

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 98

Session of
1985

INTRODUCED BY HAGARTY, PRATT, McVERRY, SWEET, MOEHLMANN, REBER, LASHINGER, McCLATCHY, McHALE, KOSINSKI, CIMINI, ARTY, GODSHALL, CORNELL, NAHILL, CORDISCO, WILSON, BROUJOS, OLIVER, GREENWOOD, HALUSKA, BLAUM, PICCOLA, MAIALE, CESSAR, LESCOVITZ, WAMBACH, HERMAN, GLADECK, E. Z. TAYLOR, COLE, ANGSTADT, WOGAN, KUKOVICH, RYBAK, BOOK, BALDWIN, TIGUE, GEIST, J. L. WRIGHT, CAPPABIANCA, MACKOWSKI, MERRY, LINTON, DeLUCA, PERZEL, JOHNSON, NOYE, FATTAH, HERSHEY, GRUPPO, PETRARCA, FOX, WESTON, MICHLOVIC, FREEMAN, SIRIANNI, COLAFELLA, DORR, BUNT, AFFLERBACH, D. R. WRIGHT, STEWART, GALLAGHER, PUNT, WOZNIAK, FISCHER, ITKIN, SHOWERS, SAURMAN, SEMMEL, BOYES, BATTISTO, MAYERNIK, TRELLO, DURHAM, CAWLEY AND JOSEPHS, JANUARY 23, 1985

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 3, 1985

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, adding provisions relating to support,
3 custody, visitation, property and contracts; and making
4 repeals.

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16 § 4538. Official to represent obligee.
17 § 4539. Registration procedure.
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19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Title 23 of the Pennsylvania Consolidated
22 Statutes is amended by adding parts to read:

23 PART V
24 SUPPORT, PROPERTY AND CONTRACTS

25 Chapter

26 41. General Provisions

27 43. Support Matters Generally

28 45. Reciprocal Enforcement of Support Orders

29 CHAPTER 41

30 GENERAL PROVISIONS

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2 4101. Liability for debts contracted before marriage.

3 4102. Liability for purchases by married person.

4 4103. Liability on judgment against married person.

5 4104. Right of married person to separate earnings.

6 4105. Loans between married persons.

7 4106. Construction of chapter.

8 § 4101. Liability for debts contracted before marriage.

9 (a) General rule.--A spouse is not liable for the debts of
10 the other spouse contracted before marriage, unless voluntarily
11 assumed in writing.

12 (b) Liability of property unaffected.--This chapter does not
13 protect the property of a married person from liability for
14 debts contracted by or in the name of the married person by any
15 person authorized to so contract.

16 § 4102. Liability for purchases by married person.

17 (a) General rule.--Except as provided in subsection (b),
18 married persons are not liable jointly for purchases by one of
19 them unless they voluntarily assume joint debts.

20 (b) Necessaries.--Married persons are jointly and severally
21 liable for debts contracted by one of them for necessities for
22 themselves or their children, except in cases where a child or
23 spousal support order has been entered or a written agreement
24 has been executed.

25 § 4103. Liability on judgment against married person.

26 A judgment against a married person individually before or
27 during marriage does not bind or constitute a lien upon the real
28 property of the other spouse.

29 § 4104. Right of married person to separate earnings.

30 A married person has the right to the separate benefit and

1 use of the separate earnings of that person except with respect
2 to legal support obligations due to other persons.

3 § 4105. Loans between married persons.

4 A married person may loan the other spouse money from the
5 separate estate of the married person and take in security
6 therefor a judgment or mortgage against the property of the
7 other spouse which shall be valid as otherwise provided by law.

8 § 4106. Construction of chapter.

9 This chapter shall not be construed to affect the act of
10 April 2, 1980 (P.L.63, No.26), known as the Divorce Code.

11 CHAPTER 43

12 SUPPORT MATTERS GENERALLY

13 Subchapter

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18 SUBCHAPTER A

19 GENERAL PROVISIONS

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26 4305. GENERAL ADMINISTRATION OF SUPPORT MATTERS.

27 § 4301. Scope of chapter.

28 (a) General rule.--Actions or proceedings provided by this
29 chapter are in addition to and not in substitution of actions or
30 proceedings provided by unsuspended statutes where there is

1 desertion or a failure to perform a duty to support.

2 (b) Persons in institutions and foster homes.--Matters
3 relating to the support of persons living in public or private
4 institutions or receiving foster home care and who are otherwise
5 entitled to support under this chapter shall be determined by
6 the court under the statutes pertaining to those institutions or
7 foster homes.

8 § 4302. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Employer." Includes an individual, partnership,
13 association, corporation, trust, Federal agency, Commonwealth
14 agency or political subdivision paying or obligated to pay
15 income.

16 "Income." Includes compensation for services, including, BUT <—
17 NOT LIMITED TO, WAGES, SALARIES, fees, COMPENSATION IN KIND, <—
18 commissions and similar items; income derived from business;
19 gains derived from dealings in property; interest; rents;
20 royalties; dividends; annuities; income from life insurance and
21 endowment contracts; ALL FORMS OF RETIREMENT; pensions; income <—
22 from discharge of indebtedness; distributive share of
23 partnership gross income; income in respect of a decedent;
24 income from an interest in an estate or trust; MILITARY <—
25 RETIREMENT BENEFITS; RAILROAD EMPLOYMENT RETIREMENT BENEFITS;
26 SOCIAL SECURITY BENEFITS; temporary and permanent disability
27 benefits; workmen's compensation and unemployment compensation.

28 "NET INCOME." GROSS INCOME MINUS TAXES. <—

29 "Order of support." Includes assistance imposed or imposable
30 by law or by any court order, whether interlocutory or final,

1 whether incidental to a proceeding for divorce, separate
2 maintenance, action for failure to support a child born out of
3 wedlock or otherwise. ~~including the payment of necessary health~~ <—
4 ~~care expenses.~~

5 "Support." Care, maintenance and financial assistance.
6 ~~including the payment of necessary health care expenses.~~ <—

7 ~~§ 4303. Confidentiality of information.~~

8 ~~In order to promote trust and confidence and to provide a~~
9 ~~maximum of service in the most economical manner, all~~
10 ~~information obtained by or for a court or by or for enforcement~~
11 ~~officials in connection with this chapter, other than~~
12 ~~information which appears in court testimony, is confidential~~
13 ~~and may be used only for the purpose of this chapter and may be~~
14 ~~made available only to the parties or their counsel.~~

15 ~~§ 4304~~ 4303. Information to consumer credit bureau. <—

16 (a) General rule.--Information regarding the amount of
17 arrearages owed by an obligor shall be made available to any
18 consumer credit bureau organization upon the request of the
19 organization, subject to the following:

20 (1) Where the amount of arrearages is less than \$1,000,
21 information regarding the amount shall be made available at
22 the option of the domestic relations office of the county in
23 which the order of support was entered.

24 (2) The information shall be available only after the
25 obligor owing the arrearages has been notified of the
26 proposed action and given a period not to exceed 20 days to
27 contest the accuracy of the information. THE NOTICE SHALL BE <—
28 AS PROVIDED BY LOCAL RULE OF THE COURT OF COMMON PLEAS.

29 (b) Fee.--A fee for furnishing the information in an amount
30 not exceeding the actual cost thereof may be imposed on the

1 requesting organization by the domestic relations office.

2 § ~~4305~~ 4304. Cooperation of Commonwealth agencies. <—

3 Upon request of a domestic relations office, Commonwealth
4 agencies shall provide information regarding wages, employer and
5 address information for the purposes of carrying out this
6 chapter.

7 § 4305. GENERAL ADMINISTRATION OF SUPPORT MATTERS. <—

8 SUBJECT TO ANY INCONSISTENT GENERAL RULES AND TO THE
9 SUPERVISION AND DIRECTION OF THE COURT, THE DOMESTIC RELATIONS
10 SECTION SHALL HAVE THE POWER AND DUTY TO:

11 (1) PROCESS ALL COMPLAINTS RECEIVED UNDER CHAPTER 45
12 (RELATING TO RECIPROCAL ENFORCEMENT OF SUPPORT ORDERS).

