
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,
YOUNGBLOOD, COY, THOMAS, PRESTON, BENNINGHOFF, J. TAYLOR,
C. WILLIAMS, ROONEY, L. I. COHEN, MICOZZIE, FLICK, ADOLPH,
M. COHEN AND STEELMAN, APRIL 30, 1997

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
DECEMBER 8, 1997

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for ALIMONY, FOR
3 information to consumer reporting agency, for cooperation of
4 government and nongovernment agencies and for general
5 administration of support matters; providing for duties of
6 Title IV-D attorney; further providing for order of support,
7 for mandatory inclusion of child medical support, for
8 commencement of support actions or proceedings, for expedited
9 procedure, for paternity, for attachment of income, for costs
10 and fees, for continuing jurisdiction over support orders,
11 for duty to report and for denial or suspension of licenses;
12 providing for Title IV-D program and related matters; further
13 providing for acknowledgment and claim of paternity, for
14 responsibilities of law enforcement agencies, for court-
15 ordered relief, for continuing exclusive jurisdiction, for
16 recognition of child support orders, for duties of initiating
17 tribunal, for duties and powers of responding tribunal, for
18 inappropriate tribunal, for duties of support enforcement
19 agency, for supervisory duty, for duties of the Department of
20 Public Welfare and for income-withholding order of another
21 state; providing for compliance with multiple income-
22 withholding orders, for immunity from civil liability, for
23 penalties for noncompliance and for contest by obligor;
24 further providing for notice of registration of order, for
25 procedure to contest validity or enforcement of registered
26 order and for modification of child support order of another
27 state; providing for jurisdiction to modify child support
28 order of another state and for notice to issuing tribunal of
29 modification; further providing for supervisory duty and for

<—

1 definitions; making repeals; and making editorial changes.

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

4 ~~Section 1. The definitions of "income" and "order of~~ <—
5 ~~support" in section 4302 of Title 23 of the Pennsylvania~~
6 ~~Consolidated Statutes are amended and the section is amended by~~
7 ~~adding definitions to read:~~

8 SECTION 1. SECTIONS 3701(B) AND 3702 OF TITLE 23 OF THE <—
9 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

10 § 3701. ALIMONY.

11 * * *

12 (B) FACTORS RELEVANT.--IN DETERMINING WHETHER ALIMONY IS
13 NECESSARY AND IN DETERMINING THE NATURE, AMOUNT, DURATION AND
14 MANNER OF PAYMENT OF ALIMONY, THE COURT SHALL CONSIDER ALL
15 RELEVANT FACTORS, INCLUDING:

16 (1) THE RELATIVE EARNINGS AND EARNING CAPACITIES OF THE
17 PARTIES.

18 (2) THE AGES AND THE PHYSICAL, MENTAL AND EMOTIONAL
19 CONDITIONS OF THE PARTIES.

20 (3) THE SOURCES OF INCOME OF BOTH PARTIES, INCLUDING,
21 BUT NOT LIMITED TO, MEDICAL, RETIREMENT, INSURANCE OR OTHER
22 BENEFITS.

23 (4) THE EXPECTANCIES AND INHERITANCES OF THE PARTIES.

24 (5) THE DURATION OF THE MARRIAGE.

25 (6) THE CONTRIBUTION BY ONE PARTY TO THE EDUCATION,
26 TRAINING OR INCREASED EARNING POWER OF THE OTHER PARTY.

27 (7) THE EXTENT TO WHICH THE EARNING POWER, EXPENSES OR
28 FINANCIAL OBLIGATIONS OF A PARTY WILL BE AFFECTED BY REASON
29 OF SERVING AS THE CUSTODIAN OF A MINOR CHILD.

30 (8) THE STANDARD OF LIVING OF THE PARTIES ESTABLISHED

1 DURING THE MARRIAGE.

2 (9) THE RELATIVE EDUCATION OF THE PARTIES AND THE TIME
3 NECESSARY TO ACQUIRE SUFFICIENT EDUCATION OR TRAINING TO
4 ENABLE THE PARTY SEEKING ALIMONY TO FIND APPROPRIATE
5 EMPLOYMENT.

6 (10) THE RELATIVE ASSETS AND LIABILITIES OF THE PARTIES.

7 (11) THE PROPERTY BROUGHT TO THE MARRIAGE BY EITHER
8 PARTY.

9 (12) THE CONTRIBUTION OF A SPOUSE AS HOMEMAKER.

10 (13) THE RELATIVE NEEDS OF THE PARTIES.

11 (14) THE MARITAL MISCONDUCT OF EITHER OF THE PARTIES
12 DURING THE MARRIAGE. THE MARITAL MISCONDUCT OF EITHER OF THE
13 PARTIES FROM THE DATE OF FINAL SEPARATION [SHALL NOT] MAY BE
14 CONSIDERED BY THE COURT IN ITS DETERMINATIONS RELATIVE TO
15 ALIMONY. AS USED IN THIS PARAGRAPH, THE TERM "MARITAL
16 MISCONDUCT" SHALL INCLUDE, BUT IS NOT LIMITED TO, THE ABUSE
17 OF ONE PARTY BY THE OTHER PARTY. AS USED IN THIS PARAGRAPH,
18 "ABUSE" SHALL HAVE THE MEANING GIVEN TO IT UNDER SECTION 6102
19 (RELATING TO DEFINITIONS).

20 (15) THE FEDERAL, STATE AND LOCAL TAX RAMIFICATIONS OF
21 THE ALIMONY AWARD.

22 (16) WHETHER THE PARTY SEEKING ALIMONY LACKS SUFFICIENT
23 PROPERTY, INCLUDING, BUT NOT LIMITED TO, PROPERTY DISTRIBUTED
24 UNDER CHAPTER 35 (RELATING TO PROPERTY RIGHTS), TO PROVIDE
25 FOR THE PARTY'S REASONABLE NEEDS.

26 (17) WHETHER THE PARTY SEEKING ALIMONY IS INCAPABLE OF
27 SELF-SUPPORT THROUGH APPROPRIATE EMPLOYMENT.

28 * * *

29 § 3702. ALIMONY PENDENTE LITE, COUNSEL FEES AND EXPENSES.

30 (A) GENERAL RULE.--IN PROPER CASES, UPON PETITION, THE COURT

1 MAY ALLOW A SPOUSE REASONABLE ALIMONY PENDENTE LITE, SPOUSAL
2 SUPPORT AND REASONABLE COUNSEL FEES AND EXPENSES. REASONABLE
3 COUNSEL FEES AND EXPENSES MAY BE ALLOWED PENDENTE LITE, AND THE
4 COURT SHALL ALSO HAVE AUTHORITY TO DIRECT THAT ADEQUATE HEALTH
5 AND HOSPITALIZATION INSURANCE COVERAGE BE MAINTAINED FOR THE
6 DEPENDENT SPOUSE PENDENTE LITE.

7 (B) RELEVANT FACTORS.--IN DETERMINING WHETHER ALIMONY
8 PENDENTE LITE, SPOUSAL SUPPORT AND REASONABLE COUNSEL FEES AND
9 EXPENSES ARE NECESSARY AND IN DETERMINING THE AMOUNT OF PAYMENT,
10 THE COURT SHALL CONSIDER ALL RELEVANT FACTORS, PURSUANT TO
11 SECTION 3701(B) (RELATING TO ALIMONY).

12 SECTION 1.1. THE DEFINITIONS OF "INCOME" AND "ORDER OF
13 SUPPORT" IN SECTION 4302 OF TITLE 23 ARE AMENDED AND THE SECTION
14 IS AMENDED BY ADDING DEFINITIONS TO READ:

15 § 4302. Definitions.

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

19 * * *

20 "Department." The Department of Public Welfare of the
21 Commonwealth.

22 * * *

23 "Income." Includes compensation for services, including, but
24 not limited to, wages, salaries, bonuses, fees, compensation in
25 kind, commissions and similar items; income derived from
26 business; gains derived from dealings in property; interest;
27 rents; royalties; dividends; annuities; income from life
28 insurance and endowment contracts; all forms of retirement;
29 pensions; income from discharge of indebtedness; distributive
30 share of partnership gross income; income in respect of a

1 decedent; income from an interest in an estate or trust;
2 military retirement benefits; railroad employment retirement
3 benefits; social security benefits; temporary and permanent
4 disability benefits; [workmen's] worker's compensation [and];
5 unemployment compensation; [or] other entitlements to money or
6 lump sum awards, without regard to source[.], including lottery
7 winnings; income tax refunds; insurance compensation or
8 settlements; awards or verdicts; and any form of payment due to
9 and collectible by an individual regardless of source.

10 * * *

11 "Obligee." The term shall have the meaning given in section
12 7101(b) (relating to short title of part and definitions).

13 "Obligor." The term shall have the meaning given in section
14 7101(b) (relating to short title of part and definitions).

15 "Order of support." Includes assistance imposed or imposable
16 by law or by any court order, or by an agency administering a
17 State Title IV-D program, whether [interlocutory or] temporary,
18 final[,] or subject to modification and whether incidental to a
19 proceeding for divorce, separate maintenance, action for failure
20 to support a child born out of wedlock or otherwise. The term
21 includes an order for the support and maintenance of a child,
22 including a child who has attained the age of majority or for
23 the parent with whom the child is living, which provides for
24 monetary support, health care, arrearages or reimbursement and
25 which may include related costs and fees, interest and
26 penalties, income withholding, attorney's fees and other relief.

27 "State disbursement unit." The organizational unit
28 established within the Department of Public Welfare responsible
29 for collecting and disbursing support, as provided in section
30 4374 (relating to State disbursement unit).

1 * * *

2 Section 2. Sections 4303, 4304.1 and 4305 of Title 23 are
3 amended to read:

4 § 4303. Information to consumer reporting agency.

5 Information regarding the name and the amount of arrearages
6 owed by an obligor shall be provided periodically to consumer
7 reporting agencies whenever the obligor owes overdue support
8 [and is at least two months in arrears], subject to the
9 following:

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

15 (2) Such information shall not be made available to:

16 (i) a consumer reporting agency which the
17 [Department of Public Welfare] department determines not
18 to have sufficient capability to systematically and
19 timely make accurate use [use] of such information; or

20 (ii) an entity which has not furnished evidence
21 satisfactory to the [Department of Public Welfare]
22 department that the entity is a consumer reporting
23 agency.

24 § 4304.1. Cooperation of government and nongovernment agencies.

25 (a) Cooperation of government agencies.--Notwithstanding any
26 other provision of law, including the provisions of section 731
27 of the act of April 9, 1929 (P.L.343, No.176), known as The
28 Fiscal Code, all government agencies shall:

29 (1) At the request of the [Department of Public Welfare]
30 department, provide information [in a form] prescribed by the

1 department regarding a person's wages, income, telephone
2 numbers, addresses, Social Security numbers and date of
3 birth, employer names, addresses and telephone numbers.

4 (2) Require the Social Security number of an individual
5 on any application for a professional or occupational license
6 or certification[.]; a permit; a driver's license, including
7 a commercial driver's license; A RECREATIONAL LICENSE; or a <—
8 marriage license.

9 (3) Require the Social Security number of any individual
10 subject to a divorce decree, support order, paternity
11 determination or acknowledgment of paternity in all records
12 relating to the matter.

13 (4) Require the Social Security number of a deceased
14 individual in records relating to the death, including the
15 death certificate.

16 (b) Cooperation of labor organizations.--Labor organizations
17 shall at the request of the [Department of Public Welfare]
18 department provide information in a form prescribed by the
19 department regarding wages, income, telephone numbers,
20 addresses, Social Security numbers and date of birth, employer
21 names, addresses and telephone numbers.

22 (b.1) Cooperation of financial institutions.--
23 Notwithstanding any other provision of law, all financial
24 institutions doing business in this Commonwealth shall:

25 (1) Provide for each calendar quarter such identifying
26 information, asset information and benefit information as the
27 department may specify for any obligor who owes past due
28 support as identified by the department by name and Social
29 Security number or other taxpayer identification number.

30 (2) Upon receipt of a notice of lien or seizure order

1 from the domestic relations section or the department,
2 encumber or surrender, as the case may be, identified assets
3 of an obligor who is subject to a child support lien. The
4 Supreme Court shall, by general rule, prescribe the form of
5 the order. The financial institution shall remit to the
6 domestic relations section or to the department the assets
7 available in the account on the date of the receipt of the
8 notice of lien or seizure order by the financial institution.
9 Remittance by the financial institution shall be made within
10 a reasonable period of time.

11 (b.2) Agreements between the department and financial
12 institutions.--Notwithstanding any other provision of law, the
13 department and any financial institution doing business in this
14 Commonwealth are authorized to enter into agreements for the
15 purpose of carrying out the provisions of subsection (b.1). The
16 agreement may specify payment of a fee by the department to the
17 financial institution to conduct the activities in accordance
18 with subsection (b.1)(1) which shall not exceed actual and
19 reasonable costs incurred by the financial institution.

20 (c) Penalty.--Following notice and hearing, the [Department
21 of Public Welfare] department may impose a civil penalty of up
22 to \$1,000 per violation upon any government agency [or], labor
23 organization or financial institution which willfully fails to
24 comply with a request by the [Department of Public Welfare]
25 department for information pursuant to this section.

26 (d) Confidentiality.--Any information provided or collected
27 pursuant to this section shall be confidential and may [only] be
28 used by the department, the court or the domestic relations
29 section solely for purposes of child AND SPOUSAL support
30 enforcement [by the Department of Public Welfare.] and, to the

<—

1 extent allowed by Federal law, for administration of public
2 assistance programs. Any person, government agency, employer or
3 agent of the department who divulges such information in a
4 manner not provided in this section commits a misdemeanor of the
5 third degree and, upon conviction, shall be sentenced to pay a
6 fine of up to \$1,000 per violation and costs and shall be
7 subject to a term of imprisonment of not more than one year, or
8 both.

9 (d.1) Notification.--No financial institution shall be
10 required to notify an obligor of a request for information by
11 the department or the court under this section.

12 (e) Immunity.--A person, government agency [or], labor
13 organization or financial institution providing information,
14 encumbering or surrendering property pursuant to this section
15 shall not be subject to civil or criminal liability to any
16 person or entity. The department, a court, a domestic relations
17 section or an authorized employee of such an entity requesting
18 information under this section or ordering the seizure,
19 encumbrance or surrender of an asset held by a financial
20 institution shall not be subject to any civil or criminal
21 liability. A financial institution shall not be subject to any
22 civil or criminal liability for encumbering or surrendering
23 assets of an obligor as required by this section. The immunity
24 provided by this subsection shall not apply to any person or
25 agent of a government agency [or], labor organization or
26 financial institution who knowingly supplies false information
27 under this section.

28 (f) Data collection.--The department shall provide for the
29 frequency and format, which may include automated data
30 exchanges, for the collection of the information required in

1 this section.

2 (g) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection:

5 "Account." A demand deposit account, checking or negotiable
6 withdrawal order account, savings account, time deposit account
7 or money market mutual fund account. The term does not include
8 trust accounts, custodian accounts or accounts under 20 Pa.C.S.
9 Ch. 53 (relating to the Pennsylvania Uniform Transfers to Minors
10 Act).

11 "Asset information." Account balances, deposits,
12 withdrawals, interest, investments, trusts, dividends,
13 certificates of deposits and other asset information.

14 "Benefit information." Information regarding financial or
15 health care benefits to which an individual may be entitled from
16 government, an employer, an insurer or other source.

