

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2749 Session of
2008

INTRODUCED BY HARPER, MAHER, WATSON, ARGALL, BAKER, CAUSER,
CREIGHTON, CUTLER, DENLINGER, ELLIS, J. EVANS, FAIRCHILD,
GABIG, GEIST, GODSHALL, HARHAI, HARKINS, HESS, HUTCHINSON,
JAMES, M. KELLER, MENSCH, METCALFE, R. MILLER, PETRI, PYLE,
QUIGLEY, ROAE, ROCK, SAYLOR, SCAVELLO, SCHRODER, SIPTROTH,
STEIL, STERN, SWANGER, TURZAI, VULAKOVICH, YOUNGBLOOD, QUINN,
SONNEY, J. TAYLOR AND GOODMAN, AUGUST 28, 2008

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 28, 2008

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in support matters generally, further
3 providing for costs and fees and for State disbursement unit.

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

6 Section 1. Sections 4351(a.1) and 4374(c)(3) and (d) of
7 Title 23 of the Pennsylvania Consolidated Statutes, amended or
8 added May 13, 2008 (P.L.144, No.16), are amended to read:

9 § 4351. Costs and fees.

10 * * *

11 (a.1) Annual fee.--The Commonwealth shall impose a fee of
12 \$25 in each case in which an individual has never received
13 assistance under Title IV-A of the Social Security Act (49 Stat.
14 620, 42 U.S.C. § 301 et seq.) and for whom the Commonwealth has
15 collected at least \$500 of support in a Federal fiscal year. The
16 Commonwealth shall pay the annual \$25 fee [for those cases in

1 which the annual collection is between \$500 and \$1,999.99. The
2 \$25 fee shall be collected from the custodial parent in cases
3 where annual collections equal \$2,000 or more.] in all cases in
4 which a fee is imposed under this subsection.

5 * * *

6 § 4374. State disbursement unit.

7 * * *

8 (c) Allocation of collections.--Subject to subsections (d),
9 (e), (f) and (f.1), support collected on behalf of a family
10 shall be distributed as follows:

11 * * *

12 (3) In the case of a family that never received cash
13 assistance from the Commonwealth, all support collections
14 shall be paid to the family. [with the exception of the
15 federally mandated \$25 annual fee collected from the
16 custodial parent as required under section 4351(a.1)
17 (relating to costs and fees).]

18 (d) Retention by Commonwealth.--

19 [(1)] Arrearages collected through use of the Internal
20 Revenue Service Tax Refund Offset Program for a family
21 receiving cash assistance shall be retained by the
22 Commonwealth to the extent past due support has been assigned
23 to the department as a condition of receiving assistance.
24 Arrearages collected through use of the Internal Revenue
25 Service Tax Refund Offset Program for a family that formerly
26 received cash assistance shall first be applied to the
27 monthly support obligation, and the balance shall be applied
28 to arrears owed the family, including assignments of
29 arrearages that accrued before the family received assistance
30 from the Commonwealth and that were executed between October

1 1, 1997, and September 30, 2009. Any remaining arrearages
2 shall be paid to the department. The department shall pay to
3 the Federal Government the Federal share of the amounts so
4 retained. In no event shall the total of amounts paid to the
5 Federal Government and retained by the department exceed the
6 total of the amount of cash assistance paid to the family by
7 the Commonwealth. To the extent that the amounts collected
8 exceed the amount retained, the department shall pay the
9 excess to the family.

10 [(2) Notwithstanding any other provision of law, the
11 federally mandated \$25 annual fee collected from the
12 custodial parent as required under section 4351(a.1) shall be
13 retained by the department.]

14 * * *

15 Section 2. This act shall take effect in 60 days.