

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1992 Session of
1997

INTRODUCED BY MILLER, TRUE, BENNINGHOFF, RUBLEY, EGOLF, VANCE,
DALEY, BOSCOLA, FICHTER, MICOZZIE, EACHUS, LEDERER, CLARK,
SCHRODER, CURRY, KENNEY, STABACK, DALLY, VAN HORNE, GEIST,
TIGUE, WALKO, E. Z. TAYLOR, SAYLOR, BELFANTI, PISTELLA,
HENNESSEY, OLASZ, STEELMAN, BARD, LAUGHLIN, SEYFERT, TRELLO,
RAMOS, STERN, M. COHEN, C. WILLIAMS, BROWNE, STURLA, ARGALL,
CALTAGIRONE, WASHINGTON, SEMMEL AND SANTONI,
NOVEMBER 21, 1997

SENATOR LOEPER, RULES AND EXECUTIVE NOMINATIONS, IN SENATE, RE-
REPORTED AS AMENDED, NOVEMBER 9, 1998

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, ~~providing for the Department of Public~~ <—
3 ~~Welfare to draft regulations to ensure the confidentiality of~~
4 ~~Social Security numbers on records collected for use by the~~
5 ~~department, the court or the domestic relations section~~
6 ~~solely for purposes of child and spousal support enforcement;~~
7 ~~and further providing for immunity, for special procedures~~ <—
8 ~~for operating privilege and for release of information in~~
9 ~~confidential reports relating to child abuse. FURTHER~~ <—
10 PROVIDING FOR DEFINITIONS, FOR COOPERATION OF GOVERNMENT AND
11 NONGOVERNMENT AGENCIES, FOR CONTEMPT, FOR VISITATION AND
12 PARTIAL CUSTODY, FOR ATTACHMENT OF INCOME, FOR CONTINUING
13 SUPPORT ORDER JURISDICTION, FOR SUPPORT LICENSURE SANCTIONS,
14 FOR THE STATE DISBURSEMENT UNIT, FOR EXPEDITING SUPPORT
15 CASES, FOR PATERNITY ACKNOWLEDGMENTS AND CLAIMS AND FOR
16 RELEASE OF INFORMATION IN CONFIDENTIAL REPORTS.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 ~~Section 1. Title 23 of the Pennsylvania Consolidated~~ <—
20 ~~Statutes is amended by adding a section to read:~~
21 ~~§ 4304.2. Drafting of regulations by Department of Public~~

1 ~~Welfare to ensure confidentiality of Social~~
2 ~~Security numbers.~~

3 ~~(a) General rule. The Department of Public Welfare shall~~
4 ~~draft rules and regulations to ensure the confidentiality of~~
5 ~~Social Security numbers on records or applications for a~~
6 ~~professional or occupational license or certification; driver's~~
7 ~~permit; driver's license, including a commercial driver's~~
8 ~~license; recreational license; marriage license; divorce decree;~~
9 ~~support order; paternity determination or acknowledgments of~~
10 ~~paternity or other like records; records relating to death,~~
11 ~~including death certificates; employment records; or other~~
12 ~~records collected by law for use by the department, the court or~~
13 ~~the domestic relations section solely for purposes of child and~~
14 ~~spousal support enforcement, except for when otherwise provided~~
15 ~~for by law.~~

16 ~~(b) Collection on separate form. Any governmental agency or~~
17 ~~employer required to collect Social Security numbers on records~~
18 ~~or applications for professional or occupational licenses or~~
19 ~~certifications; driver's permits; driver's licenses, including~~
20 ~~commercial driver's licenses; recreational licenses; marriage~~
21 ~~licenses; divorce decrees; support orders; paternity~~
22 ~~determinations or acknowledgments of paternity or other such~~
23 ~~records; records relating to death, including death~~
24 ~~certificates; employment records; or other records collected by~~
25 ~~law for use by the department, the court or the domestic~~
26 ~~relations section solely for purposes of child and spousal~~
27 ~~support enforcement shall collect those Social Security numbers~~
28 ~~on a separate form not open to public inspection or~~
29 ~~dissemination until the department develops the rules and~~
30 ~~regulations to ensure the confidentiality of Social Security~~

~~numbers, except for when otherwise provided for by law.~~

~~(c) Identifying numbers. The department shall draft rules and regulations for the use of identifying numbers, other than Social Security numbers, for use on all records collected by law for use by the department, the court or the domestic relations section solely for purposes of child and spousal support and enforcement, for individuals who do not have Social Security numbers. Any governmental agency or employer may use established identifying numbers, such as Federal employee identification numbers, Federal visa numbers, local property and other tax numbers, driver's licenses or vehicle registrations to provide identification for the person until the department drafts its rules and regulations.~~

~~Section 2. Section 4355(d.6) of Title 23, amended December 16, 1997 (P.L.549, No.58), is amended and subsection (d.1) is amended by adding a paragraph to read:~~

~~SECTION 1. SECTIONS 4355(D.6) AND 6340(A)(5) OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:~~

~~SECTION 1. SECTION 4302 OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:~~

§ 4302. DEFINITIONS.