17 "Financial institution." A depository institution, as
18 defined by section 3(c) of the Federal Deposit Insurance Act (64
19 Stat. 873, 12 U.S.C. § 1813(c)); an institution-affiliated
20 party, as defined by section 3(u) of the Federal Deposit
21 Insurance Act; a Federal credit union or State credit union, as
22 defined in section 101 of the Federal Credit Union Act (48 Stat.
23 1216, 12 U.S.C. § 1752), including an institution-affiliated
24 party of such a credit union, as defined in section 206(r) of
25 the Federal Credit Union Act; and a benefit association,
26 insurer, safe deposit company, money-market mutual fund or
27 similar entity authorized to do business in this Commonwealth.

28 "Identifying information." Name, record address, Social
29 Security number or other taxpayer identification number.

30 "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. VIII (relating to uniform interstate family support) and Pt. VIII-A (relating to intrastate family support).

(2) Make such investigation as may be necessary.

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

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

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

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

7 (6.1) In the case of a dispute as to the amount of an
8 order of support proposed by the domestic relations section,
9 issue a temporary order of support pending judicial
10 determination. A temporary order of support under this
11 paragraph may not be for less than the full amount of the
12 proposed order of support being disputed.

13 (7) Make effective the orders of support entered.

14 (8) Furnish the court with such information and
15 assistance as it may require and generally perform such
16 services as it may direct relating to support proceedings.

17 (9) Inform both parties to a support action that
18 guidelines as specified in section 4322 (relating to support
19 guidelines) are available in the domestic relations section.

20 (10) Implement safeguards applicable to all confidential
21 information received by the domestic relations section, in
22 order to protect the privacy rights of the parties,
23 including:

24 (i) safeguards against unauthorized use or
25 disclosure of information relating to proceedings or
26 actions to establish paternity or to establish, modify or
27 enforce support or to make or enforce a child custody
28 determination;

29 (ii) prohibitions against the release of information
30 on the whereabouts of one party or the child to another

1 party against whom a protective order with respect to the
2 former party or the child has been entered; and

3 (iii) prohibitions against the release of
4 information on the whereabouts of one party or the child
5 to another person if the domestic relations section has
6 reason to believe that the release of the information may
7 result in physical or emotional harm to the party or the
8 child.

9 (11) Initiate judicial proceedings to void a fraudulent
10 transfer or obtain a settlement from the transferee in the
11 best interests of the child support obligee.

12 (b) Additional powers.--Subject to the supervision and
13 direction of the court, but without the need for prior judicial
14 order, the domestic relations section shall have the power to
15 expedite the establishment and enforcement of support to:

16 (1) Order genetic testing for the purpose of paternity
17 establishment pursuant to section 4343 (relating to
18 paternity).

19 (2) Issue subpoenas against any entity within this
20 Commonwealth, including for-profit, not-for-profit and
21 governmental employers, to require production of information
22 regarding the employment, compensation and benefits of any
23 individual employed by the entity as an employee or
24 contractor.

25 (3) Access records of all State and local government
26 agencies, including the following:

27 (i) vital statistic records, including records of
28 marriage, birth and divorce;

29 (ii) State and local tax and revenue records,
30 including information on residence address, employer,

1 income and assets;

2 (iii) records of real and titled personal property;

3 (iv) records of occupational and professional
4 licenses;

5 (v) records of the ownership and control of
6 corporations, partnerships and other business entities;

7 (vi) employment security records;

8 (vii) records of agencies administering public
9 assistance programs;

10 (viii) motor vehicle registration and operator
11 licensing records;

12 (ix) probation and parole records; and

13 (x) corrections records.

14 (4) Issue subpoenas for the records of public utilities
15 and cable television companies with respect to individuals
16 who are owed support, or against whom or with respect to whom
17 a support obligation is sought, consisting of the names and
18 addresses of the individuals or of their employers.

19 (5) Issue subpoenas for the records held by financial
20 institutions with respect to individuals who are owed
21 support, or against whom or with respect to whom a support
22 obligation is sought.

23 (6) Issue subpoenas for financial or other information
24 needed to establish, modify or enforce a support order.

25 (7) Issue orders directing an obligor or other payor to
26 change the payee of a support order.

27 (8) Order income withholding pursuant to section 4348
28 (relating to attachment of income).

29 (9) Increase the amount of monthly support payments for
30 the payment of arrearages, as may be provided by general rule

1 or previous court order.

2 (10) Issue orders in cases where there is a support
3 arrearage to secure assets to satisfy current support
4 obligation and the arrearage by:

5 (i) Intercepting or seizing periodic or lump sum
6 payments from a government agency, including unemployment
7 compensation, workers' compensation and other benefits.

8 (ii) Intercepting or seizing judgments or
9 settlements.

10 (iii) Attaching and seizing assets of the obligor
11 held in financial institutions.

12 (iv) Attaching public and private retirement funds.

13 (v) Imposing liens on property.

14 (vi) Directing the sheriff to levy and sell other
15 real or personal property.

16 (11) Transmit to another state a request for assistance
17 in a case involving the enforcement of a support order and
18 sufficient information to enable the state to which the
19 request is transmitted to compare the information to the
20 information in the data bases of the state. The transmittal
21 shall serve as a certification of arrears and a certification
22 that the state has complied with all procedural due process
23 requirements applicable to the case.

24 (12) Respond to a request for assistance received from
25 another state. The response shall confirm the receipt of the
26 request, the action taken and the amount of support collected
27 and specify any additional information or action required of
28 the requesting tribunal to obtain enforcement of the child
29 support obligation.

30 (c) Civil penalty.--In addition to initiating contempt

1 proceedings, the domestic relations section may assess a civil
2 administrative penalty of up to \$1,000 per violation upon any
3 person or entity which fails to comply with a subpoena or
4 request for information under subsection (b)(2).

5 (d) Due process and judicial review procedures.--Subject to
6 general rules which may be promulgated by the Supreme Court,
7 each court shall establish due process and judicial review
8 procedures for domestic relations sections exercising powers
9 under this section.

10 (e) Transmission of information.--All information
11 transmitted to this Commonwealth from another state for purposes
12 of establishing or enforcing an order of support under this
13 chapter may be transmitted electronically or by other methods.

14 Section 3. Section 4306 heading and (a) of Title 23 are
15 amended and the section is amended by adding a subsection to
16 read:

17 § 4306. Duties of [district attorney and rights of Department
18 of Public Welfare] Title IV-D attorney.

19 (a) General rule.--The [district] county Title IV-D attorney
20 shall at all times aid in the enforcement of the duty of child
21 support and child and spousal support and shall cooperate with
22 the domestic relations section in the presentation of complaints
23 or in any proceeding designed to obtain compliance with any
24 order of the court.

25 * * *

26 (b.1) Representation of Commonwealth.--In matters relating
27 to the establishment and enforcement of child support and child
28 and spousal support, the Title IV-D interests of the
29 Commonwealth shall be represented, where appropriate, by the
30 county Title IV-D attorney in a proceeding for child support and

1 child and spousal support.

2 * * *

3 Section 4. Sections 4307, 4308(a), (b) heading and
4 introductory paragraph, (2)(i) and (4)(i), (d) and (e), 4325,
5 4326(a), (e), (f) introductory paragraph, (g)(1), (4) and (4.2),
6 (h.1)(2) and (1) and 4341 of Title 23 are amended to read:
7 § 4307. State income tax intercept.

8 The [Department of Public Welfare] department shall have the
9 authority to implement a State income tax refund intercept
10 program pursuant to section 466(a)(3) of the Social Security Act
11 (Public Law 74-271, 42 U.S.C. § 666(a)(3)) when, in the judgment
12 of the department, it is cost effective to do so.

13 § 4308. Lottery winnings intercept.

14 (a) Duty of Department of Revenue.--In the case of any
15 person winning more than \$2,500 in the Pennsylvania State
16 Lottery, the Department of Revenue shall request the [Department
17 of Public Welfare] department to make all reasonable efforts to
18 determine if the winner is a delinquent support obligor prior to
19 making any lottery winnings payment. If the winner is so found,
20 the amount of any arrearages shall be deducted from the amount
21 of lottery winnings and paid to the obligee in the manner
22 provided in this title for the administration of support
23 payments.

24 (b) Duties of [Department of Public Welfare] department.--
25 The [Department of Public Welfare] department shall:

26 * * *

27 (2) Furnish the Department of Revenue with the following
28 information:

29 (i) The [Department of Public Welfare] department
30 identifier.

1 * * *

2 (4) Request the Department of Revenue to pay over,
3 whether in a lump sum or by installment, to the [Department
4 of Public Welfare] department that part of the prize which
5 satisfies this arrearage and:

6 (i) Deduct from the amount received from the
7 Department of Revenue any amount assigned to the
8 [Department of Public Welfare] department.

9 * * *

10 (d) Right to review.--A lottery prizewinner whose prize is
11 used to satisfy an obligation under this section may appeal to
12 the [Department of Public Welfare] department in accordance with
13 2 Pa.C.S. (relating to administrative law and procedure). The
14 appeal shall be filed within 30 days after the prizewinner is
15 notified by the Department of Revenue that the prize has been
16 reduced or totally withheld to satisfy the prizewinner's
17 outstanding arrearages for child support and related
18 obligations.

19 (e) Rules and regulations.--The Department of Revenue and
20 the [Department of Public Welfare] department shall, in the
21 manner provided by law, jointly promulgate the rules and
22 regulations necessary to carry out this section.

23 § 4325. Payment of order of support.

24 [An] Unless procedures established by the department for the
25 State disbursement unit provide otherwise, an order of support
26 shall direct payment to be made payable to or payment to be made
27 to the domestic relations [office] section for transmission to
28 the obligee or for transmission directly to a public body or
29 public or private agency whenever the care, maintenance and
30 assistance of the obligee is provided for by the public body or

1 public or private agency.

2 § 4326. Mandatory inclusion of child medical support.

3 (a) General rule.--In every proceeding to establish or
4 modify an order which requires the payment of child support, the
5 court shall ascertain the ability of each parent to provide
6 health care coverage for the children of the parties[.] and the
7 parties ORDER shall provide health care coverage for each child <—
8 AS APPROPRIATE. <—

9 * * *

10 (e) Uninsured expenses.--The court shall determine the
11 amount of any deductible and copayments which each parent shall
12 pay. In addition, the court may require that either parent or
13 both parents pay a designated percentage of the reasonable and
14 necessary uncovered health care expenses of the parties'
15 children, including birth-related expenses incurred prior to the
16 filing of the complaint. Upon request of the domestic relations
17 section, the department shall provide to the domestic relations
18 section all birth-related expenses which the department has
19 incurred in cases it has referred to the domestic relations
20 section for child support services.

21 (f) Proof of insurance.--Within 30 days after the entry of
22 an order requiring a parent to provide health care coverage for
23 a child or after any change in health care coverage due to a
24 change in the parent's employment, the obligated parent shall
25 submit to the other parent, or person having custody of the
26 child, written proof that health care coverage has been obtained
27 or that application for coverage has been made. Proof of
28 coverage shall consist of at a minimum:

29 * * *

30 (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:

* * *

(2) if the insured parent is enrolled but fails to make application to obtain coverage for such child, to enroll the child under the family coverage upon application by the child's other parent, the domestic relations section or the [Department of Public Welfare] department; and

1 * * *

2 (1) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection:

5 "Birth-related expenses." Costs of reasonable and necessary
6 health care for the mother or child or both incurred before,
7 during or after the birth of a child born in or out of wedlock
8 which are the result of the pregnancy or birth and which benefit
9 either the mother or child. Charges not related to the pregnancy
10 or birth shall be excluded.

11 "Child." A child to whom a duty of child support is owed.

12 "Health care coverage." Coverage for medical, dental,
13 orthodontic, optical, psychological, psychiatric or other health
14 care services for a child. For the purposes of this section,
15 medical assistance under Subarticle (f) of Article IV of the act
16 of June 13, 1967 (P.L.31, No.21), known as the Public Welfare
17 Code, shall not be considered health care coverage.

18 "Insurer." A [corporation or person incorporated or doing
19 business in this Commonwealth by virtue of] foreign or domestic
20 insurance company, association or exchange holding a certificate
21 of authority under the act of May 17, 1921 (P.L.682, No.284),
22 known as The Insurance Company Law of 1921; a risk-assuming
23 preferred provider organization operating under section 630 of
24 The Insurance Company Law of 1921; a health maintenance
25 organization holding a certificate of authority under the act of
26 December 29, 1972 (P.L.1701, No.364), known as the Health
27 Maintenance Organization Act; a fraternal benefit society
28 holding a certificate of authority under the act of December 14,
29 1992 (P.L.835, No.134), known as the Fraternal Benefit Societies
30 Code; a hospital plan corporation [as defined in] holding a

1 certificate of authority under 40 Pa.C.S. Ch. 61 (relating to
2 hospital plan corporations); a professional health service plan
3 corporation [as defined in] holding a certificate of authority
4 under 40 Pa.C.S. Ch. 63 (relating to professional health
5 services plan corporations); [a beneficial society subject to 40
6 Pa.C.S. Ch. 65 (relating to fraternal benefit societies); a
7 health maintenance organization;] or [any other person,
8 association, partnership, common-law trust, joint stock company,
9 nonprofit corporation, profit corporation or other] a similar
10 entity [conducting an] authorized to do insurance business in
11 this Commonwealth.

12 "Medical child support order." An order which relates to the
13 child's right to receive certain health care coverage and which:

14 (1) includes the name and last known mailing address of
15 the parent providing health care coverage and the name and
16 last known mailing address of the child;

17 (2) includes a reasonable description of the type of
18 coverage to be provided or includes the manner in which
19 coverage is to be determined;

20 (3) designates the time period to which the order
21 applies;

22 (4) if coverage is provided through a group health plan,
23 designates each plan to which the order applies[; and] as of
24 the date the order is written;

25 (4.1) requires that, if health care coverage is provided
26 through the noncustodial parent's employer and that parent
27 changes employment, the provisions of the order will remain
28 in effect for the duration of the order and will
29 automatically apply to the new employer. The new employer
30 shall enroll the child in health care coverage without need

1 for an amended order unless the noncustodial parent contests
2 the enrollment; and

3 (5) includes the name and address of the custodial
4 parent.

5 § 4341. Commencement of support actions or proceedings.

6 (a) Procedure.--A support action or proceeding under this
7 chapter shall be commenced in the manner prescribed by the Rules
8 of Civil Procedure governing actions of support.

9 (B) STANDING.--ANY PERSON CARING FOR A CHILD SHALL HAVE <—
10 STANDING TO COMMENCE OR CONTINUE AN ACTION FOR SUPPORT OF THAT
11 CHILD REGARDLESS OF WHETHER A COURT ORDER HAS BEEN ISSUED
12 GRANTING THAT PERSON CUSTODY OF THE CHILD.

13 ~~(b)~~ (C) Jurisdiction.--The court shall exercise Statewide <—
14 jurisdiction over the parties to a proceeding under this
15 chapter.

16 Section 5. Section 4342 of Title 23 is amended by adding
17 subsections to read:

18 § 4342. Expedited procedure.

19 * * *

20 (f) Hearsay exception.--A FOR PROCEEDINGS PURSUANT TO THIS <—
21 SECTION, A verified petition, affidavit or document and a
22 document incorporated by reference in any of them which would
23 not be excluded under the hearsay rule if given in person is
24 admissible in evidence if given under oath by a party or
25 witness.

26 (g) Payment record.--A copy of the record of support
27 payments certified as a true copy of the original by the
28 custodian of the record is evidence of facts asserted in it and
29 is admissible to show whether payments were made.