13 (2) MAKE SUCH INVESTIGATION AS MAY BE NECESSARY.

14 (3) TAKE CHARGE OF ANY OBLIGOR BEFORE OR AFTER HEARING,
15 AS MAY BE DIRECTED BY THE COURT.

16 (4) COLLECT AND PAY OVER TO THE PERSONS ENTITLED THERETO
17 MONEYS RECEIVED PURSUANT TO SUPPORT PROCEEDINGS.

18 (5) KEEP A FULL AND COMPLETE RECORD OF ALL SUPPORT
19 PROCEEDINGS, INCLUDING ORDERS OF THE COURT.

20 (6) KEEP ACCOUNT OF ALL PAYMENTS MADE UNDER ORDER OF
21 COURT AND PROMPTLY BRING TO THE ATTENTION OF THE COURT AND
22 THE DISTRICT ATTORNEY ANY DEFAULT IN COMPLIANCE WITH ANY
23 ORDER OF COURT.

24 (7) MAKE EFFECTIVE THE ORDERS OF SUPPORT ENTERED.

25 (8) FURNISH THE COURT WITH SUCH INFORMATION AND
26 ASSISTANCE AS IT MAY REQUIRE AND GENERALLY PERFORM SUCH
27 SERVICES AS IT MAY DIRECT RELATING TO SUPPORT PROCEEDINGS.

28 SUBCHAPTER B

29 SUPPORT

30 Sec.

1 4321. Liability for support.

2 4322. Support guidelines.

3 4323. Support of EMANCIPATED child. <—

4 ~~4324. Maximum percentages on amount of support prohibited.~~ <—

5 ~~4325~~ 4324. Inclusion of medical support. <—

6 ~~4326. Lump sum payments.~~ <—

7 ~~4327~~ 4325. Payment of order of support. <—

8 § 4321. Liability for support.

9 Subject to the provisions of this chapter:

10 (1) Married persons are liable for the support of each

11 other according to their respective abilities to provide

12 support AS PROVIDED BY LAW. <—

13 (2) Parents are liable for the support of their children

14 who are unemancipated and 18 years of age or younger.

15 (3) Parents may be liable for the support of their

16 children who are 18 years of age or older.

17 § 4322. Support guidelines.

18 The ~~courts are~~ SUPREME COURT IS authorized to develop <—

19 guidelines for child and spousal support so that persons

20 similarly situated shall be treated similarly. The guidelines

21 shall place primary emphasis on THE NEEDS OF THE CHILD OR <—

22 SPOUSE, THE EARNING POTENTIAL AND ASSETS OF THE PARTIES, THE net

23 income of the parties, with allowable deviations for unusual

24 needs, extraordinary expenses, ages of children and such other

25 factors as warrant special attention. THE COURT SHALL PROVIDE <—

26 COPIES OF THE GUIDELINES TO THE PARTIES AND THEIR RESPECTIVE

27 COUNSEL IMMEDIATELY FOLLOWING THE COMMENCEMENT OF A SUPPORT

28 ACTION UNDER THIS CHAPTER.

29 § 4323. Support of EMANCIPATED child. <—

30 (a) Emancipated child.--A court shall not order either or

1 both parents to pay for the support of a child if the child is
2 emancipated.

3 ~~(b) Child who is not a minor. There is a presumption that,~~ <—
4 ~~when a child is over 18 years of age and not a continuing full-~~
5 ~~time student in a high school program, the duty of a parent to~~
6 ~~support the child ceases. The child has the burden of rebutting~~
7 ~~this presumption. In these cases a parent of the child may~~
8 ~~initiate the support action or proceeding with the written~~
9 ~~consent of the child.~~

10 ~~(c) (B) Marital status of parents immaterial.--~~ In making an <—
11 order for the support of a child, no distinction shall be made
12 because of the marital status of the parents.

13 ~~§ 4324. Maximum percentages on amount of support prohibited.~~ <—

14 ~~In determining the amount of an order of support, no maximum~~
15 ~~percentage of income and resources shall apply.~~

16 ~~§ 4325 4324. Inclusion of medical support.~~ <—

17 In addition to periodic support payments, the court may
18 require that an obligor pay a DESIGNATED SUM AS fair share of a <—
19 child's or spouse's reasonable and necessary health care
20 expenses. If health care coverage is available through an
21 obligor at no cost as a benefit of employment or at a reasonable
22 cost, the court may order an obligor to provide or extend health
23 care coverage to a child or spouse. Upon failure of the obligor
24 to make this payment or reimburse the custodial parent or spouse
25 and after compliance with procedural due process requirement,
26 the court shall treat the amount as arrearages.

27 ~~§ 4326. Lump sum payments.~~ <—

28 ~~The court may, in appropriate cases, order that support be~~
29 ~~paid in a lump sum, either directly to the obligee or in trust.~~

30 ~~§ 4327 4325. Payment of order of support.~~ <—

1 An order of support shall direct payment to be made payable
2 to or payment to be made to the domestic relations office for
3 transmission to the obligee or for transmission directly to a
4 public body or public or private agency whenever the care,
5 maintenance and assistance of the obligee is provided for by the
6 public body or public or private agency.

7 SUBCHAPTER C

8 PROCEEDINGS GENERALLY

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11 4342. Expedited procedure.

12 4343. Paternity.

13 4344. Contempt for failure of obligor to appear.

14 4345. Contempt for noncompliance with support order.

15 4346. CONTEMPT FOR NONCOMPLIANCE WITH VISITATION

<—

16 OR PARTIAL CUSTODY ORDER.

17 ~~4346~~ 4347. Security for attendance or performance.

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18 ~~4347~~ 4348. Attachment of income.

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19 ~~4348~~ 4349. Consolidation of proceedings.

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20 ~~4349~~ 4350. Effect of appeal.

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21 ~~4350~~ 4351. Costs and fees.

<—

22 ~~4351~~ 4352. Continuing jurisdiction over support orders.

<—

23 ~~4352~~ 4353. Duty to report.

<—

24 § 4341. Commencement of support actions or proceedings.

25 ~~(a) General rule.~~ A support action or proceeding under this
26 chapter shall be commenced in the manner prescribed by ~~general~~
27 ~~rules~~ THE RULES OF CIVIL PROCEDURE GOVERNING ACTIONS OF SUPPORT.

<—

<—

<—

28 ~~(b) Nature of proceedings.~~ An action or proceeding

<—

29 ~~commenced under this chapter is a civil action governed by~~

30 ~~general rules applicable to civil matters.~~

1 § 4342. Expedited procedure.

2 (a) General rule.--The Supreme Court shall by general rule
3 provide for expedited procedures for the determination of
4 support. The procedures shall include an office conference; a
5 conference summary to the court by the hearing officer; an
6 opportunity for the court to enter an order without hearing the
7 parties; and an opportunity for the parties to demand a full
8 hearing by the court.

9 (b) Alternate procedure.--The Supreme Court shall also
10 provide an alternate expedited procedure which may be adopted by
11 local rule of the courts of common pleas. The procedure shall
12 include an office conference; an evidentiary hearing before a
13 hearing officer who shall be an attorney; a transcript of the
14 testimony; a report and recommendation to the court by the
15 hearing officer; and an opportunity for the filing of exceptions
16 with and argument before the court.

17 § 4343. Paternity.

18 (a) Determination.--Where the paternity of a child born out
19 of wedlock is disputed, the determination of paternity shall be
20 made by the court in a civil action without a jury unless either
21 party demands trial by jury. The burden of proof shall be by a
22 preponderance of the evidence.

