

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2542

Session of
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AND CESSAR, OCTOBER 3, 1984

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 3, 1984

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, adding provisions relating to support,
3 custody, visitation, property and contracts; and making
4 repeals.

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26 § 5382. Hearing.

27 § 5383. Enforcement.

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

30 Section 1. Title 23 of the Pennsylvania Consolidated

1 Statutes is amended by adding parts to read:

2 PART V

3 SUPPORT, PROPERTY AND CONTRACTS

4 Chapter

5 41. General Provisions

6 43. Support Matters Generally

7 45. Reciprocal Enforcement of Support Orders

8 CHAPTER 41

9 GENERAL PROVISIONS

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11 4101. Liability for debts contracted before marriage.

12 4102. Liability for purchases by married person.

13 4103. Liability on judgment against married person.

14 4104. Right of married person to separate earnings.

15 4105. Loans between married persons.

16 § 4101. Liability for debts contracted before marriage.

17 (a) General rule.--A spouse is not liable for the debts of
18 the other spouse contracted before marriage, unless voluntarily
19 assumed in writing.

20 (b) Liability of property unaffected.--This chapter does not
21 protect the property of a married person from liability for
22 debts contracted by or in the name of the married person by any
23 person authorized to so contract.

24 § 4102. Liability for purchases by married person.

25 (a) General rule.--Except as provided in subsection (b),
26 married persons are not liable jointly for purchases by one of
27 them unless they voluntarily assume joint debts.

28 (b) Necessaries.--Married persons are jointly and severally
29 liable for debts contracted by one of them for necessities for
30 themselves or their children.

1 § 4103. Liability on judgment against married person.

2 A judgment against a married person individually before or
3 during marriage does not bind or constitute a lien upon the real
4 property of the other spouse.

5 § 4104. Right of married person to separate earnings.

6 A married person has the right to the separate benefit and
7 use of the separate earnings of that person except with respect
8 to legal support obligations due to other persons.

9 § 4105. Loans between married persons.

10 A married person may loan the other spouse money from the
11 separate estate of the married person and take in security
12 therefor a judgment or mortgage against the property of the
13 other spouse which shall be valid as otherwise provided by law.

14 CHAPTER 43

15 SUPPORT MATTERS GENERALLY

16 Subchapter

17 A. General Provisions

18 B. Support

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20 D. Proceedings Against Entireties Property

21 SUBCHAPTER A

22 GENERAL PROVISIONS

23 Sec.

24 4301. Scope of chapter.

25 4302. Definitions.

26 4303. Confidentiality of information.

27 4304. Information to consumer credit bureau.

28 § 4301. Scope of chapter.

29 (a) General rule.--Actions or proceedings provided by this
30 chapter are in addition to and not in substitution of actions or

proceedings provided by unsuspended statutes where there is
desertion or a failure to perform a duty to support.

(b) Persons in institutions and foster homes.--Matters
relating to the support of persons living in public or private
institutions or receiving foster home care and who are otherwise
entitled to support under this chapter shall be determined by
the court under the statutes pertaining to those institutions or
foster homes.

§ 4302. Definitions.

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

"Employer." Includes an individual, partnership,
association, corporation, trust, Federal agency, Commonwealth
agency or political subdivision paying or obligated to pay
income.

"Income." Wages, salaries, self-employment income, income
received as a partner, interest and dividends from financial
institutions and insurance or investment companies, commissions,
bonuses, tips, pensions, unemployment compensation, workmen's
compensation, temporary disability benefits, benefits paid by a
Federal agency, Commonwealth agency or political subdivision or
by an insurance company, or any other emoluments. The term does
not include income which is exempt from attachment by law.

"Order of support." Includes assistance imposed or imposable
by law or by any court order, whether interlocutory or final,
whether incidental to a proceeding for divorce, separate
maintenance, prosecution for failure to support a child born out
of lawful wedlock or otherwise including the payment of
necessary health care expenses.

1 "Support." Care, maintenance and financial assistance
2 including the payment of necessary health care expenses.

3 § 4303. Confidentiality of information.

4 In order to promote trust and confidence and to provide a
5 maximum of service in the most economical manner, all
6 information obtained by or for a court or by or for enforcement
7 officials in connection with this chapter, other than
8 information which appears in court testimony, is confidential
9 and may be used only for the purpose of this chapter and may be
10 made available only to the parties or their counsel.

11 § 4304. Information to consumer credit bureau.

12 (a) General rule.--Information regarding the amount of
13 arrearages owed by a party shall be made available to any
14 consumer credit bureau organization upon the request of the
15 organization, subject to the following:

16 (1) Where the amount of arrearages is less than \$1,000,
17 information regarding the amount shall be made available at
18 the option of the domestic relations office of the county in
19 which the order of support was entered.

20 (2) The information shall be available only after the
21 person owing the arrearages has been notified of the proposed
22 action and given a reasonable opportunity to contest the
23 accuracy of the information.

24 (b) Fee.--A fee for furnishing the information in an amount
25 not exceeding the actual cost thereof may be imposed on the
26 requesting organization by the domestic relations office.

27 SUBCHAPTER B

28 SUPPORT

29 Sec.

30 4321. Liability for support.

1 4322. Support of spouse.

2 4323. Support of child.

3 4324. Maximum percentages on amount of support prohibited.

4 4325. Inclusion of medical support.

5 4326. Manner of making support payments.

6 4327. Payee of order of support.

7 § 4321. Liability for support.

8 (a) General rule.--Subject to the provisions of this
9 chapter:

10 (1) Married persons are liable for the support of each
11 other according to their respective abilities to provide
12 support.

13 (2) Parents are liable for the support of their children
14 who are unemancipated and 18 years of age or younger.

15 (3) Parents may be liable for the support of their
16 children who are 18 years of age or older.

17 (b) Persons living in same household.--Liability for support
18 shall not be affected by the fact that the person from whom
19 support is sought lives in the same household with the person
20 for whom support is sought.

21 § 4322. Support of spouse.

22 In making an order for the support of a spouse, the court
23 shall consider all relevant factors including, but not limited
24 to:

25 (1) The reasonable needs of each spouse and the ability
26 of each spouse to provide for those needs.

27 (2) The standard of living, financial resources, income,
28 earning capacity and employability of each spouse in terms of
29 age, physical and mental health and occupational skills.

30 (3) The nonmonetary contributions of either spouse

1 toward the care and maintenance of the other spouse or their
2 children.

3 (4) Other dependents of a party to the support action or
4 proceeding.

5 (5) Partial custody agreements.

6 § 4323. Support of child.

7 (a) General rule.--The court may make an order of support
8 for a child according to the respective abilities of the parents
9 to provide support. In making an order for the support of a
10 child, the court shall consider all relevant factors including,
11 but not limited to:

12 (1) The age, physical and mental health and education or
13 vocational needs.

14 (2) The reasonable needs of the child.

15 (3) The standard of living, financial resources, income,
16 earning capacity and employability of either or both parents
17 in terms of age, physical and mental health and occupational
18 skills.

19 (4) The nonmonetary contributions of either parent
20 toward the care and maintenance of the child.

21 (5) Other dependents of a party to the support action or
22 proceeding.

23 (6) Partial custody agreements.

24 (b) Child not entitled to support.--A court shall not order
25 either or both parents to pay for the support of a child if the
26 child is either:

27 (1) Married.

28 (2) Self-supporting.

29 (3) A member of the armed forces of the United States.

30 (4) Maintaining a permanent residence away from the

1 permanent residence of the party seeking support for the
2 child. A residence at boarding school, camp, college training
3 or vocational school shall not be considered a residence away
4 from the permanent residence of the party seeking support for
5 the child unless the residence of the child when not
6 attending boarding school, camp, college training or
7 vocational school is not with the party seeking support.

