

No. 1985-66

AN ACT

HB 98

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding provisions relating to support, custody, visitation, property and contracts; and making repeals.

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DOMESTIC RELATIONS

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Subchapter B. (Reserved)

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

Section 1. Title 23 of the Pennsylvania Consolidated Statutes is amended by adding parts to read:

PART V
SUPPORT, PROPERTY AND CONTRACTS

Chapter

- 43. Support Matters Generally
- 45. Reciprocal Enforcement of Support Orders

CHAPTER 43
SUPPORT MATTERS GENERALLY

Subchapter

- A. General Provisions
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SUBCHAPTER A
GENERAL PROVISIONS

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§ 4301. Scope of chapter.

(a) General rule.—Actions or proceedings provided by this chapter are in addition to and not in substitution of actions or proceedings provided by unsuspended statutes where there is desertion or a failure to perform a duty to support.

(b) Persons in institutions and foster homes.—Matters relating to the support of persons living in public or private institutions or receiving foster home care and who are otherwise entitled to support under this chapter shall be determined by the court under the statutes pertaining to those institutions or foster homes.

§ 4302. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Employer.” Includes an individual, partnership, association, corporation, trust, Federal agency, Commonwealth agency or political subdivision paying or obligated to pay income.

“Income.” Includes compensation for services, including, but not limited to, wages, salaries, fees, compensation in kind, commissions and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; all forms of retirement; pensions; income from discharge of indebtedness; distributive share of partnership gross income; income in respect of a decedent; income from an interest in an estate or trust; military retirement benefits; railroad employment retirement benefits; social security benefits; temporary and permanent disability benefits; workmen’s compensation and unemployment compensation.

“Net income.” Gross income minus taxes and any other deductions mandated by the employer as a condition of employment.

“Order of support.” Includes assistance imposed or imposable by law or by any court order, whether interlocutory or final, whether incidental to a proceeding for divorce, separate maintenance, action for failure to support a child born out of wedlock or otherwise.

“Support.” Care, maintenance and financial assistance.

§ 4303. Information to consumer credit bureau.

(a) General rule.—Information regarding the amount of arrearages owed by an obligor shall be made available to any consumer credit bureau organization upon the request of the organization, subject to the following:

(1) Where the amount of arrearages is less than \$1,000, information regarding the amount shall be made available at the option of the domestic relations section of the county in which the order of support was entered.

(2) The information shall be available only after the obligor owing the arrearages has been notified of the proposed action and given a period not

to exceed 20 days to contest the accuracy of the information. The notice shall be as provided by local rule of the court of common pleas.

(b) Fee.—A fee for furnishing the information in an amount not exceeding the actual cost thereof may be imposed on the requesting organization by the domestic relations office.

§ 4304. Cooperation of Commonwealth agencies.

Upon request of the Department of Public Welfare on behalf of a domestic relations section, Commonwealth agencies shall provide information regarding wages, employer and address information for the purposes of carrying out this chapter, unless such information must remain confidential pursuant to other provisions of law.

§ 4305. General administration of support matters.

Subject to any inconsistent general rules and to the supervision and direction of the court, the domestic relations section shall have the power and duty to:

- (1) Process all complaints received under Chapter 45 (relating to reciprocal enforcement of support orders).
- (2) Make such investigation as may be necessary.
- (3) Take charge of any obligor before or after hearing, as may be directed by the court.
- (4) Collect and pay over to the persons entitled thereto moneys received pursuant to support proceedings.
- (5) Keep a full and complete record of all support proceedings, including orders of the court.
- (6) Keep account of all payments made under order of court and promptly bring to the attention of the court and the district attorney any default in compliance with any order of court.
- (7) Make effective the orders of support entered.
- (8) Furnish the court with such information and assistance as it may require and generally perform such services as it may direct relating to support proceedings.
- (9) Inform both parties to a support action that guidelines as specified in section 4322 (relating to support guidelines) are available in the domestic relations section.

§ 4306. Duties of district attorney.

(a) General rule.—The district attorney shall at all times aid in the enforcement of the duty of support and shall cooperate with the domestic relations section in the presentation of complaints or in any proceeding designed to obtain compliance with any order of the court.

(b) Representation of complainant.—The district attorney, upon the request of the court or a Commonwealth or local public welfare official, shall represent any complainant in any proceeding under this subchapter.

§ 4307. State income tax intercept.

The Department of Public Welfare shall have the authority to implement a State income tax refund intercept program pursuant to section 466(a)(3) of the Social Security Act (Public Law 74-271, 42 U.S.C. § 666(a)(3)) when, in the judgment of the department, it is cost effective to do so.

SUBCHAPTER B
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§ 4321. Liability for support.

Subject to the provisions of this chapter:

- (1) Married persons are liable for the support of each other according to their respective abilities to provide support as provided by law.
- (2) Parents are liable for the support of their children who are unemancipated and 18 years of age or younger.
- (3) Parents may be liable for the support of their children who are 18 years of age or older.

§ 4322. Support guidelines.

The courts of common pleas shall develop guidelines for child and spousal support so that persons similarly situated shall be treated similarly. The guidelines shall be based upon the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support. In determining the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support, the guidelines shall place primary emphasis on the net incomes and earning capacities of the parties, with allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention.

§ 4323. Support of emancipated child.

- (a) Emancipated child.—A court shall not order either or both parents to pay for the support of a child if the child is emancipated.
- (b) Marital status of parents immaterial.—In making an order for the support of a child, no distinction shall be made because of the marital status of the parents.

§ 4324. Inclusion of medical support.

In addition to periodic support payments, the court may require that an obligor pay a designated percentage of a child's or spouse's reasonable and necessary health care expenses. If health care coverage is available through an obligor or obligee at no cost as a benefit of employment or at a reasonable cost, the court shall order an obligor or obligee to provide or extend health care coverage to a child or spouse. Upon failure of the obligor to make this payment or reimburse the custodial parent or spouse and after compliance with procedural due process requirement, the court shall treat the amount as arrearages.