23 (b) Limitation of actions.--An action or proceeding under
24 this chapter to establish the paternity of a child born out of
25 wedlock must be commenced within 18 years of the date of birth
26 of the child. ~~Where the reputed father has voluntarily~~
27 ~~contributed to the support of the child or has acknowledged his~~
28 ~~paternity in writing, the action or proceeding may be commenced~~
29 ~~at any time within two years of the contribution or~~
30 ~~acknowledgment by the reputed father.~~

<—

1 § 4344. Contempt for failure of obligor to appear.

2 ~~(a) General rule. An obligor~~ A PERSON who willfully fails <—
3 or refuses to appear in response to a duly served order or other
4 process under this chapter may, as prescribed by general rule,
5 be adjudged in contempt. Contempt shall be punishable by any one
6 or more of the following:

7 (1) Imprisonment for a period not to exceed six months.

8 (2) A fine not to exceed \$500.

9 (3) Probation for a period not to exceed six months.

10 ~~(b) Condition for release. An order committing a defendant~~ <—
11 ~~to jail under this section shall specify the condition the~~
12 ~~fulfillment of which will result in the release of the obligor.~~

13 § 4345. Contempt for noncompliance with support order.

14 (a) General rule.--~~An obligor~~ A PERSON who willfully fails <—
15 to comply with any order under this chapter, except an order
16 subject to section 4344 (relating to contempt for failure of
17 obligor to appear), may, as prescribed by general rule, be
18 adjudged in contempt. Contempt shall be punishable by any one or
19 more of the following:

20 (1) Imprisonment for a period not to exceed six months.

21 (2) A fine not to exceed \$500.

22 (3) Probation for a period not to exceed six months.

23 (b) Condition for release.--An order committing a defendant
24 to jail under this section shall specify the condition the
25 fulfillment of which will result in the release of the obligor.

26 § 4346. CONTEMPT FOR NONCOMPLIANCE WITH VISITATION OR PARTIAL <—
27 CUSTODY ORDER.

28 (A) GENERAL RULE.--A PARTY WHO WILLFULLY FAILS TO COMPLY
29 WITH ANY VISITATION OR PARTIAL CUSTODY ORDER MAY, AS PROSCRIBED
30 BY GENERAL RULE, BE ADJUDGED IN CONTEMPT. CONTEMPT SHALL BE

1 PUNISHABLE BY ANY ONE OR MORE OF THE FOLLOWING:

2 (1) IMPRISONMENT FOR A PERIOD NOT TO EXCEED SIX MONTHS.

3 (2) A FINE NOT TO EXCEED \$500.

4 (3) PROBATION FOR A PERIOD NOT TO EXCEED SIX MONTHS.

5 (B) CONDITION FOR RELEASE.--AN ORDER COMMITTING A PERSON TO
6 JAIL UNDER THIS SECTION SHALL SPECIFY THE CONDITION WHICH, WHEN
7 FULFILLED, WILL RESULT IN THE RELEASE OF THE OBLIGOR.

8 § ~~4346~~ 4347. Security for attendance or performance. <—

9 At any stage of the proceedings under this chapter, upon
10 affidavit filed that the obligor is about to leave this
11 Commonwealth or the judicial district or, where in the judgment
12 of the court, the obligor has habitually failed to comply with
13 court orders under this chapter, the court may, as prescribed by
14 general rule, issue appropriate process directing that the
15 ~~defendant~~ OBLIGOR be brought before the court and may direct <—
16 that the ~~defendant~~ OBLIGOR give security to appear when directed <—
17 by the court or to comply with any order of the court.

18 § ~~4347~~ 4348. Attachment of income. <—

19 (a) Existing orders.--As to orders of support entered prior
20 to the effective date of this part, the obligor's income shall
21 be attached where the obligor is in arrears ~~for a period~~ <—
22 ~~exceeding 30 days~~ IN AN AMOUNT EQUAL TO OR GREATER THAN ONE <—
23 MONTH'S SUPPORT OBLIGATION or at such earlier date as the court
24 may designate. This attachment shall be consistent with
25 constitutional due process requirements.

26 (b) Future orders.--As of October 1, 1985, all orders of
27 support entered OR MODIFIED by courts of this Commonwealth shall <—
28 provide for the mandatory attachment of the obligor's income
29 where the obligor is in arrears ~~for a period exceeding 30 days~~ <—
30 IN AN AMOUNT EQUAL TO OR GREATER THAN ONE MONTH'S SUPPORT <—

1 OBLIGATION or at such earlier date as the court may designate.
2 The court may, on its own motion, order the attachment of the
3 obligor's income where the court has a reasonable basis to
4 believe the obligor will not comply with the order of support.
5 In making this determination, the court may consider evidence of
6 the person's previous violations of orders entered pursuant to
7 this chapter. ~~This attachment shall be consistent with~~ <—
8 ~~constitutional due process requirements.~~ ATTACHMENT SHALL OCCUR <—
9 WITHOUT AMENDMENT TO THE ORDER OF SUPPORT.

10 (C) ARREARAGES.--

11 (1) IF SUPPORT ARREARAGES EXIST AT THE TIME OF THE ENTRY
12 OF THE ORDER, THE ORDER SHALL SPECIFY ALL OF THE FOLLOWING:

13 (I) TO WHOM AN ARREARAGE IS OWED AND THE AMOUNT OF
14 THE ARREARAGE.

15 (II) THE PERIOD OF TIME FOR WHICH THE ARREARAGE IS
16 CALCULATED.

17 (III) THE AMOUNT OF PERIODIC SUPPORT TO BE APPLIED
18 TO CURRENT SUPPORT AND THE AMOUNT TO BE APPLIED TO
19 ARREARAGES.

20 (IV) IF SUPPORT ARREARAGES ARE OWED TO MORE THAN ONE
21 OBLIGEE, HOW PAYMENTS ARE TO BE DIVIDED AND IN WHICH
22 PRIORITY.

23 (V) A DIRECTION THAT ALL PAYMENTS ARE TO BE CREDITED
24 TO CURRENT SUPPORT OBLIGATIONS FIRST, WITH ANY PAYMENT IN
25 EXCESS TO BE APPLIED TO ARREARAGES.

26 (2) IF THE ORDER RESULTS IN THE ATTACHMENT OF THE
27 MAXIMUM AMOUNT SET FORTH IN SUBSECTION (F), THE OBLIGOR MAY
28 PETITION FOR A HEARING. SUCH PETITION SHALL BE HEARD WITHIN
29 TEN DAYS FROM THE DATE OF FILING, BUT SHALL NOT STAY THE
30 ORDER OF ATTACHMENT.

(D) ATTACHMENT PROCESS.--THE OBLIGOR SHALL BE GIVEN ADVANCE NOTICE PRIOR TO THE ATTACHMENT OF HIS INCOME. SUCH NOTICE SHALL SPECIFY ALL OF THE FOLLOWING:

(I) THE AMOUNT TO BE WITHHELD.

(II) THAT THE ORDER OF ATTACHMENT SHALL APPLY TO CURRENT AND FUTURE EMPLOYERS.

(III) THAT THE GROUNDS FOR CONTESTING THE ORDER OF ATTACHMENT SHALL BE LIMITED TO MISTAKES OF FACT.

(IV) THAT ATTACHMENT SHALL OCCUR IN ALL CASES WITHIN TEN DAYS OF THE ISSUANCE OF THE ADVANCE NOTICE.

(V) A NOTICE OF HOW AND WHEN THE ORDER MAY BE CONTESTED.

(2) TO CONTEST THE ORDER, THE OBLIGOR MUST APPEAR BEFORE THE DOMESTIC RELATIONS SECTION NO LATER THAN TEN DAYS AFTER ISSUANCE OF THE INITIAL NOTICE AT WHICH TIME IT WILL BE DETERMINED IF A MISTAKE OF FACT HAS OCCURRED. IF SO, THE ORDER SHALL BE MODIFIED ACCORDINGLY.

~~(e)~~ (E) Request of obligor.--The court shall also order the attachment of income where the obligor so requests.

~~(d) Maximum amount. An order of attachment of income shall not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. § 1673(b)).~~

(F) MAXIMUM AMOUNT.