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

* * *

"OVERDUE SUPPORT." SUPPORT WHICH IS DELINQUENT UNDER A PAYMENT SCHEDULE ESTABLISHED BY THE COURT.

"PAST DUE SUPPORT." SUPPORT INCLUDED IN AN ORDER OF SUPPORT WHICH HAS NOT BEEN PAID.

* * *

SECTION 2. SECTIONS 4304.1(A)(2) AND (3) AND 4346(A) OF
TITLE 23 ARE AMENDED TO READ:

§ 4304.1. COOPERATION OF GOVERNMENT AND NONGOVERNMENT AGENCIES.

(A) COOPERATION OF GOVERNMENT AGENCIES.--NOTWITHSTANDING ANY
OTHER PROVISION OF LAW, INCLUDING THE PROVISIONS OF SECTION 731
OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE
FISCAL CODE, ALL GOVERNMENT AGENCIES SHALL:

* * *

(2) REQUIRE THE SOCIAL SECURITY NUMBER OF AN INDIVIDUAL
WHO HAS ONE ON ANY APPLICATION FOR A PROFESSIONAL OR
OCCUPATIONAL LICENSE OR CERTIFICATION; A PERMIT; A DRIVER'S
LICENSE, INCLUDING A COMMERCIAL DRIVER'S LICENSE; A
RECREATIONAL LICENSE; OR A MARRIAGE LICENSE. COLLECTION OF
THE SOCIAL SECURITY NUMBER SHALL BE PERFORMED IN SUCH MANNER
AS TO PROTECT ITS CONFIDENTIALITY. IF THE GOVERNMENT AGENCY
USES ANOTHER IDENTIFYING NUMBER ON THE FACE OF THE
APPLICATION, THE GOVERNMENT AGENCY SHALL ADVISE THE APPLICANT
AND SHALL KEEP THE SOCIAL SECURITY NUMBER ON FILE AT THE
AGENCY.

(3) REQUIRE THE SOCIAL SECURITY NUMBER OF ANY INDIVIDUAL
SUBJECT TO A DIVORCE DECREE, SUPPORT ORDER, PATERNITY
DETERMINATION OR ACKNOWLEDGMENT OF PATERNITY IN ALL RECORDS
RELATING TO THE MATTER. COLLECTION OF THE SOCIAL SECURITY
NUMBER SHALL BE KEPT CONFIDENTIAL.

* * *

§ 4346. CONTEMPT FOR NONCOMPLIANCE WITH VISITATION OR PARTIAL
CUSTODY ORDER.

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

PUNISHABLE BY ANY ONE OR MORE OF THE FOLLOWING:

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

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

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

(4) AN ORDER FOR NONRENEWAL, SUSPENSION OR [REVOCATION]

DENIAL OF OPERATING PRIVILEGE PURSUANT TO SECTION 4355

(RELATING TO DENIAL OR SUSPENSION OF LICENSES).

* * *

SECTION 3. SECTION 4348 OF TITLE 23 IS AMENDED BY ADDING A
SUBSECTION TO READ:

§ 4348. ATTACHMENT OF INCOME.

* * *

(R) INFORMATION REQUESTS.--

(1) UPON THE REQUEST OF THE DEPARTMENT, A COUNTY
DOMESTIC RELATIONS SECTION OR A CHILD SUPPORT AGENCY OF
ANOTHER STATE, ANY EMPLOYER DOING BUSINESS WITHIN THIS
COMMONWEALTH, INCLUDING A FOR-PROFIT, NOT-FOR-PROFIT OR
GOVERNMENTAL EMPLOYER, SHALL PROMPTLY PROVIDE INFORMATION
REGARDING THE EMPLOYMENT, COMPENSATION AND BENEFITS OF ANY
EMPLOYEE OR CONTRACTOR OF THE EMPLOYER.

(2) IN ADDITION TO ANY OTHER REMEDY ALLOWED BY LAW, THE
DEPARTMENT MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 PER
VIOLATION ON AN INDIVIDUAL OR ENTITY THAT WILLFULLY FAILS TO
COMPLY WITH A REQUEST FOR INFORMATION UNDER PARAGRAPH (1).

SECTION 4. SECTION 4352(D) OF TITLE 23 IS AMENDED AND THE
SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 4352. CONTINUING JURISDICTION OVER SUPPORT ORDERS.

