

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, JOSEPHS AND PRESSMANN, JANUARY 23, 1985

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 27, 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.

5 TABLE OF CONTENTS

6 TITLE 23

7 DOMESTIC RELATIONS

8 PART V. SUPPORT, PROPERTY AND CONTRACTS

9 Chapter 41. General Provisions

10 § 4101. Liability for debts contracted before marriage.

11 § 4102. Liability for purchases by married person.

12 § 4103. Liability on judgment against married person.

13 § 4104. Right of married person to separate earnings.

1 § 4105. Loans between married persons.

2 § 4106. Construction of chapter.

3 Chapter 43. Support Matters Generally

4 Subchapter A. General Provisions

5 § 4301. Scope of chapter.

6 § 4302. Definitions.

7 § 4303. Information to consumer credit bureau.

8 § 4304. Cooperation of Commonwealth agencies.

9 § 4305. General administration of support matters.

10 Subchapter B. Support

11 § 4321. Liability for support.

12 § 4322. Support guidelines.

13 § 4323. Support of emancipated child.

14 § 4324. Inclusion of medical support.

15 § 4325. Payment of order of support.

16 Subchapter C. Proceedings Generally

17 § 4341. Commencement of support actions or proceedings.

18 § 4342. Expedited procedure.

19 § 4343. Paternity.

20 § 4344. Contempt for failure of obligor to appear.

21 § 4345. Contempt for noncompliance with support order.

22 § 4346. Contempt for noncompliance with visitation or

23 partial custody order.

24 § 4347. Security for attendance or performance.

25 § 4348. Attachment of income.

26 § 4349. Consolidation of proceedings.

27 § 4350. Effect of appeal.

28 § 4351. Costs and fees.

29 § 4352. Continuing jurisdiction over support orders.

30 § 4353. Duty to report.

1 Chapter 45. Reciprocal Enforcement of Support Orders

2 § 4501. Short title and purposes of chapter.

3 § 4502. Definitions.

4 § 4503. Remedies additional to those now existing.

5 § 4504. Extent of duties of support.

6 § 4505. Interstate rendition.

7 § 4506. Conditions of interstate rendition.

8 § 4507. Choice of law.

9 § 4508. Remedies of state or political subdivision furnishing
10 support.

11 § 4509. How duties of support are enforced.

12 § 4510. Jurisdiction.

13 § 4511. Petition for support.

14 § 4512. Officials to represent obligee.

15 § 4513. Petition for a minor.

16 § 4514. Duty of initiating court.

17 § 4515. Costs and fees.

18 § 4516. Jurisdiction by arrest.

19 § 4517. State information agency.

20 § 4518. Duty of the court and officials of this Commonwealth as
21 responding state.

22 § 4519. Further duties of court and officials of responding
23 state.

24 § 4520. Hearing and continuance.

25 § 4521. Immunity from criminal prosecution.

26 § 4522. Evidence of husband and wife.

27 § 4523. Rules of evidence.

28 § 4524. Order of support.

29 § 4525. Responding court to transmit copies to initiating
30 court.

1 § 4526. Additional powers of responding court.
2 § 4527. Paternity.
3 § 4528. Additional duties of responding court.
4 § 4529. Additional duty of initiating court.
5 § 4530. Proceedings not to be stayed.
6 § 4531. Application of payments.
7 § 4532. Effect of participation in proceeding.
8 § 4533. Intrastate application.
9 § 4534. Appeals.
10 § 4535. Additional remedies.
11 § 4536. Registration.
12 § 4537. Registry of foreign support orders.
13 § 4538. Official to represent obligee.
14 § 4539. Registration procedure.
15 § 4540. Effect and enforcement of registered order.

16 PART VI. CHILDREN AND MINORS

←

17 CHAPTER 53. CUSTODY

18 SUBCHAPTER A. GENERAL PROVISIONS

19 § 5301. DECLARATION OF POLICY.
20 § 5302. DEFINITIONS.
21 § 5303. AWARD OF SOLE CUSTODY.
22 § 5304. AWARD OF SHARED CUSTODY.
23 § 5305. COUNSELING.
24 § 5306. PLAN FOR IMPLEMENTATION OF CUSTODY ORDER.
25 § 5307. DENIAL OF CUSTODY UNDER AGREEMENT OR PLAN.
26 § 5308. REMOVAL OF PARTY OR CHILD FROM JURISDICTION.
27 § 5309. ACCESS TO RECORDS AND INFORMATION.
28 § 5310. MODIFICATION OF EXISTING CUSTODY ORDERS.
29 § 5311. WHEN PARENT DECEASED.
30 § 5312. WHEN PARENTS' MARRIAGE IS DISSOLVED OR PARENTS

1 ARE SEPARATED.

2 § 5313. WHEN CHILD HAS RESIDED WITH GRANDPARENTS.

3 § 5314. EXCEPTION FOR ADOPTED CHILDREN.

4 SUBCHAPTER B. (RESERVED)

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

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

9 PART V

10 SUPPORT, PROPERTY AND CONTRACTS

11 Chapter

12 41. General Provisions

13 43. Support Matters Generally

14 45. Reciprocal Enforcement of Support Orders

15 CHAPTER 41

16 GENERAL PROVISIONS

17 Sec.

18 4101. Liability for debts contracted before marriage.

19 4102. Liability for purchases by married person.

20 4103. Liability on judgment against married person.

21 4104. Right of married person to separate earnings.

22 4105. Loans between married persons.

23 4106. Construction of chapter.

24 § 4101. Liability for debts contracted before marriage.

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

28 (b) Liability of property unaffected.--This chapter does not
29 protect the property of a married person from liability for
30 debts contracted by or in the name of the married person by any

1 person authorized to so contract.

2 § 4102. Liability for purchases by married person.

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

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

11 § 4103. Liability on judgment against married person.

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

15 § 4104. Right of married person to separate earnings.

16 A married person has the right to the separate benefit and
17 use of the separate earnings of that person except with respect
18 to legal support obligations due to other persons.

19 § 4105. Loans between married persons.

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

24 § 4106. Construction of chapter.

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

27 CHAPTER 43

28 SUPPORT MATTERS GENERALLY

29 Subchapter

30 A. General Provisions

1 B. Support

2 C. Proceedings Generally

3 D. Proceedings Against Entireties Property

4 SUBCHAPTER A

5 GENERAL PROVISIONS

6 Sec.

7 4301. Scope of chapter.

8 4302. Definitions.

9 4303. Information to consumer credit bureau.

10 4304. Cooperation of Commonwealth agencies.

11 4305. General administration of support matters.

12 § 4301. Scope of chapter.

13 (a) General rule.--Actions or proceedings provided by this
14 chapter are in addition to and not in substitution of actions or
15 proceedings provided by unsuspended statutes where there is
16 desertion or a failure to perform a duty to support.

17 (b) Persons in institutions and foster homes.--Matters
18 relating to the support of persons living in public or private
19 institutions or receiving foster home care and who are otherwise
20 entitled to support under this chapter shall be determined by
21 the court under the statutes pertaining to those institutions or
22 foster homes.

23 § 4302. Definitions.

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

27 "Employer." Includes an individual, partnership,
28 association, corporation, trust, Federal agency, Commonwealth
29 agency or political subdivision paying or obligated to pay
30 income.

1 "Income." Includes compensation for services, including, but
2 not limited to, wages, salaries, fees, compensation in kind,
3 commissions and similar items; income derived from business;
4 gains derived from dealings in property; interest; rents;
5 royalties; dividends; annuities; income from life insurance and
6 endowment contracts; all forms of retirement; pensions; income
7 from discharge of indebtedness; distributive share of
8 partnership gross income; income in respect of a decedent;
9 income from an interest in an estate or trust; military
10 retirement benefits; railroad employment retirement benefits;
11 social security benefits; temporary and permanent disability
12 benefits; workmen's compensation and unemployment compensation.