8 (c) Child who is not a minor.--There is a presumption that,
9 when a child is over 18 years of age and not a continuing full-
10 time student in a high school program, the duty of a parent to
11 support the child ceases. The child has the burden of rebutting
12 this presumption. In these cases a parent of the child may
13 initiate the support action or proceeding with the written
14 consent of the child.

15 (d) Marital status of parents immaterial.--In making an
16 order for the support of a child, no distinction shall be made
17 because of the marital status of the parents.

18 § 4324. Maximum percentages on amount of support prohibited.

19 In determining the amount of an order of support, no maximum
20 percentage of income and resources shall apply, however,
21 consistent with law, the court may adopt reasonable guidelines
22 to be considered in determining the amount of support.

23 § 4325. Inclusion of medical support.

24 In addition to periodic support payments, the court may
25 require that a parent pay a fair share of a child's
26 extraordinary and necessary health care expenses. If health care
27 coverage is available through a parent at no cost as a benefit
28 of employment or at a reasonable cost, the court may order a
29 parent to provide or extend health care coverage to a child.
30 Upon failure of the obligor to make this payment or reimburse

1 the custodial parent and after compliance with procedural due
2 process requirement, the court shall treat the amount as
3 arrearages.

4 § 4326. Manner of making support payments.

5 An order of support shall not be payable in a lump sum but
6 shall be payable in periodic payments as ordered by the court
7 except with respect to retroactive orders or payment of
8 arrearages.

9 § 4327. Payee of order of support.

10 An order of support of a person shall direct payment to be
11 made payable to or payment to be made to the domestic relations
12 office for transmission to the plaintiff or for transmission
13 directly to a public body or public or private agency whenever
14 the care, maintenance and assistance of the person is provided
15 for by the public body or public or private agency.

16 SUBCHAPTER C

17 PROCEEDINGS GENERALLY

18 Sec.

19 4341. Commencement of support actions or proceedings.

20 4342. Procedure for support action.

21 4343. Records, hearings, evidence and exceptions.

22 4344. Paternity.

23 4345. Contempt for failure of defendant to appear.

24 4346. Contempt for noncompliance with support order.

25 4347. Security for attendance or performance.

26 4348. Attachment of income.

27 4349. Consolidation of proceedings.

28 4350. Costs and fees.

29 4351. Continuing jurisdiction over support orders.

30 4352. Duty to report.

1 § 4341. Commencement of support actions or proceedings.

2 (a) General rule.--A support action or proceeding under this
3 chapter shall be commenced in the manner prescribed by general
4 rules.

5 (b) Nature of proceedings.--An action or proceeding
6 commenced under this chapter is a civil action governed by
7 general rules applicable to civil matters.

8 § 4342. Procedure for support action.

9 (a) General rule.--Where a plaintiff has filed a petition
10 for support the expedited process provided for in this section
11 shall apply.

12 (b) Office conference.--

13 (1) The office conference shall be conducted by a
14 hearing officer who may be a an attorney at law.

15 (2) If the defendant fails to appear at the conference
16 before the officer as directed by the court, the conference
17 may proceed without the defendant.

18 (3) At the conference, the parties shall furnish to the
19 office true copies of their most recent Federal income tax
20 returns, their pay stubs for the preceding six months and
21 their income and expense statements in the form required by
22 general rules.

23 (4) The officer may make a recommendation to the parties
24 of an amount of support which the officer believes proper. If
25 an agreement for support is reached at the conference, the
26 officer shall prepare a written order in conformity with the
27 agreement for signature by the parties and submission to the
28 court together with the officer's recommendation for approval
29 or disapproval. The court may enter the order in accordance
30 with the agreement without hearing the parties.

1 (5) At the conclusion of the conference or promptly
2 thereafter, the officer shall prepare a conference summary
3 and furnish copies to the court and, upon request, to both
4 parties. The conference summary shall state all of the
5 following:

6 (i) The facts upon which the parties agree.

7 (ii) The contentions of the parties with respect to
8 facts upon which they disagree.

9 (iii) The officer's recommendation, if any, of the
10 amount of support, by and for whom the support shall be
11 paid and the effective date of any order.

12 (c) Entry of order.--

13 (1) If an agreement for support is not reached at the
14 conference, the court, without hearing the parties, may enter
15 an appropriate order after consideration of the
16 recommendation. The order shall state that any party may
17 within ten days after the mailing of the notice of the entry
18 of the order file a written demand with the domestic
19 relations section for a hearing before the court.

20 (2) A demand for a hearing before the court shall not
21 stay the order unless the court so directs.

22 (3) If no party demands a hearing before the court
23 within the ten day period, the order shall constitute a final
24 order.

25 (d) Hearing.--

26 (1) If the court does not enter an order under
27 subsections (b)(4) or (c)(1) within five days of the
28 conference, or if an order is entered and a demand for a
29 hearing before the court is filed, there shall be a hearing
30 de novo before the court. The domestic relations section

1 shall schedule the hearing and give notice to the parties.

2 (2) Promptly after receipt of the notice of the
3 scheduled hearing, a party may move the court for a separate
4 listing where any of the following exists:

5 (i) There are complex questions of law, fact or
6 both.

7 (ii) The hearing will be protracted.

8 (iii) The orderly administration of justice requires
9 that the hearing be listed separately.

10 (3) The motion may include a request for discovery. If
11 granted, the order may specify the scope of discovery.

12 (e) Post-trial motions.--No motion for post-trial relief may
13 be filed to the final order of support.

14 § 4343. Records, hearings, evidence and exceptions.

15 (a) Stenographic record.--At the conclusion of the
16 conference provided for in section 4342 (relating to procedure
17 for support action), if an agreement for support has not been
18 reached, the parties shall be given notice of the date, time and
19 place of a hearing. The hearing shall be conducted by a
20 permanent hearing officer who must be an attorney at law. There
21 shall be a stenographic record of the testimony.

22 (b) Separate listing of hearing.--

23 (1) Promptly after conclusion of the conference, a party
24 may move the court for a separate listing of the hearing
25 where any of the following exists:

26 (i) There are complex questions of law, fact or
27 both.

28 (ii) The hearing will be protracted.

29 (iii) The orderly administration of justice requires
30 that the hearing be listed separately.

1 (2) The motion may include a request for discovery. If
2 granted, the order may specify the scope of discovery.

3 (c) Report.--The hearing officer shall receive evidence,
4 hear argument and file with the court a report containing a
5 recommendation with respect to the entry of an order of support.
6 The report may be in narrative form stating the reasons for the
7 recommendation and shall include a proposed order stating all of
8 the following:

9 (1) The amount of support.

10 (2) By and for whom it shall be paid.

11 (3) The effective date of the order.

12 A copy of the report shall be furnished to all parties at the
13 conclusion of the hearing.

14 (d) Exceptions.--

15 (1) Within ten days after the conclusion of the hearing,
16 any party may file exceptions to the report or any part
17 thereof, to rulings on objections to evidence, to statements
18 or findings of fact, to conclusions of law or to any other
19 matters occurring during the hearing. Each exception shall
20 set forth a separate objection precisely and without
21 discussion. Matters not covered by exceptions are deemed
22 waived unless, prior to entry of the final order, leave is
23 granted to file exceptions raising those matters.

24 (2) If no exceptions are filed within the ten-day
25 period, the court shall review the report and, if approved,
26 enter a final order.

27 (3) If exceptions are filed, the court shall hear
28 argument on the exceptions and enter an appropriate final
29 order. No motion for post-trial relief may be filed to the
30 final order.