* * *

(D) ARREARS AS JUDGMENTS.--ON AND AFTER THE DATE IT IS DUE,
EACH AND EVERY SUPPORT OBLIGATION SHALL CONSTITUTE A JUDGMENT

1 AGAINST THE OBLIGOR BY OPERATION OF LAW, WITH THE FULL FORCE,
2 EFFECT AND ATTRIBUTES OF A JUDGMENT OF COURT, INCLUDING THE
3 ABILITY TO BE ENFORCED, AND SHALL BE ENTITLED AS A JUDGMENT TO
4 FULL FAITH AND CREDIT IN THIS OR ANY OTHER STATE. OVERDUE
5 SUPPORT OBLIGATIONS OF THIS OR ANY OTHER STATE WHICH ARE ON
6 RECORD AT THE COUNTY DOMESTIC RELATIONS SECTION SHALL CONSTITUTE
7 A LIEN BY OPERATION OF LAW AGAINST ALL REAL PROPERTY OWNED BY
8 THE OBLIGOR WITHIN THE [JUDICIAL DISTRICT] COUNTY AS PROVIDED IN
9 SUBSECTION (D.1). THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A
10 SYSTEM FOR PROVIDING NOTICE TO THE PUBLIC OF LIENS ARISING OUT
11 OF OVERDUE SUPPORT OBLIGATIONS. THE SYSTEM AND ITS PROCEDURES
12 SHALL ENSURE CONVENIENT ACCESS TO LIEN INFORMATION AND SHALL
13 ADDRESS HOURS OF ACCESS BY THE BUSINESS COMMUNITY AND THE
14 GENERAL PUBLIC AND ACCESS VIA MODEM OR AUTOMATED MEANS. [UPON
15 ESTABLISHMENT OF] THIRTY DAYS AFTER PUBLICATION OF NOTICE IN THE
16 PENNSYLVANIA BULLETIN THAT THE SYSTEM HAS BEEN ESTABLISHED, ANY
17 LIEN ON RECORD SHALL CONSTITUTE A LIEN AGAINST ANY REAL PROPERTY
18 IN THIS COMMONWEALTH OWNED BY THE OBLIGOR AND SHALL ALSO HAVE
19 THE EFFECT OF A FULLY PERFECTED SECURITY INTEREST IN PERSONAL
20 PROPERTY OWNED BY THE OBLIGOR IN WHICH A SECURITY INTEREST CAN
21 ARISE. THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF
22 TRANSPORTATION IN THE DEVELOPMENT OF THIS SYSTEM TO ENFORCE
23 COMPLIANCE WITH THIS SUBSECTION AS IT APPLIES TO LIENS ON MOTOR
24 VEHICLES. THE SUPREME COURT SHALL BY GENERAL RULE ESTABLISH
25 PROCEDURES FOR THE RECORDING OF LIENS OF OTHER STATES AT THE
26 COUNTY DOMESTIC RELATIONS SECTION AND FOR THE ENFORCEMENT OF
27 LIENS ARISING FROM OVERDUE SUPPORT WITHOUT PRIOR JUDICIAL NOTICE
28 OR HEARING. A BONA FIDE GOOD FAITH PURCHASER OF PERSONAL
29 PROPERTY FOR VALUE WHICH IS SUBJECT TO A LIEN UNDER THIS
30 SUBSECTION ACQUIRES ALL TITLE WHICH THE TRANSFEROR HAD OR HAD

1 THE POWER TO TRANSFER PURSUANT TO 13 PA.C.S. CH. 24 (RELATING TO
2 TITLE, CREDITORS AND GOOD FAITH PURCHASERS), AND THE OBLIGEE
3 SHALL HAVE ALL RIGHTS AGAINST SUCH PROPERTY WHICH WOULD BE
4 PRESERVED TO A FULLY PERFECTED SECURED CREDITOR UNDER 13 PA.C.S.
5 DIV. 9 (RELATING TO SECURED TRANSACTIONS; SALES OF ACCOUNTS,
6 CONTRACT RIGHTS AND CHATTEL PAPER). THE OBLIGATION FOR PAYMENT
7 OF ARREARS OR OVERDUE SUPPORT SHALL TERMINATE BY OPERATION OF
8 LAW WHEN ALL ARREARS OR OVERDUE SUPPORT HAS BEEN PAID.

9 (D.1) REAL PROPERTY LIENS.--

10 (1) OVERDUE SUPPORT SHALL BE A LIEN ON REAL ESTATE
11 WITHIN THE COUNTY IN WHICH THE OVERDUE SUPPORT IS ON RECORD
12 AT THE COUNTY DOMESTIC RELATIONS SECTION IF:

13 (I) THE UNDERLYING SUPPORT ACTION IS PENDING IN THE
14 COUNTY DOMESTIC RELATIONS SECTION OR IS BEING ENFORCED BY
15 THE COUNTY DOMESTIC RELATIONS SECTION;

16 (II) NOTICE OF THE EXISTENCE OF THE SUPPORT ACTION
17 IS AVAILABLE TO THE PUBLIC THROUGH A DOCKET BOOK OR
18 AUTOMATED MEANS; AND

19 (III) THE COUNTY DOMESTIC RELATIONS SECTION IS ABLE
20 TO DETERMINE THE AMOUNT OF OVERDUE SUPPORT BY REFERENCE
21 TO ITS RECORDS AND IS ABLE TO PROVIDE THE AMOUNT OF THE
22 OVERDUE SUPPORT UPON REQUEST.