13 "Net income." Gross income minus taxes AND ANY OTHER
14 DEDUCTIONS MANDATED BY THE EMPLOYER AS A CONDITION OF
15 EMPLOYMENT.

<—

16 "Order of support." Includes assistance imposed or imposable
17 by law or by any court order, whether interlocutory or final,
18 whether incidental to a proceeding for divorce, separate
19 maintenance, action for failure to support a child born out of
20 wedlock or otherwise.

21 "Support." Care, maintenance and financial assistance.
22 § 4303. Information to consumer credit bureau.

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

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

(2) The information shall be available only after the obligor owing the arrearages has been notified of the proposed action and given a period not to exceed 20 days to contest the accuracy of the information. The notice shall be as provided by local rule of the court of common pleas.

(b) Fee.--A fee for furnishing the information in an amount not exceeding the actual cost thereof may be imposed on the requesting organization by the domestic relations office.

§ 4304. Cooperation of Commonwealth agencies.

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

§ 4305. General administration of support matters.

Subject to any inconsistent general rules and to the supervision and direction of the court, the domestic relations section shall have the power and duty to:

(1) Process all complaints received under Chapter 45 (relating to reciprocal enforcement of support orders).

(2) Make such investigation as may be necessary.

(3) Take charge of any obligor before or after hearing, as may be directed by the court.

(4) Collect and pay over to the persons entitled thereto moneys received pursuant to support proceedings.

(5) Keep a full and complete record of all support proceedings, including orders of the court.

(6) Keep account of all payments made under order of court and promptly bring to the attention of the court and the district attorney any default in compliance with any order of court.

- 1 (7) Make effective the orders of support entered.
- 2 (8) Furnish the court with such information and
- 3 assistance as it may require and generally perform such
- 4 services as it may direct relating to support proceedings.

5 SUBCHAPTER B

6 SUPPORT

7 Sec.

8 4321. Liability for support.

9 4322. Support guidelines.

10 4323. Support of emancipated child.

11 4324. Inclusion of medical support.

12 4325. Payment of order of support.

13 § 4321. Liability for support.

14 Subject to the provisions of this chapter:

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

16 other according to their respective abilities to provide

17 support as provided by law.

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

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

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

21 children who are 18 years of age or older.

22 § 4322. Support guidelines.

23 ~~The Supreme Court is authorized to develop guidelines for~~ <—

24 ~~child and spousal support so that persons similarly situated~~

25 ~~shall be treated similarly. The guidelines shall place primary~~

26 ~~emphasis on the needs of the child or spouse, the earning~~

27 ~~potential and assets of the parties, the net income of the~~

28 ~~parties, with allowable deviations for unusual needs,~~

29 ~~extraordinary expenses, ages of children and such other factors~~

30 ~~as warrant special attention. The court shall provide copies of~~

1 ~~the guidelines to the parties and their respective counsel~~
2 ~~immediately following the commencement of a support action under~~
3 ~~this chapter.~~

4 THE COURTS OF COMMON PLEAS SHALL DEVELOP GUIDELINES FOR CHILD <—
5 AND SPOUSAL SUPPORT SO THAT PERSONS SIMILARLY SITUATED SHALL BE
6 TREATED SIMILARLY. THE GUIDELINES SHALL BE BASED UPON THE
7 REASONABLE NEEDS OF THE CHILD OR SPOUSE SEEKING SUPPORT AND THE
8 ABILITY OF THE OBLIGOR TO PROVIDE SUPPORT. IN DETERMINING THE
9 REASONABLE NEEDS OF THE CHILD OR SPOUSE SEEKING SUPPORT AND THE
10 ABILITY OF THE OBLIGOR TO PROVIDE SUPPORT, THE GUIDELINES SHALL
11 PLACE PRIMARY EMPHASIS ON THE NET INCOMES AND EARNING CAPACITIES
12 OF THE PARTIES, WITH ALLOWABLE DEVIATIONS FOR UNUSUAL NEEDS,
13 EXTRAORDINARY EXPENSES AND OTHER FACTORS, SUCH AS THE PARTIES'
14 ASSETS, AS WARRANT SPECIAL ATTENTION.

15 § 4323. Support of emancipated child.

16 (a) Emancipated child.--A court shall not order either or
17 both parents to pay for the support of a child if the child is
18 emancipated.

19 (b) Marital status of parents immaterial.--In making an
20 order for the support of a child, no distinction shall be made
21 because of the marital status of the parents.

22 § 4324. Inclusion of medical support.

23 In addition to periodic support payments, the court may
24 require that an obligor pay a designated ~~sum as fair share~~ <—
25 PERCENTAGE of a child's or spouse's reasonable and necessary <—
26 health care expenses. If health care coverage is available
27 through an obligor at no cost as a benefit of employment or at a
28 reasonable cost, the court may order an obligor to provide or
29 extend health care coverage to a child or spouse. Upon failure
30 of the obligor to make this payment or reimburse the custodial

1 parent or spouse and after compliance with procedural due
2 process requirement, the court shall treat the amount as
3 arrearages.

4 § 4325. Payment of order of support.

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

11 SUBCHAPTER C

12 PROCEEDINGS GENERALLY

13 Sec.

14 4341. Commencement of support actions or proceedings.

15 4342. Expedited procedure.

16 4343. Paternity.

17 4344. Contempt for failure of obligor to appear.

18 4345. Contempt for noncompliance with support order.

19 4346. Contempt for noncompliance with visitation
20 or partial custody order.

21 4347. Security for attendance or performance.

22 4348. Attachment of income.

23 4349. Consolidation of proceedings.

24 4350. Effect of appeal.

25 4351. Costs and fees.

26 4352. Continuing jurisdiction over support orders.

27 4353. Duty to report.

28 § 4341. Commencement of support actions or proceedings.

29 A support action or proceeding under this chapter shall be
30 commenced in the manner prescribed by the Rules of Civil

1 Procedure governing actions of support.

2 § 4342. Expedited procedure.

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

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

18 § 4343. Paternity.

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

24 (b) Limitation of actions.--An action or proceeding under
25 this chapter to establish the paternity of a child born out of
26 wedlock must be commenced within 18 years of the date of birth
27 of the child.

28 § 4344. Contempt for failure of obligor to appear.

29 A person who willfully fails or refuses to appear in response
30 to a duly served order or other process under this chapter may,

1 as prescribed by general rule, be adjudged in contempt. Contempt
2 shall be punishable by any one or more of the following:

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

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

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

6 § 4345. Contempt for noncompliance with support order.

7 (a) General rule.--A person who willfully fails to comply
8 with any order under this chapter, except an order subject to
9 section 4344 (relating to contempt for failure of obligor to
10 appear), may, as prescribed by general rule, be adjudged in
11 contempt. Contempt shall be punishable by any one or more of the
12 following:

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

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

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

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

19 § 4346. Contempt for noncompliance with visitation or partial
20 custody order.

21 (a) General rule.--A party who willfully fails to comply
22 with any visitation or partial custody order may, as proscribed
23 by general rule, be adjudged in contempt. Contempt shall be
24 punishable by any one or more of the following:

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

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

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

28 (b) Condition for release.--An order committing a person to
29 jail under this section shall specify the condition which, when
30 fulfilled, will result in the release of the obligor.

1 § 4347. Security for attendance or performance.

2 At any stage of the proceedings under this chapter, upon
3 affidavit filed that the obligor is about to leave this
4 Commonwealth or the judicial district or, where in the judgment
5 of the court, the obligor has habitually failed to comply with
6 court orders under this chapter, the court may, as prescribed by
7 general rule, issue appropriate process directing that the
8 obligor be brought before the court and may direct that the
9 obligor give security to appear when directed by the court or to
10 comply with any order of the court.

