

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 321 Session of 2011

INTRODUCED BY DeLUCA, D. COSTA, FABRIZIO, HARKINS, HORNAMAN,
LONGIETTI, WHITE, JOSEPHS, YOUNGBLOOD AND KOTIK,
JANUARY 31, 2011

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2011

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in support of the indigent, repealing
3 provisions relating to relatives' liability.

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

6 Section 1. Section 4603 of Title 23 of the Pennsylvania
7 Consolidated Statutes is repealed:

8 [§ 4603. Relatives' liability; procedure.

9 (a) Liability.--

10 (1) Except as set forth in paragraph (2), all of the
11 following individuals have the responsibility to care for and
12 maintain or financially assist an indigent person, regardless
13 of whether the indigent person is a public charge:

14 (i) The spouse of the indigent person.

15 (ii) A child of the indigent person.

16 (iii) A parent of the indigent person.

17 (2) Paragraph (1) does not apply in any of the following
18 cases:

1 (i) If an individual does not have sufficient
2 financial ability to support the indigent person.

3 (ii) A child shall not be liable for the support of
4 a parent who abandoned the child and persisted in the
5 abandonment for a period of ten years during the child's
6 minority.

7 (b) Amount.--

8 (1) Except as set forth in paragraph (2), the amount of
9 liability shall be set by the court in the judicial district
10 in which the indigent person resides.

11 (2) For medical assistance for the aged other than
12 public nursing home care, as provided in section 401 of the
13 act of June 13, 1967 (P.L.31, No.21), known as the Public
14 Welfare Code, the following apply:

15 (i) Except as set forth in subparagraph (ii), the
16 amount of liability shall, during any 12-month period, be
17 the lesser of:

18 (A) six times the excess of the liable
19 individual's average monthly income over the amount
20 required for the reasonable support of the liable
21 individual and other persons dependent upon the
22 liable individual; or

23 (B) the cost of the medical assistance for the
24 aged.

25 (ii) The department may, by reasonable regulations,
26 adjust the liability under subparagraph (i), including
27 complete elimination of the liability, at a cost to the
28 Commonwealth not exceeding those funds certified by the
29 Secretary of the Budget as available for this purpose.

30 (c) Procedure.--A court has jurisdiction in a case under

1 this section upon petition of:

2 (1) an indigent person; or

3 (2) any other person or public body or public agency

4 having any interest in the care, maintenance or assistance of

5 such indigent person.

6 (d) Contempt.--

7 (1) If an individual liable for support under this

8 section fails to comply with an order under this section, the

9 court shall schedule a contempt hearing. At the hearing, if

10 the court determines that the individual liable for support

11 has intentionally failed to comply with the order, the court

12 may hold the individual in contempt of court and may sentence

13 the individual to up to six months' imprisonment.

14 (2) This subsection applies regardless of whether the

15 indigent person is confined in a public institution.]

16 Section 2. This act shall take effect immediately.