

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 38 Session of 2009

INTRODUCED BY HARPER, MAHER, WATSON, BAKER, BARRAR, BEYER, CAUSER, CREIGHTON, J. EVANS, FAIRCHILD, HARKINS, KAUFFMAN, KILLION, KOTIK, MENSCH, MILLER, PETRI, QUIGLEY, REED, ROAE, ROCK, SAYLOR, SCAVELLO, SONNEY, SWANGER, TURZAI, VULAKOVICH, HUTCHINSON, GEIST, BELFANTI, EVERETT, METCALFE, RAPP, HICKERNELL, CUTLER, CLYMER, HORNAMAN, M. KELLER, STERN, ROSS, FLECK AND MURT, JANUARY 26, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 26, 2009

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in support matters generally, further  
3 providing for costs and fees and for State disbursement unit.

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

6 Section 1. Sections 4351(a.1) and 4374(c)(3) and (d) of  
7 Title 23 of the Pennsylvania Consolidated Statutes, amended or  
8 added May 13, 2008 (P.L.144, No.16), are amended to read:

9 § 4351. Costs and fees.

10 \* \* \*

11 (a.1) Annual fee.--The Commonwealth shall impose a fee of  
12 \$25 in each case in which an individual has never received  
13 assistance under Title IV-A of the Social Security Act (49 Stat.  
14 620, 42 U.S.C. § 301 et seq.) and for whom the Commonwealth has  
15 collected at least \$500 of support in a Federal fiscal year. The  
16 Commonwealth shall pay the annual \$25 fee [for those cases in

1 which the annual collection is between \$500 and \$1,999.99. The  
2 \$25 fee shall be collected from the custodial parent in cases  
3 where annual collections equal \$2,000 or more.] in all cases in  
4 which a fee is imposed under this subsection.

5 \* \* \*

6 § 4374. State disbursement unit.

7 \* \* \*

8 (c) Allocation of collections.--Subject to subsections (d),  
9 (e), (f) and (f.1), support collected on behalf of a family  
10 shall be distributed as follows:

11 \* \* \*

12 (3) In the case of a family that never received cash  
13 assistance from the Commonwealth, all support collections  
14 shall be paid to the family. [with the exception of the  
15 federally mandated \$25 annual fee collected from the  
16 custodial parent as required under section 4351(a.1)  
17 (relating to costs and fees).]

18 (d) Retention by Commonwealth.--

19 [(1)] Arrearages collected through use of the Internal  
20 Revenue Service Tax Refund Offset Program for a family  
21 receiving cash assistance shall be retained by the  
22 Commonwealth to the extent past due support has been assigned  
23 to the department as a condition of receiving assistance.  
24 Arrearages collected through use of the Internal Revenue  
25 Service Tax Refund Offset Program for a family that formerly  
26 received cash assistance shall first be applied to the  
27 monthly support obligation, and the balance shall be applied  
28 to arrears owed the family, including assignments of  
29 arrearages that accrued before the family received assistance  
30 from the Commonwealth and that were executed between October

1 1, 1997, and September 30, 2009. Any remaining arrearages  
2 shall be paid to the department. The department shall pay to  
3 the Federal Government the Federal share of the amounts so  
4 retained. In no event shall the total of amounts paid to the  
5 Federal Government and retained by the department exceed the  
6 total of the amount of cash assistance paid to the family by  
7 the Commonwealth. To the extent that the amounts collected  
8 exceed the amount retained, the department shall pay the  
9 excess to the family.

10 [(2) Notwithstanding any other provision of law, the  
11 federally mandated \$25 annual fee collected from the  
12 custodial parent as required under section 4351(a.1) shall be  
13 retained by the department.]

14 \* \* \*

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