11 § 4348. Attachment of income.

12 (a) Existing orders.--As to orders of support entered prior
13 to the effective date of this part, the obligor's income shall
14 be attached where the obligor is in arrears in an amount equal
15 to or greater than one month's support obligation or at such
16 earlier date as the court may designate. This attachment shall
17 be consistent with constitutional due process requirements.

18 (b) Future orders.--As of October 1, 1985, all orders of
19 support entered or modified by courts of this Commonwealth shall
20 provide for the mandatory attachment of the obligor's income
21 where the obligor is in arrears in an amount equal to or greater
22 than one month's support obligation or at such earlier date as
23 the court may designate. The court may, on its own motion, order
24 the attachment of the obligor's income where the court has a
25 reasonable basis to believe the obligor will not comply with the
26 order of support. In making this determination, the court may
27 consider evidence of the person's previous violations of orders
28 entered pursuant to this chapter. Attachment shall occur without
29 amendment to the order of support.

30 (C) ASSESSMENT OF PENALTY.--WHERE AN OBLIGOR IS SUBJECT TO

<—

1 ATTACHMENT UNDER THIS SECTION, THE COURT MAY IMPOSE A PENALTY OF
2 UP TO 10% TO BE ADDED TO THE AMOUNT WHICH IS 30 DAYS OR MORE IN
3 ARREARS. ANY SUCH PENALTY SHALL BE IMPOSED ON THE AMOUNT IN
4 ARREARS AT THE TIME OF THE ATTACHMENT.

5 ~~(e)~~ (D) Arrearages.--~~(1)~~ If support arrearages exist at the <—
6 time of the entry of the order, the order shall specify all of
7 the following:

8 ~~(i)~~ (1) To whom an arrearage is owed and the amount of <—
9 the arrearage.

10 ~~(ii)~~ (2) The period of time for which the arrearage is <—
11 calculated.

12 ~~(iii)~~ (3) The amount of periodic support to be applied <—
13 to current support and the amount to be applied to
14 arrearages.

15 ~~(iv)~~ (4) If support arrearages are owed to more than one <—
16 obligee, how payments are to be divided and in which
17 priority.

18 ~~(v)~~ (5) A direction that all payments are to be credited <—
19 to current support obligations first, with any payment in
20 excess to be applied to arrearages.

21 ~~(2) If the order results in the attachment of the <—~~
22 ~~maximum amount set forth in subsection (f), the obligor may~~
23 ~~petition for a hearing. Such petition shall be heard within~~
24 ~~ten days from the date of filing, but shall not stay the~~
25 ~~order of attachment.~~

26 ~~(d)~~ (E) Attachment process.--~~The obligor shall be given <—~~
27 advance

28 (1) THE OBLIGOR SHALL BE GIVEN ADVANCE notice prior to <—
29 the attachment of his income. Such notice shall specify all
30 of the following:

1 (i) The amount to be withheld.

2 (ii) That the order of attachment shall apply to
3 current and future employers.

4 (iii) That the grounds for contesting the order of
5 attachment shall be limited to mistakes of fact. MISTAKES <—
6 OF FACT SHALL BE LIMITED TO ERRORS IN THE AMOUNT OF
7 CURRENT SUPPORT OWED, ERRORS IN THE AMOUNT OF ARREARAGE,
8 AN ATTACHMENT IN EXCESS OF THE MAXIMUM AMOUNT SET FORTH
9 IN SUBSECTION (G) OR MISTAKEN IDENTITY OF THE OBLIGOR.

10 (iv) That attachment shall occur in all cases within
11 ten days of the issuance of the advance notice.

12 (v) A notice of how and when the order may be
13 contested.

14 (2) To contest the order, the obligor must appear before
15 the domestic relations section no later than ten days after
16 issuance of the initial notice at which time it will be
17 determined if a mistake of fact has occurred. If so, the
18 order shall be modified accordingly.

19 ~~(e)~~ (F) Request of obligor.--The court shall also order the <—
20 attachment of income where the obligor so requests.

21 ~~(f)~~ (G) Maximum amount. <—

22 (1) The maximum part of the aggregate disposable
23 earnings of an individual for any workweek which is subject
24 to attachment to enforce any order for the support of any
25 person shall not exceed:

26 (i) Where such individual is supporting his spouse
27 or dependent child, other than a spouse or child with
28 respect to whose support such order is used, 50% of such
29 individual's disposable earnings for that week.

30 (ii) Where such individual is not supporting such a

1 spouse or dependent child described in subparagraph (i),
2 60% of such individual's disposable earnings for that
3 week.

4 (2) With respect to the disposable earnings of any
5 individual for any workweek, the 50% specified in paragraph
6 (1)(i) shall be deemed to be 55% and the 60% specified in
7 paragraph (1)(ii) shall be deemed to be 65%, if and to the
8 extent that such earnings are subject to attachment to
9 enforce a support order with respect to a period which is
10 prior to the 12-week period which ends with the beginning of
11 such workweek.

12 ~~(g)~~ (H) Termination.--The court may order the termination of <—
13 an order of attachment in any of the following instances:

14 (1) The support obligation has terminated and the total
15 arrearages are paid.

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

18 (3) The result would be unconscionable.

19 ~~(h)~~ (I) Notice to employer.--The employer of an obligor <—
20 shall be given notice of the attachment as provided by the Rules
21 of Civil Procedure governing support. This notice shall include
22 reference to subsections ~~(f)~~, ~~(j)~~, ~~(k)~~ and ~~(m)~~ (G), (K), (L) AND <—
23 (N) and all of the following:

24 (1) The amount to be attached.

25 (2) That the attachment shall be implemented as soon as
26 possible and no later than 14 days from the issuance of the
27 notice to the employer.

28 (3) That the attachment order is binding upon the
29 employer until further notice.

30 (4) That the employer may combine attachment payments

1 into a single payment to the domestic relations section and
2 separately identify the portions attributable to each
3 obligor.

4 ~~(i)~~ (J) Effect of compliance by employer.--Compliance by an <—

5 employer with an order of attachment of income operates as a
6 discharge of the liability of the employer to the obligor as to
7 that portion of the employment income of the obligor affected.

8 The employer may deduct from the income of the obligor 3% of the
9 amount paid under the order for reimbursement of the expense in
10 complying with the order. In no case shall the money be deducted
11 from the amount of the support order.

12 ~~(j)~~ (K) Effect of noncompliance by employer.-- <—

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

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

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

24 ~~(k)~~ (L) Disciplinary action by employer prohibited.-- <—

25 (1) When an order of attachment on income is about to be
26 or has been entered, an employer or officer or employee
27 thereof shall not use the attachment or possibility thereof
28 as a basis, in whole or in part, for the discharge of an
29 employee or for any disciplinary action against or demotion
30 of, an employee. In case of a violation of this subsection,

1 the employer or officer or employee thereof may be adjudged
2 in contempt and committed to jail or fined by the court.

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

7 ~~(1)~~ (M) Certify income.--Upon request of the domestic <—
8 relations section, the employer shall report and certify the
9 income of an employee.

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

18 ~~(n)~~ (O) Priority of attachment.--An order of attachment <—
19 under this chapter shall have priority over any attachment,
20 execution, garnishment or wage assignment.

21 ~~(o)~~ (P) Nonresidents.--Income attachment shall be available <—
22 to obligees residing outside this Commonwealth where the income
23 of the obligor is derived in this Commonwealth.

24 § 4349. Consolidation of proceedings.

25 In order to facilitate frequent and unimpeded contact between
26 children and parents, a judge may consolidate with a support
27 action or proceeding any proceeding commenced for visitation
28 rights, sole or shared custody, temporary or permanent custody
29 or any other matters pertaining to support authorized by law
30 which fairly and expeditiously may be determined and disposed of

1 in the support action or proceeding.

