

AMENDMENTS TO SENATE BILL NO. 844

Sponsor: REPRESENTATIVE MARSICO

Printer's No. 1375

1 Amend Bill, page 1, line 4, by striking out "AND" where it
2 occurs the first time and inserting a comma

3 Amend Bill, page 1, line 5, by inserting after "CUSTODY"
4 and for consideration of criminal conviction

5 Amend Bill, page 1, lines 8 through 10, by striking out all
6 of said lines and inserting

7 Section 1. Section 5324 of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended by adding paragraphs to read:

9 Amend Bill, page 1, line 13, by striking out "(A)
10 INDIVIDUALS.--"

11 Amend Bill, page 1, lines 17 through 19; page 2, lines 1
12 through 24; by striking out all of said lines on said pages and
13 inserting

14 (4) Subject to paragraph (5), an individual who
15 establishes by clear and convincing evidence all of the
16 following:

17 (i) The individual has assumed or is willing to
18 assume responsibility for the child.

19 (ii) The individual has a sustained, substantial and
20 sincere interest in the welfare of the child. In
21 determining whether the individual meets the requirements
22 of this subparagraph, the court may consider, among other
23 factors, the nature, quality, extent and length of the
24 involvement by the individual in the child's life.

25 (iii) Neither parent has any form of care and
26 control of the child.

27 (5) Paragraph (4) shall not apply if:

28 (i) a dependency proceeding involving the child has
29 been initiated or is ongoing; or

30 (ii) there is an order of permanent legal custody

1 under 42 Pa.C.S. § 6351(a)(2.1) or (f.1)(3) (relating to
2 disposition of dependent child).

3 Section 2. Sections 5325(2) and 5329 introductory paragraph
4 of Title 23 are amended to read;

5 Amend Bill, page 3, line 3, by inserting after "WHERE"

6 the relationship with the child began either with the
7 consent of a parent of the child or under a court order and
8 where

9 Amend Bill, page 3, by inserting between lines 10 and 11

10 § 5329. Consideration of criminal conviction.

11 (a) Offenses.--Where a party seeks any form of custody, the
12 court shall consider whether that party or member of that
13 party's household has been convicted of or has pleaded guilty or
14 no contest to any of the offenses in this section or an offense
15 in another jurisdiction substantially equivalent to any of the
16 offenses in this section. The court shall consider such conduct
17 and determine that the party does not pose a threat of harm to
18 the child before making any order of custody to that [parent]
19 party when considering the following offenses:

20 * * *

21 Amend Bill, page 3, line 11, by striking out "2" and
22 inserting

23 3

24 Amend Bill, page 3, lines 11 and 12, by striking out "5324(A)
25 (4) AND (B)" and inserting

26 5324(4) and (5)

27 Amend Bill, page 3, line 15, by striking out "3" and
28 inserting

29 4