

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 689**Session of
1971

INTRODUCED BY COPPERSMITH, SNYDER, SMITH AND MESSINGER,
MAY 3, 1971

SENATOR COPPERSMITH, JUDICIARY, RE-REPORTED, AS AMENDED,
AUGUST 4, 1971

AN ACT

1 Providing for the enforcement of duties of support and making
2 uniform the law with respect thereto.

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

5 Section 1. Purposes.--The purposes of this act are to
6 improve and extend by reciprocal legislation the enforcement of
7 duties of support.

8 Section 2. Definitions.

9 (a) "Court" means the court of common pleas of this State
10 and when the context requires means the court of any other state
11 as defined in a substantially similar reciprocal law.

12 (b) "Duty of support" means a duty of support whether
13 imposed or imposable by law or by order, decree, or judgment of
14 any court, whether interlocutory or final or whether incidental
15 to an action for divorce, separation, separate maintenance, or
16 otherwise and includes the duty to pay arrearages of support
17 past due and unpaid.

1 (c) "Governor" includes any person performing the functions
2 of Governor or the executive authority of any state covered by
3 this act.

4 (d) "Initiating state" means a state in which a proceeding
5 pursuant to this or a substantially similar reciprocal law is
6 commenced. "Initiating court" means the court in which a
7 proceeding is commenced.

8 (e) "Law" includes both common and statutory law.

9 (f) "Obligee" means a person to whom a duty of support is
10 owed or a person including a state or political subdivision that
11 has commenced a proceeding for enforcement of an alleged duty of
12 support or for registration of a support order. It is immaterial
13 if the person to whom a duty of support is owed is a recipient
14 of public assistance.

15 (g) "Obligor" means any person owing a duty of support or
16 against whom a proceeding for the enforcement of a duty of
17 support or registration of a support order is commenced.

18 (h) "Prosecuting attorney" means the public official in the
19 appropriate place who has the duty to enforce laws relating to
20 the failure to provide for the support of any person.

21 (i) "Register" means to record in the Registry of Foreign
22 Support Orders.

23 (j) "Registering court" means any court of this State in
24 which a support order of a rendering state is registered.

25 (k) "Rendering state" means a state in which the court has
26 issued a support order for which registration is sought or
27 granted in the court of another state.

28 (l) "Responding state" means a state in which any responsive
29 proceeding pursuant to the proceeding in the initiating state is
30 commenced. "Responding court" means the court in which the

1 responsive proceeding is commenced.

2 (m) "State" includes a state, territory, or possession of
3 the United States, the District of Columbia, the Commonwealth of
4 Puerto Rico, and any foreign jurisdiction in which this or a
5 substantially similar reciprocal law is in effect.

6 (n) "Support order" means any judgment, decree, or order of
7 support in favor of an obligee whether temporary or final, or
8 subject to modification, revocation, or remission, regardless of
9 the kind of action or proceeding in which it is entered.

10 Section 3. Remedies Additional to Those Now Existing.--The
11 remedies herein provided are in addition to and not in
12 substitution for any other remedies.

13 Section 4. Extent of Duties of Support.--Duties of support
14 arising under the law of this State, when applicable under
15 section 7, bind the obligor present in this State regardless of
16 the presence or residence of the obligee.

17 Section 5. Interstate Rendition.--The Governor of this State
18 may:

19 (1) Demand of the Governor of another state the surrender of
20 a person found in that state who is charged criminally in this
21 State with failing to provide for the support of any person; or

22 (2) Surrender on demand by the Governor of another state a
23 person found in this State who is charged criminally in that
24 state with failing to provide for the support of any person.

25 Provisions for extradition of criminals not inconsistent with
26 this act apply to the demand even if the person whose surrender
27 is demanded was not in the demanding state at the time of the
28 commission of the crime and has not fled therefrom. The demand,
29 the oath, and any proceedings for extradition pursuant to this
30 section need not state or show that the person whose surrender

1 is demanded has fled from justice or at the time of the
2 commission of the crime was in the demanding state.

