

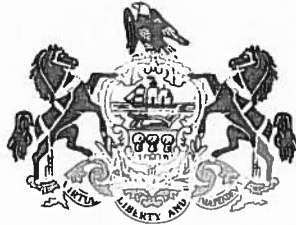
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MEMORANDUM

DATE: June 8, 2011

TO: All House Members

FROM: Representative Brad Roae

SUBJECT: Amending 23 Pa, C.S. 5329(c) consideration of criminal convictions as it relates to child custody

Last session, the General Assembly made significant changes to the law regarding child custody through HB 1639 (Act 112 of 2009).

Just as in the prior statute, Act 112 of 2009 requires the court to consider criminal convictions of a party before making an award of custody. However, the new law requires the court to provide for an evaluation to determine whether the party poses a threat to the child and whether counseling is necessary.

I have been contacted by some county officials regarding the requirement that the court schedule an evaluation. Because the statute does not allow the judge to decide whether an evaluation is necessary, judges are ordering them in cases when they are not necessary. The result is that custody determinations are delayed until the evaluation is completed. Additionally, in cases where the parties cannot afford the evaluation, the county must pay the fees.

Consequently, I will introduce legislation to amend 23 Pa.C.S. 5329 (c) consideration of criminal convictions. This legislation will change the "shall" provision to a "may" provision and will place the discretion whether to order an evaluation in the hands of the court.

If you care to co-sponsor this piece, please contact Tierna via e-mail at ttuckey@pahousegop.com or by telephone at 7-2353.

BR/ttt