

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1412 Session of
1997

INTRODUCED BY CIVERA, FICHTER, BARRAR, KIRKLAND, GEIST, JAMES,
SERAFINI, TRICH, DALEY, TRELLO, DeLUCA, CORPORA, HARHART,
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M. COHEN AND STEELMAN, APRIL 30, 1997

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 24, 1997

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, ~~providing for sanctions on driver's~~ <—
3 ~~licenses and vehicle registrations against support~~
4 ~~delinquents; and~~ further providing for INFORMATION TO <—
5 CONSUMER REPORTING AGENCY, FOR COOPERATION OF GOVERNMENT AND
6 NONGOVERNMENT AGENCIES AND FOR GENERAL ADMINISTRATION OF
7 SUPPORT MATTERS; PROVIDING FOR DUTIES OF TITLE IV-D ATTORNEY;
8 FURTHER PROVIDING FOR ORDER OF SUPPORT, FOR MANDATORY
9 INCLUSION OF CHILD MEDICAL SUPPORT, FOR COMMENCEMENT OF
10 SUPPORT ACTIONS OR PROCEEDINGS, FOR EXPEDITED PROCEDURE, FOR
11 PATERNITY, FOR ATTACHMENT OF INCOME, FOR COSTS AND FEES, FOR
12 CONTINUING JURISDICTION OVER SUPPORT ORDERS, FOR DUTY TO
13 REPORT AND FOR DENIAL OR SUSPENSION OF LICENSES; PROVIDING
14 FOR TITLE IV-D PROGRAM AND RELATED MATTERS; FURTHER PROVIDING
15 FOR ACKNOWLEDGMENT AND CLAIM OF PATERNITY, FOR
16 responsibilities of law enforcement agencies ~~and~~, FOR court- <—
17 ordered relief, FOR CONTINUING EXCLUSIVE JURISDICTION, FOR <—
18 RECOGNITION OF CHILD SUPPORT ORDERS, FOR DUTIES OF INITIATING
19 TRIBUNAL, FOR DUTIES AND POWERS OF RESPONDING TRIBUNAL, FOR
20 INAPPROPRIATE TRIBUNAL, FOR DUTIES OF SUPPORT ENFORCEMENT
21 AGENCY, FOR SUPERVISORY DUTY, FOR DUTIES OF THE DEPARTMENT OF
22 PUBLIC WELFARE AND FOR INCOME-WITHHOLDING ORDER OF ANOTHER
23 STATE; PROVIDING FOR COMPLIANCE WITH MULTIPLE INCOME-
24 WITHHOLDING ORDERS, FOR IMMUNITY FROM CIVIL LIABILITY, FOR
25 PENALTIES FOR NONCOMPLIANCE AND FOR CONTEST BY OBLIGOR;
26 FURTHER PROVIDING FOR NOTICE OF REGISTRATION OF ORDER, FOR
27 PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF REGISTERED
28 ORDER AND FOR MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER
29 STATE; PROVIDING FOR JURISDICTION TO MODIFY CHILD SUPPORT

ORDER OF ANOTHER STATE AND FOR NOTICE TO ISSUING TRIBUNAL OF
MODIFICATION; FURTHER PROVIDING FOR SUPERVISORY DUTY AND FOR
DEFINITIONS; MAKING REPEALS; AND MAKING EDITORIAL CHANGES.

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

~~Section 1. Title 23 of the Pennsylvania Consolidated
Statutes is amended by adding a section to read:~~

~~§ 4356. Denial or suspension of a driver's license or motor
vehicle registration.~~

~~(a) General rule. Where the domestic relations section has
been unable to attach the income of an obligor pursuant to
section 4348 (relating to attachment of income) and the obligor
owes support in an amount equal to or greater than three months
of the monthly support obligation, the court shall issue an
order directing the Department of Transportation to:~~

~~(1) prohibit the issuance or renewal of all classes of
motor vehicle operator's licenses and registrations of the
obligor; or~~

~~(2) require the suspension of all classes of motor
vehicle operator's licenses and registrations of the obligor.~~

~~(b) Notice to obligor.~~

~~(1) Prior to the issuance of an order to suspend,
nonrenew or deny motor vehicle operator's licenses and
registrations, the court shall send written notice to the
obligor. The notice shall specify:~~

~~(i) The amount of arrears owed.~~

~~(ii) How, when and where the notice may be
contested.~~

~~(iii) That the grounds for contesting the notice
shall be limited to mistakes of fact. Mistakes of fact
shall be limited to errors in the amount of arrears owed~~

~~or mistaken identity of the obligor.~~

~~(iv) That an order to the department to automatically suspend, nonrenew or deny the license will occur in all cases 30 days after issuance of the notice unless the arrearage is paid or a periodic payment schedule is approved by the court.~~

~~(c) Order.~~

~~(1) Thirty days after the issuance of the notice, if the obligor has not paid the arrearage or entered into a court approved periodic payment schedule, the court shall issue an order to the department to suspend or deny the issuance or renewal of all motor vehicle operator's licenses and registrations. Upon receipt, the department shall immediately comply with that order.~~

~~(2) An order providing for a periodic payment schedule shall also provide that failure to comply with the schedule shall result in the immediate suspension, nonrenewal or denial of the obligor's motor vehicle licenses and registrations. This order may include a requirement that the obligor's motor vehicle operator's license be suspended and the obligor receive only an occupational limited license from the department if the obligor qualifies for one until the arrearage is satisfied or until the court issues an order removing the suspension of driving privileges. Only those obligors who have a periodic payment schedule approved by the court may qualify for an occupational limited license. The obligor must meet and follow requirements set forth in 75 Pa.C.S. § 1553 (relating to occupational limited license) in applying and using an occupational limited license.~~

~~(3) To contest the order, the obligor must appear before~~

~~the domestic relations section not later than ten days after issuance of the order. The grounds for contesting shall be limited to mistakes of fact. If as determined by the domestic relations section a mistake of fact has occurred, the action shall be modified accordingly within ten days.~~

~~(4) Upon receiving an order, the department shall send a notice to the obligor of the order of the court for suspension, nonrenewal or denial of motor vehicle operator's licenses and registrations. The notice shall clearly state the reasons and statutory grounds for the suspension, nonrenewal or denial and the mailing address for the court that issued the order. It may include any other notices prescribed by the department or the court. The department shall develop the form and content of this notice. The notice shall include requirements for the obligor to return all suspended driver's licenses, vehicle registrations and registration plates to the department.~~

~~(5) Within 30 days of receiving a notice that a registration has been suspended, the obligor shall return the vehicle's license plates to the department unless the arrearage is paid or a periodic payment schedule is approved by the court.~~

~~(d) Reinstatement or issuance of license and registration. Where the court has issued an order pursuant to subsection (c) and the obligor has satisfied the arrearage, the court shall order the department to reinstate or issue the licenses or registrations immediately, provided that the obligor meets any and all other requirements for issuance or reinstatement. The department shall have ten days to return all driver's licenses, vehicle registrations and registration plates to the obligor.~~

~~(c) Definitions. As used in this section, the following words and phrases shall have the meanings given to them in this subsection:~~

~~"Department." The Department of Transportation of the Commonwealth.~~

~~"Motor vehicle operator's license." A license or permit to drive a motor vehicle issued under 75 Pa.C.S. (relating to vehicles).~~

~~"Occupational limited license." A license issued under 75 Pa.C.S. § 1553 (relating to occupational limited license).~~

~~"Registration." The authority for a vehicle to operate on a highway as evidence by the issuance of an identifying card and registration plate.~~

~~"Suspend." To withdraw temporarily by formal action of the department any license, registration or privilege issued or granted by the department.~~

~~Section 2. Sections 6105(c) and 6108(a)(7) of Title 23 are SECTION 1. SECTIONS 6105(E) AND 6108(A)(7) OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES are amended to read:~~

~~SECTION 1. THE DEFINITIONS OF "INCOME" AND "ORDER OF SUPPORT" IN SECTION 4302 OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED AND THE SECTION 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:~~

~~* * *~~

~~"DEPARTMENT." THE DEPARTMENT OF PUBLIC WELFARE OF THE COMMONWEALTH.~~

1 * * *

2 "INCOME." INCLUDES COMPENSATION FOR SERVICES, INCLUDING, BUT
3 NOT LIMITED TO, WAGES, SALARIES, BONUSES, FEES, COMPENSATION IN
4 KIND, COMMISSIONS AND SIMILAR ITEMS; INCOME DERIVED FROM
5 BUSINESS; GAINS DERIVED FROM DEALINGS IN PROPERTY; INTEREST;
6 RENTS; ROYALTIES; DIVIDENDS; ANNUITIES; INCOME FROM LIFE
7 INSURANCE AND ENDOWMENT CONTRACTS; ALL FORMS OF RETIREMENT;
8 PENSIONS; INCOME FROM DISCHARGE OF INDEBTEDNESS; DISTRIBUTIVE
9 SHARE OF PARTNERSHIP GROSS INCOME; INCOME IN RESPECT OF A
10 DECEDENT; INCOME FROM AN INTEREST IN AN ESTATE OR TRUST;
11 MILITARY RETIREMENT BENEFITS; RAILROAD EMPLOYMENT RETIREMENT
12 BENEFITS; SOCIAL SECURITY BENEFITS; TEMPORARY AND PERMANENT
13 DISABILITY BENEFITS; [WORKMEN'S] WORKER'S COMPENSATION [AND];
14 UNEMPLOYMENT COMPENSATION; [OR] OTHER ENTITLEMENTS TO MONEY OR
15 LUMP SUM AWARDS, WITHOUT REGARD TO SOURCE[.], INCLUDING LOTTERY
16 WINNINGS; INCOME TAX REFUNDS; INSURANCE COMPENSATION OR
17 SETTLEMENTS; AWARDS OR VERDICTS; AND ANY FORM OF PAYMENT DUE TO
18 AND COLLECTIBLE BY AN INDIVIDUAL REGARDLESS OF SOURCE.

19 * * *

20 "OBLIGEE." THE TERM SHALL HAVE THE MEANING GIVEN IN SECTION
21 7101(B) (RELATING TO SHORT TITLE OF PART AND DEFINITIONS).

22 "OBLIGOR." THE TERM SHALL HAVE THE MEANING GIVEN IN SECTION
23 7101(B) (RELATING TO SHORT TITLE OF PART AND DEFINITIONS).

24 "ORDER OF SUPPORT." INCLUDES ASSISTANCE IMPOSED OR IMPOSABLE
25 BY LAW OR BY ANY COURT ORDER, OR BY AN AGENCY ADMINISTERING A
26 STATE TITLE IV-D PROGRAM, WHETHER [INTERLOCUTORY OR] TEMPORARY,
27 FINAL[,] OR SUBJECT TO MODIFICATION AND WHETHER INCIDENTAL TO A
28 PROCEEDING FOR DIVORCE, SEPARATE MAINTENANCE, ACTION FOR FAILURE
29 TO SUPPORT A CHILD BORN OUT OF WEDLOCK OR OTHERWISE. THE TERM
30 INCLUDES AN ORDER FOR THE SUPPORT AND MAINTENANCE OF A CHILD.

1 INCLUDING A CHILD WHO HAS ATTAINED THE AGE OF MAJORITY OR FOR
2 THE PARENT WITH WHOM THE CHILD IS LIVING, WHICH PROVIDES FOR
3 MONETARY SUPPORT, HEALTH CARE, ARREARAGES OR REIMBURSEMENT AND
4 WHICH MAY INCLUDE RELATED COSTS AND FEES, INTEREST AND
5 PENALTIES, INCOME WITHHOLDING, ATTORNEY'S FEES AND OTHER RELIEF.

6 "STATE DISBURSEMENT UNIT." THE ORGANIZATIONAL UNIT
7 ESTABLISHED WITHIN THE DEPARTMENT OF PUBLIC WELFARE RESPONSIBLE
8 FOR COLLECTING AND DISBURSING SUPPORT, AS PROVIDED IN SECTION
9 4374 (RELATING TO STATE DISBURSEMENT UNIT).

10 * * *

11 SECTION 2. SECTIONS 4303, 4304.1 AND 4305 OF TITLE 23 ARE
12 AMENDED TO READ:

13 § 4303. INFORMATION TO CONSUMER REPORTING AGENCY.

14 INFORMATION REGARDING THE NAME AND THE AMOUNT OF ARREARAGES
15 OWED BY AN OBLIGOR SHALL BE PROVIDED PERIODICALLY TO CONSUMER
16 REPORTING AGENCIES WHENEVER THE OBLIGOR OWES OVERDUE SUPPORT
17 [AND IS AT LEAST TWO MONTHS IN ARREARS], SUBJECT TO THE
18 FOLLOWING:

19 (1) THE INFORMATION SHALL BE AVAILABLE ONLY AFTER THE
20 OBLIGOR OWING THE ARREARAGES HAS BEEN NOTIFIED OF THE
21 PROPOSED ACTION AND GIVEN A PERIOD NOT TO EXCEED 20 DAYS TO
22 CONTEST THE ACCURACY OF THE INFORMATION. THE NOTICE SHALL BE
23 AS PROVIDED BY LOCAL RULE OF THE COURT OF COMMON PLEAS.

24 (2) SUCH INFORMATION SHALL NOT BE MADE AVAILABLE TO:

25 (I) A CONSUMER REPORTING AGENCY WHICH THE
26 [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT DETERMINES NOT
27 TO HAVE SUFFICIENT CAPABILITY TO SYSTEMATICALLY AND
28 TIMELY MAKE ACCURATE USE [USE] OF SUCH INFORMATION; OR

29 (II) AN ENTITY WHICH HAS NOT FURNISHED EVIDENCE
30 SATISFACTORY TO THE [DEPARTMENT OF PUBLIC WELFARE]

1 DEPARTMENT THAT THE ENTITY IS A CONSUMER REPORTING
2 AGENCY.

3 § 4304.1. COOPERATION OF GOVERNMENT AND NONGOVERNMENT AGENCIES.

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

8 (1) AT THE REQUEST OF THE [DEPARTMENT OF PUBLIC WELFARE]
9 DEPARTMENT, PROVIDE INFORMATION [IN A FORM] PRESCRIBED BY THE
10 DEPARTMENT REGARDING A PERSON'S WAGES, INCOME, TELEPHONE
11 NUMBERS, ADDRESSES, SOCIAL SECURITY NUMBERS AND DATE OF
12 BIRTH, EMPLOYER NAMES, ADDRESSES AND TELEPHONE NUMBERS.

13 (2) REQUIRE THE SOCIAL SECURITY NUMBER OF AN INDIVIDUAL
14 ON ANY APPLICATION FOR A PROFESSIONAL OR OCCUPATIONAL LICENSE
15 OR CERTIFICATION[.]; A PERMIT; A DRIVER'S LICENSE, INCLUDING
16 A COMMERCIAL DRIVER'S LICENSE; OR A MARRIAGE LICENSE.

17 (3) REQUIRE THE SOCIAL SECURITY NUMBER OF ANY INDIVIDUAL
18 SUBJECT TO A DIVORCE DECREE, SUPPORT ORDER, PATERNITY
19 DETERMINATION OR ACKNOWLEDGMENT OF PATERNITY IN ALL RECORDS
20 RELATING TO THE MATTER.

21 (4) REQUIRE THE SOCIAL SECURITY NUMBER OF A DECEASED
22 INDIVIDUAL IN RECORDS RELATING TO THE DEATH, INCLUDING THE
23 DEATH CERTIFICATE.

24 (B) COOPERATION OF LABOR ORGANIZATIONS.--LABOR ORGANIZATIONS
25 SHALL AT THE REQUEST OF THE [DEPARTMENT OF PUBLIC WELFARE]
26 DEPARTMENT PROVIDE INFORMATION IN A FORM PRESCRIBED BY THE
27 DEPARTMENT REGARDING WAGES, INCOME, TELEPHONE NUMBERS,
28 ADDRESSES, SOCIAL SECURITY NUMBERS AND DATE OF BIRTH, EMPLOYER
29 NAMES, ADDRESSES AND TELEPHONE NUMBERS.

30 (B.1) COOPERATION OF FINANCIAL INSTITUTIONS.--

1 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL FINANCIAL
2 INSTITUTIONS DOING BUSINESS IN THIS COMMONWEALTH SHALL:

3 (1) PROVIDE FOR EACH CALENDAR QUARTER SUCH IDENTIFYING
4 INFORMATION, ASSET INFORMATION AND BENEFIT INFORMATION AS THE
5 DEPARTMENT MAY SPECIFY FOR ANY OBLIGOR WHO OWES PAST DUE
6 SUPPORT AS IDENTIFIED BY THE DEPARTMENT BY NAME AND SOCIAL
7 SECURITY NUMBER OR OTHER TAXPAYER IDENTIFICATION NUMBER.

8 (2) UPON RECEIPT OF A NOTICE OF LIEN OR SEIZURE ORDER
9 FROM THE DOMESTIC RELATIONS SECTION OR THE DEPARTMENT,
10 ENCUMBER OR SURRENDER, AS THE CASE MAY BE, IDENTIFIED ASSETS
11 OF AN OBLIGOR WHO IS SUBJECT TO A CHILD SUPPORT LIEN. THE
12 SUPREME COURT SHALL, BY GENERAL RULE, PRESCRIBE THE FORM OF
13 THE ORDER. THE FINANCIAL INSTITUTION SHALL REMIT TO THE
14 DOMESTIC RELATIONS SECTION OR TO THE DEPARTMENT THE ASSETS
15 AVAILABLE IN THE ACCOUNT ON THE DATE OF THE RECEIPT OF THE
16 NOTICE OF LIEN OR SEIZURE ORDER BY THE FINANCIAL INSTITUTION.
17 REMITTANCE BY THE FINANCIAL INSTITUTION SHALL BE MADE WITHIN
18 A REASONABLE PERIOD OF TIME.

19 (B.2) AGREEMENTS BETWEEN THE DEPARTMENT AND FINANCIAL
20 INSTITUTIONS.--NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
21 DEPARTMENT AND ANY FINANCIAL INSTITUTION DOING BUSINESS IN THIS
22 COMMONWEALTH ARE AUTHORIZED TO ENTER INTO AGREEMENTS FOR THE
23 PURPOSE OF CARRYING OUT THE PROVISIONS OF SUBSECTION (B.1). THE
24 AGREEMENT MAY SPECIFY PAYMENT OF A FEE BY THE DEPARTMENT TO THE
25 FINANCIAL INSTITUTION TO CONDUCT THE ACTIVITIES IN ACCORDANCE
26 WITH SUBSECTION (B.1)(1) WHICH SHALL NOT EXCEED ACTUAL AND
27 REASONABLE COSTS INCURRED BY THE FINANCIAL INSTITUTION.

28 (C) PENALTY.--FOLLOWING NOTICE AND HEARING, THE [DEPARTMENT
29 OF PUBLIC WELFARE] DEPARTMENT MAY IMPOSE A CIVIL PENALTY OF UP
30 TO \$1,000 PER VIOLATION UPON ANY GOVERNMENT AGENCY [OR], LABOR

1 ORGANIZATION OR FINANCIAL INSTITUTION WHICH WILLFULLY FAILS TO
2 COMPLY WITH A REQUEST BY THE [DEPARTMENT OF PUBLIC WELFARE]
3 DEPARTMENT FOR INFORMATION PURSUANT TO THIS SECTION.

4 (D) CONFIDENTIALITY.--ANY INFORMATION PROVIDED OR COLLECTED
5 PURSUANT TO THIS SECTION SHALL BE CONFIDENTIAL AND MAY [ONLY] BE
6 USED BY THE DEPARTMENT, THE COURT OR THE DOMESTIC RELATIONS
7 SECTION SOLELY FOR PURPOSES OF CHILD SUPPORT ENFORCEMENT [BY THE
8 DEPARTMENT OF PUBLIC WELFARE.] AND, TO THE EXTENT ALLOWED BY
9 FEDERAL LAW, FOR ADMINISTRATION OF PUBLIC ASSISTANCE PROGRAMS.

10 ANY PERSON, GOVERNMENT AGENCY, EMPLOYER OR AGENT OF THE
11 DEPARTMENT WHO DIVULGES SUCH INFORMATION IN A MANNER NOT
12 PROVIDED IN THIS SECTION COMMITS A MISDEMEANOR OF THE THIRD
13 DEGREE AND, UPON CONVICTION, SHALL BE SENTENCED TO PAY A FINE OF
14 UP TO \$1,000 PER VIOLATION AND COSTS AND SHALL BE SUBJECT TO A
15 TERM OF IMPRISONMENT OF NOT MORE THAN ONE YEAR, OR BOTH.

16 (D.1) NOTIFICATION.--NO FINANCIAL INSTITUTION SHALL BE
17 REQUIRED TO NOTIFY AN OBLIGOR OF A REQUEST FOR INFORMATION BY
18 THE DEPARTMENT OR THE COURT UNDER THIS SECTION.

19 (E) IMMUNITY.--A PERSON, GOVERNMENT AGENCY [OR], LABOR
20 ORGANIZATION OR FINANCIAL INSTITUTION PROVIDING INFORMATION,
21 ENCUMBERING OR SURRENDERING PROPERTY PURSUANT TO THIS SECTION
22 SHALL NOT BE SUBJECT TO CIVIL OR CRIMINAL LIABILITY TO ANY
23 PERSON OR ENTITY. THE DEPARTMENT, A COURT, A DOMESTIC RELATIONS
24 SECTION OR AN AUTHORIZED EMPLOYEE OF SUCH AN ENTITY REQUESTING
25 INFORMATION UNDER THIS SECTION OR ORDERING THE SEIZURE,
26 ENCUMBRANCE OR SURRENDER OF AN ASSET HELD BY A FINANCIAL
27 INSTITUTION SHALL NOT BE SUBJECT TO ANY CIVIL OR CRIMINAL
28 LIABILITY. A FINANCIAL INSTITUTION SHALL NOT BE SUBJECT TO ANY
29 CIVIL OR CRIMINAL LIABILITY FOR ENCUMBERING OR SURRENDERING
30 ASSETS OF AN OBLIGOR AS REQUIRED BY THIS SECTION. THE IMMUNITY

PROVIDED BY THIS SUBSECTION SHALL NOT APPLY TO ANY PERSON OR
AGENT OF A GOVERNMENT AGENCY [OR], LABOR ORGANIZATION OR
FINANCIAL INSTITUTION WHO KNOWINGLY SUPPLIES FALSE INFORMATION
UNDER THIS SECTION.

(F) DATA COLLECTION.--THE DEPARTMENT SHALL PROVIDE FOR THE
FREQUENCY AND FORMAT, WHICH MAY INCLUDE AUTOMATED DATA
EXCHANGES, FOR THE COLLECTION OF THE INFORMATION REQUIRED IN
THIS SECTION.

(G) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
SUBSECTION:

"ACCOUNT." A DEMAND DEPOSIT ACCOUNT, CHECKING OR NEGOTIABLE
WITHDRAWAL ORDER ACCOUNT, SAVINGS ACCOUNT, TIME DEPOSIT ACCOUNT
OR MONEY MARKET MUTUAL FUND ACCOUNT. THE TERM DOES NOT INCLUDE
TRUST ACCOUNTS, CUSTODIAN ACCOUNTS OR ACCOUNTS UNDER 20 PA.C.S.
CH. 53 (RELATING TO THE PENNSYLVANIA UNIFORM TRANSFERS TO MINORS
ACT).

"ASSET INFORMATION." ACCOUNT BALANCES, DEPOSITS,
WITHDRAWALS, INTEREST, INVESTMENTS, TRUSTS, DIVIDENDS,
CERTIFICATES OF DEPOSITS AND OTHER ASSET INFORMATION.

"BENEFIT INFORMATION." INFORMATION REGARDING FINANCIAL OR
HEALTH CARE BENEFITS TO WHICH AN INDIVIDUAL MAY BE ENTITLED FROM
GOVERNMENT, AN EMPLOYER, AN INSURER OR OTHER SOURCE.

"FINANCIAL INSTITUTION." A DEPOSITORY INSTITUTION, AS
DEFINED BY SECTION 3(C) OF THE FEDERAL DEPOSIT INSURANCE ACT (64
STAT. 873, 12 U.S.C. § 1813(C)); AN INSTITUTION-AFFILIATED
PARTY, AS DEFINED BY SECTION 3(U) OF THE FEDERAL DEPOSIT
INSURANCE ACT; A FEDERAL CREDIT UNION OR STATE CREDIT UNION, AS
DEFINED IN SECTION 101 OF THE FEDERAL CREDIT UNION ACT (48 STAT.
1216, 12 U.S.C. § 1752), INCLUDING AN INSTITUTION-AFFILIATED

PARTY OF SUCH A CREDIT UNION, AS DEFINED IN SECTION 206(R) OF
THE FEDERAL CREDIT UNION ACT; AND A BENEFIT ASSOCIATION,
INSURER, SAFE DEPOSIT COMPANY, MONEY-MARKET MUTUAL FUND OR
SIMILAR ENTITY AUTHORIZED TO DO BUSINESS IN THIS COMMONWEALTH.

"IDENTIFYING INFORMATION." NAME, RECORD ADDRESS, SOCIAL
SECURITY NUMBER OR OTHER TAXPAYER IDENTIFICATION NUMBER.

"INSURER." A FOREIGN OR DOMESTIC INSURANCE COMPANY,
ASSOCIATION OR EXCHANGE HOLDING A CERTIFICATE OF AUTHORITY UNDER
THE ACT OF MAY 17, 1921 (P.L.682, NO.284), KNOWN AS THE
INSURANCE COMPANY LAW OF 1921; A RISK-ASSUMING PREFERRED
PROVIDER ORGANIZATION OPERATING UNDER SECTION 630 OF THE
INSURANCE COMPANY LAW OF 1921; A HEALTH MAINTENANCE ORGANIZATION
HOLDING A CERTIFICATE OF AUTHORITY UNDER THE ACT OF DECEMBER 29,
1972 (P.L.1701, NO.364), KNOWN AS THE HEALTH MAINTENANCE
ORGANIZATION ACT; A FRATERNAL BENEFIT SOCIETY HOLDING A
CERTIFICATE OF AUTHORITY UNDER THE ACT OF DECEMBER 14, 1992
(P.L.835, NO.134), KNOWN AS THE FRATERNAL BENEFIT SOCIETIES
CODE; A HOSPITAL PLAN CORPORATION HOLDING A CERTIFICATE OF
AUTHORITY UNDER 40 PA.C.S. CH. 61 (RELATING TO HOSPITAL PLAN
CORPORATIONS); A PROFESSIONAL HEALTH SERVICE PLAN CORPORATION
HOLDING A CERTIFICATE OF AUTHORITY UNDER 40 PA.C.S. CH. 63
(RELATING TO PROFESSIONAL HEALTH SERVICE PLAN CORPORATIONS); OR
A SIMILAR ENTITY AUTHORIZED TO DO INSURANCE BUSINESS IN THIS
COMMONWEALTH.