(1) THE MAXIMUM PART OF THE AGGREGATE DISPOSABLE EARNINGS OF AN INDIVIDUAL FOR ANY WORKWEEK WHICH IS SUBJECT TO ATTACHMENT TO ENFORCE ANY ORDER FOR THE SUPPORT OF ANY PERSON SHALL NOT EXCEED:

(I) WHERE SUCH INDIVIDUAL IS SUPPORTING HIS SPOUSE OR DEPENDENT CHILD, OTHER THAN A SPOUSE OR CHILD WITH RESPECT TO WHOSE SUPPORT SUCH ORDER IS USED, 50% OF SUCH

1 INDIVIDUAL'S DISPOSABLE EARNINGS FOR THAT WEEK.

2 (II) WHERE SUCH INDIVIDUAL IS NOT SUPPORTING SUCH A
3 SPOUSE OR DEPENDENT CHILD DESCRIBED IN SUBPARAGRAPH (I),
4 60% OF SUCH INDIVIDUAL'S DISPOSABLE EARNINGS FOR THAT
5 WEEK.

6 (2) WITH RESPECT TO THE DISPOSABLE EARNINGS OF ANY
7 INDIVIDUAL FOR ANY WORKWEEK, THE 50% SPECIFIED IN PARAGRAPH
8 (1)(I) SHALL BE DEEMED TO BE 55% AND THE 60% SPECIFIED IN
9 PARAGRAPH (1)(II) SHALL BE DEEMED TO BE 65%, IF AND TO THE
10 EXTENT THAT SUCH EARNINGS ARE SUBJECT TO ATTACHMENT TO
11 ENFORCE A SUPPORT ORDER WITH RESPECT TO A PERIOD WHICH IS
12 PRIOR TO THE 12-WEEK PERIOD WHICH ENDS WITH THE BEGINNING OF
13 SUCH WORKWEEK.

14 ~~(e)~~ (G) Termination.--The court may order the termination of <—
15 an order of attachment in ~~either~~ ANY of the following instances: <—

16 (1) The support obligation has terminated and the total
17 arrearages are paid.

18 (2) Where the payee cannot be located and it becomes
19 impossible to forward payments.

20 (3) THE RESULT WOULD BE UNCONSCIONABLE. <—

21 (H) NOTICE TO EMPLOYER.--THE EMPLOYER OF AN OBLIGOR SHALL BE
22 GIVEN NOTICE OF THE ATTACHMENT AS PROVIDED BY THE RULES OF CIVIL
23 PROCEDURE GOVERNING SUPPORT. THIS NOTICE SHALL INCLUDE REFERENCE
24 TO SUBSECTIONS (F), (J), (K) AND (M) AND ALL OF THE FOLLOWING:

25 (1) THE AMOUNT TO BE ATTACHED.

26 (2) THAT THE ATTACHMENT SHALL BE IMPLEMENTED AS SOON AS
27 POSSIBLE AND NO LATER THAN 14 DAYS FROM THE ISSUANCE OF THE
28 NOTICE TO THE EMPLOYER.

29 (3) THAT THE ATTACHMENT ORDER IS BINDING UPON THE
30 EMPLOYER UNTIL FURTHER NOTICE.

(4) THAT THE EMPLOYER MAY COMBINE ATTACHMENT PAYMENTS INTO A SINGLE PAYMENT TO THE DOMESTIC RELATIONS SECTION AND SEPARATELY IDENTIFY THE PORTIONS ATTRIBUTABLE TO EACH OBLIGOR.

~~(f)~~ (I) Effect of compliance by employer.--Compliance by an employer with an order of attachment of income operates as a discharge of the liability of the employer to the obligor as to that portion of the employment income of the obligor affected. The employer may deduct from the income of the obligor 3% of the amount paid under the order for reimbursement of the expense in complying with the order. In no case shall the money be deducted from the amount of the support order.

~~(g)~~ (J) Effect of noncompliance by employer.--

(1) An employer or officer or employee thereof who willfully fails to comply with an order of attachment under this chapter may, as prescribed by general rule, be adjudged in contempt and committed to jail or fined by the court.

(2) The employer shall be liable for any amount the employer WILLFULLY fails to withhold from income due an employee under an order of attachment of income and any amount which is withheld from such income but not forwarded to the domestic relations office.

(3) The court may, pursuant to general rule, attach funds or property of an employer.

~~(h)~~ (K) Disciplinary action by employer prohibited.--

(1) When an order of attachment on income is about to be or has been entered, an employer or officer or employee thereof shall not use the attachment or possibility thereof as a basis, in whole or in part, for the discharge of an employee or for any disciplinary action against or demotion

of, an employee. In case of a violation of this subsection, the employer or officer or employee thereof may be adjudged in contempt and committed to jail or fined by the court.

(2) Any employee aggrieved by a violation of this subsection shall have the substantive right to bring an action for damages by reason of such violation in a court of competent jurisdiction.

(L) CERTIFY INCOME.--UPON REQUEST OF THE DOMESTIC RELATIONS SECTION, THE EMPLOYER SHALL REPORT AND CERTIFY THE INCOME OF AN EMPLOYEE.

~~(i)~~ (M) Bonding.--The court may attach forms of income other than wages, assets including spendthrift trusts, and private and municipal pensions, and include bonding or other requirements in cases involving obligors whose income is from sources other than wages, in order to assure that support owed by obligors in this Commonwealth will be collected without regard to the types of these obligors' income or the nature of their income-producing activities.

~~(j)~~ (N) Priority of attachment.--An order of attachment under this chapter shall have priority over any attachment, execution, garnishment or wage assignment.

~~(k)~~ (O) Nonresidents.--Income attachment shall be available to obligees residing outside this Commonwealth where the income of the obligor is derived in this Commonwealth.

~~§ 4348~~ 4349. Consolidation of proceedings.

~~The court~~ IN ORDER TO FACILITATE FREQUENT AND UNIMPEDED CONTACT BETWEEN CHILDREN AND PARENTS, A JUDGE may consolidate with a support action or proceeding any proceeding commenced for visitation rights, sole or shared custody, temporary or permanent custody or any other matters pertaining to support

1 authorized by law which fairly and expeditiously may be
2 determined and disposed of in the support action or proceeding.

3 § ~~4349~~ 4350. Effect of appeal. <—

4 An appeal from an order of support entered pursuant to this
5 chapter shall not operate as a supersedeas UNLESS SO ORDERED BY <—
6 THE COURT.

7 § ~~4350~~ 4351. Costs and fees. <—

8 When it appears to the court that either party or both
9 parties are financially able to pay costs and fees, the court
10 may impose the costs and fees on either party or both parties.

11 § ~~4351~~ 4352. Continuing jurisdiction over support orders. <—

12 (a) General rule.--The court making an order of support
13 shall at all times maintain jurisdiction of the matter for the
14 purpose of enforcement of the order and for the purpose of
15 increasing, decreasing, modifying or rescinding the order
16 without limiting the right of the obligee to institute
17 additional proceedings for support in any county in which the
18 obligor resides or in which property of the obligor is situated.

19 (b) Transfer of action.--Where neither party to the action
20 resides or is employed in the county wherein the support action
21 was filed, the court may transfer the matter to either of the
22 two counties wherein the parties reside or are employed. If one
23 of the parties resides outside of this Commonwealth, the action
24 may be transferred to the county of residence or employment of
25 the other party.

26 (c) Foreign support orders.--The court may modify registered
27 foreign support orders when the foreign court declines,
28 surrenders or determines that it is an inappropriate forum to
29 modify the decree. The court may at any time remit, correct or
30 reduce the amount of arrearages.

1 (d) Applicability.--This section applies to all support
2 orders whether entered under this chapter or any other statute.
3 § ~~4352~~ 4353. Duty to report. <—

4 A party to a support proceeding shall notify the domestic
5 relations ~~office~~ SECTION in writing or by personal appearance <—
6 within ~~20~~ SEVEN days of any change of employment, change of <—
7 personal address or change of address of any child receiving
8 support. Willful failure to comply with this section may be
9 adjudged in contempt of court pursuant to section 4345 (relating
10 to contempt for noncompliance with support order).

