

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2216 Session of
1978

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RICHARDSON AND WHITE, APRIL 3, 1978

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 1978

AN ACT

1 To provide for the civil enforcement of certain rights and
2 responsibilities of members of the family, including the
3 rights of children born out of wedlock; to provide for the
4 enforcement of support, including attachment of property and
5 earnings; to set forth the duties of the court in matters
6 pertaining to the family and the support of its members and
7 to provide procedures therefor; to provide for the
8 determining of support for the family; to determine paternity
9 of children born out of wedlock; to provide for the recovery
10 of public moneys expended for care and assistance from the
11 property and estate of certain persons; repealing and saving
12 from repeal certain acts.

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19 The General Assembly of the Commonwealth of the Pennsylvania
20 hereby enacts as follows:

21 CHAPTER 1

22 GENERAL PROVISIONS

23 Section 101. Short title.

24 This act shall be known and may be cited as the "Family
25 Support Law."

26 Section 102. Purposes.

27 For the purpose of preserving family life, promoting family
28 responsibility and the resolution of problems of disunity and
29 nonsupport in an atmospheres of good will and cooperation the
30 courts shall revise local procedure and practices as of the

1 effective date of this act in desertion and nonsupport actions
2 so as to exclusively utilize the civil procedures, remedies and
3 services provided in this act or the act of December 6, 1972
4 (P.L.1365, No.291), known as the "Revised Uniform Reciprocal
5 Enforcement of Support Act (1968)."

6 Section 103. Definitions.

7 The following words and phrases when used in this act shall
8 have, unless the context clearly indicates otherwise, the
9 meanings given to them in this section:

10 "Child." Any unemancipated person under 18 years of age.

11 "Court." The court of common pleas acting through its family
12 court division in Philadelphia and Allegheny Counties and
13 through its domestic relations division or divisions in the
14 other judicial districts.

15 "Director." The officer appointed as director of the
16 domestic relations division.

17 "Domestic relations division." Includes a family court
18 division.

19 "Support." Care, maintenance and financial assistance.

20 CHAPTER 2

21 RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS

22 Section 201. Rights and duties.

23 Subject to the provisions of Chapter 6:

24 (1) A husband and wife are liable for the support of
25 each other according to their respective abilities to provide
26 such support.

27 (2) Parents are liable for the support of their child or
28 children.

29 CHAPTER 3

30 POWER AND DUTIES OF THE COURT

1 Section 301. Civil proceedings.

2 The court shall have the power to hear and determine in a
3 civil action all matters embraced by the provisions of this act,
4 and its decrees and orders shall be subject to appeal as
5 provided by law. The court shall have the power to make a
6 support order in accordance with the provisions of this act and
7 shall have the power and responsibility for the enforcement of
8 that order. The court shall have the power to enforce its
9 decrees by contempt and attachment proceedings.

10 Section 302. Domestic relations division.

11 (a) In every judicial district of the Commonwealth, there
12 shall be established and maintained a domestic relations
13 division or family court division within each court of common
14 pleas or branch thereof.

15 (b) The court shall appoint a director of the domestic
16 relations division or family court division of the court of
17 common pleas who shall be a competent and qualified person and
18 have the power to appoint other supporting staff as it deems
19 necessary to effectively perform the work of the domestic
20 relations division. The court shall have the power to suspend
21 and remove all employees of the domestic relations for cause and
22 to require of any employee security for faithful performance.

23 (c) The domestic relations division may make full use of
24 services from other agencies concerned with matters coming
25 within the purview of the court under this act.

26 Section 303. Consolidation.

27 The court shall have the right to consolidate with any
28 support action any action filed for visitation, partial,
29 temporary or permanent custody, or any other matters pertaining
30 to support authorized by law and which fairly and expeditiously

1 may be determined and disposed of in such actions.

2

CHAPTER 4

3

DUTIES OF THE DIRECTOR AND

4

THE DOMESTIC RELATIONS DIVISION

5 Section 401. Processing support actions.

6 It shall be the duty of the director to receive and process
7 in accordance with law and rules of court, all complaints filed
8 under this act and under the "Revised Uniform Reciprocal
9 Enforcement of Support Act (1968)."

