
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 985

Session of
1981

INTRODUCED BY ALDEN, COHEN, NAHILL, KUKOVICH, PRATT, MORRIS,
PISTELLA, MAIALE, LASHINGER, SIEMINSKI AND BLAUM,
MARCH 25, 1981

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 25, 1981

AN ACT

1 Providing for shared custody of children, where it is in the
2 best interests of minor children, and providing for access to
3 records.

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

6 Section 1. Declaration of legislative intent.

7 The General Assembly finds and declares that it is the public
8 policy of this Commonwealth to assure minor children of
9 reasonable and continuing contact with both parents when the
10 parents choose not to live in the same household, for whatever
11 reason, and the sharing of the rights and responsibilities of
12 child rearing by both parents.

13 Section 2. Definitions.

14 The following words and phrases when used in this act shall
15 have, unless the context clearly indicates otherwise, the
16 meanings given to them in this section:

17 "Legal custody." The legal right to make major decisions
18 affecting the best interests and welfare of a minor child;

1 including but not limited to medical, religious and educational
2 decisions.

3 "Physical custody." The actual physical possession and
4 control of a minor child.

5 "Shared custody." An order awarding shared physical custody
6 or shared legal custody or both of a minor child.

7 Section 3. Award of shared custody.

8 Shared custody may be awarded, in the best interests of the
9 child:

10 (1) upon application of one or both parents; or

11 (2) where the parents have agreed to an award of shared
12 custody.

13 Section 4. Award of sole custody.

14 In making an order for custody to either parent,
15 individually, the court shall consider, among other factors,
16 which parent is more likely to encourage and permit the child or
17 children frequent and continuing contact with the noncustodial
18 parent.

19 Section 5. Agreement by parents.

20 In a proceeding between the natural parents where there is at
21 issue the custody of a minor child or children, where the
22 parents have agreed to an award of shared custody, or an award
23 of sole custody to either parent, or so agree during the course
24 of the proceedings, and the court declines to enter an order
25 awarding custody as agreed to by the parents, the court shall
26 state on the record the reasons for denial.

27 Section 6. Submission of plan by parents.

28 The court, in its discretion, may require the parents to
29 submit to the court a plan for the implementation of any custody
30 order made pursuant to the provisions of this act.

1 Section 7. Access to records.

2 Notwithstanding any other provision of law, access to records
3 and information pertaining to a minor child, including but not
4 limited to medical, dental and school records, shall not be
5 denied to a parent because such parent does not have physical or
6 legal custody of the child.

7 Section 8. Effective date.

8 This act shall take effect in 60 days.