1 § 4344. Paternity.

2 (a) Determination.--Where the paternity of a child born out
3 of wedlock is disputed, the determination of paternity shall be
4 made by the court without a jury unless either party demands
5 trial by jury. The trial, whether or not a trial by jury is
6 demanded, shall be a civil trial and there shall be no right to
7 a criminal trial on the issue of paternity. The burden of proof
8 shall be by a preponderance of the evidence.

9 (b) Limitation of actions.--An action or proceeding under
10 this chapter to establish the paternity of a child born out of
11 wedlock must be commenced within 18 years of the date of birth
12 of the child. Where the reputed father has voluntarily
13 contributed to the support of the child or has acknowledged his
14 paternity in writing, the action or proceeding may be commenced
15 at any time within two years of the contribution or
16 acknowledgment by the reputed father.

17 § 4345. Contempt for failure of defendant to appear.

18 (a) General rule.--A defendant who willfully fails or
19 refuses to appear in response to a duly served order or other
20 process under this chapter may, as prescribed by general rule,
21 be adjudged in contempt. Contempt shall be punishable by any one
22 or more of the following:

23 (1) Imprisonment for a period not to exceed six months.

24 (2) A fine not to exceed \$500.

25 (3) Probation for a period not to exceed six months.

26 (b) Philadelphia cases.--In a county of the first class, the
27 defendant named in the order or other process shall be brought
28 before the court forthwith, but in any event within 48 hours or
29 two court working days, whichever is longer, after the defendant
30 is taken into custody, for the purpose of hearing on the issue

1 of contempt of the order or other process involved.

2 § 4346. Contempt for noncompliance with support order.

3 (a) General rule.--A defendant who willfully fails to comply
4 with any order under this chapter, except an order subject to
5 section 4345 (relating to contempt for failure of defendant to
6 appear), may, as prescribed by general rule, be adjudged in
7 contempt. Contempt shall be punishable by any one or more of the
8 following:

9 (1) Imprisonment for a period not to exceed six months.

10 (2) A fine not to exceed \$500.

11 (3) Probation for a period not to exceed six months.

12 (b) Philadelphia cases.--In a county of the first class the
13 hearing shall be fixed as provided in section 4345(b).

14 § 4347. Security for attendance or performance.

15 (a) General rule.--At any stage of the proceedings under
16 this chapter, upon affidavit filed that the defendant is about
17 to leave this Commonwealth or the judicial district, the court
18 may, as prescribed by general rule, issue appropriate process
19 directing that the defendant be brought before the court and may
20 direct that the defendant give security to appear when directed
21 by the court or to comply with any order of the court.

22 (b) Philadelphia cases.--In a county of the first class, the
23 hearing shall be fixed as provided in section 4345(b) (relating
24 to contempt for failure of defendant to appear).

25 § 4348. Attachment of income.

26 (a) Existing orders.--As to orders of support entered prior
27 to the effective date of this part, the defendant's income shall
28 be attached where the defendant is in arrears for a period
29 exceeding 30 days or at such earlier date as the court may
30 designate. This attachment shall be consistent with

1 constitutional due process requirements as prescribed by general
2 rule.

3 (b) Future orders.--As of October 1, 1985, all orders of
4 support entered by courts of this Commonwealth shall provide for
5 the mandatory attachment of the defendant's income where the
6 defendant is in arrears for a period exceeding 30 days or at
7 such earlier date as the court may designate. This attachment
8 shall be consistent with constitutional due process requirements
9 as prescribed by general rule.

10 (c) Request of debtor.--The court shall also order the
11 attachment of income where the person owing the duty of support
12 requests that his income be attached.

13 (d) Maximum amount and termination.--An order of attachment
14 of income shall not exceed the maximum amount permitted under
15 section 303(b) of the Consumer Credit Protection Act (15 U.S.C.
16 § 1673(b)). An order of attachment of income may be terminated
17 by the court at any time for good cause shown.

18 (e) Effect of compliance by employer.--Compliance by an
19 employer with an order of attachment of income operates as a
20 discharge of the liability of the employer to the defendant as
21 to that portion of the employment income of the defendant
22 affected.

23 (f) Effect of noncompliance by employer.--

24 (1) An employer or officer or employee thereof who
25 willfully fails to comply with an order of attachment under
26 this chapter may, as prescribed by general rule, be adjudged
27 in contempt and committed to jail or fined by the court.

28 (2) The employer shall be liable for any amount the
29 employer fails to withhold from income due an employee under
30 an order of attachment of income and any amount which is

1 withheld from such income but not forwarded to the domestic
2 relations office.

3 (3) The court may, pursuant to general rule, attach
4 funds in the possession of an employer or officer or employee
5 thereof.

6 (g) Disciplinary action by employer prohibited.--When an
7 order of attachment on income is about to be or has been
8 entered, an employer or officer or employee thereof shall not
9 use the attachment or possibility thereof as a basis, in whole
10 or in part, for the discharge of an employee or for any
11 disciplinary action against or demotion of, an employee. In case
12 of a violation of this subsection, the employer or officer or
13 employee thereof may be adjudged in contempt and committed to
14 jail or fined by the court.

15 (h) Bonding.--The court may attach forms of income other
16 than wages, and include bonding or other requirements in cases
17 involving individuals whose income is from sources other than
18 wages, in order to assure that support owed by individuals in
19 this Commonwealth will be collected without regard to the types
20 of these individuals' income or the nature of their income-
21 producing activities.

22 (i) Priority of attachment.--An order of attachment under
23 this chapter shall have priority over any attachment, execution,
24 garnishment or wage assignment unless otherwise ordered by the
25 court.

26 (j) Nonresidents.--Income attachment shall be available to
27 plaintiff residing outside this Commonwealth where the income of
28 the defendant is derived in this Commonwealth.

29 § 4349. Consolidation of proceedings.

30 The court may consolidate with a support action or proceeding

1 any proceeding commenced for visitation rights, sole or shared
2 custody, temporary or permanent custody or any other matters
3 pertaining to support authorized by law which fairly and
4 expeditiously may be determined and disposed of in the support
5 action or proceeding.

6 § 4350. Costs and fees.

7 When it appears to the court that either party or both
8 parties are financially able to pay costs and fees, the court
9 may impose the costs and fees on either party or both parties.

10 § 4351. Continuing jurisdiction over support orders.

11 (a) General rule.--The court making an order of support
12 shall at all times maintain jurisdiction of the matter for the
13 purpose of enforcement of the order and for the purpose of
14 increasing, decreasing, modifying or rescinding the order
15 without limiting the right of the plaintiff to institute
16 additional proceedings for support in any county in which the
17 defendant resides or in which property of the defendant is
18 situated.

19 (b) Foreign support orders.--The court may modify registered
20 foreign support orders when the foreign court declines,
21 surrenders or determines that it is an inappropriate forum to
22 modify the decree. The court may at any time remit, correct or
23 reduce the amount of arrearages.

24 (c) Applicability.--This section applies to all support
25 orders whether entered under this chapter or any other statute.

26 § 4352. Duty to report.

27 A plaintiff or defendant to a support proceeding shall notify
28 the domestic relations office in writing or by personal
29 appearance within five days of any change of employment, change
30 of personal address or change of address of any child receiving

1 support. Willful failure to comply with this section may be
2 adjudged in contempt of court pursuant to section 4346 (relating
3 to contempt for noncompliance with support order).

4 SUBCHAPTER D

5 PROCEEDINGS AGAINST ENTIRETIES PROPERTY

6 Sec.

7 4361. Execution of support order against entireties property.

8 4362. Plaintiff's share of proceeds of sale.