3 Section 6. Conditions of Interstate Rendition.--(a) Before
4 making the demand upon the Governor of another state for the
5 surrender of a person charged criminally in this State with
6 failing to provide for the support of a person, the Governor of
7 this State may require any prosecuting attorney of this State to
8 satisfy him that at least sixty days prior thereto the obligee
9 initiated proceedings for support under this act or that the
10 initiation of any proceeding would be of no avail.

11 (b) If, under a substantially similar act, the Governor of
12 another state makes a demand upon the Governor of this State for
13 the surrender of a person charged criminally in that state with
14 failure to provide for the support of a person, the Governor may
15 require any prosecuting attorney to investigate the demand and
16 to report to him whether proceedings for support have been
17 initiated or would be effective. If it appears to the Governor
18 that a proceeding would be effective but has not been initiated
19 he may delay honoring the demand for a reasonable time to permit
20 the initiation of a proceeding.

21 (c) If proceedings have been initiated and the person
22 demanded has prevailed therein the Governor may decline to honor
23 the demand. If the obligee prevailed and the person demanded is
24 subject to a support order, the Governor may decline to honor
25 the demand if the person demanded is complying with the support
26 order.

27 Section 7. Choice of Law.--Duties of support applicable
28 under this act are those imposed under the laws of any state
29 where the obligor was present for the period during which
30 support is sought. The obligor is presumed to have been present

1 in the responding state during the period for which support is
2 sought until otherwise shown.

3 Section 8. Remedies of State or Political Subdivision
4 Furnishing Support.--If a state or a political subdivision
5 furnishes support to an individual obligee it has the same right
6 to initiate a proceeding under this act as the individual
7 obligee for the purpose of securing reimbursement for support
8 furnished and of obtaining continuing support.

9 Section 9. How Duties of Support Are Enforced.--All duties
10 of support, including the duty to pay arrearages, are
11 enforceable by a proceeding under this act including a
12 proceeding for civil contempt. The defense that the parties are
13 immune to suit because of their relationship as husband and wife
14 or parent and child is not available to the obligor.

15 Section 10. Jurisdiction.--Jurisdiction of any proceeding
16 under this act is vested in the court of common pleas.

17 Section 11. Contents and Filing of Petition for Support;
18 Venue.--(a) The petition shall be verified and shall state the
19 name and, so far as known to the obligee, the address and
20 circumstances of the obligor, the persons for whom support is
21 sought, and all other pertinent information. The obligee may
22 include in or attach to the petition any information which may
23 help in locating or identifying the obligor including a
24 photograph of the obligor, a description of any distinguishing
25 marks on his person, other names and aliases by which he has
26 been or is known, the name of his employer, his fingerprints,
27 and his social security number.

28 (b) The petition may be filed in the appropriate court of
29 any state in which the obligee resides. The court ~~shall not~~ MAY
30 decline or refuse to accept and forward the petition on the

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1 ground that it should be filed with some other court of this or
2 any other state where there is pending another action for
3 divorce, separation, annulment, dissolution, habeas corpus,
4 adoption, or custody between the same parties or where another
5 court has already issued a support order in some other
6 proceeding and has retained jurisdiction for its enforcement.

7 Section 12. Officials to Represent Obligee.--If this State
8 is acting as an initiating state the prosecuting attorney upon
9 the request of the court, or a state, or local welfare official
10 shall represent the obligee in any proceeding under this act. If
11 the prosecuting attorney neglects or refuses to represent the
12 obligee, the Department of Public Welfare may undertake the
13 representation.

14 Section 13. Petition for a Minor.--A petition on behalf of a
15 minor obligee may be executed and filed by a person having legal
16 custody of the minor without appointment as guardian ad litem.

17 Section 14. Duty of Initiating Court.--If the initiating
18 court finds that the petition sets forth facts from which it may
19 be determined that the obligor owes a duty of support and that a
20 court of the responding state may obtain jurisdiction of the
21 obligor or his property it shall so certify and cause three
22 copies of the petition and its certificate and one copy of this
23 act to be sent to the responding court. Certification shall be
24 in accordance with the requirements of the initiating state. If
25 the name and address of the responding court is unknown and the
26 responding state has an information agency comparable to that
27 established in the initiating state it shall cause the copies to
28 be sent to the state information agency or other proper official
29 of the responding state, with a request that the agency or
30 official forward them to the proper court and that the court of

1 the responding state acknowledge their receipt to the initiating
2 court.

