

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 437 Session of 2019

INTRODUCED BY KAIL, KAUFFMAN, KORTZ, PICKETT, RYAN, ROTHMAN, T. DAVIS, JAMES, McNEILL, D. MILLER, MURT, LONGIETTI, BERNSTINE, READSHAW, MEHAFFIE, GABLER, IRVIN, RADER, DeLUCA, SIMMONS, GILLEN, STEPHENS, POLINCHOCK, ROWE, SCHEMEL, HARKINS, SAYLOR, MULLINS, BENNINGHOFF, DELOZIER, JOZWIAK AND TOOHIL, FEBRUARY 11, 2019

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 21, 2020

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child custody, further providing
3 for award of custody.

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

6 Section 1. Section 5323(g)(1) of Title 23 of the
7 Pennsylvania Consolidated Statutes is amended by adding a
8 subparagraph to read:

9 § 5323. Award of custody.

10 * * *

11 (g) Contempt for noncompliance with any custody order.--

12 (1) A party who willfully fails to comply with any
13 custody order may, as prescribed by general rule, be adjudged
14 in contempt. Contempt shall be punishable by any one or more
15 of the following:

16 * * *

1 ~~(vi) A temporary modification of the physical~~ <--
2 ~~custody schedule so that the child receives compensatory~~
3 ~~parenting time to make up for lost time that the child~~
4 ~~would otherwise have spent with the party who brought the~~
5 ~~contempt action.~~

6 * * *

7 Section 2. ~~This act shall take effect in 60 days.~~

8 (VI) A TEMPORARY MODIFICATION OF THE CUSTODY ORDER. <--
9 IF THE COURT ORDERS SUCH A TEMPORARY MODIFICATION, THE
10 FOLLOWING APPLY:

11 (A) THE AMOUNT OF TIME COMPRISING THE TEMPORARY
12 MODIFICATION MAY NOT EXCEED THE AMOUNT OF TIME THE
13 CONTEMNOR HAS BEEN FOUND BY THE COURT TO HAVE DENIED
14 THE CHILD AND THE PETITIONER PURSUANT TO THE CUSTODY
15 ORDER UNDER WHICH THE PETITION FOR CONTEMPT HAS BEEN
16 FILED.

17 (B) THE DATES AND TIMES TO WHICH THE TEMPORARY
18 MODIFICATION APPLY MUST BE CLEARLY SET FORTH IN THE
19 TEMPORARY MODIFICATION OF THE CUSTODY ORDER.

20 (C) THE COURT MUST FIND THAT A TEMPORARY
21 MODIFICATION OF THE CUSTODY ORDER UNDER THIS
22 SUBPARAGRAPH IS IN THE BEST INTEREST OF THE CHILD.

23 (D) A COURT MAY NOT MODIFY A CUSTODY ORDER
24 BEYOND THE LIMITATIONS SPECIFIED IN THIS SUBPARAGRAPH
25 THROUGH A PETITION FOR CONTEMPT.

26 (E) NOTICE THAT THE ISSUE OF CUSTODY WILL BE
27 RAISED IN THE CONTEMPT PROCEEDING MUST BE CLEARLY
28 STATED.

29 (F) THE GOVERNING AUTHORITY, AS DEFINED IN 42
30 PA.C.S. § 102 (RELATING TO DEFINITIONS), SHALL

1 DEVELOP PROCEDURES TO IMPLEMENT THE PROVISIONS OF
2 THIS SUBPARAGRAPH.

3 * * *

4 SECTION 2. THE ADDITION OF 23 PA.C.S. § 5323(G) (1) (VI) SHALL
5 APPLY TO PETITIONS FOR CONTEMPT FILED ON OR AFTER THE EFFECTIVE
6 DATE OF THIS SECTION.

7 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.