30 (h) Bills.--Copies of billing statements, bills for testing

for parentage and for prenatal and postnatal health care of the mother and child furnished to the adverse party at least ten days before a court proceeding are admissible in evidence to prove the amount of the charges billed and to prove that the charges were reasonable, necessary and customary.

(i) Transmission of documentary evidence.--Documentary evidence transmitted to the domestic relations section by telephone, telecopier or other means which do not provide an original writing may not be excluded from evidence based on the means of transmission.

(j) Testimony.--In a proceeding under this part, a court may permit a party or witness to be deposed or to testify by telephone, audiovisual or other electronic means at a designated location.

~~Section 6. Section 4343(a), (c)(1), (4) and (6) of Title 23~~ <—
SECTION 6. SECTIONS 4343(A), (C)(1), (4) AND (6) AND 4346 OF <—
TITLE 23 are amended to read:

§ 4343. Paternity.

(a) Determination.--Where the paternity of a child born out of wedlock is disputed, the determination of paternity shall be made by the court in a civil action without a jury [unless either party demands trial by jury]. A putative father may not be prohibited from initiating a civil action to establish paternity. The burden of proof shall be by a preponderance of the evidence. Bills for pregnancy, childbirth, postnatal care related to the pregnancy and genetic testing are admissible as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child. If there is 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 amount equal to or greater of one month's support obligation;
2 and

3 (2) (i) one of the parties demonstrates, and the court
4 finds, that there is good cause not to require immediate
5 income withholding; or

6 (ii) [A] a written agreement is reached between the
7 parties which provides for an alternative arrangement.

8 The court may, on its own motion, order the attachment of the
9 obligor's income where the court has a reasonable basis to
10 believe the obligor will not comply with the order of support.

11 In making this determination, the court may consider evidence of
12 the person's previous violations of orders entered in any
13 jurisdiction or evidence that the obligor has attempted to
14 conceal income or to transfer, convey or encumber property in
15 order to reduce the obligor's support obligation. Attachment
16 shall occur under this subsection without amendment to the order
17 of support[.] and, if arrearages occur, without the need for a
18 judicial or administrative hearing.

19 * * *

20 (e) Attachment process.--

21 (1) The obligor shall be given [advance] notice [prior
22 to] of the attachment of his income. Such notice shall
23 specify all of the following:

24 (i) The amount to be withheld on account of current
25 support and on account of arrears.

26 * * *

27 (iv) That attachment has occurred or shall occur in
28 all cases within ten days of the issuance of the
29 [advance] notice.

30 * * *

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

6 * * *

7 (i) Notice to employer.--The employer of an obligor shall be
8 given notice of the attachment as provided by the Rules of Civil
9 Procedure governing support. This notice shall include reference
10 to subsections (g), (k), (l), (n) and (o) and all of the
11 following:

12 * * *

13 (3) That the attachment payment must be sent to the
14 domestic relations section or State disbursement unit, as
15 appropriate, within [ten] seven business days of the date the
16 obligor is paid.

17 * * *

18 (j) Effect of compliance by employer.--Compliance by an
19 employer with an order of attachment of income that is regular
20 on its face operates as a discharge of the civil liability of
21 the employer to the obligor as to that portion of the employment
22 income of the obligor affected. An employer shall not be subject
23 to criminal or civil liability to any individual or agency for
24 conduct in compliance with the order. The employer may deduct
25 from the income of the obligor 2% of the amount paid under the
26 order for reimbursement of the expense in complying with the
27 order. In no case shall the [money] employer's reimbursement be
28 deducted from the amount of the support order.

29 * * *

30 (1) Disciplinary action by employer prohibited.--

(1) When an order of attachment on income withholding is about to be or has been entered, an employer or officer or employee thereof shall not use the attachment or possibility thereof as a basis, in whole or in part, for the refusal to employ or for the discharge of an employee or for any disciplinary action against or demotion of an employee. In case of a violation of this subsection, the employer or officer or employee thereof may be adjudged in contempt and committed to jail or fined by the court.

* * *

(3) The department or a domestic relations section may impose a civil penalty of up to \$1,000 per violation against any employer that willfully violates the provisions of this subsection or that willfully fails to withhold income or to pay such amounts to the State disbursement unit.

* * *

[(o) Priority of attachment.--An order of attachment for support shall have priority over any attachment, execution, garnishment, State or local tax withholding or wage assignment.]

* * *

(q) Priority of attachment.--An order of attachment for support shall have priority over any attachment, execution, garnishment or wage assignment. The Supreme Court shall by general rule provide for priorities for withholding and allocating income withheld for multiple child support obligees received by an employer for the same obligor under this section and Chapter 75 (relating to direct enforcement of order of another state without registration).

Section 8. Section 4351 of Title 23 is amended to read:

§ 4351. Costs and fees.

1 (a) General rule.--[When it appears to the court that either
2 party or both parties are financially able to pay costs and
3 fees, the court may impose the costs and fees on either party or
4 both parties.] If an obligee prevails in a proceeding to
5 establish paternity or to obtain a support order, the court may
6 assess against the obligor filing fees, reasonable attorney fees
7 and necessary travel and other reasonable costs and expenses
8 incurred by the obligee and the obligee's witnesses. Attorney
9 fees may be taxed as costs and shall be ordered to be paid
10 directly to the attorney, who may enforce the order in the
11 attorney's own name. Payment of support owed to the obligee
12 shall have priority over fees, costs and expenses.

13 (b) Lack of good cause for failure to pay on time.--If the
14 court determines that the person subject to a child support
15 order did not have good cause for failing to make child support
16 payments on time, it may further assess costs and reasonable
17 attorney fees incurred by the party seeking to enforce the
18 order.

19 Section 9. Sections 4352(a), (b) and (d), 4353(a) and 4355
20 heading, (a), (b) heading, (1) introductory paragraph, (i) and
21 (iv) and (2), (c)(1) and (3), (d) and (e) of Title 23 are
22 amended and the sections are amended by adding subsections to
23 read:

24 § 4352. Continuing jurisdiction over support orders.

25 (a) General rule.--The court making an order of support
26 shall at all times maintain jurisdiction of the matter for the
27 purpose of enforcement of the order and for the purpose of
28 increasing, decreasing, modifying or rescinding the order
29 ~~unless~~ otherwise provided by Part VIII (relating to uniform
30 interstate family support) or VIII-A (relating to intrastate

<—

1 family support)[.] without limiting the right of the obligee, or
2 the department if it has an assignment or other interest, to
3 institute additional proceedings for support in any county in
4 which the obligor resides or in which property of the obligor is
5 situated. The Supreme Court shall by general rule establish
6 procedures by which each interested party shall be notified of
7 all proceedings in which support obligations might be
8 established or modified and shall receive a copy of any order
9 issued in a case within 14 days after issuance of such order. A
10 petition for modification of a support order may be filed at any
11 time and shall be granted if the requesting party demonstrates a
12 substantial change in circumstances.

13 (a.1) Automatic review.--A method shall be developed for the
14 automatic review of each order of support at least once every
15 three years from the date of establishment or the most recent
16 review, for the purpose of making any appropriate increase,
17 decrease, modification or rescission of the order. During the
18 automatic review, the court shall adjust the order, without
19 requiring proof of a change in circumstances, by applying the
20 Statewide guidelines or a cost of living adjustment in
21 accordance with a formula developed by general rule. Automated
22 methods, including automated matches with wage or State income
23 tax data, may be used to identify the support orders eligible
24 for review and implement appropriate adjustments. If, however,
25 it is determined that such a review would not be in the best
26 interests of the child and neither parent nor the department, if
27 it has an assignment or other interest, has requested a review
28 [in the interim], no review shall be required.

29 (b) Notice.--Each [parent] party subject to [a] an automatic
30 child support [order is to be notified 30 days in advance of the

commencement of such a] review shall receive:

(1) thirty days' advance notice of the right of such [parent] party to request a review and adjustment of the order, except when the adjustment results from a cost of living adjustment or other automated adjustment;

(2) [of a proposed adjustment (or determination that there should be no change) in the order] a copy of any order establishing, modifying or rescinding a child support obligation or, in the case of a denied petition for modification, a notice of determination that there should be no change in the amount of the child support order, within 14 days after issuance of such order or determination; and

(3) [such parent is afforded 30 days] a 30-day period from the date of the notice of a cost-of-living adjustment or other automated adjustment to [initiate a challenge to the] request an individual review and adjustment [(or determination)] in accordance with the Statewide guideline.

* * *

(d) Arrears as judgments.--On and after the date it is due, each and every support obligation shall constitute a judgment against the obligor by operation of law, with the full force, effect and attributes of a judgment of court, including the ability to be enforced, and shall be entitled as a judgment to full faith and credit in this or any other state. [Past due support obligations shall not become a lien upon the real and personal property of the person ordered to make such payments until the judgment or order has been entered of record in the office of the clerk of the court of common pleas in the county where the real or personal property owned by the person obligated to pay support is located or in the office of the

1 clerk of the branch of the court of common pleas embracing such
2 county in accordance with 42 Pa.C.S. § 4303 (relating to effect
3 of judgments and orders as liens). Execution shall issue thereon
4 pursuant to the Rules of Civil Procedure.] ~~Past due OVERDUE~~ <—
5 ~~support obligations of this or any other state which are on~~
6 ~~record at the domestic relations section shall constitute a lien~~
7 ~~by operation of law against all real property owned by the~~
8 ~~obligor within the judicial district. The department shall~~ <—
9 ~~develop and implement a central clearinghouse where notice of~~
10 ~~liens arising out of past due support obligations shall be~~
11 ~~available to the public. The department shall establish~~
12 ~~procedures to insure convenient access to lien information. In~~
13 ~~the development of the procedures, the department shall consider~~
14 ~~hours of access required by the business community and access~~
15 ~~via modem or automated means. Upon establishment of the central~~
16 ~~clearinghouse, any lien on record with the department shall be a~~
17 ~~lien against all real property in this Commonwealth owned by the~~
18 ~~obligor and shall have the effect of a fully perfected security~~
19 ~~interest in all other property owned by the obligor in which a~~
20 ~~security interest can arise. The central clearinghouse~~
21 ~~established under this subsection shall include a system whereby~~
22 ~~liens on motor vehicles and information relating thereto are~~
23 ~~transmitted to the Department of Transportation by the~~
24 ~~department by electronic or other means and made accessible to~~
25 ~~the public by the Department of Transportation. The Supreme~~
26 ~~Court shall by general rule establish procedures for the~~
27 ~~recording of liens at the domestic relations section and the~~
28 ~~enforcement of liens without prior judicial notice or hearing. A~~
29 ~~bona fide good faith purchaser of property for value acquires~~
30 ~~all title which the transferor had or had the power to transfer~~

1 ~~pursuant to 13 Pa.C.S. Ch. 24 (relating to title, creditors and~~
2 ~~good faith purchasers), and the department shall have all rights~~
3 ~~against such property which would be preserved to a fully~~
4 ~~perfected secured creditor under 13 Pa.C.S. Div. 9 (relating to~~
5 ~~secured transactions; sales of accounts, contract rights and~~
6 ~~chattel papers).~~ The obligation for payment of arrears or past
7 due support shall terminate by operation of law when all arrears
8 or past due support has been paid. WITHIN THE JUDICIAL DISTRICT. <—
9 THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A SYSTEM FOR
10 PROVIDING NOTICE TO THE PUBLIC OF LIENS ARISING OUT OF OVERDUE
11 SUPPORT OBLIGATIONS. THE SYSTEM AND ITS PROCEDURES SHALL ENSURE
12 CONVENIENT ACCESS TO LIEN INFORMATION AND SHALL ADDRESS HOURS OF
13 ACCESS BY THE BUSINESS COMMUNITY AND THE GENERAL PUBLIC AND
14 ACCESS VIA MODEM OR AUTOMATED MEANS. UPON ESTABLISHMENT OF THE
15 SYSTEM, ANY LIEN ON RECORD SHALL CONSTITUTE A LIEN AGAINST ANY
16 REAL PROPERTY IN THIS COMMONWEALTH OWNED BY THE OBLIGOR AND
17 SHALL ALSO HAVE THE EFFECT OF A FULLY PERFECTED SECURITY
18 INTEREST IN PERSONAL PROPERTY OWNED BY THE OBLIGOR IN WHICH A
19 SECURITY INTEREST CAN ARISE. THE DEPARTMENT SHALL CONSULT WITH
20 THE DEPARTMENT OF TRANSPORTATION IN THE DEVELOPMENT OF THIS
21 SYSTEM TO ENFORCE COMPLIANCE WITH THIS SUBSECTION AS IT APPLIES
22 TO LIENS ON MOTOR VEHICLES. THE SUPREME COURT SHALL BY GENERAL
23 RULE ESTABLISH PROCEDURES FOR THE RECORDING OF LIENS AT THE
24 DOMESTIC RELATIONS SECTION AND THE ENFORCEMENT OF LIENS WITHOUT
25 PRIOR JUDICIAL NOTICE OR HEARING. A BONA FIDE GOOD FAITH
26 PURCHASER OF PERSONAL PROPERTY FOR VALUE WHICH IS SUBJECT TO A
27 LIEN UNDER THIS SUBSECTION ACQUIRES ALL TITLE WHICH THE
28 TRANSFEROR HAD OR HAD THE POWER TO TRANSFER PURSUANT TO 13
29 PA.C.S. CH. 24 (RELATING TO TITLE, CREDITORS AND GOOD FAITH
30 PURCHASERS), AND THE OBLIGEE SHALL HAVE ALL RIGHTS AGAINST SUCH

1 PROPERTY WHICH WOULD BE PRESERVED TO A FULLY PERFECTED SECURED
2 CREDITOR UNDER 13 PA.C.S. DIV. 9 (RELATING TO SECURED
3 TRANSACTIONS; SALES OF ACCOUNTS, CONTRACT RIGHTS AND CHATTEL
4 PAPER). THE OBLIGATION FOR PAYMENT OF ARREARS OR [PAST DUE]
5 OVERDUE SUPPORT SHALL TERMINATE BY OPERATION OF LAW WHEN ALL
6 ARREARS OR [PAST DUE] OVERDUE SUPPORT HAS BEEN PAID.

7 * * *

8 (g.1) Nondisclosure of certain information.--If the court
9 finds in an ex parte or other proceeding or if an existing order
10 provides that the health, safety or liberty of a party or child
11 would be unreasonably put at risk by the disclosure of
12 identifying information, the court shall order that the address
13 of the child or party or other identifying information not be
14 disclosed in a pleading or other document filed in a proceeding
15 under this part. Any court order under this subsection must be
16 docketed in the domestic relations section.

17 (g.2) Work activities.--If an obligor owes overdue support
18 with respect to any child receiving cash or medical assistance,
19 the court shall upon motion of the department or domestic
20 relations section order that overdue support be paid in
21 accordance with a plan approved by the court or that the obligor
22 participate in work activities approved by the department. Work
23 activities include:

24 (1) Subsidized or unsubsidized public or private sector
25 employment.

26 (2) Work experience programs.

27 (3) Work training programs.

28 (4) Community service programs.

29 (5) Job search requirements.

30 (6) Job readiness programs.

1 (7) Education directly related to employment.

2 (8) Attendance at secondary school.

3 (9) For a person who has not graduated high school,
4 study leading to a high school diploma or equivalent.