2 § 4350. Effect of appeal.

3 An appeal from an order of support entered pursuant to this
4 chapter shall not operate as a supersedeas unless so ordered by
5 the court.

6 § 4351. Costs and fees.

7 (A) GENERAL RULE.--When it appears to the court that either <—
8 party or both parties are financially able to pay costs and
9 fees, the court may impose the costs and fees on either party or
10 both parties.

11 (B) LACK OF GOOD CAUSE FOR FAILURE TO PAY ON TIME.--IF THE <—
12 COURT DETERMINES THAT THE PERSON SUBJECT TO A CHILD SUPPORT
13 ORDER DID NOT HAVE GOOD CAUSE FOR FAILING TO MAKE CHILD SUPPORT
14 PAYMENTS ON TIME, IT MAY FURTHER ASSESS COSTS AND REASONABLE
15 ATTORNEY FEES INCURRED BY THE PARTY SEEKING TO ENFORCE THE
16 ORDER.

17 § 4352. Continuing jurisdiction over support orders.

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

25 (b) Transfer of action.--Where neither party to the action
26 resides or is employed in the county wherein the support action
27 was filed, the court may transfer the matter to either of the
28 two counties wherein the parties reside or are employed. If one
29 of the parties resides outside of this Commonwealth, the action
30 may be transferred to the county of residence or employment of

1 the other party.

2 (c) Foreign support orders.--The court may modify registered
3 foreign support orders when the foreign court declines,
4 surrenders or determines that it is an inappropriate forum to
5 modify the decree. The court may at any time remit, correct or
6 reduce the amount of arrearages.

7 (d) Applicability.--This section applies to all support
8 orders whether entered under this chapter or any other statute.
9 § 4353. Duty to report.

10 A party to a support proceeding shall notify the domestic
11 relations section in writing or by personal appearance within
12 seven days of any change of employment, change of personal
13 address or change of address of any child receiving support.
14 Willful failure to comply with this section may be adjudged in
15 contempt of court pursuant to section 4345 (relating to contempt
16 for noncompliance with support order).

17 CHAPTER 45

18 RECIPROCAL ENFORCEMENT OF

19 SUPPORT ORDERS

20 Sec.

21 4501. Short title and purposes of chapter.

22 4502. Definitions.

23 4503. Remedies additional to those now existing.

24 4504. Extent of duties of support.

25 4505. Interstate rendition.

26 4506. Conditions of interstate rendition.

27 4507. Choice of law.

28 4508. Remedies of state or political subdivision furnishing
29 support.

30 4509. How duties of support are enforced.

1 4510. Jurisdiction.
2 4511. Petition for support.
3 4512. Officials to represent obligee.
4 4513. Petition for a minor.
5 4514. Duty of initiating court.
6 4515. Costs and fees.
7 4516. Jurisdiction by arrest.
8 4517. State information agency.
9 4518. Duty of the court and officials of this Commonwealth
10 as responding state.
11 4519. Further duties of court and officials of responding
12 state.
13 4520. Hearing and continuance.
14 4521. Immunity from criminal prosecution.
15 4522. Evidence of husband and wife.
16 4523. Rules of evidence.
17 4524. Order of support.
18 4525. Responding court to transmit copies to initiating court.
19 4526. Additional powers of responding court.
20 4527. Paternity.
21 4528. Additional duties of responding court.
22 4529. Additional duty of initiating court.
23 4530. Proceedings not to be stayed.
24 4531. Application of payments.
25 4532. Effect of participation in proceeding.
26 4533. Intrastate application.
27 4534. Appeals.
28 4535. Additional remedies.
29 4536. Registration.
30 4537. Registry of foreign support orders.

1 4538. Official to represent obligee.

2 4539. Registration procedure.

3 4540. Effect and enforcement of registered order.

4 § 4501. Short title and purposes of chapter.

5 (a) Short title.--This chapter shall be known and may be
6 cited as the Revised Uniform Reciprocal Enforcement of Support
7 Act (1968).

8 (b) Purposes.--The purposes of this chapter are to improve
9 and extend by reciprocal legislation the enforcement of duties
10 of support.

11 § 4502. Definitions.

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

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

18 "Duty of support." A duty of support whether imposed or
19 imposable by law or by order, decree, or judgment of any court,
20 whether interlocutory or final or whether incidental to an
21 action for divorce, separation, separate maintenance, or
22 otherwise and includes the duty to pay arrearages of support
23 past due and unpaid.

24 "Governor." Includes any person performing the functions of
25 Governor or the executive authority of any state covered by this
26 chapter.

27 "Initiating court." The court in which a proceeding is
28 commenced.

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

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

2 "Obligee." A person to whom a duty of support is owed or a
3 person including a state or political subdivision that has
4 commenced a proceeding for enforcement of an alleged duty of
5 support or for registration of a support order. It is immaterial
6 if the person to whom a duty of support is owed is a recipient
7 of public assistance.

8 "Obligor." Any person owing a duty of support or against
9 whom a proceeding for the enforcement of a duty of support or
10 registration of a support order is commenced.

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

14 "Register." To record in the Registry of Foreign Support
15 Orders.

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

18 "Rendering state." A state in which the court has issued a
19 support order for which registration is sought or granted in the
20 court of another state.

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

23 "Responding state." A state in which any responsive
24 proceeding pursuant to the proceeding in the initiating state is
25 commenced.

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

30 "Support order." Any judgment, decree, or order of support

1 in favor of an obligee whether temporary or final, or subject to
2 modification, revocation, or remission, regardless of the kind
3 of action or proceeding in which it is entered.

4 § 4503. Remedies additional to those now existing.

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

7 § 4504. Extent of duties of support.

8 Duties of support arising under the law of this Commonwealth,
9 when applicable under section 4507 (relating to choice of law),
10 bind the obligor present in this Commonwealth regardless of the
11 presence or residence of the obligee.

12 § 4505. Interstate rendition.

13 The Governor of this Commonwealth may:

14 (1) demand of the Governor of another state the
15 surrender of a person found in that state who is charged
16 criminally in this Commonwealth with failing to provide for
17 the support of any person; or

18 (2) surrender on demand by the Governor of another state
19 a person found in this Commonwealth who is charged criminally
20 in that state with failing to provide for the support of any
21 person.

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

30 § 4506. Conditions of interstate rendition.

1 (a) Obligor in another state.--Before making the demand upon
2 the Governor of another state for the surrender of a person
3 charged criminally in this Commonwealth with failing to provide
4 for the support of a person, the Governor of this Commonwealth
5 may require any prosecuting attorney of this Commonwealth to
6 satisfy him that at least 60 days prior thereto the obligee
7 initiated proceedings for support under this chapter or that the
8 initiation of any proceeding would be of no avail.

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

20 (c) Effect of support proceedings.--If proceedings have been
21 initiated and the person demanded has prevailed therein the
22 Governor may decline to honor the demand. If the obligee
23 prevailed and the person demanded is subject to a support order,
24 the Governor may decline to honor the demand if the person
25 demanded is complying with the support order.

26 § 4507. Choice of law.

27 Duties of support applicable under this chapter are those
28 imposed under the laws of any state where the obligor was
29 present for the period during which support is sought. The
30 obligor is presumed to have been present in the responding state

1 during the period for which support is sought until otherwise
2 shown.

3 § 4508. Remedies of state or political subdivision furnishing
4 support.

5 If a state or a political subdivision furnishes support to an
6 individual obligee it has the same right to initiate a
7 proceeding under this chapter as the individual obligee for the
8 purpose of securing reimbursement for support furnished and of
9 obtaining continuing support.

10 § 4509. How duties of support are enforced.

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

16 § 4510. Jurisdiction.

17 Jurisdiction of any proceeding under this chapter is vested
18 in the courts of common pleas.

19 § 4511. Petition for support.