23 (2) THE PRIORITY AND AMOUNT OF A LIEN FOR OVERDUE
24 SUPPORT SHALL BE DETERMINED AS FOLLOWS:

25 (I) THE DATE OF THE LIEN FOR PURPOSES OF DETERMINING
26 PRIORITY SHALL BE DETERMINED SEPARATELY FOR EACH UNPAID
27 OVERDUE SUPPORT PAYMENT. THE DATE SHALL BE THE LATER OF:

28 (A) THE DATE THE OBLIGOR OBTAINS A REAL PROPERTY
29 INTEREST WHICH MAY BE SUBJECT TO A LIEN;

30 (B) THE DATE THE OVERDUE SUPPORT BECOMES A LIEN

1 UNDER PARAGRAPH (1); OR

2 (C) JANUARY 1, 1998.

3 (II) THE AMOUNT OF THE LIEN ON ANY DATE SHALL BE THE
4 AMOUNT OF OVERDUE SUPPORT SHOWN ON THAT DATE IN THE
5 RECORDS OF THE DOMESTIC RELATIONS SECTION.

6 (3) UPON REQUEST OF ANY PERSON, THE DOMESTIC RELATIONS
7 SECTION SHALL ISSUE A WRITTEN CERTIFICATION OF THE AMOUNT OF
8 OVERDUE SUPPORT OWED BY AN INDIVIDUAL AS OF THE DATE OF THE
9 CERTIFICATION AND SHALL NOTE ON THE DOCKET THE DATE OF
10 CERTIFICATION AND THE AMOUNT CERTIFIED. THE INTERESTS OF ANY
11 PURCHASER OF REAL ESTATE FOR VALUE, MORTGAGEE OR OTHER LIENOR
12 THAT IN GOOD FAITH PURCHASES THE REAL ESTATE OR LENDS MONEY
13 ON THE SECURITY OF THE REAL ESTATE AND THAT RECORDS, WITHIN
14 30 DAYS BEFORE OR 60 DAYS AFTER THE DATE OF ISSUANCE OF A
15 CERTIFICATE UNDER THIS PARAGRAPH, A DEED, MORTGAGE OR OTHER
16 ENCUMBRANCE AGAINST THE REAL ESTATE SHALL NOT BE SUBJECT TO
17 ANY LIEN FOR OVERDUE SUPPORT IN EXCESS OF THE AMOUNT SHOWN ON
18 THE CERTIFICATION.

19 (4) THE AMOUNT OF OVERDUE SUPPORT OWED BY AN OBLIGOR AND
20 THE NAME OF THE OBLIGOR SHALL BE PUBLIC INFORMATION AND SHALL
21 BE DEEMED A PUBLIC RECORD SUBJECT TO THE ACT OF JUNE 21, 1957
22 (P.L.390, NO.212), REFERRED TO AS THE RIGHT-TO-KNOW LAW.

23 (5) A LIEN ARISING FROM OVERDUE SUPPORT:

24 (I) SHALL AUTOMATICALLY ATTACH TO AFTER-ACQUIRED
25 PROPERTY OWNED BY THE OBLIGOR;

26 (II) SHALL RETAIN ITS PRIORITY WITHOUT RENEWAL OR
27 REVIVAL;

28 (III) SHALL CONTINUE TO ENCUMBER THE PROPERTY UPON
29 SALE OR OTHER TRANSFER;

30 (IV) SHALL NOT BE DIVESTED UPON A JUDICIAL SALE OR

1 EXECUTION BY A PERSON WITH A LIEN WITH LESS PRIORITY;

2 (V) SHALL NOT ATTACH TO THE INTEREST OF ANY OTHER
3 CO-OWNER IN THE PROPERTY;

4 (VI) SHALL EXPIRE 20 YEARS AFTER THE DUE DATE OF THE
5 LAST UNSATISFIED OVERDUE SUPPORT PAYMENT; AND

6 (VII) MAY BE RELEASED BY THE COURT AS AGAINST
7 ABANDONED OR DISTRESSED REAL PROPERTY AT THE REQUEST OF A
8 GOVERNMENTAL UNIT IN ORDER TO FACILITATE THE PROPERTY'S
9 SALE AND REHABILITATION.

10 (6) THE DOMESTIC RELATIONS SECTION:

11 (I) SHALL SATISFY THE LIEN PROMPTLY UPON PAYMENT,
12 BUT NO LATER THAN 60 DAYS FOLLOWING RECEIPT OF THE
13 PAYMENT;

14 (II) MAY CHARGE A FEE NOT TO EXCEED THE LESSER OF
15 ITS ESTIMATED COST OF PRODUCING THE REPORT OR \$20 FOR THE
16 ISSUANCE OF A LIEN CERTIFICATION OR OTHER WRITTEN REPORT
17 OF THE OVERDUE SUPPORT OBLIGATIONS OF AN OBLIGOR;

