
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2018 Session of
2024

INTRODUCED BY HANBIDGE, BRIGGS, DONAHUE, HILL-EVANS, SANCHEZ,
SHUSTERMAN, CONKLIN AND DELLOSO, FEBRUARY 7, 2024

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 7, 2024

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in child custody, further providing
3 for factors to consider when awarding custody.

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

6 Section 1. Section 5328(a) of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5328. Factors to consider when awarding custody.

9 (a) Factors.--In ordering any form of custody, the court
10 shall determine the best interest of the child by considering
11 all relevant factors, giving weighted consideration to those
12 factors which affect the safety of the child, including the
13 following:

14 (1) [Which party is more likely to encourage and permit
15 frequent and continuing contact between the child and another
16 party.] The level of cooperation and conflict between the
17 parties, including:

18 (i) whether each party will encourage and permit

1 frequent and continuing contact between the child and the
2 other party or parties; and

3 (ii) any attempt by a party to turn the child
4 against another party, but a party's good faith effort to
5 protect a child from abuse by another party is not
6 evidence of unwillingness or inability to cooperate with
7 the other party.

8 (2) The present and past abuse committed by a party or
9 member of the party's household against the child, a
10 household member, or both, whether there is a continued risk
11 of harm to the child or an abused party and which party can
12 better provide adequate physical safeguards and supervision
13 of the child.

14 (2.1) The information set forth in section 5329.1(a)
15 (relating to consideration of child abuse and involvement
16 with protective services).

17 (2.2) Any multiple, unsubstantiated allegations of abuse
18 or neglect made by either party against another party.

19 (3) [The] Each party's willingness or ability to:

20 (i) prioritize the child's needs and provide
21 appropriate care, stability and continuity for the child,
22 considering the parental duties performed by each party
23 on behalf of the child[.] in the past and whether each
24 party is willing and able to perform the duties in the
25 future; and

26 (ii) attend to the daily physical, emotional,
27 developmental, educational and special needs of the
28 child.

29 [(4) The need for stability and continuity in the
30 child's education, family life and community life.]

1 (5) The availability of extended family.]

2 (6) The child's sibling and other familial
3 relationships.

4 (7) The well-reasoned preference of the child, based on
5 the child's maturity and judgment.

6 [(8) The attempts of a parent to turn the child against
7 the other parent, except in cases of domestic violence where
8 reasonable safety measures are necessary to protect the child
9 from harm.]

10 (9) Which party is more likely to maintain a loving,
11 stable, consistent and nurturing relationship with the child
12 adequate for the child's emotional needs.

13 (10) Which party is more likely to attend to the daily
14 physical, emotional, developmental, educational and special
15 needs of the child.]

16 (11) The proximity of the residences of the parties.

17 (12) Each party's employment schedule and availability
18 to care for the child or ability to make appropriate child-
19 care arrangements.

20 [(13) The level of conflict between the parties and the
21 willingness and ability of the parties to cooperate with one
22 another. A party's effort to protect a child from abuse by
23 another party is not evidence of unwillingness or inability
24 to cooperate with that party.]

25 (14) The history of drug or alcohol abuse of a party or
26 member of a party's household.

27 (15) The mental and physical condition of a party or
28 member of a party's household.

29 (16) Any other relevant factor.

30 * * *

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