

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 288 Session of
2023

INTRODUCED BY KRAJEWSKI, HILL-EVANS, KINSEY, MADDEN, GUENST,
SANCHEZ, RABB, FIEDLER AND WAXMAN, APRIL 24, 2023

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, APRIL 24, 2023

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 and providing
4 for solicitation and consideration of family finding and
5 kinship care provider testimony.

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

8 Section 1. Section 5328(a) of Title 23 of the Pennsylvania
9 Consolidated Statutes is amended by adding a paragraph to read:

10 § 5328. Factors to consider when awarding custody.

11 (a) Factors.--In ordering any form of custody, the court
12 shall determine the best interest of the child by considering
13 all relevant factors, giving weighted consideration to those
14 factors which affect the safety of the child, including the
15 following:

16 * * *

17 (15.1) The testimony provided under section 5341
18 (relating to solicitation and consideration of family finding
19 and kinship care provider testimony). In weighing the opinion

1 and information provided by testimony under this paragraph,
2 the court shall consider the length of time the person
3 engaged with the family finding or kinship care program, how
4 well the person knew the child prior to engaging in the
5 family finding or kinship care program and whether the county
6 youth agency reports anything that led the county youth
7 agency to end, or consider ending, the person's involvement
8 in the family finding or kinship care program.

9 * * *

10 Section 2. Title 23 is amended by adding a section to read:
11 § 5341. Solicitation and consideration of family finding and
12 kinship care provider testimony.

13 If a child custody hearing was preceded by, or is ongoing
14 concurrently with, a family finding or kinship care program as
15 established in 67 Pa.C.S. Ch. 75 (relating to family finding and
16 kinship care), the court shall solicit and consider the
17 testimony of any person who officially engaged with the family
18 finding or kinship care program to be included in the factors to
19 consider when awarding custody as established by section 5328
20 (relating to factors to consider when awarding custody). The
21 court may permit the testimony in an oral or written form, or
22 both.

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