§ 4325. Payment of order of support.

An order of support shall direct payment to be made payable to or payment to be made to the domestic relations office for transmission to the

obligee or for transmission directly to a public body or public or private agency whenever the care, maintenance and assistance of the obligee is provided for by the public body or public or private agency.

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§ 4341. Commencement of support actions or proceedings.

A support action or proceeding under this chapter shall be commenced in the manner prescribed by the Rules of Civil Procedure governing actions of support.

§ 4342. Expedited procedure.

(a) General rule.—The Supreme Court shall by general rule provide for expedited procedures for the determination of support. The procedures shall include an office conference; a conference summary to the court by the hearing officer; an opportunity for the court to enter an order without hearing the parties; and an opportunity for the parties to demand a full hearing by the court.

(b) Alternate procedure.—The Supreme Court shall also provide an alternate expedited procedure which may be adopted by local rule of the courts of common pleas. The procedure shall include an office conference; an evidentiary hearing before a hearing officer who shall be an attorney; a transcript of the testimony; a report and recommendation to the court by the hearing officer; and an opportunity for the filing of exceptions with and argument before the court.

§ 4343. Paternity.

(a) Determination.—Where the paternity of a child born out of wedlock is disputed, the determination of paternity shall be made by the court in a civil action without a jury unless either party demands trial by jury. The burden of proof shall be by a preponderance of the evidence.

(b) Limitation of actions.—An action or proceeding under this chapter to establish the paternity of a child born out of wedlock must be commenced within 18 years of the date of birth of the child.

§ 4344. Contempt for failure of obligor to appear.

A person who willfully fails or refuses to appear in response to a duly served order or other process under this chapter may, as prescribed by general rule, be adjudged in contempt. Contempt shall be punishable by any one or more of the following:

- (1) Imprisonment for a period not to exceed six months.
- (2) A fine not to exceed \$500.
- (3) Probation for a period not to exceed six months.

§ 4345. Contempt for noncompliance with support order.

(a) General rule.—A person who willfully fails to comply with any order under this chapter, except an order subject to section 4344 (relating to contempt for failure of obligor to appear), may, as prescribed by general rule, be adjudged in contempt. Contempt shall be punishable by any one or more of the following:

- (1) Imprisonment for a period not to exceed six months.
- (2) A fine not to exceed \$500.
- (3) Probation for a period not to exceed six months.

(b) Condition for release.—An order committing a defendant to jail under this section shall specify the condition the fulfillment of which will result in the release of the obligor.

§ 4346. Contempt for noncompliance with visitation or partial custody order.

(a) General rule.—A party who willfully fails to comply with any visitation or partial custody order may, as prescribed by general rule, be adjudged in contempt. Contempt shall be punishable by any one or more of the following:

- (1) Imprisonment for a period not to exceed six months.
- (2) A fine not to exceed \$500.
- (3) Probation for a period not to exceed six months.

(b) Condition for release.—An order committing a person to jail under this section shall specify the condition which, when fulfilled, will result in the release of the obligor.

§ 4347. Security for attendance or performance.

At any stage of the proceedings under this chapter, upon affidavit filed that the obligor is about to leave this Commonwealth or the judicial district or, where in the judgment of the court, the obligor has habitually failed to comply with court orders under this chapter, the court may, as prescribed by general rule, issue appropriate process directing that the obligor be brought before the court and may direct that the obligor give security to appear when directed by the court or to comply with any order of the court.

§ 4348. Attachment of income.

(a) Existing orders.—As to orders of support entered prior to the effective date of this part, the obligor's income shall be attached pursuant to this section where the obligor is in arrears in an amount equal to or greater than one month's support obligation or at such earlier date as the court may designate. The domestic relations sections shall mail notice to obligors of existing orders informing them of the passage of this part and the attachment proce-

dure which shall be applied if the obligor falls into arrears as specified by this section. This notice requirement shall not apply to obligors whose existing orders of support contain mandatory attachment provisions.

(b) **Future orders.**—As of the effective date of this part, all orders of support entered or modified by courts of this Commonwealth shall provide for the mandatory attachment of the obligor's income where the obligor is in arrears in an amount equal to or greater than one month's support obligation or at such earlier date as the court may designate. The court may, on its own motion, order the attachment of the obligor's income where the court has a reasonable basis to believe the obligor will not comply with the order of support. In making this determination, the court may consider evidence of the person's previous violations of orders entered in any jurisdiction or evidence that the obligor has attempted to conceal income or to transfer, convey or encumber property in order to reduce the obligor's support obligation. Attachment shall occur without amendment to the order of support.

(c) **Assessment of penalty.**—The court may impose a penalty of not more than 10% on any amount in arrears for 30 days or more if the court determines that the arrearage was willful.

(d) **Arrearages.**—If support arrearages exist at the time of the entry of the order, the order shall specify all of the following:

- (1) To whom an arrearage is owed and the amount of the arrearage.
- (2) The period of time for which the arrearage is calculated.
- (3) The amount of periodic support to be applied to current support and the amount to be applied to arrearages.
- (4) If support arrearages are owed to more than one obligee, how payments are to be divided and in which priority.

(5) A direction that all payments are to be credited to current support obligations first, with any payment in excess to be applied to arrearages.

(e) **Attachment process.**—

(1) The obligor shall be given advance notice prior to the attachment of his income. Such notice shall specify all of the following:

- (i) The amount to be withheld.
- (ii) That the order of attachment shall apply to current and future employers.
- (iii) That the grounds for contesting the order of attachment shall be limited to mistakes of fact. Mistakes of fact shall be limited to errors in the amount of current support owed, errors in the amount of arrearage, an attachment in excess of the maximum amount set forth in subsection (g) or mistaken identity of the obligor.

