

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1138 Session of
2007

INTRODUCED BY WATERS, BISHOP, KIRKLAND, MYERS, BELFANTI,
CAPPELLI, CURRY, DONATUCCI, FREEMAN, GEORGE, GIBBONS,
HENNESSEY, HESS, HUTCHINSON, PARKER, PAYNE, PETRARCA,
PHILLIPS, RAPP, SABATINA, SCHRODER, SHIMKUS, SIPTROTH,
SOLOBAY, SONNEY, THOMAS AND YOUNGBLOOD, APRIL 23, 2007

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 23, 2007

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing, in custody, for
3 declaration of policy; and providing for grandparent custody
4 or visitation rights when parents were never married.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 5301 of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5301. Declaration of policy.

10 The General Assembly declares that it is the public policy of
11 this Commonwealth, when in the best interest of the child, to
12 assure a reasonable and continuing contact of the child with
13 both parents after a separation or dissolution of the marriage
14 and the sharing of the rights and responsibilities of child
15 rearing by both parents and continuing contact of the child or
16 children with grandparents when a parent is deceased, divorced
17 or separated or the parents are unmarried to each other.

1 Section 2. Title 23 is amended by adding a section to read:

2 § 5311.1. When parents were never married to each other.

3 If the parents of an unmarried child were never married to
4 each other, the grandparents of either parent may be granted
5 reasonable partial custody or visitation rights, or both, to the
6 unmarried child by the court upon a finding that partial custody
7 or visitation rights, or both, would be in the best interest of
8 the child and would not interfere with the parent-child
9 relationship. The court shall consider the amount of personal
10 contact between the grandparents and the child prior to the
11 application.

12 Section 3. This act shall take effect in 60 days.