

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 338 Session of  
2015

---

INTRODUCED BY YOUNGBLOOD, DAWKINS, BISHOP, CRUZ, O'BRIEN,  
PICKETT, V. BROWN, C. PARKER, COHEN, KINSEY, THOMAS,  
DONATUCCI, CALTAGIRONE, MILLARD, KORTZ, BROWNLEE, RAPP,  
ROZZI, McCARTER, McNEILL, READSHAW, MURT, TRUITT, TALLMAN,  
QUINN, ACOSTA, FABRIZIO, SIMS, D. COSTA, TOOHIL AND KIRKLAND,  
FEBRUARY 5, 2015

---

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 5, 2015

---

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in child custody, further providing  
3 for definitions, for standing for partial physical custody  
4 and supervised physical custody and for factors to consider  
5 when awarding custody; and making editorial changes.

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

8 Section 1. Section 5322(a) of Title 23 of the Pennsylvania  
9 Consolidated Statutes is amended by adding a definition to read:

10 § 5322. Definitions.

11 (a) This chapter.--The following words and phrases when used  
12 in this chapter shall have the meanings given to them in this  
13 subsection unless the context clearly indicates otherwise:

14 \* \* \*

15 "Sibling." A brother or sister of a child, related to the  
16 child by blood, adoption or marriage.

17 \* \* \*

1 Section 2. Sections 5323(b), 5325 and 5326 of Title 23 are  
2 amended to read:

3 § 5323. Award of custody.

4 \* \* \*

5 (b) Interim award.--The court may issue an interim award of  
6 custody to a party who has standing under section 5324 (relating  
7 to standing for any form of physical custody or legal custody)  
8 or [5325] 5325(a) (relating to standing for partial physical  
9 custody and supervised physical custody) in the manner  
10 prescribed by the Pennsylvania Rules of Civil Procedure  
11 governing special relief in custody matters.

12 \* \* \*

13 § 5325. Standing for partial physical custody and supervised  
14 physical custody.

15 (a) Grandparents and great-grandparents.--In addition to  
16 situations set forth in section 5324 (relating to standing for  
17 any form of physical custody or legal custody), grandparents and  
18 great-grandparents may file an action under this chapter for  
19 partial physical custody or supervised physical custody in the  
20 following situations:

21 (1) where the parent of the child is deceased, a parent  
22 or grandparent of the deceased parent may file an action  
23 under this section;

24 (2) where the parents of the child have been separated  
25 for a period of at least six months or have commenced and  
26 continued a proceeding to dissolve their marriage; or

27 (3) when the child has, for a period of at least 12  
28 consecutive months, resided with the grandparent or great-  
29 grandparent, excluding brief temporary absences of the child  
30 from the home, and is removed from the home by the parents,

1 an action must be filed within six months after the removal  
2 of the child from the home.

3 (b) Siblings.--A sibling or, if a sibling is a minor, a  
4 parent, guardian or legal custodian of the sibling on the  
5 sibling's behalf, may file an action under this chapter for  
6 partial physical custody or supervised physical custody when the  
7 amount of personal contact between the child and the party prior  
8 to the filing of the action exceeds 12 consecutive months.

9 § 5326. Effect of adoption.

10 Any rights to seek physical custody or legal custody rights  
11 and any custody rights that have been granted under section 5324  
12 (relating to standing for any form of physical custody or legal  
13 custody) or [5325] 5325(a) (relating to standing for partial  
14 physical custody and supervised physical custody) to a  
15 grandparent or great-grandparent prior to the adoption of the  
16 child by an individual other than a stepparent, grandparent or  
17 great-grandparent shall be automatically terminated upon such  
18 adoption.

19 Section 3. Section 5328(c) of Title 23 is amended and the  
20 section is amended by adding a subsection to read:

21 § 5328. Factors to consider when awarding custody.

22 \* \* \*

23 (c) Grandparents and great-grandparents.--

24 (1) In ordering partial physical custody or supervised  
25 physical custody to a party who has standing under section  
26 [5325(1)] 5325(a)(1) or (2) (relating to standing for partial  
27 physical custody and supervised physical custody), the court  
28 shall consider the following:

29 (i) the amount of personal contact between the child  
30 and the party prior to the filing of the action;

1           (ii) whether the award interferes with any parent-  
2 child relationship; and  
3           (iii) whether the award is in the best interest of  
4 the child.

5           (2) In ordering partial physical custody or supervised  
6 physical custody to a parent's parent or grandparent who has  
7 standing under section [5325(3)] 5325(a)(3), the court shall  
8 consider whether the award:

9           (i) interferes with any parent-child relationship;  
10 and

11           (ii) is in the best interest of the child.

12 (d) Siblings.--In ordering partial physical custody or  
13 supervised physical custody to a party who has standing under  
14 section 5325(b), the court shall consider, in addition to  
15 factors enumerated in subsection (a), the following:

16           (1) the amount of personal contact between the child and  
17 the party prior to the filing of the action;

18           (2) whether the award interferes with any parent-child  
19 relationship;

20           (3) whether a voluntary agreement for continuing contact  
21 exists for the child under Subchapter D of Chapter 27  
22 (relating to voluntary agreement for continuing contact); and

23           (4) whether the award is in the best interest of the  
24 child.

25 Section 4. This act shall take effect in 60 days.