

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 177 Session of
1999

INTRODUCED BY GERLACH, ROBBINS, TOMLINSON, HELFRICK, STAPLETON,
KASUNIC, COSTA, MUSTO, WOZNIAK, BODACK AND PUNT,
JANUARY 20, 1999

REFERRED TO JUDICIARY, JANUARY 20, 1999

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for visitation
3 rights and partial custody.

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

6 Section 1. Sections 5301 and 5311 of Title 23 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 5301. Declaration of policy.

9 The General Assembly declares that it is the public policy of
10 this Commonwealth, when in the best interest of the child, to
11 assure [a]:

12 (1) A reasonable and continuing contact of the child
13 with both parents after a separation or dissolution of the
14 marriage and the sharing of the rights and responsibilities
15 of child rearing by both parents [and continuing].

16 (2) Continuing contact of the child or children with
17 grandparents when a parent is deceased, divorced or separated
18 and continuing contact is in the best interest of the child

1 and would not interfere with the parent-child relationship.

2 § 5311. [When parent deceased] Grandparents.

3 [If a parent of an unmarried child is deceased, the parents

4 or grandparents of the deceased parent] (a) General rule.--

5 Grandparents and great-grandparents may be granted reasonable

6 partial custody or visitation rights, or both, to [the] an

7 unmarried child by the court upon a finding that partial custody

8 or visitation rights, or both, would be in the best interest of

9 the child and would not interfere with the parent-child

10 relationship. [The court shall consider the amount of personal

11 contact between the parents or grandparents of the deceased

12 parent and the child prior to the application.]

13 (b) Adoption.--This section shall not apply if the child has

14 been adopted by both a new mother and a new father who were

15 previously unrelated to the child. Any visitation rights granted

16 pursuant to this section prior to the adoption of the child

17 shall be automatically terminated upon such adoption.

18 (c) Attorney fees.--The court may award reasonable attorney

19 fees to any party who defends against an action brought under

20 this section if the court finds that the action was brought in

21 bad faith or for vexatious reasons.

22 Section 2. Sections 5312, 5313 and 5314 of Title 23 are

23 repealed.

24 Section 3. This act shall take effect in 60 days.