

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 378 Session of 2025

INTRODUCED BY HANBIDGE, BRIGGS, KHAN, MAYES, KENYATTA, SANCHEZ, HILL-EVANS, GIRAL, BURGOS, CEPEDA-FREYTIZ, MALAGARI, DONAHUE, OTTEN, O'MARA, CERRATO, GREEN, SHUSTERMAN, ABNEY, K.HARRIS AND FLEMING, JANUARY 28, 2025

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 5, 2025

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, amended April 15, 2024 (P.L.24, No.8), is
8 amended AND THE SECTION IS AMENDED BY ADDING A SUBSECTION to <--
9 read:

10 § 5328. Factors to consider when awarding custody.

11 (a) Factors.--In ordering any form of custody, the court
12 shall determine the best interest of the child by considering
13 all relevant factors, giving substantial weighted consideration
14 to the factors specified under paragraphs (1), (2), (2.1) and
15 (2.2) which affect the safety of the child, including the
16 following:

17 (1) Which party is more likely to ensure the safety of

1 the child.

2 (2) The present and past abuse committed by a party or
3 member of the party's household, which may include past or
4 current protection from abuse or sexual violence protection
5 orders where there has been a finding of abuse.

6 (2.1) The information set forth in section 5329.1(a)
7 (relating to consideration of child abuse and involvement
8 with protective services).

9 (2.2) Violent or assaultive behavior committed by a
10 party.

11 (2.3) [Which party is more likely to encourage and
12 permit frequent and continuing contact between the child and
13 another party if contact is consistent with the safety needs
14 of the child.] The level of cooperation and conflict between
15 the parties, including:

16 (i) which party is more likely to encourage and
17 permit frequent and continuing contact between the child
18 and the other party or parties if contact is consistent
19 with the safety needs of the child; and

20 (ii) the attempts by a party to turn the child
21 against the other party, except in cases of abuse where
22 reasonable safety measures are necessary to protect the
23 safety of the child. A party's good faith and reasonable
24 effort to protect the safety of a child or self shall not
25 be considered evidence of unwillingness or inability to
26 cooperate with the other party. A party's reasonable
27 concerns for the safety of the child and the party's
28 reasonable efforts to protect the child shall not be
29 considered attempts to turn the child against the other
30 party. A child's deficient or negative relationship with

1 a party shall not be presumed to be caused by the other
2 party.

3 (3) [The parental duties performed by each party on
4 behalf of the child.] A willingness and ability of a party to
5 prioritize the needs of the child by providing appropriate
6 care, stability and continuity for the child, considering the
7 parental duties performed by the party on behalf of the child
8 in the past and whether the party is willing and able to
9 perform the duties in the future, and attend to the daily
10 physical, emotional, developmental, educational and special
11 needs of the child.

12 (4) The need for stability and continuity in the child's
13 education, family life and community life, except if changes
14 are necessary to protect the safety of the child or a party.

15 [(5) The availability of extended family.]

16 (6) The child's sibling and other familial
17 relationships.

18 (7) The well-reasoned preference of the child, based on
19 the child's developmental stage, maturity and judgment.

20 [(8) The attempts of a party to turn the child against
21 the other party, except in cases of abuse where reasonable
22 safety measures are necessary to protect the safety of the
23 child. A party's reasonable concerns for the safety of the
24 child and the party's reasonable efforts to protect the child
25 shall not be considered attempts to turn the child against
26 the other party. A child's deficient or negative relationship
27 with a party shall not be presumed to be caused by the other
28 party.]

29 (9) Which party is more likely to maintain a loving,
30 stable, consistent and nurturing relationship with the child

1 adequate for the child's emotional needs.

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

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

6 (12) Each party's employment schedule and availability
7 to care for the child or ability to make appropriate child-
8 care arrangements.

9 [(13) The level of conflict between the parties and the
10 willingness and ability of the parties to cooperate with one
11 another. A party's effort to protect a child or self from
12 abuse by another party is not evidence of unwillingness or
13 inability to cooperate with that party.]

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

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

18 (16) Any other relevant factor.

19 * * *

20 (D) LIST OF CUSTODY FACTORS.--WITHIN 30 DAYS OF THE RECEIPT <--
21 OF A CUSTODY COMPLAINT, PETITION FOR THE MODIFICATION OF CUSTODY
22 OR PETITION TO INTERVENE IN MATTERS RELATING TO CUSTODY, THE
23 COURT SHALL PROVIDE ALL PARTIES NAMED IN THE COMPLAINT OR
24 PETITION WITH A COPY OF THIS SECTION.

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