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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 585 Session of  
2017

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INTRODUCED BY GILLESPIE, DRISCOLL, PICKETT, WARD, SNYDER, BAKER,  
STEPHENS, NEILSON, V. BROWN, HICKERNELL, IRVIN, MILLARD,  
A. HARRIS, RADER, PEIFER, DeLUCA, READSHAW, WATSON, FREEMAN,  
KORTZ, D. COSTA, ZIMMERMAN, HILL-EVANS AND GILLEN,  
FEBRUARY 24, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 24, 2017

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in child custody, further providing  
3 for standing for any form of physical custody or legal  
4 custody.

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

7 Section 1. Section 5324(3) of Title 23 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 5324. Standing for any form of physical custody or legal  
10 custody.

11 The following individuals may file an action under this  
12 chapter for any form of physical custody or legal custody:

13 \* \* \*

14 (3) A grandparent of the child who is not in loco  
15 parentis to the child:

16 (i) whose relationship with the child began either  
17 with the consent of a parent of the child or under a

1 court order;

2 (ii) who assumes or is willing to assume  
3 responsibility for the child; and

4 (iii) when one of the following conditions is met:

5 (A) the child has been determined to be a  
6 dependent child under 42 Pa.C.S. Ch. 63 (relating to  
7 juvenile matters);

8 (B) the child is substantially at risk due to  
9 parental abuse, neglect, drug or alcohol abuse or  
10 incapacity; [or]

11 (C) the child has, for a period of at least 12  
12 consecutive months, resided with the grandparent,  
13 excluding brief temporary absences of the child from  
14 the home, and is removed from the home by the  
15 parents, in which case the action must be filed  
16 within six months after the removal of the child from  
17 the home[.]; or

18 (D) either:

19 (I) currently has any form of custody of a  
20 child related by blood, adoption or marriage to  
21 the child for whom the grandparent is seeking  
22 custody; or

23 (II) previously had standing under this  
24 section to bring an action for custody of a child  
25 who is currently 18 years of age or older and  
26 related by blood, adoption or marriage to the  
27 child for whom the grandparent is seeking  
28 custody.

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