(iv) That attachment shall occur in all cases within ten days of the issuance of the advance notice.

(v) A notice of how and when the order may be contested.

(2) To contest the order, the obligor must appear before the domestic relations section no later than ten days after issuance of the initial notice, at which time it will be determined if a mistake of fact has occurred. If so, the order shall be modified accordingly.

(f) Request of obligor.—The court shall also order the attachment of income where the obligor so requests.

(g) Maximum amount.—The maximum amount of any attachment under this section shall not exceed the limits set forth in the Consumer Credit Protection Act (Public Law 90-321, 15 U.S.C. § 1601 et seq.).

(h) Termination.—The court may order the termination of an order of attachment in any of the following instances:

(1) The support obligation has terminated and the total arrearages are paid.

(2) Where the payee cannot be located and it becomes impossible to forward payments.

(3) The result would be unconscionable.

(i) Notice to employer.—The employer of an obligor shall be given notice of the attachment as provided by the Rules of Civil Procedure governing support. This notice shall include reference to subsections (g), (k), (l), (n) and (o) and all of the following:

(1) The amount to be attached.

(2) That the attachment shall be implemented as soon as possible and no later than 14 days from the issuance of the notice to the employer.

(3) That the attachment payment must be sent to the domestic relations section within ten days of the date the obligor is paid.

(4) That the attachment order is binding upon the employer until further notice.

(5) That the employer may combine attachment payments into a single payment to the domestic relations section and separately identify the portions attributable to each obligor.

(6) That the employer must notify the domestic relations section when the obligor terminates employment and provide his last known address and the new employer's name and address, if known.

(j) Effect of compliance by employer.—Compliance by an employer with an order of attachment of income operates as a discharge of the liability of the employer to the obligor as to that portion of the employment income of the obligor affected. The employer may deduct from the income of the obligor 2% of the amount paid under the order for reimbursement of the expense in complying with the order. In no case shall the money be deducted from the amount of the support order.

(k) Effect of noncompliance by employer.—

(1) An employer or officer or employee thereof who willfully fails to comply with an order of attachment under this chapter may, as prescribed by general rule, be adjudged in contempt and committed to jail or fined by the court.

(2) The employer shall be liable for any amount the employer willfully fails to withhold from income due an employee under an order of attachment of income and any amount which is withheld from such income but not forwarded to the domestic relations office.

(3) The court may, pursuant to general rule, attach funds or property of an employer.

(l) Disciplinary action by employer prohibited.—

(1) When an order of attachment on income is about to be or has been entered, an employer or officer or employee thereof shall not use the attachment or possibility thereof as a basis, in whole or in part, for the discharge of an employee or for any disciplinary action against or demotion of an employee. In case of a violation of this subsection, the employer or officer or employee thereof may be adjudged in contempt and committed to jail or fined by the court.

(2) Any employee aggrieved by a violation of this subsection shall have the substantive right to bring an action for damages by reason of such violation in a court of competent jurisdiction.

(m) Certify income.—Upon request of the domestic relations section, the employer shall report and certify the income of an employee.

(n) Bonding.—The court may attach forms of income other than wages, assets, including spendthrift trusts, and private, public, State, county and municipal pensions, and include bonding or other requirements in cases involving obligors whose income is from sources other than wages, in order to assure that support owed by obligors in this Commonwealth will be collected without regard to the types of these obligors' income or the nature of their income-producing activities.

(o) Priority of attachment.—An order of attachment for support shall have priority over any attachment, execution, garnishment or wage assignment.

(p) Nonresidents.—Income attachment shall be available to obligees residing outside this Commonwealth where the income of the obligor is derived in this Commonwealth.

§ 4349. Consolidation of proceedings.

In order to facilitate frequent and unimpeded contact between children and parents, a judge may consolidate with a support action or proceeding any proceeding commenced for visitation rights, sole or shared custody, temporary or permanent custody or any other matters pertaining to support authorized by law which fairly and expeditiously may be determined and disposed of in the support action or proceeding.

§ 4350. Effect of appeal.

An appeal from an order of support entered pursuant to this chapter shall not operate as a supersedeas unless so ordered by the court.

§ 4351. Costs and fees.

(a) General rule.—When it appears to the court that either party or both parties are financially able to pay costs and fees, the court may impose the costs and fees on either party or both parties.

(b) Lack of good cause for failure to pay on time.—If the court determines that the person subject to a child support order did not have good cause for failing to make child support payments on time, it may further assess costs and reasonable attorney fees incurred by the party seeking to enforce the order.

§ 4352. Continuing jurisdiction over support orders.

(a) General rule.—The court making an order of support shall at all times maintain jurisdiction of the matter for the purpose of enforcement of the order and for the purpose of increasing, decreasing, modifying or rescinding the order without limiting the right of the obligee to institute additional proceedings for support in any county in which the obligor resides or in which property of the obligor is situated.

(b) Transfer of action.—Where neither party to the action resides or is employed in the county wherein the support action was filed, the court may transfer the matter to any county wherein either party resides or where the defendant is regularly employed. If one of the parties resides outside of this Commonwealth, the action may be transferred to the county of residence or employment of the other party.

(c) Foreign support orders.—The court may modify registered foreign support orders when the foreign court declines, surrenders or determines that it is an inappropriate forum to modify the decree. The court may at any time remit, correct or reduce the amount of arrearages.

(d) Applicability.—This section applies to all support orders whether entered under this chapter or any other statute.

§ 4353. Duty to report.

A party to a support proceeding shall notify the domestic relations section in writing or by personal appearance within seven days of any change of employment, change of personal address or change of address of any child receiving support. Willful failure to comply with this section may be adjudged in contempt of court pursuant to section 4345 (relating to contempt for noncompliance with support order).

CHAPTER 45 RECIPROCAL ENFORCEMENT OF SUPPORT ORDERS

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§ 4501. Short title and purposes of chapter.