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

30 (b) Filing.--The petition may be filed in the appropriate

1 court of any state in which the obligee resides. The court may
2 decline or refuse to accept and forward the petition on the
3 ground that it should be filed with some other court of this or
4 any other state where there is pending another action for
5 divorce, separation, annulment, dissolution, habeas corpus,
6 adoption, or custody between the same parties or where another
7 court has already issued a support order in some other
8 proceeding and has retained jurisdiction for its enforcement.
9 § 4512. Officials to represent obligee.

10 If this Commonwealth is acting as an initiating state the
11 prosecuting attorney upon the request of the court, or a
12 Commonwealth or local welfare official shall represent the
13 obligee in any proceeding under this chapter. If the prosecuting
14 attorney neglects or refuses to represent the obligee, the
15 Department of Public Welfare may undertake the representation.
16 § 4513. Petition for a minor.

17 A petition on behalf of a minor obligee may be executed and
18 filed by a person having legal custody of the minor without
19 appointment as guardian ad litem.
20 § 4514. Duty of initiating court.

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

1 initiating state it shall cause the copies to be sent to the
2 state information agency or other proper official of the
3 responding state, with a request that the agency or official
4 forward them to the proper court and that the court of the
5 responding state acknowledge their receipt to the initiating
6 court.

7 § 4515. Costs and fees.

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

21 § 4516. Jurisdiction by arrest.

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

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

27 (2) as a responding court, obtain the body of the
28 obligor by appropriate process. Thereupon it may release him
29 upon his own recognizance or upon his giving a bond in an
30 amount set by the court to assure his appearance at the

1 hearing. When the obligor is detained for the hearing, the
2 hearing shall be held within 15 days from the date of arrest.
3 The court may compel the attendance at a hearing by
4 attachment process directed to the sheriff or other proper
5 officer of the county directing and commanding that the
6 obligor be brought before the court at such time as the court
7 may direct. If the court, whenever an attachment is issued in
8 any county as provided in this paragraph, shall find after
9 hearing that the obligor has willfully neglected or refused
10 to comply with any order of the court, the court may adjudge
11 such person in contempt of court and, in its discretion, may
12 commit such person to the county jail or house of correction
13 until compliance with such order, but in no case for a period
14 exceeding six months. The court in its order shall state the
15 condition upon which fulfillment will result in the release
16 of the obligor.

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

26 § 4517. State information agency.

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

30 (1) Compile a list of the courts and their addresses in

1 this Commonwealth having jurisdiction under this chapter and
2 transmit it to the state information agency of every other
3 state which has adopted this or a substantially similar law.
4 Upon the adjournment of each session of the General Assembly
5 the agency shall distribute copies of any amendments to this
6 chapter and a statement of their effective date to all other
7 state information agencies.

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

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

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

29 (c) Department of Public Welfare prosecution.--After the
30 deposit of three copies of the petition and certificate and one

1 copy of the law of the initiating state with the clerk of the
2 appropriate court, if the state information agency knows or
3 believes that the prosecuting attorney is not prosecuting the
4 case diligently it shall inform the Department of Public
5 Welfare, who may undertake the representation.

6 § 4518. Duty of the court and officials of this Commonwealth as
7 responding state.

8 (a) Docketing and notice.--After the responding court
9 receives copies of the petition, certificate and law from the
10 initiating court the clerk of the court shall docket the case
11 and notify the prosecuting attorney of his action.

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

19 (c) Department of Public Welfare prosecution.--If the
20 prosecuting attorney neglects or refuses to represent the
21 obligee, the Department of Public Welfare may undertake the
22 representation.

23 § 4519. Further duties of court and officials of responding
24 state.

25 (a) General rule.--The prosecuting attorney on his own
26 initiative shall use all means at his disposal to locate the
27 obligor or his property, and if because of inaccuracies in the
28 petition or otherwise the court cannot obtain jurisdiction the
29 prosecuting attorney shall inform the court of what he has done
30 and request the court to continue the case pending receipt of

1 more accurate information or an amended petition from the
2 initiating court.

3 (b) Forwarding of documents.--If the obligor or his property
4 is not found in the county, and the prosecuting attorney
5 discovers that the obligor or his property may be found in
6 another county of this Commonwealth or in another state he shall
7 so inform the court. Thereupon the clerk of the court shall
8 forward the documents received from the court in the initiating
9 state to a court in the other county or to a court in the other
10 state or to the information agency or other proper official of
11 the other state with a request that the documents be forwarded
12 to the proper court. All powers and duties provided by this
13 chapter apply to the recipient of the documents so forwarded. If
14 the clerk of a court of this Commonwealth forwards documents to
15 another court he shall forthwith notify the initiating court.

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

19 § 4520. Hearing and continuance.

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

28 § 4521. Immunity from criminal prosecution.

29 If at the hearing the obligor is called for examination as an
30 adverse party and he declines to answer upon the ground that his

1 testimony may tend to incriminate him, the court may require him
2 to answer, in which event he is immune from criminal prosecution
3 with respect to matters revealed by his testimony, except for
4 perjury committed in this testimony.

5 § 4522. Evidence of husband and wife.

6 Laws attaching a privilege against the disclosure of
7 communications between husband and wife are inapplicable to
8 proceedings under this chapter. Husband and wife are competent
9 witnesses and may be compelled to testify to any relevant
10 matter, including marriage and parentage.

11 § 4523. Rules of evidence.

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

23 § 4524. Order of support.

24 If the responding court finds a duty of support it may order
25 the obligor to furnish support or reimbursement therefor and
26 subject the property of the obligor to the order. Support orders
27 made pursuant to this chapter shall require that payments be
28 made to the clerk of the court of the responding state, or to
29 other officer designated by the court. The court and prosecuting
30 attorney of any county in which the obligor is present or has

1 property have the same powers and duties to enforce the order as
2 have those of the county in which it was first issued. If
3 enforcement is impossible or cannot be completed in the county
4 in which the order was issued, the prosecuting attorney shall
5 send a certified copy of the order to the prosecuting attorney
6 of any county in which it appears that proceedings to enforce
7 the order would be effective. The prosecuting attorney to whom
8 the certified copy of the order is forwarded shall proceed with
9 enforcement and report the results of the proceedings to the
10 court first issuing the order.

11 § 4525. Responding court to transmit copies to initiating
12 court.

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

15 § 4526. Additional powers of responding court.

16 In addition to the foregoing powers set forth in this chapter
17 a responding court may subject the obligor to any terms and
18 conditions proper to assure compliance with its orders and in
19 particular to:

20 (1) Require the obligor to furnish a cash deposit or a
21 bond of a character and amount to assure payment of any
22 amount due.

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

26 (3) Punish under the power of contempt the obligor who
27 violates any order of the court. No such punishment shall be
28 administered until the court shall find, after hearing, that
29 the violation was willful.

30 § 4527. Paternity.

1 If the obligor asserts as a defense that he is not the father
2 of the child for whom support is sought and it appears to the
3 court that the defense is not frivolous, and if both of the
4 parties are present at the hearing or the proof required in the
5 case indicates that the presence of either or both of the
6 parties is not necessary, the court may adjudicate the paternity
7 issue. Otherwise the court may adjourn the hearing until the
8 paternity issue has been adjudicated.

9 § 4528. Additional duties of responding court.

10 A responding court has the following duties which may be
11 carried out through the clerk of the court, or other officer
12 designated by the court:

13 (1) To transmit to the initiating court any payment made
14 by the obligor pursuant to any order of the court or
15 otherwise.

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

18 § 4529. Additional duty of initiating court.

19 An initiating court shall receive and disburse forthwith all
20 payments made by the obligor or sent by the responding court.
21 This duty may be carried out through the clerk of the court, or
22 other officer designated by the court.

23 § 4530. Proceedings not to be stayed.

