

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1399 Session of
1993

INTRODUCED BY RICHARDSON, EVANS, DeWEESE, HUGHES, RITTER, JAMES,
CALTAGIRONE, TRICH, ROBINSON, PETRONE, CAWLEY, ITKIN, BISHOP,
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WILLIAMS, MANDERINO, ACOSTA, DALEY, STURLA, BEBKO-JONES,
CURRY, KUKOVICH, KIRKLAND AND PESCI, APRIL 21, 1993

AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 28, 1993

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," CREATING THE ASSISTANCE <—
4 RECIPIENT IDENTIFICATION PROGRAM; AND further providing for
5 Aid to Families with Dependent Children eligibility, for the
6 determination of paternity and for enforcement of support.

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

9 ~~Section 1. Section 432.2 and 432.7 of the act of June 13,~~ <—
10 ~~1967 (P.L.31, No.21), known as the Public Welfare Code, are~~
11 ~~amended by adding subsections to read:~~

12 SECTION 1. THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN <—
13 AS THE PUBLIC WELFARE CODE, IS AMENDED BY ADDING A SECTION TO
14 READ:

15 SECTION 414. ASSISTANCE RECIPIENT IDENTIFICATION PROGRAM.--
16 (A) THERE IS HEREBY CREATED A PILOT PROGRAM WITHIN THE
17 DEPARTMENT TO BE KNOWN AS THE ASSISTANCE RECIPIENT
18 IDENTIFICATION PROGRAM.

1 (B) THE PURPOSE OF THE PROGRAM IS TO ELIMINATE DUPLICATION
2 OF ASSISTANCE TO RECIPIENTS.

3 (C) THE DEPARTMENT SHALL SELECT THREE COUNTIES IN THIS
4 COMMONWEALTH REPRESENTING RURAL, SUBURBAN AND URBAN AREAS TO
5 PARTICIPATE IN THIS PROGRAM.

6 (D) A PERSON CURRENTLY RECEIVING OR APPLYING FOR ASSISTANCE
7 SHALL PARTICIPATE IN THE PROGRAM. THE PERSON SHALL BE
8 FINGERPRINTED AND PHOTO IDENTIFIED.

9 (E) IT IS A VIOLATION FOR A PERSON IN THE PROGRAM TO ACQUIRE
10 OR ATTEMPT TO ACQUIRE DUPLICATION OF ASSISTANCE.

11 (F) ABSENT A COURT ORDER, ONLY THE COMMONWEALTH SHALL HAVE
12 ACCESS TO RECORDS UNDER THIS PROGRAM.

13 (G) THE DEPARTMENT SHALL MAKE A REPORT TO THE GENERAL
14 ASSEMBLY ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ACT. THE
15 REPORT SHALL INCLUDE CASELOAD DATA BEFORE IMPLEMENTATION OF THIS
16 SECTION AS WELL AS AFTER ONE YEAR FOR COMPARISON PURPOSES TO
17 JUDGE THE PROGRAM'S EFFECTIVENESS AT FRAUD DETERRENCE.

18 (H) AS USED IN THIS SECTION, "PROGRAM" SHALL MEAN THE
19 ASSISTANCE RECIPIENT IDENTIFICATION PROGRAM.

20 (I) THIS SECTION SHALL EXPIRE ONE YEAR AFTER THE EFFECTIVE
21 DATE OF THIS ACT.

22 SECTION 2. SECTIONS 432.2 AND 432.7 OF THE ACT ARE AMENDED
23 BY ADDING SUBSECTIONS TO READ:

24 Section 432.2. Determination of Eligibility.--* * *

25 (f) The department shall not require, as a condition of
26 eligibility for assistance under this act, a monthly report from
27 any assistance recipient.

28 Section 432.7. Determination of Paternity and Enforcement of
29 Support Obligations.--In accordance with a child support plan
30 approved by the Federal Government, the department shall have

1 the power and its duty shall be to:

2 * * *

3 (j) The department shall give priority in its resources and
4 timeliness of enforcement to legally obligated parents of
5 children who meet the following:

6 (i) Have health or dental insurance either from an employer
7 or through a union health and dental plan.

8 (ii) Are employed wage earners or salaried individuals and
9 within this group to higher income individuals. In this regard,
10 the department shall use its parent locator service and other
11 means to determine which absent parents are employed or are
12 union members.

13 (k) (1) The department shall petition courts for support
14 orders or modify existing support orders to include medical
15 support whenever health and dental insurance, including
16 employment related or other group health insurance, is available
17 to the absent parent at reasonable cost. The presence or
18 availability of medical assistance (or Medicaid) shall not
19 preclude the seeking and obtaining of a health support order
20 where such other health insurance is or may be available in the
21 future to support the children and spouse.

