

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 838 Session of 2007

INTRODUCED BY DENLINGER, BARRAR, BELFANTI, BENNINGHOFF, CALTAGIRONE, CAPPELLI, CAUSER, CUTLER, DALEY, EVERETT, FABRIZIO, FAIRCHILD, GEIST, GERGELY, GINGRICH, GODSHALL, GOODMAN, GRELL, HENNESSEY, HORNAMAN, JAMES, M. KELLER, KILLION, KORTZ, KULA, MACKERETH, MARSICO, McCALL, R. MILLER, REICHLEY, SCAVELLO, SCHRODER, SIPTROTH, SOLOBAY, SONNEY, STABACK, STERN, SURRA, SWANGER AND VEREB, MARCH 19, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 19, 2007

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing, in protection from
3 abuse, for procedure and other remedies.

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

6 Section 1. Section 6117 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6117. Procedure and other remedies.

9 (a) General rule.--Unless otherwise indicated in this
10 chapter, a proceeding under this chapter shall be in accordance
11 with applicable general rules and shall be in addition to any
12 other available civil or criminal remedies. The plaintiff and
13 the defendant may seek modification of an order issued under
14 section 6108 (relating to relief) at any time during the
15 pendency of an order. Except as otherwise indicated in this
16 chapter, modification may be ordered after the filing of a

1 petition for modification, service of the petition and a hearing
2 on the petition.

3 (b) Remedies for bad faith.--Notwithstanding any other
4 provision of law, upon finding that an individual commenced a
5 proceeding under this chapter in bad faith, a court shall direct
6 the individual to pay to the defendant actual damages and
7 reasonable attorney fees[.] and all court costs and may impose a
8 surcharge of up to \$100 which shall be distributed as provided
9 under section 6106(d) (relating to commencement of proceedings).
10 Failure to prove an allegation of abuse by a preponderance of
11 the evidence shall not, by itself, result in a finding of bad
12 faith.

13 Section 2. This act shall take effect in 60 days.