10 Section 402. Assistance to the court, other duties.

11 (a) It shall be the duty of the director to make such
12 investigation as may be necessary, and to furnish the court such
13 information and assistance as the court may require, and to
14 collect and pay over to the proper persons or agencies, money
15 received, and, in general, to do and perform such services as
16 the court may direct.

17 (b) The director shall use all means available to locate
18 respondents having the duty of support.

19 (c) As directed by the court, the director or his assistants
20 shall have full power and authority to detain by incarceration
21 or by other means as ordered by the court any person who fails
22 to comply with an order of court or summons issued in any
23 pending civil action for support pursuant to the provisions of
24 this act directing such person to appear for any hearing or who
25 is in substantial violation of the terms of an order of support.
26 Such detention shall be made only upon a writ of attachment or
27 written order of the court.

28 (d) The director shall keep an account of all orders made by
29 the court and a record of all payments made thereunder and shall
30 bring periodically to the attention of the court any default in

1 compliance with the court's order. The director shall compile
2 appropriate data relating to the duties of the division and
3 shall make an annual report to the court.

4 CHAPTER 5

5 DUTIES OF DISTRICT ATTORNEY OR

6 DOMESTIC RELATIONS DIVISION ATTORNEY

7 Section 501. Presentation of complaints.

8 The district attorney shall at all times furnish legal advice
9 to the domestic relations director and aid in the enforcement of
10 the duty of support and shall cooperate with the domestic
11 relations division in the preparation and presentation of
12 support complaints and ancillary petitions and writs and in any
13 proceeding designed to obtain compliance with any order of court
14 pursuant to this act or the "Revised Uniform Reciprocal
15 Enforcement of Support Act (1968)."

16 Section 502. Representation of plaintiff.

17 The district attorney, upon the request of the court, the
18 director of the domestic relations division or a State or local
19 public welfare official, shall represent the plaintiff and any
20 minor child involved in any proceeding under this act.

21 Section 503. Assignments to domestic relations staff.

22 The district attorney shall assign to the staff of the
23 domestic relations division such assistant district attorneys
24 necessary to carry out the duties assigned to him in this act
25 and to aid in the effective operation of the domestic relations
26 division.

27 CHAPTER 6

28 DETERMINATION OF SUPPORT

29 Section 601. General provisions.

30 (a) The court in making an award for support of a spouse

1 shall consider all relevant factors including, but not limited
2 to, the reasonable needs of each spouse, the ability of each
3 spouse to provide for his or her own needs, the financial
4 resources, earnings and earning capacity of each spouse, the
5 nonmonetary contributions of either spouse toward the care and
6 maintenance of the other or of children, and the employability
7 of either spouse in terms of age, physical or mental health and
8 occupational skills.

9 (b) The court may order either or both parents to pay a
10 reasonable sum for the care, maintenance and education of a
11 child or children according to the parents' respective abilities
12 to provide such support. In making such an award, the court
13 shall consider all relevant factors including, but not limited
14 to:

15 (1) the age, physical and emotional health, education or
16 vocational needs and aptitudes, employability, and financial
17 resources of the child or children;

18 (2) the standard of living, financial resources,
19 earnings, earning capacity and employability of either or
20 both parents in terms of age, physical or mental health and
21 occupational skills; and

22 (3) the nonmonetary contributions of either parent
23 toward the care and maintenance of the child or children.

24 (c) In determining the amount of a support order, no maximum
25 percentage of income and resources shall apply.

26 (d) An order of support may be awarded for a spouse against
27 whom an action in divorce has been instituted.

28 Section 602. Marital status of parents.

29 In entering an order for the support of a child, no
30 distinction shall be made because of the marital status of the

1 parents.

2 Section 603. Determination of paternity.

3 (a) If a putative father denies paternity at the prehearing
4 conference or at the hearing, no further proceedings shall be
5 conducted under this act or under any other act which provides
6 for determination of support until the court determines the
7 issue of paternity.

