

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 881 Session of
1989

INTRODUCED BY ANDREZESKI, REIBMAN, STAPLETON, O'PAKE, BODACK,
MELLOW, AFFLERBACH, STEWART, REGOLI, STOUT, PORTERFIELD,
LEWIS, DAWIDA AND JONES, MAY 2, 1989

REFERRED TO JUDICIARY, MAY 2, 1989

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, requiring periodic review of support
3 guidelines.

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

6 Section 1. Section 4322 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 4322. Support guidelines.

9 [The courts of common pleas shall develop] (a) Statewide
10 guidelines.--The Supreme Court shall, by general rule, develop
11 Statewide guidelines for child and spousal support so that
12 persons similarly situated shall be treated similarly. The
13 guidelines shall be based upon the reasonable needs of the child
14 or spouse seeking support and the ability of the obligor to
15 provide support. In determining the reasonable needs of the
16 child or spouse seeking support and the ability of the obligor
17 to provide support, the guidelines shall place primary emphasis
18 on the net incomes and earning capacities of the parties, with

allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention. The guidelines so developed shall be reviewed at least once every four years.

(b) Rebuttable presumption.--There shall be a rebuttable presumption, in any judicial or expedited process, that the amount of the award which would result from the application of these guidelines is the correct amount of support to be awarded. A written finding or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case shall be sufficient to rebut the presumption in that case. The Supreme Court shall, by general rule, establish criteria on which such findings must be based. These criteria shall be established as a Rule of Civil Procedure and shall be issued as final rulemaking not later than 12 months from the effective date of this subsection.

Section 2. This act shall take effect immediately.