



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

SENATE BILL NO. 844

PRINTERS NO. 1531

PRIME SPONSOR: White

### COST / (SAVINGS)

| FUND         | FY 2017/18 | FY 2018/19 |
|--------------|------------|------------|
| General Fund | \$0        | \$0        |

### SUMMARY:

Senate Bill 844, Printer's Number 1531 amends Title 23 (Domestic Relations) further providing for circumstances when an individual(s) may petition the court for custody of a child.

### ANALYSIS:

SB 844 amends Sections 5324 (Standing for any form of physical custody or legal custody) by adding new subsections (4) and (5), further providing for when an individual may file for physical or legal custody of a child. As amended, Section 5324 (4) would provide that an individual may file for physical or legal custody of a child if the individual establishes clear and convincing evidence of all of the following:

- The individual has assumed or is willing to assume responsibility for the child,
- The individual has a sustained, substantial and sincere interest in the welfare of the child; and
- Neither parent has any form of care and control of the child.

A new Section 5324 (5) states that new Section 5324(4) does not apply if a dependency proceeding involving the child has been initiated or is ongoing; or there is an order of permanent legal custody pursuant to Title 42, Chapter 63 (Judicial Code: Juvenile Matters).

Section 5325 (2) (Standing for partial physical custody and supervised physical custody) is further amended to provide that grandparents and great-grandparents may file a petition for partial physical custody or supervised physical custody when the relationship with the child began either with the consent of the parent of the child or under a court order and where the parents have (1) commenced a proceeding of custody; and (2) do not agree as to whether the grandparents or the great-grandparents should have custody.

Section 5329 (consideration of criminal conviction) is amended with a technical clarification that states when a party seeks any form of custody, the court will consider whether that party or member of that party's household has been convicted of or has pleaded guilty or no contest to a list of certain offenses.

This legislation would take effect in 60 days.

**FISCAL IMPACT:**

Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds.

**PREPARED BY:** Jenny P. Stratton  
House Appropriations Committee (R)

**DATE:** April 10, 2018

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