5 (g.3) Fraudulent transfers.--The court may void any
6 fraudulent transfer to the obligee BY THE OBLIGOR pursuant to 12 <—
7 Pa.C.S. Ch. 51 (relating to fraudulent transfers). It shall be a
8 rebuttable presumption that a transfer by an obligor is
9 fraudulent as to an obligee if the transfer was made for less
10 than reasonably equivalent value and the transfer occurred after
11 the initiation of a proceeding to establish or enforce support.

12 * * *

13 § 4353. Duty to report.

14 (a) Notice of changes affecting support.--An individual who
15 is a party to a support proceeding shall notify the domestic
16 relations section, the department and the other parties in
17 writing or by personal appearance within seven days of any
18 material change in circumstances relevant to the level of
19 support or the administration of the support order, including,
20 but not limited to:

21 (1) change of employment; and

22 (2) change of personal address or change of address of
23 any child receiving support.

24 (a.1) Delivery.--In any subsequent child support enforcement
25 action between the parties, upon sufficient showing that due
26 diligence has been made to ascertain the location of a party,
27 the court or the department may deem due process requirements
28 for notice and service of process to be met with respect to the
29 party, upon delivery of written notice to the most recent
30 residential address or employer address filed with the domestic

1 relations section or the department pursuant to subsection (a).

2 (a.2) Notice of location information.--Each party to a
3 support proceeding shall file with the domestic relations
4 section and the department, and update as appropriate,
5 information on the location and identity of the party, including
6 Social Security number, residential and mailing addresses,
7 telephone numbers, driver's license number and name, address and
8 telephone number of employer.

9 * * *

10 § 4355. Denial or suspension of [license to engage in
11 remunerative employment] licenses.

12 (a) General rule.--[Where] Except as provided in subsection
13 (d.1), where the domestic relations section or the department
14 has been unable to attach the income of an obligor [pursuant to
15 section 4348 (relating to attachment of income)] and the obligor
16 owes support in an amount equal to or greater than three months
17 of the monthly support obligation[,] or where AN INDIVIDUAL HAS <—
18 FAILED TO COMPLY WITH A VISITATION OR PARTIAL CUSTODY ORDER
19 PURSUANT TO SECTION 4346 (RELATING TO CONTEMPT FOR
20 NONCOMPLIANCE) OR an individual has failed, after appropriate
21 notice, to comply with subpoenas or warrants relating to
22 paternity or child support proceedings, the court, the domestic
23 relations section or the department shall issue an order
24 directing any licensing authority to:

25 (1) prohibit the issuance or renewal of a license of the
26 obligor or other individual; or

27 (2) require the suspension of the license of the obligor
28 or other individual.

29 (b) Notice to obligor or other individual.--

30 (1) Prior to the issuance of an order to suspend,

1 nonrenew or deny a license, the [court shall send written
2 notice to the] obligor or other individual shall be given
3 advance notice. The notice shall specify:

4 (i) The amount of arrears owed, if applicable.

5 * * *

6 (iv) That an order to the licensing authority to
7 automatically suspend, nonrenew or deny the license will
8 occur in all cases 30 days after issuance of the notice
9 unless the arrearage is paid [or], a periodic payment
10 schedule is approved by the court or the individual is
11 excused from the failure to comply with the warrant or
12 subpoena.

13 [(2) If the obligor is a member of the bar and has an
14 attorney's license issued by the Supreme Court of
15 Pennsylvania, the court shall send written notice to the
16 disciplinary board of the Supreme Court so that appropriate
17 action may be taken.]

18 (2) The Supreme Court shall by general rule provide a
19 procedure for the court or disciplinary board to deny,
20 suspend or not renew the license of an attorney who owes past
21 due support in a manner comparable to the procedures set
22 forth in this section.

23 (c) Order.--

24 (1) Thirty days after the issuance of the notice, if the
25 obligor has not paid the arrearage [or], entered into a
26 court-approved periodic payment schedule or, if applicable,
27 the obligor or other individual has not been excused from
28 complying with the warrant or subpoena, the court, the
29 domestic relations section or department shall direct or
30 cause an order to be issued to the licensing authority to

1 suspend or deny the issuance or renewal of a license. Upon
2 receipt, the licensing authority shall immediately comply
3 with the order[.] or directive. The licensing authority shall
4 have no authority to stay implementation of the order or to
5 hold a hearing except in cases of mistaken identity.

6 * * *

7 (3) 【To】 SUBJECT TO SECTION 4377(C) (RELATING TO <—
8 APPEALS), TO contest the order, the obligor or other
9 individual must appear before the domestic relations section
10 not later than ten days after issuance of the order. The
11 grounds for contesting shall be limited to mistakes of fact.
12 If, as determined by the domestic relations section, a
13 mistake of fact has occurred, the action shall be modified
14 accordingly within ten days.

15 (d) Reinstatement or issuance of license.--Where [the court
16 has issued] an order or directive has been issued pursuant to
17 subsection (c) and the obligor has satisfied the arrearage, <—
18 ENTERED INTO A COURT APPROVED PAYMENT PLAN or, if applicable,
19 the obligor or other individual has been excused from the
20 failure to comply with the subpoena or warrant, the court, the
21 domestic relations section or the department shall order or
22 direct the licensing authority to reinstate or issue the license
23 to the obligor or other individual. Upon receipt of the order,
24 the licensing authority shall reinstate or issue the license
25 immediately, provided that the obligor or other individual meets
26 any and all other requirements for issuance or reinstatement.

27 (d.1) Special procedures for operating privilege.--

28 (1) Where the domestic relations section or the
29 department has been unable to attach the income of an obligor
30 and the obligor owes support in an amount equal to or greater

1 than three months of the monthly support obligation or where
2 an individual has failed, after appropriate notice, to comply
3 with subpoenas or warrants relating to paternity or child
4 support proceedings, the court, the domestic relations
5 section or the department may issue an order directing the
6 Department of Transportation to:

7 (i) prohibit the issuance or renewal of a license of
8 the obligor or other individual; or

9 (ii) require the suspension of the license of the
10 obligor or other individual.

11 (2) Prior to the issuance of an order to suspend,
12 nonrenew or deny a license, the obligor or other individual
13 shall be given advance notice. The notice shall specify:

14 (i) The amount of arrears owed, if applicable.

15 (ii) How, when and where the notice can be
16 contested.

17 (iii) That the grounds for contesting the notice
18 shall be limited to mistakes of fact. Mistakes of fact
19 shall be limited to errors in the amount of arrears owed
20 or mistaken identity of the obligor.

21 (iv) That an order to the Department of
22 Transportation to automatically suspend, nonrenew or deny
23 the license will occur in all cases 30 days after
24 issuance of the notice unless the arrearage is paid, a
25 periodic payment schedule is approved by the court or the
26 individual is excused from the failure to comply with the
27 warrant or subpoena.

28 (3) Any order issued to the Department of Transportation
29 pursuant to this section shall be issued as agreed upon by
30 the department and the Department of Transportation. The

1 order may be transmitted electronically or by other methods.

2 (4) Upon receipt of an order or directive from a court,
3 the domestic relations section or the department authorizing
4 the Department of Transportation to suspend the operating
5 privilege of an obligor or other individual, the Department
6 of Transportation shall immediately suspend the operating
7 privilege of that obligor or other individual. Upon receipt
8 of an order from the court or the domestic relations section
9 or a directive from the department authorizing the Department
10 of Transportation to restore the operating privilege of an
11 obligor or other individual, the Department of Transportation
12 shall immediately restore the operating privilege of that
13 obligor or other individual if the person complies with the
14 provisions of 75 Pa.C.S. § 1960 (relating to reinstatement of
15 operating privilege or vehicle registration).

16 (5) An insurer may not increase premiums, impose a
17 surcharge or rate penalty, make a driver record point
18 assignment for automobile insurance or cancel or refuse to
19 renew an automobile insurance policy on account of a
20 suspension under this section.

21 (6) There shall be no right to appeal from a suspension
22 under this section pursuant to 75 Pa.C.S. § 1550 (relating to
23 judicial review). The SUBJECT TO SECTION 4377(C) (RELATING TO <—
24 POWER TO EXPEDITE SUPPORT CASES), THE sole remedy shall be to
25 petition the court which entered the underlying support order
26 resulting in the suspension. THE SUSPENSION, REVOCATION OR <—
27 REFUSAL TO ISSUE OR RENEW THE LICENSE.

28 (D.2) SPECIAL PROCEDURES FOR RECREATIONAL LICENSES ISSUED BY
29 PENNSYLVANIA GAME COMMISSION.--

30 (1) WHERE THE DOMESTIC RELATIONS SECTION OR THE

1 DEPARTMENT HAS BEEN UNABLE TO ATTACH THE INCOME OF AN OBLIGOR
2 AND THE OBLIGOR OWES SUPPORT IN AN AMOUNT EQUAL TO OR GREATER
3 THAN THREE MONTHS OF THE MONTHLY SUPPORT OBLIGATION, OR WHERE
4 AN INDIVIDUAL HAS FAILED, AFTER APPROPRIATE NOTICE, TO COMPLY
5 WITH SUBPOENAS OR WARRANTS RELATING TO PATERNITY OR CHILD
6 SUPPORT PROCEEDINGS, THE COURT MAY ISSUE AN ORDER DIRECTING
7 THE PENNSYLVANIA GAME COMMISSION TO PROHIBIT THE ISSUANCE OR
8 RENEWAL OF A RECREATIONAL LICENSE OF THE OBLIGOR OR OTHER
9 INDIVIDUAL OR TO REQUIRE THE SUSPENSION OF THE RECREATIONAL
10 LICENSE OF THE OBLIGOR OR OTHER INDIVIDUAL.

11 (2) PROCEDURES FOR NOTICE OF SUSPENSION, NONRENEWAL OR
12 DENIAL, ISSUANCE OF THE APPROPRIATE ORDER AND REINSTATEMENT
13 OF A RECREATIONAL LICENSE SHALL BE IN ACCORDANCE WITH
14 SUBSECTIONS (B), (C) AND (D).

15 (3) UPON RECEIPT OF AN ORDER FROM A COURT REQUIRING THE
16 PENNSYLVANIA GAME COMMISSION TO REFUSE TO ISSUE OR RENEW OR
17 TO REVOKE OR SUSPEND THE RECREATIONAL LICENSE OF THE OBLIGOR
18 OR OTHER INDIVIDUAL, THE PENNSYLVANIA GAME COMMISSION SHALL
19 IMMEDIATELY COMPLY WITH THE ORDER. UPON RECEIPT OF AN ORDER
20 FROM THE COURT AUTHORIZING THE PENNSYLVANIA GAME COMMISSION
21 TO RESTORE THE RECREATIONAL LICENSE OF AN OBLIGOR OR OTHER
22 INDIVIDUAL, THE PENNSYLVANIA GAME COMMISSION SHALL
23 IMMEDIATELY RESTORE THE RECREATIONAL LICENSE OF THE OBLIGOR
24 OR OTHER INDIVIDUAL IF THE OBLIGOR OR OTHER INDIVIDUAL
25 COMPLIES WITH THE PROVISIONS OF 34 PA.C.S. CH. 27 (RELATING
26 TO HUNTING AND FURTAKING LICENSES).

27 (4) THERE SHALL BE NO RIGHT TO APPEAL FROM A REFUSAL TO
28 ISSUE OR RENEW OR FROM A REVOCATION OR SUSPENSION UNDER THIS
29 SECTION. THE SOLE REMEDY SHALL BE TO PETITION THE COURT WHICH
30 ENTERED THE UNDERLYING SUPPORT ORDER WHICH RESULTED IN THE

1 REVOCATION, SUSPENSION OR REFUSAL TO ISSUE OR RENEW THE
2 RECREATIONAL LICENSE.

3 (D.3) SPECIAL PROCEDURES FOR LICENSES ISSUED BY PENNSYLVANIA
4 FISH AND BOAT COMMISSION.--

5 (1) WHERE THE DOMESTIC RELATIONS SECTION OR THE
6 DEPARTMENT HAS BEEN UNABLE TO ATTACH THE INCOME OF AN OBLIGOR
7 AND THE OBLIGOR OWES SUPPORT IN AN AMOUNT EQUAL TO OR GREATER
8 THAN THREE MONTHS OF THE MONTHLY SUPPORT OBLIGATION, OR WHERE
9 AN INDIVIDUAL HAS FAILED, AFTER APPROPRIATE NOTICE, TO COMPLY
10 WITH SUBPOENAS OR WARRANTS RELATING TO PATERNITY OR CHILD
11 SUPPORT PROCEEDINGS, THE COURT MAY ISSUE AN ORDER DIRECTING
12 THE PENNSYLVANIA FISH AND BOAT COMMISSION TO PROHIBIT THE
13 ISSUANCE OR RENEWAL OF A RECREATIONAL LICENSE OF THE OBLIGOR
14 OR OTHER INDIVIDUAL OR TO REQUIRE THE SUSPENSION OF THE
15 RECREATIONAL LICENSE OF THE OBLIGOR OR OTHER INDIVIDUAL.

16 (2) PROCEDURES FOR NOTICE OF SUSPENSION, NONRENEWAL OR
17 DENIAL, ISSUANCE OF THE APPROPRIATE ORDER AND REINSTATEMENT
18 OF A RECREATIONAL LICENSE SHALL BE IN ACCORDANCE WITH
19 SUBSECTIONS (B), (C) AND (D).

20 (3) UPON RECEIPT OF AN ORDER FROM A COURT REQUIRING THE
21 PENNSYLVANIA FISH AND BOAT COMMISSION TO REFUSE TO ISSUE OR
22 RENEW OR TO REVOKE OR SUSPEND THE RECREATIONAL LICENSE OF THE
23 OBLIGOR OR OTHER INDIVIDUAL, THE PENNSYLVANIA FISH AND BOAT
24 COMMISSION SHALL IMMEDIATELY COMPLY WITH THE ORDER. UPON
25 RECEIPT OF AN ORDER FROM THE COURT AUTHORIZING THE
26 PENNSYLVANIA FISH AND BOAT COMMISSION TO RESTORE THE
27 RECREATIONAL LICENSE OF AN OBLIGOR OR OTHER INDIVIDUAL, THE
28 PENNSYLVANIA FISH AND BOAT COMMISSION SHALL IMMEDIATELY
29 RESTORE THE RECREATIONAL LICENSE OF THE OBLIGOR OR OTHER
30 INDIVIDUAL IF THE OBLIGOR OR OTHER INDIVIDUAL COMPLIES WITH

1 THE PROVISIONS OF 30 PA.C.S. CH. 27 (RELATING TO FISHING
2 LICENSES).

3 (4) THERE SHALL BE NO RIGHT TO APPEAL FROM A REFUSAL TO
4 ISSUE OR RENEW OR FROM A REVOCATION OR SUSPENSION UNDER THIS
5 SECTION. THE SOLE REMEDY SHALL BE TO PETITION THE COURT WHICH
6 ENTERED THE UNDERLYING SUPPORT ORDER WHICH RESULTED IN THE
7 REVOCATION, SUSPENSION OR REFUSAL TO ISSUE OR RENEW THE
8 LICENSE.

9 ~~(d.2)~~ (D.4) Implementation.--The department may promulgate <—
10 regulations and issue directives to coordinate and carry out the
11 provisions of this section.

12 ~~(d.3)~~ (D.5) Construction.--This section shall supersede any <—
13 conflicting provision in any other State law unless the
14 provision specifically references this section and provides to
15 the contrary.

