
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 570 Session of
2015

INTRODUCED BY CONKLIN, SANKEY, BARBIN, V. BROWN, BROWNLEE,
COHEN, D. COSTA, DAVIDSON, DeLUCA, KOTIK, MAHONEY, McNEILL,
MURT, O'BRIEN, PASHINSKI, READSHAW, ROZZI, THOMAS AND WATSON,
FEBRUARY 23, 2015

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 23, 2015

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in protection from abuse, further
3 providing for relief; and making editorial changes.

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

6 Section 1. Section 6108(a)(4) and (5) of Title 23 of the
7 Pennsylvania Consolidated Statutes are amended, subsection (a)
8 is amended by adding a paragraph and the section is amended by
9 adding a subsection to read:

10 § 6108. Relief.

11 (a) General rule.--The court may grant any protection order
12 or approve any consent agreement to bring about a cessation of
13 abuse of the plaintiff or minor children. The order or agreement
14 may include:

15 * * *

16 (4) Awarding temporary custody of or establishing
17 temporary visitation rights with regard to minor children. In

1 determining whether to award temporary custody or establish
2 temporary visitation rights pursuant to this paragraph, the
3 court shall consider any risk posed by the defendant to the
4 children as well as risk to the plaintiff. The following
5 shall apply:

6 (i) A defendant shall not be granted custody,
7 partial custody or unsupervised visitation where it is
8 alleged in the petition, and the court finds after a
9 hearing under this chapter, that the defendant:

10 (A) abused the minor children of the parties or
11 poses a risk of abuse toward the minor children of
12 the parties; or

13 (B) has been convicted of violating 18 Pa.C.S. §
14 2904 (relating to interference with custody of
15 children) within two calendar years prior to the
16 filing of the petition for protection order or that
17 the defendant poses a risk of violating 18 Pa.C.S. §
18 2904.

19 (ii) Where the court finds after a hearing under
20 this chapter that the defendant has inflicted abuse upon
21 the plaintiff or a child, the court may require
22 supervised custodial access by a third party. The third
23 party must agree to be accountable to the court for
24 supervision and execute an affidavit of accountability.

25 (iii) Where the court finds after a hearing under
26 this chapter that the defendant has inflicted serious
27 abuse upon the plaintiff or a child or poses a risk of
28 abuse toward the plaintiff or a child, the court may:

29 (A) award supervised visitation in a secure
30 visitation facility; or

1 (B) deny the defendant custodial access to a
2 child.

3 (iv) If a plaintiff petitions for a temporary order
4 under section 6107(b) (relating to hearings) and the
5 defendant has partial, shared or full custody of the
6 minor children of the parties by order of court or
7 written agreement of the parties, the custody shall not
8 be disturbed or changed unless the court finds that the
9 defendant is likely to inflict abuse upon the children or
10 to remove the children from the jurisdiction of the court
11 prior to the hearing under section 6107(a). Where the
12 defendant has forcibly or fraudulently removed any minor
13 child from the care and custody of a plaintiff, the court
14 shall order the return of the child to the plaintiff
15 unless the child would be endangered by restoration to
16 the plaintiff.

17 (v) Nothing in this paragraph shall bar either party
18 from filing a petition for custody under Chapter 53
19 (relating to child custody) or under the Pennsylvania
20 Rules of Civil Procedure.

21 (vi) In order to prevent further abuse during
22 periods of access to the plaintiff and child during the
23 exercise of custodial rights, the court shall consider,
24 and may impose on a custody award, conditions necessary
25 to assure the safety of the plaintiff and minor children
26 from abuse.

27 (5) After a hearing in accordance with section 6107(a),
28 directing the defendant to pay financial support to those
29 persons the defendant has a duty to support, requiring the
30 defendant, under sections 4324 (relating to inclusion of

1 spousal medical support) and 4326 (relating to mandatory
2 inclusion of child medical support), to provide health
3 coverage for the minor child and spouse, directing the
4 defendant to pay all of the unreimbursed medical expenses of
5 a spouse or minor child of the defendant to the provider or
6 to the plaintiff when he or she has paid for the medical
7 treatment, and directing the defendant to make or continue to
8 make rent or mortgage payments on the residence of the
9 plaintiff to the extent that the defendant has a duty to
10 support the plaintiff or other dependent household members.
11 The support order shall be temporary, and any beneficiary of
12 the order must file a complaint for support under the
13 provisions of [Chapters] Chapter 43 (relating to support
14 matters generally) and [45 (relating to reciprocal
15 enforcement of support orders)] Parts VIII (relating to
16 uniform interstate family support) and VIII-A (relating to
17 intrastate family support) within two weeks of the date of
18 the issuance of the protection order. If a complaint for
19 support is not filed, that portion of the protection order
20 requiring the defendant to pay support is void. When there is
21 a subsequent ruling on a complaint for support, the portion
22 of the protection order requiring the defendant to pay
23 support expires.

24 * * *

25 (6.1) Requiring a GPS electronic monitoring device be
26 placed on the defendant if the defendant is found to present
27 a substantial risk of violating the final protection from
28 abuse order or committing a crime punishable by imprisonment.
29 The following shall apply:

30 (i) A GPS shall monitor the defendant's location

1 relative to all persons for whom protection is sought.
2 The court shall determine the distance at which the
3 defendant is to remain from all persons seeking
4 protection from abuse and specific locations from which
5 the defendant shall refrain.

6 (ii) Except as provided under subparagraph (iii),
7 the court shall order the defendant to wear the GPS
8 monitoring device for the entire period of time that the
9 final protection from abuse order is in effect.

10 (iii) The court may only order the GPS electronic
11 monitoring device be removed from the defendant prior to
12 the expiration of the final protection from abuse order
13 if the court notifies the plaintiff covered by the final
14 protection from abuse order that the GPS electronic
15 monitoring device has been ordered by the court to be
16 removed.

17 * * *

18 (i) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection:

21 "GPS." A global positioning system operated by the
22 Department of Defense that provides specially coded satellite
23 signals that may be processed by a receiver to compute a
24 location.

25 "GPS electronic monitoring device." A device that enables
26 the location of a person wearing the device to be monitored
27 through use of a GPS and related technology and is designed so
28 that the device:

29 (1) actively and continuously monitors, identifies and
30 reports location data within a 100-mile radius;

1 (2) permits the Pennsylvania State Police and any local
2 police department to receive location data, record it
3 securely and confidentially retain it indefinitely;

4 (3) may be worn around a person's wrist or ankle; and

5 (4) once fitted around a person's wrist or ankle, cannot
6 be removed without using specialized equipment specifically
7 designed for that purpose and alerting the Pennsylvania State
8 Police and each local police department that it has been
9 removed.

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