11 CHAPTER 45

12 RECIPROCAL ENFORCEMENT OF

13 SUPPORT ORDERS

14 Sec.

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27 4540. Effect and enforcement of registered order.

28 § 4501. Short title and purposes of chapter.

29 (a) Short title.--This chapter shall be known and may be
30 cited as the Revised Uniform Reciprocal Enforcement of Support

1 Act (1968).

2 (b) Purposes.--The purposes of this chapter are to improve
3 and extend by reciprocal legislation the enforcement of duties
4 of support.

5 § 4502. Definitions.

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

9 "Court." The courts of common pleas of this Commonwealth and
10 when the context requires, the court of any other state as
11 defined in a substantially similar reciprocal law.

12 "Duty of support." A duty of support whether imposed or
13 imposable by law or by order, decree, or judgment of any court,
14 whether interlocutory or final or whether incidental to an
15 action for divorce, separation, separate maintenance, or
16 otherwise and includes the duty to pay arrearages of support
17 past due and unpaid.

18 "Governor." Includes any person performing the functions of
19 Governor or the executive authority of any state covered by this
20 chapter.

21 "Initiating court." The court in which a proceeding is
22 commenced.

23 "Initiating state." A state in which a proceeding pursuant
24 to this or a substantially similar reciprocal law is commenced.

25 "Law." Includes both common and statutory law.

26 "Obligee." A person to whom a duty of support is owed or a
27 person including a state or political subdivision that has
28 commenced a proceeding for enforcement of an alleged duty of
29 support or for registration of a support order. It is immaterial
30 if the person to whom a duty of support is owned is a recipient

1 of public assistance.

2 "Obligor." Any person owing a duty of support or against
3 whom a proceeding for the enforcement of a duty of support or
4 registration of a support order is commenced.

5 "Prosecuting attorney." The public official in the
6 appropriate place who has the duty to enforce laws relating to
7 the failure to provide for the support of any person.

8 "Register." To record in the Registry of Foreign Support
9 Orders.

10 "Registering court." Any court of this Commonwealth in which
11 a support order of a rendering state is registered.

12 "Rendering state." A state in which the court has issued a
13 support order for which registration is sought or granted in the
14 court of another state.

15 "Responding court." The court in which a responsive
16 proceeding is commenced.

17 "Responding state." A state in which any responsive
18 proceeding pursuant to the proceeding in the initiating state is
19 commenced.

20 "State." Includes a state, territory, or possession of the
21 United States, the District of Columbia, the Commonwealth of
22 Puerto Rico, and any foreign jurisdiction in which this or a
23 substantially similar reciprocal law is in effect.

24 "Support order." Any judgment, decree, or order of support
25 in favor of an obligee whether temporary or final, or subject to
26 modification, revocation, or remission, regardless of the kind
27 of action or proceeding in which it is entered.

28 § 4503. Remedies additional to those now existing.

29 The remedies provided in this chapter are in addition to and
30 not in substitution for any other remedies.

1 § 4504. Extent of duties of support.

2 Duties of support arising under the law of this Commonwealth,
3 when applicable under section 4507 (relating to choice of law),
4 bind the obligor present in this Commonwealth regardless of the
5 presence or residence of the obligee.

6 § 4505. Interstate rendition.

7 The Governor of this Commonwealth may:

8 (1) demand of the Governor of another state the
9 surrender of a person found in that state who is charged
10 criminally in this Commonwealth with failing to provide for
11 the support of any person; or

12 (2) surrender on demand by the Governor of another state
13 a person found in this Commonwealth who is charged criminally
14 in that state with failing to provide for the support of any
15 person.

16 Provisions for extradition of criminals not inconsistent with
17 this chapter apply to the demand even if the person whose
18 surrender is demanded was not in the demanding state at the time
19 of the commission of the crime and has not fled therefrom. The
20 demand, the oath, and any proceedings for extradition pursuant
21 to this section need not state or show that the person whose
22 surrender is demanded has fled from justice or at the time of
23 the commission of the crime was in the demanding state.

24 § 4506. Conditions of interstate rendition.

25 (a) Obligor in another state.--Before making the demand upon
26 the Governor of another state for the surrender of a person
27 charged criminally in this Commonwealth with failing to provide
28 for the support of a person, the Governor of this Commonwealth
29 may require any prosecuting attorney of this Commonwealth to
30 satisfy him that at least 60 days prior thereto the obligee

1 initiated proceedings for support under this chapter or that the
2 initiation of any proceeding would be of no avail.

3 (b) Obligor in this Commonwealth.--If, under a substantially
4 similar law, the Governor of another state makes a demand upon
5 the Governor of this Commonwealth for the surrender of a person
6 charged criminally in that state with failure to provide for the
7 support of a person, the Governor may require any prosecuting
8 attorney to investigate the demand and to report to him whether
9 proceedings for support have been initiated or would be
10 effective. If it appears to the Governor that a proceeding would
11 be effective but has not been initiated he may delay honoring
12 the demand for a reasonable time to permit the initiation of a
13 proceeding.

14 (c) Effect of support proceedings.--If proceedings have been
15 initiated and the person demanded has prevailed therein the
16 Governor may decline to honor the demand. If the obligee
17 prevailed and the person demanded is subject to a support order,
18 the Governor may decline to honor the demand if the person
19 demanded is complying with the support order.

20 § 4507. Choice of law.

21 Duties of support applicable under this chapter are those
22 imposed under the laws of any state where the obligor was
23 present for the period during which support is sought. The
24 obligor is presumed to have been present in the responding state
25 during the period for which support is sought until otherwise
26 shown.

27 § 4508. Remedies of state or political subdivision furnishing
28 support.

29 If a state or a political subdivision furnishes support to an
30 individual obligee it has the same right to initiate a

1 proceeding under this chapter as the individual obligee for the
2 purpose of securing reimbursement for support furnished and of
3 obtaining continuing support.

4 § 4509. How duties of support are enforced.

5 All duties of support, including the duty to pay arrearages,
6 are enforceable by a proceeding under this chapter including a
7 proceeding for civil contempt. The defense that the parties are
8 immune to suit because of their relationship as husband and wife
9 or parent and child is not available to the obligor.

10 § 4510. Jurisdiction.

11 Jurisdiction of any proceeding under this chapter is vested
12 in the courts of common pleas.

13 § 4511. Petition for support.

14 (a) Contents.--The petition shall be verified and shall
15 state the name and, so far as known to the obligee, the address
16 and circumstances of the obligor, the persons for whom support
17 is sought, and all other pertinent information. The obligee may
18 include in or attach to the petition any information which may
19 help in locating or identifying the obligor including a
20 photograph of the obligor, a description of any distinguishing
21 marks on his person, other names and aliases by which he has
22 been or is known, the name of his employer, his fingerprints,
23 and his social security number.

24 (b) Filing.--The petition may be filed in the appropriate
25 court of any state in which the obligee resides. The court may
26 decline or refuse to accept and forward the petition on the
27 ground that it should be filed with some other court of this or
28 any other state where there is pending another action for
29 divorce, separation, annulment, dissolution, habeas corpus,
30 adoption, or custody between the same parties or where another

1 court has already issued a support order in some other
2 proceeding and has retained jurisdiction for its enforcement.
3 § 4512. Officials to represent obligee.

4 If this Commonwealth is acting as an initiating state the
5 prosecuting attorney upon the request of the court, or a
6 Commonwealth or local welfare official shall represent the
7 obligee in any proceeding under this chapter. If the prosecuting
8 attorney neglects or refuses to represent the obligee, the
9 Department of Public Welfare may undertake the representation.
10 § 4513. Petition for a minor.

11 A petition on behalf of a minor obligee may be executed and
12 filed by a person having legal custody of the minor without
13 appointment as guardian ad litem.