§ 4305. GENERAL ADMINISTRATION OF SUPPORT MATTERS.

(A) POWERS AND DUTIES.--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)] PT.

1 VIII (RELATING TO UNIFORM INTERSTATE FAMILY SUPPORT) AND PT.
2 VIII-A (RELATING TO INTRASTATE FAMILY SUPPORT).

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

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

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

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

10 (6) KEEP ACCOUNT OF ALL PAYMENTS MADE UNDER ORDER OF
11 COURT AND PROMPTLY BRING TO THE ATTENTION OF THE COURT AND
12 THE DISTRICT ATTORNEY ANY DEFAULT IN COMPLIANCE WITH ANY
13 ORDER OF COURT.

14 (6.1) IN THE CASE OF A DISPUTE AS TO THE AMOUNT OF AN
15 ORDER OF SUPPORT PROPOSED BY THE DOMESTIC RELATIONS SECTION,
16 ISSUE A TEMPORARY ORDER OF SUPPORT PENDING JUDICIAL
17 DETERMINATION. A TEMPORARY ORDER OF SUPPORT UNDER THIS
18 PARAGRAPH MAY NOT BE FOR LESS THAN THE FULL AMOUNT OF THE
19 PROPOSED ORDER OF SUPPORT BEING DISPUTED.

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

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

24 (9) INFORM BOTH PARTIES TO A SUPPORT ACTION THAT
25 GUIDELINES AS SPECIFIED IN SECTION 4322 (RELATING TO SUPPORT
26 GUIDELINES) ARE AVAILABLE IN THE DOMESTIC RELATIONS SECTION.

27 (10) IMPLEMENT SAFEGUARDS APPLICABLE TO ALL CONFIDENTIAL
28 INFORMATION RECEIVED BY THE DOMESTIC RELATIONS SECTION, IN
29 ORDER TO PROTECT THE PRIVACY RIGHTS OF THE PARTIES,
30 INCLUDING:

1 (I) SAFEGUARDS AGAINST UNAUTHORIZED USE OR
2 DISCLOSURE OF INFORMATION RELATING TO PROCEEDINGS OR
3 ACTIONS TO ESTABLISH PATERNITY OR TO ESTABLISH, MODIFY OR
4 ENFORCE SUPPORT OR TO MAKE OR ENFORCE A CHILD CUSTODY
5 DETERMINATION;

6 (II) PROHIBITIONS AGAINST THE RELEASE OF INFORMATION
7 ON THE WHEREABOUTS OF ONE PARTY OR THE CHILD TO ANOTHER
8 PARTY AGAINST WHOM A PROTECTIVE ORDER WITH RESPECT TO THE
9 FORMER PARTY OR THE CHILD HAS BEEN ENTERED; AND

10 (III) PROHIBITIONS AGAINST THE RELEASE OF
11 INFORMATION ON THE WHEREABOUTS OF ONE PARTY OR THE CHILD
12 TO ANOTHER PERSON IF THE DOMESTIC RELATIONS SECTION HAS
13 REASON TO BELIEVE THAT THE RELEASE OF THE INFORMATION MAY
14 RESULT IN PHYSICAL OR EMOTIONAL HARM TO THE PARTY OR THE
15 CHILD.

16 (11) INITIATE JUDICIAL PROCEEDINGS TO VOID A FRAUDULENT
17 TRANSFER OR OBTAIN A SETTLEMENT FROM THE TRANSFEREE IN THE
18 BEST INTERESTS OF THE CHILD SUPPORT OBLIGEE.

19 (B) ADDITIONAL POWERS.--SUBJECT TO THE SUPERVISION AND
20 DIRECTION OF THE COURT, BUT WITHOUT THE NEED FOR PRIOR JUDICIAL
21 ORDER, THE DOMESTIC RELATIONS SECTION SHALL HAVE THE POWER TO
22 EXPEDITE THE ESTABLISHMENT AND ENFORCEMENT OF SUPPORT TO:

23 (1) ORDER GENETIC TESTING FOR THE PURPOSE OF PATERNITY
24 ESTABLISHMENT PURSUANT TO SECTION 4343 (RELATING TO
25 PATERNITY).

26 (2) ISSUE SUBPOENAS AGAINST ANY ENTITY WITHIN THIS
27 COMMONWEALTH, INCLUDING FOR-PROFIT, NOT-FOR-PROFIT AND
28 GOVERNMENTAL EMPLOYERS, TO REQUIRE PRODUCTION OF INFORMATION
29 REGARDING THE EMPLOYMENT, COMPENSATION AND BENEFITS OF ANY
30 INDIVIDUAL EMPLOYED BY THE ENTITY AS AN EMPLOYEE OR

1 CONTRACTOR.

2 (3) ACCESS RECORDS OF ALL STATE AND LOCAL GOVERNMENT
3 AGENCIES, INCLUDING THE FOLLOWING:

4 (I) VITAL STATISTIC RECORDS, INCLUDING RECORDS OF
5 MARRIAGE, BIRTH AND DIVORCE;

6 (II) STATE AND LOCAL TAX AND REVENUE RECORDS,
7 INCLUDING INFORMATION ON RESIDENCE ADDRESS, EMPLOYER,
8 INCOME AND ASSETS;

9 (III) RECORDS OF REAL AND TITLED PERSONAL PROPERTY;

10 (IV) RECORDS OF OCCUPATIONAL AND PROFESSIONAL
11 LICENSES;

12 (V) RECORDS OF THE OWNERSHIP AND CONTROL OF
13 CORPORATIONS, PARTNERSHIPS AND OTHER BUSINESS ENTITIES;

14 (VI) EMPLOYMENT SECURITY RECORDS;

15 (VII) RECORDS OF AGENCIES ADMINISTERING PUBLIC
16 ASSISTANCE PROGRAMS;

17 (VIII) MOTOR VEHICLE REGISTRATION AND OPERATOR
18 LICENSING RECORDS;

19 (IX) PROBATION AND PAROLE RECORDS; AND

20 (X) CORRECTIONS RECORDS.

21 (4) ISSUE SUBPOENAS FOR THE RECORDS OF PUBLIC UTILITIES
22 AND CABLE TELEVISION COMPANIES WITH RESPECT TO INDIVIDUALS
23 WHO ARE OWED SUPPORT, OR AGAINST WHOM OR WITH RESPECT TO WHOM
24 A SUPPORT OBLIGATION IS SOUGHT, CONSISTING OF THE NAMES AND
25 ADDRESSES OF THE INDIVIDUALS OR OF THEIR EMPLOYERS.

26 (5) ISSUE SUBPOENAS FOR THE RECORDS HELD BY FINANCIAL
27 INSTITUTIONS WITH RESPECT TO INDIVIDUALS WHO ARE OWED
28 SUPPORT, OR AGAINST WHOM OR WITH RESPECT TO WHOM A SUPPORT
29 OBLIGATION IS SOUGHT.

30 (6) ISSUE SUBPOENAS FOR FINANCIAL OR OTHER INFORMATION

1 NEEDED TO ESTABLISH, MODIFY OR ENFORCE A SUPPORT ORDER.

2 (7) ISSUE ORDERS DIRECTING AN OBLIGOR OR OTHER PAYOR TO
3 CHANGE THE PAYEE OF A SUPPORT ORDER.

4 (8) ORDER INCOME WITHHOLDING PURSUANT TO SECTION 4348
5 (RELATING TO ATTACHMENT OF INCOME).

6 (9) INCREASE THE AMOUNT OF MONTHLY SUPPORT PAYMENTS FOR
7 THE PAYMENT OF ARREARAGES, AS MAY BE PROVIDED BY GENERAL RULE
8 OR PREVIOUS COURT ORDER.

9 (10) ISSUE ORDERS IN CASES WHERE THERE IS A SUPPORT
10 ARREARAGE TO SECURE ASSETS TO SATISFY CURRENT SUPPORT
11 OBLIGATION AND THE ARREARAGE BY:

12 (I) INTERCEPTING OR SEIZING PERIODIC OR LUMP SUM
13 PAYMENTS FROM A GOVERNMENT AGENCY, INCLUDING UNEMPLOYMENT
14 COMPENSATION, WORKERS' COMPENSATION AND OTHER BENEFITS.

15 (II) INTERCEPTING OR SEIZING JUDGMENTS OR
16 SETTLEMENTS.

17 (III) ATTACHING AND SEIZING ASSETS OF THE OBLIGOR
18 HELD IN FINANCIAL INSTITUTIONS.

19 (IV) ATTACHING PUBLIC AND PRIVATE RETIREMENT FUNDS.

20 (V) IMPOSING LIENS ON PROPERTY.

21 (VI) DIRECTING THE SHERIFF TO LEVY AND SELL OTHER
22 REAL OR PERSONAL PROPERTY.

23 (11) TRANSMIT TO ANOTHER STATE A REQUEST FOR ASSISTANCE
24 IN A CASE INVOLVING THE ENFORCEMENT OF A SUPPORT ORDER AND
25 SUFFICIENT INFORMATION TO ENABLE THE STATE TO WHICH THE
26 REQUEST IS TRANSMITTED TO COMPARE THE INFORMATION TO THE
27 INFORMATION IN THE DATA BASES OF THE STATE. THE TRANSMITTAL
28 SHALL SERVE AS A CERTIFICATION OF ARREARS AND A CERTIFICATION
29 THAT THE STATE HAS COMPLIED WITH ALL PROCEDURAL DUE PROCESS
30 REQUIREMENTS APPLICABLE TO THE CASE.

(12) RESPOND TO A REQUEST FOR ASSISTANCE RECEIVED FROM ANOTHER STATE. THE RESPONSE SHALL CONFIRM THE RECEIPT OF THE REQUEST, THE ACTION TAKEN AND THE AMOUNT OF SUPPORT COLLECTED AND SPECIFY ANY ADDITIONAL INFORMATION OR ACTION REQUIRED OF THE REQUESTING TRIBUNAL TO OBTAIN ENFORCEMENT OF THE CHILD SUPPORT OBLIGATION.

(C) CIVIL PENALTY.--IN ADDITION TO INITIATING CONTEMPT PROCEEDINGS, THE DOMESTIC RELATIONS SECTION MAY ASSESS A CIVIL ADMINISTRATIVE PENALTY OF UP TO \$1,000 PER VIOLATION UPON ANY PERSON OR ENTITY WHICH FAILS TO COMPLY WITH A SUBPOENA OR REQUEST FOR INFORMATION UNDER SUBSECTION (B)(2).

(D) DUE PROCESS AND JUDICIAL REVIEW PROCEDURES.--SUBJECT TO
GENERAL RULES WHICH MAY BE PROMULGATED BY THE SUPREME COURT,
EACH COURT SHALL ESTABLISH DUE PROCESS AND JUDICIAL REVIEW
PROCEDURES FOR DOMESTIC RELATIONS SECTIONS EXERCISING POWERS
UNDER THIS SECTION.

(E) TRANSMISSION OF INFORMATION.--ALL INFORMATION
TRANSMITTED TO THIS COMMONWEALTH FROM ANOTHER STATE FOR PURPOSES
OF ESTABLISHING OR ENFORCING AN ORDER OF SUPPORT UNDER THIS
CHAPTER MAY BE TRANSMITTED ELECTRONICALLY OR BY OTHER METHODS.

SECTION 3. SECTION 4306 HEADING AND (A) OF TITLE 23 ARE
AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
READ:

§ 4306. DUTIES OF [DISTRICT ATTORNEY AND RIGHTS OF DEPARTMENT
OF PUBLIC WELFARE] TITLE IV-D ATTORNEY.

(A) GENERAL RULE.--THE [DISTRICT] COUNTY TITLE IV-D ATTORNEY SHALL AT ALL TIMES AID IN THE ENFORCEMENT OF THE DUTY OF CHILD SUPPORT AND CHILD AND SPOUSAL SUPPORT AND SHALL COOPERATE WITH THE DOMESTIC RELATIONS SECTION IN THE PRESENTATION OF COMPLAINTS OR IN ANY PROCEEDING DESIGNED TO OBTAIN COMPLIANCE WITH ANY

1 ORDER OF THE COURT.

2 * * *

3 (B.1) REPRESENTATION OF COMMONWEALTH.--IN MATTERS RELATING
4 TO THE ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT AND CHILD
5 AND SPOUSAL SUPPORT, THE TITLE IV-D INTERESTS OF THE
6 COMMONWEALTH SHALL BE REPRESENTED, WHERE APPROPRIATE, BY THE
7 COUNTY TITLE IV-D ATTORNEY IN A PROCEEDING FOR CHILD SUPPORT AND
8 CHILD AND SPOUSAL SUPPORT.

9 * * *

10 SECTION 4. SECTIONS 4307, 4308(A), (B) HEADING AND
11 INTRODUCTORY PARAGRAPH, (2)(I) AND (4)(I), (D) AND (E), 4325,
12 4326(A), (E), (F) INTRODUCTORY PARAGRAPH, (G)(1), (4) AND (4.2),
13 (H.1)(2) AND (L) AND 4341 OF TITLE 23 ARE AMENDED TO READ:
14 § 4307. STATE INCOME TAX INTERCEPT.

15 THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT SHALL HAVE THE
16 AUTHORITY TO IMPLEMENT A STATE INCOME TAX REFUND INTERCEPT
17 PROGRAM PURSUANT TO SECTION 466(A)(3) OF THE SOCIAL SECURITY ACT
18 (PUBLIC LAW 74-271, 42 U.S.C. § 666(A)(3)) WHEN, IN THE JUDGMENT
19 OF THE DEPARTMENT, IT IS COST EFFECTIVE TO DO SO.

20 § 4308. LOTTERY WINNINGS INTERCEPT.

21 (A) DUTY OF DEPARTMENT OF REVENUE.--IN THE CASE OF ANY
22 PERSON WINNING MORE THAN \$2,500 IN THE PENNSYLVANIA STATE
23 LOTTERY, THE DEPARTMENT OF REVENUE SHALL REQUEST THE [DEPARTMENT
24 OF PUBLIC WELFARE] DEPARTMENT TO MAKE ALL REASONABLE EFFORTS TO
25 DETERMINE IF THE WINNER IS A DELINQUENT SUPPORT OBLIGOR PRIOR TO
26 MAKING ANY LOTTERY WINNINGS PAYMENT. IF THE WINNER IS SO FOUND,
27 THE AMOUNT OF ANY ARREARAGES SHALL BE DEDUCTED FROM THE AMOUNT
28 OF LOTTERY WINNINGS AND PAID TO THE OBLIGEE IN THE MANNER
29 PROVIDED IN THIS TITLE FOR THE ADMINISTRATION OF SUPPORT
30 PAYMENTS.

(B) DUTIES OF [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT.--
THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT SHALL:

* * *

(2) FURNISH THE DEPARTMENT OF REVENUE WITH THE FOLLOWING
INFORMATION:

(I) THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT
IDENTIFIER.

* * *

(4) REQUEST THE DEPARTMENT OF REVENUE TO PAY OVER,
WHETHER IN A LUMP SUM OR BY INSTALLMENT, TO THE [DEPARTMENT
OF PUBLIC WELFARE] DEPARTMENT THAT PART OF THE PRIZE WHICH
SATISFIES THIS ARREARAGE AND:

(I) DEDUCT FROM THE AMOUNT RECEIVED FROM THE
DEPARTMENT OF REVENUE ANY AMOUNT ASSIGNED TO THE
[DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT.

* * *

(D) RIGHT TO REVIEW.--A LOTTERY PRIZEWINNER WHOSE PRIZE IS
USED TO SATISFY AN OBLIGATION UNDER THIS SECTION MAY APPEAL TO
THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT IN ACCORDANCE WITH
2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE). THE
APPEAL SHALL BE FILED WITHIN 30 DAYS AFTER THE PRIZEWINNER IS
NOTIFIED BY THE DEPARTMENT OF REVENUE THAT THE PRIZE HAS BEEN
REDUCED OR TOTALLY WITHHELD TO SATISFY THE PRIZEWINNER'S
OUTSTANDING ARREARAGES FOR CHILD SUPPORT AND RELATED
OBLIGATIONS.

(E) RULES AND REGULATIONS.--THE DEPARTMENT OF REVENUE AND
THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT SHALL, IN THE
MANNER PROVIDED BY LAW, JOINTLY PROMULGATE THE RULES AND
REGULATIONS NECESSARY TO CARRY OUT THIS SECTION.

§ 4325. PAYMENT OF ORDER OF SUPPORT.

1 [AN] UNLESS PROCEDURES ESTABLISHED BY THE DEPARTMENT FOR THE
2 STATE DISBURSEMENT UNIT PROVIDE OTHERWISE, AN ORDER OF SUPPORT
3 SHALL DIRECT PAYMENT TO BE MADE PAYABLE TO OR PAYMENT TO BE MADE
4 TO THE DOMESTIC RELATIONS [OFFICE] SECTION FOR TRANSMISSION TO
5 THE OBLIGEE OR FOR TRANSMISSION DIRECTLY TO A PUBLIC BODY OR
6 PUBLIC OR PRIVATE AGENCY WHENEVER THE CARE, MAINTENANCE AND
7 ASSISTANCE OF THE OBLIGEE IS PROVIDED FOR BY THE PUBLIC BODY OR
8 PUBLIC OR PRIVATE AGENCY.

9 § 4326. MANDATORY INCLUSION OF CHILD MEDICAL SUPPORT.

10 (A) GENERAL RULE.--IN EVERY PROCEEDING TO ESTABLISH OR
11 MODIFY AN ORDER WHICH REQUIRES THE PAYMENT OF CHILD SUPPORT, THE
12 COURT SHALL ASCERTAIN THE ABILITY OF EACH PARENT TO PROVIDE
13 HEALTH CARE COVERAGE FOR THE CHILDREN OF THE PARTIES[.] AND THE
14 PARTIES SHALL PROVIDE HEALTH CARE COVERAGE FOR EACH CHILD.

15 * * *

16 (E) UNINSURED EXPENSES.--THE COURT SHALL DETERMINE THE
17 AMOUNT OF ANY DEDUCTIBLE AND COPAYMENTS WHICH EACH PARENT SHALL
18 PAY. IN ADDITION, THE COURT MAY REQUIRE THAT EITHER PARENT OR
19 BOTH PARENTS PAY A DESIGNATED PERCENTAGE OF THE REASONABLE AND
20 NECESSARY UNCOVERED HEALTH CARE EXPENSES OF THE PARTIES'
21 CHILDREN, INCLUDING BIRTH-RELATED EXPENSES INCURRED PRIOR TO THE
22 FILING OF THE COMPLAINT. UPON REQUEST OF THE DOMESTIC RELATIONS
23 SECTION, THE DEPARTMENT SHALL PROVIDE TO THE DOMESTIC RELATIONS
24 SECTION ALL BIRTH-RELATED EXPENSES WHICH THE DEPARTMENT HAS
25 INCURRED IN CASES IT HAS REFERRED TO THE DOMESTIC RELATIONS
26 SECTION FOR CHILD SUPPORT SERVICES.

27 (F) PROOF OF INSURANCE.--WITHIN 30 DAYS AFTER THE ENTRY OF
28 AN ORDER REQUIRING A PARENT TO PROVIDE HEALTH CARE COVERAGE FOR
29 A CHILD OR AFTER ANY CHANGE IN HEALTH CARE COVERAGE DUE TO A
30 CHANGE IN THE PARENT'S EMPLOYMENT, THE OBLIGATED PARENT SHALL

SUBMIT TO THE OTHER PARENT, OR PERSON HAVING CUSTODY OF THE
CHILD, WRITTEN PROOF THAT HEALTH CARE COVERAGE HAS BEEN OBTAINED
OR THAT APPLICATION FOR COVERAGE HAS BEEN MADE. PROOF OF
COVERAGE SHALL CONSIST OF AT A MINIMUM:

* * *

(G) OBLIGATIONS OF INSURANCE COMPANIES.--EVERY INSURER DOING
BUSINESS WITHIN THIS COMMONWEALTH SHALL BE OBLIGATED AS FOLLOWS:

(1) TO PERMIT THE CUSTODIAL PARENT OR THE PROVIDER, WITH
THE CUSTODIAL PARENT'S APPROVAL, TO SUBMIT CLAIMS FOR COVERED
SERVICES WITHOUT THE APPROVAL OF THE NONCUSTODIAL PARENT AND
TO MAKE PAYMENT ON SUCH CLAIMS DIRECTLY TO SUCH CUSTODIAL
PARENT, THE PROVIDER OR, IN THE CASE OF MEDICAL ASSISTANCE
PATIENTS, TO THE [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT;

* * *

(4) TO PERMIT THE ENROLLMENT OF CHILDREN UNDER COURT
ORDER UPON APPLICATION OF THE CUSTODIAL PARENT, DOMESTIC
RELATIONS SECTION OR THE [DEPARTMENT OF PUBLIC WELFARE]
DEPARTMENT WITHIN 30 DAYS OF RECEIPT BY THE INSURER OF THE
ORDER;

* * *

(4.2) TO RECEIVE, PROCESS AND PAY CLAIMS (WHETHER OR NOT
ON BEHALF OF A CHILD), INCLUDING ELECTRONICALLY SUBMITTED
CLAIMS, SUBMITTED BY THE [DEPARTMENT OF PUBLIC WELFARE]
DEPARTMENT WITHIN THE TIME PERMITTED BY LAW WITHOUT IMPOSING
ANY PATIENT SIGNATURE REQUIREMENT OR OTHER REQUIREMENT
DIFFERENT FROM THOSE IMPOSED UPON PROVIDERS, AGENTS OR
ASSIGNEES OF ANY INSURED INDIVIDUAL;

* * *

(H.1) OBLIGATIONS OF EMPLOYERS.--EVERY EMPLOYER DOING
BUSINESS WITHIN THIS COMMONWEALTH SHALL BE OBLIGATED AS FOLLOWS:

1 * * *

2 (2) IF THE INSURED PARENT IS ENROLLED BUT FAILS TO MAKE
3 APPLICATION TO OBTAIN COVERAGE FOR SUCH CHILD, TO ENROLL THE
4 CHILD UNDER THE FAMILY COVERAGE UPON APPLICATION BY THE
5 CHILD'S OTHER PARENT, THE DOMESTIC RELATIONS SECTION OR THE
6 [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT; AND

7 * * *

8 (L) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
9 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
10 SUBSECTION:

11 "BIRTH-RELATED EXPENSES." COSTS OF REASONABLE AND NECESSARY
12 HEALTH CARE FOR THE MOTHER OR CHILD OR BOTH INCURRED BEFORE,
13 DURING OR AFTER THE BIRTH OF A CHILD BORN IN OR OUT OF WEDLOCK
14 WHICH ARE THE RESULT OF THE PREGNANCY OR BIRTH AND WHICH BENEFIT
15 EITHER THE MOTHER OR CHILD. CHARGES NOT RELATED TO THE PREGNANCY
16 OR BIRTH SHALL BE EXCLUDED.

17 "CHILD." A CHILD TO WHOM A DUTY OF CHILD SUPPORT IS OWED.

18 "HEALTH CARE COVERAGE." COVERAGE FOR MEDICAL, DENTAL,
19 ORTHODONTIC, OPTICAL, PSYCHOLOGICAL, PSYCHIATRIC OR OTHER HEALTH
20 CARE SERVICES FOR A CHILD. FOR THE PURPOSES OF THIS SECTION,
21 MEDICAL ASSISTANCE UNDER SUBARTICLE (F) OF ARTICLE IV OF THE ACT
22 OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE
23 CODE, SHALL NOT BE CONSIDERED HEALTH CARE COVERAGE.

24 "INSURER." A [CORPORATION OR PERSON INCORPORATED OR DOING
25 BUSINESS IN THIS COMMONWEALTH BY VIRTUE OF] FOREIGN OR DOMESTIC
26 INSURANCE COMPANY, ASSOCIATION OR EXCHANGE HOLDING A CERTIFICATE
27 OF AUTHORITY UNDER THE ACT OF MAY 17, 1921 (P.L.682, NO.284),
28 KNOWN AS THE INSURANCE COMPANY LAW OF 1921; A RISK-ASSUMING
29 PREFERRED PROVIDER ORGANIZATION OPERATING UNDER SECTION 630 OF
30 THE INSURANCE COMPANY LAW OF 1921; A HEALTH MAINTENANCE

1 ORGANIZATION HOLDING A CERTIFICATE OF AUTHORITY UNDER THE ACT OF
2 DECEMBER 29, 1972 (P.L.1701, NO.364), KNOWN AS THE HEALTH
3 MAINTENANCE ORGANIZATION ACT; A FRATERNAL BENEFIT SOCIETY
4 HOLDING A CERTIFICATE OF AUTHORITY UNDER THE ACT OF DECEMBER 14,
5 1992 (P.L.835, NO.134), KNOWN AS THE FRATERNAL BENEFIT SOCIETIES
6 CODE; A HOSPITAL PLAN CORPORATION [AS DEFINED IN] HOLDING A
7 CERTIFICATE OF AUTHORITY UNDER 40 PA.C.S. CH. 61 (RELATING TO
8 HOSPITAL PLAN CORPORATIONS); A PROFESSIONAL HEALTH SERVICE PLAN
9 CORPORATION [AS DEFINED IN] HOLDING A CERTIFICATE OF AUTHORITY
10 UNDER 40 PA.C.S. CH. 63 (RELATING TO PROFESSIONAL HEALTH
11 SERVICES PLAN CORPORATIONS); [A BENEFICIAL SOCIETY SUBJECT TO 40
12 PA.C.S. CH. 65 (RELATING TO FRATERNAL BENEFIT SOCIETIES); A
13 HEALTH MAINTENANCE ORGANIZATION;] OR [ANY OTHER PERSON,
14 ASSOCIATION, PARTNERSHIP, COMMON-LAW TRUST, JOINT STOCK COMPANY,
15 NONPROFIT CORPORATION, PROFIT CORPORATION OR OTHER] A SIMILAR
16 ENTITY [CONDUCTING AN] AUTHORIZED TO DO INSURANCE BUSINESS IN
17 THIS COMMONWEALTH.

