

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 90

Session of
2007

INTRODUCED BY YOUNGBLOOD, CRUZ, COHEN AND BLACKWELL,
JANUARY 30, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 30, 2007

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, providing for civil claim for damages
3 intercept.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 23 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 4308.2. Civil claim for damages intercept.

9 (a) General rule.--Upon resolution of a civil claim for
10 damages, regardless of whether a lawsuit or complaint has been
11 filed on the claim, and where the claimant is entitled to
12 receive a monetary award or settlement as a result of such
13 resolution, the attorney for the claimant shall:

14 (1) Submit a certification to the district attorney's
15 child support enforcement unit in the county of the
16 claimant's residence or the domestic relations section where
17 no district attorney's child support enforcement unit exists.
18 The certification shall include the full name, address,

1 Social Security number and date of birth of the claimant
2 entitled to receive the monetary award or settlement.

3 (2) Withhold disbursement of any moneys due to the
4 claimant for 30 days after the submission of the
5 certification.

6 (b) Obligor check.--

7 (1) After receipt of a certification under subsection
8 (a), the district attorney's child support enforcement unit
9 or the domestic relations section shall ascertain whether the
10 claimant has a child support obligation.

11 (2) After calculation of amounts owed for attorney fees,
12 witness fees, fees for health care providers and payment of
13 liens which may be subject to the award, including, but not
14 limited to, taxes, mechanics' liens, court costs and related
15 items, the attorney for the claimant shall withhold any money
16 remaining out of the award or settlement pending review by
17 the district attorney's child support enforcement unit or
18 domestic relations section hearing officer for determination
19 of any child support obligation.

20 (c) Hearing.--Any party to a child support action shall be
21 entitled to a court hearing to determine the application of any
22 money withheld pursuant to this section. This hearing may not
23 consider modification of the existing arrears or amount of
24 support, but shall be used solely to determine if any money
25 recovered as a result of the award or settlement should be used
26 to pay the child support.

27 (d) Notice.--The attorney for the claimant may disburse
28 money due to the claimant for purposes other than those
29 specified in subsection (a) if notice that the claimant owes any
30 child support arrearages is not received from the district

attorney's child support enforcement unit or the domestic relations section within the 30-day period.

(e) Immunity.--An attorney for a claimant who has not received notice from the district attorney's child support enforcement unit or the domestic relations section within the 30-day period and disburses money due to that claimant after the 30-day period for purposes other than those specified in subsection (a) shall be immune from civil or criminal liability.

(f) Liability.--An attorney who withholds money pending a determination by the district attorney's child support enforcement unit or the domestic relations section shall not be liable for payments which otherwise would have been made pursuant to subsection (a) which were not so identified to the attorney.

(g) Written determination.--An attorney who receives a written determination by the district attorney's child support enforcement unit or the domestic relations section within the 30-day period and as soon as practicable forwards the money to the district attorney's child support enforcement unit or the domestic relations section for payment to the child support obligee shall not be liable to the claimant or to the claimant's creditors.

(h) Challenge.--The attorney shall not be required to challenge the district attorney's child support enforcement unit's or the domestic relations section's determination as to child support obligation unless retained by the claimant to do so.

(i) Definition.--As used in this section, the term "money due to the claimant" does not include money for attorney fees, witness fees, court costs, fees for health care providers,

1 payment of liens which may be subject to the award, including,
2 but not limited to, taxes, mechanics' liens and related items,
3 which shall be disbursed immediately.

4 Section 2. This act shall apply to all matters pending on or
5 after the effective date of this act.

6 Section 3. This act shall take effect in 120 days.