9 4363. Trustee to distribute proceeds of sale.

10 4364. Credit to plaintiff who purchases property.

11 4365. Rights of divorced person in entireties property sold
12 for support.

13 4366. Other enforcement remedies preserved.

14 § 4361. Execution of support order against entireties property.

15 (a) Entry of order.--Whenever married persons hold real
16 property by the entireties and one spouse secures an order of
17 court against the other spouse for the support of the plaintiff
18 spouse or of a child of both persons or the defendant or for the
19 support of both the plaintiff spouse and child and a copy of the
20 order has been certified to the court of common pleas of the
21 county in this Commonwealth in which the property is situated,
22 the order shall be entered in that court as a judgment with the
23 same effect as if it had been recovered as a judgment of that
24 court.

25 (b) Execution on judgment.--Execution may be issued on the
26 judgment against the real property held by the entireties and
27 the property may be sold in the manner provided by law for the
28 sale of real property on execution issued on a judgment. In any
29 writs of execution on the judgment, the defendant shall not be
30 entitled to the benefit of 42 Pa.C.S. Ch. 81 Subch. B (relating

1 to exemptions from execution) or any other exemption statute.

2 (c) Title of purchaser.--The sale of real property under
3 this section conveys to the purchaser or purchasers thereof a
4 good and valid title to the property and vests in the purchaser
5 or purchasers the entire title of both the married persons in
6 the same manner and with the same effect as if both married
7 persons had joined in the conveyance of the property.

8 (d) Proceedings by obligor spouse prohibited.--The obligor
9 spouse shall not have the right to initiate proceedings under
10 this section.

11 § 4362. Plaintiff's share of proceeds of sale.

12 (a) General rule.--The plaintiff spouse shall be entitled to
13 one-half of the proceeds of the sale of real property by the
14 entireties which represents plaintiff's prior undivided one-half
15 interest in the property.

16 (b) Petition to court.--The plaintiff spouse may petition
17 the court of common pleas of the county where the real property
18 is situated, either before or after the sale of the property by
19 execution, setting forth plaintiff's claim and the court shall
20 fix a date for a hearing on the petition.

21 (c) Hearing and decree.--After notice and hearing, the court
22 shall make such decree as shall be proper. At the hearing, both
23 spouses shall be competent witnesses.

24 § 4363. Trustee to distribute proceeds of sale.

25 (a) Appointment of trustee.--The court shall, at the time of
26 the hearing or thereafter, appoint a trustee who shall receive
27 from the sheriff the proceeds of the sale of the property after
28 the costs have been paid.

29 (b) Disposition of proceeds.--The trustee shall, out of the
30 proceeds, pay to the plaintiff spouse the sum of money the court

1 decreed as plaintiff's share in the property sold and also the
2 sums of money, and interest thereon from the time the respective
3 items making them up became due and payable, which are due and
4 payable under the order of support. The trustee shall also pay
5 to the plaintiff spouse any additional sums plaintiff may be
6 entitled to under any order of court for the support of
7 plaintiff or the children of defendant.

8 (c) Compensation of trustee.--The trustee shall be
9 compensated as determined by the court from the proceeds of the
10 sale.

11 § 4364. Credit to plaintiff who purchases property.

12 (a) General rule.--If the plaintiff spouse becomes the
13 purchaser at the execution sale, plaintiff shall be entitled to
14 a credit on the purchase price thereof for the sum of money
15 found by the court to represent plaintiff's share in the
16 property and also for the sums of money due plaintiff from the
17 defendant under the order of support upon which the execution
18 was issued at the time of the sale, together with interest on
19 the sums due plaintiff for support from the time the respective
20 sums become due.

21 (b) Allowance or assignment of credit.--The credit shall be
22 allowed plaintiff by the sheriff or plaintiff may assign the
23 sums due plaintiff to the purchaser of the property whereupon
24 credit shall be given to the purchaser by the sheriff for the
25 amount assigned.

26 § 4365. Rights of divorced person in entireties property sold
27 for support.

28 (a) General rule.--After the divorce of any spouse who is a
29 tenant by the entireties of real property with the former
30 spouse, the divorced spouse is entitled to all the rights and

1 remedies provided in this subchapter for the collection of any
2 sums of money ordered by a court to be paid to the divorced
3 spouse for the support of the children of the former spouse as
4 fully as if no divorce had occurred.

5 (b) Proceeds of sale.--Upon the sale of the real property
6 for the collection of any sums of money due the divorced spouse
7 under an order of court, the divorced spouse shall be entitled
8 to receive therefrom such sum of money as represents the share
9 of the divorced spouse in the property, as ordered by the court
10 under section 4362 (relating to plaintiff's share of proceeds of
11 sale), together with any sums which may be due to the divorced
12 spouse under an order of support against the former spouse.

13 § 4366. Other enforcement remedies preserved.

14 This subchapter and other provisions of this chapter do not
15 remove from the plaintiff the rights to any other existing
16 remedies to enforce a support order including, but not limited
17 to, the right of the plaintiff to institute proceedings against
18 the real or personal property of the defendant.

19 CHAPTER 45

20 RECIPROCAL ENFORCEMENT OF

21 SUPPORT ORDERS

22 Sec.

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11 4518. Duty of the court and officials of this Commonwealth

12 as responding state.

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15 4520. Hearing and continuance.

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26 4531. Application of payments.

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30 4535. Additional remedies.

1 4536. Registration.

2 4537. Registry of foreign support orders.

3 4538. Official to represent obligee.

4 4539. Registration procedure.

5 4540. Effect and enforcement of registered order.

6 § 4501. Short title and purposes of chapter.

7 (a) Short title.--This chapter shall be known and may be
8 cited as the Revised Uniform Reciprocal Enforcement of Support
9 Act (1968).

10 (b) Purposes.--The purposes of this chapter are to improve
11 and extend by reciprocal legislation the enforcement of duties
12 of support.

13 § 4502. Definitions.

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

17 "Court." The courts of common pleas of this Commonwealth and
18 when the context requires, the court of any other state as
19 defined in a substantially similar reciprocal law.

20 "Duty of support." A duty of support whether imposed or
21 imposable by law or by order, decree, or judgment of any court,
22 whether interlocutory or final or whether incidental to an
23 action for divorce, separation, separate maintenance, or
24 otherwise and includes the duty to pay arrearages of support
25 past due and unpaid.

26 "Governor." Includes any person performing the functions of
27 Governor or the executive authority of any state covered by this
28 chapter.

29 "Initiating court." The court in which a proceeding is
30 commenced.

1 "Initiating state." A state in which a proceeding pursuant
2 to this or a substantially similar reciprocal law is commenced.

3 "Law." Includes both common and statutory law.

4 "Obligee." A person to whom a duty of support is owed or a
5 person including a state or political subdivision that has
6 commenced a proceeding for enforcement of an alleged duty of
7 support or for registration of a support order. It is immaterial
8 if the person to whom a duty of support is owed is a recipient
9 of public assistance.

10 "Obligor." Any person owing a duty of support or against
11 whom a proceeding for the enforcement of a duty of support or
12 registration of a support order is commenced.

13 "Prosecuting attorney." The public official in the
14 appropriate place who has the duty to enforce laws relating to
15 the failure to provide for the support of any person.

16 "Register." To record in the Registry of Foreign Support
17 Orders.

18 "Registering court." Any court of this Commonwealth in which
19 a support order of a rendering state is registered.

20 "Rendering state." A state in which the court has issued a
21 support order for which registration is sought or granted in the
22 court of another state.

23 "Responding court." The court in which a responsive
24 proceeding is commenced.