(a) Short title.—This chapter shall be known and may be cited as the Revised Uniform Reciprocal Enforcement of Support Act (1968).

(b) Purposes.—The purposes of this chapter are to improve and extend by reciprocal legislation the enforcement of duties of support.

§ 4502. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Court.” The courts of common pleas of this Commonwealth and, when the context requires, the court of any other state as defined in a substantially similar reciprocal law.

“Duty of support.” A duty of support whether imposed or imposable by law or by order, decree, or judgment of any court, whether interlocutory or final or whether incidental to an action for divorce, separation, separate maintenance or otherwise and includes the duty to pay arrearages of support past due and unpaid.

“Governor.” Includes any person performing the functions of Governor or the executive authority of any state covered by this chapter.

“Initiating court.” The court in which a proceeding is commenced.

“Initiating state.” A state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

“Law.” Includes both common and statutory law.

“Obligee.” A person to whom a duty of support is owed or a person, including a state or political subdivision, that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.

“Obligor.” Any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.

“Prosecuting attorney.” The public official in the appropriate place who has the duty to enforce laws relating to the failure to provide for the support of any person.

“Register.” To record in the Registry of Foreign Support Orders.

“Registering court.” Any court of this Commonwealth in which a support order of a rendering state is registered.

“Rendering state.” A state in which the court has issued a support order for which registration is sought or granted in the court of another state.

“Responding court.” The court in which a responsive proceeding is commenced.

“Responding state.” A state in which any responsive proceeding pursuant to the proceeding in the initiating state is commenced.

“State.” Includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction in which this or a substantially similar reciprocal law is in effect.

“Support order.” Any judgment, decree or order of support in favor of an obligee, whether temporary or final, or subject to modification, revocation or remission, regardless of the kind of action or proceeding in which it is entered.

§ 4503. Remedies additional to those now existing.

The remedies provided in this chapter are in addition to and not in substitution for any other remedies.

§ 4504. Extent of duties of support.

Duties of support arising under the law of this Commonwealth, when applicable under section 4507 (relating to choice of law), bind the obligor present in this Commonwealth regardless of the presence or residence of the obligee.

§ 4505. Interstate rendition.

The Governor of this Commonwealth may:

(1) demand of the Governor of another state the surrender of a person found in that state who is charged criminally in this Commonwealth with failing to provide for the support of any person; or

(2) surrender on demand by the Governor of another state a person found in this Commonwealth who is charged criminally in that state with failing to provide for the support of any person.

Provisions for extradition of criminals not inconsistent with this chapter apply to the demand even if the person whose surrender is demanded was not

in the demanding state at the time of the commission of the crime and has not fled therefrom. The demand, the oath and any proceedings for extradition pursuant to this section need not state or show that the person whose surrender is demanded has fled from justice or at the time of the commission of the crime was in the demanding state.

§ 4506. Conditions of interstate rendition.

(a) Obligor in another state.—Before making the demand upon the Governor of another state for the surrender of a person charged criminally in this Commonwealth with failing to provide for the support of a person, the Governor of this Commonwealth may require any prosecuting attorney of this Commonwealth to satisfy him that, at least 60 days prior thereto, the obligee initiated proceedings for support under this chapter or that the initiation of any proceeding would be of no avail.

(b) Obligor in this Commonwealth.—If, under a substantially similar law, the Governor of another state makes a demand upon the Governor of this Commonwealth for the surrender of a person charged criminally in that state with failure to provide for the support of a person, the Governor may require any prosecuting attorney to investigate the demand and to report to him whether proceedings for support have been initiated or would be effective. If it appears to the Governor that a proceeding would be effective but has not been initiated, he may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) Effect of support proceedings.—If proceedings have been initiated and the person demanded has prevailed therein, the Governor may decline to honor the demand. If the obligee prevailed and the person demanded is subject to a support order, the Governor may decline to honor the demand if the person demanded is complying with the support order.

§ 4507. Choice of law.

Duties of support applicable under this chapter are those imposed under the laws of any state where the obligor was present for the period during which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

§ 4508. Remedies of state or political subdivision furnishing support.

If a state or a political subdivision furnishes support to an individual obligee, it has the same right to initiate a proceeding under this chapter as the individual obligee for the purpose of securing reimbursement for support furnished and of obtaining continuing support.

§ 4509. How duties of support are enforced.

All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under this chapter including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor.

§ 4510. Jurisdiction.

Jurisdiction of any proceeding under this chapter is vested in the courts of common pleas.

§ 4511. Petition for support.

(a) **Contents.**—The petition shall be verified and shall state the name and, so far as known to the obligee, the address and circumstances of the obligor, the persons for whom support is sought and all other pertinent information. The obligee may include in or attach to the petition any information which may help in locating or identifying the obligor, including a photograph of the obligor, a description of any distinguishing marks on his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints and his Social Security number.

(b) **Filing.**—The petition may be filed in the appropriate court of any state in which the obligee resides. The court may decline or refuse to accept and forward the petition on the ground that it should be filed with some other court of this or any other state where there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption or custody between the same parties or where another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement.

§ 4512. Officials to represent obligee.

If this Commonwealth is acting as an initiating state the prosecuting attorney upon the request of the court, or a Commonwealth or local welfare official shall represent the obligee in any proceeding under this chapter. If the prosecuting attorney neglects or refuses to represent the obligee, the Department of Public Welfare may undertake the representation.

§ 4513. Petition for a minor.

A petition on behalf of a minor obligee may be executed and filed by a person having legal custody of the minor without appointment as guardian ad litem.

§ 4514. Duty of initiating court.

If the initiating court finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and that a court of the responding state may obtain jurisdiction of the obligor or his property, it shall so certify and cause three copies of the petition and its certificate and one copy of this chapter to be sent to the responding court. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court is unknown and the responding state has an information agency comparable to that established in the initiating state, it shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court and that the court of the responding state acknowledge their receipt to the initiating court.

