

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2032

Session of
1979

INTRODUCED BY MESSRS. RYAN, ZORD, MRS. TAYLOR, MESSRS. GRUPPO,
BURD, PETERSON, POTT, MRS. ARTY, MESSRS. GLADECK, KLINGAMAN,
PYLES, JONES, GIAMMARCO, PUCCIARELLI, BROWN AND BORSKI,
NOVEMBER 29, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 2, 1980

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," further providing for the
4 obtaining of child support payments for recipients whose
5 eligibility for assistance is based on the absence of a
6 parent from the home.

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

9 Section 1. Sections 432.6(a) and 432.7(a)(4) and (b), act of
10 June 13, 1967 (P.L.31, No.21), known as the "Public Welfare
11 Code," added July 15, 1976 (P.L.993, No.202), are amended to
12 read:

13 Section 432.6. Support From Legally Responsible Relatives.--

14 (a) Every applicant for assistance whose eligibility is based
15 on deprivation due to absence of a parent from a home shall be
16 referred within ten days for interview to the [designated
17 support official of the department who shall be stationed in
18 local welfare offices, unless such offices have too few
19 applicants to warrant permanent stationing] domestic relations

1 section or other applicable division of the court of common
2 pleas. The department shall be responsible for taking all steps
3 necessary to identify, locate, and obtain support payments from
4 absent parents.

5 * * *

6 Section 432.7. Determination of Paternity and Enforcement of
7 Support Obligations.--In accordance with a child support plan
8 approved by the Federal Government, the department shall have
9 the power and its duty shall be to:

10 (a) Require as a condition of eligibility for assistance
11 that the applicant or recipient:

12 * * *

13 (4) Cooperate in obtaining support payments for such
14 applicant or recipient and for a child with respect to whom such
15 aid is claimed or in obtaining any other payment or property due
16 such applicant, recipient or such child, except when such
17 cooperation would not be in the best interest of the child in
18 accordance with standards developed by the department consistent
19 with Federal regulations. "Cooperation" includes, but is not
20 limited to, the keeping of scheduled appointments with
21 applicable offices and appearing as a witness in court or at
22 other hearings or proceedings necessary to obtain support from
23 the absent parent.

24 (b) Provide for protective payments [for any child eligible
25 for assistance when a caretaker relative is ineligible due to
26 the caretaker relative's failure to comply with either clause
27 (2), (3) or (4) of subsection (a)] as set forth in section
28 432.7A.

29 * * *

30 Section 2. The act is amended by adding a section to read:

1 Section 432.7A. Protective Payments Imposed for Failure to
2 Cooperate.--(a) It is essential to the effective and
3 responsible utilization of assistance funds that applicants and
4 recipients who are caretaker relatives of a child whose
5 eligibility for assistance is based on deprivation due to
6 absence of a parent from a home cooperate fully with the
7 department in securing child support payments from the absent
8 parent and in all other matters set forth in subsection (a) of
9 section 432.7.

10 (b) (1) Upon application for assistance, each caretaker
11 relative shall be notified that his or her cooperation in the
12 matters set forth in subsection (a) of section 432.7 shall be
13 required as a condition of eligibility and that failure to
14 cooperate will result in the imposition of protective payments
15 for any child in whose behalf the caretaker relative seeks
16 assistance.

17 (2) If a caretaker relative fails to cooperate with the
18 department as set forth in subsection (a) of section 432.7,
19 unless the failure to cooperate was for good cause AS DETERMINED <—
20 BY THE DEPARTMENT, the department shall notify the caretaker
21 relative verbally and in writing that cooperation shall be
22 required as a condition for continuing eligibility and shall
23 further inform the caretaker relative that if he or she fails to
24 cooperate protective payments will be imposed.

25 (3) If the caretaker relative fails to cooperate, unless the
26 failure to cooperate was for good cause, the department shall
27 notify the caretaker relative in writing that protective
28 payments will be imposed for any child so affected ten days
29 after the date of notice. At the expiration of the ten-day
30 period, the department shall impose protective payments.

1 Section 3. Sections 432.9(b) and 432.11(a) of the act, added
2 July 15, 1976 (P.L.993, No.202), are amended to read:

3 Section 432.9. Central Registry.--* * *

4 (b) To effectuate the purposes of this section, the
5 department may request and shall receive from all departments,
6 bureaus, boards or other agencies of this Commonwealth, or any
7 of its political subdivisions, and the same are authorized to
8 provide, such assistance and data [except tax records] as will
9 enable the department and other public agencies to carry out
10 their duties to locate absent parents for the support of their
11 children. The data to be provided from tax records shall be
12 limited, to full name, residence or address, name and address of
13 employer and the social security account number of the absent
14 parent. The department shall utilize the "parent locator
15 service" pursuant to establishment in the Department of Health,
16 Education and Welfare by filing in accordance with section
17 653(b) of the Social Security Act.

18 * * *

19 Section 432.11. Access to State Records.--(a) The secretary
20 or his designees in writing shall have access to all records
21 [other than tax records], and the department, in cooperation
22 with all other departments of the executive branch, shall
23 establish a single uniform system of information clearance and
24 retrieval. Information collected as a result of the use of tax
25 records shall be limited to full name, residence or address,
26 name and address of employer and the social security account
27 number of the absent parent.

28 * * *

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