14 § 4514. Duty of initiating court.

15 If the initiating court finds that the petition sets forth
16 facts from which it may be determined that the obligor owes a
17 duty of support and that a court of the responding state may
18 obtain jurisdiction of the obligor or his property it shall so
19 certify and cause three copies of the petition and its
20 certificate and one copy of this chapter to be sent to the
21 responding court. Certification shall be in accordance with the
22 requirements of the initiating state. If the name and address of
23 the responding court is unknown and the responding state has an
24 information agency comparable to that established in the
25 initiating state it shall cause the copies to be sent to the
26 state information agency or other proper official of the
27 responding state, with a request that the agency or official
28 forward them to the proper court and that the court of the
29 responding state acknowledge their receipt to the initiating
30 court.

1 § 4515. Costs and fees.

2 An initiating court shall not require payment of either a
3 filing fee or other costs from the obligee but may request the
4 responding court to collect fees and costs from the obligor. A
5 responding court shall not require payment of a filing fee or
6 other costs from the obligee but it may direct that all fees and
7 costs requested by the initiating court and all fees and costs
8 incurred in this Commonwealth when acting as a responding state,
9 including fees for filing of pleadings, service of process,
10 seizure of property, stenographic or duplication service, or
11 other service supplied to the obligor, be paid in whole or in
12 part by the obligor or by the state or political subdivision
13 thereof. These costs or fees do not have priority over amounts
14 due to the obligee.

15 § 4516. Jurisdiction by arrest.

16 (a) General rule.--If the court of this Commonwealth
17 believes that the obligor may flee it may:

18 (1) as an initiating court, request in its certificate
19 that the responding court obtain the body of the obligor by
20 appropriate process; or

21 (2) as a responding court, obtain the body of the
22 obligor by appropriate process. Thereupon it may release him
23 upon his own recognizance or upon his giving a bond in an
24 amount set by the court to assure his appearance at the
25 hearing. When the obligor is detained for the hearing, the
26 hearing shall be held within 15 days from the date of arrest.
27 The court may compel the attendance at a hearing by
28 attachment process directed to the sheriff or other proper
29 officer of the county directing and commanding that the
30 obligor be brought before the court at such time as the court

1 may direct. If the court, whenever an attachment is issued in
2 any county as provided in this paragraph, shall find after
3 hearing that the obligor has willfully neglected or refused
4 to comply with any order of the court, the court may adjudge
5 such person in contempt of court and, in its discretion, may
6 commit such person to the county jail or house of correction
7 until compliance with such order, but in no case for a period
8 exceeding six months. The court in its order shall state the
9 condition upon which fulfillment will result in the release
10 of the obligor.

11 (b) Philadelphia cases.--In the first judicial district the
12 obligor shall be brought before the court forthwith, but in any
13 event within 48 hours or two court working days, whichever is
14 the longer from the time the obligor is taken in custody
15 pursuant to the attachment; at which time, if the court shall
16 find, after hearing, that the obligor is about to leave the
17 jurisdiction, the court may direct that he give security, by one
18 or more sureties, to appear when directed by the court, or to
19 comply with any order of court.

20 § 4517. State information agency.

21 (a) General rule.--The Department of Public Welfare is
22 designated as the state information agency under this chapter.
23 It shall:

24 (1) Compile a list of the courts and their addresses in
25 this Commonwealth having jurisdiction under this chapter and
26 transmit it to the state information agency of every other
27 state which has adopted this or a substantially similar law.
28 Upon the adjournment of each session of the General Assembly
29 the agency shall distribute copies of any amendments to this
30 chapter and a statement of their effective date to all other

1 state information agencies.

2 (2) Maintain a register of lists of courts received from
3 other states and transmit copies thereof promptly to every
4 court in this Commonwealth having jurisdiction under this
5 chapter.

6 (3) Forward to the court in this Commonwealth which has
7 jurisdiction over the obligor or his property petitions,
8 certificates and copies of the laws it receives from courts
9 or information agencies of other states.

10 (b) Inquiry for obligor.--If the state information agency
11 does not know the location of the obligor or his property in the
12 state and no state location service is available it shall use
13 all means at its disposal to obtain this information, including
14 the examination of official records in the state and other
15 sources such as telephone directories, real property records,
16 vital statistics records, police records, requests for the name
17 and address from employers who are able or willing to cooperate,
18 records of motor vehicle license offices, requests made to the
19 tax offices, both State and Federal, where such offices are able
20 to cooperate, and requests made to the Social Security
21 Administration as permitted by the Social Security Act as
22 amended.

23 (c) Department of Public Welfare prosecution.--After the
24 deposit of three copies of the petition and certificate and one
25 copy of the law of the initiating state with the clerk of the
26 appropriate court, if the state information agency knows or
27 believes that the prosecuting attorney is not prosecuting the
28 case diligently it shall inform the Department of Public
29 Welfare, who may undertake the representation.

30 § 4518. Duty of the court and officials of this Commonwealth as

1 responding state.

2 (a) Docketing and notice.--After the responding court
3 receives copies of the petition, certificate and law from the
4 initiating court the clerk of the court shall docket the case
5 and notify the prosecuting attorney of his action.

6 (b) District attorney prosecution.--The prosecuting attorney
7 shall prosecute the case diligently. He shall take all action
8 necessary in accordance with the laws of this Commonwealth to
9 enable the court to obtain jurisdiction over the obligor or his
10 property and shall request the clerk of the court to set a time
11 and place for a hearing and give notice thereof to the obligor
12 in accordance with law.

13 (c) Department of Public Welfare prosecution.--If the
14 prosecuting attorney neglects or refuses to represent the
15 obligee, the Department of Public Welfare may undertake the
16 representation.

17 § 4519. Further duties of court and officials of responding
18 state.

19 (a) General rule.--The prosecuting attorney on his own
20 initiative shall use all means at his disposal to locate the
21 obligor or his property, and if because of inaccuracies in the
22 petition or otherwise the court cannot obtain jurisdiction the
23 prosecuting attorney shall inform the court of what he has done
24 and request the court to continue the case pending receipt of
25 more accurate information or an amended petition from the
26 initiating court.

27 (b) Forwarding of documents.--If the obligor or his property
28 is not found in the county, and the prosecuting attorney
29 discovers that the obligor or his property may be found in
30 another county of this Commonwealth or in another state he shall

1 so inform the court. Thereupon the clerk of the court shall
2 forward the documents received from the court in the initiating
3 state to a court in the other county or to a court in the other
4 state or to the information agency or other proper official of
5 the other state with a request that the documents be forwarded
6 to the proper court. All powers and duties provided by this
7 chapter apply to the recipient of the documents so forwarded. If
8 the clerk of a court of this Commonwealth forwards documents to
9 another court he shall forthwith notify the initiating court.

10 (c) Notice of no information.--If the prosecuting attorney
11 has no information as to the location of the obligor or his
12 property he shall so inform the initiating court.

13 § 4520. Hearing and continuance.

14 If the obligee is not present at the hearing and the obligor
15 denies owing the duty of support alleged in the petition or
16 offers evidence constituting a defense the court, upon request
17 of either party, shall continue the hearing to permit evidence
18 relative to the duty to be adduced by either party by deposition
19 or by appearing in person before the court. The court may
20 designate the judge of the initiating court as a person before
21 whom a deposition may be taken.

22 § 4521. Immunity from criminal prosecution.

23 If at the hearing the obligor is called for examination as an
24 adverse party and he declines to answer upon the ground that his
25 testimony may tend to incriminate him, the court may require him
26 to answer, in which event he is immune from criminal prosecution
27 with respect to matters revealed by his testimony, except for
28 perjury committed in this testimony.

29 § 4522. Evidence of husband and wife.

30 Laws attaching a privilege against the disclosure of

1 communications between husband and wife are inapplicable to
2 proceedings under this chapter. Husband and wife are competent
3 witnesses and may be compelled to testify to any relevant
4 matter, including marriage and parentage.

