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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2079 Session of  
2007

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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

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REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 4, 2007

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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.