18 "MEDICAL CHILD SUPPORT ORDER." AN ORDER WHICH RELATES TO THE
19 CHILD'S RIGHT TO RECEIVE CERTAIN HEALTH CARE COVERAGE AND WHICH:

20 (1) INCLUDES THE NAME AND LAST KNOWN MAILING ADDRESS OF
21 THE PARENT PROVIDING HEALTH CARE COVERAGE AND THE NAME AND
22 LAST KNOWN MAILING ADDRESS OF THE CHILD;

23 (2) INCLUDES A REASONABLE DESCRIPTION OF THE TYPE OF
24 COVERAGE TO BE PROVIDED OR INCLUDES THE MANNER IN WHICH
25 COVERAGE IS TO BE DETERMINED;

26 (3) DESIGNATES THE TIME PERIOD TO WHICH THE ORDER
27 APPLIES;

28 (4) IF COVERAGE IS PROVIDED THROUGH A GROUP HEALTH PLAN,
29 DESIGNATES EACH PLAN TO WHICH THE ORDER APPLIES[; AND] AS OF
30 THE DATE THE ORDER IS WRITTEN;

1 (4.1) REQUIRES THAT, IF HEALTH CARE COVERAGE IS PROVIDED
2 THROUGH THE NONCUSTODIAL PARENT'S EMPLOYER AND THAT PARENT
3 CHANGES EMPLOYMENT, THE PROVISIONS OF THE ORDER WILL REMAIN
4 IN EFFECT FOR THE DURATION OF THE ORDER AND WILL
5 AUTOMATICALLY APPLY TO THE NEW EMPLOYER. THE NEW EMPLOYER
6 SHALL ENROLL THE CHILD IN HEALTH CARE COVERAGE WITHOUT NEED
7 FOR AN AMENDED ORDER UNLESS THE NONCUSTODIAL PARENT CONTESTS
8 THE ENROLLMENT; AND

9 (5) INCLUDES THE NAME AND ADDRESS OF THE CUSTODIAL
10 PARENT.

11 § 4341. COMMENCEMENT OF SUPPORT ACTIONS OR PROCEEDINGS.

12 (A) PROCEDURE.--A SUPPORT ACTION OR PROCEEDING UNDER THIS
13 CHAPTER SHALL BE COMMENCED IN THE MANNER PRESCRIBED BY THE RULES
14 OF CIVIL PROCEDURE GOVERNING ACTIONS OF SUPPORT.

15 (B) JURISDICTION.--THE COURT SHALL EXERCISE STATEWIDE
16 JURISDICTION OVER THE PARTIES TO A PROCEEDING UNDER THIS
17 CHAPTER.

18 SECTION 5. SECTION 4342 OF TITLE 23 IS AMENDED BY ADDING
19 SUBSECTIONS TO READ:

20 § 4342. EXPEDITED PROCEDURE.

21 * * *

22 (F) HEARSAY EXCEPTION.--A VERIFIED PETITION, AFFIDAVIT OR
23 DOCUMENT AND A DOCUMENT INCORPORATED BY REFERENCE IN ANY OF THEM
24 WHICH WOULD NOT BE EXCLUDED UNDER THE HEARSAY RULE IF GIVEN IN
25 PERSON IS ADMISSIBLE IN EVIDENCE IF GIVEN UNDER OATH BY A PARTY
26 OR WITNESS.

27 (G) PAYMENT RECORD.--A COPY OF THE RECORD OF SUPPORT
28 PAYMENTS CERTIFIED AS A TRUE COPY OF THE ORIGINAL BY THE
29 CUSTODIAN OF THE RECORD IS EVIDENCE OF FACTS ASSERTED IN IT AND
30 IS ADMISSIBLE TO SHOW WHETHER PAYMENTS WERE MADE.

1 (H) BILLS.--COPIES OF BILLING STATEMENTS, BILLS FOR TESTING
2 FOR PARENTAGE AND FOR PRENATAL AND POSTNATAL HEALTH CARE OF THE
3 MOTHER AND CHILD FURNISHED TO THE ADVERSE PARTY AT LEAST TEN
4 DAYS BEFORE A COURT PROCEEDING ARE ADMISSIBLE IN EVIDENCE TO
5 PROVE THE AMOUNT OF THE CHARGES BILLED AND TO PROVE THAT THE
6 CHARGES WERE REASONABLE, NECESSARY AND CUSTOMARY.

7 (I) TRANSMISSION OF DOCUMENTARY EVIDENCE.--DOCUMENTARY
8 EVIDENCE TRANSMITTED TO THE DOMESTIC RELATIONS SECTION BY
9 TELEPHONE, TELECOPIER OR OTHER MEANS WHICH DO NOT PROVIDE AN
10 ORIGINAL WRITING MAY NOT BE EXCLUDED FROM EVIDENCE BASED ON THE
11 MEANS OF TRANSMISSION.

12 (J) TESTIMONY.--IN A PROCEEDING UNDER THIS PART, A COURT MAY
13 PERMIT A PARTY OR WITNESS TO BE DEPOSED OR TO TESTIFY BY
14 TELEPHONE, AUDIOVISUAL OR OTHER ELECTRONIC MEANS AT A DESIGNATED
15 LOCATION.

16 SECTION 6. SECTION 4343(A), (C)(1), (4) AND (6) OF TITLE 23
17 ARE AMENDED TO READ:

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
22 EITHER PARTY DEMANDS TRIAL BY JURY]. A PUTATIVE FATHER MAY NOT
23 BE PROHIBITED FROM INITIATING A CIVIL ACTION TO ESTABLISH
24 PATERNITY. THE BURDEN OF PROOF SHALL BE BY A PREPONDERANCE OF
25 THE EVIDENCE. BILLS FOR PREGNANCY, CHILDBIRTH, POSTNATAL CARE
26 RELATED TO THE PREGNANCY AND GENETIC TESTING ARE ADMISSIBLE AS
27 EVIDENCE WITHOUT REQUIRING THIRD-PARTY FOUNDATION TESTIMONY AND
28 SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF AMOUNTS INCURRED FOR
29 SUCH SERVICES OR FOR TESTING ON BEHALF OF THE CHILD. IF THERE IS
30 CLEAR AND CONVINCING EVIDENCE OF PATERNITY ON THE BASIS OF

1 GENETIC TESTS OR OTHER EVIDENCE, THE COURT SHALL, UPON MOTION OF
2 A PARTY, ISSUE A TEMPORARY ORDER OF SUPPORT PENDING THE JUDICIAL
3 RESOLUTION OF A DISPUTE REGARDING PATERNITY. THE SUPREME COURT
4 SHALL PROVIDE BY GENERAL RULE FOR ENTRY OF A DEFAULT ORDER
5 ESTABLISHING PATERNITY UPON A SHOWING OF SERVICE OF PROCESS ON
6 THE DEFENDANT AND A SUBSEQUENT FAILURE TO APPEAR FOR SCHEDULED
7 GENETIC TESTING.

8 * * *

9 (C) GENETIC TESTS.--

10 (1) UPON THE REQUEST OF ANY PARTY TO AN ACTION TO
11 ESTABLISH PATERNITY, SUPPORTED BY A SWORN STATEMENT FROM THE
12 PARTY, THE COURT OR DOMESTIC RELATIONS SECTION SHALL REQUIRE
13 THE CHILD AND THE PARTIES TO SUBMIT TO GENETIC TESTS. THE
14 DOMESTIC RELATIONS SECTION SHALL OBTAIN AN ADDITIONAL GENETIC
15 TEST UPON THE REQUEST AND ADVANCE PAYMENT BY ANY PARTY WHO
16 CONTESTS THE INITIAL TEST.

17 * * *

18 [(4) A FEE FOR PERFORMING GENETIC TESTS MAY BE IMPOSED
19 ON ANY INDIVIDUAL WHO IS NOT A RECIPIENT OF PUBLIC
20 ASSISTANCE. THE AMOUNT OF THE FEE WILL BE IN ACCORDANCE WITH
21 APPLICABLE FEDERAL REGULATION.]

22 (4) IF THE COURT OR DOMESTIC RELATIONS SECTION ORDERS
23 GENETIC TESTING, THE DOMESTIC RELATIONS SECTION SHALL PAY THE
24 COST OF THE TEST, SUBJECT TO RECOUPMENT FROM THE ALLEGED
25 FATHER IF PATERNITY IS ESTABLISHED.

26 * * *

27 (6) A DETERMINATION OF NONPATERNITY MADE BY ANOTHER
28 STATE WITH RESPECT TO A PUBLIC ASSISTANCE RECIPIENT SHALL NOT
29 BE BINDING UPON THE DEPARTMENT OF PUBLIC WELFARE UNLESS THE
30 DEFENDANT SHOWS THAT THE [DEPARTMENT OF PUBLIC WELFARE]

1 DEPARTMENT HAD ACTUAL NOTICE OF THE PROCEEDINGS, INCLUDING
2 THE DATE AND TIME OF ANY TRIAL, AND A FAIR OPPORTUNITY TO
3 PARTICIPATE IN ALL MATERIAL PROCEEDINGS THROUGH COUNSEL OF
4 ITS OWN CHOICE.

5 SECTION 7. SECTION 4348(B), (E)(1) INTRODUCTORY PARAGRAPH,
6 (I) AND (IV) AND (2), (I)(3), (J), (L)(1) AND (O) OF TITLE 23
7 ARE AMENDED, SUBSECTION (L) IS AMENDED BY ADDING A PARAGRAPH AND
8 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

9 § 4348. ATTACHMENT OF INCOME.

10 * * *

11 (B) FUTURE ORDERS.--ALL ORDERS OF SUPPORT ENTERED OR
12 MODIFIED ON OR AFTER JULY 1, 1990, SHALL, AS PART OF THE ORDER,
13 PROVIDE FOR THE MANDATORY ATTACHMENT OF INCOME UNLESS:

14 (1) THE OBLIGOR IS NOT IN ARREARS IN PAYMENT IN AN
15 AMOUNT EQUAL TO OR GREATER OF ONE MONTH'S SUPPORT OBLIGATION;
16 AND

17 (2) (I) ONE OF THE PARTIES DEMONSTRATES, AND THE COURT
18 FINDS, THAT THERE IS GOOD CAUSE NOT TO REQUIRE IMMEDIATE
19 INCOME WITHHOLDING; OR

20 (II) [A] A WRITTEN AGREEMENT IS REACHED BETWEEN THE
21 PARTIES WHICH PROVIDES FOR AN ALTERNATIVE ARRANGEMENT.

22 THE COURT MAY, ON ITS OWN MOTION, ORDER THE ATTACHMENT OF THE
23 OBLIGOR'S INCOME WHERE THE COURT HAS A REASONABLE BASIS TO
24 BELIEVE THE OBLIGOR WILL NOT COMPLY WITH THE ORDER OF SUPPORT.
25 IN MAKING THIS DETERMINATION, THE COURT MAY CONSIDER EVIDENCE OF
26 THE PERSON'S PREVIOUS VIOLATIONS OF ORDERS ENTERED IN ANY
27 JURISDICTION OR EVIDENCE THAT THE OBLIGOR HAS ATTEMPTED TO
28 CONCEAL INCOME OR TO TRANSFER, CONVEY OR ENCUMBER PROPERTY IN
29 ORDER TO REDUCE THE OBLIGOR'S SUPPORT OBLIGATION. ATTACHMENT
30 SHALL OCCUR UNDER THIS SUBSECTION WITHOUT AMENDMENT TO THE ORDER

1 OF SUPPORT[.] AND, IF ARREARAGES OCCUR, WITHOUT THE NEED FOR A
2 JUDICIAL OR ADMINISTRATIVE HEARING.

3 * * *

4 (E) ATTACHMENT PROCESS.--

5 (1) THE OBLIGOR SHALL BE GIVEN [ADVANCE] NOTICE [PRIOR
6 TO] OF THE ATTACHMENT OF HIS INCOME. SUCH NOTICE SHALL
7 SPECIFY ALL OF THE FOLLOWING:

8 (I) THE AMOUNT TO BE WITHHELD ON ACCOUNT OF CURRENT
9 SUPPORT AND ON ACCOUNT OF ARREARS.

10 * * *

11 (IV) THAT ATTACHMENT HAS OCCURRED OR SHALL OCCUR IN
12 ALL CASES WITHIN TEN DAYS OF THE ISSUANCE OF THE
13 [ADVANCE] NOTICE.

14 * * *

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

20 * * *

21 (I) NOTICE TO EMPLOYER.--THE EMPLOYER OF AN OBLIGOR SHALL BE
22 GIVEN NOTICE OF THE ATTACHMENT AS PROVIDED BY THE RULES OF CIVIL
23 PROCEDURE GOVERNING SUPPORT. THIS NOTICE SHALL INCLUDE REFERENCE
24 TO SUBSECTIONS (G), (K), (L), (N) AND (O) AND ALL OF THE
25 FOLLOWING:

26 * * *

27 (3) THAT THE ATTACHMENT PAYMENT MUST BE SENT TO THE
28 DOMESTIC RELATIONS SECTION OR STATE DISBURSEMENT UNIT, AS
29 APPROPRIATE, WITHIN [TEN] SEVEN BUSINESS DAYS OF THE DATE THE
30 OBLIGOR IS PAID.

1 * * *

2 (J) EFFECT OF COMPLIANCE BY EMPLOYER.--COMPLIANCE BY AN
3 EMPLOYER WITH AN ORDER OF ATTACHMENT OF INCOME THAT IS REGULAR
4 ON ITS FACE OPERATES AS A DISCHARGE OF THE CIVIL LIABILITY OF
5 THE EMPLOYER TO THE OBLIGOR AS TO THAT PORTION OF THE EMPLOYMENT
6 INCOME OF THE OBLIGOR AFFECTED. AN EMPLOYER SHALL NOT BE SUBJECT
7 TO CRIMINAL OR CIVIL LIABILITY TO ANY INDIVIDUAL OR AGENCY FOR
8 CONDUCT IN COMPLIANCE WITH THE ORDER. THE EMPLOYER MAY DEDUCT
9 FROM THE INCOME OF THE OBLIGOR 2% OF THE AMOUNT PAID UNDER THE
10 ORDER FOR REIMBURSEMENT OF THE EXPENSE IN COMPLYING WITH THE
11 ORDER. IN NO CASE SHALL THE [MONEY] EMPLOYER'S REIMBURSEMENT BE
12 DEDUCTED FROM THE AMOUNT OF THE SUPPORT ORDER.

13 * * *

14 (L) DISCIPLINARY ACTION BY EMPLOYER PROHIBITED.--

15 (1) WHEN AN ORDER OF ATTACHMENT ON INCOME WITHHOLDING IS
16 ABOUT TO BE OR HAS BEEN ENTERED, AN EMPLOYER OR OFFICER OR
17 EMPLOYEE THEREOF SHALL NOT USE THE ATTACHMENT OR POSSIBILITY
18 THEREOF AS A BASIS, IN WHOLE OR IN PART, FOR THE REFUSAL TO
19 EMPLOY OR FOR THE DISCHARGE OF AN EMPLOYEE OR FOR ANY
20 DISCIPLINARY ACTION AGAINST OR DEMOTION OF AN EMPLOYEE. IN
21 CASE OF A VIOLATION OF THIS SUBSECTION, THE EMPLOYER OR
22 OFFICER OR EMPLOYEE THEREOF MAY BE ADJUDGED IN CONTEMPT AND
23 COMMITTED TO JAIL OR FINED BY THE COURT.

24 * * *

25 (3) THE DEPARTMENT OR A DOMESTIC RELATIONS SECTION MAY
26 IMPOSE A CIVIL PENALTY OF UP TO \$1,000 PER VIOLATION AGAINST
27 ANY EMPLOYER THAT WILLFULLY VIOLATES THE PROVISIONS OF THIS
28 SUBSECTION OR THAT WILLFULLY FAILS TO WITHHOLD INCOME OR TO
29 PAY SUCH AMOUNTS TO THE STATE DISBURSEMENT UNIT.

30 * * *

1 [(O) PRIORITY OF ATTACHMENT.--AN ORDER OF ATTACHMENT FOR
2 SUPPORT SHALL HAVE PRIORITY OVER ANY ATTACHMENT, EXECUTION,
3 GARNISHMENT, STATE OR LOCAL TAX WITHHOLDING OR WAGE ASSIGNMENT.]

4 * * *

5 (Q) PRIORITY OF ATTACHMENT.--AN ORDER OF ATTACHMENT FOR
6 SUPPORT SHALL HAVE PRIORITY OVER ANY ATTACHMENT, EXECUTION,
7 GARNISHMENT OR WAGE ASSIGNMENT. THE SUPREME COURT SHALL BY
8 GENERAL RULE PROVIDE FOR PRIORITIES FOR WITHHOLDING AND
9 ALLOCATING INCOME WITHHELD FOR MULTIPLE CHILD SUPPORT OBLIGEEES
10 RECEIVED BY AN EMPLOYER FOR THE SAME OBLIGOR UNDER THIS SECTION
11 AND CHAPTER 75 (RELATING TO DIRECT ENFORCEMENT OF ORDER OF
12 ANOTHER STATE WITHOUT REGISTRATION).

13 SECTION 8. SECTION 4351 OF TITLE 23 IS AMENDED TO READ:

14 § 4351. COSTS AND FEES.

15 (A) GENERAL RULE.--[WHEN IT APPEARS TO THE COURT THAT EITHER
16 PARTY OR BOTH PARTIES ARE FINANCIALLY ABLE TO PAY COSTS AND
17 FEES, THE COURT MAY IMPOSE THE COSTS AND FEES ON EITHER PARTY OR
18 BOTH PARTIES.] IF AN OBLIGEE PREVAILS IN A PROCEEDING TO
19 ESTABLISH PATERNITY OR TO OBTAIN A SUPPORT ORDER, THE COURT MAY
20 ASSESS AGAINST THE OBLIGOR FILING FEES, REASONABLE ATTORNEY FEES
21 AND NECESSARY TRAVEL AND OTHER REASONABLE COSTS AND EXPENSES
22 INCURRED BY THE OBLIGEE AND THE OBLIGEE'S WITNESSES. ATTORNEY
23 FEES MAY BE TAXED AS COSTS AND SHALL BE ORDERED TO BE PAID
24 DIRECTLY TO THE ATTORNEY, WHO MAY ENFORCE THE ORDER IN THE
25 ATTORNEY'S OWN NAME. PAYMENT OF SUPPORT OWED TO THE OBLIGEE
26 SHALL HAVE PRIORITY OVER FEES, COSTS AND EXPENSES.

27 (B) LACK OF GOOD CAUSE FOR FAILURE TO PAY ON TIME.--IF THE
28 COURT DETERMINES THAT THE PERSON SUBJECT TO A CHILD SUPPORT
29 ORDER DID NOT HAVE GOOD CAUSE FOR FAILING TO MAKE CHILD SUPPORT
30 PAYMENTS ON TIME, IT MAY FURTHER ASSESS COSTS AND REASONABLE

1 ATTORNEY FEES INCURRED BY THE PARTY SEEKING TO ENFORCE THE
2 ORDER.

3 SECTION 9. SECTIONS 4352(A), (B) AND (D), 4353(A) AND 4355
4 HEADING, (A), (B) HEADING, (1) INTRODUCTORY PARAGRAPH, (I) AND
5 (IV) AND (2), (C)(1) AND (3), (D) AND (E) OF TITLE 23 ARE
6 AMENDED AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO
7 READ:

8 § 4352. CONTINUING JURISDICTION OVER SUPPORT ORDERS.

9 (A) GENERAL RULE.--THE COURT MAKING AN ORDER OF SUPPORT
10 SHALL AT ALL TIMES MAINTAIN JURISDICTION OF THE MATTER FOR THE
11 PURPOSE OF ENFORCEMENT OF THE ORDER AND FOR THE PURPOSE OF
12 INCREASING, DECREASING, MODIFYING OR RESCINDING THE ORDER
13 [UNLESS OTHERWISE PROVIDED BY PART VIII (RELATING TO UNIFORM
14 INTERSTATE FAMILY SUPPORT) OR VIII-A (RELATING TO INTRASTATE
15 FAMILY SUPPORT).] WITHOUT LIMITING THE RIGHT OF THE OBLIGEE, OR
16 THE DEPARTMENT IF IT HAS AN ASSIGNMENT OR OTHER INTEREST, TO
17 INSTITUTE ADDITIONAL PROCEEDINGS FOR SUPPORT IN ANY COUNTY IN
18 WHICH THE OBLIGOR RESIDES OR IN WHICH PROPERTY OF THE OBLIGOR IS
19 SITUATED. THE SUPREME COURT SHALL BY GENERAL RULE ESTABLISH
20 PROCEDURES BY WHICH EACH INTERESTED PARTY SHALL BE NOTIFIED OF
21 ALL PROCEEDINGS IN WHICH SUPPORT OBLIGATIONS MIGHT BE
22 ESTABLISHED OR MODIFIED AND SHALL RECEIVE A COPY OF ANY ORDER
23 ISSUED IN A CASE WITHIN 14 DAYS AFTER ISSUANCE OF SUCH ORDER. A
24 PETITION FOR MODIFICATION OF A SUPPORT ORDER MAY BE FILED AT ANY
25 TIME AND SHALL BE GRANTED IF THE REQUESTING PARTY DEMONSTRATES A
26 SUBSTANTIAL CHANGE IN CIRCUMSTANCES.

27 (A.1) AUTOMATIC REVIEW.--A METHOD SHALL BE DEVELOPED FOR THE
28 AUTOMATIC REVIEW OF EACH ORDER OF SUPPORT AT LEAST ONCE EVERY
29 THREE YEARS FROM THE DATE OF ESTABLISHMENT OR THE MOST RECENT
30 REVIEW, FOR THE PURPOSE OF MAKING ANY APPROPRIATE INCREASE,

1 DECREASE, MODIFICATION OR RESCISSION OF THE ORDER. DURING THE
2 AUTOMATIC REVIEW, THE COURT SHALL ADJUST THE ORDER, WITHOUT
3 REQUIRING PROOF OF A CHANGE IN CIRCUMSTANCES, BY APPLYING THE
4 STATEWIDE GUIDELINES OR A COST OF LIVING ADJUSTMENT IN
5 ACCORDANCE WITH A FORMULA DEVELOPED BY GENERAL RULE. AUTOMATED
6 METHODS, INCLUDING AUTOMATED MATCHES WITH WAGE OR STATE INCOME
7 TAX DATA, MAY BE USED TO IDENTIFY THE SUPPORT ORDERS ELIGIBLE
8 FOR REVIEW AND IMPLEMENT APPROPRIATE ADJUSTMENTS. IF, HOWEVER,
9 IT IS DETERMINED THAT SUCH A REVIEW WOULD NOT BE IN THE BEST
10 INTERESTS OF THE CHILD AND NEITHER PARENT NOR THE DEPARTMENT, IF
11 IT HAS AN ASSIGNMENT OR OTHER INTEREST, HAS REQUESTED A REVIEW
12 [IN THE INTERIM], NO REVIEW SHALL BE REQUIRED.

13 (B) NOTICE.--EACH [PARENT] PARTY SUBJECT TO [A] AN AUTOMATIC
14 CHILD SUPPORT [ORDER IS TO BE NOTIFIED 30 DAYS IN ADVANCE OF THE
15 COMMENCEMENT OF SUCH A] REVIEW SHALL RECEIVE:

16 (1) THIRTY DAYS' ADVANCE NOTICE OF THE RIGHT OF SUCH
17 [PARENT] PARTY TO REQUEST A REVIEW AND ADJUSTMENT OF THE
18 ORDER, EXCEPT WHEN THE ADJUSTMENT RESULTS FROM A COST OF
19 LIVING ADJUSTMENT OR OTHER AUTOMATED ADJUSTMENT;

20 (2) [OF A PROPOSED ADJUSTMENT (OR DETERMINATION THAT
21 THERE SHOULD BE NO CHANGE) IN THE ORDER] A COPY OF ANY ORDER
22 ESTABLISHING, MODIFYING OR RESCINDING A CHILD SUPPORT
23 OBLIGATION OR, IN THE CASE OF A DENIED PETITION FOR
24 MODIFICATION, A NOTICE OF DETERMINATION THAT THERE SHOULD BE
25 NO CHANGE IN THE AMOUNT OF THE CHILD SUPPORT ORDER, WITHIN 14
26 DAYS AFTER ISSUANCE OF SUCH ORDER OR DETERMINATION; AND

27 (3) [SUCH PARENT IS AFFORDED 30 DAYS] A 30-DAY PERIOD
28 FROM THE DATE OF THE NOTICE OF A COST-OF-LIVING ADJUSTMENT OR
29 OTHER AUTOMATED ADJUSTMENT TO [INITIATE A CHALLENGE TO THE]
30 REQUEST AN INDIVIDUAL REVIEW AND ADJUSTMENT [(OR

1 DETERMINATION)] IN ACCORDANCE WITH THE STATEWIDE GUIDELINE.

2 * * *

3 (D) ARREARS AS JUDGMENTS.--ON AND AFTER THE DATE IT IS DUE,
4 EACH AND EVERY SUPPORT OBLIGATION SHALL CONSTITUTE A JUDGMENT
5 AGAINST THE OBLIGOR BY OPERATION OF LAW, WITH THE FULL FORCE,
6 EFFECT AND ATTRIBUTES OF A JUDGMENT OF COURT, INCLUDING THE
7 ABILITY TO BE ENFORCED, AND SHALL BE ENTITLED AS A JUDGMENT TO
8 FULL FAITH AND CREDIT IN THIS OR ANY OTHER STATE. [PAST DUE
9 SUPPORT OBLIGATIONS SHALL NOT BECOME A LIEN UPON THE REAL AND
10 PERSONAL PROPERTY OF THE PERSON ORDERED TO MAKE SUCH PAYMENTS
11 UNTIL THE JUDGMENT OR ORDER HAS BEEN ENTERED OF RECORD IN THE
12 OFFICE OF THE CLERK OF THE COURT OF COMMON PLEAS IN THE COUNTY
13 WHERE THE REAL OR PERSONAL PROPERTY OWNED BY THE PERSON
14 OBLIGATED TO PAY SUPPORT IS LOCATED OR IN THE OFFICE OF THE
15 CLERK OF THE BRANCH OF THE COURT OF COMMON PLEAS EMBRACING SUCH
16 COUNTY IN ACCORDANCE WITH 42 PA.C.S. § 4303 (RELATING TO EFFECT
17 OF JUDGMENTS AND ORDERS AS LIENS). EXECUTION SHALL ISSUE THEREON
18 PURSUANT TO THE RULES OF CIVIL PROCEDURE.] PAST DUE SUPPORT
19 OBLIGATIONS OF THIS OR ANY OTHER STATE WHICH ARE ON RECORD AT
20 THE DOMESTIC RELATIONS SECTION SHALL CONSTITUTE A LIEN BY
21 OPERATION OF LAW AGAINST ALL REAL PROPERTY OWNED BY THE OBLIGOR
22 WITHIN THE JUDICIAL DISTRICT. THE DEPARTMENT SHALL DEVELOP AND
23 IMPLEMENT A CENTRAL CLEARINGHOUSE WHERE NOTICE OF LIENS ARISING
24 OUT OF PAST DUE SUPPORT OBLIGATIONS SHALL BE AVAILABLE TO THE
25 PUBLIC. THE DEPARTMENT SHALL ESTABLISH PROCEDURES TO INSURE
26 CONVENIENT ACCESS TO LIEN INFORMATION. IN THE DEVELOPMENT OF THE
27 PROCEDURES, THE DEPARTMENT SHALL CONSIDER HOURS OF ACCESS
28 REQUIRED BY THE BUSINESS COMMUNITY AND ACCESS VIA MODEM OR
29 AUTOMATED MEANS. UPON ESTABLISHMENT OF THE CENTRAL
30 CLEARINGHOUSE, ANY LIEN ON RECORD WITH THE DEPARTMENT SHALL BE A

LIEN AGAINST ALL REAL PROPERTY IN THIS COMMONWEALTH OWNED BY THE
OBLIGOR AND SHALL HAVE THE EFFECT OF A FULLY PERFECTED SECURITY
INTEREST IN ALL OTHER PROPERTY OWNED BY THE OBLIGOR IN WHICH A
SECURITY INTEREST CAN ARISE. THE CENTRAL CLEARINGHOUSE
ESTABLISHED UNDER THIS SUBSECTION SHALL INCLUDE A SYSTEM WHEREBY
LIENS ON MOTOR VEHICLES AND INFORMATION RELATING THERETO ARE
TRANSMITTED TO THE DEPARTMENT OF TRANSPORTATION BY THE
DEPARTMENT BY ELECTRONIC OR OTHER MEANS AND MADE ACCESSIBLE TO
THE PUBLIC BY THE DEPARTMENT OF TRANSPORTATION. THE SUPREME
COURT SHALL BY GENERAL RULE ESTABLISH PROCEDURES FOR THE
RECORDING OF LIENS AT THE DOMESTIC RELATIONS SECTION AND THE
ENFORCEMENT OF LIENS WITHOUT PRIOR JUDICIAL NOTICE OR HEARING. A
BONA FIDE GOOD FAITH PURCHASER OF PROPERTY FOR VALUE ACQUIRES
ALL TITLE WHICH THE TRANSFEROR HAD OR HAD THE POWER TO TRANSFER
PURSUANT TO 13 PA.C.S. CH. 24 (RELATING TO TITLE, CREDITORS AND
GOOD FAITH PURCHASERS), AND THE DEPARTMENT SHALL HAVE ALL RIGHTS
AGAINST SUCH PROPERTY WHICH WOULD BE PRESERVED TO A FULLY
PERFECTED SECURED CREDITOR UNDER 13 PA.C.S. DIV. 9 (RELATING TO
SECURED TRANSACTIONS; SALES OF ACCOUNTS, CONTRACT RIGHTS AND
CHATTEL PAPERS). THE OBLIGATION FOR PAYMENT OF ARREARS OR PAST
DUE SUPPORT SHALL TERMINATE BY OPERATION OF LAW WHEN ALL ARREARS
OR PAST DUE SUPPORT HAS BEEN PAID.