3 Section 15. Costs and Fees.--An initiating court shall not
4 require payment of either a filing fee or other costs from the
5 obligee but may request the responding court to collect fees and
6 costs from the obligor. A responding court shall not require
7 payment of a filing fee or other costs from the obligee but it
8 may direct that all fees and costs requested by the initiating
9 court and all fees and costs incurred in this State when acting
10 as a responding state, including fees for filing of pleadings,
11 service of process, seizure of property, stenographic or
12 duplication service, or other service supplied to the obligor,
13 be paid in whole or in part by the obligor or by the state or
14 political subdivision thereof. These costs or fees do not have
15 priority over amounts due to the obligee.

16 Section 16. Jurisdiction by Arrest.--(a) If the court of
17 this State believes that the obligor may flee it may:

18 (1) As an initiating court, request in its certificate that
19 the responding court obtain the body of the obligor by
20 appropriate process; or

21 (2) As a responding court, obtain the body of the obligor by
22 appropriate process. Thereupon it may release him upon his own
23 recognizance or upon his giving a bond in an amount set by the
24 court to assure his appearance at the hearing. WHEN THE OBLIGOR <—
25 IS DETAINED FOR THE HEARING, THE HEARING SHALL BE HELD WITHIN
26 FIFTEEN DAYS FROM THE DATE OF ARREST. THE COURT MAY COMPEL THE
27 ATTENDANCE AT A HEARING BY ATTACHMENT PROCESS DIRECTED TO THE
28 SHERIFF OR OTHER PROPER OFFICER OF THE COUNTY DIRECTING AND
29 COMMANDING THAT THE OBLIGOR BE BROUGHT BEFORE THE COURT AT SUCH
30 TIME AS THE COURT MAY DIRECT.

1 (b) In counties of the first class, the obligor shall be
2 brought before the court forthwith, but in any event within
3 forty-eight hours or two court working days, whichever is the
4 longer from the time the obligor is taken in custody of the law
5 pursuant to the attachment; at which time, if the court shall
6 find, after hearing, that the obligor is about to leave the
7 jurisdiction, the court may direct that he give security, by one
8 or more sureties, to appear when directed by the court, or to
9 comply with any order of court.

10 Section 17. State Information Agency.--(a) The Department of
11 Public Welfare is designated as the State information agency
12 under this act. It shall:

13 (1) Compile a list of the courts and their addresses in this
14 State having jurisdiction under this act and transmit it to the
15 state information agency of every other state which has adopted
16 this or a substantially similar act. Upon the adjournment of
17 each session of the General Assembly the agency shall distribute
18 copies of any amendments to the act and a statement of their
19 effective date to all other state information agencies;

20 (2) Maintain a register of lists of courts received from
21 other states and transmit copies thereof promptly to every court
22 in this State having jurisdiction under this act; and

23 (3) Forward to the court in this State which has
24 jurisdiction over the obligor or his property petitions,
25 certificates and copies of the act it receives from courts or
26 information agencies of other states.

27 (b) If the state information agency does not know the
28 location of the obligor or his property in the state and no
29 state location service is available it shall use all means at
30 its disposal to obtain this information, including the

1 examination of official records in the state and other sources
2 such as telephone directories, real property records, vital
3 statistics records, police records, requests for the name and
4 address from employers who are able or willing to cooperate,
5 records of motor vehicle license offices, requests made to the
6 tax offices both State and Federal where such offices are able
7 to cooperate, and requests made to the Social Security
8 Administration as permitted by the Social Security Act as
9 amended.

10 (c) After the deposit of three copies of the petition and
11 certificate and one copy of the act of the initiating state with
12 the clerk of the appropriate court, if the state information
13 agency knows or believes that the prosecuting attorney is not
14 prosecuting the case diligently it shall inform the Department
15 of Public Welfare, who may undertake the representation.

16 Section 18. Duty of the Court and Officials of this State as
17 Responding State.--(a) After the responding court receives
18 copies of the petition, certificate and act from the initiating
19 court the clerk of the court shall docket the case and notify
20 the prosecuting attorney of his action.

