
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 AND GREEN, JANUARY 28, 2025

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 28, 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 to read:

9 § 5328. Factors to consider when awarding custody.

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

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

18 (2) The present and past abuse committed by a party or

1 member of the party's household, which may include past or
2 current protection from abuse or sexual violence protection
3 orders where there has been a finding of abuse.

4 (2.1) The information set forth in section 5329.1(a)
5 (relating to consideration of child abuse and involvement
6 with protective services).

7 (2.2) Violent or assaultive behavior committed by a
8 party.

9 (2.3) [Which party is more likely to encourage and
10 permit frequent and continuing contact between the child and
11 another party if contact is consistent with the safety needs
12 of the child.] The level of cooperation and conflict between
13 the parties, including:

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

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

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

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

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

14 (6) The child's sibling and other familial
15 relationships.

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

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

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

30 (10) Which party is more likely to attend to the daily

1 physical, emotional, developmental, educational and special
2 needs of the child.]

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

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

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

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

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

16 (16) Any other relevant factor.

17 * * *

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