5 § 4523. Rules of evidence.

6 In any hearing for the civil enforcement of this chapter the
7 court is governed by the rules of evidence applicable in a civil
8 matter in the court of common pleas. If the action is based on a
9 support order issued by another court a certified copy of the
10 order shall be received as evidence of the duty of support,
11 subject only to any defenses available to an obligor under
12 section 4527 (relating to paternity) or to a defendant in an
13 action or a proceeding to enforce a foreign money judgment. The
14 determination or enforcement of a duty of support owed to one
15 obligee is unaffected by any interference by another obligee
16 with rights of custody or visitation granted by a court.

17 § 4524. Order of support.

18 If the responding court finds a duty of support it may order
19 the obligor to furnish support or reimbursement therefor and
20 subject the property of the obligor to the order. Support orders
21 made pursuant to this chapter shall require that payments be
22 made to the clerk of the court of the responding state, or to
23 other officer designated by the court. The court and prosecuting
24 attorney of any county in which the obligor is present or has
25 property have the same powers and duties to enforce the order as
26 have those of the county in which it was first issued. If
27 enforcement is impossible or cannot be completed in the county
28 in which the order was issued, the prosecuting attorney shall
29 send a certified copy of the order to the prosecuting attorney
30 of any county in which it appears that proceedings to enforce

1 the order would be effective. The prosecuting attorney to whom
2 the certified copy of the order is forwarded shall proceed with
3 enforcement and report the results of the proceedings to the
4 court first issuing the order.

5 § 4525. Responding court to transmit copies to initiating
6 court.

7 The responding court shall cause a copy of all support orders
8 to be sent to the initiating court.

9 § 4526. Additional powers of responding court.

10 In addition to the foregoing powers set forth in this chapter
11 a responding court may subject the obligor to any terms and
12 conditions proper to assure compliance with its orders and in
13 particular to:

14 (1) Require the obligor to furnish a cash deposit or a
15 bond of a character and amount to assure payment of any
16 amount due.

17 (2) Require the obligor to report personally and to make
18 payments at specific intervals to the clerk of the court, or
19 to other officer designated by the court.

20 (3) Punish under the power of contempt the obligor who
21 violates any order of the court. No such punishment shall be
22 administered until the court shall find, after hearing, that
23 the violation was willful.

24 § 4527. Paternity.

25 If the obligor asserts as a defense that he is not the father
26 of the child for whom support is sought and it appears to the
27 court that the defense is not frivolous, and if both of the
28 parties are present at the hearing or the proof required in the
29 case indicates that the presence of either or both of the
30 parties is not necessary, the court may adjudicate the paternity

1 issue. Otherwise the court may adjourn the hearing until the
2 paternity issue has been adjudicated.

3 § 4528. Additional duties of responding court.

4 A responding court has the following duties which may be
5 carried out through the clerk of the court, or other officer
6 designated by the court:

7 (1) To transmit to the initiating court any payment made
8 by the obligor pursuant to any order of the court or
9 otherwise.

10 (2) To furnish to the initiating court upon request a
11 certified statement of all payments made by the obligor.

12 § 4529. Additional duty of initiating court.

13 An initiating court shall receive and disburse forthwith all
14 payments made by the obligor or sent by the responding court.
15 This duty may be carried out through the clerk of the court, or
16 other officer designated by the court.

17 § 4530. Proceedings not to be stayed.

18 A responding court shall not stay the proceeding or refuse a
19 hearing under this chapter because of any pending or prior
20 action or proceeding for divorce, separation, annulment,
21 dissolution, habeas corpus, adoption, or custody in this
22 Commonwealth or any other state. The court shall hold a hearing
23 and may issue a support order pendente lite. In aid thereof it
24 may require the obligor to give a bond for the prompt
25 prosecution of the pending proceeding. If the other action or
26 proceeding is concluded before the hearing in the instant
27 proceeding and the judgment therein provides for the support
28 demanded in the petition being heard the court must take into
29 account in placing its support order the amount allowed in the
30 other action or proceeding. Thereafter the court shall not stay

1 enforcement of its support order because of the retention of
2 jurisdiction for enforcement purposes by the court in the other
3 action or proceeding.

4 § 4531. Application of payments.

5 A support order made by a court of this Commonwealth pursuant
6 to this chapter does not nullify and is not nullified by a
7 support order made by a court of this Commonwealth pursuant to
8 any other law or by a support order made by a court of any other
9 state pursuant to a substantially similar law or any other law,
10 regardless of priority of issuance, unless otherwise
11 specifically provided by the court. Amounts paid for a
12 particular period pursuant to any support order made by the
13 court of another state shall be credited against the amounts
14 accruing or accrued for the same period under any support order
15 made by the court of this Commonwealth.

16 § 4532. Effect of participation in proceeding.

17 Participation in any proceeding under this chapter does not
18 confer jurisdiction upon any court over any of the parties
19 thereto in any other proceeding.

20 § 4533. Intrastate application.

21 This chapter applies if both the obligee and the obligor are
22 in this Commonwealth but in different counties. If the court of
23 the county in which the petition is filed finds that the
24 petition sets forth facts from which it may be determined that
25 the obligor owes a duty of support and finds that a court of
26 another county in this Commonwealth may obtain jurisdiction over
27 the obligor or his property, the clerk of the court shall send
28 the petition and a certification of the findings to the court of
29 the county in which the obligor or his property is found. The
30 clerk of the court of the county receiving these documents shall

1 notify the prosecuting attorney of their receipt. The
2 prosecuting attorney and the court in the county to which the
3 copies are forwarded then shall have duties corresponding to
4 those imposed upon them when acting for this Commonwealth as a
5 responding state.

6 § 4534. Appeals.

7 (a) By Department of Public Welfare.--If the Department of
8 Public Welfare is of the opinion that a support order is
9 erroneous, or inadequate, or presents a question of law
10 warranting an appeal in the public interest, it may:

11 (1) perfect an appeal to the proper appellate court if
12 the support order was issued by a court of this Commonwealth;
13 or

14 (2) if the support order was issued in another state,
15 cause the appeal to be taken in the other state.

16 In either case expenses of appeal taken by such department may
17 be paid from funds appropriated to the Department of Public
18 Welfare.

19 (b) By obligee.--In the event the Department of Public
20 Welfare fails or refuses to file an appeal on behalf of the
21 obligee, such obligee may file such appeal as provided in
22 subsection (a).

23 (c) By obligor.--The obligor shall have the right to file an
24 appeal to the proper appellate court if the support order was
25 issued by a court of this Commonwealth, or may cause the appeal
26 to be taken in the other state, if the support order was issued
27 in another state.

28 § 4535. Additional remedies.

29 If the duty of support is based on a foreign support order,
30 the obligee has the additional remedies provided in the

1 following sections of this chapter.

2 § 4536. Registration.

3 The obligee may register the foreign support order in a court
4 of this Commonwealth in the manner, with the effect, and for the
5 purposes provided in this chapter.

6 § 4537. Registry of foreign support orders.

7 The clerk of the court shall maintain a registry of foreign
8 support orders in which he shall file foreign support orders.

9 § 4538. Official to represent obligee.

10 (a) General rule.--If this Commonwealth is acting either as
11 a rendering or a registering state the prosecuting attorney upon
12 the request of the court, or a Commonwealth or other local
13 welfare official, shall represent the obligee in proceedings
14 under this chapter.

15 (b) Department of Public Welfare prosecution.--If the
16 prosecuting attorney neglects or refuses to represent the
17 obligee, the Department of Public Welfare may undertake the
18 representation.

19 § 4539. Registration procedure.

20 (a) General rule.--An obligee seeking to register a foreign
21 support order in a court of this Commonwealth shall transmit to
22 the clerk of the court:

23 (1) One certified copy of the order with all
24 modifications thereof.

25 (2) One copy of the reciprocal enforcement of support
26 law of the state in which the order was made.