8 (1) The defendant has an absolute right to trial by
9 jury. If he demands a jury trial, the court shall transfer
10 the case to the criminal division to determine the paternity
11 issue. If the issue of paternity is determined adverse to the
12 defendant, the case shall be transferred back to the domestic
13 relations division for further proceedings to determine
14 support.

15 (2) If the defendant waives a jury trial, the paternity
16 issue shall be decided in the domestic relations division. In
17 any event, with regard to the issue of paternity, the
18 defendant shall retain all the rights he would be accorded in
19 a criminal trial, including, but not limited to, the right to
20 counsel and the right to have the issue determined beyond a
21 reasonable doubt. However, in a civil determination of
22 paternity, the plaintiff shall retain a right of appeal as in
23 any other civil action.

24 (b) All actions to determine paternity shall be brought
25 within two years of the birth of the child, except where the
26 putative father shall have voluntarily contributed to the
27 support of the child, or shall have acknowledged in writing his
28 paternity, in which case action may be brought at any time
29 within two years of any such contribution or acknowledgment by
30 the putative father.

1 Section 604. Effective date of order.

2 The effective date of an order of support may be the date of
3 the prehearing conference or hearing or such date thereafter as
4 shall be deemed consistent with the needs of the person
5 requiring support as well as the financial ability of the person
6 furnishing support. The hearing, or, if provided by local rule
7 of court, the prehearing conference, shall be scheduled and held
8 no more than seven days after the filing of the complaint if
9 requested by the party filing the complaint.

10 Section 605. Order of support; periodicity of payments.

11 (a) An order of support shall be made payable to the
12 beneficiary or such other person as the court may direct, or to
13 the domestic relations division for transmittal to the person
14 designated by the court, or directly to a public agency or
15 directly to a private agency with the consent of the beneficiary
16 or other person whenever the care, maintenance and assistance of
17 such person is provided for by such public or private agency.

18 (b) A support order shall be payable with the same
19 periodicity as the usual pay periods of the defendant, but not
20 less frequently than once a month, or with such other
21 periodicity as the court shall direct.

22 CHAPTER 7

23 COSTS AND FEES

24 Section 701. Costs.

25 No costs for filing any complaint shall be required to be
26 paid in advance. When it appears to the court that the parties,
27 or either of them, are financially able to pay costs, the court
28 may impose such costs and fees.

29 Section 702. Counsel fees, costs and expenses.

30 The court may award reasonable counsel fees and expenses

1 where a party has not in good faith attempted to resolve
2 amicably the support obligation, has deliberately avoided the
3 process of the court, or in attachment or contempt proceedings
4 if the court determines that there has been a flagrant and
5 willful failure to comply with a support order. This section
6 shall not apply when a public agency is a party to the action.

7 CHAPTER 8

8 SUPPORT PROCEEDINGS

9 Section 801. Who may file.

10 Support proceedings shall be instituted by a complaint which
11 may be filed by any person:

12 (1) who is entitled to support for himself or herself or
13 his or her child or children;

14 (2) on behalf of a child by a person other than a parent
15 having the physical care or custody of the child without
16 appointment as guardian ad litem if such person has been
17 awarded custody of the child or the parents have agreed to
18 such custody; or

19 (3) by any public or private agency having any interest
20 in the care, maintenance or assistance of any person who is
21 entitled to support.

22 Section 802. Commencement of actions.

23 (a) A support action under this act shall be commenced by
24 the filing in the domestic relations division of a verified
25 complaint which shall state substantially the following:

26 (1) The plaintiff's name and address.

27 (2) The defendant's name and last known address.

28 (3) The date and place of marriage, if married.

29 (4) The names, dates and places of birth and residence
30 of any children.

1 (5) Date and circumstances of separation from or failure
2 to support spouse or children.

3 (6) Usual occupation, employment and earnings of
4 plaintiff and defendant.

5 (7) Amount of public aid, if any.

6 (8) Any order of support in any other proceedings and
7 amount of arrearages, if any.

8 (9) Such other matters as shall be directed by rule of
9 court.

