

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2079 Session of
2007

INTRODUCED BY MACKERETH, R. MILLER, NICKOL, SAYLOR, GILLESPIE,
BENNINGHOFF, BEYER, CALTAGIRONE, CAPPELLI, FAIRCHILD,
GINGRICH, HALUSKA, HARPER, HENNESSEY, M. KELLER, KULA, MOYER,
NAILOR, PICKETT, RUBLEY, SIPTROTH, SONNEY, SWANGER, TRUE AND
HORNAMAN, DECEMBER 4, 2007

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 4, 2007

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for award of
3 custody, partial custody or visitation.

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

6 Section 1. Section 5303(c) of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended and the section is amended by
8 adding subsections to read:

9 § 5303. Award of custody, partial custody or visitation.

10 * * *

11 (c) [Counseling] Initial evaluation.--In making a
12 determination to award custody, partial custody or visitation
13 pursuant to subsection (b), the court [shall] may appoint a
14 qualified professional [to provide counseling to an offending
15 parent described in subsection (b) and shall take testimony from
16 that professional regarding the provision of such counseling
17 prior to issuing any order of custody, partial custody or

1 visitation. Counseling, required in accordance with this
2 subsection, shall include a program of treatment or individual
3 therapy designed to rehabilitate a parent which addresses, but
4 is not limited to, issues regarding physical and sexual abuse,
5 domestic violence, the psychology of the offender and the
6 effects of abuse on the victim. If the court awards custody,
7 partial custody or visitation to an offending parent described
8 in subsection (b), the court may require subsequent periodic
9 counseling and reports on the rehabilitation of the offending
10 parent and the well-being of the child following an order
11 relating to custody, partial custody or visitation. If, upon
12 review of a subsequent report or reports, the court determines
13 that the offending parent poses a threat of harm to the child,
14 the court may schedule a hearing and modify the order of custody
15 or visitation to protect the well-being of the child.] for an
16 evaluation to determine whether:

17 (1) The party or household member who committed an
18 offense under subsection (b) poses a threat to the child.

19 (2) Counseling is necessary for the party or household
20 member.

21 (c.1) Counseling.--

22 (1) If the court determines under subsection (c) that
23 counseling is necessary, it shall appoint a qualified
24 professional specializing in treatment relating to the
25 particular offense to provide counseling to the offending
26 individual.

27 (2) Counseling under this subsection may include a
28 program of treatment or individual therapy designed to
29 rehabilitate the offending individual which addresses, but is
30 not limited to, issues regarding physical and sexual abuse.

1 the psychology of the offender and the effects of the offense
2 on the victim.

3 (c.2) Subsequent evaluation.--

4 (1) At any time during or subsequent to the counseling
5 under subsection (c.1), the court may require another
6 evaluation to determine whether further counseling is
7 necessary.

8 (2) If the court awards custody or visitation to a party
9 who committed an offense under subsection (b), the court may
10 require subsequent evaluations on the rehabilitation of the
11 offending individual and the well-being of the child
12 subsequent to the order. If, upon review of a subsequent
13 evaluation, the court determines that the offending
14 individual poses a threat of physical, emotional or
15 psychological harm to the child, the court may schedule a
16 hearing to modify the custody or visitation order.

17 (c.3) Costs.--The court may order a party to pay all or part
18 of the costs of counseling and evaluations under this section.

19 * * *

20 Section 2. This act shall take effect in 60 days.