18 (III) SHALL PROVIDE TO THE PROTHONOTARY OF THE
19 COUNTY THE IDENTITY OF OBLIGORS AND AMOUNT OF OVERDUE
20 SUPPORT TO BE USED TO MAKE THE INFORMATION AVAILABLE TO
21 THE PUBLIC. THE INFORMATION SHALL BE UPDATED AT LEAST
22 MONTHLY AND SHALL BE PROVIDED BY A PAPER LISTING,
23 DISKETTE OR BY ANY OTHER ELECTRONIC MEANS UNTIL THE
24 STATEWIDE SYSTEM UNDER SUBSECTION (D) IS IMPLEMENTED; AND

25 (IV) SHALL TRANSMIT AT LEAST EVERY 60 DAYS TO CREDIT
26 BUREAUS DIRECTLY OR THROUGH THE DEPARTMENT REPORTS AND
27 UPDATES REGARDING THE LIENS FOR OVERDUE SUPPORT.

28 (7) THE DOMESTIC RELATIONS SECTION OR EMPLOYEES THEREOF
29 SHALL NOT BE LIABLE FOR ERRORS IN THE CERTIFICATION OF
30 AMOUNTS OF OVERDUE SUPPORT OR SATISFACTION OF LIENS FOR

1 OVERDUE SUPPORT, EXCEPT AS PROVIDED IN 42 PA.C.S. § 8550
2 (RELATING TO WILLFUL MISCONDUCT).

3 (8) SUPPORT MAY CEASE TO BE OVERDUE IF A REVISED PAYMENT
4 SCHEDULE IS ESTABLISHED BY THE COURT, BUT ANY LIEN WHICH HAS
5 PREVIOUSLY ARISEN AGAINST REAL ESTATE SHALL REMAIN IN EFFECT
6 UNTIL PAID OR DIVESTED.

7 (9) NOTWITHSTANDING PARAGRAPHS (2) AND (3), THE
8 INTERESTS OF ANY PERSON WHO RECORDED A DEED, MORTGAGE OR
9 OTHER INSTRUMENT CREATING AN INTEREST IN OR LIEN AGAINST REAL
10 ESTATE ON OR AFTER JANUARY 1, 1998, AND BEFORE THE EFFECTIVE
11 DATE OF THIS SUBSECTION SHALL NOT BE SUBJECT TO A LIEN FOR
12 ANY OVERDUE SUPPORT ACCRUING ON OR AFTER THE DATE THE DEED,
13 MORTGAGE OR OTHER INSTRUMENT CREATING THE INTEREST OR LIEN
14 WAS RECORDED.

15 (10) NOTHING IN THIS SUBSECTION SHALL CHANGE THE
16 PRIORITY OR VALIDITY OF ANY LIEN RECORDED PRIOR TO THE
17 EFFECTIVE DATE OF THIS SUBSECTION.

18 * * *

19 SECTION 5. SECTION 4355(D.6) OF TITLE 23 IS AMENDED TO READ:
20 § 4355. Denial or suspension of licenses.

21 * * *

22 ~~(d.1) Special procedures for operating privilege.~~

<—

23 * * *

24 ~~(7) Notwithstanding paragraph (6), an individual~~
25 ~~alleging a mistake of fact may appeal a suspension or a~~
26 ~~refusal to issue or renew a license pursuant to this section~~
27 ~~by submitting a written request for a hearing to the domestic~~
28 ~~relations section within 14 days of the date of the~~
29 ~~suspension or the refusal to issue or renew. Within seven~~
30 ~~days of the date of such request, the domestic relations~~

~~section shall direct the Department of Transportation to stay any action revoking or suspending the individual's license until further notice from the domestic relations section.~~

~~Such hearing shall be limited to deciding if there has been a mistake of fact. If the hearing results in a finding that there is no basis for a suspension or a refusal to issue or renew a license under this section, the domestic relations section shall promptly notify the Department of Transportation. If the hearing results in a finding that there is a basis for a suspension or a refusal to issue or renew the individual's license under this section, the domestic relations section shall promptly notify the Department of Transportation to proceed with the suspension or the refusal to issue or renew the individual's license.~~

~~* * *~~

(d.6) Immunity.--The court, the domestic relations section, the Department of Public Welfare, the Department of Transportation, the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission or any employee of any of these entities or any person appointed by the Pennsylvania Game Commission or the Pennsylvania Fish and Boat Commission to issue licenses and permits pursuant to the applicable provisions of 30 Pa.C.S. (relating to fish) and 34 Pa.C.S. (relating to game) shall not be subject to civil or criminal liability for carrying out their duties under this section.

* * *

~~Section 3. Section 6340(a)(5) of Title 23 is amended to~~ <—
~~read:~~

SECTION 6. SECTION 4374(C) OF TITLE 23 IS AMENDED AND THE <—
SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

1 § 4374. STATE DISBURSEMENT UNIT.