§ 4515. Costs and fees.

An initiating court shall not require payment of either a filing fee or other costs from the obligee but may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of a filing fee or other costs from the obligee, but it may direct that all fees and costs requested by the initiating court and all fees and costs incurred in this Commonwealth when acting as a responding state, including fees for filing

of pleadings, service of process, seizure of property, stenographic or duplication service or other service supplied to the obligor, be paid in whole or in part by the obligor or by the state or political subdivision thereof. These costs or fees do not have priority over amounts due to the obligee.

§ 4516. Jurisdiction by arrest.

(a) General rule.—If the court of this Commonwealth believes that the obligor may flee, it may:

(1) as an initiating court, request in its certificate that the responding court obtain the body of the obligor by appropriate process; or

(2) as a responding court, obtain the body of the obligor by appropriate process. Thereupon, it may release him upon his own recognizance or upon his giving a bond in an amount set by the court to assure his appearance at the hearing. When the obligor is detained for the hearing, the hearing shall be held within 15 days from the date of arrest. The court may compel the attendance at a hearing by attachment process directed to the sheriff or other proper officer of the county directing and commanding that the obligor be brought before the court at such time as the court may direct. If the court, whenever an attachment is issued in any county as provided in this paragraph, shall find after hearing that the obligor has willfully neglected or refused to comply with any order of the court, the court may adjudge such person in contempt of court and, in its discretion, may commit such person to the county jail or house of correction until compliance with such order but in no case for a period exceeding six months. The court in its order shall state the condition upon which fulfillment will result in the release of the obligor.

(b) Philadelphia cases.—In the first judicial district, the obligor shall be brought before the court forthwith, but in any event within 48 hours or two court working days, whichever is the longer from the time the obligor is taken in custody pursuant to the attachment; at which time, if the court shall find, after hearing, that the obligor is about to leave the jurisdiction, the court may direct that he give security, by one or more sureties, to appear when directed by the court, or to comply with any order of court.

§ 4517. State information agency.

(a) General rule.—The Department of Public Welfare is designated as the state information agency under this chapter. It shall:

(1) Compile a list of the courts and their addresses in this Commonwealth having jurisdiction under this chapter and transmit it to the state information agency of every other state which has adopted this or a substantially similar law. Upon the adjournment of each session of the General Assembly, the agency shall distribute copies of any amendments to this chapter and a statement of their effective date to all other state information agencies.

(2) Maintain a register of lists of courts received from other states and transmit copies thereof promptly to every court in this Commonwealth having jurisdiction under this chapter.

(3) Forward to the court in this Commonwealth which has jurisdiction over the obligor or his property petitions, certificates and copies of the laws it receives from courts or information agencies of other states.

(b) **Inquiry for obligor.**—If the state information agency does not know the location of the obligor or his property in the state and no state location service is available, it shall use all means at its disposal to obtain this information, including the examination of official records in the state and other sources such as telephone directories, real property records, vital statistics records, police records, requests for the name and address from employers who are able or willing to cooperate, records of motor vehicle license offices, requests made to the tax offices, both State and Federal, where such offices are able to cooperate, and requests made to the Social Security Administration as permitted by the Social Security Act as amended.

(c) **Department of Public Welfare prosecution.**—After the deposit of three copies of the petition and certificate and one copy of the law of the initiating state with the clerk of the appropriate court, if the state information agency knows or believes that the prosecuting attorney is not prosecuting the case diligently, it shall inform the Department of Public Welfare, who may undertake the representation.

§ 4518. *Duty of the court and officials of this Commonwealth as responding state.*

(a) **Docketing and notice.**—After the responding court receives copies of the petition, certificate and law from the initiating court, the clerk of the court shall docket the case and notify the prosecuting attorney of his action.

(b) **District attorney prosecution.**—The prosecuting attorney shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of this Commonwealth to enable the court to obtain jurisdiction over the obligor or his property and shall request the clerk of the court to set a time and place for a hearing and give notice thereof to the obligor in accordance with law.

(c) **Department of Public Welfare prosecution.**—If the prosecuting attorney neglects or refuses to represent the obligee, the Department of Public Welfare may undertake the representation.

§ 4519. *Further duties of court and officials of responding state.*

(a) **General rule.**—The prosecuting attorney on his own initiative shall use all means at his disposal to locate the obligor or his property, and, if because of inaccuracies in the petition or otherwise the court cannot obtain jurisdiction, the prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the initiating court.

(b) **Forwarding of documents.**—If the obligor or his property is not found in the county and the prosecuting attorney discovers that the obligor or his property may be found in another county of this Commonwealth or in another state, he shall so inform the court. Thereupon, the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that the documents be forwarded to the proper court. All powers and duties provided by this chapter apply to the recipient of the documents so forwarded. If the clerk of a court of this Commonwealth forwards documents to another court he shall forthwith notify the initiating court.

(c) Notice of no information.—If the prosecuting attorney has no information as to the location of the obligor or his property, he shall so inform the initiating court.

§ 4520. Hearing and continuance.

If the obligee is not present at the hearing and the obligor denies owing the duty of support alleged in the petition or offers evidence constituting a defense, the court, upon request of either party, shall continue the hearing to permit evidence relative to the duty to be adduced by either party by deposition or by appearing in person before the court. The court may designate the judge of the initiating court as a person before whom a deposition may be taken.

§ 4521. Immunity from criminal prosecution.

If at the hearing the obligor is called for examination as an adverse party and he declines to answer upon the ground that his testimony may tend to incriminate him, the court may require him to answer, in which event he is immune from criminal prosecution with respect to matters revealed by his testimony, except for perjury committed in this testimony.

§ 4522. Evidence of husband and wife.

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this chapter. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.

§ 4523. Rules of evidence.

