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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 1055 Session of  
1995

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INTRODUCED BY BISHOP, ARMSTRONG, GIGLIOTTI, TIGUE, MANDERINO,  
LUCYK, BUNT, DeLUCA, YOUNGBLOOD, STABACK, BELFANTI, ROONEY,  
McGEEHAN, ITKIN, RUBLEY, J. TAYLOR, ROBINSON, E. Z. TAYLOR,  
LEDERER, ROEBUCK, JOSEPHS, LAUGHLIN, BATTISTO, MICHLOVIC AND  
THOMAS, MARCH 7, 1995

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 7, 1995

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for when a child has  
3 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 custody.--A grandparent has standing to bring a  
2     petition for sole legal and physical custody of a child. If it  
3     is in the best interest of the child not to be in the custody of  
4     either parent, the court may award sole legal custody and sole  
5     physical custody to the grandparent. This subsection applies to  
6     a grandparent:

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

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

11            (3) who, over an extended period of time, has assumed  
12    the role and responsibilities of the child's parent,  
13    providing for the physical, emotional, financial and social  
14    needs of the child; and

15            (4) who deems it is necessary to assume the role and  
16    responsibilities of the child's parent due to physical or  
17    sexual abuse or neglect or parental dysfunction, including,  
18    but not limited to, drug or alcohol abuse and emotional or  
19    mental illness or instability.

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