25 "Responding state." A state in which any responsive
26 proceeding pursuant to the proceeding in the initiating state is
27 commenced.

28 "State." Includes a state, territory, or possession of the
29 United States, the District of Columbia, the Commonwealth of
30 Puerto Rico, and any foreign jurisdiction in which this or a

1 substantially similar reciprocal law is in effect.

2 "Support order." Any judgment, decree, or order of support
3 in favor of an obligee whether temporary or final, or subject to
4 modification, revocation, or remission, regardless of the kind
5 of action or proceeding in which it is entered.

6 § 4503. Remedies additional to those now existing.

7 The remedies provided in this chapter are in addition to and
8 not in substitution for any other remedies.

9 § 4504. Extent of duties of support.

10 Duties of support arising under the law of this Commonwealth,
11 when applicable under section 4507 (relating to choice of law),
12 bind the obligor present in this Commonwealth regardless of the
13 presence or residence of the obligee.

14 § 4505. Interstate rendition.

15 The Governor of this Commonwealth may:

16 (1) demand of the Governor of another state the
17 surrender of a person found in that state who is charged
18 criminally in this Commonwealth with failing to provide for
19 the support of any person; or

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

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

1 the commission of the crime was in the demanding state.

2 § 4506. Conditions of interstate rendition.

3 (a) Obligor in another state.--Before making the demand upon
4 the Governor of another state for the surrender of a person
5 charged criminally in this Commonwealth with failing to provide
6 for the support of a person, the Governor of this Commonwealth
7 may require any prosecuting attorney of this Commonwealth to
8 satisfy him that at least 60 days prior thereto the obligee
9 initiated proceedings for support under this chapter or that the
10 initiation of any proceeding would be of no avail.

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

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

28 § 4507. Choice of law.

29 Duties of support applicable under this chapter are those
30 imposed under the laws of any state where the obligor was

1 present for the period during which support is sought. The
2 obligor is presumed to have been present in the responding state
3 during the period for which support is sought until otherwise
4 shown.

5 § 4508. Remedies of state or political subdivision furnishing
6 support.

7 If a state or a political subdivision furnishes support to an
8 individual obligee it has the same right to initiate a
9 proceeding under this chapter as the individual obligee for the
10 purpose of securing reimbursement for support furnished and of
11 obtaining continuing support.

12 § 4509. How duties of support are enforced.

13 All duties of support, including the duty to pay arrearages,
14 are enforceable by a proceeding under this chapter including a
15 proceeding for civil contempt. The defense that the parties are
16 immune to suit because of their relationship as husband and wife
17 or parent and child is not available to the obligor.

18 § 4510. Jurisdiction.

19 Jurisdiction of any proceeding under this chapter is vested
20 in the courts of common pleas.

21 § 4511. Petition for support.

22 (a) Contents.--The petition shall be verified and shall
23 state the name and, so far as known to the obligee, the address
24 and circumstances of the obligor, the persons for whom support
25 is sought, and all other pertinent information. The obligee may
26 include in or attach to the petition any information which may
27 help in locating or identifying the obligor including a
28 photograph of the obligor, a description of any distinguishing
29 marks on his person, other names and aliases by which he has
30 been or is known, the name of his employer, his fingerprints,

1 and his social security number.

2 (b) Filing.--The petition may be filed in the appropriate
3 court of any state in which the obligee resides. The court may
4 decline or refuse to accept and forward the petition on the
5 ground that it should be filed with some other court of this or
6 any other state where there is pending another action for
7 divorce, separation, annulment, dissolution, habeas corpus,
8 adoption, or custody between the same parties or where another
9 court has already issued a support order in some other
10 proceeding and has retained jurisdiction for its enforcement.
11 § 4512. Officials to represent obligee.

12 If this Commonwealth is acting as an initiating state the
13 prosecuting attorney upon the request of the court, or a
14 Commonwealth or local welfare official shall represent the
15 obligee in any proceeding under this chapter. If the prosecuting
16 attorney neglects or refuses to represent the obligee, the
17 Department of Public Welfare may undertake the representation.
18 § 4513. Petition for a minor.

19 A petition on behalf of a minor obligee may be executed and
20 filed by a person having legal custody of the minor without
21 appointment as guardian ad litem.

22 § 4514. Duty of initiating court.

23 If the initiating court finds that the petition sets forth
24 facts from which it may be determined that the obligor owes a
25 duty of support and that a court of the responding state may
26 obtain jurisdiction of the obligor or his property it shall so
27 certify and cause three copies of the petition and its
28 certificate and one copy of this chapter to be sent to the
29 responding court. Certification shall be in accordance with the
30 requirements of the initiating state. If the name and address of

1 the responding court is unknown and the responding state has an
2 information agency comparable to that established in the
3 initiating state it shall cause the copies to be sent to the
4 state information agency or other proper official of the
5 responding state, with a request that the agency or official
6 forward them to the proper court and that the court of the
7 responding state acknowledge their receipt to the initiating
8 court.

9 § 4515. Costs and fees.

10 An initiating court shall not require payment of either a
11 filing fee or other costs from the obligee but may request the
12 responding court to collect fees and costs from the obligor. A
13 responding court shall not require payment of a filing fee or
14 other costs from the obligee but it may direct that all fees and
15 costs requested by the initiating court and all fees and costs
16 incurred in this Commonwealth when acting as a responding state,
17 including fees for filing of pleadings, service of process,
18 seizure of property, stenographic or duplication service, or
19 other service supplied to the obligor, be paid in whole or in
20 part by the obligor or by the state or political subdivision
21 thereof. These costs or fees do not have priority over amounts
22 due to the obligee.

23 § 4516. Jurisdiction by arrest.

24 (a) General rule.--If the court of this Commonwealth
25 believes that the obligor may flee it may:

26 (1) as an initiating court, request in its certificate
27 that the responding court obtain the body of the obligor by
28 appropriate process; or

29 (2) as a responding court, obtain the body of the
30 obligor by appropriate process. Thereupon it may release him

1 upon his own recognizance or upon his giving a bond in an
2 amount set by the court to assure his appearance at the
3 hearing. When the obligor is detained for the hearing, the
4 hearing shall be held within 15 days from the date of arrest.
5 The court may compel the attendance at a hearing by
6 attachment process directed to the sheriff or other proper
7 officer of the county directing and commanding that the
8 obligor be brought before the court at such time as the court
9 may direct. If the court, whenever an attachment is issued in
10 any county as provided in this paragraph, shall find after
11 hearing that the obligor has willfully neglected or refused
12 to comply with any order of the court, the court may adjudge
13 such person in contempt of court and, in its discretion, may
14 commit such person to the county jail or house of correction
15 until compliance with such order, but in no case for a period
16 exceeding six months. The court in its order shall state the
17 condition upon which fulfillment will result in the release
18 of the obligor.

19 (b) Philadelphia cases.--In the first judicial district the
20 obligor shall be brought before the court forthwith, but in any
21 event within 48 hours or two court working days, whichever is
22 the longer from the time the obligor is taken in custody
23 pursuant to the attachment; at which time, if the court shall
24 find, after hearing, that the obligor is about to leave the
25 jurisdiction, the court may direct that he give security, by one
26 or more sureties, to appear when directed by the court, or to
27 comply with any order of court.

28 § 4517. State information agency.

29 (a) General rule.--The Department of Public Welfare is
30 designated as the state information agency under this chapter.

1 It shall:

2 (1) Compile a list of the courts and their addresses in
3 this Commonwealth having jurisdiction under this chapter and
4 transmit it to the state information agency of every other
5 state which has adopted this or a substantially similar law.
6 Upon the adjournment of each session of the General Assembly
7 the agency shall distribute copies of any amendments to this
8 chapter and a statement of their effective date to all other
9 state information agencies.

