

DRAFT “VIRTUAL VISITATION” BILL

Amends the Domestic Relations Title 23,
Chapter 53 – Custody

Pennsylvania General Assembly

STATUS INFORMATION

General Bill

Sponsors: Senator:

Sponsors: Representative:

Document Path:

Introduced in the

Currently residing in the

Summary: Virtual Visitation Amendments

A BILL

TO AMEND TITLE 23, CHAPTER 53 CODE OF LAWS OF PENNSYLVANIA,
RELATING TO THE CHILDREN'S CODE, SO AS TO ADD;

ENACTING THE DEFINITION OF ELECTRONIC COMMUNICATION TO
ENSURE THAT CHILDREN BENEFIT FROM THE INVOLVEMENT OF TWO
PARENTS, AND TO FACILITATE THE INVOLVEMENT OF FATHERS IN THEIR
CHILDREN'S LIVES; AND SET THE GUIDELINES FOR THE USE OF
ELECTRONIC COMMUNICATION

Be it enacted by the General Assembly of the State of Pennsylvania:

SECTION 1. Title 23, Chapter 53 of the Code is amended by adding:

SUBCHAPTER A - GENERAL PROVISIONS

5302 - Definitions

"Visitation"

The right to visit a child *including any Electronic Communication*. The term does not include the right to remove a child from the custodial parent's control.

"Electronic communication"

Means time during which a parent and his or her child communicate by using communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication.

SECTION 2. Title 23, Chapter 53 of the Code is amended by adding:

§ 5313. When child has resided with grandparents.

If an unmarried child has resided with his grandparents or great-grandparents for a period of 12 months or more and is subsequently removed from the home by his parents, the grandparents or great-grandparents may petition the court for an order granting them reasonable partial custody or visitation rights *including any electronic communication*, or both, to the child. The court shall grant the petition if it finds that visitation rights would be in the best interest of the child and would not interfere with the parent- child relationship.

SECTION 3. Title 23, Chapter 53 of the Code is amended by adding:

5315 – Electronic Communication

(1) The court may grant a reasonable amount of Electronic Communication at reasonable hours to either or both parents when the child is not in the parent's physical custody if the equipment is reasonably available. If the parties cannot agree on whether the equipment is reasonably available, the court shall decide the reasonableness of its availability

(2) Electronic Communication with the child may be used only to supplement a parent's periods of visitation with the child. Electronic Communication may not be used as a replacement or as a substitute for custody or a parent's periods of visitation with the child.

(3) The amount of time Electronic Communication is used shall not be a factor in the calculation of Child Support.

(4) The court may not use the availability of Electronic Communication as a factor to justify or in support of a relocation by the custodial parent out of the immediate area or state.

(5) Any supervised visitation shall include any electronic communication between a child and the supervised parent.

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