



General Assembly of the Commonwealth of Pennsylvania
Joint State Government Commission
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Short Summary in Response to The Domestic Relations Code: Proposed Amendments to Title 23 of the Pennsylvania Consolidated Statutes – Report of the Advisory Committee on Domestic Relations Law

Functioning under Senate Resolution no. 43 (Sess. of 1993), the Domestic Relations Advisory Committee proposes several amendments to 23 Pa.C.S. (relating to domestic relations). These proposed amendments were initially developed at the subcommittee level before being presented to the full advisory committee for its deliberation and approval. The proposed amendments relate to custody, developing issues in family law, divorce, and the Uniform Parentage Act.

The proposed custodial amendment would repeal and replace 23 Pa.C.S. § 5337 (relating to relocation), primarily to reverse the burden of filing the petition for relocation from the non-relocating party to the relocating party and streamline the process. These proposed revisions are intended to streamline the process and to be fairer to the nonrelocating party.

The proposed amendments relating to developing issues in family law would statutorily authorize enforceable agreements regarding the possession and care of companion animals. It would also provide relevant factors to the judiciary for the equitable division of this marital property. Separately, 18 Pa.C.S. § 5704 (relating to exceptions to prohibition of interception and disclosure of communications) is proposed to be amended by adding a 20th exception for the recording of a child by a parent so that it is not a third-degree felony *per se*.

The proposed amendments for divorce relate to property rights. Definitions for dissipation of marital property or marital income would be added, along with a definition for marital debt. Correspondingly, 23 Pa.C.S. § 3502 (relating to equitable division of marital property) would be

extended to marital debt. Statutory factors would be added to award exclusive possession of a marital residence. A subsection would be added relating to security for deferred pension distributions. Also, the subsection relating to partial distribution is extended to marital debt with more explicit statutory guidance provided on this matter.

The proposed amendments relating to the Uniform Parentage Act focus on more limitedly adding a statutory chapter relating to assisted reproduction and gestational agreements. This would outline who is the parent with attendant rights and responsibilities. It has statutory guidance for the judiciary to more consistently resolve competing claims. It would also provide for judicial approval of gestational agreements. Supplementing this proposed amendment, is a proposal to repeal and replace 23 Pa.C.S. §§ 4343 (relating to paternity) and 5104 (relating to blood tests to determine paternity). This would allow genetic testing in cases where traditional paternity-related presumptions in child support and custody cases previously may have blocked testing.

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