* * *

(G.1) NONDISCLOSURE OF CERTAIN INFORMATION.--IF THE COURT
FINDS IN AN EX PARTE OR OTHER PROCEEDING OR IF AN EXISTING ORDER
PROVIDES THAT THE HEALTH, SAFETY OR LIBERTY OF A PARTY OR CHILD
WOULD BE UNREASONABLY PUT AT RISK BY THE DISCLOSURE OF
IDENTIFYING INFORMATION, THE COURT SHALL ORDER THAT THE ADDRESS
OF THE CHILD OR PARTY OR OTHER IDENTIFYING INFORMATION NOT BE
DISCLOSED IN A PLEADING OR OTHER DOCUMENT FILED IN A PROCEEDING

1 UNDER THIS PART. ANY COURT ORDER UNDER THIS SUBSECTION MUST BE
2 DOCKETED IN THE DOMESTIC RELATIONS SECTION.

3 (G.2) WORK ACTIVITIES.--IF AN OBLIGOR OWES OVERDUE SUPPORT
4 WITH RESPECT TO ANY CHILD RECEIVING CASH OR MEDICAL ASSISTANCE,
5 THE COURT SHALL UPON MOTION OF THE DEPARTMENT OR DOMESTIC
6 RELATIONS SECTION ORDER THAT OVERDUE SUPPORT BE PAID IN
7 ACCORDANCE WITH A PLAN APPROVED BY THE COURT OR THAT THE OBLIGOR
8 PARTICIPATE IN WORK ACTIVITIES APPROVED BY THE DEPARTMENT. WORK
9 ACTIVITIES INCLUDE:

10 (1) SUBSIDIZED OR UNSUBSIDIZED PUBLIC OR PRIVATE SECTOR
11 EMPLOYMENT.

12 (2) WORK EXPERIENCE PROGRAMS.

13 (3) WORK TRAINING PROGRAMS.

14 (4) COMMUNITY SERVICE PROGRAMS.

15 (5) JOB SEARCH REQUIREMENTS.

16 (6) JOB READINESS PROGRAMS.

17 (7) EDUCATION DIRECTLY RELATED TO EMPLOYMENT.

18 (8) ATTENDANCE AT SECONDARY SCHOOL.

19 (9) FOR A PERSON WHO HAS NOT GRADUATED HIGH SCHOOL,
20 STUDY LEADING TO A HIGH SCHOOL DIPLOMA OR EQUIVALENT.

21 (G.3) FRAUDULENT TRANSFERS.--THE COURT MAY VOID ANY
22 FRAUDULENT TRANSFER TO THE OBLIGEE PURSUANT TO 12 PA.C.S. CH. 51
23 (RELATING TO FRAUDULENT TRANSFERS). IT SHALL BE A REBUTTABLE
24 PRESUMPTION THAT A TRANSFER BY AN OBLIGOR IS FRAUDULENT AS TO AN
25 OBLIGEE IF THE TRANSFER WAS MADE FOR LESS THAN REASONABLY
26 EQUIVALENT VALUE AND THE TRANSFER OCCURRED AFTER THE INITIATION
27 OF A PROCEEDING TO ESTABLISH OR ENFORCE SUPPORT.

28 * * *

29 § 4353. DUTY TO REPORT.

30 (A) NOTICE OF CHANGES AFFECTING SUPPORT.--AN INDIVIDUAL WHO

1 IS A PARTY TO A SUPPORT PROCEEDING SHALL NOTIFY THE DOMESTIC
2 RELATIONS SECTION, THE DEPARTMENT AND THE OTHER PARTIES IN
3 WRITING OR BY PERSONAL APPEARANCE WITHIN SEVEN DAYS OF ANY
4 MATERIAL CHANGE IN CIRCUMSTANCES RELEVANT TO THE LEVEL OF
5 SUPPORT OR THE ADMINISTRATION OF THE SUPPORT ORDER, INCLUDING,
6 BUT NOT LIMITED TO:

7 (1) CHANGE OF EMPLOYMENT; AND

8 (2) CHANGE OF PERSONAL ADDRESS OR CHANGE OF ADDRESS OF
9 ANY CHILD RECEIVING SUPPORT.

10 (A.1) DELIVERY.--IN ANY SUBSEQUENT CHILD SUPPORT ENFORCEMENT
11 ACTION BETWEEN THE PARTIES, UPON SUFFICIENT SHOWING THAT DUE
12 DILIGENCE HAS BEEN MADE TO ASCERTAIN THE LOCATION OF A PARTY,
13 THE COURT OR THE DEPARTMENT MAY DEEM DUE PROCESS REQUIREMENTS
14 FOR NOTICE AND SERVICE OF PROCESS TO BE MET WITH RESPECT TO THE
15 PARTY, UPON DELIVERY OF WRITTEN NOTICE TO THE MOST RECENT
16 RESIDENTIAL ADDRESS OR EMPLOYER ADDRESS FILED WITH THE DOMESTIC
17 RELATIONS SECTION OR THE DEPARTMENT PURSUANT TO SUBSECTION (A).

18 (A.2) NOTICE OF LOCATION INFORMATION.--EACH PARTY TO A
19 SUPPORT PROCEEDING SHALL FILE WITH THE DOMESTIC RELATIONS
20 SECTION AND THE DEPARTMENT, AND UPDATE AS APPROPRIATE,
21 INFORMATION ON THE LOCATION AND IDENTITY OF THE PARTY, INCLUDING
22 SOCIAL SECURITY NUMBER, RESIDENTIAL AND MAILING ADDRESSES,
23 TELEPHONE NUMBERS, DRIVER'S LICENSE NUMBER AND NAME, ADDRESS AND
24 TELEPHONE NUMBER OF EMPLOYER.

25 * * *

26 § 4355. DENIAL OR SUSPENSION OF [LICENSE TO ENGAGE IN
27 REMUNERATIVE EMPLOYMENT] LICENSES.

28 (A) GENERAL RULE.--[WHERE] EXCEPT AS PROVIDED IN SUBSECTION
29 (D.1), WHERE THE DOMESTIC RELATIONS SECTION OR THE DEPARTMENT
30 HAS BEEN UNABLE TO ATTACH THE INCOME OF AN OBLIGOR [PURSUANT TO

SECTION 4348 (RELATING TO ATTACHMENT OF INCOME)] AND THE OBLIGOR OWES SUPPORT IN AN AMOUNT EQUAL TO OR GREATER THAN THREE MONTHS OF THE MONTHLY SUPPORT OBLIGATION[,] OR WHERE AN INDIVIDUAL HAS FAILED, AFTER APPROPRIATE NOTICE, TO COMPLY WITH SUBPOENAS OR WARRANTS RELATING TO PATERNITY OR CHILD SUPPORT PROCEEDINGS, THE COURT, THE DOMESTIC RELATIONS SECTION OR THE DEPARTMENT SHALL ISSUE AN ORDER DIRECTING ANY LICENSING AUTHORITY TO:

(1) PROHIBIT THE ISSUANCE OR RENEWAL OF A LICENSE OF THE OBLIGOR OR OTHER INDIVIDUAL; OR

(2) REQUIRE THE SUSPENSION OF THE LICENSE OF THE OBLIGOR OR OTHER INDIVIDUAL.

(B) NOTICE TO OBLIGOR OR OTHER INDIVIDUAL.--

(1) PRIOR TO THE ISSUANCE OF AN ORDER TO SUSPEND, NONRENEW OR DENY A LICENSE, THE [COURT SHALL SEND WRITTEN NOTICE TO THE] OBLIGOR OR OTHER INDIVIDUAL SHALL BE GIVEN ADVANCE NOTICE. THE NOTICE SHALL SPECIFY:

(I) THE AMOUNT OF ARREARS OWED, IF APPLICABLE.

* * *

(IV) THAT AN ORDER TO THE LICENSING AUTHORITY TO AUTOMATICALLY SUSPEND, NONRENEW OR DENY THE LICENSE WILL OCCUR IN ALL CASES 30 DAYS AFTER ISSUANCE OF THE NOTICE UNLESS THE ARREARAGE IS PAID [OR], A PERIODIC PAYMENT SCHEDULE IS APPROVED BY THE COURT OR THE INDIVIDUAL IS EXCUSED FROM THE FAILURE TO COMPLY WITH THE WARRANT OR SUBPOENA.

[(2) IF THE OBLIGOR IS A MEMBER OF THE BAR AND HAS AN ATTORNEY'S LICENSE ISSUED BY THE SUPREME COURT OF PENNSYLVANIA, THE COURT SHALL SEND WRITTEN NOTICE TO THE DISCIPLINARY BOARD OF THE SUPREME COURT SO THAT APPROPRIATE ACTION MAY BE TAKEN.]

1 (2) THE SUPREME COURT SHALL BY GENERAL RULE PROVIDE A
2 PROCEDURE FOR THE COURT OR DISCIPLINARY BOARD TO DENY,
3 SUSPEND OR NOT RENEW THE LICENSE OF AN ATTORNEY WHO OWES PAST
4 DUE SUPPORT IN A MANNER COMPARABLE TO THE PROCEDURES SET
5 FORTH IN THIS SECTION.

6 (C) ORDER.--

7 (1) THIRTY DAYS AFTER THE ISSUANCE OF THE NOTICE, IF THE
8 OBLIGOR HAS NOT PAID THE ARREARAGE [OR], ENTERED INTO A
9 COURT-APPROVED PERIODIC PAYMENT SCHEDULE OR, IF APPLICABLE,
10 THE OBLIGOR OR OTHER INDIVIDUAL HAS NOT BEEN EXCUSED FROM
11 COMPLYING WITH THE WARRANT OR SUBPOENA, THE COURT, THE
12 DOMESTIC RELATIONS SECTION OR DEPARTMENT SHALL DIRECT OR
13 CAUSE AN ORDER TO BE ISSUED TO THE LICENSING AUTHORITY TO
14 SUSPEND OR DENY THE ISSUANCE OR RENEWAL OF A LICENSE. UPON
15 RECEIPT, THE LICENSING AUTHORITY SHALL IMMEDIATELY COMPLY
16 WITH THE ORDER[.] OR DIRECTIVE. THE LICENSING AUTHORITY SHALL
17 HAVE NO AUTHORITY TO STAY IMPLEMENTATION OF THE ORDER OR TO
18 HOLD A HEARING EXCEPT IN CASES OF MISTAKEN IDENTITY.

19 * * *

20 (3) TO CONTEST THE ORDER, THE OBLIGOR OR OTHER
21 INDIVIDUAL MUST APPEAR BEFORE THE DOMESTIC RELATIONS SECTION
22 NOT LATER THAN TEN DAYS AFTER ISSUANCE OF THE ORDER. THE
23 GROUNDS FOR CONTESTING SHALL BE LIMITED TO MISTAKES OF FACT.
24 IF, AS DETERMINED BY THE DOMESTIC RELATIONS SECTION, A
25 MISTAKE OF FACT HAS OCCURRED, THE ACTION SHALL BE MODIFIED
26 ACCORDINGLY WITHIN TEN DAYS.

27 (D) REINSTATEMENT OR ISSUANCE OF LICENSE.--WHERE [THE COURT
28 HAS ISSUED] AN ORDER OR DIRECTIVE HAS BEEN ISSUED PURSUANT TO
29 SUBSECTION (C) AND THE OBLIGOR HAS SATISFIED THE ARREARAGE OR,
30 IF APPLICABLE, THE OBLIGOR OR OTHER INDIVIDUAL HAS BEEN EXCUSED

1 FROM THE FAILURE TO COMPLY WITH THE SUBPOENA OR WARRANT, THE
2 COURT, THE DOMESTIC RELATIONS SECTION OR THE DEPARTMENT SHALL
3 ORDER OR DIRECT THE LICENSING AUTHORITY TO REINSTATE OR ISSUE
4 THE LICENSE TO THE OBLIGOR OR OTHER INDIVIDUAL. UPON RECEIPT OF
5 THE ORDER, THE LICENSING AUTHORITY SHALL REINSTATE OR ISSUE THE
6 LICENSE IMMEDIATELY, PROVIDED THAT THE OBLIGOR OR OTHER
7 INDIVIDUAL MEETS ANY AND ALL OTHER REQUIREMENTS FOR ISSUANCE OR
8 REINSTATEMENT.

9 (D.1) SPECIAL PROCEDURES FOR OPERATING PRIVILEGE.--

10 (1) WHERE THE DOMESTIC RELATIONS SECTION OR THE
11 DEPARTMENT HAS BEEN UNABLE TO ATTACH THE INCOME OF AN OBLIGOR
12 AND THE OBLIGOR OWES SUPPORT IN AN AMOUNT EQUAL TO OR GREATER
13 THAN THREE MONTHS OF THE MONTHLY SUPPORT OBLIGATION OR WHERE
14 AN INDIVIDUAL HAS FAILED, AFTER APPROPRIATE NOTICE, TO COMPLY
15 WITH SUBPOENAS OR WARRANTS RELATING TO PATERNITY OR CHILD
16 SUPPORT PROCEEDINGS, THE COURT, THE DOMESTIC RELATIONS
17 SECTION OR THE DEPARTMENT MAY ISSUE AN ORDER DIRECTING THE
18 DEPARTMENT OF TRANSPORTATION TO:

19 (I) PROHIBIT THE ISSUANCE OR RENEWAL OF A LICENSE OF
20 THE OBLIGOR OR OTHER INDIVIDUAL; OR

21 (II) REQUIRE THE SUSPENSION OF THE LICENSE OF THE
22 OBLIGOR OR OTHER INDIVIDUAL.

23 (2) PRIOR TO THE ISSUANCE OF AN ORDER TO SUSPEND,
24 NONRENEW OR DENY A LICENSE, THE OBLIGOR OR OTHER INDIVIDUAL
25 SHALL BE GIVEN ADVANCE NOTICE. THE NOTICE SHALL SPECIFY:

26 (I) THE AMOUNT OF ARREARS OWED, IF APPLICABLE.

27 (II) HOW, WHEN AND WHERE THE NOTICE CAN BE
28 CONTESTED.

29 (III) THAT THE GROUNDS FOR CONTESTING THE NOTICE
30 SHALL BE LIMITED TO MISTAKES OF FACT. MISTAKES OF FACT

1 SHALL BE LIMITED TO ERRORS IN THE AMOUNT OF ARREARS OWED
2 OR MISTAKEN IDENTITY OF THE OBLIGOR.

3 (IV) THAT AN ORDER TO THE DEPARTMENT OF
4 TRANSPORTATION TO AUTOMATICALLY SUSPEND, NONRENEW OR DENY
5 THE LICENSE WILL OCCUR IN ALL CASES 30 DAYS AFTER
6 ISSUANCE OF THE NOTICE UNLESS THE ARREARAGE IS PAID, A
7 PERIODIC PAYMENT SCHEDULE IS APPROVED BY THE COURT OR THE
8 INDIVIDUAL IS EXCUSED FROM THE FAILURE TO COMPLY WITH THE
9 WARRANT OR SUBPOENA.

10 (3) ANY ORDER ISSUED TO THE DEPARTMENT OF TRANSPORTATION
11 PURSUANT TO THIS SECTION SHALL BE ISSUED AS AGREED UPON BY
12 THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION. THE
13 ORDER MAY BE TRANSMITTED ELECTRONICALLY OR BY OTHER METHODS.

14 (4) UPON RECEIPT OF AN ORDER OR DIRECTIVE FROM A COURT,
15 THE DOMESTIC RELATIONS SECTION OR THE DEPARTMENT AUTHORIZING
16 THE DEPARTMENT OF TRANSPORTATION TO SUSPEND THE OPERATING
17 PRIVILEGE OF AN OBLIGOR OR OTHER INDIVIDUAL, THE DEPARTMENT
18 OF TRANSPORTATION SHALL IMMEDIATELY SUSPEND THE OPERATING
19 PRIVILEGE OF THAT OBLIGOR OR OTHER INDIVIDUAL. UPON RECEIPT
20 OF AN ORDER FROM THE COURT OR THE DOMESTIC RELATIONS SECTION
21 OR A DIRECTIVE FROM THE DEPARTMENT AUTHORIZING THE DEPARTMENT
22 OF TRANSPORTATION TO RESTORE THE OPERATING PRIVILEGE OF AN
23 OBLIGOR OR OTHER INDIVIDUAL, THE DEPARTMENT OF TRANSPORTATION
24 SHALL IMMEDIATELY RESTORE THE OPERATING PRIVILEGE OF THAT
25 OBLIGOR OR OTHER INDIVIDUAL IF THE PERSON COMPLIES WITH THE
26 PROVISIONS OF 75 PA.C.S. § 1960 (RELATING TO REINSTATEMENT OF
27 OPERATING PRIVILEGE OR VEHICLE REGISTRATION).

28 (5) AN INSURER MAY NOT INCREASE PREMIUMS, IMPOSE A
29 SURCHARGE OR RATE PENALTY, MAKE A DRIVER RECORD POINT
30 ASSIGNMENT FOR AUTOMOBILE INSURANCE OR CANCEL OR REFUSE TO

1 RENEW AN AUTOMOBILE INSURANCE POLICY ON ACCOUNT OF A
2 SUSPENSION UNDER THIS SECTION.

3 (6) THERE SHALL BE NO RIGHT TO APPEAL FROM A SUSPENSION
4 UNDER THIS SECTION PURSUANT TO 75 PA.C.S. § 1550 (RELATING TO
5 JUDICIAL REVIEW). THE SOLE REMEDY SHALL BE TO PETITION THE
6 COURT WHICH ENTERED THE UNDERLYING SUPPORT ORDER RESULTING IN
7 THE SUSPENSION.

8 (D.2) IMPLEMENTATION.--THE DEPARTMENT MAY PROMULGATE
9 REGULATIONS AND ISSUE DIRECTIVES TO COORDINATE AND CARRY OUT THE
10 PROVISIONS OF THIS SECTION.

11 (D.3) CONSTRUCTION.--THIS SECTION SHALL SUPERSEDE ANY
12 CONFLICTING PROVISION IN ANY OTHER STATE LAW UNLESS THE
13 PROVISION SPECIFICALLY REFERENCES THIS SECTION AND PROVIDES TO
14 THE CONTRARY.

15 (D.4) IMMUNITY.--THE COURT, THE DOMESTIC RELATIONS SECTION,
16 THE DEPARTMENT, THE DEPARTMENT OF TRANSPORTATION OR ANY EMPLOYEE
17 OF ANY OF THESE ENTITIES SHALL NOT BE SUBJECT TO CIVIL OR
18 CRIMINAL LIABILITY FOR CARRYING OUT THEIR DUTIES UNDER THIS
19 SECTION.

20 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
21 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
22 SUBSECTION:

23 "LICENSE." A LICENSE, CERTIFICATE, PERMIT OR OTHER
24 AUTHORIZATION TO:

25 (1) ENGAGE IN A PROFESSION, TRADE OR BUSINESS IN THIS
26 COMMONWEALTH OR A POLITICAL SUBDIVISION OR AGENCY THEREOF[.];
27 OR

28 (2) OPERATE A MOTOR VEHICLE FOR PERSONAL OR COMMERCIAL
29 PURPOSES.

30 "LICENSING AUTHORITY." ANY ENTITY OF THE COMMONWEALTH,

1 POLITICAL SUBDIVISION OR AGENCY THEREOF WHICH ISSUES A LICENSE.
2 "OPERATING PRIVILEGE." THE PRIVILEGE TO APPLY FOR AND OBTAIN
3 A LICENSE TO USE AS WELL AS THE PRIVILEGE TO USE A VEHICLE ON A
4 HIGHWAY AS AUTHORIZED UNDER TITLE 75 (RELATING TO VEHICLES).

5 SECTION 10. CHAPTER 43 OF TITLE 23 IS AMENDED BY ADDING
6 SUBCHAPTERS TO READ:

7 SUBCHAPTER E
8 TITLE IV-D PROGRAM AND RELATED MATTERS
9 SEC.

10 4371. DEFINITIONS.
11 4372. ESTABLISHMENT OF TITLE IV-D PROGRAM.
12 4373. ADMINISTRATION OF TITLE IV-D PROGRAM.
13 4374. STATE DISBURSEMENT UNIT.
14 4375. ACCESS TO RECORDS.
15 4376. CENTRAL REGISTRY.
16 4377. POWER TO EXPEDITE SUPPORT CASES.
17 4378. ASSISTANCE RECIPIENTS TO SEEK SUPPORT.
18 4379. COOPERATION REQUIRED.
19 4380. ENFORCEMENT OF COOPERATION REQUIREMENTS.
20 4381. GARNISHMENT OF WAGES OF COMMONWEALTH EMPLOYEES.
21 § 4371. DEFINITIONS.

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

25 "ASSISTANCE." CASH ASSISTANCE, MEDICAL ASSISTANCE OR
26 DESIGNATED SERVICES PROVIDED UNDER ARTICLE IV OF THE ACT OF JUNE
27 13, 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE.

28 "LEGALLY RESPONSIBLE RELATIVE." EFFECTIVE JANUARY 1, 1997, A
29 SPOUSE AND A PARENT FOR AN UNEMANCIPATED MINOR CHILD.

30 "SECRETARY." THE SECRETARY OF PUBLIC WELFARE OF THE

1 COMMONWEALTH.

2 § 4372. ESTABLISHMENT OF TITLE IV-D PROGRAM.

3 (A) DESIGNATION OF TITLE IV-D AGENCY.--THE DEPARTMENT IS THE
4 TITLE IV-D STATE AGENCY. THE DEPARTMENT SHALL CREATE A SINGLE
5 AND SEPARATE ORGANIZATIONAL UNIT WHICH SHALL BE RESPONSIBLE FOR
6 DEVELOPING AND IMPLEMENTING, SUBJECT TO THE APPROVAL OF THE
7 SECRETARY, A FEDERALLY APPROVED STATE PLAN FOR CHILD SUPPORT.

8 (B) IMPLEMENTATION OF TITLE IV-D REQUIREMENTS.--THE
9 DEPARTMENT SHALL CONSTRUE AND IMPLEMENT THIS SUBCHAPTER IN ORDER
10 TO COMPLY WITH TITLE IV-D OF THE SOCIAL SECURITY ACT (49 STAT.
11 620, 42 U.S.C. § 301 ET SEQ.). THE DEPARTMENT SHALL TAKE ALL
12 STEPS NECESSARY TO IMPLEMENT A FEDERALLY APPROVED STATE PLAN FOR
13 CHILD SUPPORT. THE DEPARTMENT MAY ISSUE REGULATIONS AND ORDERS
14 NECESSARY TO IMPLEMENT A FEDERALLY APPROVED STATE PLAN FOR CHILD
15 SUPPORT. THE DEPARTMENT MAY ISSUE INTERIM REGULATIONS IF FEDERAL
16 LAW OR REGULATIONS SUPERSEDE EXISTING STATUTES, REGULATIONS OR
17 COURT RULES.

18 § 4373. ADMINISTRATION OF TITLE IV-D PROGRAM.

19 (A) PARENT LOCATOR SERVICE.--THE DEPARTMENT SHALL MAINTAIN A
20 PARENT LOCATOR SERVICE FOR THE PURPOSE OF ESTABLISHING
21 PARENTAGE, FOR ESTABLISHING, SETTING THE AMOUNT OF, MODIFYING OR
22 ENFORCING CHILD SUPPORT, ESTABLISHING OR ENFORCING VISITATION OR
23 CUSTODY ORDERS, AND LOCATING LEGALLY RESPONSIBLE RELATIVES. THE
24 LOCATOR SERVICES SHALL UTILIZE ALL SOURCES OF INFORMATION AND
25 LEGALLY AVAILABLE RECORDS. IN ADDITION, THE DEPARTMENT SHALL
26 UTILIZE THE PARENT LOCATOR SERVICE OF THE FEDERAL GOVERNMENT
27 PURSUANT TO FEDERAL LAW AND SHALL ONLY MAKE DISCLOSURES OF
28 INFORMATION TO INDIVIDUALS AS PROVIDED BY FEDERAL LAW.

29 (B) COOPERATIVE AGREEMENTS.--THE DEPARTMENT SHALL UNDERTAKE,
30 EITHER DIRECTLY OR PURSUANT TO COOPERATIVE ARRANGEMENTS WITH

1 APPROPRIATE COUNTIES, COURTS OR LAW ENFORCEMENT OFFICIALS,
2 INCLUDING DOMESTIC RELATIONS SECTIONS, TO DO ALL OF THE
3 FOLLOWING:

4 (1) ESTABLISH PATERNITY OF CHILDREN WITH RESPECT TO WHOM
5 ASSISTANCE HAS BEEN RECEIVED.

