

No. 1998-36

AN ACT

SB 1087

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for alimony, for alimony pendente lite, and for contempt for violation of a protection order or agreement.

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

Section 1. Sections 3701(b)(14) and 3702 of Title 23 of the Pennsylvania Consolidated Statutes, amended December 16, 1997 (P.L.549, No.58), are amended to read:

§ 3701. Alimony.

* * *

(b) Factors relevant.—In determining whether alimony is necessary and in determining the nature, amount, duration and manner of payment of alimony, the court shall consider all relevant factors, including:

* * *

(14) The marital misconduct of either of the parties during the marriage. The marital misconduct of either of the parties from the date of final separation [**may**] *shall not* be considered by the court in its determinations relative to alimony[. As used in this paragraph, the term “marital misconduct” shall include, but is not limited to], *except that the court shall consider* the abuse of one party by the other party. As used in this paragraph, “abuse” shall have the meaning given to it under section 6102 (relating to definitions).

* * *

§ 3702. Alimony pendente lite, counsel fees and expenses.

[(a) **General rule.**—]In proper cases, upon petition, the court may allow a spouse reasonable alimony pendente lite, spousal support and reasonable counsel fees and expenses. Reasonable counsel fees and expenses may be allowed pendente lite, and the court shall also have authority to direct that adequate health and hospitalization insurance coverage be maintained for the dependent spouse pendente lite.

[(b) **Relevant factors.**—In determining whether alimony pendente lite, spousal support and reasonable counsel fees and expenses are necessary and in determining the amount of payment, the court shall consider all relevant factors pursuant to section 3701(b) (relating to alimony).]

Section 2. Section 6114 of Title 23 is amended by adding a subsection to read:

§ 6114. Contempt for violation of order or agreement.

* * *

(a.2) Minor defendant.—Any defendant who is a minor and who is charged with indirect criminal contempt for allegedly violating a protection from abuse order shall be considered to have committed an alleged delinquent act as that term is defined in 42 Pa.C.S. § 6302 (relating to definitions) and shall be treated as provided in 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

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Section 3. This act shall take effect as follows:

- (1) The addition of 23 Pa.C.S. § 6114(a.2) shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 24th day of March, A.D. 1998.

THOMAS J. RIDGE