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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2506 Session of  
2024

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INTRODUCED BY SCHLEGEL, KRUPA, ROAE, DIAMOND, KAUFFMAN, JOZWIAK  
AND ROWE, JULY 23, 2024

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JULY 23, 2024

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in support matters generally, further  
3 providing for support guideline; and, in child custody,  
4 further providing for definitions, for award of custody and  
5 for presumption in cases concerning primary physical custody.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 4322(a) of Title 23 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 4322. Support guideline.

11 (a) Statewide guideline.--Child and spousal support shall be  
12 awarded pursuant to a Statewide guideline as established by  
13 general rule by the Supreme Court, so that persons similarly  
14 situated shall be treated similarly. The guideline shall be  
15 based upon the reasonable needs of the child or spouse seeking  
16 support and the ability of the obligor to provide support. In  
17 determining the reasonable needs of the child or spouse seeking  
18 support and the ability of the obligor to provide support, the  
19 guideline shall place primary emphasis on the [net incomes and]

1 earning capacities of the parties, with allowable deviations for  
2 unusual needs, extraordinary expenses and other factors, such as  
3 the parties' assets, as warrant special attention. The guideline  
4 so developed shall be reviewed at least once every four years.

5 \* \* \*

6 Section 2. Section 5322(a) of Title 23 is amended by adding  
7 a definition to read:

8 § 5322. Definitions.

9 (a) This chapter.--The following words and phrases when used  
10 in this chapter shall have the meanings given to them in this  
11 subsection unless the context clearly indicates otherwise:

12 \* \* \*

13 "Equal parenting time." As close as practicable to 50% of  
14 time spent with each parent, but in no case exceeding 60% of  
15 time spent with either parent.

16 \* \* \*

17 Section 3. Sections 5323(d) and 5327(a) of Title 23 are  
18 amended to read:

19 § 5323. Award of custody.

20 \* \* \*

21 (d) Reasons for award.--The court shall delineate the  
22 reasons for its decision [on the record in open court or in a  
23 written opinion or order.] in an award of custody, including an  
24 interim award, in a written opinion or order. The opinion or  
25 order shall include, with specificity, the reasons for any  
26 deviation from equal parenting time.

27 \* \* \*

28 § 5327. Presumption in cases concerning primary physical  
29 custody.

30 (a) Between parents.--In any action regarding the custody of

1 the child between the parents of the child, there shall be [no  
2 presumption that custody should be awarded to a particular  
3 parent.] a rebuttable presumption that equal parenting time is  
4 in the best interest of the child, which may be overcome if:

5 (1) the court finds, by clear and convincing evidence,  
6 that equal parenting time is not in the best interest of the  
7 child;

8 (2) the parents have reached an agreement on all matters  
9 related to the custody of the child; or

10 (3) one of the parents does not request equal parenting  
11 time.

12 \* \* \*

13 Section 4. This act shall take effect in 60 days.