed medical expenses are also part of the standard child support order. As a result, when a child becomes emancipated and the child support order is terminated, the parent no longer has a legal obligation to provide health insurance or contribute to medical expenses for the child. The law regarding emancipation also means that there is no obligation to provide any support to children through their college years, including no obligation to contribute to their college tuition.

There is, however, an exception where a parent in Pennsylvania could be obligated to pay child support after a child has turned 18 and graduated from high school. This would occur if the child is incapable of self-support through appropriate employment. In other words, if a child is disabled or has special needs that prevent him or her from having a job and earning an income that is enough to cover basic needs, then as long as there was already a child support order in place, the parent would need to continue paying.

Whether a child is “incapable of self-support” needs to be determined by the court at the time when the child would otherwise become emancipated, and generally requires expert testimony.

The rules surrounding emancipation also apply to custody orders, such that once a child turns 18 and graduates from high school, the court no longer has jurisdiction to enforce custody schedules and the children can really reside with whichever parent they choose, or with neither parent at all.

Call Vetrano | Vetrano & Feinman for Skilled Main Line Family Law Attorneys

For more detailed and individualized information, please contact our office to set up a consultation with one of our family law attorneys. Our family lawyers are experienced with all areas of family law, including divorce, child support and child custody. While we work for your best interest, we also endeavor to do so in a manner that maintains harmony for the sake of the family. If you have questions or concerns about an agreement or order for child support or child custody, the Main Line family law attorneys at Vetrano | Vetrano & Feinman LLC can help. Contact us at 610-265-4441.



Attorney Profiles



Kathleen B. Vetrano Esq.
Fellow of the American Academy of Matrimonial Lawyers (AAML)

Areas of Practice:
Family Law/Divorce Law



Anthony J. Vetrano Esq.
Tony Vetrano is former chair of the Montgomery County Bar Association appellate court practice committee, and he has been an appellate lawyer for nearly 30 years.

Areas of Practice:
Civil Appeals
Retirement Benefits



Sarinia M. Feinman Esq.
As of January 2018, took office as the Secretary of the Montgomery Bar Association.

Areas of Practice:
Family Law/Divorce Law



Paula M. Borradaile Esq.
Paula served as President of the Doris Jonas Freed American Inn of Court from 2016-2017.

Areas of Practice:
Family Law/Divorce Law



Lindsay H. Childs Esq.
As of January 2018, began serving a 3-year term on the Board of Directors of the Montgomery Bar Association.

Areas of Practice:
Family Law/Divorce Law



Lydia S. Terrill Esq.
As of January 2018, began a one-year program in the Montgomery Bar Association's Leadership Academy.

Areas of Practice:
Family Law/Divorce Law

Contact Us

For more detailed and individualized information, please contact our office to set up a consultation with one of our family law attorneys. Our family lawyers are experienced with all areas of family law, including divorce, child support and child custody.

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