10 (2) Maintain a register of lists of courts received from
11 other states and transmit copies thereof promptly to every
12 court in this Commonwealth having jurisdiction under this
13 chapter.

14 (3) Forward to the court in this Commonwealth which has
15 jurisdiction over the obligor or his property petitions,
16 certificates and copies of the laws it receives from courts
17 or information agencies of other states.

18 (b) Inquiry for obligor.--If the state information agency
19 does not know the location of the obligor or his property in the
20 state and no state location service is available it shall use
21 all means at its disposal to obtain this information, including
22 the examination of official records in the state and other
23 sources such as telephone directories, real property records,
24 vital statistics records, police records, requests for the name
25 and address from employers who are able or willing to cooperate,
26 records of motor vehicle license offices, requests made to the
27 tax offices, both State and Federal, where such offices are able
28 to cooperate, and requests made to the Social Security
29 Administration as permitted by the Social Security Act as
30 amended.

1 (c) Department of Public Welfare prosecution.--After the
2 deposit of three copies of the petition and certificate and one
3 copy of the law of the initiating state with the clerk of the
4 appropriate court, if the state information agency knows or
5 believes that the prosecuting attorney is not prosecuting the
6 case diligently it shall inform the Department of Public
7 Welfare, who may undertake the representation.

8 § 4518. Duty of the court and officials of this Commonwealth as
9 responding state.

10 (a) Docketing and notice.--After the responding court
11 receives copies of the petition, certificate and law from the
12 initiating court the clerk of the court shall docket the case
13 and notify the prosecuting attorney of his action.

14 (b) District attorney prosecution.--The prosecuting attorney
15 shall prosecute the case diligently. He shall take all action
16 necessary in accordance with the laws of this Commonwealth to
17 enable the court to obtain jurisdiction over the obligor or his
18 property and shall request the clerk of the court to set a time
19 and place for a hearing and give notice thereof to the obligor
20 in accordance with law.

21 (c) Department of Public Welfare prosecution.--If the
22 prosecuting attorney neglects or refuses to represent the
23 obligee, the Department of Public Welfare may undertake the
24 representation.

25 § 4519. Further duties of court and officials of responding
26 state.

27 (a) General rule.--The prosecuting attorney on his own
28 initiative shall use all means at his disposal to locate the
29 obligor or his property, and if because of inaccuracies in the
30 petition or otherwise the court cannot obtain jurisdiction the

1 prosecuting attorney shall inform the court of what he has done
2 and request the court to continue the case pending receipt of
3 more accurate information or an amended petition from the
4 initiating court.

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

18 (c) Notice of no information.--If the prosecuting attorney
19 has no information as to the location of the obligor or his
20 property he shall so inform the initiating court.

21 § 4520. Hearing and continuance.

22 If the obligee is not present at the hearing and the obligor
23 denies owing the duty of support alleged in the petition or
24 offers evidence constituting a defense the court, upon request
25 of either party, shall continue the hearing to permit evidence
26 relative to the duty to be adduced by either party by deposition
27 or by appearing in person before the court. The court may
28 designate the judge of the initiating court as a person before
29 whom a deposition may be taken.

30 § 4521. Immunity from criminal prosecution.

1 If at the hearing the obligor is called for examination as an
2 adverse party and he declines to answer upon the ground that his
3 testimony may tend to incriminate him, the court may require him
4 to answer, in which event he is immune from criminal prosecution
5 with respect to matters revealed by his testimony, except for
6 perjury committed in this testimony.

7 § 4522. Evidence of husband and wife.

8 Laws attaching a privilege against the disclosure of
9 communications between husband and wife are inapplicable to
10 proceedings under this chapter. Husband and wife are competent
11 witnesses and may be compelled to testify to any relevant
12 matter, including marriage and parentage.

13 § 4523. Rules of evidence.

14 In any hearing for the civil enforcement of this chapter the
15 court is governed by the rules of evidence applicable in a civil
16 matter in the court of common pleas. If the action is based on a
17 support order issued by another court a certified copy of the
18 order shall be received as evidence of the duty of support,
19 subject only to any defenses available to an obligor under
20 section 4527 (relating to paternity) or to a defendant in an
21 action or a proceeding to enforce a foreign money judgment. The
22 determination or enforcement of a duty of support owed to one
23 obligee is unaffected by any interference by another obligee
24 with rights of custody or visitation granted by a court.

25 § 4524. Order of support.

26 If the responding court finds a duty of support it may order
27 the obligor to furnish support or reimbursement therefor and
28 subject the property of the obligor to the order. Support orders
29 made pursuant to this chapter shall require that payments be
30 made to the clerk of the court of the responding state, or to

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

13 § 4525. Responding court to transmit copies to initiating
14 court.

15 The responding court shall cause a copy of all support orders
16 to be sent to the initiating court.

17 § 4526. Additional powers of responding court.

18 In addition to the foregoing powers set forth in this chapter
19 a responding court may subject the obligor to any terms and
20 conditions proper to assure compliance with its orders and in
21 particular to:

22 (1) Require the obligor to furnish a cash deposit or a
23 bond of a character and amount to assure payment of any
24 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
27 to other officer designated by the court.

28 (3) Punish under the power of contempt the obligor who
29 violates any order of the court. No such punishment shall be
30 administered until the court shall find, after hearing, that

1 the violation was willful.

2 § 4527. Paternity.

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

11 § 4528. Additional duties of responding court.

12 A responding court has the following duties which may be
13 carried out through the clerk of the court, or other officer
14 designated by the court:

15 (1) To transmit to the initiating court any payment made
16 by the obligor pursuant to any order of the court or
17 otherwise.

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

20 § 4529. Additional duty of initiating court.

21 An initiating court shall receive and disburse forthwith all
22 payments made by the obligor or sent by the responding court.
23 This duty may be carried out through the clerk of the court, or
24 other officer designated by the court.

25 § 4530. Proceedings not to be stayed.

26 A responding court shall not stay the proceeding or refuse a
27 hearing under this chapter because of any pending or prior
28 action or proceeding for divorce, separation, annulment,
29 dissolution, habeas corpus, adoption, or custody in this
30 Commonwealth or any other state. The court shall hold a hearing

1 and may issue a support order pendente lite. In aid thereof it
2 may require the obligor to give a bond for the prompt
3 prosecution of the pending proceeding. If the other action or
4 proceeding is concluded before the hearing in the instant
5 proceeding and the judgment therein provides for the support
6 demanded in the petition being heard the court must take into
7 account in placing its support order the amount allowed in the
8 other action or proceeding. Thereafter the court shall not stay
9 enforcement of its support order because of the retention of
10 jurisdiction for enforcement purposes by the court in the other
11 action or proceeding.

12 § 4531. Application of payments.

13 A support order made by a court of this Commonwealth pursuant
14 to this chapter does not nullify and is not nullified by a
15 support order made by a court of this Commonwealth pursuant to
16 any other law or by a support order made by a court of any other
17 state pursuant to a substantially similar law or any other law,
18 regardless of priority of issuance, unless otherwise
19 specifically provided by the court. Amounts paid for a
20 particular period pursuant to any support order made by the
21 court of another state shall be credited against the amounts
22 accruing or accrued for the same period under any support order
23 made by the court of this Commonwealth.

24 § 4532. Effect of participation in proceeding.

25 Participation in any proceeding under this chapter does not
26 confer jurisdiction upon any court over any of the parties
27 thereto in any other proceeding.

28 § 4533. Intrastate application.