24 A responding court shall not stay the proceeding or refuse a
25 hearing under this chapter because of any pending or prior
26 action or proceeding for divorce, separation, annulment,
27 dissolution, habeas corpus, adoption, or custody in this
28 Commonwealth or any other state. The court shall hold a hearing
29 and may issue a support order pendente lite. In aid thereof it
30 may require the obligor to give a bond for the prompt

1 prosecution of the pending proceeding. If the other action or
2 proceeding is concluded before the hearing in the instant
3 proceeding and the judgment therein provides for the support
4 demanded in the petition being heard the court must take into
5 account in placing its support order the amount allowed in the
6 other action or proceeding. Thereafter the court shall not stay
7 enforcement of its support order because of the retention of
8 jurisdiction for enforcement purposes by the court in the other
9 action or proceeding.

10 § 4531. Application of payments.

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

22 § 4532. Effect of participation in proceeding.

23 Participation in any proceeding under this chapter does not
24 confer jurisdiction upon any court over any of the parties
25 thereto in any other proceeding.

26 § 4533. Intrastate application.

27 This chapter applies if both the obligee and the obligor are
28 in this Commonwealth but in different counties. If the court of
29 the county in which the petition is filed finds that the
30 petition sets forth facts from which it may be determined that

1 the obligor owes a duty of support and finds that a court of
2 another county in this Commonwealth may obtain jurisdiction over
3 the obligor or his property, the clerk of the court shall send
4 the petition and a certification of the findings to the court of
5 the county in which the obligor or his property is found. The
6 clerk of the court of the county receiving these documents shall
7 notify the prosecuting attorney of their receipt. The
8 prosecuting attorney and the court in the county to which the
9 copies are forwarded then shall have duties corresponding to
10 those imposed upon them when acting for this Commonwealth as a
11 responding state.

12 § 4534. Appeals.

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

17 (1) perfect an appeal to the proper appellate court if
18 the support order was issued by a court of this Commonwealth;
19 or

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

22 In either case expenses of appeal taken by such department may
23 be paid from funds appropriated to the Department of Public
24 Welfare.

25 (b) By obligee.--In the event the Department of Public
26 Welfare fails or refuses to file an appeal on behalf of the
27 obligee, such obligee may file such appeal as provided in
28 subsection (a).

29 (c) By obligor.--The obligor shall have the right to file an
30 appeal to the proper appellate court if the support order was

1 issued by a court of this Commonwealth, or may cause the appeal
2 to be taken in the other state, if the support order was issued
3 in another state.

4 § 4535. Additional remedies.

5 If the duty of support is based on a foreign support order,
6 the obligee has the additional remedies provided in the
7 following sections of this chapter.

8 § 4536. Registration.

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

12 § 4537. Registry of foreign support orders.

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

15 § 4538. Official to represent obligee.

16 (a) General rule.--If this Commonwealth is acting either as
17 a rendering or a registering state the prosecuting attorney upon
18 the request of the court, or a Commonwealth or other local
19 welfare official, shall represent the obligee in proceedings
20 under this chapter.

21 (b) Department of Public Welfare prosecution.--If the
22 prosecuting attorney neglects or refuses to represent the
23 obligee, the Department of Public Welfare may undertake the
24 representation.

25 § 4539. Registration procedure.

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

29 (1) One certified copy of the order with all
30 modifications thereof.

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

3 (3) A statement verified and signed by the obligee,
4 showing the post office address of the obligee, the last
5 known place of residence and post office address of the
6 obligor, the amount of support remaining unpaid, a
7 description and the location of any property of the obligor
8 available upon execution, and a list of the states in which
9 the order is registered.

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

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

21 § 4540. Effect and enforcement of registered order.

22 (a) Effect.--Upon registration the registered foreign
23 support order shall be treated in the same manner as a support
24 order issued by a court of this Commonwealth. It has the same
25 effect and is subject to the same procedures, defenses, and
26 proceedings for reopening, vacating, or staying as a support
27 order of this Commonwealth and may be enforced and satisfied in
28 like manner.

29 (b) Challenge to order.--The obligor has 20 days after the
30 mailing of notice of the registration in which to petition the

1 court to vacate the registration or for other relief. If he does
2 not so petition the registered support order is confirmed.

3 (c) Procedure.--At the hearing to enforce the registered
4 support order the obligor may present only matters that would be
5 available to him as defenses in an action to enforce a foreign
6 money judgment. If he shows to the court that an appeal from the
7 order is pending or will be taken or that a stay of execution
8 has been granted the court shall stay enforcement of the order
9 until the appeal is concluded, the time for appeal has expired,
10 or the order is vacated, upon satisfactory proof that the
11 obligor has furnished security for payment of the support
12 ordered as required by the rendering state. If he shows to the
13 court any ground upon which enforcement of a support order of
14 this Commonwealth may be stayed the court shall stay enforcement
15 of the order for an appropriate period if the obligor furnishes
16 the same security for payment of the support ordered that is
17 required for a support order of this Commonwealth.

18 PART VI

<—

19 CHILDREN AND MINORS

20 CHAPTER

21 53. CUSTODY

22 CHAPTER 53

23 CUSTODY

24 SUBCHAPTER

25 A. GENERAL PROVISIONS

26 B. (RESERVED)

27 SUBCHAPTER A

28 GENERAL PROVISIONS

29 SEC.

30 5301. DECLARATION OF POLICY.

1 5302. DEFINITIONS.
2 5303. AWARD OF SOLE CUSTODY.
3 5304. AWARD OF SHARED CUSTODY.
4 5305. COUNSELING.
5 5306. PLAN FOR IMPLEMENTATION OF CUSTODY ORDER.
6 5307. DENIAL OF CUSTODY UNDER AGREEMENT OR PLAN.
7 5308. REMOVAL OF PARTY OR CHILD FROM JURISDICTION.
8 5309. ACCESS TO RECORDS AND INFORMATION.
9 5310. MODIFICATION OF EXISTING CUSTODY ORDERS.
10 5311. WHEN PARENT DECEASED.
11 5312. WHEN PARENTS' MARRIAGE IS DISSOLVED OR PARENTS
12 ARE SEPARATED.
13 5313. WHEN CHILD HAS RESIDED WITH GRANDPARENTS.
14 5314. EXCEPTION FOR ADOPTED CHILDREN.

15 § 5301. DECLARATION OF POLICY.

16 THE GENERAL ASSEMBLY DECLARES THAT IT IS THE PUBLIC POLICY OF
17 THIS COMMONWEALTH, WHEN IN THE BEST INTEREST OF THE CHILD, TO
18 ASSURE A REASONABLE AND CONTINUING CONTACT OF THE CHILD WITH
19 BOTH PARENTS AFTER A SEPARATION OR DISSOLUTION OF THE MARRIAGE
20 AND THE SHARING OF THE RIGHTS AND RESPONSIBILITIES OF CHILD
21 REARING BY BOTH PARENTS AND CONTINUING CONTACT OF THE CHILD OR
22 CHILDREN WITH GRANDPARENTS WHEN A PARENT IS DECEASED, DIVORCED
23 OR SEPARATED.

24 § 5302. DEFINITIONS.

25 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
26 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
27 CONTEXT CLEARLY INDICATES OTHERWISE:

28 "CHILD." ANY UNEMANCIPATED PERSON UNDER 18 YEARS OF AGE.

29 "LEGAL CUSTODY." THE LEGAL RIGHT TO MAKE MAJOR DECISIONS
30 AFFECTING THE BEST INTEREST OF A MINOR CHILD, INCLUDING, BUT NOT

1 LIMITED TO, MEDICAL, RELIGIOUS AND EDUCATIONAL DECISIONS.

2 "PARTIAL CUSTODY." THE RIGHT TO TAKE POSSESSION OF A CHILD
3 AWAY FROM THE CUSTODIAL PARENT FOR A CERTAIN PERIOD OF TIME.