2 * * *

3 (C) ALLOCATION OF COLLECTIONS.--SUBJECT TO SUBSECTIONS (D),
4 (E) [AND], (F) AND (F.1), SUPPORT COLLECTED ON BEHALF OF A
5 FAMILY SHALL BE DISTRIBUTED AS FOLLOWS:

6 (1) IN THE CASE OF A FAMILY RECEIVING CASH ASSISTANCE
7 FROM THE COMMONWEALTH:

8 (I) FIRST, PAY TO THE FEDERAL GOVERNMENT AN AMOUNT
9 EQUAL TO THE FEDERAL SHARE OF THE AMOUNT COLLECTED.

10 (II) SECOND, AFTER APPLICATION OF SUBPARAGRAPH (I),
11 FROM THE AMOUNT REMAINING, PASS THROUGH TO THE ASSISTANCE
12 GROUP THE FIRST \$50 PER MONTH OF CURRENT CHILD OR SPOUSAL
13 SUPPORT COLLECTED WITHOUT DECREASING THE AMOUNT OF CASH
14 ASSISTANCE, PROVIDED, HOWEVER, THAT IN NO EVENT MAY ANY
15 ASSISTANCE GROUP BE PAID MORE THAN ONE SUPPORT PASS-
16 THROUGH PAYMENT PER MONTH.

17 (III) THIRD, RETAIN THE REMAINDER OF THE AMOUNT
18 COLLECTED TO REIMBURSE THE COMMONWEALTH UNTIL THE AMOUNT
19 REIMBURSED EQUALS THE AMOUNT OF UNREIMBURSED CASH
20 ASSISTANCE PAID TO THE FAMILY.

21 (IV) FOURTH, PAY TO THE FAMILY ANY AMOUNTS COLLECTED
22 IN EXCESS OF THE AMOUNTS DISTRIBUTED OR RETAINED UNDER
23 SUBPARAGRAPHS (I), (II) AND (III).

24 (2) IN THE CASE OF A FAMILY THAT FORMERLY RECEIVED CASH
25 ASSISTANCE FROM THE COMMONWEALTH:

26 (I) FIRST, PAY TO THE FAMILY THE CURRENT SUPPORT
27 COLLECTED THAT DOES NOT EXCEED THE COURT-ORDERED AMOUNT
28 TO BE PAID IN THE MONTH; AND

29 (II) SECOND, TREAT AMOUNTS COLLECTED IN EXCESS OF
30 THE CURRENT SUPPORT COLLECTED AS ARREARAGES AND

DISTRIBUTE AS FOLLOWS:

(A) IN THE CASE OF ARREARAGES THAT ACCRUED AFTER THE FAMILY CEASED TO RECEIVE CASH ASSISTANCE FROM THE COMMONWEALTH AND WHICH ARE COLLECTED AFTER OCTOBER 1, [1997] 1998:

(I) FIRST, PAY THE FAMILY UP TO THE AMOUNT OF ARREARAGES THAT ACCRUED AFTER THE FAMILY CEASED TO RECEIVE CASH ASSISTANCE FROM THE COMMONWEALTH;

(II) SECOND, TREAT THE BALANCE AS REIMBURSEMENT OF ASSISTANCE IN AN AMOUNT NOT TO EXCEED THE TOTAL AMOUNT OF UNREIMBURSED CASH ASSISTANCE PAID TO THE FAMILY AND:

(A) PAY AN AMOUNT EQUAL TO THE FEDERAL SHARE OF THE REIMBURSED AMOUNT TO THE FEDERAL GOVERNMENT; AND

(B) RETAIN FOR THE COMMONWEALTH AN AMOUNT EQUAL TO THE NON-FEDERAL SHARE OF THE REIMBURSED AMOUNT; AND

(III) THIRD, PAY ANY REMAINING AMOUNT TO THE FAMILY.

[(B) IN THE CASE OF ARREARAGES THAT ACCRUED BEFORE THE FAMILY RECEIVED CASH ASSISTANCE FROM THE COMMONWEALTH AND WHICH ARE COLLECTED BEFORE OCTOBER 1, 2000:

(I) FIRST, TREAT THE AMOUNT COLLECTED FIRST AS REIMBURSEMENT OF ASSISTANCE IN AN AMOUNT NOT TO EXCEED THE TOTAL AMOUNT OF UNREIMBURSED CASH ASSISTANCE PAID TO THE FAMILY AND:

(A) PAY AN AMOUNT EQUAL TO THE FEDERAL

1 SHARE OF THE REIMBURSED AMOUNT TO THE FEDERAL
2 GOVERNMENT; AND

3 (B) RETAIN FOR THE COMMONWEALTH AN
4 AMOUNT EQUAL TO THE NON-FEDERAL SHARE OF THE
5 REIMBURSED AMOUNT; AND

6 (II) SECOND, PAY ANY REMAINING AMOUNT TO THE
7 FAMILY.]

