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2 pages

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The Pennsylvania District Branch of the
American Psychiatric Association

May 23, 1990

The Honorable Thomas R. Caltagirone
Chair, House Judiciary Committee
House Post Office, Main Capitol
Harrisburg, PA 17120

Re: HB 1290, Printer's 1483 Amending Title 23; Providing for
Custody and Visitation

Dear Representative Caltagirone:

I am writing on behalf of the Psychiatric Physicians of Pennsylvania (PPP) to comment on the above captioned proposed legislation. PPP is the Pennsylvania branch of the American Psychiatric Association, representing over 2,000 physicians practicing the medical specialty of psychiatry. Due to conflicts in scheduling, no PPP representative will be attending the May 24 hearing on the proposed legislation. We did however, wish to have our comments included in your deliberations.

PPP supports in principle the apparent intent of HB 1290 to permit a responsible person other than the biological parent of a child to be awarded custody when it is in the best interest of the child. As we understand, the individual meeting criteria contained in the law would have equal standing with a biological parent in certain circumstances.

Our overall caution and concern is that the rights and needs of the child involved be given paramount importance in such decisions. Obviously, the physical, medical (including psychiatric), psychological and social needs of the child must be considered.

PPP does have specific concerns with the proposed language. Use of the term "psychological parent" is confusing and is not required for identification of the individual. Words such as "non biological" as differing from "biological", "custodial", "defacto" would carry the same intent when taken in the context of the legislation.

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Under the definition of "psychological parent", page 2 lines 11-15, the term "genuine care" is used. The term is not defined in the bill and would, in our minds, be subject to broad interpretation, much like the determination of dangerousness required in involuntary commitment proceedings. What is needed is a term which can be quantified.

Further on in the definition, page 2, lines 19-23 and 24-28, reference is made to the provision "for the physical, emotional, and social needs of the child." Some distinction should be made as to whether such needs were provided subject to reimbursement. Such distinction would help in determining the motivation of the individual providing for those needs.

The Psychiatric Physicians of Pennsylvania is appreciative of the opportunity to comment on this proposed legislation. PPP Representatives would be available to discuss the issues raised by this legislation with you and other representatives of the Judiciary Committee.

Sincerely,



Donald N. McCoy
Executive Director

cc: The Honorable Michael E. Bortner
Mr. Jerry Rothenberger, Pennsylvania Medical Society