

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 642 Session of 2013

INTRODUCED BY YOUNGBLOOD, PICKETT, KORTZ, CLAY, O'BRIEN, COHEN,
THOMAS, MILLARD, TRUITT, TALLMAN, V. BROWN, RAPP, BROWNLEE,
KINSEY, QUINN, MURT, FLECK, PARKER, NEILSON, CRUZ, D. COSTA
AND DONATUCCI, FEBRUARY 11, 2013

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 11, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in children and minors, further
3 providing for definitions, for award of custody, for standing
4 for partial physical custody and supervised physical custody,
5 for effect of adoption and for factors to consider when
6 awarding custody; and making an editorial change.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 5322 of Title 23 of the Pennsylvania
10 Consolidated Statutes is amended by adding a definition to read:
11 § 5322. Definitions.

12 (a) This chapter.--The following words and phrases when used
13 in this chapter shall have the meanings given to them in this
14 subsection unless the context clearly indicates otherwise:

15 * * *

16 "Sibling." A brother or sister of a child, related to the
17 child by blood, adoption or marriage.

18 * * *

19 Section 2. Sections 5323(b), 5325 and 5326 of Title 23 are

1 amended to read:

2 § 5323. Award of custody.

3 * * *

4 (b) Interim award.--The court may issue an interim award of
5 custody to a party who has standing under section 5324 (relating
6 to standing for any form of physical custody or legal custody)
7 or [5325] 5325(a) (relating to standing for partial physical
8 custody and supervised physical custody) in the manner
9 prescribed by the Pennsylvania Rules of Civil Procedure
10 governing special relief in custody matters.

11 * * *

12 § 5325. Standing for partial physical custody and supervised
13 physical custody.

14 (a) Grandparents and great-grandparents.--In addition to
15 situations set forth in section 5324 (relating to standing for
16 any form of physical custody or legal custody), grandparents and
17 great-grandparents may file an action under this chapter for
18 partial physical custody or supervised physical custody in the
19 following situations:

20 (1) where the parent of the child is deceased, a parent
21 or grandparent of the deceased parent may file an action
22 under this section;

23 (2) where the parents of the child have been separated
24 for a period of at least six months or have commenced and
25 continued a proceeding to dissolve their marriage; or

26 (3) when the child has, for a period of at least 12
27 consecutive months, resided with the grandparent or great-
28 grandparent, excluding brief temporary absences of the child
29 from the home, and is removed from the home by the parents,
30 an action must be filed within six months after the removal

of the child from the home.

(b) Siblings.--A sibling or, if a sibling is a minor, a parent, guardian or legal custodian of the sibling may file an action under this chapter for partial physical custody or supervised physical custody.

§ 5326. Effect of adoption.

Any rights to seek physical custody or legal custody rights and any custody rights that have been granted under section 5324 (relating to standing for any form of physical custody or legal custody) or [5325] 5325(a) (relating to standing for partial physical custody and supervised physical custody) to a grandparent or great-grandparent prior to the adoption of the child by an individual other than a stepparent, grandparent or great-grandparent shall be automatically terminated upon such adoption.

Section 3. Section 5328(c) of Title 23 is amended and the section is amended by adding a subsection to read:

§ 5328. Factors to consider when awarding custody.

* * *

(c) Grandparents and great-grandparents.--

(1) In ordering partial physical custody or supervised physical custody to a party who has standing under section [5325(1)] 5325(a)(1) or (2) (relating to standing for partial physical custody and supervised physical custody), the court shall consider the following:

(i) the amount of personal contact between the child and the party prior to the filing of the action;

(ii) whether the award interferes with any parent-child relationship; and

(iii) whether the award is in the best interest of

1 the child.

2 (2) In ordering partial physical custody or supervised
3 physical custody to a parent's parent or grandparent who has
4 standing under section [5325(3)] 5325(a)(3), the court shall
5 consider whether the award:

6 (i) interferes with any parent-child relationship;

7 and

8 (ii) is in the best interest of the child.

9 (d) Siblings.--In ordering partial physical custody or
10 supervised physical custody to a party who has standing under
11 section 5325(b), the court shall consider the following:

12 (1) the amount of personal contact between the child and
13 the party prior to the filing of the action;

14 (2) whether the award interferes with any parent-child
15 relationship;

16 (3) the age of the party, when partial physical custody
17 only is sought by the party;

18 (4) whether a voluntary agreement for continuing contact
19 exists for the child under Subchapter D of Chapter 27
20 (relating to voluntary agreement for continuing contact); and

21 (5) whether the award is in the best interest of the
22 child.

23 Section 4. This act shall take effect in 60 days.