16 ~~(d.4) Immunity. The court, the domestic relations section,~~ <—
17 ~~the department, the Department of Transportation or any employee~~
18 ~~of any of these entities shall not be subject to civil or~~
19 ~~criminal liability for carrying out their duties under this~~
20 ~~section.~~

21 (D.6) IMMUNITY.--THE COURT, THE DOMESTIC RELATIONS SECTION, <—
22 THE DEPARTMENT OF PUBLIC WELFARE, THE DEPARTMENT OF
23 TRANSPORTATION, THE PENNSYLVANIA GAME COMMISSION, THE
24 PENNSYLVANIA FISH AND BOAT COMMISSION OR ANY EMPLOYEE OF ANY OF
25 THESE ENTITIES SHALL NOT BE SUBJECT TO CIVIL OR CRIMINAL
26 LIABILITY FOR CARRYING OUT THEIR DUTIES UNDER THIS SECTION.

27 (e) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection:

30 "License." A license, certificate, permit or other

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Assistance." Cash assistance, medical assistance or
4 designated services provided under Article IV of the act of June
5 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

6 "Legally responsible relative." Effective January 1, 1997, a
7 spouse and a parent for an unemancipated minor child.

8 "Secretary." The Secretary of Public Welfare of the
9 Commonwealth.

10 § 4372. Establishment of Title IV-D program.

11 (a) Designation of Title IV-D agency.--The department is the
12 Title IV-D State agency. The department shall create a single
13 and separate organizational unit which shall be responsible for
14 developing and implementing, subject to the approval of the
15 secretary, a federally approved State plan for child support.

16 (b) Implementation of Title IV-D requirements.--The
17 department shall construe and implement this subchapter in order
18 to comply with Title IV-D of the Social Security Act (49 Stat.
19 620, 42 U.S.C. § 301 et seq.). The department shall take all
20 steps necessary to implement a federally approved State plan for
21 child support. The department may issue regulations and orders
22 necessary to implement a federally approved State plan for child
23 support. The department may issue interim regulations if Federal
24 law or regulations supersede existing statutes, regulations or
25 court rules.

26 § 4373. Administration of Title IV-D program.

27 (a) Parent locator service.--The department shall maintain a
28 parent locator service for the purpose of establishing
29 parentage, for establishing, setting the amount of, modifying or
30 enforcing child support, establishing or enforcing visitation or

1 custody orders, and locating legally responsible relatives. The
2 locator services shall utilize all sources of information and
3 legally available records. In addition, the department shall
4 utilize the parent locator service of the Federal Government
5 pursuant to Federal law and shall only make disclosures of
6 information to individuals as provided by Federal law.

7 (b) Cooperative agreements.--The department shall undertake,
8 either directly or pursuant to cooperative arrangements with
9 appropriate counties, courts or law enforcement officials,
10 including domestic relations sections, to do all of the
11 following:

12 (1) Establish paternity of children with respect to whom
13 assistance has been received.

14 (2) Secure support for children under paragraph (1) from
15 a legally responsible relative.

16 (3) Determine whether the applicant or recipient is
17 cooperating in good faith with matters set forth in section
18 4379 (relating to cooperation required).

19 (4) Notify the applicant or recipient of each
20 noncooperation determination and the basis for such
21 determination.

22 (5) Make available child support and paternity
23 determination services to any individual not receiving
24 assistance to the extent required by Federal law and upon
25 application submitted to the department on forms provided by
26 the department, the payment of any application fee
27 established by the department and the agreement to pay costs
28 in excess of any fee out of any recovery made by the
29 department.

30 (c) Incentive payments.--The department shall make incentive

1 payments to political subdivisions and other states consistent
2 with Federal law whenever the political subdivision or other
3 state enforces or collects support payable to the department.
4 § 4374. State disbursement unit.

5 (a) Establishment.--The department shall establish and
6 operate a State disbursement unit for collection and
7 disbursement of payments on child support orders consistent with
8 Federal law. The State disbursement unit shall also monitor
9 support orders for enforcement action consistent with Federal
10 law. At the option of the department, the domestic relations
11 sections may be linked into the State disbursement unit and
12 perform some or all of the functions thereof.

13 (b) Disbursements.--The department may require that such
14 collections and disbursements of support as the department may
15 specify, including those related to persons not receiving public
16 assistance, be processed through the State disbursement unit.

17 (c) Allocation of collections.--Subject to subsections (d),
18 (e) and (f), support collected on behalf of a family shall be
19 distributed as follows:

20 (1) In the case of a family receiving cash assistance
21 from the Commonwealth:

22 (i) First, pay to the Federal Government an amount
23 equal to the Federal share of the amount collected.

24 (ii) Second, after application of subparagraph (i),
25 FROM THE AMOUNT REMAINING, pass through to the assistance <—
26 group the first \$50 per month of current child or spousal
27 support collected without decreasing the amount of cash
28 assistance: provided, however, that, in no event, may any
29 assistance group be paid more than one support pass
30 through payment per month.

1 (iii) Third, retain the remainder of the amount
2 collected to reimburse the Commonwealth until the amount
3 reimbursed equals the amount of unreimbursed cash
4 assistance paid to the family.

5 (iv) Fourth, pay to the family any amounts collected
6 in excess of the amounts distributed or retained under
7 subparagraphs (i), (ii) and (iii).

8 (2) In the case of a family that formerly received cash
9 assistance from the Commonwealth:

10 (i) first, pay to the family the current support
11 collected that does not exceed the court-ordered amount
12 to be paid in the month; and

13 (ii) second, treat amounts collected in excess of
14 the current support collected as arrearages and
15 distribute as follows:

16 (A) In the case of arrearages that accrued after
17 the family ceased to receive cash assistance from the
18 Commonwealth and which are collected after October 1,
19 1997:

20 (I) first, pay the family up to the amount
21 of arrearages that accrued after the family
22 ceased to receive cash assistance from the
23 Commonwealth;

24 (II) second, treat the balance as
25 reimbursement of assistance in an amount not to
26 exceed the total amount of unreimbursed cash
27 assistance paid to the family and:

28 (a) pay an amount equal to the Federal
29 share of the reimbursed amount to the Federal
30 Government; and

(b) retain for the Commonwealth an amount equal to the non-Federal share of the reimbursed amount; and

(III) third, pay any remaining amount to the family.

(B) In the case of arrearages that accrued before the family received cash assistance from the Commonwealth and which are collected before October 1, 2000:

(I) first, treat the amount collected first as reimbursement of assistance in an amount not to exceed the total amount of unreimbursed cash assistance paid to the family and:

(a) pay an amount equal to the Federal 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

1 reimbursement of assistance in an amount not to
2 exceed the total amount of unreimbursed cash
3 assistance paid to the family and:

4 (a) pay an amount equal to the Federal
5 share of the reimbursed amount to the Federal
6 Government; and

7 (b) retain for the Commonwealth an
8 amount equal to the non-Federal share of the
9 reimbursed amount; and

10 (III) third, pay any remaining amount to the
11 family.

12 (3) In the case of a family that never received cash
13 assistance from the Commonwealth, all support collections
14 shall be paid to the family.

15 (d) Retention by Commonwealth.--Arrearages collected through
16 use of the Internal Revenue Service Tax Refund Offset Program
17 shall be retained by the Commonwealth to the extent past due
18 support has been assigned to the department as a condition of
19 receiving assistance. The department shall pay to the Federal
20 Government the Federal share of the amounts so retained. In no
21 event shall the total of amounts paid to the Federal Government
22 and retained by the department exceed the total of the amount of
23 cash assistance paid to the family by the Commonwealth. To the
24 extent that the amounts collected exceed the amount retained,
25 the department shall pay the excess to the family.

26 (e) Child support, foster care children.--Notwithstanding
27 the preceding provisions of this section, amounts collected by
28 the department as child support for months in any period on
29 behalf of a child for whom a public agency is making foster care
30 maintenance payments under Part E of the Social Security Act (49

1 Stat. 620, 42 U.S.C. § 301 et seq.) shall:

2 (1) be retained by the department to the extent
3 necessary to reimburse the Commonwealth for foster care
4 maintenance payments made with respect to the child during
5 such period, with appropriate reimbursement to the Federal
6 Government to the extent of its financial participation;

7 (2) be paid to the public agency responsible for
8 supervising the placement of the child to the extent that the
9 amounts collected exceed the foster care maintenance payments
10 made with respect to the child during such periods but not
11 the amounts required by a court or administrative order to be
12 paid as support on behalf of the child during such period;
13 and the responsible agency may use the payment in the manner
14 it determines will serve the best interests of the child,
15 including setting such payments aside for the child's future
16 needs or making all or part thereof available to the person
17 responsible for meeting the child's day-to-day needs; and

18 (3) be retained by the department, if any portion of the
19 amounts collected remains after making the payments required
20 under paragraphs (1) and (2), to the extent that such portion
21 is necessary to reimburse the Commonwealth for any past
22 foster care maintenance payments or payments of cash
23 assistance which were made with respect to the child and with
24 respect to which past collections have not previously been
25 retained.

26 Any balance shall be paid to the Commonwealth agency responsible
27 for supervising the placement of the child for use by such
28 agency in accordance with paragraph (2).

29 (f) Modification of distribution rules.--Notwithstanding any
30 other provision of law, the department may modify the foregoing

1 distribution rules when necessary to comply with Federal law.

2 (g) Definitions.--The following words and phrases when used
3 in this section shall have the meanings given to them in this
4 subsection unless the context clearly indicates otherwise:

5 "Assistance group." The term shall have the meaning given in
6 section 402 (relating to definitions) of the act of June 13,
7 1967 (P.L.31, No.21), known as the Public Welfare Code.

8 "Family." The term shall include the child for whom support
9 is received, the custodial parent living with the child and any
10 other person in the same assistance group as the child.

11 § 4375. Access to records.

12 (a) Access to be granted.--The secretary or his designees in
13 writing shall have access to all records, and the department, in
14 cooperation with all other agencies of the executive branch,
15 shall establish a single uniform system of information clearance
16 and retrieval. Information collected as a result of the use of
17 tax records shall include the full name, residence or address,
18 name and address of the employer, income and assets and the
19 Social Security number of the noncustodial parent.

20 (b) Earnings records.--The Bureau of Employment Security
21 shall provide the department with a statement of earnings
22 clearance upon the request of the department.

23 (c) Motor vehicle registration information.--Upon request of
24 the department, the Bureau of Motor Vehicles shall provide
25 information as to all vehicles owned by the applicant or
26 recipient.

27 § 4376. Central registry.

28 (a) Central registry created.--A central registry of records
29 shall be maintained in the department showing, as far as it is
30 known, with respect to any absent parent against whom support is

1 sought, all of the following:

2 (1) The full and true name of such parent together with
3 any known aliases.

4 (2) The date and place of birth.

5 (3) Physical description.

6 (4) Social Security number.

7 (5) Occupation and any special skills he may have.

8 (6) Military status and veterans administration or
9 military service serial number.

10 (7) Last known address and the date thereof.

11 (8) The number of the driver's license.

12 (9) Any further information that may be of assistance in
13 locating the person or enforcing support.

14 (b) Information for registry.--To effectuate the purposes of
15 this section, the department may request and shall receive from
16 all boards or other agencies of this Commonwealth or any of its
17 political subdivisions, and the same are authorized to provide,
18 such assistance and data as will enable the Federal Government,
19 the department and other public agencies in this State or in
20 other states to carry out their duties to locate absent parents
21 for the support of their children. The data to be provided from
22 tax records shall include the full name, residence or address,
23 name and address of the employer, income and assets and the
24 Social Security number of the noncustodial parent. The
25 department shall utilize the parent locator service pursuant to
26 establishment in the Department of Health and Human Services by
27 filing in accordance with section 453(b) of the Social Security
28 Act (49 Stat. 620, 42 U.S.C. § 653(b)).

29 (c) Certain confidential records.--Notwithstanding any other
30 provision of law, all State and local law enforcement agencies,

1 the Board of Probation and Parole, the Department of Correction
2 and the Department of Transportation shall upon request provide
3 the department, any domestic relations section or any child
4 support agency of the Federal Government or any state with such
5 information regarding the location of an individual as may be
6 contained in law enforcement, probation and parole, corrections,
7 motor vehicle registration and operator licensing records.

8 (d) Limits on use.--Any records established pursuant to the
9 provisions of this section shall be available only to public
10 welfare offices, district attorneys, probation departments,
11 domestic relations sections, Federal agencies and the agencies
12 of other States conducting activities under Title IV-D of the
13 Social Security Act, and courts having jurisdiction in support
14 or abandonment proceedings or actions and only for the purposes
15 for which the records have been established.

16 § 4377. Power to expedite support cases.

17 (a) Administrative powers.--The department shall have
18 Statewide jurisdiction to issue the following administrative
19 orders to expedite the establishment and enforcement of support
20 on behalf of any assistance recipient or nonrecipient receiving
21 Title IV-D services:

22 (1) To order any individual to submit to genetic testing
23 for the purpose of paternity establishment.

24 (2) To issue administrative subpoenas against any entity
25 within this Commonwealth, including for-profit, not-for-
26 profit and governmental employers to require production of
27 information regarding the employment, compensation and
28 benefits of any individual employed by such entity as an
29 employee or contractor.

30 (3) To access records of all State and local government

1 agencies, including vital statistic records (including
2 records of marriage, birth and divorce), State and local tax
3 and revenue records (including information on residence
4 address, employer, income and assets), records of real and
5 titled personal property, records of occupational and
6 professional licenses, records of the ownership and control
7 of corporations, partnerships and other business entities,
8 employment security records, records of agencies
9 administering public assistance programs, motor vehicle
10 records, probation and parole records and corrections
11 records.

12 (4) To issue administrative subpoenas for the records of
13 public utilities and cable television companies with respect
14 to individuals who owe or are owed support, or against whom
15 or with respect to whom a support obligation is sought,
16 consisting of the names and addresses of such individuals and
17 the names and addresses of their employers.

18 (5) To issue administrative subpoenas for the records
19 held by financial institutions with respect to individuals
20 who owe or are owed support, or against whom or with respect
21 to whom a support obligation is sought.

22 (6) To issue administrative subpoenas for financial or
23 other information needed to establish, modify or enforce a
24 support order.

25 (7) To issue orders directing an obligor or other payor
26 to change the payee of a support order.

27 (8) To order income withholding.

28 (9) To increase the amount of monthly support payments
29 for the payment of arrearages, as may be provided by general
30 rule.

1 (10) To issue administrative orders in cases where there
2 is a support arrearage to secure assets to satisfy any
3 current support obligation and the arrearage by:

4 (i) Intercepting or seizing periodic or lump sum
5 payments from a government agency, including unemployment
6 compensation, workers' compensation and other benefits.

7 (ii) Intercepting or seizing judgments or
8 settlements.

9 (iii) Attaching and seizing assets of the obligor
10 held in financial institutions.

11 (iv) Attaching public and private retirement funds.

12 (v) Imposing liens on property.

13 (vi) Directing the sheriff to levy and sell other
14 real or personal property.

15 (11) To transmit to another state, electronically or by
16 other methods, a request for assistance in a case involving
17 the enforcement of a support order sufficient information as
18 will enable the state to which the request is transmitted to
19 compare the information to the information in the data bases
20 of the state. The transmittal shall serve as a certification
21 of arrears and a certification that the state has complied
22 with all procedural due process requirements applicable to
23 the case.

24 (12) To respond to a request for assistance received
25 from another state. The response, which may be transmitted
26 electronically or by other methods, shall confirm the receipt
27 of the request, the action taken and the amount of support
28 collected and specify any additional information or action
29 required of the requesting tribunal to obtain enforcement of
30 the child support obligation.