In any hearing for the civil enforcement of this chapter, the court is governed by the rules of evidence applicable in a civil matter in the court of common pleas. If the action is based on a support order issued by another court, a certified copy of the order shall be received as evidence of the duty of support, subject only to any defenses available to an obligor under section 4527 (relating to paternity) or to a defendant in an action or a proceeding to enforce a foreign money judgment. The determination or enforcement of a duty of support owed to one obligee is unaffected by any interference by another obligee with rights of custody or visitation granted by a court.

§ 4524. Order of support.

If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made pursuant to this chapter shall require that payments be made to the clerk of the court of the responding state, or to other officer designated by the court. The court and prosecuting attorney of any county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of any county in which it appears that proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

§ 4525. Responding court to transmit copies to initiating court.

The responding court shall cause a copy of all support orders to be sent to the initiating court.

§ 4526. Additional powers of responding court.

In addition to the foregoing powers set forth in this chapter, a responding court may subject the obligor to any terms and conditions proper to assure compliance with its orders and in particular to:

(1) Require the obligor to furnish a cash deposit or a bond of a character and amount to assure payment of any amount due.

(2) Require the obligor to report personally and to make payments at specific intervals to the clerk of the court, or to other officer designated by the court.

(3) Punish under the power of contempt the obligor who violates any order of the court. No such punishment shall be administered until the court shall find, after hearing, that the violation was willful.

§ 4527. Paternity.

If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous and if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise, the court may adjourn the hearing until the paternity issue has been adjudicated.

§ 4528. Additional duties of responding court.

A responding court has the following duties which may be carried out through the clerk of the court, or other officer designated by the court:

(1) To transmit to the initiating court any payment made by the obligor pursuant to any order of the court or otherwise.

(2) To furnish to the initiating court upon request a certified statement of all payments made by the obligor.

§ 4529. Additional duty of initiating court.

An initiating court shall receive and disburse forthwith all payments made by the obligor or sent by the responding court. This duty may be carried out through the clerk of the court, or other officer designated by the court.

§ 4530. Proceedings not to be stayed.

A responding court shall not stay the proceeding or refuse a hearing under this chapter because of any pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody in this Commonwealth or any other state. The court shall hold a hearing and may issue a support order pendente lite. In aid thereof, it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding and the judgment therein provides for the support demanded in the petition being heard, the court must take into account in placing its support order the amount allowed in the other action or proceeding. Thereafter, the court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.

§ 4531. Application of payments.

A support order made by a court of this Commonwealth pursuant to this chapter does not nullify and is not nullified by a support order made by a court of this Commonwealth pursuant to any other law or by a support order made by a court of any other state pursuant to a substantially similar law or any other law, regardless of priority of issuance, unless otherwise specifically provided by the court. Amounts paid for a particular period pursuant to any support order made by the court of another state shall be credited against the amounts accruing or accrued for the same period under any support order made by the court of this Commonwealth.

§ 4532. Effect of participation in proceeding.

Participation in any proceeding under this chapter does not confer jurisdiction upon any court over any of the parties thereto in any other proceeding.

§ 4533. Intrastate application.

This chapter applies if both the obligee and the obligor are in this Commonwealth but in different counties. If the court of the county in which the petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and finds that a court of another county in this Commonwealth may obtain jurisdiction over the obligor or his property, the clerk of the court shall send the petition and a certification of the findings to the court of the county in which the obligor or his property is found. The clerk of the court of the county receiving these documents shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court in the county to which the copies are forwarded then shall have duties corresponding to those imposed upon them when acting for this Commonwealth as a responding state.

§ 4534. Appeals.

(a) By Department of Public Welfare.—If the Department of Public Welfare is of the opinion that a support order is erroneous or inadequate, or presents a question of law warranting an appeal in the public interest, it may:

- (1) perfect an appeal to the proper appellate court if the support order was issued by a court of this Commonwealth; or
- (2) if the support order was issued in another state, cause the appeal to be taken in the other state.

In either case expenses of appeal taken by such department may be paid from funds appropriated to the Department of Public Welfare.

(b) By obligee.—In the event the Department of Public Welfare fails or refuses to file an appeal on behalf of the obligee, such obligee may file such appeal as provided in subsection (a).

(c) By obligor.—The obligor shall have the right to file an appeal to the proper appellate court if the support order was issued by a court of this Commonwealth, or may cause the appeal to be taken in the other state, if the support order was issued in another state.

§ 4535. Additional remedies.

If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in the following sections of this chapter.

§ 4536. Registration.

The obligee may register the foreign support order in a court of this Commonwealth in the manner, with the effect, and for the purposes provided in this chapter.

§ 4537. Registry of foreign support orders.

The clerk of the court shall maintain a registry of foreign support orders in which he shall file foreign support orders.

§ 4538. Official to represent obligee.

(a) General rule.—If this Commonwealth is acting either as a rendering or a registering state, the prosecuting attorney, upon the request of the court or a Commonwealth or other local welfare official, shall represent the obligee in proceedings under this chapter.

(b) Department of Public Welfare prosecution.—If the prosecuting attorney neglects or refuses to represent the obligee, the Department of Public Welfare may undertake the representation.

§ 4539. Registration procedure.

(a) General rule.—An obligee seeking to register a foreign support order in a court of this Commonwealth shall transmit to the clerk of the court:

(1) One certified copy of the order with all modifications thereof.

(2) One copy of the reciprocal enforcement of support law of the state in which the order was made.

(3) A statement verified and signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available upon execution, and a list of the states in which the order is registered.

Upon receipt of these documents, the clerk of the court, without payment of a recording fee or other cost to the obligee, shall record them in the registry of foreign support orders. The recording constitutes registration under this chapter.

(b) Notice.—Within ten days after the registration, the clerk of the court shall send by certified or registered mail to the obligor at the address given a notice of the registration with a copy of the registered support order and the post office address of the obligee. He shall also docket the case and notify the prosecuting attorney of his action. The prosecuting attorney shall proceed diligently to enforce the order.