8 (C) IN THE CASE OF ARREARAGES THAT ACCRUED
9 BEFORE THE FAMILY RECEIVED CASH ASSISTANCE FROM THE
10 COMMONWEALTH AND WHICH ARE COLLECTED AFTER OCTOBER 1,
11 [2000] 1998:

12 (I) FIRST, PAY TO THE FAMILY UP TO THE
13 AMOUNT OF ARREARAGES THAT ACCRUED BEFORE THE
14 FAMILY BEGAN TO RECEIVE CASH ASSISTANCE FROM THE
15 COMMONWEALTH;

16 (II) SECOND, TREAT THE BALANCE AS
17 REIMBURSEMENT OF ASSISTANCE IN AN AMOUNT NOT TO
18 EXCEED THE TOTAL AMOUNT OF UNREIMBURSED CASH
19 ASSISTANCE PAID TO THE FAMILY AND:

20 (A) PAY AN AMOUNT EQUAL TO THE FEDERAL
21 SHARE OF THE REIMBURSED AMOUNT TO THE FEDERAL
22 GOVERNMENT; AND

23 (B) RETAIN FOR THE COMMONWEALTH AN
24 AMOUNT EQUAL TO THE NON-FEDERAL SHARE OF THE
25 REIMBURSED AMOUNT; AND

26 (III) THIRD, PAY ANY REMAINING AMOUNT TO THE
27 FAMILY.

28 (D) IN THE CASE OF ARREARAGES THAT ACCRUED WHILE
29 THE FAMILY RECEIVED CASH ASSISTANCE FROM THE
30 COMMONWEALTH:

1 (I) FIRST, TREAT THE AMOUNT COLLECTED AS
2 REIMBURSEMENT OF ASSISTANCE IN AN AMOUNT NOT TO
3 EXCEED THE TOTAL AMOUNT OF UNREIMBURSED CASH
4 ASSISTANCE PAID TO THE FAMILY AND:

5 (A) PAY AN AMOUNT EQUAL TO THE FEDERAL
6 SHARE OF THE REIMBURSED AMOUNT TO THE FEDERAL
7 GOVERNMENT; AND

8 (B) RETAIN FOR THE COMMONWEALTH AN
9 AMOUNT EQUAL TO THE NON-FEDERAL SHARE OF THE
10 REIMBURSED AMOUNT; AND

11 (II) SECOND, PAY ANY REMAINING AMOUNT TO THE
12 FAMILY.

13 (E) NOTWITHSTANDING CLAUSES (A) THROUGH (C), THE
14 RIGHT TO ANY SUPPORT OBLIGATION ASSIGNED TO THE
15 COMMONWEALTH AS A CONDITION OF RECEIVING CASH
16 ASSISTANCE IN EFFECT ON SEPTEMBER 30, 1997, SHALL
17 REMAIN ASSIGNED AFTER THAT DATE.

18 (F) EXCEPT FOR AMOUNTS ASSIGNED TO THE
19 COMMONWEALTH UNDER SUBSECTION (D), BEGINNING OCTOBER
20 1, 1998, ANY SUPPORT ARREARAGES COLLECTED SHALL BE
21 CREDITED AS FOLLOWS:

22 (I) FIRST, TO THE PERIOD AFTER THE FAMILY
23 CEASED TO RECEIVE ASSISTANCE;

24 (II) SECOND, TO THE PERIOD BEFORE THE FAMILY
25 RECEIVED ASSISTANCE; AND

26 (III) THIRD, TO THE PERIOD DURING WHICH THE
27 FAMILY RECEIVED ASSISTANCE.

28 (3) IN THE CASE OF A FAMILY THAT NEVER RECEIVED CASH
29 ASSISTANCE FROM THE COMMONWEALTH, ALL SUPPORT COLLECTIONS
30 SHALL BE PAID TO THE FAMILY.

1 * * *

2 (F.1) DISTRIBUTION.--NOTWITHSTANDING ANY OTHER PROVISION OF
3 LAW, ALL CHILD SUPPORT ARREARS COLLECTED PRIOR TO OCTOBER 1,
4 1998, SHALL BE DISTRIBUTED IN ACCORDANCE WITH DEPARTMENT
5 PROCEDURES APPLYING ALL OF THE PROVISIONS EXCEPT SUBSECTION
6 (B)(1) OF SECTION 457 OF THE SOCIAL SECURITY ACT (49 STAT. 620,
7 42 U.S.C. § 657), AS IN EFFECT ON AUGUST 21, 1996.

8 * * *

9 SECTION 7. SECTION 4377(A) OF TITLE 23 IS AMENDED BY ADDING
10 A PARAGRAPH TO READ:

11 § 4377. POWER TO EXPEDITE SUPPORT CASES.