10 (10) The complaint may contain any information available
11 to aid in the location or identification of a defendant
12 including, but without limitation, by enumeration, a
13 photograph of the defendant, a description of any
14 distinguishing marks on that person, other names and aliases
15 by which the defendant has been or is known, the defendant's
16 financial status, fingerprints, any any other available
17 location or identification information.

18 (b) Every complaint for support shall contain an order
19 directing the defendant to appear for a prehearing conference or
20 a hearing at a time and place specified in the order.

21 (c) Every complaint for support and order to appear shall be
22 served on the defendant in any one of the following manners:

23 (1) in accordance with the rules of civil procedure
24 relating to an action in equity;

25 (2) by sending two copies of the complaint, one by
26 registered mail, deliver to addressee only, return receipt
27 requested, and one by ordinary mail to the defendant's last
28 known address, whether residence or business; or

29 (3) as may be authorized by court.

30 (d) Responsive pleadings and notices to defend or plead

1 shall not be required.

2 Section 803. Venue.

3 An action against an individual may be brought in and only
4 in:

5 (1) The county in which the defendant resides.

6 (2) The county in which the defendant is regularly
7 employed.

8 (3) The county where the last marital domicile was
9 located if the plaintiff continues to reside therein.

10 (4) Any county more convenient to the defendant if venue
11 is not contested.

12 CHAPTER 9

13 ENFORCEMENT - WAGE ATTACHMENT

14 Section 901. Authority of court.

15 (a) The court, upon receiving information either through
16 written application or at any hearing, that there is failure to
17 comply with a court order of support, may issue attachment
18 proceedings, directed to the sheriff or other proper officer of
19 the county or another county, directing that the person named be
20 brought before the court at such time as the court may direct.

21 (b) Any person who is found, after hearing, to have
22 willfully failed to comply with any order of the court may be
23 adjudged in contempt of court and may be punished by the court
24 by commitment to the county prison or house of correction until
25 compliance with said order, but in no case for a period
26 exceeding six months; the court in its order shall state the
27 conditions upon which fulfillment will result in the release of
28 such person.

29 Section 902. Compelling attendance.

30 At all stages of proceedings provided under this act, the

1 court may compel the attendance, by attachment process directed
2 to the sheriff or other proper officer, directing and commanding
3 that the person named as having failed to appear be brought
4 before the court at such time as the court may direct, at which
5 time the court may adjudge such person in contempt of court,
6 and, in its discretion, may commit such person to the county
7 prison until compliance or for a period not exceeding six
8 months.

9 Section 903. Attachment proceedings.

10 If, at any stage of the proceedings under this act, when it
11 is believed that the respondent is about to leave the
12 jurisdiction, at the discretion of the court, an attachment may
13 be issued by the court directed to the sheriff or other proper
14 officer, directing and commanding that the person named be
15 brought before the court at such time as the court may direct,
16 at which time the court may direct that the person named give
17 security by one or more sureties to appear when directed by the
18 court or to comply with any order of the court.

19 Section 904. Wage attachment.

20 (a) On the motion of the plaintiff, the court may issue an
21 order attaching the wages, salary or commissions of the
22 defendant, to the defendant's employer if there has been a
23 failure to pay an order for support in the following manner:

24 (1) A certified copy of the order of support shall be
25 served on the employer, whether a corporation, the United
26 States, the Commonwealth, or any political subdivision,
27 association, company, firm or individual and shall be served
28 by certified mail or by any adult person or in any other
29 manner provided by law.

30 (2) Such certified copy of the order shall contain an

1 order directing the employer to make a full answer, within
2 ten days after service of the order, of the amount of wages,
3 salary or commissions of the defendant, and further directing
4 the employer to pay to the domestic relations division an
5 amount equal to the support owed under the order as it
6 represents a share of his earnings during each pay period
7 until further order of court.

8 (3) The court shall determine the amount of wages,
9 salary or commission which shall be regularly paid by the
10 employer to the domestic relations division and shall so
11 notify the employer within 30 days of receipt of the
12 statement from the employer.

