
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1962 Session of
2024

INTRODUCED BY PARKER, HANBIDGE, MADDEN, KINSEY, KHAN, PROBST,
PIELLI, CEPEDA-FREYTIZ, HILL-EVANS, SANCHEZ, KAZEEM, CERRATO,
KRAJEWSKI, MAYES, GREEN AND OTTEN, JANUARY 31, 2024

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2024

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in support matters generally, further
3 providing for administration of Title IV-D program, for
4 assistance recipients to seek support, for cooperation
5 required and for enforcement of cooperation requirements.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Sections 4373(b), 4378(a) and (c), 4379(1)
9 introductory paragraph and (2)(iii) and 4380 of Title 23 of the
10 Pennsylvania Consolidated Statutes are amended to read:

11 § 4373. Administration of Title IV-D program.

12 * * *

13 (b) Cooperative agreements.--The department shall undertake,
14 either directly or pursuant to cooperative arrangements with
15 appropriate counties, courts or law enforcement officials,
16 including domestic relations sections, to do all of the
17 following:

18 (1) Establish paternity of children of an applicant or
19 recipient natural or adoptive parent with respect to whom

1 assistance has been received.

2 (2) Secure support for children under paragraph (1) from
3 a legally responsible relative.

4 (3) Determine whether the applicant or recipient natural
5 or adoptive parent is cooperating in good faith with matters
6 set forth in section 4379 (relating to cooperation required).

7 (4) Notify the applicant or recipient natural or
8 adoptive parent of each noncooperation determination and the
9 basis for such determination.

10 (5) Make available child support and paternity
11 determination services to any individual not receiving
12 assistance to the extent required by Federal law and upon
13 application submitted to the department on forms provided by
14 the department, the payment of any application fee
15 established by the department and the agreement to pay costs
16 in excess of any fee out of any recovery made by the
17 department.

18 * * *

19 § 4378. Assistance recipients to seek support.

20 (a) Seeking support required.--Prior to authorization, every
21 applicant natural or adoptive parent for assistance whose
22 circumstances include the reported absence of a legally
23 responsible relative from the household or the presence of a
24 putative father shall appear before the domestic relations
25 section or other applicable division of the court of common
26 pleas. Upon the request of a family court or domestic relations
27 section, the secretary is authorized to waive the requirement of
28 personal appearance before a family court or domestic relations
29 section if another procedure would be as efficient and
30 effective. Subject to Federal approval, only when necessary,

1 assistance shall not be authorized by the department until it
2 has been certified that the applicant natural or adoptive parent
3 has cooperated in determining paternity and enforcing support.

4 * * *

5 (c) Standing.--An applicant or recipient natural or adoptive
6 parent shall have standing to commence an action to obtain
7 support for any child with respect to whom the applicant or
8 recipient claims assistance.

9 § 4379. Cooperation required.

10 In accordance with a child support plan approved by the
11 Federal Government, the department shall have the power and its
12 duty shall be to:

13 (1) Require as a condition of eligibility for assistance
14 that an applicant or recipient natural or adoptive parent:

15 * * *

16 (2) Require cooperation in accordance with the
17 following:

18 * * *

19 (iii) Subject to Federal approval, if the applicant
20 or recipient natural or adoptive parent provides the
21 names of two putative fathers subsequently excluded from
22 paternity by genetic testing, the second exclusion shall
23 create a presumption of noncooperation, which may be
24 rebutted only by clear and convincing evidence.

25 § 4380. Enforcement of cooperation requirements.

26 (a) Cooperation required.--It is essential to the effective
27 and responsible utilization of assistance funds that applicants
28 and [recipients] recipient natural or adoptive parents who are
29 caretakers of a child whose circumstances include the reported
30 absence of a legally responsible relative from the household or

1 presence of a putative father cooperate fully with the
2 department and the court or domestic relations section in
3 establishing paternity and in securing child support payments
4 and in all matters set forth in section 4379 (relating to
5 cooperation required).

6 (b) Procedures.--

7 (1) Upon application for assistance, each applicant or
8 recipient natural or adoptive parent shall be notified that
9 his or her cooperation in the matters set forth in section
10 4379 shall be required as a condition of eligibility and that
11 failure to cooperate will result in the termination of
12 medical assistance and the reduction of the cash assistance
13 allowance in an amount equal to not less than 25% and may, if
14 provided by departmental regulation, result in the imposition
15 of protective payments for any child in whose behalf the
16 applicant or recipient seeks assistance.

17 (2) If the department or domestic relations section, as
18 applicable, determines that the applicant or recipient
19 natural or adoptive parent fails to cooperate as set forth in
20 section 4379, unless the failure to cooperate was for good
21 cause, the applicant or recipient natural or adoptive parent
22 shall be notified of the noncooperation determination and the
23 basis for the noncooperation determination. The department
24 shall notify the applicant or recipient natural or adoptive
25 parent in writing of the termination of medical assistance
26 eligibility for the applicant or recipient natural or
27 adoptive parent, the reduction of the cash assistance
28 allowance equal to not less than 25% and, if applicable, that
29 protective payments will be imposed for any child so affected
30 ten days after the date of notice. At the expiration of the

1 ten-day period, the department shall impose the termination
2 of medical assistance, the assistance allowance reduction
3 and, if applicable, protective payments. Any hearing or
4 appeal with respect to the notice of noncooperation issued by
5 the department shall be conducted in accordance with the
6 department's regulations governing an applicant's or a
7 [recipient's] recipient natural or adoptive parent's right to
8 hearings.

9 (3) Subject to Federal approval, only when necessary, if
10 after notice and opportunity for hearing the court or
11 domestic relations section determines that the applicant or
12 recipient natural or adoptive parent failed to cooperate as
13 set forth in section 4379 and lacked reasonable excuse for
14 such failure, the court shall notify the applicant or
15 recipient natural or adoptive parent and the department of
16 the basis of the noncooperation determination and order the
17 department to impose a sanction for noncooperation. The
18 department shall issue a notice to the applicant or recipient
19 natural or adoptive parent to terminate medical assistance
20 eligibility, reduce the assistance allowance by not less than
21 25% and, if applicable, impose a protective payment for any
22 child so affected. The department shall implement the order
23 of the court within ten days of receipt. Any hearing or
24 appeals with respect to the recommendation and order of
25 noncooperation directed by the court shall be conducted by
26 the court in accordance with the Pennsylvania Rules of Civil
27 Procedure as may be promulgated by the Supreme Court
28 governing actions for support. The decision to hold hearings
29 for noncooperation cases shall be at the option of the court
30 or domestic relations section. If the court or domestic

1 relations section chooses not to conduct the hearings on
2 noncooperation, appropriate court or domestic relations
3 section personnel shall be available to provide testimonial
4 evidence by telephone testimony at the time and location set
5 by the department for the departmental appeal hearing. A
6 finding of noncooperation of an applicant or recipient
7 natural or adoptive parent shall not affect an obligor's duty
8 to pay support.
9 Section 2. This act shall take effect in 60 days.