6 (2) SECURE SUPPORT FOR CHILDREN UNDER PARAGRAPH (1) FROM
7 A LEGALLY RESPONSIBLE RELATIVE.

8 (3) DETERMINE WHETHER THE APPLICANT OR RECIPIENT IS
9 COOPERATING IN GOOD FAITH WITH MATTERS SET FORTH IN SECTION
10 4379 (RELATING TO COOPERATION REQUIRED).

11 (4) NOTIFY THE APPLICANT OR RECIPIENT OF EACH
12 NONCOOPERATION DETERMINATION AND THE BASIS FOR SUCH
13 DETERMINATION.

14 (5) MAKE AVAILABLE CHILD SUPPORT AND PATERNITY
15 DETERMINATION SERVICES TO ANY INDIVIDUAL NOT RECEIVING
16 ASSISTANCE TO THE EXTENT REQUIRED BY FEDERAL LAW AND UPON
17 APPLICATION SUBMITTED TO THE DEPARTMENT ON FORMS PROVIDED BY
18 THE DEPARTMENT, THE PAYMENT OF ANY APPLICATION FEE
19 ESTABLISHED BY THE DEPARTMENT AND THE AGREEMENT TO PAY COSTS
20 IN EXCESS OF ANY FEE OUT OF ANY RECOVERY MADE BY THE
21 DEPARTMENT.

22 (C) INCENTIVE PAYMENTS.--THE DEPARTMENT SHALL MAKE INCENTIVE
23 PAYMENTS TO POLITICAL SUBDIVISIONS AND OTHER STATES CONSISTENT
24 WITH FEDERAL LAW WHENEVER THE POLITICAL SUBDIVISION OR OTHER
25 STATE ENFORCES OR COLLECTS SUPPORT PAYABLE TO THE DEPARTMENT.

26 § 4374. STATE DISBURSEMENT UNIT.

27 (A) ESTABLISHMENT.--THE DEPARTMENT SHALL ESTABLISH AND
28 OPERATE A STATE DISBURSEMENT UNIT FOR COLLECTION AND
29 DISBURSEMENT OF PAYMENTS ON CHILD SUPPORT ORDERS CONSISTENT WITH
30 FEDERAL LAW. THE STATE DISBURSEMENT UNIT SHALL ALSO MONITOR

1 SUPPORT ORDERS FOR ENFORCEMENT ACTION CONSISTENT WITH FEDERAL
2 LAW. AT THE OPTION OF THE DEPARTMENT, THE DOMESTIC RELATIONS
3 SECTIONS MAY BE LINKED INTO THE STATE DISBURSEMENT UNIT AND
4 PERFORM SOME OR ALL OF THE FUNCTIONS THEREOF.

5 (B) DISBURSEMENTS.--THE DEPARTMENT MAY REQUIRE THAT SUCH
6 COLLECTIONS AND DISBURSEMENTS OF SUPPORT AS THE DEPARTMENT MAY
7 SPECIFY, INCLUDING THOSE RELATED TO PERSONS NOT RECEIVING PUBLIC
8 ASSISTANCE, BE PROCESSED THROUGH THE STATE DISBURSEMENT UNIT.

9 (C) ALLOCATION OF COLLECTIONS.--SUBJECT TO SUBSECTIONS (D),
10 (E) AND (F), SUPPORT COLLECTED ON BEHALF OF A FAMILY SHALL BE
11 DISTRIBUTED AS FOLLOWS:

12 (1) IN THE CASE OF A FAMILY RECEIVING CASH ASSISTANCE
13 FROM THE COMMONWEALTH:

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

16 (II) SECOND, AFTER APPLICATION OF SUBPARAGRAPH (I),
17 PASS THROUGH TO THE ASSISTANCE GROUP THE FIRST \$50 PER
18 MONTH OF CURRENT CHILD OR SPOUSAL SUPPORT COLLECTED
19 WITHOUT DECREASING THE AMOUNT OF CASH ASSISTANCE:
20 PROVIDED, HOWEVER, THAT, IN NO EVENT, MAY ANY ASSISTANCE
21 GROUP BE PAID MORE THAN ONE SUPPORT PASS THROUGH PAYMENT
22 PER MONTH.

23 (III) THIRD, RETAIN THE REMAINDER OF THE AMOUNT
24 COLLECTED TO REIMBURSE THE COMMONWEALTH UNTIL THE AMOUNT
25 REIMBURSED EQUALS THE AMOUNT OF UNREIMBURSED CASH
26 ASSISTANCE PAID TO THE FAMILY.

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

30 (2) IN THE CASE OF A FAMILY THAT FORMERLY RECEIVED CASH

1 ASSISTANCE FROM THE COMMONWEALTH:

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

5 (II) SECOND, TREAT AMOUNTS COLLECTED IN EXCESS OF
6 THE CURRENT SUPPORT COLLECTED AS ARREARAGES AND
7 DISTRIBUTE AS FOLLOWS:

8 (A) IN THE CASE OF ARREARAGES THAT ACCRUED AFTER
9 THE FAMILY CEASED TO RECEIVE CASH ASSISTANCE FROM THE
10 COMMONWEALTH AND WHICH ARE COLLECTED AFTER OCTOBER 1,
11 1997:

12 (I) FIRST, PAY THE FAMILY UP TO THE AMOUNT
13 OF ARREARAGES THAT ACCRUED AFTER THE FAMILY
14 CEASED 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 (B) IN THE CASE OF ARREARAGES THAT ACCRUED
29 BEFORE THE FAMILY RECEIVED CASH ASSISTANCE FROM THE
30 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 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

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

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

(I) FIRST, PAY TO THE FAMILY UP TO THE AMOUNT OF ARREARAGES THAT ACCRUED BEFORE THE FAMILY BEGAN 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

1 REIMBURSED AMOUNT; AND

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

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

7 (D) RETENTION BY COMMONWEALTH.--ARREARAGES COLLECTED THROUGH
8 USE OF THE INTERNAL REVENUE SERVICE TAX REFUND OFFSET PROGRAM
9 SHALL BE RETAINED BY THE COMMONWEALTH TO THE EXTENT PAST DUE
10 SUPPORT HAS BEEN ASSIGNED TO THE DEPARTMENT AS A CONDITION OF
11 RECEIVING ASSISTANCE. THE DEPARTMENT SHALL PAY TO THE FEDERAL
12 GOVERNMENT THE FEDERAL SHARE OF THE AMOUNTS SO RETAINED. IN NO
13 EVENT SHALL THE TOTAL OF AMOUNTS PAID TO THE FEDERAL GOVERNMENT
14 AND RETAINED BY THE DEPARTMENT EXCEED THE TOTAL OF THE AMOUNT OF
15 CASH ASSISTANCE PAID TO THE FAMILY BY THE COMMONWEALTH. TO THE
16 EXTENT THAT THE AMOUNTS COLLECTED EXCEED THE AMOUNT RETAINED,
17 THE DEPARTMENT SHALL PAY THE EXCESS TO THE FAMILY.

18 (E) CHILD SUPPORT, FOSTER CARE CHILDREN.--NOTWITHSTANDING
19 THE PRECEDING PROVISIONS OF THIS SECTION, AMOUNTS COLLECTED BY
20 THE DEPARTMENT AS CHILD SUPPORT FOR MONTHS IN ANY PERIOD ON
21 BEHALF OF A CHILD FOR WHOM A PUBLIC AGENCY IS MAKING FOSTER CARE
22 MAINTENANCE PAYMENTS UNDER PART E OF THE SOCIAL SECURITY ACT (49
23 STAT. 620, 42 U.S.C. § 301 ET SEQ.) SHALL:

24 (1) BE RETAINED BY THE DEPARTMENT TO THE EXTENT
25 NECESSARY TO REIMBURSE THE COMMONWEALTH FOR FOSTER CARE
26 MAINTENANCE PAYMENTS MADE WITH RESPECT TO THE CHILD DURING
27 SUCH PERIOD, WITH APPROPRIATE REIMBURSEMENT TO THE FEDERAL
28 GOVERNMENT TO THE EXTENT OF ITS FINANCIAL PARTICIPATION;

29 (2) BE PAID TO THE PUBLIC AGENCY RESPONSIBLE FOR
30 SUPERVISING THE PLACEMENT OF THE CHILD TO THE EXTENT THAT THE

1 AMOUNTS COLLECTED EXCEED THE FOSTER CARE MAINTENANCE PAYMENTS
2 MADE WITH RESPECT TO THE CHILD DURING SUCH PERIODS BUT NOT
3 THE AMOUNTS REQUIRED BY A COURT OR ADMINISTRATIVE ORDER TO BE
4 PAID AS SUPPORT ON BEHALF OF THE CHILD DURING SUCH PERIOD;
5 AND THE RESPONSIBLE AGENCY MAY USE THE PAYMENT IN THE MANNER
6 IT DETERMINES WILL SERVE THE BEST INTERESTS OF THE CHILD,
7 INCLUDING SETTING SUCH PAYMENTS ASIDE FOR THE CHILD'S FUTURE
8 NEEDS OR MAKING ALL OR PART THEREOF AVAILABLE TO THE PERSON
9 RESPONSIBLE FOR MEETING THE CHILD'S DAY-TO-DAY NEEDS; AND

10 (3) BE RETAINED BY THE DEPARTMENT, IF ANY PORTION OF THE
11 AMOUNTS COLLECTED REMAINS AFTER MAKING THE PAYMENTS REQUIRED
12 UNDER PARAGRAPHS (1) AND (2), TO THE EXTENT THAT SUCH PORTION
13 IS NECESSARY TO REIMBURSE THE COMMONWEALTH FOR ANY PAST
14 FOSTER CARE MAINTENANCE PAYMENTS OR PAYMENTS OF CASH
15 ASSISTANCE WHICH WERE MADE WITH RESPECT TO THE CHILD AND WITH
16 RESPECT TO WHICH PAST COLLECTIONS HAVE NOT PREVIOUSLY BEEN
17 RETAINED.

18 ANY BALANCE SHALL BE PAID TO THE COMMONWEALTH AGENCY RESPONSIBLE
19 FOR SUPERVISING THE PLACEMENT OF THE CHILD FOR USE BY SUCH
20 AGENCY IN ACCORDANCE WITH PARAGRAPH (2).

21 (F) MODIFICATION OF DISTRIBUTION RULES.--NOTWITHSTANDING ANY
22 OTHER PROVISION OF LAW, THE DEPARTMENT MAY MODIFY THE FOREGOING
23 DISTRIBUTION RULES WHEN NECESSARY TO COMPLY WITH FEDERAL LAW.

24 (G) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED
25 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
26 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

27 "ASSISTANCE GROUP." THE TERM SHALL HAVE THE MEANING GIVEN IN
28 SECTION 402 (RELATING TO DEFINITIONS) OF THE ACT OF JUNE 13,
29 1967 (P.L.31, NO.21), KNOWN AS THE PUBLIC WELFARE CODE.

30 "FAMILY." THE TERM SHALL INCLUDE THE CHILD FOR WHOM SUPPORT

1 IS RECEIVED, THE CUSTODIAL PARENT LIVING WITH THE CHILD AND ANY
2 OTHER PERSON IN THE SAME ASSISTANCE GROUP AS THE CHILD.

3 § 4375. ACCESS TO RECORDS.

4 (A) ACCESS TO BE GRANTED.--THE SECRETARY OR HIS DESIGNEES IN
5 WRITING SHALL HAVE ACCESS TO ALL RECORDS, AND THE DEPARTMENT, IN
6 COOPERATION WITH ALL OTHER AGENCIES OF THE EXECUTIVE BRANCH,
7 SHALL ESTABLISH A SINGLE UNIFORM SYSTEM OF INFORMATION CLEARANCE
8 AND RETRIEVAL. INFORMATION COLLECTED AS A RESULT OF THE USE OF
9 TAX RECORDS SHALL INCLUDE THE FULL NAME, RESIDENCE OR ADDRESS,
10 NAME AND ADDRESS OF THE EMPLOYER, INCOME AND ASSETS AND THE
11 SOCIAL SECURITY NUMBER OF THE NONCUSTODIAL PARENT.

12 (B) EARNINGS RECORDS.--THE BUREAU OF EMPLOYMENT SECURITY
13 SHALL PROVIDE THE DEPARTMENT WITH A STATEMENT OF EARNINGS
14 CLEARANCE UPON THE REQUEST OF THE DEPARTMENT.

15 (C) MOTOR VEHICLE REGISTRATION INFORMATION.--UPON REQUEST OF
16 THE DEPARTMENT, THE BUREAU OF MOTOR VEHICLES SHALL PROVIDE
17 INFORMATION AS TO ALL VEHICLES OWNED BY THE APPLICANT OR
18 RECIPIENT.

19 § 4376. CENTRAL REGISTRY.

20 (A) CENTRAL REGISTRY CREATED.--A CENTRAL REGISTRY OF RECORDS
21 SHALL BE MAINTAINED IN THE DEPARTMENT SHOWING, AS FAR AS IT IS
22 KNOWN, WITH RESPECT TO ANY ABSENT PARENT AGAINST WHOM SUPPORT IS
23 SOUGHT, ALL OF THE FOLLOWING:

24 (1) THE FULL AND TRUE NAME OF SUCH PARENT TOGETHER WITH
25 ANY KNOWN ALIASES.

26 (2) THE DATE AND PLACE OF BIRTH.

27 (3) PHYSICAL DESCRIPTION.

28 (4) SOCIAL SECURITY NUMBER.

29 (5) OCCUPATION AND ANY SPECIAL SKILLS HE MAY HAVE.

30 (6) MILITARY STATUS AND VETERANS ADMINISTRATION OR

1 MILITARY SERVICE SERIAL NUMBER.

2 (7) LAST KNOWN ADDRESS AND THE DATE THEREOF.

3 (8) THE NUMBER OF THE DRIVER'S LICENSE.

4 (9) ANY FURTHER INFORMATION THAT MAY BE OF ASSISTANCE IN
5 LOCATING THE PERSON OR ENFORCING SUPPORT.

6 (B) INFORMATION FOR REGISTRY.--TO EFFECTUATE THE PURPOSES OF
7 THIS SECTION, THE DEPARTMENT MAY REQUEST AND SHALL RECEIVE FROM
8 ALL BOARDS OR OTHER AGENCIES OF THIS COMMONWEALTH OR ANY OF ITS
9 POLITICAL SUBDIVISIONS, AND THE SAME ARE AUTHORIZED TO PROVIDE,
10 SUCH ASSISTANCE AND DATA AS WILL ENABLE THE FEDERAL GOVERNMENT,
11 THE DEPARTMENT AND OTHER PUBLIC AGENCIES IN THIS STATE OR IN
12 OTHER STATES TO CARRY OUT THEIR DUTIES TO LOCATE ABSENT PARENTS
13 FOR THE SUPPORT OF THEIR CHILDREN. THE DATA TO BE PROVIDED FROM
14 TAX RECORDS SHALL INCLUDE THE FULL NAME, RESIDENCE OR ADDRESS,
15 NAME AND ADDRESS OF THE EMPLOYER, INCOME AND ASSETS AND THE
16 SOCIAL SECURITY NUMBER OF THE NONCUSTODIAL PARENT. THE
17 DEPARTMENT SHALL UTILIZE THE PARENT LOCATOR SERVICE PURSUANT TO
18 ESTABLISHMENT IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES BY
19 FILING IN ACCORDANCE WITH SECTION 453(B) OF THE SOCIAL SECURITY
20 ACT (49 STAT. 620, 42 U.S.C. § 653(B)).

21 (C) CERTAIN CONFIDENTIAL RECORDS.--NOTWITHSTANDING ANY OTHER
22 PROVISION OF LAW, ALL STATE AND LOCAL LAW ENFORCEMENT AGENCIES,
23 THE BOARD OF PROBATION AND PAROLE, THE DEPARTMENT OF CORRECTION
24 AND THE DEPARTMENT OF TRANSPORTATION SHALL UPON REQUEST PROVIDE
25 THE DEPARTMENT, ANY DOMESTIC RELATIONS SECTION OR ANY CHILD
26 SUPPORT AGENCY OF THE FEDERAL GOVERNMENT OR ANY STATE WITH SUCH
27 INFORMATION REGARDING THE LOCATION OF AN INDIVIDUAL AS MAY BE
28 CONTAINED IN LAW ENFORCEMENT, PROBATION AND PAROLE, CORRECTIONS,
29 MOTOR VEHICLE REGISTRATION AND OPERATOR LICENSING RECORDS.

30 (D) LIMITS ON USE.--ANY RECORDS ESTABLISHED PURSUANT TO THE

1 PROVISIONS OF THIS SECTION SHALL BE AVAILABLE ONLY TO PUBLIC
2 WELFARE OFFICES, DISTRICT ATTORNEYS, PROBATION DEPARTMENTS,
3 DOMESTIC RELATIONS SECTIONS, FEDERAL AGENCIES AND THE AGENCIES
4 OF OTHER STATES CONDUCTING ACTIVITIES UNDER TITLE IV-D OF THE
5 SOCIAL SECURITY ACT, AND COURTS HAVING JURISDICTION IN SUPPORT
6 OR ABANDONMENT PROCEEDINGS OR ACTIONS AND ONLY FOR THE PURPOSES
7 FOR WHICH THE RECORDS HAVE BEEN ESTABLISHED.

8 § 4377. POWER TO EXPEDITE SUPPORT CASES.

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

14 (1) TO ORDER ANY INDIVIDUAL TO SUBMIT TO GENETIC TESTING
15 FOR THE PURPOSE OF PATERNITY ESTABLISHMENT.

16 (2) TO ISSUE ADMINISTRATIVE SUBPOENAS AGAINST ANY ENTITY
17 WITHIN THIS COMMONWEALTH, INCLUDING FOR-PROFIT, NOT-FOR-
18 PROFIT AND GOVERNMENTAL EMPLOYERS TO REQUIRE PRODUCTION OF
19 INFORMATION REGARDING THE EMPLOYMENT, COMPENSATION AND
20 BENEFITS OF ANY INDIVIDUAL EMPLOYED BY SUCH ENTITY AS AN
21 EMPLOYEE OR CONTRACTOR.

22 (3) TO ACCESS RECORDS OF ALL STATE AND LOCAL GOVERNMENT
23 AGENCIES, INCLUDING VITAL STATISTIC RECORDS (INCLUDING
24 RECORDS OF MARRIAGE, BIRTH AND DIVORCE), STATE AND LOCAL TAX
25 AND REVENUE RECORDS (INCLUDING INFORMATION ON RESIDENCE
26 ADDRESS, EMPLOYER, INCOME AND ASSETS), RECORDS OF REAL AND
27 TITLED PERSONAL PROPERTY, RECORDS OF OCCUPATIONAL AND
28 PROFESSIONAL LICENSES, RECORDS OF THE OWNERSHIP AND CONTROL
29 OF CORPORATIONS, PARTNERSHIPS AND OTHER BUSINESS ENTITIES,
30 EMPLOYMENT SECURITY RECORDS, RECORDS OF AGENCIES

ADMINISTERING PUBLIC ASSISTANCE PROGRAMS, MOTOR VEHICLE
RECORDS, PROBATION AND PAROLE RECORDS AND CORRECTIONS
RECORDS.

(4) TO ISSUE ADMINISTRATIVE SUBPOENAS FOR THE RECORDS OF
PUBLIC UTILITIES AND CABLE TELEVISION COMPANIES WITH RESPECT
TO INDIVIDUALS WHO OWE OR ARE OWED SUPPORT, OR AGAINST WHOM
OR WITH RESPECT TO WHOM A SUPPORT OBLIGATION IS SOUGHT,
CONSISTING OF THE NAMES AND ADDRESSES OF SUCH INDIVIDUALS AND
THE NAMES AND ADDRESSES OF THEIR EMPLOYERS.

(5) TO ISSUE ADMINISTRATIVE SUBPOENAS FOR THE RECORDS
HELD BY FINANCIAL INSTITUTIONS WITH RESPECT TO INDIVIDUALS
WHO OWE OR ARE OWED SUPPORT, OR AGAINST WHOM OR WITH RESPECT
TO WHOM A SUPPORT OBLIGATION IS SOUGHT.

(6) TO ISSUE ADMINISTRATIVE SUBPOENAS FOR FINANCIAL OR
OTHER INFORMATION NEEDED TO ESTABLISH, MODIFY OR ENFORCE A
SUPPORT ORDER.

(7) TO ISSUE ORDERS DIRECTING AN OBLIGOR OR OTHER PAYOR
TO CHANGE THE PAYEE OF A SUPPORT ORDER.

(8) TO ORDER INCOME WITHHOLDING.

(9) TO INCREASE THE AMOUNT OF MONTHLY SUPPORT PAYMENTS
FOR THE PAYMENT OF ARREARAGES, AS MAY BE PROVIDED BY GENERAL
RULE.

(10) TO ISSUE ADMINISTRATIVE ORDERS IN CASES WHERE THERE
IS A SUPPORT ARREARAGE TO SECURE ASSETS TO SATISFY ANY
CURRENT SUPPORT OBLIGATION AND THE ARREARAGE BY:

(I) INTERCEPTING OR SEIZING PERIODIC OR LUMP SUM
PAYMENTS FROM A GOVERNMENT AGENCY, INCLUDING UNEMPLOYMENT
COMPENSATION, WORKERS' COMPENSATION AND OTHER BENEFITS.

(II) INTERCEPTING OR SEIZING JUDGMENTS OR
SETTLEMENTS.

(III) ATTACHING AND SEIZING ASSETS OF THE OBLIGOR
HELD IN FINANCIAL INSTITUTIONS.

(IV) ATTACHING PUBLIC AND PRIVATE RETIREMENT FUNDS.

(V) IMPOSING LIENS ON PROPERTY.

(VI) DIRECTING THE SHERIFF TO LEVY AND SELL OTHER
REAL OR PERSONAL PROPERTY.

(11) TO TRANSMIT TO ANOTHER STATE, ELECTRONICALLY OR BY
OTHER METHODS, A REQUEST FOR ASSISTANCE IN A CASE INVOLVING
THE ENFORCEMENT OF A SUPPORT ORDER SUFFICIENT INFORMATION AS
WILL ENABLE THE STATE TO WHICH THE REQUEST IS TRANSMITTED TO
COMPARE THE INFORMATION TO THE INFORMATION IN THE DATA BASES
OF THE STATE. THE TRANSMITTAL SHALL SERVE AS A CERTIFICATION
OF ARREARS AND A CERTIFICATION THAT THE STATE HAS COMPLIED
WITH ALL PROCEDURAL DUE PROCESS REQUIREMENTS APPLICABLE TO
THE CASE.

(12) TO RESPOND TO A REQUEST FOR ASSISTANCE RECEIVED
FROM ANOTHER STATE. THE RESPONSE, WHICH MAY BE TRANSMITTED
ELECTRONICALLY OR BY OTHER METHODS, SHALL CONFIRM THE RECEIPT
OF THE REQUEST, THE ACTION TAKEN AND THE AMOUNT OF SUPPORT
COLLECTED AND SPECIFY ANY ADDITIONAL INFORMATION OR ACTION
REQUIRED OF THE REQUESTING TRIBUNAL TO OBTAIN ENFORCEMENT OF
THE CHILD SUPPORT OBLIGATION.

(B) ENFORCEMENT AUTHORITY.--THE DEPARTMENT MAY
ADMINISTRATIVELY ASSESS A CIVIL PENALTY OF UP TO \$5,000 PER
VIOLATION UPON ANY PERSON OR ENTITY THAT FAILS TO COMPLY WITH AN
ORDER, SUBPOENA OR REQUEST FOR INFORMATION ISSUED UNDER
SUBSECTION (A). THE DEPARTMENT MAY MAKE APPLICATION TO ANY COURT
OF COMMON PLEAS OR TO THE COMMONWEALTH COURT FOR PURPOSES OF
ENFORCING ANY SUBPOENA OR FINAL ADMINISTRATIVE ORDER.

(C) APPEALS.--ANY PERSON AGGRIEVED BY AN ACTION OF THE

1 DEPARTMENT UNDER THIS SECTION SHALL HAVE A RIGHT TO APPEAL. AN
2 APPEAL OF AN ACTION UNDER SUBSECTION (A) SHALL BE TAKEN TO AN
3 INDEPENDENT HEARING OFFICER DESIGNATED BY THE DEPARTMENT UNLESS
4 THE APPELLANT IS CHALLENGING THE VALIDITY OR AMOUNT OF THE
5 UNDERLYING SUPPORT OBLIGATION, IN WHICH CASE THE COURT HAVING
6 JURISDICTION OVER THE SUPPORT OBLIGATION SHALL HEAR THE APPEAL.
7 AN APPEAL FROM IMPOSITION OF A CIVIL PENALTY IMPOSED UNDER
8 SUBSECTION (B) MUST BE TAKEN TO THE BUREAU OF HEARING AND
9 APPEALS IN THE DEPARTMENT. AN APPEAL WHICH IS FILED IN THE WRONG
10 TRIBUNAL SHALL BE TRANSFERRED TO THE CORRECT TRIBUNAL. IF NO
11 APPEAL IS TIMELY FILED FROM THE DEPARTMENT ACTION OR UNDER
12 SUBSECTION (A) OR (B), THE DEPARTMENT'S ACTION OR ORDER SHALL BE
13 FINAL. AN ACTION OR ORDER OF THE DEPARTMENT UNDER THIS SECTION
14 SHALL REMAIN IN EFFECT PENDING ANY APPEAL, UNLESS STAYED FOR
15 GOOD CAUSE SHOWN.

16 (D) IMMUNITY.--THE DEPARTMENT AND ITS EMPLOYEES SHALL BE
17 IMMUNE FROM CIVIL OR CRIMINAL LIABILITY FOR ANY GOOD FAITH
18 ACTION TAKEN UNDER THIS SECTION. THE IMMUNITY PROVIDED BY THIS
19 SUBSECTION SHALL NOT APPLY TO ANY INDIVIDUAL WHO INTENTIONALLY
20 MISUSES THE AUTHORITY OF THE DEPARTMENT FOR A PURPOSE OTHER THAN
21 SECURING THE LAWFUL ESTABLISHMENT OR ENFORCEMENT OF SUPPORT.

22 § 4378. ASSISTANCE RECIPIENTS TO SEEK SUPPORT.

