

Stepparent Custody in PA

Many stepparents adopt their stepchildren, creating a legal parent-child relationship. If a child's biological parent and stepparent break up, the legal relationship created by the adoption preserves that parent's rights to the child. So what does that mean? If a stepparent has adopted their child, they are the legal parent of that child and thus, entitled to the same rights (including custody) as the biological parent. In these cases, the judge will make a determination of custody based upon what is in the best interest of that child, looking at all relevant factors. For more information on custody, visit our custody page. [insert link]

If a stepparent has not adopted his or her stepchild and is not the biological parent of the child, the stepparent would need *in loco parentis* standing in order to file for custody. Today, it is much easier for nonparents to seek custody of the children they love and care for. Any person who stands *in loco parentis* to a child may file for custody of that child in Pennsylvania. This would include anyone who has put themselves in the position of a legal parent by assuming the obligations inherent to a parent-child relationship. The stepparent would need to demonstrate that he or she has assumed parental duties, like meeting the emotional, physical, and social, needs of the child. A stepparent may have little trouble making this showing, especially where they have lived with and provided for the child for a big chunk of the child's life. In fact, courts are increasingly inclined to grant some form of visitation to stepparents in those circumstances.

Showing that you stand *in loco parentis* to a child only provides you with the ability to file for custody. However, it will not guarantee that you will be granted custodial rights by the court. Courts will always do what is in the best interest of the child, and will consider all relevant factors in determining what that child's best interest is.

*(For more information on this topic or any topic in divorce, custody, mediation, child support, collaborative law, PFA matters, alimony, or other family law matters, visit www.Pittsburgh-Divorce-Lawyer.com or contact **Notaro & Associates, PC** at 412-281-1988 for a free phone consultation with an attorney. You can also schedule online by clicking [here](#).)*