12 (A) ADMINISTRATIVE POWERS.--THE DEPARTMENT SHALL HAVE
13 STATEWIDE JURISDICTION TO ISSUE THE FOLLOWING ADMINISTRATIVE
14 ORDERS TO EXPEDITE THE ESTABLISHMENT AND ENFORCEMENT OF SUPPORT
15 ON BEHALF OF ANY ASSISTANCE RECIPIENT OR NONRECIPIENT RECEIVING
16 TITLE IV-D SERVICES:

17 * * *

18 (13) TO PROHIBIT THE ISSUANCE OR RENEWAL OF A LICENSE OF
19 AN OBLIGOR OR OTHER INDIVIDUAL UNDER SECTION 4355(A)
20 (RELATING TO DENIAL OR SUSPENSION OF LICENSES) OR TO REQUIRE
21 THE SUSPENSION OF THE LICENSE OF AN OBLIGOR OR OTHER
22 INDIVIDUAL PURSUANT TO SECTION 4355(D.1).

23 * * *

24 SECTION 8. SECTIONS 5103(A) AND 6340(A)(5) OF TITLE 23 ARE
25 AMENDED TO READ:

26 § 5103. ACKNOWLEDGMENT AND CLAIM OF PATERNITY.

27 (A) ACKNOWLEDGMENT OF PATERNITY.--THE FATHER OF A CHILD BORN
28 TO AN UNMARRIED WOMAN MAY FILE WITH THE DEPARTMENT OF PUBLIC
29 WELFARE, ON FORMS PRESCRIBED BY THE DEPARTMENT, AN
30 ACKNOWLEDGMENT OF PATERNITY OF THE CHILD WHICH SHALL INCLUDE THE

1 CONSENT OF THE MOTHER OF THE CHILD, SUPPORTED BY HER [AFFIDAVIT]
2 WITNESSED STATEMENT SUBJECT TO 18 PA.C.S. § 4904 (RELATING TO
3 UNSWORN FALSIFICATION TO AUTHORITIES). IN SUCH CASE, THE FATHER
4 SHALL HAVE ALL THE RIGHTS AND DUTIES AS TO THE CHILD WHICH HE
5 WOULD HAVE HAD IF HE HAD BEEN MARRIED TO THE MOTHER AT THE TIME
6 OF THE BIRTH OF THE CHILD, AND THE CHILD SHALL HAVE ALL THE
7 RIGHTS AND DUTIES AS TO THE FATHER WHICH THE CHILD WOULD HAVE
8 HAD IF THE FATHER HAD BEEN MARRIED TO THE MOTHER AT THE TIME OF
9 BIRTH. THE HOSPITAL OR OTHER PERSON ACCEPTING AN ACKNOWLEDGMENT
10 OF PATERNITY SHALL PROVIDE WRITTEN AND ORAL NOTICE, WHICH MAY BE
11 THROUGH THE USE OF VIDEO OR AUDIO EQUIPMENT, TO THE BIRTH MOTHER
12 AND BIRTH FATHER OF THE ALTERNATIVES TO, THE LEGAL CONSEQUENCES
13 OF AND THE RIGHTS AND RESPONSIBILITIES THAT ARISE FROM, SIGNING
14 THE ACKNOWLEDGMENT.

15 * * *

16 § 6340. Release of information in confidential reports.

17 (a) General rule.--Reports specified in section 6339
18 (relating to confidentiality of reports), ~~and testimony based on~~ <—
19 ~~the reports or on the investigation underlying them,~~ shall only
20 be made available to:

21 * * *

22 ~~(5) [A] Pursuant to a subpoena or similar court order, a~~ <—
23 ~~court of competent jurisdiction [pursuant to a court order.]~~
24 ~~in any case and a district justice, a judge of the~~
25 ~~Philadelphia Municipal Court or a judge of the Pittsburgh~~
26 ~~Magistrates Court, in a case involving alleged criminal~~
27 ~~conduct which meets the definition of child abuse under~~
28 ~~section 6303 (relating to definitions). Disclosure through~~
29 ~~testimony shall be subject to the restrictions of subsection~~
30 ~~(c).~~

* * *

~~Section 4 2. This act shall take effect in 60 days.~~

<—

(5) A COURT OF COMPETENT JURISDICTION [PURSUANT TO A COURT ORDER.] , INCLUDING A DISTRICT JUSTICE, A JUDGE OF THE PHILADELPHIA MUNICIPAL COURT AND A JUDGE OF THE PITTSBURGH MAGISTRATES COURT, PURSUANT TO COURT ORDER OR SUBPOENA IN A CRIMINAL MATTER INVOLVING A CHARGE OF CHILD ABUSE UNDER SECTION 6303(B) (RELATING TO DEFINITIONS). DISCLOSURE THROUGH TESTIMONY SHALL BE SUBJECT TO THE RESTRICTIONS OF SUBSECTION (C).

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* * *

SECTION 9. THE PROVISIONS OF 23 PA.C.S. PT. II ARE REPEALED
INsofar AS THEY ARE INCONSISTENT WITH THIS ACT.

SECTION 10. THE AMENDMENT OF 23 PA.C.S. § 4374 SHALL APPLY TO ALL CHILD SUPPORT ARREARS COLLECTED ON OR AFTER OCTOBER 1, 1998.

SECTION 11. NOTHING IN THIS ACT SHALL IMPAIR THE PRIORITY OR VALIDITY OF ANY LIEN RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

SECTION 12. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.