23 (A) SEEKING SUPPORT REQUIRED.--PRIOR TO AUTHORIZATION, EVERY
24 APPLICANT FOR ASSISTANCE WHOSE CIRCUMSTANCES INCLUDE THE
25 REPORTED ABSENCE OF A LEGALLY RESPONSIBLE RELATIVE FROM THE
26 HOUSEHOLD OR THE PRESENCE OF A PUTATIVE FATHER SHALL APPEAR
27 BEFORE THE DOMESTIC RELATIONS SECTION OR OTHER APPLICABLE
28 DIVISION OF THE COURT OF COMMON PLEAS. UPON THE REQUEST OF A
29 FAMILY COURT OR DOMESTIC RELATIONS SECTION, THE SECRETARY IS
30 AUTHORIZED TO WAIVE THE REQUIREMENT OF PERSONAL APPEARANCE

1 BEFORE A FAMILY COURT OR DOMESTIC RELATIONS SECTION IF ANOTHER
2 PROCEDURE WOULD BE AS EFFICIENT AND EFFECTIVE. SUBJECT TO
3 FEDERAL APPROVAL, ONLY WHEN NECESSARY, ASSISTANCE SHALL NOT BE
4 AUTHORIZED BY THE DEPARTMENT UNTIL IT HAS BEEN CERTIFIED THAT
5 THE APPLICANT HAS COOPERATED IN DETERMINING PATERNITY AND
6 ENFORCING SUPPORT.

7 (B) ASSIGNMENT.--ACCEPTANCE OF ASSISTANCE SHALL OPERATE AS
8 AN ASSIGNMENT TO THE DEPARTMENT, BY OPERATION OF LAW, OF THE
9 ASSISTANCE RECIPIENT'S RIGHTS TO RECEIVE SUPPORT ON HIS OR HER
10 OWN BEHALF AND ON BEHALF OF ANY FAMILY MEMBER WITH RESPECT TO
11 WHOM THE RECIPIENT IS RECEIVING ASSISTANCE. SUCH ASSIGNMENT
12 SHALL BE EFFECTIVE ONLY UP TO THE AMOUNT OF ASSISTANCE RECEIVED.
13 THE ASSIGNMENT SHALL TAKE EFFECT AT THE TIME THAT THE RECIPIENT
14 IS DETERMINED TO BE ELIGIBLE FOR ASSISTANCE. UPON TERMINATION OF
15 ASSISTANCE PAYMENTS, THE ASSIGNMENT OF SUPPORT RIGHTS SHALL
16 TERMINATE, PROVIDED THAT ANY AMOUNT OF UNPAID SUPPORT
17 OBLIGATIONS SHALL CONTINUE AS AN OBLIGATION TO AND COLLECTIBLE
18 BY THE DEPARTMENT TO THE EXTENT OF ANY UNREIMBURSED ASSISTANCE
19 CONSISTENT WITH FEDERAL LAW. IMMEDIATELY UPON RECEIPT OF
20 NOTIFICATION FROM THE DEPARTMENT THAT A RECIPIENT HAS BEEN
21 DETERMINED TO BE ELIGIBLE FOR ASSISTANCE, THE CLERKS OF THE
22 APPROPRIATE COURTS OF THE COMMONWEALTH SHALL TRANSMIT ANY AND
23 ALL SUPPORT PAYMENTS THAT THEY THEREAFTER RECEIVE ON BEHALF OF
24 SUCH ASSISTANCE RECIPIENTS TO THE DEPARTMENT. SUCH CLERKS SHALL
25 CONTINUE TRANSMITTING SUCH SUPPORT PAYMENTS UNTIL NOTIFIED BY
26 THE DEPARTMENT THAT IT IS NO LONGER NECESSARY TO DO SO. WHILE
27 THE RECIPIENT IS RECEIVING ASSISTANCE, ANY SUCH SUPPORT PAYMENTS
28 MADE TO OR ON BEHALF OF THE ASSISTANCE RECIPIENT SHALL BE
29 ALLOCATED TO ANY AMOUNT DUE THE DEPARTMENT AS ASSIGNEE OF THE
30 RECIPIENT'S SUPPORT RIGHTS CONSISTENT WITH FEDERAL LAW. THE

1 ASSISTANCE RECIPIENT SHALL BE DEEMED TO HAVE APPOINTED THE
2 DEPARTMENT AS HIS ATTORNEY-IN-FACT TO ENDORSE OVER TO THE
3 DEPARTMENT ANY AND ALL DRAFTS, CHECKS, MONEY ORDERS OR OTHER
4 NEGOTIABLE INSTRUMENTS SUBMITTED FOR PAYMENT OF SUPPORT DUE
5 DURING THE TIME THE RECIPIENT IS RECEIVING ASSISTANCE ON BEHALF
6 OF HIMSELF, HERSELF OR ANY FAMILY MEMBER.

7 (C) STANDING.--AN APPLICANT OR RECIPIENT SHALL HAVE STANDING
8 TO COMMENCE AN ACTION TO OBTAIN SUPPORT FOR ANY CHILD WITH
9 RESPECT TO WHOM THE APPLICANT OR RECIPIENT CLAIMS ASSISTANCE.

10 § 4379. COOPERATION REQUIRED.

11 IN ACCORDANCE WITH A CHILD SUPPORT PLAN APPROVED BY THE
12 FEDERAL GOVERNMENT, THE DEPARTMENT SHALL HAVE THE POWER AND ITS
13 DUTY SHALL BE TO:

14 (1) REQUIRE AS A CONDITION OF ELIGIBILITY FOR ASSISTANCE
15 THAT AN APPLICANT OR RECIPIENT:

16 (I) FURNISH HIS OR HER SOCIAL SECURITY ACCOUNT
17 NUMBER OR TO THE EXTENT PERMITTED BY FEDERAL LAW, PROOF
18 OF MAKING APPLICATION FOR A SOCIAL SECURITY ACCOUNT
19 NUMBER IF THE APPLICANT OR RECIPIENT HAS NO SOCIAL
20 SECURITY ACCOUNT NUMBER.

21 (II) ASSIGN TO THE DEPARTMENT ON FORMS PROVIDED BY
22 THE DEPARTMENT SUCH SUPPORT RIGHTS AS THE APPLICANT OR
23 RECIPIENT MAY HAVE INDIVIDUALLY OR ON BEHALF OF ANY
24 FAMILY MEMBER WHO IS A PART OF THE ASSISTANCE GROUP.

25 (III) COOPERATE WITH THE DEPARTMENT IN ESTABLISHING
26 THE PATERNITY OF A CHILD WITH RESPECT TO WHOM ASSISTANCE
27 IS CLAIMED UNLESS THE DEPARTMENT DETERMINES THAT THE
28 APPLICANT OR RECIPIENT HAS GOOD CAUSE FOR FAILING TO DO
29 SO.

30 (IV) COOPERATE IN OBTAINING SUPPORT PAYMENTS FOR

1 SUCH APPLICANT OR RECIPIENT AND FOR A CHILD WITH RESPECT
2 TO WHOM SUCH ASSISTANCE IS CLAIMED OR IN OBTAINING ANY
3 OTHER PAYMENT OR PROPERTY DUE SUCH APPLICANT, RECIPIENT
4 OR SUCH CHILD UNLESS THE DEPARTMENT DETERMINES THAT THE
5 APPLICANT OR RECIPIENT HAS GOOD CAUSE FOR FAILING TO DO
6 SO.

7 (2) REQUIRE COOPERATION IN ACCORDANCE WITH THE
8 FOLLOWING:

9 (I) SUBJECT TO FEDERAL APPROVAL, ONLY WHEN
10 NECESSARY, COOPERATION SHALL INCLUDE, BUT NOT BE LIMITED
11 TO, TAKING THE FOLLOWING ACTIONS:

12 (A) IDENTIFYING THE PARENTS OF ANY CHILD FOR
13 WHOM ASSISTANCE IS SOUGHT OR RECEIVED, INCLUDING
14 APPEARING FOR SCHEDULED GENETIC TESTING WITH THE
15 CHILD AND SUBMITTING TO SUCH TESTING.

16 (B) KEEPING SCHEDULED APPOINTMENTS WITH THE
17 DEPARTMENT OR DOMESTIC RELATIONS SECTION.

18 (C) PROVIDING TRUTHFUL AND ACCURATE INFORMATION
19 AND DOCUMENTS REQUESTED BY THE DEPARTMENT OR DOMESTIC
20 RELATIONS SECTION.

21 (D) SIGNING AND RETURNING ANY FORMS REQUESTED BY
22 THE DEPARTMENT OR DOMESTIC RELATIONS SECTION.

23 (E) APPEARING AS A WITNESS AND PROVIDING
24 TESTIMONY AT JUDICIAL AND OTHER HEARINGS AS REQUESTED
25 BY THE DOMESTIC RELATIONS SECTION.

26 (F) PAYING TO THE DEPARTMENT ANY SUPPORT PAYMENT
27 RECEIVED DIRECTLY FROM AN ABSENT PARENT AFTER AN
28 ASSIGNMENT OF SUPPORT HAS BEEN MADE.

29 (II) FAILURE OF THE MOTHER TO IDENTIFY BY NAME THE
30 FATHER OF A CHILD SHALL CREATE A PRESUMPTION OF

1 NONCOOPERATION WHICH MAY BE REBUTTED ONLY BY CLEAR AND
2 CONVINCING EVIDENCE.

3 (III) SUBJECT TO FEDERAL APPROVAL, IF THE APPLICANT
4 OR RECIPIENT PROVIDES THE NAMES OF TWO PUTATIVE FATHERS
5 SUBSEQUENTLY EXCLUDED FROM PATERNITY BY GENETIC TESTING,
6 THE SECOND EXCLUSION SHALL CREATE A PRESUMPTION OF
7 NONCOOPERATION, WHICH MAY BE REBUTTED ONLY BY CLEAR AND
8 CONVINCING EVIDENCE.

9 § 4380. ENFORCEMENT OF COOPERATION REQUIREMENTS.

10 (A) COOPERATION REQUIRED.--IT IS ESSENTIAL TO THE EFFECTIVE
11 AND RESPONSIBLE UTILIZATION OF ASSISTANCE FUNDS THAT APPLICANTS
12 AND RECIPIENTS WHO ARE CARETAKERS OF A CHILD WHOSE CIRCUMSTANCES
13 INCLUDE THE REPORTED ABSENCE OF A LEGALLY RESPONSIBLE RELATIVE
14 FROM THE HOUSEHOLD OR PRESENCE OF A PUTATIVE FATHER, COOPERATE
15 FULLY WITH THE DEPARTMENT AND THE COURT OR DOMESTIC RELATIONS
16 SECTION IN ESTABLISHING PATERNITY AND IN SECURING CHILD SUPPORT
17 PAYMENTS AND IN ALL MATTERS SET FORTH IN SECTION 4379 (RELATING
18 TO COOPERATION REQUIRED).

19 (B) PROCEDURES.--

20 (1) UPON APPLICATION FOR ASSISTANCE, EACH APPLICANT OR
21 RECIPIENT SHALL BE NOTIFIED THAT HIS OR HER COOPERATION IN
22 THE MATTERS SET FORTH IN SECTION 4379 SHALL BE REQUIRED AS A
23 CONDITION OF ELIGIBILITY AND THAT FAILURE TO COOPERATE WILL
24 RESULT IN THE TERMINATION OF MEDICAL ASSISTANCE AND THE
25 REDUCTION OF THE CASH ASSISTANCE ALLOWANCE IN AN AMOUNT EQUAL
26 TO NOT LESS THAN 25%, AND MAY, IF PROVIDED BY DEPARTMENTAL
27 REGULATION, RESULT IN THE IMPOSITION OF PROTECTIVE PAYMENTS
28 FOR ANY CHILD IN WHOSE BEHALF THE APPLICANT OR RECIPIENT
29 SEEKS ASSISTANCE.

30 (2) IF THE DEPARTMENT OR DOMESTIC RELATIONS SECTION, AS

1 APPLICABLE, DETERMINES THAT THE APPLICANT OR RECIPIENT FAILS
2 TO COOPERATE AS SET FORTH IN SECTION 4379, UNLESS THE FAILURE
3 TO COOPERATE WAS FOR GOOD CAUSE, THE APPLICANT OR RECIPIENT
4 SHALL BE NOTIFIED OF THE NONCOOPERATION DETERMINATION AND THE
5 BASIS FOR THE NONCOOPERATION DETERMINATION. THE DEPARTMENT
6 SHALL NOTIFY THE APPLICANT OR RECIPIENT IN WRITING OF THE
7 TERMINATION OF MEDICAL ASSISTANCE ELIGIBILITY FOR THE
8 APPLICANT OR RECIPIENT, THE REDUCTION OF THE CASH ASSISTANCE
9 ALLOWANCE EQUAL TO NOT LESS THAN 25% AND, IF APPLICABLE, THAT
10 PROTECTIVE PAYMENTS WILL BE IMPOSED FOR ANY CHILD SO AFFECTED
11 TEN DAYS AFTER THE DATE OF NOTICE. AT THE EXPIRATION OF THE
12 TEN-DAY PERIOD, THE DEPARTMENT SHALL IMPOSE THE TERMINATION
13 OF MEDICAL ASSISTANCE, THE ASSISTANCE ALLOWANCE REDUCTION
14 AND, IF APPLICABLE, PROTECTIVE PAYMENTS. ANY HEARING OR
15 APPEAL WITH RESPECT TO THE NOTICE OF NONCOOPERATION ISSUED BY
16 THE DEPARTMENT SHALL BE CONDUCTED IN ACCORDANCE WITH THE
17 DEPARTMENT'S REGULATIONS GOVERNING AN APPLICANT'S OR A
18 RECIPIENT'S RIGHT TO HEARINGS.

19 (3) SUBJECT TO FEDERAL APPROVAL, ONLY WHEN NECESSARY, IF
20 AFTER NOTICE AND OPPORTUNITY FOR HEARING THE COURT OR
21 DOMESTIC RELATIONS SECTION DETERMINES THAT THE APPLICANT OR
22 RECIPIENT FAILED TO COOPERATE AS SET FORTH IN SECTION 4379
23 AND LACKED REASONABLE EXCUSE FOR SUCH FAILURE, THE COURT
24 SHALL NOTIFY THE APPLICANT OR RECIPIENT AND THE DEPARTMENT OF
25 THE BASIS OF THE NONCOOPERATION DETERMINATION AND ORDER THE
26 DEPARTMENT TO IMPOSE A SANCTION FOR NONCOOPERATION. THE
27 DEPARTMENT SHALL ISSUE A NOTICE TO THE APPLICANT OR RECIPIENT
28 TO TERMINATE MEDICAL ASSISTANCE ELIGIBILITY, REDUCE THE
29 ASSISTANCE ALLOWANCE BY NOT LESS THAN 25% AND, IF APPLICABLE,
30 IMPOSE A PROTECTIVE PAYMENT FOR ANY CHILD SO AFFECTED. THE

1 DEPARTMENT SHALL IMPLEMENT THE ORDER OF THE COURT WITHIN TEN
2 DAYS OF RECEIPT. ANY HEARING OR APPEALS WITH RESPECT TO THE
3 RECOMMENDATION AND ORDER OF NONCOOPERATION DIRECTED BY THE
4 COURT SHALL BE CONDUCTED BY THE COURT IN ACCORDANCE WITH THE
5 PENNSYLVANIA RULES OF CIVIL PROCEDURE AS MAY BE PROMULGATED
6 BY THE SUPREME COURT GOVERNING ACTIONS FOR SUPPORT. THE
7 DECISION TO HOLD HEARINGS FOR NONCOOPERATION CASES SHALL BE
8 AT THE OPTION OF THE COURT OR DOMESTIC RELATIONS SECTION. IF
9 THE COURT OR DOMESTIC RELATIONS SECTION CHOOSES NOT TO
10 CONDUCT THE HEARINGS ON NONCOOPERATION, APPROPRIATE COURT OR
11 DOMESTIC RELATIONS SECTION PERSONNEL SHALL BE AVAILABLE TO
12 PROVIDE TESTIMONIAL EVIDENCE BY TELEPHONE TESTIMONY AT THE
13 TIME AND LOCATION SET BY THE DEPARTMENT FOR THE DEPARTMENTAL
14 APPEAL HEARING. A FINDING OF NONCOOPERATION OF AN APPLICANT
15 OR RECIPIENT SHALL NOT AFFECT AN OBLIGOR'S DUTY TO PAY
16 SUPPORT.

17 § 4381. GARNISHMENT OF WAGES OF COMMONWEALTH EMPLOYEES.

18 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MONEYS DUE FROM
19 OR PAYABLE BY THE COMMONWEALTH, INCLUDING ANY AGENCY,
20 INSTRUMENTALITY OR AUTHORITY THEREOF, DUE TO ANY INDIVIDUAL
21 SHALL BE SUBJECT, IN LIKE MANNER AND TO THE SAME EXTENT AS IF
22 THE COMMONWEALTH WERE A PRIVATE PERSON, TO LEGAL PROCESS BROUGHT
23 FOR THE ENFORCEMENT AGAINST SUCH INDIVIDUAL OF HIS LEGAL
24 OBLIGATIONS TO PROVIDE SUPPORT FOR A CHILD OR SPOUSE.

25 SUBCHAPTER F

26 NEW HIRE REPORTING

27 SEC.

28 4391. DEFINITIONS.

29 4392. EMPLOYER REPORTING.

30 4393. USE OF INFORMATION.

1 4394. GUIDELINES.

2 4395. CONFIDENTIALITY.

3 4396. PENALTIES.

4 § 4391. DEFINITIONS.

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

8 "DATE OF HIRE." THE FIRST DAY AN EMPLOYEE PERFORMS SERVICES
9 FOR REMUNERATION.

10 "EMPLOYEE." AN INDIVIDUAL WHO IS AN EMPLOYEE WITHIN THE
11 MEANING OF CHAPTER 24 OF THE INTERNAL REVENUE CODE OF 1986
12 (PUBLIC LAW 99-514, 26 U.S.C. § 3401 ET SEQ.). THE TERM SHALL
13 NOT INCLUDE AN EMPLOYEE OF A FEDERAL OR STATE AGENCY PERFORMING
14 INTELLIGENCE OR COUNTER-INTELLIGENCE FUNCTIONS IF THE HEAD OF
15 THE AGENCY HAS DETERMINED THAT REPORTING THE INFORMATION
16 REQUIRED BY THIS SECTION WITH RESPECT TO THE EMPLOYEE COULD
17 ENDANGER THE SAFETY OF THE EMPLOYEE OR COMPROMISE AN ONGOING
18 INVESTIGATION OR INTELLIGENCE MISSION.

19 "EMPLOYER." THE TERM HAS THE MEANING GIVEN IN SECTION
20 3401(D) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514,
21 26 U.S.C. § 3401(D)) AND INCLUDES ANY GOVERNMENT AGENCY AND ANY
22 LABOR ORGANIZATION.

23 "NEWLY HIRED EMPLOYEE." THE TERM INCLUDES:

24 (1) A NEW EMPLOYEE; AND

25 (2) A REHIRED FORMER EMPLOYEE WHO WAS:

26 (I) LAID OFF, FURLOUGHED, SEPARATED OR GRANTED LEAVE
27 WITHOUT PAY FOR MORE THAN 30 DAYS; OR

28 (II) TERMINATED FROM EMPLOYMENT.

29 § 4392. EMPLOYER REPORTING.

30 (A) GENERAL RULE.--FOR PURPOSES OF ENHANCING CHILD SUPPORT

1 ENFORCEMENT ACTIVITIES, INCLUDING THE LOCATION OF INDIVIDUALS,
2 THE ESTABLISHMENT OF PATERNITY AND THE ENFORCEMENT OF CHILD
3 SUPPORT OBLIGATIONS PURSUANT TO THIS SUBCHAPTER, A COMMONWEALTH
4 DIRECTORY OF NEW HIRES SHALL BE ESTABLISHED WITHIN THE
5 DEPARTMENT OF LABOR AND INDUSTRY.

6 (B) DUTY OF EMPLOYER.--EXCEPT AS PROVIDED IN SUBSECTION (C),
7 EACH EMPLOYER DOING BUSINESS IN THIS COMMONWEALTH SHALL PROVIDE
8 THE FOLLOWING INFORMATION REGARDING A NEWLY HIRED EMPLOYEE TO
9 THE COMMONWEALTH DIRECTORY OF NEW HIRES: NAME; HOME ADDRESS;
10 SOCIAL SECURITY NUMBER; DATE OF HIRE; THE EMPLOYER'S NAME AND
11 ADDRESS; THE IDENTIFYING NUMBER ASSIGNED TO THE EMPLOYER UNDER
12 SECTION 6109 OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW
13 99-514, 26 U.S.C. § 6109); AND THE NAME AND TELEPHONE NUMBER OF
14 AN EMPLOYER CONTACT. THE INFORMATION MAY BE SUBMITTED ON A FORM
15 PROVIDED BY THE DEPARTMENT OF LABOR AND INDUSTRY OR BY ATTACHING
16 THE DATE OF HIRE AND NAME AND TELEPHONE NUMBER OF AN EMPLOYER
17 CONTACT TO THE W-4 FORM SUBMITTED FOR THE NEWLY HIRED EMPLOYEE.
18 THE INFORMATION MAY BE TRANSMITTED BY FIRST CLASS MAIL,
19 MAGNETICALLY, ELECTRONICALLY OR BY ANOTHER METHOD AUTHORIZED BY
20 THE DIRECTORY OF NEW HIRES.

21 (C) EMPLOYEES IN TWO OR MORE STATES.--AN EMPLOYER THAT
22 EMPLOYS INDIVIDUALS IN TWO OR MORE STATES AND THAT TRANSMITS
23 REPORTS MAGNETICALLY OR ELECTRONICALLY MAY COMPLY WITH
24 SUBSECTION (B) BY DESIGNATING ONE OF ITS OFFICES LOCATED IN A
25 STATE IN WHICH THE EMPLOYER HAS EMPLOYEES TO SEND THE REQUIRED
26 REPORT TO THE COMMONWEALTH DIRECTORY OF NEW HIRES. AN EMPLOYER
27 THAT TRANSMITS REPORTS PURSUANT TO THIS SUBSECTION SHALL NOTIFY
28 THE COMMONWEALTH DIRECTORY OF NEW HIRES AND THE UNITED STATES
29 SECRETARY OF HEALTH AND HUMAN SERVICES IN WRITING AS TO WHICH
30 STATE SUCH EMPLOYER HAS DESIGNATED TO SEND THE REPORT REQUIRED

1 UNDER SUBSECTION (B). IF THE COMMONWEALTH IS SO DESIGNATED, THE
2 EMPLOYER SHALL TRANSMIT INFORMATION IN ACCORDANCE WITH THIS
3 SUBCHAPTER, INCLUDING THE NEWLY HIRED EMPLOYEE'S STATE OF HIRE,
4 AND SHALL COMPLY WITH ALL PROCEDURES ADOPTED UNDER THIS
5 SUBCHAPTER.

6 (D) TIME FOR SUBMISSION.--THE INFORMATION REQUIRED UNDER
7 SUBSECTION (B) SHALL BE SUBMITTED BY THE EMPLOYER TO THE
8 COMMONWEALTH DIRECTORY OF NEW HIRES NO LATER THAN 20 DAYS FROM
9 THE DATE OF HIRE OF A NEWLY HIRED EMPLOYEE. IN THE CASE OF A
10 MAGNETIC OR ELECTRONIC TRANSMISSION OF THE INFORMATION, THE
11 EMPLOYER MAY COMPLY BY MAKING TWO MONTHLY TRANSMISSIONS NOT LESS
12 THAN 12 DAYS NOR MORE THAN 16 DAYS APART.

13 § 4393. USE OF INFORMATION.

14 (A) ACCESS TO INFORMATION.--THE DOMESTIC RELATIONS SECTIONS
15 AND THE DEPARTMENT SHALL HAVE ACCESS TO ALL INFORMATION REQUIRED
16 UNDER THIS SUBCHAPTER FOR PURPOSES OF LOCATING INDIVIDUALS,
17 ESTABLISHING PATERNITY AND ESTABLISHING, MODIFYING AND ENFORCING
18 CHILD SUPPORT OBLIGATIONS. THE DOMESTIC RELATIONS SECTIONS AND
19 THE DEPARTMENT MAY DISCLOSE SUCH INFORMATION TO ITS EMPLOYEES,
20 AGENTS AND CONTRACTORS SOLELY FOR THE PURPOSES SET FORTH IN THIS
21 SUBSECTION.

22 (B) DEPARTMENT ACCESS TO INFORMATION.--THE DEPARTMENT SHALL
23 HAVE ACCESS TO THE INFORMATION RECEIVED BY THE COMMONWEALTH
24 DIRECTORY OF NEW HIRES FOR PURPOSES OF VERIFYING ELIGIBILITY FOR
25 PROGRAMS ADMINISTERED BY THE DEPARTMENT.

26 (C) OTHER PROGRAMS.--IN ADDITION TO CHILD SUPPORT
27 ENFORCEMENT, THE INFORMATION RECEIVED BY THE COMMONWEALTH
28 DIRECTORY OF NEW HIRES MAY BE UTILIZED BY THE DEPARTMENT OF
29 LABOR AND INDUSTRY FOR PURPOSES OF ADMINISTERING THE WORKERS'
30 COMPENSATION AND UNEMPLOYMENT COMPENSATION PROGRAMS, INCLUDING

FRAUD DETECTION, AND TO DEVELOP LABOR MARKET INFORMATION FOR
ECONOMIC AND WORK FORCE DEVELOPMENT IN THIS COMMONWEALTH.

(D) NATIONAL DIRECTORY.--INFORMATION INCLUDED IN THE
COMMONWEALTH DIRECTORY OF NEW HIRES SHALL BE PROVIDED TO THE
NATIONAL DIRECTORY OF NEW HIRES AND AS OTHERWISE REQUIRED BY
FEDERAL LAW.

§ 4394. GUIDELINES.

THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DEVELOP GUIDELINES
FOR EMPLOYERS TO USE TO DETERMINE IF AN INDIVIDUAL QUALIFIES AS
AN EMPLOYEE UNDER THIS SUBCHAPTER.

§ 4395. CONFIDENTIALITY.

ALL INFORMATION RECEIVED PURSUANT TO THIS SUBCHAPTER SHALL BE
CONFIDENTIAL AND SHALL BE USED ONLY FOR THE PURPOSES SET FORTH
HEREIN. A PERSON COMMITS A SUMMARY OFFENSE IF HE OR SHE
DISCLOSES INFORMATION RECEIVED PURSUANT TO THIS SUBCHAPTER TO AN
UNAUTHORIZED PERSON OR FOR AN UNAUTHORIZED PURPOSE AND SHALL BE
SUBJECT TO A CIVIL PENALTY OF UP TO \$250 PER OFFENSE.

§ 4396. PENALTIES.

