

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1106** Session of  
1977

INTRODUCED BY RHODES, BERSON, W. D. HUTCHINSON AND SCIRICA,  
MAY 2, 1977

REFERRED TO COMMITTEE ON JUDICIARY, MAY 2, 1977

AN ACT

1 Amending the act of July 13, 1953 (P.L.431, No.95), entitled "An  
2 act relating to support of dependents; providing a procedure  
3 for enforcement thereof, including attachment of property and  
4 earnings; conferring powers and imposing duties upon courts,  
5 district attorneys and probation officers," requiring support  
6 of a child born out of lawful wedlock, requiring the action  
7 to be brought within certain time limits and requiring trial  
8 by the court or by jury in a civil action.

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

11 Section 1. Section 2, act of July 13, 1953 (P.L.431, No.95),  
12 known as "The Pennsylvania Civil Procedural Support Law,"  
13 amended August 14, 1963 (P.L.872, No.420), is amended to read:

14 Section 2. Definitions.--The masculine pronoun when used in  
15 this act shall be construed to include the female.

16 "Court" as used in this act shall be construed to mean the  
17 [quarter sessions court] court of common pleas of any county,  
18 the County Court of Philadelphia and the County Court of  
19 Allegheny County.

20 "Law" includes both common and statute law.

21 "Duty of Support" includes any duty of support imposed or

1 imposable by law or by any court order, decree or judgment,  
2 whether interlocutory or final, whether incidental to a  
3 proceeding for divorce, legal separation, separate maintenance,  
4 prosecution for failure to support a child born out of lawful  
5 wedlock, support of a child born out of lawful wedlock, or  
6 otherwise.

7 "Probation Officer" shall include any officer now or  
8 hereafter serving in any court at the direction of the court in  
9 the Domestic Relations Division of this court and to whom is  
10 assigned the enforcement of the duty to support.

11 "Initiating County" means any county in which any proceeding  
12 pursuant to this act is commenced.

13 "Responding County" means any county (including the  
14 initiating county) in which any proceeding pursuant to the  
15 proceeding in the initiating county is or may be commenced.

16 "Complaint" shall include any petition, information,  
17 affidavit or any other legal document for the institution of  
18 support proceedings.

19 Section 2. Section 5 of the act is amended by adding  
20 subsections to read:

21 Section 5. Commencement of Actions.--\* \* \*

22 (e) Actions for support of a child born out of a lawful  
23 wedlock shall be commenced within the minority of the child.

24 (f) An action commenced under this act shall be a civil  
25 action in accordance with the Rules of Civil Procedure. Where  
26 the paternity of a child born out of wedlock is disputed, the  
27 determination of paternity shall be by the court without a jury  
28 unless either party demands trial by jury. The trial, whether or  
29 not a trial by jury is demanded, shall be a civil action and  
30 there shall be no right to a criminal trial on the issue of

1 paternity. The burden of proof shall be by a preponderance of  
2 the evidence.

3       Section 3. This action shall take effect in 60 days.