

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1139 Session of
2021

INTRODUCED BY GILLESPIE, ROTHMAN, HILL-EVANS, STAMBAUGH, BOBACK,
GUENST, MILLARD, JAMES, RYAN, MOUL, MENTZER, PASHINSKI,
SAYLOR, NEILSON, R. BROWN, ZIMMERMAN, STEPHENS AND WHEELAND,
APRIL 7, 2021

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 7, 2021

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
18 court order;

- (ii) who assumes or is willing to assume responsibility for the child; and
- (iii) when one of the following conditions is met:
 - (A) the child has been determined to be a dependent child under 42 Pa.C.S. Ch. 63 (relating to juvenile matters);
 - (B) the child is substantially at risk due to parental abuse, neglect, drug or alcohol abuse or incapacity; [or]
 - (C) the child has, for a period of at least 12 consecutive months, resided with the grandparent, excluding brief temporary absences of the child from the home, and is removed from the home by the parents, in which case the action must be filed within six months after the removal of the child from the home[.]; or

(D) either;

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

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

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