29 This chapter applies if both the obligee and the obligor are
30 in this Commonwealth but in different counties. If the court of

1 the county in which the petition is filed finds that the
2 petition sets forth facts from which it may be determined that
3 the obligor owes a duty of support and finds that a court of
4 another county in this Commonwealth may obtain jurisdiction over
5 the obligor or his property, the clerk of the court shall send
6 the petition and a certification of the findings to the court of
7 the county in which the obligor or his property is found. The
8 clerk of the court of the county receiving these documents shall
9 notify the prosecuting attorney of their receipt. The
10 prosecuting attorney and the court in the county to which the
11 copies are forwarded then shall have duties corresponding to
12 those imposed upon them when acting for this Commonwealth as a
13 responding state.

14 § 4534. Appeals.

15 (a) By Department of Public Welfare.--If the Department of
16 Public Welfare is of the opinion that a support order is
17 erroneous, or inadequate, or presents a question of law
18 warranting an appeal in the public interest, it may:

19 (1) perfect an appeal to the proper appellate court if
20 the support order was issued by a court of this Commonwealth;
21 or

22 (2) if the support order was issued in another state,
23 cause the appeal to be taken in the other state.

24 In either case expenses of appeal taken by such department may
25 be paid from funds appropriated to the Department of Public
26 Welfare.

27 (b) By obligee.--In the event the Department of Public
28 Welfare fails or refuses to file an appeal on behalf of the
29 obligee, such obligee may file such appeal as provided in
30 subsection (a)(1) and (2).

1 (c) By obligor.--The obligor shall have the right to file an
2 appeal to the proper appellate court if the support order was
3 issued by a court of this Commonwealth, or may cause the appeal
4 to be taken in the other state, if the support order was issued
5 in another state.

6 § 4535. Additional remedies.

7 If the duty of support is based on a foreign support order,
8 the obligee has the additional remedies provided in the
9 following sections of this chapter.

10 § 4536. Registration.

11 The obligee may register the foreign support order in a court
12 of this Commonwealth in the manner, with the effect, and for the
13 purposes provided in this chapter.

14 § 4537. Registry of foreign support orders.

15 The clerk of the court shall maintain a registry of foreign
16 support orders in which he shall file foreign support orders.

17 § 4538. Official to represent obligee.

18 (a) General rule.--If this Commonwealth is acting either as
19 a rendering or a registering state the prosecuting attorney upon
20 the request of the court, or a Commonwealth or other local
21 welfare official, shall represent the obligee in proceedings
22 under this chapter.

23 (b) Department of Public Welfare prosecution.--If the
24 prosecuting attorney neglects or refuses to represent the
25 obligee, the Department of Public Welfare may undertake the
26 representation.

27 § 4539. Registration procedure.

28 (a) General rule.--An obligee seeking to register a foreign
29 support order in a court of this Commonwealth shall transmit to
30 the clerk of the court:

1 (1) One certified copy of the order with all
2 modifications thereof.

3 (2) One copy of the reciprocal enforcement of support
4 law of the state in which the order was made.

5 (3) A statement verified and signed by the obligee,
6 showing the post office address of the obligee, the last
7 known place of residence and post office address of the
8 obligor, the amount of support remaining unpaid, a
9 description and the location of any property of the obligor
10 available upon execution, and a list of the states in which
11 the order is registered.

12 Upon receipt of these documents the clerk of the court, without
13 payment of a recording fee or other cost to the obligee, shall
14 record them in the registry of foreign support orders. The
15 recording constitutes registration under this chapter.

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

23 § 4540. Effect and enforcement of registered order.

24 (a) Effect.--Upon registration the registered foreign
25 support order shall be treated in the same manner as a support
26 order issued by a court of this Commonwealth. It has the same
27 effect and is subject to the same procedures, defenses, and
28 proceedings for reopening, vacating, or staying as a support
29 order of this Commonwealth and may be enforced and satisfied in
30 like manner.

1 (b) Challenge to order.--The obligor has 20 days after the
2 mailing of notice of the registration in which to petition the
3 court to vacate the registration or for other relief. If he does
4 not so petition the registered support order is confirmed.

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

20 PART VI

21 CHILDREN AND MINORS

22 Chapter

23 53. Custody

24 CHAPTER 53

25 CUSTODY

26 Subchapter

27 A. (Reserved)

28 B. (Reserved)

29 C. Enforcement of Visitation

30 SUBCHAPTER A

1 (Reserved)

2 SUBCHAPTER B

3 (Reserved)

4 SUBCHAPTER C

5 ENFORCEMENT OF VISITATION

6 Sec.

7 5381. Visitation.

8 5382. Hearing.

9 5383. Enforcement.

10 § 5381. Visitation.

11 (a) Notice.--Where a noncustodial parent alleges he or she
12 has been denied visitation pursuant to a valid court order, the
13 domestic relations office shall give to the custodial parent,
14 within five days after receipt of the notice of denied
15 visitation, a notice which shall include the following
16 statement:

17 Failure to respond in seven days to the domestic
18 relations office shall be considered an admission
19 that visitation was in violation of a court order.

20 (b) Mediation.--If the custodial parent makes a timely reply
21 contesting the alleged wrongful denial of visitation, mediation
22 shall be arranged by the domestic relations office with the
23 objective of establishing a makeup visitation. Visitation
24 procedures shall be as provided by general rule.

25 (c) Violation of order.--Where mediation fails and the
26 domestic relations officer has found a visitation order has been
27 violated, either of the following recommendations shall be made
28 to the master:

29 (1) A makeup visitation order which shall include the
30 same type and duration of visitation as the visitation which

1 was denied and shall provide that the makeup visit time shall
2 be chosen by the noncustodial parent.

3 (2) Commencement of a civil contempt proceeding to
4 resolve the visitation dispute.

5 § 5382. Hearing.

6 (a) Notice.--The parties shall be provided notice of the
7 hearing before the master as provided by general rule.

8 (b) Makeup visitation.--Where the domestic relations officer
9 recommends makeup visitation, the master shall determine whether
10 the visitation order was violated and if so, may order makeup
11 visitation. This decision shall be treated as a final order.

12 (c) Contempt.--Where the domestic relations officer
13 recommends the commencement of civil contempt proceedings, the
14 master may file with the court a petition for an order to show
15 cause why the custodial parent should not be held in contempt.

16 § 5383. Enforcement.

17 If the court finds that the custodial parent willfully denied
18 a visitation order, the court shall find the custodial parent in
19 contempt and may order one or more of the following:

20 (1) After notice to both parties and a hearing, modify
21 the visitation order to meet the best interest of the child.

22 (2) Require that makeup visitation be provided for the
23 noncustodial parent to take the place of wrongful denied
24 visitation.

25 (3) Commit the custodial parent to jail as prescribed by
26 general rule.

27 A custodial parent committed under paragraph (3) shall be
28 released if the court has reasonable cause to believe that the
29 parent will comply with the visitation order.

30 Section 2. Savings provision.--(a) This act does not

1 affect:

2 (1) Any court order or decree entered, act done,
3 liability incurred or right accrued or vested.

4 (2) Any action or proceeding pending.

5 (3) The ability to enforce any right to penalty or
6 punish any offense under the authority of statutes repealed
7 by this act.

8 (b) This act does not repeal or modify sections 1, 2, 3, 4,
9 5 and 6 of the act of June 24, 1937 (P.L.2045, No.397), known as
10 The Support Law.

11 Section 3. Repeals.--(a) The following acts or parts of
12 acts are repealed:

13 Act of February 22, 1718 (1 Sm.L. 99, Ch.226), entitled "An
14 act concerning feme-sole traders."

15 Act of April 11, 1848 (P.L.536, No.372), entitled "A
16 supplement to an act, entitled 'An Act relative to the Le
17 Raysville Phalanx,' passed March, Anno Domini one thousand eight
18 hundred and forty-seven, and relative to obligators and
19 obligees, to secure the right of married women, in relation to
20 defalcation, and to extend the boundaries of the borough of
21 Ligonier."