AN EMPLOYER THAT FAILS TO REPORT PURSUANT TO THIS SUBCHAPTER
MAY BE PROVIDED A WRITTEN WARNING FOR THE FIRST VIOLATION AND IS
SUBJECT TO A CIVIL PENALTY OF UP TO \$25 FOR EACH VIOLATION WHICH
IS SUBSEQUENT TO THE WARNING. THE CIVIL PENALTY SHALL BE PAYABLE
TO THE DEPARTMENT OF LABOR AND INDUSTRY. IF THE FAILURE TO
REPORT, OR THE SUBMISSION OF A FALSE REPORT, IS THE RESULT OF A
CONSPIRACY BETWEEN THE EMPLOYER AND THE EMPLOYEE, THE EMPLOYER
SHALL BE SUBJECT TO A CIVIL PENALTY OF UP TO \$500.

SECTION 11. SECTION 5103(A), (C) AND (D) OF TITLE 23 ARE
AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO
READ:

§ 5103. ACKNOWLEDGMENT AND CLAIM OF PATERNITY.

(A) ACKNOWLEDGMENT OF PATERNITY.--THE FATHER OF A CHILD BORN TO AN UNMARRIED WOMAN MAY FILE WITH THE DEPARTMENT OF PUBLIC WELFARE, ON FORMS PRESCRIBED BY [SUBSECTION (C)] THE DEPARTMENT, AN ACKNOWLEDGMENT OF PATERNITY OF THE CHILD WHICH SHALL INCLUDE THE CONSENT OF THE MOTHER OF THE CHILD, SUPPORTED BY HER AFFIDAVIT. IN SUCH CASE, THE FATHER SHALL HAVE ALL THE RIGHTS AND DUTIES AS TO THE CHILD WHICH HE WOULD HAVE HAD IF HE HAD BEEN MARRIED TO THE MOTHER AT THE TIME OF THE BIRTH OF THE CHILD, AND THE CHILD SHALL HAVE ALL THE RIGHTS AND DUTIES AS TO THE FATHER WHICH THE CHILD WOULD HAVE HAD IF THE FATHER HAD BEEN MARRIED TO THE MOTHER AT THE TIME OF BIRTH. THE HOSPITAL OR OTHER PERSON ACCEPTING AN ACKNOWLEDGMENT OF PATERNITY SHALL PROVIDE WRITTEN AND ORAL NOTICE, WHICH MAY BE THROUGH THE USE OF VIDEO OR AUDIO EQUIPMENT, TO THE BIRTH MOTHER AND BIRTH FATHER OF THE ALTERNATIVES TO, THE LEGAL CONSEQUENCES OF AND THE RIGHTS AND RESPONSIBILITIES THAT ARISE FROM, SIGNING THE ACKNOWLEDGMENT.

* * *

(C) DUTY OF HOSPITAL OR BIRTHING CENTER.--UPON THE BIRTH OF A CHILD TO AN UNMARRIED WOMAN, AN AGENT OF THE HOSPITAL OR BIRTHING CENTER WHERE THE BIRTH OCCURRED SHALL:

(1) PROVIDE THE NEWBORN'S BIRTH PARENTS WITH AN OPPORTUNITY TO COMPLETE AN [AFFIDAVIT ACKNOWLEDGING] ACKNOWLEDGMENT OF PATERNITY. THE COMPLETED, SIGNED AND [NOTARIZED AFFIDAVIT] WITNESSED ACKNOWLEDGMENT SHALL BE SENT TO THE DEPARTMENT OF PUBLIC WELFARE. A COPY SHALL BE GIVEN TO EACH OF THE BIRTH PARENTS. THIS [AFFIDAVIT] ACKNOWLEDGMENT SHALL CONTAIN:

(I) A [SWORN,] SIGNED, WITNESSED STATEMENT SUBJECT TO 18 PA.C.S. § 4904 (RELATING TO UNSWORN FALSIFICATION

1 TO AUTHORITIES) BY THE BIRTH MOTHER CONSENTING TO THE
2 [ASSERTION] ACKNOWLEDGMENT OF PATERNITY.

3 (II) A SIGNED, [NOTARIZED] WITNESSED STATEMENT
4 SUBJECT TO 18 PA.C.S. § 4904 BY THE BIRTH FATHER
5 ACKNOWLEDGING HIS PATERNITY.

6 (III) A WRITTEN EXPLANATION OF THE PARENTAL DUTIES
7 AND PARENTAL RIGHTS WHICH ARISE FROM SIGNING SUCH A
8 STATEMENT.

9 (IV) THE SOCIAL SECURITY NUMBERS AND ADDRESSES OF
10 BOTH BIRTH PARENTS.

11 (2) PROVIDE WRITTEN INFORMATION, FURNISHED BY THE
12 [DEPARTMENT OF PUBLIC WELFARE] DEPARTMENT TO THE BIRTH MOTHER
13 AND BIRTH FATHER, WHICH EXPLAINS THE BENEFITS OF HAVING THE
14 CHILD'S PATERNITY ESTABLISHED, THE AVAILABILITY OF PATERNITY
15 ESTABLISHMENT SERVICES AND THE AVAILABILITY OF CHILD SUPPORT
16 ENFORCEMENT AGENCIES.

17 (D) CONCLUSIVE EVIDENCE.--[AN] NOTWITHSTANDING ANY OTHER
18 PROVISION OF LAW, AN ACKNOWLEDGMENT OF PATERNITY SHALL
19 CONSTITUTE CONCLUSIVE EVIDENCE OF PATERNITY WITHOUT FURTHER
20 JUDICIAL RATIFICATION IN ANY ACTION TO ESTABLISH SUPPORT. [AN
21 ACKNOWLEDGMENT OF PATERNITY MAY BE SET ASIDE BY THE COURT ONLY
22 UPON CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT WAS
23 UNAWARE OF THE FACT THAT HE WAS ACKNOWLEDGING PATERNITY WHEN THE
24 ACKNOWLEDGMENT WAS SIGNED.] THE COURT SHALL GIVE FULL FAITH AND
25 CREDIT TO AN ACKNOWLEDGMENT OF PATERNITY SIGNED IN ANOTHER STATE
26 ACCORDING TO ITS PROCEDURES.

27 * * *

28 (G) RESCISSION.--

29 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A SIGNED
30 VOLUNTARY, WITNESSED ACKNOWLEDGMENT OF PATERNITY SUBJECT TO

1 18 PA.C.S. § 4904 SHALL BE CONSIDERED A LEGAL FINDING OF
2 PATERNITY, SUBJECT TO THE RIGHT OF ANY SIGNATORY TO RESCIND
3 THE ACKNOWLEDGMENT WITHIN THE EARLIER OF THE FOLLOWING:

4 (I) SIXTY DAYS; OR

5 (II) THE DATE OF AN ADMINISTRATIVE OR JUDICIAL
6 PROCEEDING RELATING TO THE CHILD, INCLUDING, BUT NOT
7 LIMITED TO, A DOMESTIC RELATIONS SECTION CONFERENCE, OR A
8 PROCEEDING TO ESTABLISH A SUPPORT ORDER IN WHICH THE
9 SIGNATORY IS A PARTY.

10 (2) AFTER THE EXPIRATION OF THE 60 DAYS, AN
11 ACKNOWLEDGMENT OF PATERNITY MAY BE CHALLENGED IN COURT ONLY
12 ON THE BASIS OF FRAUD, DURESS OR MATERIAL MISTAKE OF FACT,
13 WHICH MUST BE ESTABLISHED BY THE CHALLENGER THROUGH CLEAR AND
14 CONVINCING EVIDENCE. AN ORDER FOR SUPPORT SHALL NOT BE
15 SUSPENDED DURING THE PERIOD OF CHALLENGE EXCEPT FOR GOOD
16 CAUSE SHOWN.

17 (H) PENALTIES FOR NONCOMPLIANCE.--THE DEPARTMENT MAY IMPOSE
18 A CIVIL PENALTY OF \$1,000 PER DAY UPON A HOSPITAL OR BIRTHING
19 CENTER WHICH IS NOT IN COMPLIANCE WITH THE PROVISIONS OF THIS
20 SECTION. A PENALTY UNDER THIS SUBSECTION IS SUBJECT TO 2 PA.C.S.
21 CH. 5 SUBCH. A (RELATING TO PRACTICE AND PROCEDURES OF
22 COMMONWEALTH AGENCIES) AND CH. 7 SUBCH. A (RELATING TO JUDICIAL
23 REVIEW OF COMMONWEALTH AGENCY ACTION).

24 (I) STATUS OF FATHER.--THE NAME OF THE FATHER SHALL BE
25 INCLUDED ON THE RECORD OF BIRTH OF THE CHILD OF UNMARRIED
26 PARENTS ONLY IF ONE OF THE FOLLOWING APPLIES:

27 (1) THE FATHER AND MOTHER HAVE SIGNED A VOLUNTARY
28 ACKNOWLEDGMENT OF PATERNITY.

29 (2) A COURT OR ADMINISTRATIVE AGENCY OF COMPETENT
30 JURISDICTION HAS ISSUED AN ADJUDICATION OF PATERNITY.

SECTION 12. SECTIONS 6105(E) AND 6108(A)(7) OF TITLE 23 ARE
AMENDED TO READ:

§ 6105. Responsibilities of law enforcement agencies.

* * *

(e) Statewide registry.--

(1) The Pennsylvania State Police shall establish a
Statewide registry of protection orders and shall maintain a
complete and systematic record and index of all valid
temporary and final court orders of protection or court-
approved consent agreements. The Statewide registry shall
include, but need not be limited to, the following:

(i) The names of the plaintiff and any protected
parties.

(ii) The name and address of the defendant.

(iii) The date the order was entered.

(iv) The date the order expires.

(v) The relief granted under sections 6108(a)(1),
(2), (4), (6) and (7) (relating to relief) and 6110(a)
(relating to emergency relief by minor judiciary).

(vi) The judicial district in which the order was
entered.

(vii) Where furnished, the Social Security number
and date of birth of the defendant.

(2) The prothonotary shall send, on a form prescribed by
the Pennsylvania State Police, a copy of the protection order
or approved consent agreement to the Statewide registry of
protection orders so that it is received within 24 hours of
the entry of the order. Likewise, amendments to or revocation
of an order shall be transmitted by the prothonotary within
24 hours of the entry of the order for modification or

1 revocation. The Pennsylvania State Police shall enter orders,
2 amendments and revocations in the Statewide registry of
3 protection orders within eight hours of receipt.

4 (3) The registry of the Pennsylvania State Police shall
5 be available at all times to inform courts, dispatchers and
6 law enforcement officers of any valid protection order
7 involving any defendant.

8 (4) When an order granting relief under section
9 6108(a)(7) has been entered by a court, such information
10 shall be available to the Pennsylvania State Police for the
11 purpose of conducting a criminal history records check in
12 compliance with the applicable provisions of 18 Pa.C.S. Ch.
13 61 Subch. A (relating to Uniform Firearms Act).

14 * * *

15 § 6108. Relief.

16 (a) General rule.--The court may grant any protection order
17 or approve any consent agreement to bring about a cessation of
18 abuse of the plaintiff or minor children. The order or agreement
19 may include:

20 * * *

21 (7) Ordering the defendant to temporarily relinquish to
22 the sheriff the defendant's weapons which have been used or
23 been threatened to be used in an incident of abuse against
24 the plaintiff or the minor children and prohibiting the
25 defendant from acquiring or possessing any other weapons for
26 the duration of the order and requiring the defendant to
27 relinquish to the sheriff any firearm license the defendant
28 may possess. The court's order shall provide for the return
29 of the weapons and any firearm license to the defendant
30 subject to any restrictions and conditions as the court shall

1 deem appropriate to protect the plaintiff or minor children
2 from further abuse through the use of weapons.

3 * * *

4 ~~Section 3-2. This act shall take effect in 60 days.~~ <—

5 SECTION 13. THE DEFINITIONS OF "INCOME-WITHHOLDING ORDER," <—
6 "INITIATING STATE," "RESPONDING STATE" AND "STATE" IN SECTION
7 7101(B) OF TITLE 23 ARE AMENDED TO READ:

8 § 7101. SHORT TITLE OF PART AND DEFINITIONS.

9 * * *

10 (B) DEFINITIONS.--SUBJECT TO ADDITIONAL DEFINITIONS
11 CONTAINED IN SUBSEQUENT PROVISIONS OF THIS PART WHICH ARE
12 APPLICABLE TO SPECIFIC PROVISIONS OF THIS PART, THE FOLLOWING
13 WORDS AND PHRASES WHEN USED IN THIS PART SHALL HAVE THE MEANINGS
14 GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY
15 INDICATES OTHERWISE:

16 * * *

17 "INCOME-WITHHOLDING ORDER." AN ORDER OR OTHER LEGAL PROCESS
18 DIRECTED TO AN OBLIGOR'S EMPLOYER OR OTHER DEBTOR, IN ACCORDANCE
19 WITH SECTION 4348 (RELATING TO ATTACHMENT OF INCOME) TO WITHHOLD
20 SUPPORT FROM THE INCOME OF THE OBLIGOR.

21 "INITIATING STATE." A STATE [IN] FROM WHICH A PROCEEDING IS
22 FORWARDED OR IN WHICH A PROCEEDING IS FILED FOR FORWARDING TO A
23 RESPONDING STATE UNDER THIS PART OR A LAW OR PROCEDURE
24 SUBSTANTIALLY SIMILAR TO THIS PART, THE UNIFORM RECIPROCAL
25 ENFORCEMENT OF SUPPORT ACT OR THE REVISED UNIFORM RECIPROCAL
26 ENFORCEMENT OF SUPPORT ACT [IS FILED FOR FORWARDING TO A
27 RESPONDING STATE].

28 * * *

29 "RESPONDING STATE." A STATE [TO] IN WHICH A PROCEEDING IS
30 FILED OR TO WHICH A PROCEEDING IS FORWARDED FOR FILING FROM AN

1 INITIATING STATE UNDER THIS PART OR A LAW OR PROCEDURE
2 SUBSTANTIALLY SIMILAR TO THIS PART, THE UNIFORM RECIPROCAL
3 ENFORCEMENT OF SUPPORT ACT OR THE REVISED UNIFORM RECIPROCAL
4 ENFORCEMENT OF SUPPORT ACT.

5 * * *

6 "STATE." A STATE OF THE UNITED STATES, THE DISTRICT OF
7 COLUMBIA, [THE COMMONWEALTH OF] PUERTO RICO, THE UNITED STATES
8 VIRGIN ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT
9 TO THE JURISDICTION OF THE UNITED STATES. THE TERM INCLUDES AN
10 INDIAN TRIBE AND A FOREIGN JURISDICTION THAT HAS ENACTED A LAW
11 OR ESTABLISHED PROCEDURES FOR ISSUANCE AND ENFORCEMENT OF
12 SUPPORT ORDERS WHICH ARE SUBSTANTIALLY SIMILAR TO THE PROCEDURES
13 UNDER THIS PART OR UNDER PART VIII (RELATING TO UNIFORM
14 INTERSTATE FAMILY SUPPORT) OR VIII-A (RELATING TO INTRASTATE
15 FAMILY SUPPORT).

16 * * *

17 SECTION 14. SECTION 7205(A) OF TITLE 23 IS AMENDED TO READ:
18 § 7205. CONTINUING, EXCLUSIVE JURISDICTION.

19 (A) EXTENT.--A TRIBUNAL OF THIS STATE ISSUING A SUPPORT
20 ORDER CONSISTENT WITH THE LAW OF THIS STATE HAS CONTINUING,
21 EXCLUSIVE JURISDICTION OVER A CHILD SUPPORT ORDER:

22 (1) AS LONG AS THIS STATE REMAINS THE RESIDENCE OF THE
23 OBLIGOR, THE INDIVIDUAL OBLIGEE OR THE CHILD FOR WHOSE
24 BENEFIT THE SUPPORT ORDER IS ISSUED; OR

25 (2) UNTIL [EACH INDIVIDUAL PARTY HAS] ALL OF THE PARTIES
26 WHO ARE INDIVIDUALS HAVE FILED WRITTEN CONSENT WITH THE
27 TRIBUNAL OF THIS STATE FOR A TRIBUNAL OF ANOTHER STATE TO
28 MODIFY THE ORDER AND ASSUME CONTINUING, EXCLUSIVE
29 JURISDICTION.

30 * * *

SECTION 15. THE HEADING OF SUBCHAPTER C OF CHAPTER 72 OF
TITLE 23 IS AMENDED TO READ:

SUBCHAPTER C

[RECONCILIATION WITH ORDERS OF OTHER STATES]

RECONCILIATION OF MULTIPLE ORDERS

SECTION 16. SECTIONS 7207, 7304, 7305(A) AND (E), 7306,
7307(B), 7308, 7310(B) AND 7501 OF TITLE 23 ARE AMENDED TO READ:

§ 7207. RECOGNITION OF CONTROLLING CHILD SUPPORT [ORDERS]
ORDER.

[(A) PRINCIPLES.--IF A PROCEEDING IS BROUGHT UNDER THIS PART
AND ONE OR MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED IN THIS
STATE OR ANOTHER STATE WITH REGARD TO AN OBLIGOR AND A CHILD, A
TRIBUNAL OF THIS STATE SHALL APPLY THE FOLLOWING RULES IN
DETERMINING WHICH ORDER TO RECOGNIZE FOR PURPOSES OF CONTINUING,
EXCLUSIVE JURISDICTION:

(1) IF ONLY ONE TRIBUNAL HAS ISSUED A CHILD SUPPORT
ORDER, THE ORDER OF THAT TRIBUNAL MUST BE RECOGNIZED.

(2) IF TWO OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT
ORDERS FOR THE SAME OBLIGOR AND CHILD AND ONLY ONE OF THE
TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE JURISDICTION UNDER
THIS PART, THE ORDER OF THAT TRIBUNAL MUST BE RECOGNIZED.

(3) IF TWO OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT
ORDERS FOR THE SAME OBLIGOR AND CHILD AND MORE THAN ONE OF
THE TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE JURISDICTION
UNDER THIS PART, AN ORDER ISSUED BY A TRIBUNAL IN THE CURRENT
HOME STATE OF THE CHILD MUST BE RECOGNIZED, BUT, IF AN ORDER
HAS NOT BEEN ISSUED IN THE CURRENT HOME STATE OF THE CHILD,
THE ORDER MOST RECENTLY ISSUED MUST BE RECOGNIZED.

(4) IF TWO OR MORE TRIBUNALS HAVE ISSUED CHILD SUPPORT
ORDERS FOR THE SAME OBLIGOR AND CHILD AND NONE OF THE

1 TRIBUNALS WOULD HAVE CONTINUING, EXCLUSIVE JURISDICTION UNDER
2 THIS PART, THE TRIBUNAL OF THIS STATE MAY ISSUE A CHILD
3 SUPPORT ORDER WHICH MUST BE RECOGNIZED.]

4 (A) SINGLE CHILD SUPPORT ORDER.--IF A PROCEEDING IS BROUGHT
5 UNDER THIS PART AND ONLY ONE TRIBUNAL HAS ISSUED A CHILD SUPPORT
6 ORDER, THE ORDER OF THAT TRIBUNAL CONTROLS AND MUST BE SO
7 RECOGNIZED.

8 (A.1) MULTIPLE ORDERS.--IF A PROCEEDING IS BROUGHT UNDER
9 THIS PART, AND TWO OR MORE CHILD SUPPORT ORDERS HAVE BEEN ISSUED
10 BY TRIBUNALS OF THIS STATE OR ANOTHER STATE WITH REGARD TO THE
11 SAME OBLIGOR AND CHILD, A TRIBUNAL OF THIS STATE SHALL APPLY THE
12 FOLLOWING RULES IN DETERMINING WHICH ORDER TO RECOGNIZE FOR
13 PURPOSES OF CONTINUING, EXCLUSIVE JURISDICTION:

14 (1) IF ONLY ONE OF THE TRIBUNALS WOULD HAVE CONTINUING,
15 EXCLUSIVE JURISDICTION UNDER THIS PART, THE ORDER OF THAT
16 TRIBUNAL CONTROLS AND MUST BE SO RECOGNIZED.

17 (2) IF MORE THAN ONE OF THE TRIBUNALS WOULD HAVE
18 CONTINUING, EXCLUSIVE JURISDICTION UNDER THIS PART, AN ORDER
19 ISSUED BY A TRIBUNAL IN THE CURRENT HOME STATE OF THE CHILD
20 CONTROLS AND MUST BE SO RECOGNIZED, BUT IF AN ORDER HAS NOT
21 BEEN ISSUED IN THE CURRENT HOME STATE OF THE CHILD, THE ORDER
22 MOST RECENTLY ISSUED CONTROLS AND MUST BE SO RECOGNIZED.

23 (3) IF NONE OF THE TRIBUNALS WOULD HAVE CONTINUING,
24 EXCLUSIVE JURISDICTION UNDER THIS PART, THE TRIBUNAL OF THIS
25 STATE HAVING JURISDICTION OVER THE PARTIES SHALL ISSUE A
26 CHILD-SUPPORT ORDER, WHICH CONTROLS AND MUST BE SO
27 RECOGNIZED.

28 (A.2) REQUEST TO DETERMINE CONTROLLING ORDER.--IF TWO OR
29 MORE CHILD-SUPPORT ORDERS HAVE BEEN ISSUED FOR THE SAME OBLIGOR
30 AND THE CHILD AND IF THE OBLIGOR OR THE INDIVIDUAL OBLIGEE

1 RESIDES IN THIS STATE, A PARTY MAY REQUEST A TRIBUNAL OF THIS
2 STATE TO DETERMINE WHICH ORDER CONTROLS AND MUST BE SO
3 RECOGNIZED UNDER SUBSECTION (A.1). THE REQUEST MUST BE
4 ACCOMPANIED BY A CERTIFIED COPY OF EVERY SUPPORT ORDER IN
5 EFFECT. THE REQUESTING PARTY SHALL GIVE NOTICE OF THE REQUEST TO
6 EACH PARTY WHOSE RIGHTS MAY BE AFFECTED BY THE DETERMINATION.

7 (B) [RESULT] EXCLUSIVE JURISDICTION.--THE TRIBUNAL THAT
8 [HAS] ISSUED [AN] THE CONTROLLING ORDER [RECOGNIZED] UNDER
9 SUBSECTION (A), (A.1) OR (A.2) IS THE TRIBUNAL [HAVING] THAT HAS
10 CONTINUING, EXCLUSIVE JURISDICTION[.] UNDER SECTION 7205
11 (RELATING TO CONTINUING, EXCLUSIVE JURISDICTION).

12 (C) BASIS OF ORDER.--A TRIBUNAL OF THIS STATE WHICH
13 DETERMINES BY ORDER THE IDENTITY OF THE CONTROLLING ORDER UNDER
14 SUBSECTION (A.1)(1) OR (2) OR WHICH ISSUES A NEW CONTROLLING
15 ORDER UNDER SUBSECTION (A.1)(3) SHALL STATE IN THAT ORDER THE
16 BASIS UPON WHICH THE TRIBUNAL MADE ITS DETERMINATION.

17 (D) FILING OF COPY OF ORDER.--WITHIN 30 DAYS AFTER ISSUANCE
18 OF AN ORDER DETERMINING THE IDENTITY OF THE CONTROLLING ORDER,
19 THE PARTY OBTAINING THE DETERMINING ORDER SHALL FILE A CERTIFIED
20 COPY OF IT WITH EACH TRIBUNAL THAT ISSUED OR REGISTERED AN
21 EARLIER ORDER OF CHILD SUPPORT. A PARTY WHO OBTAINS A
22 DETERMINING ORDER AND FAILS TO FILE A CERTIFIED COPY IS SUBJECT
23 TO APPROPRIATE SANCTIONS BY A TRIBUNAL IN WHICH THE ISSUE OF
24 FAILURE TO FILE ARISES. FAILURE TO FILE A COPY OF THE
25 DETERMINING ORDER DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY
26 OF THE CONTROLLING ORDER.

27 § 7304. DUTIES OF INITIATING TRIBUNAL.

28 (A) COPIES OF PETITION.--UPON THE FILING OF A PETITION
29 AUTHORIZED BY THIS PART, AN INITIATING TRIBUNAL OF THIS STATE
30 SHALL FORWARD THREE COPIES OF THE PETITION AND ITS ACCOMPANYING

DOCUMENTS:

(1) TO THE RESPONDING TRIBUNAL OR APPROPRIATE SUPPORT
ENFORCEMENT AGENCY IN THE RESPONDING STATE; OR

(2) IF THE IDENTITY OF THE RESPONDING TRIBUNAL IS
UNKNOWN, TO THE STATE INFORMATION AGENCY OF THE RESPONDING
STATE WITH A REQUEST THAT THEY BE FORWARDED TO THE
APPROPRIATE TRIBUNAL AND THAT RECEIPT BE ACKNOWLEDGED.

(B) SPECIAL CIRCUMSTANCES.--

(1) IF A RESPONDING STATE HAS NOT ENACTED THIS PART OR A
LAW OR PROCEDURE SUBSTANTIALLY SIMILAR TO THIS PART, A
TRIBUNAL OF THIS STATE MAY ISSUE A CERTIFICATE OR OTHER
DOCUMENT AND MAKE FINDINGS REQUIRED BY THE LAW OF THE
RESPONDING STATE.

(2) IF THE RESPONDING STATE IS A FOREIGN JURISDICTION,
THE TRIBUNAL MAY SPECIFY THE AMOUNT OF SUPPORT SOUGHT AND
PROVIDE OTHER DOCUMENTS NECESSARY TO SATISFY THE REQUIREMENTS
OF THE RESPONDING STATE.

§ 7305. DUTIES AND POWERS OF RESPONDING TRIBUNAL.

(A) FILING AND NOTICE.--IF A RESPONDING TRIBUNAL OF THIS
STATE RECEIVES A PETITION OR COMPARABLE PLEADING FROM AN
INITIATING TRIBUNAL OR DIRECTLY PURSUANT TO SECTION 7301(C)
(RELATING TO PROCEEDINGS UNDER THIS PART), IT SHALL CAUSE THE
PETITION OR PLEADING TO BE FILED AND NOTIFY THE PETITIONER [BY
FIRST CLASS MAIL] WHERE AND WHEN IT WAS FILED.

* * *

(E) NOTICE.--IF A RESPONDING TRIBUNAL OF THIS STATE ISSUES
AN ORDER UNDER THIS PART, THE TRIBUNAL SHALL SEND A COPY OF THE
ORDER [BY FIRST CLASS MAIL] TO THE PETITIONER AND THE RESPONDENT
AND TO THE INITIATING AGENCY OR TRIBUNAL, IF ANY.

§ 7306. INAPPROPRIATE TRIBUNAL.

1 IF A PETITION OR COMPARABLE PLEADING IS RECEIVED BY AN
2 INAPPROPRIATE TRIBUNAL OF THIS STATE, IT SHALL FORWARD THE
3 PLEADING AND ACCOMPANYING DOCUMENTS TO AN APPROPRIATE TRIBUNAL
4 IN THIS STATE OR ANOTHER STATE AND NOTIFY THE PETITIONER [BY
5 FIRST CLASS MAIL] WHERE AND WHEN THE PLEADING WAS SENT.

