



SENATE OF PENNSYLVANIA BILL SUMMARY

Senate Bill 844 Printer's No. 1133

Prime Sponsor: Senator White
Committee: Judiciary

SYNOPSIS:

Amends Title 23 (Domestic Relations) to grant standing to sue for physical or legal custody to certain person when no biological or adoptive parent has custody of the child.

SUMMARY:

Grants standing to any individual to file an action for any form of physical or legal custody of a child if no biological or adoptive parent has custody of the child, as long as the individual:

- Assumes or is willing to assume responsibility for the child, and
- Has a sustained, substantial, and sincere interest in the welfare of the child, which may be demonstrated by factors involving the nature, quality, extent, and length of involvement by the individual in the child's life, including financial support or a previous *in loco parentis* relationship to the child

COMMENT:

The following individuals have standing to sue for any form of physical or legal custody:

- A parent of the child
- A person who stands *in loco parentis* to the child
- A grandparent of the child who is not *in loco parentis* whose relationship with the child began with the parent's consent or under a court order and who is willing to assume responsibility for the child, as long as the child meets certain conditions (*e.g.*, child is determined to be dependent, child is at risk due to parental abuse, neglect, or substance abuse, or child has resided with the grandparent for at least 12 consecutive months and the parent seeks to remove the child)

Grandparents may sue for partial custody or supervised physical custody when a parent is deceased, the parents are separated and have commenced proceedings to dissolve the marriage, or when the child has resided with the grandparents for 12 consecutive months and the parents seek to remove the child.

EFFECTIVE DATE:

Effective in 60 days.

BILL HISTORY:

None.

Prepared by: Cawley 9/29/2017