21 (b) The prosecuting attorney shall prosecute the case
22 diligently. He shall take all action necessary in accordance
23 with the laws of this State to enable the court to obtain
24 jurisdiction over the obligor or his property and shall request
25 the clerk of the court to set a time and place for a hearing and
26 give notice thereof to the obligor in accordance with law.

27 (c) If the prosecuting attorney neglects or refuses to
28 represent the obligee, the Department of Public Welfare may
29 undertake the representation.

30 Section 19. Further Duties of Court and Officials in the

1 Responding State.--(a) The prosecuting attorney on his own
2 initiative shall use all means at his disposal to locate the
3 obligor or his property, and if because of inaccuracies in the
4 petition or otherwise the court cannot obtain jurisdiction the
5 prosecuting attorney shall inform the court of what he has done
6 and request the court to continue the case pending receipt of
7 more accurate information or an amended petition from the
8 initiating court.

9 (b) If the obligor or his property is not found in the
10 county, and the prosecuting attorney discovers that the obligor
11 or his property may be found in another county of this State or
12 in another state he shall so inform the court. Thereupon the
13 clerk of the court shall forward the documents received from the
14 court in the initiating state to a court in the other county or
15 to a court in the other state or to the information agency or
16 other proper official of the other state with a request that the
17 documents be forwarded to the proper court. All powers and
18 duties provided by this act apply to the recipient of the
19 documents so forwarded. If the clerk of a court of this State
20 forwards documents to another court he shall forthwith notify
21 the initiating court.

22 (c) If the prosecuting attorney has no information as to the
23 location of the obligor or his property he shall so inform the
24 initiating court.

25 Section 20. Hearing and Continuance.--If the obligee is not
26 present at the hearing and the obligor denies owing the duty of
27 support alleged in the petition or offers evidence constituting
28 a defense the court, upon request of either party, shall
29 continue the hearing to permit evidence relative to the duty to
30 be adduced by either party by deposition or by appearing in

1 person before the court. The court may designate the judge of
2 the initiating court as a person before whom a deposition may be
3 taken.

4 Section 21. Immunity from Criminal Prosecution.--If at the
5 hearing the obligor is called for examination as an adverse
6 party and he declines to answer upon the ground that his
7 testimony may tend to incriminate him, the court may require him
8 to answer, in which event he is immune from criminal prosecution
9 with respect to matters revealed by his testimony, except for
10 perjury committed in this testimony.

11 Section 22. Evidence of Husband and Wife.--Laws attaching a
12 privilege against the disclosure of communications between
13 husband and wife are inapplicable to proceedings under this act.
14 Husband and wife are competent witnesses and may be compelled to
15 testify to any relevant matter, including marriage and
16 parentage.

17 Section 23. Rules of Evidence.--In any hearing for the civil
18 enforcement of this act the court is governed by the rules of
19 evidence applicable in a civil court action in the court of
20 common pleas. If the action is based on a support order issued
21 by another court a certified copy of the order shall be received
22 as evidence of the duty of support, subject only to any defenses
23 available to an obligor with respect to paternity (section 27)
24 or to a defendant in an action or a proceeding to enforce a
25 foreign money judgment. The determination or enforcement of a
26 duty of support owed to one obligee is unaffected by any
27 interference by another obligee with rights of custody or
28 visitation granted by a court.

29 Section 24. Order of Support.--If the responding court finds
30 a duty of support it may order the obligor to furnish support or

1 reimbursement therefor and subject the property of the obligor
2 to the order. Support orders made pursuant to this act shall
3 require that payments be made to the clerk of the court of the
4 responding state, or to other officer designated by the court.
5 The court and prosecuting attorney of any county in which the
6 obligor is present or has property have the same powers and
7 duties to enforce the order as have those of the county in which
8 it was first issued. If enforcement is impossible or cannot be
9 completed in the county in which the order was issued, the
10 prosecuting attorney shall send a certified copy of the order to
11 the prosecuting attorney of any county in which it appears that
12 proceedings to enforce the order would be effective. The
13 prosecuting attorney to whom the certified copy of the order is
14 forwarded shall proceed with enforcement and report the results
15 of the proceedings to the court first issuing the order.