27 (3) A statement verified and signed by the obligee,
28 showing the post office address of the obligee, the last
29 known place of residence and post office address of the
30 obligor, the amount of support remaining unpaid, a

1 description and the location of any property of the obligor
2 available upon execution, and a list of the states in which
3 the order is registered.

4 Upon receipt of these documents the clerk of the court, without
5 payment of a recording fee or other cost to the obligee, shall
6 record them in the registry of foreign support orders. The
7 recording constitutes registration under this chapter.

8 (b) Notice.--Within ten days after the registration the
9 clerk of the court shall send by certified or registered mail to
10 the obligor at the address given a notice of the registration
11 with a copy of the registered support order and the post office
12 address of the obligee. He shall also docket the case and notify
13 the prosecuting attorney of his action. The prosecuting attorney
14 shall proceed diligently to enforce the order.

15 § 4540. Effect and enforcement of registered order.

16 (a) Effect.--Upon registration the registered foreign
17 support order shall be treated in the same manner as a support
18 order issued by a court of this Commonwealth. It has the same
19 effect and is subject to the same procedures, defenses, and
20 proceedings for reopening, vacating, or staying as a support
21 order of this Commonwealth and may be enforced and satisfied in
22 like manner.

23 (b) Challenge to order.--The obligor has 20 days after the
24 mailing of notice of the registration in which to petition the
25 court to vacate the registration or for other relief. If he does
26 not so petition the registered support order is confirmed.

27 (c) Procedure.--At the hearing to enforce the registered
28 support order the obligor may present only matters that would be
29 available to him as defenses in an action to enforce a foreign
30 money judgment. If he shows to the court that an appeal from the

1 order is pending or will be taken or that a stay of execution
2 has been granted the court shall stay enforcement of the order
3 until the appeal is concluded, the time for appeal has expired,
4 or the order is vacated, upon satisfactory proof that the
5 obligor has furnished security for payment of the support
6 ordered as required by the rendering state. If he shows to the
7 court any ground upon which enforcement of a support order of
8 this Commonwealth may be stayed the court shall stay enforcement
9 of the order for an appropriate period if the obligor furnishes
10 the same security for payment of the support ordered that is
11 required for a support order of this Commonwealth.

12 Section 2. Savings provision.--(a) This act does not
13 affect+ <—

14 ~~(1) Any court order or decree entered, act done,~~
15 ~~liability incurred or right accrued or vested.~~

16 ~~(2) Any action or proceeding pending.~~

17 ~~(3) The~~ THE ability to enforce any right to penalty or <—
18 punish any offense under the authority of statutes repealed
19 by this act.

20 (b) This act does not repeal or modify sections 1, 2, 3, 4,
21 5 and 6 of the act of June 24, 1937 (P.L.2045, No.397), known as
22 The Support Law.

23 Section 3. Repeals.--(a) The following acts or parts of
24 acts are repealed:

25 Act of February 22, 1718 (1 Sm.L. 99, Ch. 226), entitled "An
26 act concerning feme-sole traders."

27 Act of April 11, 1848 (P.L.536, No.372), entitled "A
28 supplement to an act, entitled 'An Act relative to the Le
29 Raysville Phalanx,' passed March, Anno Domini one thousand eight
30 hundred and forty-seven, and relative to obligators and

1 obligees, to secure the right of married women, in relation to
2 defalcation, and to extend the boundaries of the borough of
3 Ligonier."

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

18 Act of April 15, 1851 (P.L.669, No.358), entitled "An act to
19 incorporate a company to erect a bridge over the river
20 Schuylkill at Spring Mill, in Montgomery county, relative to the
21 nineteenth section of 'An act regulating certain election
22 districts, &c,' approved March twenty-ninth, eighteen hundred
23 and fifty-one, to school directors in Philadelphia county, to
24 actions for damages sustained by injuries done to the person by
25 negligence or default, relative to the accounts of John Humes,
26 deceased, to authorize the trustees of the Seventh Presbyterian
27 church of Philadelphia to convey certain real estate, to
28 security for moneys loaned by wives to husbands, to unpaid
29 school taxes in Bradford county, and relative to service or
30 process on agents of joint stock companies."

1 Act of May 4, 1855 (P.L.430, No.456), entitled "An act
2 relating to certain duties and rights of Husband and Wife, and
3 Parents and Children."

4 Act of April 11, 1856 (P.L.315, No.334), entitled "An act
5 relating to the rights of property of Husband and Wife."

6 Act of April 1, 1863 (P.L.212, No.225), entitled "A
7 supplement to the act to secure the rights of married women,
8 passed the eleventh day of April, Anno Domini one thousand eight
9 hundred and forty-eight."

10 Act of April 3, 1872 (P.L.35, No.24), entitled "An act
11 securing to married women their separate earnings."

12 Act of June 11, 1879 (P.L.126, No.129), entitled "An act
13 relative to actions brought by husband and wife, or by the wife
14 alone, for her separate property, in cases of desertion."

15 Act of June 8, 1893 (P.L.344, No.284), entitled "An act
16 relating to husband and wife, enlarging her capacity to acquire
17 and dispose of property, to sue and be sued, and to make a last
18 will, and enabling them to sue and to testify against each other
19 in certain cases."

20 Act of July 9, 1897 (P.L.212, No.171), entitled "An act
21 authorizing married women, living separate and apart from their
22 husbands under separation agreements, to convey and encumber
23 their real estate without the joinder of their husbands."

24 Act of June 4, 1901 (P.L.425, No.233), entitled "An act
25 regulating trusts arising from the payment of the purchase money
26 of land by one person, and the taking of the legal title in the
27 name of another."

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

1 husband."

2 Act of June 3, 1911 (P.L.631, No.241), entitled "An act
3 authorizing a married woman to make conveyances of real estate
4 to her husband, and validating all such conveyances heretofore
5 made."

6 Act of May 1, 1913 (P.L.146, No.97), entitled "An act
7 enabling a married woman, who has been deserted, abandoned, or
8 driven from her home by her husband, to sue her husband, upon
9 any cause of action whatsoever; and making such wife a competent
10 witness against the husband in such case."

11 Act of June 12, 1913 (P.L.502, No.330), entitled "An act to
12 increase the powers of courts in summary proceedings for
13 desertion or non-support of wives, children, or aged parents, by
14 directing that imprisonment in such cases be at hard labor in
15 such institution as the court shall name, with the wages payable
16 to the wives, children, or parents; providing for the
17 disbursement of moneys collected on forfeitures of bonds, bail-
18 bonds, or recognizances; and by empowering such courts to
19 appoint desertion probation officers for the performance of such
20 duties as the court shall direct; and providing for the payment
21 of the expenses incident to the carrying out of this act."

22 Act of May 28, 1915 (P.L.639, No.279), entitled "An act to
23 permit a married woman whose husband has lived separate and
24 apart from her for one year or more, and who during that time
25 has not been supported by her husband, to become a feme sole
26 trader."

27 Act of June 2, 1919 (P.L.363, No.177), entitled "An act to
28 quiet the title of real estate by providing that the sale of
29 real estate of any bankrupt or insolvent debtor shall pass the
30 title of such real estate freed from any claims for, or rights

1 to, any statutory interest inchoate of the spouse of the
2 bankrupt or insolvent debtor."

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

17 Act of July 17, 1957 (P.L.969, No.417), entitled "An act
18 enlarging the rights and powers of married women as to property
19 and contracts and repealing certain provisions."

20 Act of August 7, 1961 (P.L.961, No.426), entitled "An act
21 authorizing minor spouses to join their adult spouse in the
22 conveyance or mortgaging of their real estate and to execute
23 bonds or other obligations in connection therewith and
24 validating such action taken."

25 18 Pa.C.S. Ch. 43 Subch. B (relating to nonsupport).

26 42 Pa.C.S. Ch. 67 (relating to support proceedings).

27 (b) All other acts and parts of acts are repealed insofar as
28 they are inconsistent with this act.

29 Section 4. Effective date.--This act shall take effect in 90
30 days.