

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 124

Session of  
1981

INTRODUCED BY JUBELIRER, O'PAKE, GREENLEAF, STOUT, FISHER,  
LOEPER, CORMAN AND PRICE, JANUARY 26, 1981

REFERRED TO JUDICIARY, JANUARY 26, 1981

AN ACT

1 Providing for the sole or shared custody of minor children;  
2 providing access to records to both parents.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the "Custody  
7 Act."

8 Section 2. Policy and purpose.

9 The General Assembly declares that it is the public policy of  
10 this Commonwealth, when in the best interest of the child or  
11 children, to assure a reasonable and continuing contact of such  
12 child or children with both parents after a separation or  
13 dissolution of marriage, and the sharing of the rights and  
14 responsibilities of child rearing by both parents.

15 Section 3. Definitions.

16 The following words and phrases when used in this act shall  
17 have, unless the context clearly indicates otherwise, the

1 meanings given to them in this section:

2 "Legal custody." The legal right to make major decisions  
3 affecting the best interests of a minor child, including but not  
4 limited to, medical, religious and educational decisions.

5 "Physical custody." The actual physical possession and  
6 control of a minor child.

7 "Shared custody." An order awarding shared legal or shared  
8 physical custody or both of a minor child.

9 Section 4. Award of sole custody.

10 In making an order for custody to either parent,  
11 individually, the court shall consider, among other factors,  
12 which parent is more likely to encourage, permit and allow  
13 frequent and continuing contact between the noncustodial parent  
14 and the child or children. The court shall issue sole custody  
15 when it is in the best interests of the minor child or children.

16 Section 5. Award of shared custody.

17 An order for shared custody may be awarded by the court when  
18 it is in the best interests of the minor child or children and:

19 (1) upon application of one or both parents;

20 (2) when the parties have agreed to an award of shared  
21 custody; or

22 (3) in the discretion of the court.

23 Section 6. Submission of plan by parents.

24 The court, in its discretion, may require the parents to  
25 submit to the court a plan for the implementation of any custody  
26 order made pursuant to the provisions of this act. Upon the  
27 request of either parent or the court, the local Domestic  
28 Relations Office shall assist in the formulation and  
29 implementation of such a plan.

30 Section 7. Court denial of award or plan.

1       When the court declines to enter an order awarding custody  
2 either as agreed to by the parents or under the plan developed  
3 by the parents, pursuant to this act, the court shall state its  
4 reasons for denial on the record.

5       Section 8.   Access to records.

6       Notwithstanding any other provision of law, access to records  
7 and information pertaining to a minor child, including but not  
8 limited to medical, dental and school records, shall not be  
9 denied to a parent because such parent does not have physical or  
10 legal custody of the child.

11       Section 9.   Effective date.

12       This act shall take effect in 60 days.