13 (4) Thereafter, it shall be the duty of the employer to
14 pay such amount regularly to the domestic relations division
15 and upon failure so to pay shall be in contempt and subject
16 to the court's order as now provided in proceedings against
17 the defendant in this chapter. The employer is authorized to
18 deduct 2% of the amount paid under the order from the wages
19 of the defendant for clerical work and expenses involved in
20 complying therewith.

21 (5) Such attachment shall continue until discharged by
22 order of the court.

23 (6) An employer shall not use such attachment of wages,
24 salary or commissions as a basis, in whole or in part, for
25 the discharge of an employee or for any disciplinary action
26 against any employee.

27 (7) Compliance by an employer with an order of
28 attachment of wages, salary or commissions operates as a
29 discharge of the employer's liability to the employee as to
30 that portion of the employee's earnings so affected.

1 Section 905. Entry of support order or decree in court of
2 common pleas; execution against realty held by
3 entireties.

4 (a) Whenever a husband and wife shall hold real estate by
5 entireties and one spouse has heretofore secured or shall
6 hereafter secure a sentence, order or decree of court against
7 the other spouse for the support of the spouse or of their child
8 or children, or of the child or children of the defendant, or
9 for support of both the spouse and child or children, and a copy
10 of such sentence, order or decree has been certified to any
11 court of common pleas of any county in this Commonwealth in
12 which the real estate so held by entireties is situated, the
13 said order, decree or judgment shall be entered in the said
14 court of common pleas as a judgment therein with like force and
15 effect as if the same had been recovered therein as a judgment
16 of the latter court; and it shall be lawful to issue execution
17 on such judgment against such real estate so held by entireties
18 and to sell the same in the manner provided by law for the sale
19 of real estate on execution issued on a judgment, but, in any
20 such writs of execution thereon, the defendant therein shall not
21 be entitled to the benefit of any exemption laws, and said real
22 estate may be sold without inquisition. The sale of any real
23 estate, under the provisions of this act, shall convey to the
24 purchaser or purchasers thereof a good and valid title to such
25 real estate, and shall vest in him or them the entire title of
26 both the husband and wife in the same manner and to the same
27 effect as if both husband and wife had joined in the conveyance
28 of same.

29 (b) The dependent spouse shall be entitled out of the
30 proceeds of such sale to one-half of the sum, which represents

1 his heretofore undivided one-half interest in the property. He
2 may petition the court of common pleas of the county where such
3 real estate is situated, either before or after the sale of such
4 property by execution, setting forth his claim, and the said
5 court shall fix a day to hear the same. Service upon the
6 defendant in such case shall be personally, or in the manner
7 provided in the act of April 6, 1859 (P.L.387, No.387), entitled
8 "An act to authorize Execution of Process in certain cases in
9 Equity, concerning property within the Jurisdiction of the
10 Court, and on Defendants not resident or found therein." Service
11 having been made as aforesaid, the court shall, upon hearing the
12 claim, make such decree as shall be proper. In such hearing both
13 husband and wife shall be competent witnesses. The court shall
14 have the power, in the course of such hearing, to determine by
15 clear and convincing evidence that the defendant did not intend
16 his contributions to the property to be a gift to the dependent
17 spouse and communicated such to the dependent spouse at the time
18 of the purchase. If such a determination is made, the court
19 shall allot to the dependent spouse only such interest in the
20 proceeds as is proportionate to his contribution to the original
21 purchase money.

22 (c) The court of common pleas shall at the time of the
23 hearing, or thereafter, appoint a trustee, who shall receive
24 from the sheriff the proceeds of the sale of such property after
25 the costs have been paid. Such trustee shall, out of such funds,
26 pay to the aforesaid such amount of money as the court may have
27 decreed to him as his share in the property sold, and also such
28 sums of money and interest thereon from the time the respective
29 items making up the same became due and payable, which are due
30 and payable by virtue of the order of support herein mentioned,

1 and the trustee shall also pay to the dependent spouse such
2 further sums as he may be entitled to under any order of court
3 for the support of that spouse or of the children of that
4 marriage.