22 Act of April 22, 1850 (P.L.549, No.342), entitled "A
23 supplement to an act, entitled 'An Act to prevent waste in
24 certain cases within this commonwealth,' passed the twenty-ninth
25 day of March, one thousand eight hundred and twenty-two; to land
26 and building associations; giving the court of Susquehanna
27 county jurisdiction in a certain case; relative to the service
28 of process in certain cases; to party walls in West
29 Philadelphia; to the proof of a certain will; to the sale and
30 purchase of certain burial grounds in Philadelphia; to the

1 laying of gas pipes in the district of Moyamensing; to the
2 release of certain sureties in Erie county; to the State Lunatic
3 hospital; relative to the service of process against sheriffs;
4 to the rights of married women; to ground rents; and relating to
5 foreign insurance companies."

6 Act of April 15, 1851 (P.L.669, No.358), entitled "An act to
7 incorporate a company to erect a bridge over the river
8 Schuylkill at Spring Mill, in Montgomery county, relative to the
9 nineteenth section of 'An act regulating certain election
10 districts, &c,' approved March twenty-ninth, eighteen hundred
11 and fifty-one, to school directors in Philadelphia county, to
12 actions for damages sustained by injuries done to the person by
13 negligence or default, relative to the accounts of John Humes,
14 deceased, to authorize the trustees of the Seventh Presbyterian
15 church of Philadelphia to convey certain real estate, to
16 security for moneys loaned by wives to husbands, to unpaid
17 school taxes in Bradford county, and relative to service or
18 process on agents of joint stock companies."

19 Act of May 4, 1855 (P.L.430, No.456), entitled "An act
20 relating to certain duties and rights of Husband and Wife, and
21 Parents and Children."

22 Act of April 11, 1856 (P.L.315, No.334), entitled "An act
23 relating to the rights of property of Husband and Wife."

24 Act of April 1, 1863 (P.L.212, No.225), entitled "A
25 supplement to the act to secure the rights of married women,
26 passed the eleventh day of April, Anno Domini one thousand eight
27 hundred and forty-eight."

28 Act of April 3, 1872 (P.L.35, No.24), entitled "An act
29 securing to married women their separate earnings."

30 Act of June 11, 1879 (P.L.126, No.129), entitled "An act

1 relative to actions brought by husband and wife, or by the wife
2 alone, for her separate property, in cases of desertion."

3 Act of June 8, 1893 (P.L.344, No.284), entitled "An act
4 relating to husband and wife, enlarging her capacity to acquire
5 and dispose of property, to sue and be sued, and to make a last
6 will, and enabling them to sue and to testify against each other
7 in certain cases."

8 Act of July 9, 1897 (P.L.212, No.171), entitled "An act
9 authorizing married women, living separate and apart from their
10 husbands under separation agreements, to convey and encumber
11 their real estate without the joinder of their husbands."

12 Act of June 4, 1901 (P.L.425, No.233), entitled "An act
13 regulating trusts arising from the payment of the purchase money
14 of land by one person, and the taking of the legal title in the
15 name of another."

16 Act of May 23, 1907 (P.L.227, No.176), entitled "An act
17 relating to husband and wife, and to enlarge the rights and
18 remedies of married women in case of desertion or non-support by
19 husband."

20 Act of June 3, 1911 (P.L.631, No.241), entitled "An act
21 authorizing a married woman to make conveyances of real estate
22 to her husband, and validating all such conveyances heretofore
23 made."

24 Act of May 1, 1913 (P.L.146, No.97), entitled "An act
25 enabling a married woman, who has been deserted, abandoned, or
26 driven from her home by her husband, to sue her husband, upon
27 any cause of action whatsoever; and making such wife a competent
28 witness against the husband in such case."

29 Act of June 11, 1913 (P.L.468, No.313), entitled "An act to
30 provide for the execution of orders of the court of quarter

1 sessions, or other court of competent jurisdiction, for support
2 and maintenance of a wife or children, or both, and for the
3 execution of judgment entered upon contracts for such support
4 and maintenance, by subjecting estates owned by the husband and
5 wife by entireties, and the rents, issues and profits thereof,
6 to such executions; defining the title of the purchaser at the
7 sheriff's sale on such executions; and providing for the
8 application of the proceeds of such sales."

9 Act of June 12, 1913 (P.L.502, No.330), entitled "An act to
10 increase the powers of courts in summary proceedings for
11 desertion or non-support of wives, children, or aged parents, by
12 directing that imprisonment in such cases be at hard labor in
13 such institution as the court shall name, with the wages payable
14 to the wives, children, or parents; providing for the
15 disbursement of moneys collected on forfeitures of bonds, bail-
16 bonds, or recognizances; and by empowering such courts to
17 appoint desertion probation officers for the performance of such
18 duties as the court shall direct; and providing for the payment
19 of the expenses incident to the carrying out of this act."

20 Act of May 28, 1915 (P.L.639, No.279), entitled "An act to
21 permit a married woman whose husband has lived separate and
22 apart from her for one year or more, and who during that time
23 has not been supported by her husband, to become a feme sole
24 trader."

25 Act of June 2, 1919 (P.L.363, No.177), entitled "An act to
26 quiet the title of real estate by providing that the sale of
27 real estate of any bankrupt or insolvent debtor shall pass the
28 title of such real estate freed from any claims for, or rights
29 to, any statutory interest inchoate of the spouse of the
30 bankrupt or insolvent debtor."

1 Act of May 10, 1921 (P.L.434, No.210), entitled "An act to
2 empower courts of competent jurisdiction to issue writs of
3 execution against property of defendant, and attachment
4 execution or in the nature of attachment execution against
5 trusts, including those commonly known as spendthrift trusts, no
6 matter when such trusts were created, in cases where an order,
7 award, or decree has been made against a husband for the support
8 of his wife or children or both; making such attachment
9 execution against trusts a continuing lien and levy for fifty
10 per centum of such money or property until the order, judgment,
11 or decree is paid in full with costs; and abolishing the benefit
12 of the exemption law in such cases."

13 Act of May 24, 1923 (P.L.446, No.238), entitled "An act
14 authorizing the sale of real estate held by entreties by
15 husband and wife when an order of support has been secured
16 against the husband who has neglected to comply with the same,
17 or whose whereabouts is unknown, or who has absented himself
18 from this Commonwealth; prescribing the procedure to be
19 followed; permitting husband and wife to testify; providing for
20 the disposition of the proceeds of such sale; and granting a
21 divorced woman the same rights under this act as a wife."

22 Section 7 of the act of June 24, 1937 (P.L.2045, No.397),
23 known as The Support Law.

24 Act of July 17, 1957 (P.L.969, No.417), entitled "An act
25 enlarging the rights and powers of married women as to property
26 and contracts and repealing certain provisions."

27 Act of August 7, 1961 (P.L.961, No.426), entitled "An act
28 authorizing minor spouses to join their adult spouse in the
29 conveyance or mortgaging of their real estate and to execute
30 bonds or other obligations in connection therewith and

1 validating such action taken."

2 18 Pa.C.S. Ch. 43, Subch. B (relating to nonsupport).

3 42 Pa.C.S. Ch. 67 (relating to support proceedings).

4 (b) All other acts and parts of acts are repealed insofar as
5 they are inconsistent with this act.

6 Section 4. Effective date.--This act shall take effect in 90
7 days.