6 § 7307. DUTIES OF SUPPORT ENFORCEMENT AGENCY.

7 * * *

8 (B) SPECIFIC DUTIES.--A SUPPORT ENFORCEMENT AGENCY THAT IS
9 PROVIDING SERVICES TO THE PETITIONER AS APPROPRIATE SHALL DO ALL
10 OF THE FOLLOWING:

11 (1) TAKE ALL STEPS NECESSARY TO ENABLE AN APPROPRIATE
12 TRIBUNAL IN THIS STATE OR ANOTHER STATE TO OBTAIN
13 JURISDICTION OVER THE RESPONDENT.

14 (2) REQUEST AN APPROPRIATE TRIBUNAL TO SET A DATE, TIME
15 AND PLACE FOR A HEARING.

16 (3) MAKE A REASONABLE EFFORT TO OBTAIN RELEVANT
17 INFORMATION, INCLUDING INFORMATION AS TO INCOME AND PROPERTY
18 OF THE PARTIES.

19 (4) WITHIN TWO DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS AND
20 LEGAL HOLIDAYS, AFTER RECEIPT OF A WRITTEN NOTICE FROM AN
21 INITIATING, RESPONDING OR REGISTERING TRIBUNAL, SEND A COPY
22 OF THE NOTICE [BY FIRST CLASS MAIL] TO THE PETITIONER.

23 (5) WITHIN TWO DAYS, EXCLUSIVE OF SATURDAYS, SUNDAYS AND
24 LEGAL HOLIDAYS, AFTER RECEIPT OF A WRITTEN COMMUNICATION FROM
25 THE RESPONDENT OR THE RESPONDENT'S ATTORNEY, SEND A COPY OF
26 THE COMMUNICATION [BY FIRST CLASS MAIL] TO THE PETITIONER.

27 (6) NOTIFY THE PETITIONER IF JURISDICTION OVER THE
28 RESPONDENT CANNOT BE OBTAINED.

29 * * *

30 § 7308. SUPERVISORY DUTY.

1 [(A) SECRETARY.--]IF THE SECRETARY DETERMINES THAT A SUPPORT
2 ENFORCEMENT AGENCY [OTHER THAN THE DEPARTMENT] IS NEGLECTING OR
3 REFUSING TO PROVIDE SERVICES TO AN INDIVIDUAL, THE SECRETARY MAY
4 ORDER THE AGENCY TO PERFORM ITS DUTIES UNDER THIS PART OR MAY
5 PROVIDE THOSE SERVICES DIRECTLY TO THE INDIVIDUAL.

6 [(B) ATTORNEY GENERAL.--IF THE ATTORNEY GENERAL DETERMINES
7 THAT THE DEPARTMENT IS NEGLECTING OR REFUSING TO PROVIDE
8 SERVICES TO AN INDIVIDUAL, THE ATTORNEY GENERAL MAY ORDER THE
9 DEPARTMENT TO PERFORM ITS DUTIES UNDER THIS PART OR MAY PROVIDE
10 THOSE SERVICES DIRECTLY TO THE INDIVIDUAL.]

11 § 7310. DUTIES OF DEPARTMENT.

12 * * *

13 (B) DUTIES.--THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

14 (1) COMPILE AND MAINTAIN A CURRENT LIST, INCLUDING
15 ADDRESSES, OF THE TRIBUNALS IN THIS STATE WHICH HAVE
16 JURISDICTION UNDER THIS PART AND ANY SUPPORT ENFORCEMENT
17 AGENCIES IN THIS STATE AND TRANSMIT A COPY TO THE STATE
18 INFORMATION AGENCY OF EVERY OTHER STATE.

19 (2) MAINTAIN A REGISTER OF TRIBUNALS AND SUPPORT
20 ENFORCEMENT AGENCIES RECEIVED FROM OTHER STATES.

21 (3) FORWARD TO THE APPROPRIATE TRIBUNAL IN THE PLACE IN
22 THIS STATE IN WHICH THE INDIVIDUAL OBLIGEE OR THE OBLIGOR
23 RESIDES, OR IN WHICH THE OBLIGOR'S PROPERTY IS BELIEVED TO BE
24 LOCATED, DOCUMENTS CONCERNING A PROCEEDING UNDER THIS PART
25 RECEIVED FROM AN INITIATING TRIBUNAL OR THE STATE INFORMATION
26 AGENCY OF THE INITIATING STATE.

27 (4) OBTAIN INFORMATION CONCERNING THE LOCATION OF THE
28 OBLIGOR AND THE OBLIGOR'S PROPERTY WITHIN THIS STATE NOT
29 EXEMPT FROM EXECUTION BY SUCH MEANS AS POSTAL VERIFICATION;
30 FEDERAL OR STATE LOCATOR SERVICES; EXAMINATION OF TELEPHONE

1 DIRECTORIES; REQUESTS FOR THE OBLIGOR'S ADDRESS FROM
2 EMPLOYERS; AND EXAMINATION OF GOVERNMENTAL RECORDS,
3 INCLUDING, TO THE EXTENT NOT PROHIBITED BY OTHER LAW, THOSE
4 RELATING TO REAL PROPERTY, VITAL STATISTICS, LAW ENFORCEMENT,
5 TAXATION, MOTOR VEHICLES, DRIVER'S LICENSES AND SOCIAL
6 SECURITY.

7 (5) TRANSMIT TO ANOTHER STATE, ELECTRONICALLY OR BY
8 ANOTHER METHOD, A REQUEST FOR ASSISTANCE IN A CASE INVOLVING
9 ENFORCEMENT OF A SUPPORT ORDER CONTAINING SUFFICIENT
10 INFORMATION TO ENABLE THE STATE TO WHICH THE REQUEST IS
11 TRANSMITTED TO COMPARE THE TRANSMITTED INFORMATION TO THE
12 INFORMATION OF THAT STATE. THE TRANSMITTAL SHALL CONSTITUTE A
13 CERTIFICATION OF ARREARS AND THAT THE STATE HAS COMPLIED WITH
14 ALL PROCEDURAL DUE PROCESS REQUIREMENTS APPLICABLE TO THE
15 CASE.

16 (6) A RESPONSE TO A REQUEST FOR ASSISTANCE RECEIVED FROM
17 ANOTHER STATE UNDER THIS PART MUST BE COMPLETED BY THE
18 RESPONDING COMMONWEALTH TRIBUNAL. THE RESPONSE, WHICH MAY BE
19 TRANSMITTED ELECTRONICALLY OR BY OTHER METHODS, SHALL CONFIRM
20 THE RECEIPT OF THE REQUEST, ACTION TAKEN, AMOUNT OF SUPPORT
21 COLLECTED, AND ANY ADDITIONAL INFORMATION OR ACTION REQUIRED
22 BY THE REQUESTING TRIBUNAL TO OBTAIN ENFORCEMENT OF THE CHILD
23 SUPPORT OBLIGATION.

24 § 7501. [RECOGNITION] EMPLOYER'S RECEIPT OF INCOME-WITHHOLDING
25 ORDER OF ANOTHER STATE.

26 [(A) AUTHORIZATION.--]AN INCOME-WITHHOLDING ORDER ISSUED IN
27 ANOTHER STATE MAY BE SENT [BY FIRST CLASS MAIL] TO THE PERSON OR
28 ENTITY DEFINED AS THE OBLIGOR'S EMPLOYER UNDER SECTION 4302
29 (RELATING TO DEFINITIONS) WITHOUT FIRST FILING A PETITION OR
30 COMPARABLE PLEADING OR REGISTERING THE ORDER WITH A TRIBUNAL OF

1 THIS STATE. [UPON RECEIPT OF THE ORDER, THE EMPLOYER SHALL DO
2 ALL OF THE FOLLOWING:

3 (1) TREAT AN INCOME-WITHHOLDING ORDER ISSUED IN ANOTHER
4 STATE WHICH APPEARS REGULAR ON ITS FACE AS IF IT HAD BEEN
5 ISSUED BY A TRIBUNAL OF THIS STATE.

6 (2) IMMEDIATELY PROVIDE A COPY OF THE ORDER TO THE
7 OBLIGOR.

8 (3) DISTRIBUTE THE FUNDS AS DIRECTED IN THE WITHHOLDING
9 ORDER.

10 (B) CONTESTS.--AN OBLIGOR MAY CONTEST THE VALIDITY OR
11 ENFORCEMENT OF AN INCOME-WITHHOLDING ORDER ISSUED IN ANOTHER
12 STATE IN THE SAME MANNER AS IF THE ORDER HAD BEEN ISSUED BY A
13 TRIBUNAL OF THIS STATE. SECTION 7604 (RELATING TO CHOICE OF LAW)
14 APPLIES TO THE CONTEST. THE OBLIGOR MUST GIVE NOTICE OF THE
15 CONTEST TO ANY SUPPORT ENFORCEMENT AGENCY PROVIDING SERVICES TO
16 THE OBLIGEE AND TO:

17 (1) THE PERSON OR AGENCY DESIGNATED TO RECEIVE PAYMENTS
18 IN THE INCOME-WITHHOLDING ORDER; OR

19 (2) IF NO PERSON OR AGENCY IS DESIGNATED, THE OBLIGEE.]

20 SECTION 17. TITLE 23 IS AMENDED BY ADDING SECTIONS TO READ:

21 § 7501.1. EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER
22 OF ANOTHER STATE.

23 (A) COPY OF ORDER.--UPON RECEIPT OF AN INCOME-WITHHOLDING
24 ORDER, THE OBLIGOR'S EMPLOYER SHALL IMMEDIATELY PROVIDE A COPY
25 OF THE ORDER TO THE OBLIGOR.

26 (B) TREATMENT OF ORDER.--THE EMPLOYER SHALL TREAT AN INCOME-
27 WITHHOLDING ORDER ISSUED IN ANOTHER STATE WHICH APPEARS REGULAR
28 ON ITS FACE AS IF IT HAD BEEN ISSUED BY A TRIBUNAL OF THIS
29 STATE.

30 (C) WITHHOLDING AND DISTRIBUTION OF FUNDS.--EXCEPT AS

1 OTHERWISE PROVIDED IN SUBSECTION (D) AND SECTION 7501.2
2 (RELATING TO COMPLIANCE WITH MULTIPLE INCOME-WITHHOLDING ORDERS)
3 THE EMPLOYER SHALL WITHHOLD AND DISTRIBUTE THE FUNDS AS DIRECTED
4 IN THE WITHHOLDING ORDER BY COMPLYING WITH TERMS OF THE ORDER
5 WHICH SPECIFY:

6 (1) THE DURATION AND AMOUNT OF PERIODIC PAYMENTS OF
7 CURRENT CHILD-SUPPORT, STATED AS A SUM CERTAIN;

8 (2) THE PERSON OR AGENCY DESIGNATED TO RECEIVE PAYMENTS
9 AND THE ADDRESS TO WHICH THE PAYMENTS ARE TO BE FORWARDED;

10 (3) MEDICAL SUPPORT, WHETHER IN THE FORM OF PERIODIC
11 CASH PAYMENTS, OF A SUM CERTAIN OR ORDER TO THE OBLIGOR TO
12 PROVIDE HEALTH INSURANCE COVERAGE FOR THE CHILD UNDER A
13 POLICY AVAILABLE THROUGH THE OBLIGOR'S EMPLOYMENT;

14 (4) THE AMOUNT OF PERIODIC PAYMENTS OF FEES AND COSTS
15 FOR A SUPPORT ENFORCEMENT AGENCY, THE ISSUING TRIBUNAL, AND
16 THE OBLIGEE'S ATTORNEY, STATED AS SUMS CERTAIN; AND

17 (5) THE AMOUNT OF PERIODIC PAYMENTS OF ARREARAGES AND
18 INTEREST ON ARREARAGES, STATED AS SUMS CERTAIN.

19 (D) COMPLIANCE WITH LAW OF OBLIGOR'S PLACE OF EMPLOYMENT.--
20 AN EMPLOYER SHALL COMPLY WITH THE LAW OF THE STATE OF THE
21 OBLIGOR'S PRINCIPAL PLACE OF EMPLOYMENT FOR WITHHOLDING FROM
22 INCOME WITH RESPECT TO:

23 (1) THE EMPLOYER'S FEE FOR PROCESSING AN INCOME-
24 WITHHOLDING ORDER;

25 (2) THE MAXIMUM AMOUNT PERMITTED TO BE WITHHELD FROM THE
26 OBLIGOR'S INCOME; AND

27 (3) THE TIMES WITHIN WHICH THE EMPLOYER MUST IMPLEMENT
28 THE WITHHOLDING ORDER AND FORWARD THE CHILD SUPPORT PAYMENT.

29 § 7501.2. COMPLIANCE WITH MULTIPLE INCOME-WITHHOLDING ORDERS.

30 IF AN OBLIGOR'S EMPLOYER RECEIVES MULTIPLE INCOME-WITHHOLDING

1 ORDERS WITH RESPECT TO THE EARNINGS OF THE SAME OBLIGOR, THE
2 EMPLOYER SATISFIES THE TERMS OF THE MULTIPLE ORDERS IF THE
3 EMPLOYER COMPLIES WITH THE LAW OF THE STATE OF THE OBLIGOR'S
4 PRINCIPAL PLACE OF EMPLOYMENT TO ESTABLISH THE PRIORITIES FOR
5 WITHHOLDING AND ALLOCATING INCOME WITHHELD FOR MULTIPLE CHILD-
6 SUPPORT OBLIGEEES.

7 § 7501.3. IMMUNITY FROM CIVIL LIABILITY.

8 AN EMPLOYER WHO COMPLIES WITH AN INCOME-WITHHOLDING ORDER
9 ISSUED IN ANOTHER STATE IN ACCORDANCE WITH THIS ARTICLE IS NOT
10 SUBJECT TO CIVIL LIABILITY TO AN INDIVIDUAL OR AGENCY WITH
11 REGARD TO THE EMPLOYER'S WITHHOLDING OF CHILD SUPPORT FROM THE
12 OBLIGOR'S INCOME.

13 § 7501.4. PENALTIES FOR NONCOMPLIANCE.

14 AN EMPLOYER WHO WILLFULLY FAILS TO COMPLY WITH AN INCOME-
15 WITHHOLDING ORDER ISSUED BY A TRIBUNAL OF ANOTHER STATE AND
16 RECEIVED FOR ENFORCEMENT IS SUBJECT TO THE SAME PENALTIES THAT
17 MAY BE IMPOSED FOR NONCOMPLIANCE WITH AN ORDER ISSUED BY A
18 TRIBUNAL OF THIS STATE.

19 § 7501.5. CONTEST BY OBLIGOR.

20 AN OBLIGOR MAY CONTEST THE VALIDITY OR ENFORCEMENT OF AN
21 INCOME-WITHHOLDING ORDER ISSUED IN ANOTHER STATE AND RECEIVED
22 DIRECTLY BY AN EMPLOYER IN THIS STATE IN THE SAME MANNER AS IF
23 THE ORDER HAD BEEN ISSUED BY A TRIBUNAL OF THIS STATE. SECTION
24 7604 (RELATING TO CHOICE OF LAW) APPLIES TO SUCH A CONTEST. THE
25 OBLIGOR SHALL GIVE NOTICE OF THE CONTEST TO:

26 (1) A SUPPORT ENFORCEMENT AGENCY PROVIDING SERVICES TO
27 THE OBLIGEE;

28 (2) EACH EMPLOYER THAT HAS DIRECTLY RECEIVED AN INCOME-
29 WITHHOLDING ORDER; AND

30 (3) THE PERSON OR AGENCY DESIGNATED TO RECEIVE PAYMENTS

1 IN THE INCOME-WITHHOLDING ORDER OR, IF NO PERSON OR AGENCY IS
2 DESIGNATED, TO THE OBLIGEE.

3 SECTION 18. SECTIONS 7605(A), 7606(C) AND 7611(A), (C) AND
4 (E) OF TITLE 23 ARE AMENDED TO READ:

5 § 7605. NOTICE OF REGISTRATION OF ORDER.

6 (A) REQUIREMENT.--[IF] WHEN A SUPPORT ORDER OR INCOME-
7 WITHHOLDING ORDER ISSUED IN ANOTHER STATE IS REGISTERED, THE
8 REGISTERING TRIBUNAL SHALL NOTIFY THE NONREGISTERING PARTY.
9 [NOTICE MUST BE GIVEN BY FIRST CLASS, CERTIFIED OR REGISTERED
10 MAIL OR BY ANY MEANS OF PERSONAL SERVICE AUTHORIZED BY THE LAW
11 OF THIS STATE.] THE NOTICE MUST BE ACCOMPANIED BY A COPY OF THE
12 REGISTERED ORDER AND THE DOCUMENTS AND RELEVANT INFORMATION
13 ACCOMPANYING THE ORDER.

14 * * *

15 § 7606. PROCEDURE TO CONTEST VALIDITY OR ENFORCEMENT OF
16 REGISTERED ORDER.

17 * * *

18 (C) HEARING.--IF A NONREGISTERING PARTY REQUESTS A HEARING
19 TO CONTEST THE VALIDITY OR ENFORCEMENT OF THE REGISTERED ORDER,
20 THE REGISTERING TRIBUNAL SHALL SCHEDULE THE MATTER FOR HEARING
21 AND GIVE NOTICE TO THE PARTIES [BY FIRST CLASS MAIL] OF THE
22 DATE, TIME AND PLACE OF THE HEARING.

23 § 7611. MODIFICATION OF CHILD SUPPORT ORDER OF ANOTHER STATE.

24 (A) AUTHORITY.--AFTER A CHILD SUPPORT ORDER ISSUED IN
25 ANOTHER STATE HAS BEEN REGISTERED IN THIS STATE, THE RESPONDING
26 TRIBUNAL OF THIS STATE MAY MODIFY THAT ORDER ONLY IF SECTION
27 7613 (RELATING TO JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF
28 ANOTHER STATE WHEN INDIVIDUAL PARTIES RESIDE IN THIS STATE) DOES
29 NOT APPLY AND AFTER NOTICE AND HEARING IT FINDS [ANY OF THE
30 FOLLOWING] THAT:

1 (1) THE FOLLOWING REQUIREMENTS ARE MET:

2 (I) THE CHILD, THE INDIVIDUAL OBLIGEE AND THE
3 OBLIGOR DO NOT RESIDE IN THE ISSUING STATE;

4 (II) A PETITIONER WHO IS A NONRESIDENT OF THIS STATE
5 SEEKS MODIFICATION; AND

6 (III) THE RESPONDENT IS SUBJECT TO THE PERSONAL
7 JURISDICTION OF THE TRIBUNAL OF THIS STATE.

8 (2) [AN INDIVIDUAL PARTY OR THE] THE CHILD, OR A PARTY
9 WHO IS AN INDIVIDUAL, IS SUBJECT TO THE PERSONAL JURISDICTION
10 OF THE TRIBUNAL OF THIS STATE AND ALL OF THE [INDIVIDUAL]
11 PARTIES WHO ARE INDIVIDUALS HAVE FILED [A] WRITTEN [CONSENT]
12 CONSENTS IN THE ISSUING TRIBUNAL [PROVIDING THAT] FOR A
13 TRIBUNAL OF THIS STATE [MAY] TO MODIFY THE SUPPORT ORDER AND
14 ASSUME CONTINUING, EXCLUSIVE JURISDICTION OVER THE ORDER. IF
15 THE ISSUING STATE IS A FOREIGN JURISDICTION WHICH HAS NOT
16 ENACTED A LAW OR ESTABLISHED PROCEDURES SUBSTANTIALLY SIMILAR
17 TO PROCEDURES UNDER THIS PART, THE CONSENT OTHERWISE REQUIRED
18 OF AN INDIVIDUAL RESIDING IN THIS STATE IS NOT REQUIRED FOR
19 THE TRIBUNAL TO ASSUME JURISDICTION TO MODIFY THE CHILD
20 SUPPORT ORDER.

21 * * *

22 (C) RESTRICTION.--A TRIBUNAL OF THIS STATE MAY NOT MODIFY
23 ANY ASPECT OF A CHILD SUPPORT ORDER THAT MAY NOT BE MODIFIED
24 UNDER THE LAW OF THE ISSUING STATE. IF TWO OR MORE TRIBUNALS
25 HAVE ISSUED CHILD SUPPORT ORDERS FOR THE SAME OBLIGOR AND CHILD,
26 THE ORDER THAT CONTROLS AND MUST BE SO RECOGNIZED UNDER SECTION
27 7207 (RELATING TO RECOGNITION OF CONTROLLING CHILD SUPPORT
28 ORDER) ESTABLISHES THE ASPECTS OF THE SUPPORT ORDER WHICH ARE
29 NOT MODIFIABLE.

30 * * *

1 [(E) FILING.--WITHIN 30 DAYS AFTER ISSUANCE OF A MODIFIED
2 CHILD SUPPORT ORDER, THE PARTY OBTAINING THE MODIFICATION SHALL
3 FILE A CERTIFIED COPY OF THE ORDER WITH THE ISSUING TRIBUNAL
4 WHICH HAD CONTINUING, EXCLUSIVE JURISDICTION OVER THE EARLIER
5 ORDER AND IN EACH TRIBUNAL IN WHICH THE PARTY KNOWS THAT EARLIER
6 ORDER HAS BEEN REGISTERED.]

7 SECTION 19. TITLE 23 IS AMENDED BY ADDING SECTIONS TO READ:

8 § 7613. JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER
9 STATE WHEN INDIVIDUAL PARTIES RESIDE IN THIS STATE.

10 (A) GENERAL RULE.--IF ALL OF THE PARTIES WHO ARE INDIVIDUALS
11 RESIDE IN THIS STATE AND THE CHILD DOES NOT RESIDE IN THE
12 ISSUING STATE, A TRIBUNAL OF THIS STATE HAS JURISDICTION TO
13 ENFORCE AND TO MODIFY THE ISSUING STATE'S CHILD SUPPORT ORDER IN
14 A PROCEEDING TO REGISTER THAT ORDER.

15 (B) APPLICABLE LAW.--A TRIBUNAL OF THIS STATE EXERCISING
16 JURISDICTION UNDER THIS SECTION SHALL APPLY THE PROVISIONS OF
17 CHAPTERS 71 (RELATING TO GENERAL PROVISIONS) AND 72 (RELATING TO
18 JURISDICTION), THIS CHAPTER AND THE PROCEDURAL AND SUBSTANTIVE
19 LAW OF THIS STATE TO THE PROCEEDING FOR ENFORCEMENT OR
20 MODIFICATION. CHAPTERS 73 (RELATING TO CIVIL PROVISIONS OF
21 GENERAL APPLICATION), 74 (RELATING TO ESTABLISHMENT OF SUPPORT
22 ORDER), 75 (RELATING TO DIRECT ENFORCEMENT OF ORDER OF ANOTHER
23 STATE WITHOUT REGISTRATION), 77 (RELATING TO DETERMINATION OF
24 PARENTAGE) AND 78 (RELATING TO INTERSTATE RENDITION) DO NOT
25 APPLY.

26 § 7614. NOTICE TO ISSUING TRIBUNAL OF MODIFICATION.

27 WITHIN 30 DAYS AFTER ISSUANCE OF A MODIFIED CHILD SUPPORT
28 ORDER, THE PARTY OBTAINING THE MODIFICATION SHALL FILE A
29 CERTIFIED COPY OF THE ORDER WITH THE ISSUING TRIBUNAL THAT HAD
30 CONTINUING, EXCLUSIVE JURISDICTION OVER THE EARLIER ORDER, AND

1 IN EACH TRIBUNAL IN WHICH THE PARTY KNOWS THE EARLIER ORDER HAD
2 BEEN REGISTERED. A PARTY WHO OBTAINS THE ORDER AND FAILS TO FILE
3 A CERTIFIED COPY IS SUBJECT TO APPROPRIATE SANCTIONS BY A
4 TRIBUNAL IN WHICH THE ISSUE OF FAILURE TO FILE ARISES. THE
5 FAILURE TO FILE DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY
6 OF THE MODIFIED ORDER OF THE NEW TRIBUNAL HAVING CONTINUING,
7 EXCLUSIVE JURISDICTION.

8 SECTION 20. THE DEFINITION OF "INCOME-WITHHOLDING ORDER" IN
9 SECTION 8101(B) OF TITLE 23 IS AMENDED TO READ:

10 § 8101. SHORT TITLE OF PART AND DEFINITIONS.

11 * * *

12 (B) DEFINITIONS.--SUBJECT TO ADDITIONAL DEFINITIONS
13 CONTAINED IN SUBSEQUENT PROVISIONS OF THIS PART WHICH ARE
14 APPLICABLE TO SPECIFIC PROVISIONS OF THIS PART, THE FOLLOWING
15 WORDS AND PHRASES WHEN USED IN THIS PART SHALL HAVE THE MEANINGS
16 GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY
17 INDICATES OTHERWISE:

18 * * *

19 "INCOME-WITHHOLDING ORDER." AN ORDER OR OTHER LEGAL PROCESS
20 DIRECTED TO AN OBLIGOR'S EMPLOYER OR OTHER DEBTOR, IN ACCORDANCE
21 WITH SECTION 4348 (RELATING TO ATTACHMENT OF INCOME) TO WITHHOLD
22 SUPPORT FROM THE INCOME OF THE OBLIGOR.

23 * * *

24 SECTION 21. SECTION 8307 OF TITLE 23 IS AMENDED TO READ:

25 § 8307. SUPERVISORY DUTY.

26 [(A) SECRETARY.--]IF THE SECRETARY DETERMINES THAT A SUPPORT
27 ENFORCEMENT AGENCY [OTHER THAN THE DEPARTMENT] IS NEGLECTING OR
28 REFUSING TO PROVIDE SERVICES TO AN INDIVIDUAL, THE SECRETARY MAY
29 ORDER THE AGENCY TO PERFORM ITS DUTIES UNDER THIS PART OR MAY
30 PROVIDE THOSE SERVICES DIRECTLY TO THE INDIVIDUAL.

1 [(B) ATTORNEY GENERAL.--IF THE ATTORNEY GENERAL DETERMINES
2 THAT THE DEPARTMENT IS NEGLECTING OR REFUSING TO PROVIDE
3 SERVICES TO AN INDIVIDUAL, THE ATTORNEY GENERAL MAY ORDER THE
4 DEPARTMENT TO PERFORM ITS DUTIES UNDER THIS PART OR MAY PROVIDE
5 THOSE SERVICES DIRECTLY TO THE INDIVIDUAL.]

6 SECTION 22. SECTIONS 432.6, 432.7, 432.7A, 432.8, 432.9 AND
7 432.11 OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE
8 PUBLIC WELFARE CODE, ARE REPEALED.

9 SECTION 23. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

10 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

11 (2) THE AMENDMENT OF 23 PA.C.S. §§ 6105(E) AND
12 6108(A)(7) SHALL TAKE EFFECT IN 60 DAYS.

13 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY
14 1, 1998.