22 (2) Health insurance support must be sought even if not
23 currently available to the absent parent at reasonable cost and
24 even if the children cannot be on the current insurance policy
25 so that when such insurance is available in the future no
26 modification of the order shall be necessary.

27 (3) The custodial parent in a public assistance household
28 must be told by the department that health support order
29 services are available and the services must be provided upon
30 request.

1 (4) In the department's ongoing review and, if appropriate,
2 modification of cash support orders, undertaken under Federal
3 law once every three years, the department shall also review
4 such orders for the presence of medical support or health
5 insurance access provisions and seek modifications to include
6 them if appropriate. The department shall complete review of all
7 ongoing orders for medical support by July 1, 1994. For cases
8 where modification of cash support is not desired, but
9 modification of medical support is, the department shall have
10 written criteria with which to identify ongoing cases that have
11 a high potential for obtaining medical support. The department
12 must then petition the court to modify the underlying support
13 order to include health insurance in these cases.

14 (5) The department, in obtaining or modifying support orders
15 to provide for medical support, shall include provisions to the
16 effect that the custodial parent has direct access to the health
17 and dental insurance coverage information and needed claim
18 forms, to submit claims, and to obtain identification cards,
19 including where the noncustodial parent is the insured party.

20 (6) Support orders sought or modified by the department
21 shall provide that to the extent required by the provisions for
22 medical support coverage contained in the order the employer
23 shall:

24 (i) enroll the employee, the employee's spouse or former
25 spouse and the employee's dependent children listed in the order
26 as covered persons in the group health insurance plan or similar
27 plan providing health care services or coverage offered by the
28 employer, if the subject spouse, former spouse or children are
29 eligible for such coverage under the employer's enrollment
30 provisions; and

1 (ii) deduct any required premiums from the employee's
2 earnings to pay off the insurance.
3 If more than one plan is offered by the employers, the spouse,
4 former spouse or children shall be enrolled in the insurance
5 plan in which the employee is enrolled or, if the employee is not
6 enrolled, in the plan best meeting the provisions for health
7 care coverage contained in the order. In each case which is
8 being enforced by the department, the employer shall respond to
9 such orders by advising the department in which plan the
10 children are enrolled or if the children are ineligible for any
11 plan through the employer.

12 (1) The department shall contract with qualified persons to
13 establish pilot projects throughout the State to utilize as
14 prosecutors of cash support and medical support orders and as
15 representatives of the custodial parents, individuals who are
16 not employees of State or county governments. Such pilot projects
17 shall seek to demonstrate the efficiency and productivity in
18 terms of savings to the State, and the amount and benefits to
19 the custodial parent and children of cash and medical support
20 orders obtained or modified by such project staff. To the extent
21 feasible, support order funds obtained by such projects shall be
22 utilized to finance the projects.

23 (m) Each publicly funded health care program that furnishes
24 or pays for health care services to a recipient having private
25 health care coverage shall be entitled to be subrogated to the
26 rights that such recipient has against his insurer of that
27 coverage to the extent of the health care services rendered.
28 This action may be brought within five years from the date upon
29 which the health care services were rendered to that person.

30 (n) Any person who has assigned support rights to the

department shall be entitled to notice and the opportunity to participate in any proceeding for the establishment, modification or enforcement of support.

(o) When an assignment is in effect, the department shall be guided by the best interests of the child in its actions concerning child support.

(p) When public assistance for a recipient is terminated, if arrearages are owed to the department, the department shall provide, within thirty days of the date assistance terminates, a statement to the former recipient showing the amount of the arrearages owed to the department, the amount of the arrearages owed to the former recipient and the calculations used by the department to determine these amounts.

(q) If arrearages are owed to the department and to an individual or family which formerly received public assistance, any payments received on the arrearages shall first be paid to the individual or family, until the arrearages owed them are paid in full.

(r) If arrearages are owed to the department and the person owing the support subsequently reunites with the persons for whom the support is owed, the department shall not take any action to collect the support arrearages, as long as the family remains reunited.

(s) (1) In processing child support cases of public assistance recipients, the department shall give first priority to the cases of recipients who have volunteered for child support enforcement program services.

(2) At the time of each application and reapplication for public assistance, the department shall inform all applicants and recipients of how to contact the correct office within the

1 domestic relations section in order to volunteer for first
2 priority child support enforcement program services.

3 (3) The fact that an applicant for or recipient of public
4 assistance does not volunteer for priority child support
5 enforcement program services will not constitute evidence that
6 she has not cooperated with the department in determining the
7 paternity of her children or enforcing support obligations as
8 required under subsection (a).

9 Section 2 3. This act shall take effect in 60 days.

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