4 "PHYSICAL CUSTODY." THE ACTUAL PHYSICAL POSSESSION AND
5 CONTROL OF A CHILD.

6 "SHARED CUSTODY." AN ORDER AWARDING SHARED LEGAL OR SHARED
7 PHYSICAL CUSTODY, OR BOTH, OF A CHILD IN SUCH A WAY AS TO ASSURE
8 THE CHILD OF FREQUENT AND CONTINUING CONTACT WITH AND PHYSICAL
9 ACCESS TO BOTH PARENTS.

10 "VISITATION." THE RIGHT TO VISIT A CHILD. THE TERM DOES NOT
11 INCLUDE THE RIGHT TO REMOVE A CHILD FROM THE CUSTODIAL PARENT'S
12 CONTROL.

13 § 5303. AWARD OF SOLE CUSTODY.

14 IN MAKING AN ORDER FOR CUSTODY TO EITHER PARENT INDIVIDUALLY,
15 THE COURT SHALL CONSIDER, AMONG OTHER FACTORS, WHICH PARENT IS
16 MORE LIKELY TO ENCOURAGE, PERMIT AND ALLOW FREQUENT AND
17 CONTINUING CONTACT AND PHYSICAL ACCESS BETWEEN THE NONCUSTODIAL
18 PARENT AND THE CHILD. THE COURT SHALL AWARD SOLE CUSTODY WHEN IT
19 IS IN THE BEST INTEREST OF THE CHILD.

20 § 5304. AWARD OF SHARED CUSTODY.

21 AN ORDER FOR SHARED CUSTODY MAY BE AWARDED BY THE COURT WHEN
22 IT IS IN THE BEST INTEREST OF THE CHILD:

23 (1) UPON APPLICATION OF ONE OR BOTH PARENTS;

24 (2) WHEN THE PARTIES HAVE AGREED TO AN AWARD OF SHARED
25 CUSTODY; OR

26 (3) IN THE DISCRETION OF THE COURT.

27 § 5305. COUNSELING.

28 (A) GENERAL RULE.--THE COURT MAY REQUIRE THE PARENTS TO
29 ATTEND COUNSELING SESSIONS AND MAY CONSIDER THE RECOMMENDATIONS
30 OF THE COUNSELORS PRIOR TO AWARDING SOLE OR SHARED CUSTODY.

1 THESE COUNSELING SESSIONS MAY INCLUDE, BUT SHALL NOT BE LIMITED
2 TO, DISCUSSIONS OF THE RESPONSIBILITIES AND DECISIONMAKING
3 ARRANGEMENTS INVOLVED IN BOTH SOLE AND SHARED CUSTODY AND THE
4 SUITABILITY OF EACH ARRANGEMENT TO THE CAPABILITIES OF EACH
5 PARENT OR BOTH PARENTS.

6 (B) TEMPORARY CUSTODY.--THE COURT MAY TEMPORARILY AWARD
7 CUSTODY TO EITHER PARENT OR BOTH PARENTS PENDING RESOLUTION OF
8 ANY COUNSELING.

9 (C) REPORT.--THE COURT MAY REQUIRE THE COUNSELOR TO SUBMIT A
10 REPORT IF THE COURT DESIRES AND WITHIN SUCH REASONABLE TIME AS
11 THE COURT DETERMINES.

12 § 5306. PLAN FOR IMPLEMENTATION OF CUSTODY ORDER.

13 THE COURT, IN ITS DISCRETION, MAY REQUIRE THE PARENTS TO
14 SUBMIT TO THE COURT A PLAN FOR THE IMPLEMENTATION OF ANY CUSTODY
15 ORDER MADE UNDER THIS SUBCHAPTER. UPON THE REQUEST OF EITHER
16 PARENT OR THE COURT, THE DOMESTIC RELATIONS SECTION OF THE COURT
17 OR OTHER PARTY OR AGENCY APPROVED BY THE COURT SHALL ASSIST IN
18 THE FORMULATION AND IMPLEMENTATION OF THE PLAN.

19 § 5307. DENIAL OF CUSTODY UNDER AGREEMENT OR PLAN.

20 WHEN THE COURT DECLINES TO ENTER AN ORDER AWARDDING CUSTODY
21 EITHER AS AGREED TO BY THE PARENTS OR UNDER THE PLAN DEVELOPED
22 BY THE PARENTS, THE COURT SHALL STATE ITS REASONS FOR DENIAL ON
23 THE RECORD.

24 § 5308. REMOVAL OF PARTY OR CHILD FROM JURISDICTION.

25 IF EITHER PARTY INTENDS TO OR DOES REMOVE HIMSELF OR THE
26 CHILD FROM THIS COMMONWEALTH AFTER A CUSTODY ORDER HAS BEEN
27 MADE, THE COURT, ON ITS OWN MOTION OR UPON MOTION OF EITHER
28 PARTY, MAY REVIEW THE EXISTING CUSTODY ORDER.

29 § 5309. ACCESS TO RECORDS AND INFORMATION.

30 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND

1 (C), EACH PARENT SHALL BE PROVIDED ACCESS TO ALL THE MEDICAL,
2 DENTAL, RELIGIOUS OR SCHOOL RECORDS OF THE CHILD, THE RESIDENCE
3 ADDRESS OF THE CHILD AND OF THE OTHER PARENT AND ANY OTHER
4 INFORMATION THAT THE COURT DEEMS NECESSARY.

5 (B) COURT DETERMINATION NOT TO RELEASE INFORMATION.--THE
6 COURT, IN ITS DISCRETION, MAY DETERMINE NOT TO RELEASE ANY PART
7 OR PARTS OF THE INFORMATION IN THIS SECTION BUT IN DOING SO MUST
8 STATE ITS REASON FOR DENIAL ON THE RECORD.

9 (C) NONDISCLOSURE OF CONFIDENTIAL INFORMATION.--THE COURT
10 SHALL NOT ORDER THAT THE ADDRESS OF A SHELTER FOR BATTERED
11 SPOUSES AND THEIR DEPENDENT CHILDREN OR OTHERWISE CONFIDENTIAL
12 INFORMATION OF A DOMESTIC VIOLENCE COUNSELOR BE DISCLOSED TO THE
13 DEFENDANT OR HIS COUNSEL OR ANY PARTY TO THE PROCEEDINGS.

14 § 5310. MODIFICATION OF EXISTING CUSTODY ORDERS.

15 ANY ORDER FOR THE CUSTODY OF THE CHILD OF A MARRIAGE ENTERED
16 BY A COURT IN THIS COMMONWEALTH OR ANY STATE MAY, SUBJECT TO THE
17 JURISDICTIONAL REQUIREMENTS SET FORTH IN 42 PA.C.S. §§ 5342
18 (RELATING TO PURPOSES AND CONSTRUCTION OF SUBCHAPTER) AND 5344
19 (RELATING TO JURISDICTION), BE MODIFIED AT ANY TIME TO AN ORDER
20 OF SHARED CUSTODY IN ACCORDANCE WITH THIS SUBCHAPTER.

21 § 5311. WHEN PARENT DECEASED.

22 IF A PARENT OF AN UNMARRIED CHILD IS DECEASED, THE PARENTS OR
23 GRANDPARENTS OF THE DECEASED PARENT MAY BE GRANTED REASONABLE
24 PARTIAL CUSTODY OR VISITATION RIGHTS, OR BOTH, TO THE UNMARRIED
25 CHILD BY THE COURT UPON A FINDING THAT PARTIAL CUSTODY OR
26 VISITATION RIGHTS, OR BOTH, WOULD BE IN THE BEST INTEREST OF THE
27 CHILD AND WOULD NOT INTERFERE WITH THE PARENT-CHILD
28 RELATIONSHIP. THE COURT SHALL CONSIDER THE AMOUNT OF PERSONAL
29 CONTACT BETWEEN THE PARENTS OR GRANDPARENTS OF THE DECEASED
30 PARENT AND THE CHILD PRIOR TO THE APPLICATION.

