

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 895 Session of 2007

INTRODUCED BY LEACH, CREIGHTON, CURRY, FABRIZIO, FRANKEL, FREEMAN, GEIST, GINGRICH, GOODMAN, HALUSKA, KIRKLAND, KORTZ, McGEEHAN, MUNDY, MURT, MYERS, PALLONE, PERRY, PICKETT, SCHRODER, SIPTROTH, McILVAINE SMITH, SOLOBAY, STURLA, VITALI, WALKO, PAYTON, THOMAS AND JAMES, MARCH 22, 2007

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 25, 2007

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, FURTHER PROVIDING FOR EXCEPTION FOR <—
3 ADOPTED CHILDREN; providing for sibling visitation; AND <—
4 MAKING AN EDITORIAL CHANGE.

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

7 ~~Section 1. Section 5301 of Title 23 of the Pennsylvania <—
8 Consolidated Statutes is amended to read:~~

9 SECTION 1. SECTIONS 5301 AND 5314 OF TITLE 23 OF THE <—
10 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 5301. Declaration of policy.

12 The General Assembly declares that it is the public policy of
13 this Commonwealth, when in the best interest of the child, to
14 [assure] do all of the following:

15 (1) Assure a reasonable and continuing contact of the
16 child with both parents after a separation or dissolution of
17 the marriage and the sharing of the rights and

1 responsibilities of child rearing by both parents and  
2 continuing contact of the child or children with grandparents  
3 when a parent is deceased, divorced or separated.

4 (2) Assure reasonable and continuing contact of the  
5 child with a sibling from whom the child has been separated  
6 as a result of divorce, separation, death or court order.

7 § 5314. EXCEPTION FOR ADOPTED CHILDREN. <—

8 SECTIONS 5311 (RELATING TO WHEN PARENT DECEASED), 5312  
9 (RELATING TO WHEN PARENTS' MARRIAGE IS DISSOLVED OR PARENTS ARE  
10 SEPARATED) [AND 5313 (RELATING TO WHEN CHILD HAS RESIDED WITH  
11 GRANDPARENTS)], 5313 (RELATING TO WHEN GRANDPARENTS MAY  
12 PETITION) AND 5316 (RELATING TO SIBLING VISITATION) SHALL NOT  
13 APPLY IF THE CHILD HAS BEEN ADOPTED BY A PERSON OTHER THAN A  
14 STEPPARENT OR GRANDPARENT. ANY VISITATION RIGHTS GRANTED  
15 PURSUANT TO THIS SECTION PRIOR TO THE ADOPTION OF THE CHILD  
16 SHALL BE AUTOMATICALLY TERMINATED UPON SUCH ADOPTION.

17 Section 2. Title 23 is amended by adding a section to read:

18 § 5316. Sibling visitation.

19 (a) Petition.--The court may, upon petition of a sibling or  
20 a child, grant reasonable visitation rights to the child if it  
21 determines:

22 (1) That continuing contact between the petitioner and  
23 the child is in the best interest of the child.

24 (2) In the case of a petitioner who is a child, that  
25 visitation is in the best interest of the petitioner.

26 (3) THAT VISITATION WOULD NOT INTERFERE WITH THE PARENT- <—  
27 CHILD RELATIONSHIP.

28 (b) Factors for consideration.--In making a determination of  
29 best interests under subsection (a), the court shall include the  
30 following factors:

1           (1) The relationship between the child and the  
2           petitioner. This paragraph includes the amount of personal  
3           contact prior to filing the petition.

4           (2) The relationship among the petitioner and other  
5           individuals with whom the child resides.

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