§ 4540. Effect and enforcement of registered order.

(a) Effect.—Upon registration, the registered foreign support order shall be treated in the same manner as a support order issued by a court of this Commonwealth. It has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a support order of this Commonwealth and may be enforced and satisfied in like manner.

(b) Challenge to order.—The obligor has 20 days after the mailing of notice of the registration in which to petition the court to vacate the registration or for other relief. If he does not so petition, the registered support order is confirmed.

(c) Procedure.—At the hearing to enforce the registered support order, the obligor may present only matters that would be available to him as defenses in an action to enforce a foreign money judgment. If he shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted, the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support ordered as required by the rendering state. If he shows to the court any ground upon which enforcement of a support order of this Commonwealth may be stayed, the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support ordered that is required for a support order of this Commonwealth.

PART VI CHILDREN AND MINORS

Chapter

53. Custody

CHAPTER 53 CUSTODY

Subchapter

- A. General Provisions
- B. (Reserved)

SUBCHAPTER A GENERAL PROVISIONS

Sec.

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§ 5301. Declaration of policy.

The General Assembly declares that it is the public policy of this Commonwealth, when in the best interest of the child, to assure a reasonable and continuing contact of the child with both parents after a separation or dissolu-

tion of the marriage and the sharing of the rights and responsibilities of child rearing by both parents and continuing contact of the child or children with grandparents when a parent is deceased, divorced or separated.

§ 5302. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Child.” Any unemancipated person under 18 years of age.

“Legal custody.” The legal right to make major decisions affecting the best interest of a minor child, including, but not limited to, medical, religious and educational decisions.

“Partial custody.” The right to take possession of a child away from the custodial parent for a certain period of time.

“Physical custody.” The actual physical possession and control of a child.

“Shared custody.” An order awarding shared legal or shared physical custody, or both, of a child in such a way as to assure the child of frequent and continuing contact with and physical access to both parents.

“Visitation.” The right to visit a child. The term does not include the right to remove a child from the custodial parent’s control.

§ 5303. Award of sole custody.

In making an order for custody to either parent individually, the court shall consider, among other factors, which parent is more likely to encourage, permit and allow frequent and continuing contact and physical access between the noncustodial parent and the child. The court shall award sole custody when it is in the best interest of the child.

§ 5304. Award of shared custody.

An order for shared custody may be awarded by the court when it is in the best interest of the child:

- (1) upon application of one or both parents;
- (2) when the parties have agreed to an award of shared custody; or
- (3) in the discretion of the court.

§ 5305. Counseling.

(a) General rule.—The court may require the parents to attend counseling sessions and may consider the recommendations of the counselors prior to awarding sole or shared custody. These counseling sessions may include, but shall not be limited to, discussions of the responsibilities and decisionmaking arrangements involved in both sole and shared custody and the suitability of each arrangement to the capabilities of each parent or both parents.

(b) Temporary custody.—The court may temporarily award custody to either parent or both parents pending resolution of any counseling.

(c) Report.—The court may require the counselor to submit a report if the court desires and within such reasonable time as the court determines.

§ 5306. Plan for implementation of custody order.

The court, in its discretion, may require the parents to submit to the court a plan for the implementation of any custody order made under this sub-

chapter. Upon the request of either parent or the court, the domestic relations section of the court or other party or agency approved by the court shall assist in the formulation and implementation of the plan.

§ 5307. Denial of custody under agreement or plan.

When the court declines to enter an order awarding custody either as agreed to by the parents or under the plan developed by the parents, the court shall state its reasons for denial on the record.

§ 5308. Removal of party or child from jurisdiction.

If either party intends to or does remove himself or the child from this Commonwealth after a custody order has been made, the court, on its own motion or upon motion of either party, may review the existing custody order.

§ 5309. Access to records and information.

(a) General rule.—Except as provided in subsections (b) and (c), each parent shall be provided access to all the medical, dental, religious or school records of the child, the residence address of the child and of the other parent and any other information that the court deems necessary.

(b) Court determination not to release information.—The court, in its discretion, may determine not to release any part or parts of the information in this section but in doing so must state its reason for denial on the record.

(c) Nondisclosure of confidential information.—The court shall not order that the address of a shelter for battered spouses and their dependent children or otherwise confidential information of a domestic violence counselor be disclosed to the defendant or his counsel or any party to the proceedings.

§ 5310. Modification of existing custody orders.

Any order for the custody of the child of a marriage entered by a court in this Commonwealth or any state may, subject to the jurisdictional requirements set forth in 42 Pa.C.S. §§ 5342 (relating to purposes and construction of subchapter) and 5344 (relating to jurisdiction), be modified at any time to an order of shared custody in accordance with this subchapter.

§ 5311. When parent deceased.

If a parent of an unmarried child is deceased, the parents or grandparents of the deceased parent may be granted reasonable partial custody or visitation rights, or both, to the unmarried child by the court upon a finding that partial custody or visitation rights, or both, would be in the best interest of the child and would not interfere with the parent-child relationship. The court shall consider the amount of personal contact between the parents or grandparents of the deceased parent and the child prior to the application.

§ 5312. When parents' marriage is dissolved or parents are separated.

In all proceedings for dissolution, subsequent to the commencement of the proceeding and continuing thereafter or when parents have been separated for six months or more, the court may, upon application of the parent or grandparent of a party, grant reasonable partial custody or visitation rights, or both, to the unmarried child if it finds that visitation rights or partial custody, or both, would be in the best interest of the child and would not interfere with the parent-child relationship. The court shall consider the

amount of personal contact between the parents or grandparents of the party and the child prior to the application.

§ 5313. When child has resided with grandparents.