1 § 5312. WHEN PARENTS' MARRIAGE IS DISSOLVED OR PARENTS ARE
2 SEPARATED.

3 IN ALL PROCEEDINGS FOR DISSOLUTION, SUBSEQUENT TO THE
4 COMMENCEMENT OF THE PROCEEDING AND CONTINUING THEREAFTER OR WHEN
5 PARENTS HAVE BEEN SEPARATED FOR SIX MONTHS OR MORE, THE COURT
6 MAY, UPON APPLICATION OF THE PARENT OR GRANDPARENT OF A PARTY,
7 GRANT REASONABLE PARTIAL CUSTODY OR VISITATION RIGHTS, OR BOTH,
8 TO THE UNMARRIED CHILD IF IT FINDS THAT VISITATION RIGHTS OR
9 PARTIAL CUSTODY, OR BOTH, WOULD BE IN THE BEST INTEREST OF THE
10 CHILD AND WOULD NOT INTERFERE WITH THE PARENT-CHILD
11 RELATIONSHIP. THE COURT SHALL CONSIDER THE AMOUNT OF PERSONAL
12 CONTACT BETWEEN THE PARENTS OR GRANDPARENTS OF THE PARTY AND THE
13 CHILD PRIOR TO THE APPLICATION.

14 § 5313. WHEN CHILD HAS RESIDED WITH GRANDPARENTS.

15 IF AN UNMARRIED CHILD HAS RESIDED WITH HIS GRANDPARENTS OR
16 GREAT-GRANDPARENTS FOR A PERIOD OF 12 MONTHS OR MORE, AND IS
17 SUBSEQUENTLY REMOVED FROM THE HOME BY HIS PARENTS, THE
18 GRANDPARENTS OR GREAT-GRANDPARENTS MAY PETITION THE COURT FOR AN
19 ORDER GRANTING THEM REASONABLE PARTIAL CUSTODY OR VISITATION
20 RIGHTS, OR BOTH, TO THE CHILD. THE COURT SHALL GRANT THE
21 PETITION IF IT FINDS THAT VISITATION RIGHTS WOULD BE IN THE BEST
22 INTEREST OF THE CHILD AND WOULD NOT INTERFERE WITH THE PARENT-
23 CHILD RELATIONSHIP.

24 § 5314. EXCEPTION FOR ADOPTED CHILDREN.

25 SECTIONS 5311 (RELATING TO WHEN PARENT DECEASED), 5312
26 (RELATING TO WHEN PARENTS' MARRIAGE IS DISSOLVED OR PARENTS ARE
27 SEPARATED) AND 5313 (RELATING TO WHEN CHILD HAS RESIDED WITH
28 GRANDPARENTS) SHALL NOT APPLY IF THE CHILD HAS BEEN ADOPTED BY A
29 PERSON OTHER THAN A STEPPARENT OR GRANDPARENT. ANY VISITATION
30 RIGHTS GRANTED PURSUANT TO THIS SECTION PRIOR TO THE ADOPTION OF

1 THE CHILD SHALL BE AUTOMATICALLY TERMINATED UPON SUCH ADOPTION.

2 Section 2. Savings provision.--(a) This act does not affect
3 the ability to enforce any right to penalty or punish any
4 offense under the authority of statutes repealed by this act.

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

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

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

12 Act of April 11, 1848 (P.L.536, No.372), entitled "A
13 supplement to an act, entitled 'An Act relative to the Le
14 Raysville Phalanx,' passed March, Anno Domini one thousand eight
15 hundred and forty-seven, and relative to obligators and
16 obligees, to secure the right of married women, in relation to
17 defalcation, and to extend the boundaries of the borough of
18 Ligonier."

19 Act of April 22, 1850 (P.L.549, No.342), entitled "A
20 supplement to an act, entitled 'An Act to prevent waste in
21 certain cases within this commonwealth,' passed the twenty-ninth
22 day of March, one thousand eight hundred and twenty-two; to land
23 and building associations; giving the court of Susquehanna
24 county jurisdiction in a certain case; relative to the service
25 of process in certain cases; to party walls in West
26 Philadelphia; to the proof of a certain will; to the sale and
27 purchase of certain burial grounds in Philadelphia; to the
28 laying of gas pipes in the district of Moyamensing; to the
29 release of certain sureties in Erie county; to the State Lunatic
30 hospital; relative to the service of process against sheriffs;

1 to the rights of married women; to ground rents; and relating to
2 foreign insurance companies."

3 Act of April 15, 1851 (P.L.669, No.358), entitled "An act to
4 incorporate a company to erect a bridge over the river
5 Schuylkill at Spring Mill, in Montgomery county, relative to the
6 nineteenth section of 'An act regulating certain election
7 districts, &c,' approved March twenty-ninth, eighteen hundred
8 and fifty-one, to school directors in Philadelphia county, to
9 actions for damages sustained by injuries done to the person by
10 negligence or default, relative to the accounts of John Humes,
11 deceased, to authorize the trustees of the Seventh Presbyterian
12 church of Philadelphia to convey certain real estate, to
13 security for moneys loaned by wives to husbands, to unpaid
14 school taxes in Bradford county, and relative to service or
15 process on agents of joint stock companies."

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

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

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

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

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

30 Act of June 8, 1893 (P.L.344, No.284), entitled "An act

1 relating to husband and wife, enlarging her capacity to acquire
2 and dispose of property, to sue and be sued, and to make a last
3 will, and enabling them to sue and to testify against each other
4 in certain cases."

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

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

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

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

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

26 Act of June 12, 1913 (P.L.502, No.330), entitled "An act to
27 increase the powers of courts in summary proceedings for
28 desertion or non-support of wives, children, or aged parents, by
29 directing that imprisonment in such cases be at hard labor in
30 such institution as the court shall name, with the wages payable

1 to the wives, children, or parents; providing for the
2 disbursement of moneys collected on forfeitures of bonds, bail-
3 bonds, or recognizances; and by empowering such courts to
4 appoint desertion probation officers for the performance of such
5 duties as the court shall direct; and providing for the payment
6 of the expenses incident to the carrying out of this act."

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

12 Act of June 2, 1919 (P.L.363, No.177), entitled "An act to
13 quiet the title of real estate by providing that the sale of
14 real estate of any bankrupt or insolvent debtor shall pass the
15 title of such real estate freed from any claims for, or rights
16 to, any statutory interest inchoate of the spouse of the
17 bankrupt or insolvent debtor."

18 Act of May 10, 1921 (P.L.434, No.210), entitled "An act to
19 empower courts of competent jurisdiction to issue writs of
20 execution against property of defendant, and attachment
21 execution or in the nature of attachment execution against
22 trusts, including those commonly known as spendthrift trusts, no
23 matter when such trusts were created, in cases where an order,
24 award, or decree has been made against a husband for the support
25 of his wife or children or both; making such attachment
26 execution against trusts a continuing lien and levy for fifty
27 per centum of such money or property until the order, judgment,
28 or decree is paid in full with costs; and abolishing the benefit
29 of the exemption law in such cases."

30 Section 7 of the act of June 24, 1937 (P.L.2045, No.397),

1 known as The Support Law.

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

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

10 ACT OF NOVEMBER 5, 1981 (P.L.322, NO.115), KNOWN AS THE
11 CUSTODY AND GRANDPARENTS VISITATION ACT.

<—

12 18 Pa.C.S. Ch. 43 Subch. B (relating to nonsupport).

13 42 Pa.C.S. Ch. 67 (relating to support proceedings).

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

16 Section 4. Effective date.--This act shall take effect in 90
17 days.