16 Section 25. Responding Court to Transmit Copies to
17 Initiating Court.--The responding court shall cause a copy of
18 all support orders to be sent to the initiating court.

19 Section 26. Additional Powers of Responding Court.--In
20 addition to the foregoing powers a responding court may subject
21 the obligor to any terms and conditions proper to assure
22 compliance with its orders and in particular to:

23 (1) Require the obligor to furnish a cash deposit or a bond
24 of a character and amount to assure payment of any amount due;

25 (2) Require the obligor to report personally and to make
26 payments at specific intervals to the clerk of the court, or to
27 other officer designated by the court; and

28 (3) Punish under the power of contempt the obligor who
29 violates any order of the court.

30 Section 27. Paternity.--If the obligor asserts as a defense

1 that he is not the father of the child for whom support is
2 sought and it appears to the court that the defense is not
3 frivolous, and if both of the parties are present at the hearing
4 or the proof required in the case indicates that the presence of
5 either or both of the parties is not necessary, the court may
6 adjudicate the paternity issue. Otherwise the court may adjourn
7 the hearing until the paternity issue has been adjudicated.

8 Section 28. Additional Duties of Responding Court.--A
9 responding court has the following duties which may be carried
10 out through the clerk of the court, or to other officer
11 designated by the court:

12 (1) To transmit to the initiating court any payment made by
13 the obligor pursuant to any order of the court or otherwise; and

14 (2) To furnish to the initiating court upon request a
15 certified statement of all payments made by the obligor.

16 Section 29. Additional Duty of Initiating Court.--An
17 initiating court shall receive and disburse forthwith all
18 payments made by the obligor or sent by the responding court.
19 This duty may be carried out through the clerk of the court, or
20 other officer designated by the court.

21 Section 30. Proceedings Not to be Stayed.--A responding
22 court shall not stay the proceeding or refuse a hearing under
23 this act because of any pending or prior action or proceeding
24 for divorce, separation, annulment, dissolution, habeas corpus,
25 adoption, or custody in this or any other state. The court shall
26 hold a hearing and may issue a support order pendente lite. In
27 aid thereof it may require the obligor to give a bond for the
28 prompt prosecution of the pending proceeding. If the other
29 action or proceeding is concluded before the hearing in the
30 instant proceeding and the judgment therein provides for the

1 support demanded in the petition being heard the court must take
2 into account in placing its support order the amount allowed in
3 the other action or proceeding. Thereafter the court shall not
4 stay enforcement of its support order because of the retention
5 of jurisdiction for enforcement purposes by the court in the
6 other action or proceeding.

7 Section 31. Application of Payments.--A support order made
8 by a court of this State pursuant to this act does not nullify
9 and is not nullified by a support order made by a court of this
10 State pursuant to any other law or by a support order made by a
11 court of any other state pursuant to a substantially similar act
12 or any other law, regardless of priority of issuance, unless
13 otherwise specifically provided by the court. Amounts paid for a
14 particular period pursuant to any support order made by the
15 court of another state shall be credited against the amounts
16 accruing or accrued for the same period under any support order
17 made by the court of this State.

18 Section 32. Effect of Participation in Proceeding.--
19 Participation in any proceeding under this act does not confer
20 jurisdiction upon any court over any of the parties thereto in
21 any other proceeding.

22 Section 33. Intrastate Application.--This act applies if
23 both the obligee and the obligor are in this State but in
24 different counties. If the court of the county in which the
25 petition is filed finds that the petition sets forth facts from
26 which it may be determined that the obligor owes a duty of
27 support and finds that a court of another county in this State
28 may obtain jurisdiction over the obligor or his property, the
29 clerk of the court shall send the petition and a certification
30 of the findings to the court of the county in which the obligor

1 or his property is found. The clerk of the court of the county
2 receiving these documents shall notify the prosecuting attorney
3 of their receipt. The prosecuting attorney and the court in the
4 county to which the copies are forwarded then shall have duties
5 corresponding to those imposed upon them when acting for this
6 State as a responding state.

