



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 55

PRINTER'S NO. 1169

PRIME SPONSOR: Santarsiero

COST / (SAVINGS)

FUND	FY 2023/24	FY 2024/25
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY:

Amends Title 23 (Domestic Relations) to revise procedures relating to child custody matters and Title 42 (Judiciary and Judicial Procedure) to provide for child abuse and domestic abuse education and training programs for judges and court personnel.

ANALYSIS:

Senate Bill 55 Printer's Number 1169 amends Title 23 § 5323 (Award of custody) subsection (e) to expand the list of factors to consider in awarding custody to include all of sections 5328, 5329 (relating to consideration of criminal conviction), 5329.1 (relating to consideration of child abuse and involvement with protective services), and 5330 (relating to consideration of criminal charge). Section 5328 (factors to consider when awarding custody) is amended to include violent or assaultive behavior, which party is more likely to ensure the safety of the child, and which party is more likely to encourage and permit frequent and continuing contact between the child and another party if contact is consistent with the safety needs of the child. The list of criminal convictions in section 5329 that the court is ordered to consider is also expanded. Section (a.1) stipulates that a criminal conviction should not be, by itself, determinative in the awarding of custody and that the court should examine the totality of the evidence when issuing a custody order that is in the best interest of the child.

The legislation also lists what the court needs to include in a custody order if the court awards any form of custody to a party who committed the abuse or has a household member who committed the abuse if the court finds a history of abuse or a present risk of harm to a child or an abused party. If supervised contact is ordered, subsection (e)(2) outlines the safety conditions, restrictions, or safeguards that may be ordered by the court. Included in the list of restrictions are nonprofessional supervised physical custody, professional supervised physical custody, and the appointment of a professional specializing in programming relating to the history of abuse or risk of harm to provide batterer's intervention and harm prevention programming.

Subsection (e.1) of the legislation provides that there shall be a rebuttable presumption that the court shall only allow supervised physical custody between the child and the party who poses the risk of abuse. The subsection further clarifies that the court should favor professional supervised physical custody but outlines the conditions under which they may order nonprofessional supervised custody.

Section 5334 is amended to provide the court with discretion in the appointment of a guardian ad litem for the child. It further stipulates that a court appointing a guardian ad litem under this section shall make reasonable efforts to appoint a guardian ad litem who has received evidence-based education and training relating to child abuse.

The legislation finally amends Title 42 to mandate child abuse and domestic abuse education and training for judges and court personnel. The Administrative Office of Pennsylvania Courts is tasked with developing and implementing an ongoing education and training program for judges, magisterial district judges, relevant court personnel, guardians ad litem, counsel for children, and masters and mediators regarding child abuse.

The legislation stipulates mandatory aspects of the curriculum and clarifies that the program should include the latest best practices from evidence-based, peer-reviewed research.

This legislation would take effect in 120 days upon enactment.

FISCAL IMPACT:

According to the Administrative Office of Pennsylvania Courts (AOPC), the development and implementation of the training program may have a fiscal impact. The estimated cost of this requirement is currently unknown and would depend on the final curriculum design and content and available staffing.

It is also possible that local governments could incur additional costs as a result of the requirement to provide professional supervised custody.

PREPARED BY: Bradley Keen, Ph.D., Budget Analyst
House Appropriations Committee (D)

DATE: March 25, 2024

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.