5 (d) Should the dependent spouse become the purchaser at said
6 execution sale, he shall be entitled to a credit on the purchase
7 price thereof for such sums as may have been found by the court
8 to represent his share in such property, and also for such sums
9 of money as may be due him from the defendant, under the order
10 of support upon which the execution was issued, at the time of
11 the said sale, together with interest on said sums due him for
12 support from the time the respective sums become due. Such
13 credit shall be allowed him by the sheriff, or he may assign the
14 several sums due him, as aforesaid, to the purchaser of said
15 property, whereupon credit shall be given the purchaser by the
16 sheriff for the amount so assigned.

17 (e) Upon and after the divorce of any spouse who is tenant
18 by entireties of real estate with his former spouse, such
19 divorced spouse shall be entitled to all the rights and remedies
20 provided in this act for the collection of any sums of money
21 ordered and directed by any competent court of this Commonwealth
22 to be paid to him for the support of their children and the
23 children of the defendant, as fully as if no divorce had
24 occurred. Upon the sale of said real estate for the collection
25 of any money due him under any order or decree of any court, he
26 shall be entitled to receive therefrom such sum of money as
27 represents his share of such property, as decreed by the court
28 under the provisions of subsection (b), together with such sums
29 as may be due to him under and by virtue of an order or decree
30 of support against the defendant.

1 CHAPTER 10

2 TRANSFER OF JURISDICTION AND COURT ORDER

3 Section 1001. Jurisdiction.

4 The court making the support order shall at all times
5 maintain jurisdiction of the case for the purpose of enforcement
6 of the order and for the purpose of increasing, decreasing,
7 modifying or rescinding such order, without limiting the right
8 of a plaintiff to institute additional proceedings for support
9 in any county wherein the defendant resides or where his
10 property is situated.

11 Section 1002. Notice to transfer.

12 On motion of any party, if the plaintiff or the defendant has
13 subsequently established residence in a county other than the
14 county where the order has been originally entered, and the
15 other party does not object within 20 days after notice of the
16 requested transfer, the order may be transferred to the county
17 of new residence.

18 Section 1003. Transfer of jurisdiction or order.

19 (a) If a support order has been ordered transferred to
20 another county, in accordance with section 1002, such order
21 shall be entered in the new county upon the forwarding of three
22 certified copies of the order of support and arrearages which
23 have accrued thereunder, along with verified information as to
24 defendant's address. The court to which such support order is so
25 certified shall accept such order and register same.

26 (b) Within ten days after receipt of such certification, the
27 court shall notify defendant of the transfer of the order by
28 registered mail or any other means of service as provided by
29 law.

30 (c) Said registered court order from another county shall be

1 treated in the same manner as a support order issued in the
2 county to which the order was transferred. It shall have the
3 same effect and is subject to the same procedures, defenses and
4 proceedings for revision, vacating or staying and may be
5 enforced in like manner.

6 CHAPTER 11

7 INTERCOUNTY PROCEEDINGS

8 Section 1101. Intercounty proceedings.

9 A plaintiff may proceed either under this act or under the
10 provisions of the "Revised Uniform Reciprocal Enforcement of
11 Support Act (1968)," if proper jurisdiction and venue is
12 applicable.

13 CHAPTER 12

14 CONFIDENTIALITY

15 Section 1201. Confidential information; powers of courts.

16 In order to promote trust and confidence and to provide a
17 maximum of service in the most economical manner, all
18 information obtained by or for a court or by or for enforcement
19 officials in connection with this act shall be held confidential
20 and shall be used only for the purpose of this act.

21 CHAPTER 13

22 RELEVANCY TO OTHER ACTS

23 Section 1301. Support of persons in institutions and foster
24 homes.

25 Support of persons living in public or private institutions
26 or receiving foster home care, who would be entitled to support
27 under this act, shall be determined by the court under the
28 provisions of the acts pertaining to such care and
29 institutionalization.

