

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 844 Session of 2017

INTRODUCED BY WHITE, RAFFERTY, EICHELBERGER, RESCHENTHALER, FOLMER, YUDICHAK, STEFANO, YAW AND TARTAGLIONE, SEPTEMBER 6, 2017

AS AMENDED ON THIRD CONSIDERATION, DECEMBER 11, 2017

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 AND FOR STANDING FOR PARTIAL PHYSICAL CUSTODY AND <--
5 SUPERVISED PHYSICAL CUSTODY.

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

8 Section 1. Section 5324 of Title 23 of the Pennsylvania
9 Consolidated Statutes is amended by MAKING A SUBSECTION <--
10 DESIGNATION, ADDING A SUBSECTION AND adding a paragraph to read:
11 § 5324. Standing for any form of physical custody or legal
12 custody.

13 (A) INDIVIDUALS.--The following individuals may file an <--
14 action under this chapter for any form of physical custody or
15 legal custody:

16 * * *

17 (4) ~~If~~ EXCEPT AS SET FORTH IN SUBSECTION (B), IF no <--
18 biological parent or adoptive parent of the A child has <--
19 custody of the child, an individual who ESTABLISHES BY CLEAR <--

1 AND CONVINCING EVIDENCE THAT THE INDIVIDUAL:

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

4 (ii) has a sustained, substantial and sincere
5 interest in the welfare of the child, which may be
6 demonstrated by factors involving the nature, quality,
7 extent and length of involvement by the individual in the
8 child's life, including, but not limited to:

9 (A) ~~The~~ THE financial support or assistance paid <--
10 by the individual for the benefit of the child-; AND <--

11 (B) ~~Whether~~ WHETHER the individual has <--
12 previously stood in loco parentis to the child.

13 (B) EXCEPTIONS.--SUBSECTION (A) (4) DOES NOT APPLY TO ANY OF <--
14 THE FOLLOWING:

15 (1) INTERVENTION IN A DEPENDENCY PROCEEDING.

16 (2) AN ACTION BY A PARTY WHO HAS PARTICIPATED IN A
17 DEPENDENCY PROCEEDING RELATING TO THE CHILD.

18 (3) A CHALLENGE TO THE PLACEMENT OF THE CHILD IN:

19 (I) FOSTER CARE; OR

20 (II) KINSHIP CARE.

21 (4) A CHALLENGE TO AN ORDER OF PERMANENT LEGAL CUSTODY
22 UNDER 42 PA.C.S. § 6351(F.1) (3) OR (4) (RELATING TO
23 DISPOSITION OF DEPENDENT CHILD).

24 SECTION 1.1. SECTION 5325(2) OF TITLE 23 IS AMENDED TO READ:
25 § 5325. STANDING FOR PARTIAL PHYSICAL CUSTODY AND SUPERVISED
26 PHYSICAL CUSTODY.

27 IN ADDITION TO SITUATIONS SET FORTH IN SECTION 5324 (RELATING
28 TO STANDING FOR ANY FORM OF PHYSICAL CUSTODY OR LEGAL CUSTODY),
29 GRANDPARENTS AND GREAT-GRANDPARENTS MAY FILE AN ACTION UNDER
30 THIS CHAPTER FOR PARTIAL PHYSICAL CUSTODY OR SUPERVISED PHYSICAL

1 CUSTODY IN THE FOLLOWING SITUATIONS:

2 * * *

3 (2) WHERE THE PARENTS OF THE CHILD [HAVE BEEN SEPARATED
4 FOR A PERIOD OF AT LEAST SIX MONTHS OR]:

5 (I) HAVE COMMENCED [AND CONTINUED] A PROCEEDING [TO
6 DISSOLVE THEIR MARRIAGE] FOR CUSTODY; AND

7 (II) DO NOT AGREE AS TO WHETHER THE GRANDPARENTS OR
8 GREAT GRANDPARENTS SHOULD HAVE CUSTODY UNDER THIS
9 SECTION; OR

10 * * *

11 Section 2. The addition of 23 Pa.C.S. § ~~5324(4)~~ 5324(A)(4) <--
12 AND (B) shall apply to all custody proceedings irrespective of
13 whether the proceeding was commenced before, on or after the
14 effective date of this section.

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