1 (b) Enforcement authority.--The department may
2 administratively assess a civil penalty of up to \$5,000 per
3 violation upon any person or entity that fails to comply with an
4 order, subpoena or request for information issued under
5 subsection (a). The department may make application to any court
6 of common pleas or to the Commonwealth Court for purposes of
7 enforcing any subpoena or final administrative order.

8 (c) Appeals.--Any person aggrieved by an action of the
9 department under this section shall have a right to appeal. An
10 appeal of an action under subsection (a) shall be taken to an
11 independent hearing officer designated by the department unless
12 the appellant is challenging the validity or amount of the
13 underlying support obligation, in which case the court having
14 jurisdiction over the support obligation shall hear the appeal.
15 An appeal from imposition of a civil penalty imposed under
16 subsection (b) must be taken to the Bureau of Hearing and
17 Appeals in the department. An appeal which is filed in the wrong
18 tribunal shall be transferred to the correct tribunal. If no
19 appeal is timely filed from the department action or under
20 subsection (a) or (b), the department's action or order shall be
21 final. An action or order of the department under this section
22 shall remain in effect pending any appeal, unless stayed for
23 good cause shown.

24 (d) Immunity.--The department and its employees shall be
25 immune from civil or criminal liability for any good faith
26 action taken under this section. The immunity provided by this
27 subsection shall not apply to any individual who intentionally
28 misuses the authority of the department for a purpose other than
29 securing the lawful establishment or enforcement of support.

30 § 4378. Assistance recipients to seek support.

1 (a) Seeking support required.--Prior to authorization, every
2 applicant for assistance whose circumstances include the
3 reported absence of a legally responsible relative from the
4 household or the presence of a putative father shall appear
5 before the domestic relations section or other applicable
6 division of the court of common pleas. Upon the request of a
7 family court or domestic relations section, the secretary is
8 authorized to waive the requirement of personal appearance
9 before a family court or domestic relations section if another
10 procedure would be as efficient and effective. Subject to
11 Federal approval, only when necessary, assistance shall not be
12 authorized by the department until it has been certified that
13 the applicant has cooperated in determining paternity and
14 enforcing support.

15 (b) Assignment.--Acceptance of assistance shall operate as
16 an assignment to the department, by operation of law, of the
17 assistance recipient's rights to receive support on his or her
18 own behalf and on behalf of any family member with respect to
19 whom the recipient is receiving assistance. Such assignment
20 shall be effective only up to the amount of assistance received.
21 The assignment shall take effect at the time that the recipient
22 is determined to be eligible for assistance. Upon termination of
23 assistance payments, the assignment of support rights shall
24 terminate, provided that any amount of unpaid support
25 obligations shall continue as an obligation to and collectible
26 by the department to the extent of any unreimbursed assistance
27 consistent with Federal law. Immediately upon receipt of
28 notification from the department that a recipient has been
29 determined to be eligible for assistance, the clerks of the
30 appropriate courts of the Commonwealth shall transmit any and

1 all support payments that they thereafter receive on behalf of
2 such assistance recipients to the department. Such clerks shall
3 continue transmitting such support payments until notified by
4 the department that it is no longer necessary to do so. While
5 the recipient is receiving assistance, any such support payments
6 made to or on behalf of the assistance recipient shall be
7 allocated to any amount due the department as assignee of the
8 recipient's support rights consistent with Federal law. The
9 assistance recipient shall be deemed to have appointed the
10 department as his attorney-in-fact to endorse over to the
11 department any and all drafts, checks, money orders or other
12 negotiable instruments submitted for payment of support due
13 during the time the recipient is receiving assistance on behalf
14 of himself, herself or any family member.

15 (c) Standing.--An applicant or recipient shall have standing
16 to commence an action to obtain support for any child with
17 respect to whom the applicant or recipient claims assistance.

18 § 4379. Cooperation required.

19 In accordance with a child support plan approved by the
20 Federal Government, the department shall have the power and its
21 duty shall be to:

22 (1) Require as a condition of eligibility for assistance
23 that an applicant or recipient:

24 (i) Furnish his or her Social Security account
25 number or to the extent permitted by Federal law, proof
26 of making application for a Social Security account
27 number if the applicant or recipient has no Social
28 Security account number.

29 (ii) Assign to the department on forms provided by
30 the department such support rights as the applicant or

1 recipient may have individually or on behalf of any
2 family member who is a part of the assistance group.

3 (iii) Cooperate with the department in establishing
4 the paternity of a child with respect to whom assistance
5 is claimed unless the department determines that the
6 applicant or recipient has good cause for failing to do
7 so.

8 (iv) Cooperate in obtaining support payments for
9 such applicant or recipient and for a child with respect
10 to whom such assistance is claimed or in obtaining any
11 other payment or property due such applicant, recipient
12 or such child unless the department determines that the
13 applicant or recipient has good cause for failing to do
14 so.

15 (2) Require cooperation in accordance with the
16 following:

17 (i) Subject to Federal approval, only when
18 necessary, cooperation shall include, but not be limited
19 to, taking the following actions:

20 (A) Identifying the parents of any child for
21 whom assistance is sought or received, including
22 appearing for scheduled genetic testing with the
23 child and submitting to such testing.

24 (B) Keeping scheduled appointments with the
25 department or domestic relations section.

26 (C) Providing truthful and accurate information
27 and documents requested by the department or domestic
28 relations section.

29 (D) Signing and returning any forms requested by
30 the department or domestic relations section.

1 (E) Appearing as a witness and providing
2 testimony at judicial and other hearings as requested
3 by the domestic relations section.

4 (F) Paying to the department any support payment
5 received directly from an absent parent after an
6 assignment of support has been made.

7 (ii) Failure of the mother to identify by name the
8 father of a child shall create a presumption of
9 noncooperation which may be rebutted only by clear and
10 convincing evidence.

11 (iii) Subject to Federal approval, if the applicant
12 or recipient provides the names of two putative fathers
13 subsequently excluded from paternity by genetic testing,
14 the second exclusion shall create a presumption of
15 noncooperation, which may be rebutted only by clear and
16 convincing evidence.

17 § 4380. Enforcement of cooperation requirements.

18 (a) Cooperation required.--It is essential to the effective
19 and responsible utilization of assistance funds that applicants
20 and recipients who are caretakers of a child whose circumstances
21 include the reported absence of a legally responsible relative
22 from the household or presence of a putative father, cooperate
23 fully with the department and the court or domestic relations
24 section in establishing paternity and in securing child support
25 payments and in all matters set forth in section 4379 (relating
26 to cooperation required).

27 (b) Procedures.--

28 (1) Upon application for assistance, each applicant or
29 recipient shall be notified that his or her cooperation in
30 the matters set forth in section 4379 shall be required as a

1 condition of eligibility and that failure to cooperate will
2 result in the termination of medical assistance and the
3 reduction of the cash assistance allowance in an amount equal
4 to not less than 25%, and may, if provided by departmental
5 regulation, result in the imposition of protective payments
6 for any child in whose behalf the applicant or recipient
7 seeks assistance.

8 (2) If the department or domestic relations section, as
9 applicable, determines that the applicant or recipient fails
10 to cooperate as set forth in section 4379, unless the failure
11 to cooperate was for good cause, the applicant or recipient
12 shall be notified of the noncooperation determination and the
13 basis for the noncooperation determination. The department
14 shall notify the applicant or recipient in writing of the
15 termination of medical assistance eligibility for the
16 applicant or recipient, the reduction of the cash assistance
17 allowance equal to not less than 25% and, if applicable, that
18 protective payments will be imposed for any child so affected
19 ten days after the date of notice. At the expiration of the
20 ten-day period, the department shall impose the termination
21 of medical assistance, the assistance allowance reduction
22 and, if applicable, protective payments. Any hearing or
23 appeal with respect to the notice of noncooperation issued by
24 the department shall be conducted in accordance with the
25 department's regulations governing an applicant's or a
26 recipient's right to hearings.

27 (3) Subject to Federal approval, only when necessary, if
28 after notice and opportunity for hearing the court or
29 domestic relations section determines that the applicant or
30 recipient failed to cooperate as set forth in section 4379

1 and lacked reasonable excuse for such failure, the court
2 shall notify the applicant or recipient and the department of
3 the basis of the noncooperation determination and order the
4 department to impose a sanction for noncooperation. The
5 department shall issue a notice to the applicant or recipient
6 to terminate medical assistance eligibility, reduce the
7 assistance allowance by not less than 25% and, if applicable,
8 impose a protective payment for any child so affected. The
9 department shall implement the order of the court within ten
10 days of receipt. Any hearing or appeals with respect to the
11 recommendation and order of noncooperation directed by the
12 court shall be conducted by the court in accordance with the
13 Pennsylvania Rules of Civil Procedure as may be promulgated
14 by the Supreme Court governing actions for support. The
15 decision to hold hearings for noncooperation cases shall be
16 at the option of the court or domestic relations section. If
17 the court or domestic relations section chooses not to
18 conduct the hearings on noncooperation, appropriate court or
19 domestic relations section personnel shall be available to
20 provide testimonial evidence by telephone testimony at the
21 time and location set by the department for the departmental
22 appeal hearing. A finding of noncooperation of an applicant
23 or recipient shall not affect an obligor's duty to pay
24 support.

25 § 4381. Garnishment of wages of Commonwealth employees.

26 Notwithstanding any other provision of law, moneys due from
27 or payable by the Commonwealth, including any agency,
28 instrumentality or authority thereof, due to any individual
29 shall be subject, in like manner and to the same extent as if
30 the Commonwealth were a private person, to legal process brought

1 for the enforcement against such individual of his legal
2 obligations to provide support for a child or spouse.

3 SUBCHAPTER F

4 NEW HIRE REPORTING

5 Sec.

6 4391. Definitions.

7 4392. Employer reporting.

8 4393. Use of information.

9 4394. Guidelines.

10 4395. Confidentiality.

11 4396. Penalties.

12 § 4391. Definitions.

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

16 "Date of hire." The first day an employee performs services
17 for remuneration.

18 "Employee." An individual who is an employee within the
19 meaning of Chapter 24 of the Internal Revenue Code of 1986
20 (Public Law 99-514, 26 U.S.C. § 3401 et seq.). The term shall
21 not include an employee of a Federal or State agency performing
22 intelligence or counter-intelligence functions if the head of
23 the agency has determined that reporting the information
24 required by this section with respect to the employee could
25 endanger the safety of the employee or compromise an ongoing
26 investigation or intelligence mission.

27 "Employer." The term has the meaning given in section
28 3401(d) of the Internal Revenue Code of 1986 (Public Law 99-514,
29 26 U.S.C. § 3401(d)) and includes any government agency and any
30 labor organization.

1 "Newly hired employee." The term includes:

2 (1) a new employee; and

3 (2) a rehired former employee who was:

4 (i) laid off, furloughed, separated or granted leave
5 without pay for more than 30 days; or

6 (ii) terminated from employment.

7 § 4392. Employer reporting.

8 (a) General rule.--For purposes of enhancing child support
9 enforcement activities, including the location of individuals,
10 the establishment of paternity and the enforcement of child
11 support obligations pursuant to this subchapter, a Commonwealth
12 directory of new hires shall be established within the
13 Department of Labor and Industry.

14 (b) Duty of employer.--Except as provided in subsection (c),
15 each employer doing business in this Commonwealth shall provide
16 the following information regarding a newly hired employee to
17 the Commonwealth directory of new hires: name; home address;
18 Social Security number; date of hire; the employer's name and
19 address; the identifying number assigned to the employer under
20 section 6109 of the Internal Revenue Code of 1986 (Public Law
21 99-514, 26 U.S.C. § 6109); and the name and telephone number of
22 an employer contact. The information may be submitted on a form
23 provided by the Department of Labor and Industry or by attaching
24 the date of hire and name and telephone number of an employer
25 contact to the W-4 form submitted for the newly hired employee.
26 The information may be transmitted by first class mail,
27 magnetically, electronically or by another method authorized by
28 the directory of new hires.

29 (c) Employees in two or more states.--An employer that
30 employs individuals in two or more states and that transmits

1 reports magnetically or electronically may comply with
2 subsection (b) by designating one of its offices located in a
3 state in which the employer has employees to send the required
4 report to the Commonwealth directory of new hires. An employer
5 that transmits reports pursuant to this subsection shall notify
6 the Commonwealth directory of new hires and the United States
7 Secretary of Health and Human Services in writing as to which
8 state such employer has designated to send the report required
9 under subsection (b). If the Commonwealth is so designated, the
10 employer shall transmit information in accordance with this
11 subchapter, including the newly hired employee's state of hire,
12 and shall comply with all procedures adopted under this
13 subchapter.

14 (d) Time for submission.--The information required under
15 subsection (b) shall be submitted by the employer to the
16 Commonwealth directory of new hires no later than 20 days from
17 the date of hire of a newly hired employee. In the case of a
18 magnetic or electronic transmission of the information, the
19 employer may comply by making two monthly transmissions not less
20 than 12 days nor more than 16 days apart.

21 § 4393. Use of information.

22 (a) Access to information.--The domestic relations sections
23 and the department shall have access to all information required
24 under this subchapter for purposes of locating individuals,
25 establishing paternity and establishing, modifying and enforcing
26 child support obligations. The domestic relations sections and
27 the department may disclose such information to its employees,
28 agents and contractors solely for the purposes set forth in this
29 subsection.

30 (b) Department access to information.--The department shall

1 have access to the information received by the Commonwealth
2 directory of new hires for purposes of verifying eligibility for
3 programs administered by the department.

4 (c) Other programs.--In addition to child support
5 enforcement, the information received by the Commonwealth
6 directory of new hires may be utilized by the Department of
7 Labor and Industry for purposes of administering the workers'
8 compensation and unemployment compensation programs, including
9 fraud detection, and to develop labor market information for
10 economic and work force development in this Commonwealth.

11 (d) National directory.--Information included in the
12 Commonwealth directory of new hires shall be provided to the
13 National Directory of New Hires and as otherwise required by
14 Federal law.

15 § 4394. Guidelines.

16 The Department of Labor and Industry shall develop guidelines
17 for employers to use to determine if an individual qualifies as
18 an employee under this subchapter.

19 § 4395. Confidentiality.

20 All information received pursuant to this subchapter shall be
21 confidential and shall be used only for the purposes set forth
22 herein. A person commits a summary offense if he or she
23 discloses information received pursuant to this subchapter to an
24 unauthorized person or for an unauthorized purpose and shall be
25 subject to a civil penalty of up to \$250 per offense.

26 § 4396. Penalties.

27 An employer that fails to report pursuant to this subchapter
28 may be provided a written warning for the first violation and is
29 subject to a civil penalty of up to \$25 for each violation which
30 is subsequent to the warning. The civil penalty shall be payable

1 to the Department of Labor and Industry. If the failure to
2 report, or the submission of a false report, is the result of a
3 conspiracy between the employer and the employee, the employer
4 shall be subject to a civil penalty of up to \$500.

5 Section 11. Section 5103(a), (c) and (d) of Title 23 are
6 amended and the section is amended by adding subsections to
7 read:

8 § 5103. Acknowledgment and claim of paternity.

