

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2089 Session of
1998

INTRODUCED BY SEYFERT, THOMAS, GIGLIOTTI, McNAUGHTON, CLARK,
LEDERER, BAKER, REBER, GEIST, BELARDI, TIGUE, MANDERINO,
McCALL, CASORIO, READSHAW, SCHRODER, BOSCOLA, JOSEPHS,
RAYMOND, E. Z. TAYLOR, HERMAN, KENNEY, BATTISTO, WILT,
WASHINGTON, CORPORA, PETRARCA, BENNINGHOFF, ORIE,
C. WILLIAMS, HENNESSEY, SCRIMENTI, BROWN, ROSS, CORRIGAN,
MUNDY, EGOLF, PLATTS AND TRELLO, JANUARY 12, 1998

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 12, 1998

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for continuing
3 jurisdiction over support orders.

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

6 Section 1. Section 4352 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:

8 § 4352. Continuing jurisdiction over support orders.

9 * * *

10 (f.1) Payment of arrears.--

11 (1) Upon the entry of an order of support or
12 modification of an existing order, the court shall provide
13 that any retroactive arrears created by the order shall be
14 paid at the rate of a minimum of 35% of the existing support
15 order. Upon application by the obligor and for just cause,
16 the imposition of the 35% arrears payment may be decreased by

1 the court where the court finds that the 35% payment is
2 confiscatory and the basis for that finding is written in the
3 order.

4 (2) Where support payments equivalent to one-twelfth of
5 the annual amount due are missed, the domestic relations
6 section shall automatically assess a payment on the arrears
7 equal to 35% of the existing order against the obligor and
8 this assessment shall be maintained until the arrears are
9 paid. The payment may be assessed administratively and the
10 domestic relations section shall notify the obligor in
11 writing within 30 days of entry of the assessment. The
12 domestic relations section or the obligor may petition the
13 court for an assessment in excess of or less than 35% of the
14 existing order whereupon the court shall consider the
15 financial circumstances of the obligor. The arrears payment
16 shall only be decreased by the court for just cause when the
17 court finds that the 35% payment is confiscatory and the
18 basis for that finding is written in the order.

19 * * *

20 Section 2. This act shall take effect in 60 days.