

TESTIMONY BEFORE THE SUB-COMMITTEE
ON COURTS OF THE HOUSE JUDICIARY COMMITTEE

WEDNESDAY, MARCH 26, 1997

BY

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PHILADELPHIA BAR ASSOCIATION, FAMILY LAW SECTION

Good afternoon, Ladies and Gentlemen. I am here today on behalf of the Philadelphia Bar Association, Family Law Section to convey that group's opposition to House Bill No. 22.

House Bill No. 22, seeks to codify the existing case law concerning the nurturing parent doctrine to establish statute which would excuse all custodial parents from having an earning capacity and support obligation when they elect to forego gainful employment and remain at home to care for the child excluding children from another relationship.

A codification of the nurturing parent doctrine could violate the rights of children, and jeopardize the ability of children to receive proper support.

The various decisions of the Courts of the Commonwealth of Pennsylvania. Clearly, indicate that the Courts have been able to deal with this very complex family situation on a case by case basis. In addition, the proposed statute fails to take into consideration

that the "nurturing parent" may have passive income which is available for the support of the child. Failure to give the Court the ability to include such income, once again, severely jeopardizes the rights of the children to receive adequate support.

Therefore, the Family Law Section of the Philadelphia Bar Association suggests that the determination of the nurturing parent status be left to a case by case assessment by the finder of fact and opposes House Bill No. 22.