9 (a) Acknowledgment of paternity.--The father of a child born
10 to an unmarried woman may file with the Department of Public
11 Welfare, on forms prescribed by [subsection (c)] the department,
12 an acknowledgment of paternity of the child which shall include
13 the consent of the mother of the child, supported by her
14 affidavit. In such case, the father shall have all the rights
15 and duties as to the child which he would have had if he had
16 been married to the mother at the time of the birth of the
17 child, and the child shall have all the rights and duties as to
18 the father which the child would have had if the father had been
19 married to the mother at the time of birth. The hospital or
20 other person accepting an acknowledgment of paternity shall
21 provide written and oral notice, which may be through the use of
22 video or audio equipment, to the birth mother and birth father
23 of the alternatives to, the legal consequences of and the rights
24 and responsibilities that arise from, signing the
25 acknowledgment.

26 * * *

27 (c) Duty of hospital or birthing center.--Upon the birth of
28 a child to an unmarried woman, an agent of the hospital or
29 birthing center where the birth occurred shall:

30 (1) Provide the newborn's birth parents with an

1 opportunity to complete an [affidavit acknowledging]
2 acknowledgment of paternity. The completed, signed and
3 [notarized affidavit] witnessed acknowledgment shall be sent
4 to the Department of Public Welfare. A copy shall be given to
5 each of the birth parents. This [affidavit] acknowledgment
6 shall contain:

7 (i) A [sworn,] signed, witnessed statement subject
8 to 18 Pa.C.S. § 4904 (relating to unsworn falsification
9 to authorities) by the birth mother consenting to the
10 [assertion] acknowledgment of paternity.

11 (ii) A signed, [notarized] witnessed statement
12 subject to 18 Pa.C.S. § 4904 by the birth father
13 acknowledging his paternity.

14 (iii) A written explanation of the parental duties
15 and parental rights which arise from signing such a
16 statement.

17 (iv) The Social Security numbers and addresses of
18 both birth parents.

19 (2) Provide written information, furnished by the
20 [Department of Public Welfare] department to the birth mother
21 and birth father, which explains the benefits of having the
22 child's paternity established, the availability of paternity
23 establishment services and the availability of child support
24 enforcement agencies.

25 (d) Conclusive evidence.--[An] Notwithstanding any other
26 provision of law, an acknowledgment of paternity shall
27 constitute conclusive evidence of paternity without further
28 judicial ratification in any action to establish support. [An
29 acknowledgment of paternity may be set aside by the court only
30 upon clear and convincing evidence that the defendant was

unaware of the fact that he was acknowledging paternity when the acknowledgment was signed.] The court shall give full faith and credit to an acknowledgment of paternity signed in another state according to its procedures.

* * *

(g) Rescission.--

(1) Notwithstanding any other provision of law, a signed voluntary, witnessed acknowledgment of paternity subject to 18 Pa.C.S. § 4904 shall be considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of the following:

(i) sixty days; or

(ii) the date of an administrative or judicial proceeding relating to the child, including, but not limited to, a domestic relations section conference, or a proceeding to establish a support order in which the signatory is a party.

(2) After the expiration of the 60 days, an acknowledgment of paternity may be challenged in court only on the basis of fraud, duress or material mistake of fact, which must be established by the challenger through clear and convincing evidence. An order for support shall not be suspended during the period of challenge except for good cause shown.

(h) Penalties for noncompliance.--The department may impose a civil penalty of \$1,000 NOT TO EXCEED \$500 per day upon a hospital or birthing center which is not in compliance with the provisions of this section. A penalty under this subsection is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedures of Commonwealth agencies) and Ch. 7 Subch. A

<—

1 (relating to judicial review of Commonwealth agency action).

2 (i) Status of father.--The name of the father shall be
3 included on the record of birth of the child of unmarried
4 parents only if one of the following applies:

5 (1) The father and mother have signed a voluntary
6 acknowledgment of paternity.

7 (2) A court or administrative agency of competent
8 jurisdiction has issued an adjudication of paternity.

9 SECTION 11.1. SECTION 5303(A) OF TITLE 23 IS AMENDED AND THE <—
10 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

11 § 5303. AWARD OF CUSTODY, PARTIAL CUSTODY OR VISITATION.

12 (A) GENERAL RULE.--

13 (1) IN MAKING AN ORDER FOR CUSTODY OR PARTIAL CUSTODY,
14 THE COURT SHALL CONSIDER THE PREFERENCE OF THE CHILD AS WELL
15 AS ANY OTHER FACTOR WHICH LEGITIMATELY IMPACTS THE CHILD'S
16 PHYSICAL, INTELLECTUAL AND EMOTIONAL WELL-BEING.

17 (2) IN MAKING AN ORDER FOR CUSTODY, PARTIAL CUSTODY OR
18 VISITATION TO EITHER PARENT, THE COURT SHALL CONSIDER, AMONG
19 OTHER FACTORS, WHICH PARENT IS MORE LIKELY TO ENCOURAGE,
20 PERMIT AND ALLOW FREQUENT AND CONTINUING CONTACT AND PHYSICAL
21 ACCESS BETWEEN THE NONCUSTODIAL PARENT AND THE CHILD. [IN
22 ADDITION, THE]

23 (3) THE COURT SHALL CONSIDER EACH PARENT AND ADULT
24 HOUSEHOLD MEMBER'S PRESENT AND PAST VIOLENT OR ABUSIVE
25 CONDUCT WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, ABUSIVE
26 CONDUCT AS DEFINED UNDER THE ACT OF OCTOBER 7, 1976
27 (P.L.1090, NO.218), KNOWN AS THE PROTECTION FROM ABUSE ACT.

28 * * *

29 (B.2) PARENT CONVICTED OF MURDER.--NO COURT SHALL AWARD
30 CUSTODY, PARTIAL CUSTODY OR VISITATION TO A PARENT WHO HAS BEEN

1 CONVICTED OF MURDER UNDER 18 PA.C.S. § 2502(A) (RELATING TO
2 MURDER OF THE FIRST DEGREE) OF THE OTHER PARENT OF THE CHILD WHO
3 IS THE SUBJECT OF THE ORDER, UNLESS THE CHILD IS OF SUITABLE AGE
4 AND CONSENTS TO THE ORDER.

5 * * *

6 Section 12. Sections 6105(e), 6107(A) and 6108(a)(7) of
7 Title 23 are amended to read:

8 § 6105. Responsibilities of law enforcement agencies.

9 * * *

10 (e) Statewide registry.--

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

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

19 (ii) The name and address of the defendant.

20 (iii) The date the order was entered.

21 (iv) The date the order expires.

22 (v) The relief granted under sections 6108(a)(1),
23 (2), (4), (6) and (7) (relating to relief) and 6110(a)
24 (relating to emergency relief by minor judiciary).

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

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

29 (2) The prothonotary shall send, on a form prescribed by
30 the Pennsylvania State Police, a copy of the protection order

1 or approved consent agreement to the Statewide registry of
2 protection orders so that it is received within 24 hours of
3 the entry of the order. Likewise, amendments to or revocation
4 of an order shall be transmitted by the prothonotary within
5 24 hours of the entry of the order for modification or
6 revocation. The Pennsylvania State Police shall enter orders,
7 amendments and revocations in the Statewide registry of
8 protection orders within eight hours of receipt.

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

13 (4) When an order granting relief under section
14 6108(a)(7) has been entered by a court, such information
15 shall be available to the Pennsylvania State Police for the
16 purpose of conducting a criminal history records check in
17 compliance with the applicable provisions of 18 Pa.C.S. Ch.
18 61 Subch. A (relating to Uniform Firearms Act).

19 * * *

20 § 6107. HEARINGS.

<—

21 (A) GENERAL RULE.--WITHIN TEN DAYS OF THE FILING OF A
22 PETITION UNDER THIS CHAPTER, A HEARING SHALL BE HELD BEFORE THE
23 COURT, AT WHICH THE PLAINTIFF MUST PROVE THE ALLEGATION OF ABUSE
24 BY A PREPONDERANCE OF THE EVIDENCE. THE COURT SHALL, AT THE TIME
25 THE DEFENDANT IS GIVEN NOTICE OF THE HEARING, ADVISE THE
26 DEFENDANT OF THE RIGHT TO BE REPRESENTED BY COUNSEL[.], AND OF
27 THE FACT THAT ANY PROTECTION ORDER GRANTED BY A COURT MAY BE
28 CONSIDERED IN ANY SUBSEQUENT PROCEEDINGS UNDER THIS TITLE. THIS
29 NOTICE SHALL BE PRINTED AND DELIVERED IN A MANNER WHICH EASILY
30 ATTRACTS ATTENTION TO ITS CONTENT AND SHALL SPECIFY THAT CHILD

1 CUSTODY IS ONE OF THE PROCEEDINGS WHERE PRIOR PROTECTION ORDERS
2 MAY BE CONSIDERED.

3 * * *

4 § 6108. Relief.

5 (a) General rule.--The court may grant any protection order
6 or approve any consent agreement to bring about a cessation of
7 abuse of the plaintiff or minor children. The order or agreement
8 may include:

9 * * *

10 (7) Ordering the defendant to temporarily relinquish to
11 the sheriff the defendant's weapons which have been used or
12 been threatened to be used in an incident of abuse against
13 the plaintiff or the minor children and prohibiting the
14 defendant from acquiring or possessing any other weapons for
15 the duration of the order and requiring the defendant to
16 relinquish to the sheriff any firearm license the defendant
17 may possess. The court's order shall provide for the return
18 of the weapons and any firearm license to the defendant
19 subject to any restrictions and conditions as the court shall
20 deem appropriate to protect the plaintiff or minor children
21 from further abuse through the use of weapons. A COPY OF THE <—
22 COURT'S ORDER SHALL BE TRANSMITTED TO THE CHIEF OR HEAD OF
23 THE POLICE FORCE OR POLICE DEPARTMENT OF THE MUNICIPALITY AND
24 TO THE SHERIFF OF THE COUNTY OF WHICH THE DEFENDANT IS A
25 RESIDENT.

26 * * *

27 Section 13. The definitions of "income-withholding order,"
28 "initiating state," "responding state" and "state" in section
29 7101(b) of Title 23 are amended to read:

30 § 7101. Short title of part and definitions.

1 * * *

2 (b) Definitions.--Subject to additional definitions
3 contained in subsequent provisions of this part which are
4 applicable to specific provisions of this part, the following
5 words and phrases when used in this part shall have the meanings
6 given to them in this section unless the context clearly
7 indicates otherwise:

8 * * *

9 "Income-withholding order." An order or other legal process
10 directed to an obligor's employer or other debtor, in accordance
11 with section 4348 (relating to attachment of income) to withhold
12 support from the income of the obligor.

13 "Initiating state." A state [in] from which a proceeding is
14 forwarded or in which a proceeding is filed for forwarding to a
15 responding state under this part or a law or procedure
16 substantially similar to this part, the Uniform Reciprocal
17 Enforcement of Support Act or the Revised Uniform Reciprocal
18 Enforcement of Support Act [is filed for forwarding to a
19 responding state].

20 * * *

21 "Responding state." A state [to] in which a proceeding is
22 filed or to which a proceeding is forwarded for filing from an
23 initiating 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.

27 * * *

28 "State." A state of the United States, the District of
29 Columbia, [the Commonwealth of] Puerto Rico, the United States
30 Virgin Islands, or any territory or insular possession subject

1 to the jurisdiction of the United States. The term includes an
2 Indian tribe and a foreign jurisdiction that has enacted a law
3 or established procedures for issuance and enforcement of
4 support orders which are substantially similar to the procedures
5 under this part or under Part VIII (relating to uniform
6 interstate family support) or VIII-A (relating to intrastate
7 family support).

8 * * *

9 Section 14. Section 7205(a) of Title 23 is amended to read:

10 § 7205. Continuing, exclusive jurisdiction.

11 (a) Extent.--A tribunal of this State issuing a support
12 order consistent with the law of this State has continuing,
13 exclusive jurisdiction over a child support order:

14 (1) as long as this State remains the residence of the
15 obligor, the individual obligee or the child for whose
16 benefit the support order is issued; or

17 (2) until [each individual party has] all of the parties
18 who are individuals have filed written consent with the
19 tribunal of this State for a tribunal of another state to
20 modify the order and assume continuing, exclusive
21 jurisdiction.

22 * * *

23 Section 15. The heading of Subchapter C of Chapter 72 of
24 Title 23 is amended to read:

25 SUBCHAPTER C

26 [RECONCILIATION WITH ORDERS OF OTHER STATES]

27 RECONCILIATION OF MULTIPLE ORDERS

28 Section 16. Sections 7207, 7304, 7305(a) and (e), 7306,
29 7307(b), 7308, 7310(b) and 7501 of Title 23 are amended to read:
30 § 7207. Recognition of controlling child support [orders]

1 order.

2 [(a) Principles.--If a proceeding is brought under this part
3 and one or more child support orders have been issued in this
4 State or another state with regard to an obligor and a child, a
5 tribunal of this State shall apply the following rules in
6 determining which order to recognize for purposes of continuing,
7 exclusive jurisdiction:

8 (1) If only one tribunal has issued a child support
9 order, the order of that tribunal must be recognized.

10 (2) If two or more tribunals have issued child support
11 orders for the same obligor and child and only one of the
12 tribunals would have continuing, exclusive jurisdiction under
13 this part, the order of that tribunal must be recognized.

14 (3) If two or more tribunals have issued child support
15 orders for the same obligor and child and more than one of
16 the tribunals would have continuing, exclusive jurisdiction
17 under this part, an order issued by a tribunal in the current
18 home state of the child must be recognized, but, if an order
19 has not been issued in the current home state of the child,
20 the order most recently issued must be recognized.

21 (4) If two or more tribunals have issued child support
22 orders for the same obligor and child and none of the
23 tribunals would have continuing, exclusive jurisdiction under
24 this part, the tribunal of this State may issue a child
25 support order which must be recognized.]

26 (a) Single child support order.--If a proceeding is brought
27 under this part and only one tribunal has issued a child support
28 order, the order of that tribunal controls and must be so
29 recognized.

30 (a.1) Multiple orders.--If a proceeding is brought under

1 this part, and two or more child support orders have been issued
2 by tribunals of this State or another state with regard to the
3 same obligor and child, a tribunal of this State shall apply the
4 following rules in determining which order to recognize for
5 purposes of continuing, exclusive jurisdiction:

6 (1) If only one of the tribunals would have continuing,
7 exclusive jurisdiction under this part, the order of that
8 tribunal controls and must be so recognized.

9 (2) If more than one of the tribunals would have
10 continuing, exclusive jurisdiction under this part, an order
11 issued by a tribunal in the current home state of the child
12 controls and must be so recognized, but if an order has not
13 been issued in the current home state of the child, the order
14 most recently issued controls and must be so recognized.

15 (3) If none of the tribunals would have continuing,
16 exclusive jurisdiction under this part, the tribunal of this
17 State having jurisdiction over the parties shall issue a
18 child-support order, which controls and must be so
19 recognized.

20 (a.2) Request to determine controlling order.--If two or
21 more child-support orders have been issued for the same obligor
22 and the child and if the obligor or the individual obligee
23 resides in this State, a party may request a tribunal of this
24 State to determine which order controls and must be so
25 recognized under subsection (a.1). The request must be
26 accompanied by a certified copy of every support order in
27 effect. The requesting party shall give notice of the request to
28 each party whose rights may be affected by the determination.

29 (b) [Result] Exclusive jurisdiction.--The tribunal that
30 [has] issued [an] the controlling order [recognized] under

1 subsection (a), (a.1) or (a.2) is the tribunal [having] that has
2 continuing, exclusive jurisdiction[.] under section 7205
3 (relating to continuing, exclusive jurisdiction).

