
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 781 Session of
2019

INTRODUCED BY FARNESE, TARTAGLIONE, BREWSTER AND COSTA,
JUNE 21, 2019

REFERRED TO JUDICIARY, JUNE 21, 2019

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child custody, further providing
3 for factors to consider when awarding custody.

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

6 Section 1. Section 5328(c) of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5328. Factors to consider when awarding custody.

9 * * *

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

11 (1) In ordering partial physical custody or supervised
12 physical custody to a party who has standing under section
13 5325(1) [or (2)] (relating to standing for partial physical
14 custody and supervised physical custody), the court shall
15 consider the following:

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

18 (ii) whether the award interferes with any parent-

1 child relationship; [and]

2 (iii) whether the award is in the best interest of
3 the child[.];

4 (iv) the burden, inconvenience or limitation on the
5 surviving parent in complying with the terms of the award
6 and any economic disparity between the parties; and

7 (v) whether the award will place a burden,
8 inconvenience or limitation on the ability of the
9 surviving parent to make decisions regarding where the
10 child resides, attends school, extracurricular activities
11 the child is participating in, holidays and involvement
12 in religious activities.

13 (1.1) In ordering partial physical custody or supervised
14 physical custody to a party who has standing under section
15 5325(2), the court shall consider the following:

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

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

20 (iii) whether the award is in the best interest of
21 the child.

22 (2) In ordering partial physical custody or supervised
23 physical custody to a parent's parent or grandparent who has
24 standing under section 5325(3), the court shall consider
25 whether the award:

26 (i) interferes with any parent-child relationship;
27 and

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

29 Section 2. The amendment of 23 Pa.C.S. § 5328(c) shall apply
30 to:

1 (1) Any action regarding custody of a child under 23
2 Pa.C.S. Ch. 53 that is filed on or after the effective date
3 of this section.

4 (2) Any petition to modify a custody order under 23
5 Pa.C.S. Ch. 53 that is filed on or after the effective date
6 of this section.

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