If an unmarried child has resided with his grandparents or great-grandparents for a period of 12 months or more and is subsequently removed from the home by his parents, the grandparents or great-grandparents may petition the court for an order granting them reasonable partial custody or visitation rights, or both, to the child. The court shall grant the petition if it finds that visitation rights would be in the best interest of the child and would not interfere with the parent-child relationship.

§ 5314. Exception for adopted children.

Sections 5311 (relating to when parent deceased), 5312 (relating to when parents' marriage is dissolved or parents are separated) and 5313 (relating to when child has resided with grandparents) shall not apply if the child has been adopted by a person other than a stepparent or grandparent. Any visitation rights granted pursuant to this section prior to the adoption of the child shall be automatically terminated upon such adoption.

Section 2. Savings provision.—(a) This act does not affect the ability to enforce any right to penalty or punish any offense under the authority of statutes repealed by this act.

(b) This act does not repeal or modify sections 1, 2, 3, 4, 5 and 6 of the act of June 24, 1937 (P.L.2045, No.397), known as The Support Law.

Section 3. Repeals.—(a) The following acts or parts of acts are repealed:

Act of February 22, 1718 (1 Sm.L.99, Ch.226), entitled "An act concerning feme-sole traders."

Section 20 of the act of April 22, 1850 (P.L.549, No.342), entitled "A supplement to an act, entitled 'An Act to prevent waste in certain cases within this commonwealth,' passed the twenty-ninth day of March, one thousand eight hundred and twenty-two; to land and building associations; giving the court of Susquehanna county jurisdiction in a certain case; relative to the service of process in certain cases; to party walls in West Philadelphia; to the proof of a certain will; to the sale and purchase of certain burial grounds in Philadelphia; to the laying of gas pipes in the district of Moyamensing; to the release of certain sureties in Erie county; to the State Lunatic hospital; relative to the service of process against sheriffs; to the rights of married women; to ground rents; and relating to foreign insurance companies."

Act of May 4, 1855 (P.L.430, No.456), entitled "An act relating to certain duties and rights of Husband and Wife, and Parents and Children."

Act of April 11, 1856 (P.L.315, No.334), entitled "An act relating to the rights of property of Husband and Wife."

Act of April 1, 1863 (P.L.212, No.225), entitled "A supplement to the act to secure the rights of married women, passed the eleventh day of April, Anno Domini one thousand eight hundred and forty-eight."

Act of June 11, 1879 (P.L.126, No.129), entitled "An act relative to actions brought by husband and wife, or by the wife alone, for her separate property, in cases of desertion."

Act of June 8, 1893 (P.L.344, No.284), entitled "An act relating to husband and wife, enlarging her capacity to acquire and dispose of property, to sue and be sued, and to make a last will, and enabling them to sue and to testify against each other in certain cases."

Act of July 9, 1897 (P.L.212, No.171), entitled "An act authorizing married women, living separate and apart from their husbands under separation agreements, to convey and encumber their real estate without the joinder of their husbands."

Section 2 of the act of June 4, 1901 (P.L.425, No.233), entitled "An act regulating trusts arising from the payment of the purchase money of land by one person, and the taking of the legal title in the name of another."

Act of May 23, 1907 (P.L.227, No.176), entitled "An act relating to husband and wife, and to enlarge the rights and remedies of married women in case of desertion or non-support by husband."

Act of June 3, 1911 (P.L.631, No.241), entitled "An act authorizing a married woman to make conveyances of real estate to her husband, and validating all such conveyances heretofore made."

Act of May 1, 1913 (P.L.146, No.97), entitled "An act enabling a married woman, who has been deserted, abandoned, or driven from her home by her husband, to sue her husband, upon any cause of action whatsoever; and making such wife a competent witness against the husband in such case."

Act of June 12, 1913 (P.L.502, No.330), entitled "An act to increase the powers of courts in summary proceedings for desertion or non-support of wives, children, or aged parents, by directing that imprisonment in such cases be at hard labor in such institution as the court shall name, with the wages payable to the wives, children, or parents; providing for the disbursement of moneys collected on forfeitures of bonds, bail-bonds, or recognizances; and by empowering such courts to appoint desertion probation officers for the performance of such duties as the court shall direct; and providing for the payment of the expenses incident to the carrying out of this act."

Act of May 28, 1915 (P.L.639, No.279), entitled "An act to permit a married woman whose husband has lived separate and apart from her for one year or more, and who during that time has not been supported by her husband, to become a feme sole trader."

Act of June 2, 1919 (P.L.363, No.177), entitled "An act to quiet the title of real estate by providing that the sale of real estate of any bankrupt or insolvent debtor shall pass the title of such real estate freed from any claims for, or rights to, any statutory interest inchoate of the spouse of the bankrupt or insolvent debtor."

Act of May 10, 1921 (P.L.434, No.210), entitled "An act to empower courts of competent jurisdiction to issue writs of execution against property of defendant, and attachment execution or in the nature of attachment execution against trusts, including those commonly known as spendthrift trusts, no matter when such trusts were created, in cases where an order, award, or decree has been made against a husband for the support of his wife or children or both; making such attachment execution against trusts a continuing lien and levy for fifty per centum of such money or property until the order,

judgment, or decree is paid in full with costs; and abolishing the benefit of the exemption law in such cases.”

Section 7 of the act of June 24, 1937 (P.L.2045, No.397), known as The Support Law.

Act of July 17, 1957 (P.L.969, No.417), entitled “An act enlarging the rights and powers of married women as to property and contracts and repealing certain provisions.”

Act of November 5, 1981 (P.L.322, No.115), known as the Custody and Grandparents Visitation Act.

18 Pa.C.S. Ch. 43 Subch. B (relating to nonsupport).

42 Pa.C.S. Ch. 67 (relating to support proceedings).

(b) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 4. Effective date.—This act shall take effect in 90 days.

APPROVED—The 30th day of October, A. D. 1985.

DICK THORNBURGH