4 (c) Basis of order.--A tribunal of this State which
5 determines by order the identity of the controlling order under
6 subsection (a.1)(1) or (2) or which issues a new controlling
7 order under subsection (a.1)(3) shall state in that order the
8 basis upon which the tribunal made its determination.

9 (d) Filing of copy of order.--Within 30 days after issuance
10 of an order determining the identity of the controlling order,
11 the party obtaining the determining order shall file a certified
12 copy of it with each tribunal that issued or registered an
13 earlier order of child support. A party who obtains a
14 determining order and fails to file a certified copy is subject
15 to appropriate sanctions by a tribunal in which the issue of
16 failure to file arises. Failure to file a copy of the
17 determining order does not affect the validity or enforceability
18 of the controlling order.

19 § 7304. Duties of initiating tribunal.

20 (a) Copies of petition.--Upon the filing of a petition
21 authorized by this part, an initiating tribunal of this State
22 shall forward three copies of the petition and its accompanying
23 documents:

24 (1) to the responding tribunal or appropriate support
25 enforcement agency in the responding state; or

26 (2) if the identity of the responding tribunal is
27 unknown, to the state information agency of the responding
28 state with a request that they be forwarded to the
29 appropriate tribunal and that receipt be acknowledged.

30 (b) Special circumstances.--

1 (1) If a responding state has not enacted this part or a
2 law or procedure substantially similar to this part, a
3 tribunal of this State may issue a certificate or other
4 document and make findings required by the law of the
5 responding state.

6 (2) If the responding state is a foreign jurisdiction,
7 the tribunal may specify the amount of support sought and
8 provide other documents necessary to satisfy the requirements
9 of the responding state.

10 § 7305. Duties and powers of responding tribunal.

11 (a) Filing and notice.--If a responding tribunal of this
12 State receives a petition or comparable pleading from an
13 initiating tribunal or directly pursuant to section 7301(c)
14 (relating to proceedings under this part), it shall cause the
15 petition or pleading to be filed and notify the petitioner [by
16 first class mail] where and when it was filed.

17 * * *

18 (e) Notice.--If a responding tribunal of this State issues
19 an order under this part, the tribunal shall send a copy of the
20 order [by first class mail] to the petitioner and the respondent
21 and to the initiating agency or tribunal, if any.

22 § 7306. Inappropriate tribunal.

23 If a petition or comparable pleading is received by an
24 inappropriate tribunal of this State, it shall forward the
25 pleading and accompanying documents to an appropriate tribunal
26 in this State or another state and notify the petitioner [by
27 first class mail] where and when the pleading was sent.

28 § 7307. Duties of support enforcement agency.

29 * * *

30 (b) Specific duties.--A support enforcement agency that is

1 providing services to the petitioner as appropriate shall do all
2 of the following:

3 (1) Take all steps necessary to enable an appropriate
4 tribunal in this State or another state to obtain
5 jurisdiction over the respondent.

6 (2) Request an appropriate tribunal to set a date, time
7 and place for a hearing.

8 (3) Make a reasonable effort to obtain relevant
9 information, including information as to income and property
10 of the parties.

11 (4) Within two days, exclusive of Saturdays, Sundays and
12 legal holidays, after receipt of a written notice from an
13 initiating, responding or registering tribunal, send a copy
14 of the notice [by first class mail] to the petitioner.

15 (5) Within two days, exclusive of Saturdays, Sundays and
16 legal holidays, after receipt of a written communication from
17 the respondent or the respondent's attorney, send a copy of
18 the communication [by first class mail] to the petitioner.

19 (6) Notify the petitioner if jurisdiction over the
20 respondent cannot be obtained.

21 * * *

22 § 7308. Supervisory duty.

23 [(a) Secretary.--]If the secretary determines that a support
24 enforcement agency [other than the department] is neglecting or
25 refusing to provide services to an individual, the secretary may
26 order the agency to perform its duties under this part or may
27 provide those services directly to the individual.

28 [(b) Attorney General.--]If the Attorney General determines
29 that the department is neglecting or refusing to provide
30 services to an individual, the Attorney General may order the

1 department to perform its duties under this part or may provide
2 those services directly to the individual.]

3 § 7310. Duties of department.

4 * * *

5 (b) Duties.--The department shall do all of the following:

6 (1) Compile and maintain a current list, including
7 addresses, of the tribunals in this State which have
8 jurisdiction under this part and any support enforcement
9 agencies in this State and transmit a copy to the state
10 information agency of every other state.

11 (2) Maintain a register of tribunals and support
12 enforcement agencies received from other states.

13 (3) Forward to the appropriate tribunal in the place in
14 this State in which the individual obligee or the obligor
15 resides, or in which the obligor's property is believed to be
16 located, documents concerning a proceeding under this part
17 received from an initiating tribunal or the state information
18 agency of the initiating state.

19 (4) Obtain information concerning the location of the
20 obligor and the obligor's property within this State not
21 exempt from execution by such means as postal verification;
22 Federal or State locator services; examination of telephone
23 directories; requests for the obligor's address from
24 employers; and examination of governmental records,
25 including, to the extent not prohibited by other law, those
26 relating to real property, vital statistics, law enforcement,
27 taxation, motor vehicles, driver's licenses and Social
28 Security.

29 (5) Transmit to another state, electronically or by
30 another method, a request for assistance in a case involving

1 enforcement of a support order containing sufficient
2 information to enable the state to which the request is
3 transmitted to compare the transmitted information to the
4 information of that state. The transmittal shall constitute a
5 certification of arrears and that the state has complied with
6 all procedural due process requirements applicable to the
7 case.

8 (6) A response to a request for assistance received from
9 another state under this part must be completed by the
10 responding Commonwealth tribunal. The response, which may be
11 transmitted electronically or by other methods, shall confirm
12 the receipt of the request, action taken, amount of support
13 collected, and any additional information or action required
14 by the requesting tribunal to obtain enforcement of the child
15 support obligation.

16 § 7501. [Recognition] Employer's receipt of income-withholding
17 order of another state.

18 [(a) Authorization.--]An income-withholding order issued in
19 another state may be sent [by first class mail] to the person or
20 entity defined as the obligor's employer under section 4302
21 (relating to definitions) without first filing a petition or
22 comparable pleading or registering the order with a tribunal of
23 this State. [Upon receipt of the order, the employer shall do
24 all of the following:

25 (1) Treat an income-withholding order issued in another
26 state which appears regular on its face as if it had been
27 issued by a tribunal of this State.

28 (2) Immediately provide a copy of the order to the
29 obligor.

30 (3) Distribute the funds as directed in the withholding

order.

(b) Contests.--An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of this State. Section 7604 (relating to choice of law) applies to the contest. The obligor must give notice of the contest to any support enforcement agency providing services to the obligee and to:

(1) the person or agency designated to receive payments in the income-withholding order; or

(2) if no person or agency is designated, the obligee.]

Section 17. Title 23 is amended by adding sections to read:

§ 7501.1. Employer's compliance with income-withholding order of another state.

(a) Copy of order.--Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) Treatment of order.--The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this State.

(c) Withholding and distribution of funds.--Except as otherwise provided in subsection (d) and section 7501.2 (relating to compliance with multiple income-withholding orders) the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

(1) the duration and amount of periodic payments of current child-support, stated as a sum certain;

(2) the person or agency designated to receive payments

1 and the address to which the payments are to be forwarded;

2 (3) medical support, whether in the form of periodic
3 cash payments, of a sum certain or order to the obligor to
4 provide health insurance coverage for the child under a
5 policy available through the obligor's employment;

6 (4) the amount of periodic payments of fees and costs
7 for a support enforcement agency, the issuing tribunal, and
8 the obligee's attorney, stated as sums certain; and

9 (5) the amount of periodic payments of arrearages and
10 interest on arrearages, stated as sums certain.

11 (d) Compliance with law of obligor's place of employment.--

12 An employer shall comply with the law of the state of the
13 obligor's principal place of employment for withholding from
14 income with respect to:

15 (1) the employer's fee for processing an income-
16 withholding order;

17 (2) the maximum amount permitted to be withheld from the
18 obligor's income; and

19 (3) the times within which the employer must implement
20 the withholding order and forward the child support payment.

21 § 7501.2. Compliance with multiple income-withholding orders.

22 If an obligor's employer receives multiple income-withholding
23 orders with respect to the earnings of the same obligor, the
24 employer satisfies the terms of the multiple orders if the
25 employer complies with the law of the state of the obligor's
26 principal place of employment to establish the priorities for
27 withholding and allocating income withheld for multiple child-
28 support obligees.

29 § 7501.3. Immunity from civil liability.

30 An employer who complies with an income-withholding order

1 issued in another state in accordance with this article is not
2 subject to civil liability to an individual or agency with
3 regard to the employer's withholding of child support from the
4 obligor's income.

5 § 7501.4. Penalties for noncompliance.

6 An employer who willfully fails to comply with an income-
7 withholding order issued by a tribunal of another state and
8 received for enforcement is subject to the same penalties that
9 may be imposed for noncompliance with an order issued by a
10 tribunal of this State.

11 § 7501.5. Contest by obligor.

12 An obligor may contest the validity or enforcement of an
13 income-withholding order issued in another state and received
14 directly by an employer in this State in the same manner as if
15 the order had been issued by a tribunal of this State. Section
16 7604 (relating to choice of law) applies to such a contest. The
17 obligor shall give notice of the contest to:

18 (1) a support enforcement agency providing services to
19 the obligee;

20 (2) each employer that has directly received an income-
21 withholding order; and

22 (3) the person or agency designated to receive payments
23 in the income-withholding order or, if no person or agency is
24 designated, to the obligee.

25 Section 18. Sections 7605(a), 7606(c) and 7611(a), (c) and
26 (e) of Title 23 are amended to read:

27 § 7605. Notice of registration of order.

28 (a) Requirement.--[If] When a support order or income-
29 withholding order issued in another state is registered, the
30 registering tribunal shall notify the nonregistering party.

1 [Notice must be given by first class, certified or registered
2 mail or by any means of personal service authorized by the law
3 of this State.] The notice must be accompanied by a copy of the
4 registered order and the documents and relevant information
5 accompanying the order.

6 * * *

7 § 7606. Procedure to contest validity or enforcement of
8 registered order.

9 * * *

10 (c) Hearing.--If a nonregistering party requests a hearing
11 to contest the validity or enforcement of the registered order,
12 the registering tribunal shall schedule the matter for hearing
13 and give notice to the parties [by first class mail] of the
14 date, time and place of the hearing.

15 § 7611. Modification of child support order of another state.

16 (a) Authority.--After a child support order issued in
17 another state has been registered in this State, the responding
18 tribunal of this State may modify that order only if section
19 7613 (relating to jurisdiction to modify child support order of
20 another state when individual parties reside in this State) does
21 not apply and after notice and hearing it finds [any of the
22 following] that:

23 (1) The following requirements are met:

24 (i) the child, the individual obligee and the
25 obligor do not reside in the issuing state;

26 (ii) a petitioner who is a nonresident of this State
27 seeks modification; and

28 (iii) the respondent is subject to the personal
29 jurisdiction of the tribunal of this State.

30 (2) [An individual party or the] The child, or a party

1 who is an individual, is subject to the personal jurisdiction
2 of the tribunal of this State and all of the [individual]
3 parties who are individuals have filed [a] written [consent]
4 consents in the issuing tribunal [providing that] for a
5 tribunal of this State [may] to modify the support order and
6 assume continuing, exclusive jurisdiction over the order. If
7 the issuing state is a foreign jurisdiction which has not
8 enacted a law or established procedures substantially similar
9 to procedures under this part, the consent otherwise required
10 of an individual residing in this State is not required for
11 the tribunal to assume jurisdiction to modify the child
12 support order.

13 * * *

14 (c) Restriction.--A tribunal of this State may not modify
15 any aspect of a child support order that may not be modified
16 under the law of the issuing state. If two or more tribunals
17 have issued child support orders for the same obligor and child,
18 the order that controls and must be so recognized under section
19 7207 (relating to recognition of controlling child support
20 order) establishes the aspects of the support order which are
21 not modifiable.

22 * * *

23 [(e) Filing.--Within 30 days after issuance of a modified
24 child support order, the party obtaining the modification shall
25 file a certified copy of the order with the issuing tribunal
26 which had continuing, exclusive jurisdiction over the earlier
27 order and in each tribunal in which the party knows that earlier
28 order has been registered.]

29 Section 19. Title 23 is amended by adding sections to read:
30 § 7613. Jurisdiction to modify child support order of another

1 state when individual parties reside in this State.

2 (a) General rule.--If all of the parties who are individuals
3 reside in this State and the child does not reside in the
4 issuing state, a tribunal of this State has jurisdiction to
5 enforce and to modify the issuing state's child support order in
6 a proceeding to register that order.

7 (b) Applicable law.--A tribunal of this State exercising
8 jurisdiction under this section shall apply the provisions of
9 Chapters 71 (relating to general provisions) and 72 (relating to
10 jurisdiction), this chapter and the procedural and substantive
11 law of this State to the proceeding for enforcement or
12 modification. Chapters 73 (relating to civil provisions of
13 general application), 74 (relating to establishment of support
14 order), 75 (relating to direct enforcement of order of another
15 state without registration), 77 (relating to determination of
16 parentage) and 78 (relating to interstate rendition) do not
17 apply.

18 § 7614. Notice to issuing tribunal of modification.

19 Within 30 days after issuance of a modified child support
20 order, the party obtaining the modification shall file a
21 certified copy of the order with the issuing tribunal that had
22 continuing, exclusive jurisdiction over the earlier order, and
23 in each tribunal in which the party knows the earlier order had
24 been registered. A party who obtains the order and fails to file
25 a certified copy is subject to appropriate sanctions by a
26 tribunal in which the issue of failure to file arises. The
27 failure to file does not affect the validity or enforceability
28 of the modified order of the new tribunal having continuing,
29 exclusive jurisdiction.

30 Section 20. The definition of "income-withholding order" in

1 section 8101(b) of Title 23 is amended to read:

2 § 8101. Short title of part and definitions.

3 * * *

4 (b) Definitions.--Subject to additional definitions
5 contained in subsequent provisions of this part which are
6 applicable to specific provisions of this part, the following
7 words and phrases when used in this part shall have the meanings
8 given to them in this section unless the context clearly
9 indicates otherwise:

10 * * *

11 "Income-withholding order." An order or other legal process
12 directed to an obligor's employer or other debtor, in accordance
13 with section 4348 (relating to attachment of income) to withhold
14 support from the income of the obligor.

15 * * *

16 Section 21. Section 8307 of Title 23 is amended to read:

17 § 8307. Supervisory duty.

18 [(a) Secretary.--]If the secretary determines that a support
19 enforcement agency [other than the department] is neglecting or
20 refusing to provide services to an individual, the secretary may
21 order the agency to perform its duties under this part or may
22 provide those services directly to the individual.

23 [(b) Attorney General.--If the Attorney General determines
24 that the department is neglecting or refusing to provide
25 services to an individual, the Attorney General may order the
26 department to perform its duties under this part or may provide
27 those services directly to the individual.]

28 Section 22. Sections 432.6, 432.7, 432.7A, 432.8, 432.9 and
29 432.11 of the act of June 13, 1967 (P.L.31, No.21), known as the
30 Public Welfare Code, are repealed.

1 Section 23. This act shall take effect as follows:

2 (1) This section shall take effect immediately.

3 (2) The amendment of 23 Pa.C.S. §§ 6105(e) and
4 6108(a)(7) shall take effect in 60 days.

5 (3) The remainder of this act shall take effect January
6 1, 1998.