30 CHAPTER 14

1 REPEALS; GENERAL CONSTRUCTION; EFFECTIVE DATE

2 Section 1401. Repeals.

3 (a) The following acts or parts of acts are repealed
4 absolutely:

5 Act of April 22, 1850 (P.L.549, No.342), entitled "A
6 Supplement to an act, entitled 'An Act to prevent waste in
7 certain cases within this commonwealth,' passed the twenty-ninth
8 day of March, one thousand eight hundred and twenty-two; to land
9 and building associations; giving the court of Susquehanna
10 county jurisdiction in a certain case; relative to the service
11 of process in certain cases; to party walls in West
12 Philadelphia; to the proof of a certain will; to the sale and
13 purchase of certain burial grounds in Philadelphia; to the
14 laying of gas pipes in the district of Moyamensing; to the
15 release of certain sureties in Erie county; to the State Lunatic
16 hospital; relative to the service of process against sheriffs;
17 to the rights of married women; to ground rents; and relating to
18 foreign insurance companies."

19 Act of May 23, 1907 (P.L.227, No.176), entitled "An act
20 relating to husband and wife, and to enlarge the rights and
21 remedies of married women in case of desertion or non-support by
22 husband."

23 Act of June 11, 1913 (P.L.468, No.313), entitled "An act to
24 provide for the execution of orders of the court of quarter
25 sessions, or other court of competent jurisdiction, for support
26 and maintenance of a wife or children, or both, and for the
27 execution of judgment entered upon contracts for such support
28 and maintenance, by subjecting estates owned by the husband and
29 wife by entires, and the rents, issues and profits thereof,
30 to such executions; defining the title of the purchaser at the

1 sheriff's sale on such executions; and providing for the
2 application of the proceeds of such sales."

3 Act of May 10, 1921 (P.L.434, No.210), entitled "An act to
4 empower courts of competent jurisdiction to issue writs of
5 execution against property of defendant, and attachment
6 execution or in the nature of attachment execution against
7 trusts, including those commonly known as spendthrift trusts, no
8 matter when such trusts were created, in cases where an order,
9 award, or decree has been made against a husband for the support
10 of his wife or children or both; making such attachment
11 execution against trusts a continuing lien and levy for fifty
12 per centum of such money or property until the order, judgment,
13 or decree is paid in full with costs; and abolishing the benefit
14 of the exemption law in such cases."

15 Act of May 24, 1923 (P.L.446, No.238), entitled "An act
16 authorizing the sale of real estate held by entireties by
17 husband and wife when an order of support has been secured
18 against the husband who has neglected to comply with the same,
19 or whose whereabouts is unknown, or who has absented himself
20 from this Commonwealth; prescribing the procedure to be
21 followed; permitting husband and wife to testify; providing for
22 the disposition of the proceeds of such sale; and granting a
23 divorced woman the same rights under this act as a wife."

24 Section 7, act of June 24, 1937 (P.L.2045, No.397), known as
25 "The Support Law."

26 (b) The following provisions of the Pennsylvania
27 Consolidated Statutes are repealed absolutely: Title 18 Pa.C.S.
28 §§ 4321, 4322 and 4323(b),(c) and (d).

29 (c) All other acts and parts of acts are repealed insofar as
30 they are inconsistent herewith.

1 Section 1402. Saving clause.

2 This act shall not repeal or modify any of the provisions of
3 the following acts:

4 Sections 1, 2, 3, 4, 5 and 6, act of June 24, 1937 (P.L.2045,
5 No.397), known as "The Support Law."

6 Section 6, act of July 13, 1961 (P.L.587, No.286), known as
7 the "Uniform Act on Blood Tests to Determine Paternity."

8 The act of December 6, 1972 (P.L.1365, No.291), known as the
9 "Revised Uniform Reciprocal Enforcement of Support Act (1968)."

10 Section 1403. General construction.

11 The provisions of this act, so far as they are the same as
12 those of existing laws, are intended as a continuation of such
13 laws and not as new enactments. The provisions of this act shall
14 not affect any court order or decree entered, act done,
15 liability incurred or right accrued or vested. They shall not
16 affect any suit pending. They shall not affect the ability to
17 enforce any right or penalty or punish any offense under the
18 authority of such repealed laws.

19 Section 1404. Effective date.

20 This act shall take effect in 90 days.