7 Section 34. Appeals.--If the Department of Public Welfare is
8 of the opinion that a support order is erroneous, or inadequate,
9 or presents a question of law warranting an appeal in the public
10 interest, it may:

11 (a) Perfect an appeal to the proper appellate court if the
12 support order was issued by a court of this State; or

13 (b) If the support order was issued in another state, cause
14 the appeal to be taken in the other state. In either case
15 expenses of appeal may be paid from funds appropriated to the
16 Department of Public Welfare.

17 Section 35. Additional Remedies.--If the duty of support is
18 based on a foreign support order, the obligee has the additional
19 remedies provided in the following sections.

20 Section 36. Registration.--The obligee may register the
21 foreign support order in a court of this State in the manner,
22 with the effect, and for the purposes herein provided.

23 Section 37. Registry of Foreign Support Orders.--The clerk
24 of the court shall maintain a Registry of Foreign Support Orders
25 in which he shall file foreign support orders.

26 Section 38. Official to Represent Obligee.--If this State is
27 acting either as a rendering or a registering state the
28 prosecuting attorney upon the request of the court, or a state,
29 or other local welfare official shall represent the obligee in
30 proceedings under this act.

1 If the prosecuting attorney neglects or refuses to represent
2 the obligee, the Department of Public Welfare may undertake the
3 representation.

4 Section 39. Registration Procedure; Notice.--(a) An obligee
5 seeking to register a foreign support order in a court of this
6 State shall transmit to the clerk of the court (1) three
7 certified copies of the order with all modifications thereof,
8 (2) one copy of the reciprocal enforcement of support act of the
9 state in which the order was made, and (3) a statement verified
10 and signed by the obligee, showing the post office address of
11 the obligee, the last known place of residence and post office
12 address of the obligor, the amount of support remaining unpaid,
13 a description and the location of any property of the obligor
14 available upon execution, and a list of the states in which the
15 order is registered. Upon receipt of these documents the clerk
16 of the court, without payment of a recording fee or other cost
17 to the obligee, shall record them in the Registry of Foreign
18 Support Orders. The recording constitutes registration under
19 this act.

20 (b) Within ten days after the registration the clerk of the
21 court shall send by certified or registered mail to the obligor
22 at the address given a notice of the registration with a copy of
23 the registered support order and the post office address of the
24 obligee. He shall also docket the case and notify the
25 prosecuting attorney of his action. The prosecuting attorney
26 shall proceed diligently to enforce the order.

27 Section 40. Effect of Registration; Enforcement Procedure.--
28 (a) Upon registration the registered foreign support order shall
29 be treated in the same manner as a support order issued by a
30 court of this State. It has the same effect and is subject to

1 the same procedures, defenses, and proceedings for reopening,
2 vacating, or staying as a support order of this State and may be
3 enforced and satisfied in like manner.

4 (b) The obligor has twenty days after the mailing of notice
5 of the registration in which to petition the court to vacate the
6 registration or for other relief. If he does not so petition the
7 registered support order is confirmed.

8 (c) At the hearing to enforce the registered support order
9 the obligor may present only matters that would be available to
10 him as defenses in an action to enforce a foreign money
11 judgment. If he shows to the court that an appeal from the order
12 is pending or will be taken or that a stay of execution has been
13 granted the court shall stay enforcement of the order until the
14 appeal is concluded, the time for appeal has expired, or the
15 order is vacated, upon satisfactory proof that the obligor has
16 furnished security for payment of the support ordered as
17 required by the rendering state. If he shows to the court any
18 ground upon which enforcement of a support order of this State
19 may be stayed the court shall stay enforcement of the order for
20 an appropriate period if the obligor furnishes the same security
21 for payment of the support ordered that is required for a
22 support order of this State.

23 Section 41. Uniformity of Interpretation.--This act shall be
24 so construed as to effectuate its general purpose to make
25 uniform the law of those states which enact it.

26 Section 42. Short Title.--This act shall be known as and may
27 be cited as the "Revised Uniform Reciprocal Enforcement of
28 Support Act (1968)."

29 Section 43. Specific Repealer.--The act of May 10, 1951
30 (P.L.279), known as the "Uniform Reciprocal Enforcement of

1 Support Act," is repealed.