
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 247 Session of
1993

INTRODUCED BY GREENLEAF, BELL, HART, HELFRICK, HOLL, LOEPER,
MADIGAN, PORTERFIELD, RHOADES, STOUT AND WENGER,
JANUARY 22, 1993

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 4, 1994

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for custody when
3 children have resided with grandparents.

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

6 Section 1. Section 5313 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5313. When child has resided with grandparents.

9 (a) Partial custody and visitation.--If an unmarried child
10 has resided with his grandparents or great-grandparents for a
11 period of 12 months or more and is subsequently removed from the
12 home by his parents, the grandparents or great-grandparents may
13 petition the court for an order granting them reasonable partial
14 custody or visitation rights, or both, to the child. The court
15 shall grant the petition if it finds that visitation rights
16 would be in the best interest of the child and would not
17 interfere with the parent-child relationship.

1 ~~(b) Sole physical~~ PHYSICAL and legal custody.--A grandparent <—
2 has standing to bring a petition for ~~sole physical and legal~~ <—
3 custody of a grandchild. If it is in the best interest of the
4 child not to be in the custody of either parent AND IF IT IS IN <—
5 THE BEST INTEREST OF THE CHILD TO BE IN THE CUSTODY OF THE
6 GRANDPARENT, the court may award ~~sole physical and legal custody~~ <—
7 to the grandparent. This subsection applies to a grandparent:

8 (1) who has genuine care and concern for the child;

9 (2) whose relationship with the child began with the
10 consent of a parent of the child or pursuant to an order of
11 court; and

12 (3) who has assumed the role and responsibilities of the
13 child's parent, providing for the physical, emotional and
14 social needs of the child, or who deems it is necessary to
15 assume the role and responsibilities of the child's parent
16 due to physical or sexual abuse or neglect, or parental
17 dysfunction, ~~including, but not limited to,~~ SUCH AS drug or <—
18 alcohol abuse or emotional or mental illness or instability.

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