

tees, and others having jurisdiction of funds available for poor or unemployment relief, or to tax or borrow for such purposes, to furnish information and exhibit their records to the State Emergency Relief Board; and providing penalties," so far as it relates to poor districts.

The act approved the twenty-third day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, nine hundred sixty-five), entitled "An act fixing the salaries of directors of the poor in counties of the second class."

The act approved the third day of June, one thousand nine hundred and thirty-three (Pamphlet Laws, one thousand five hundred seventeen), entitled "An act providing for the appointment by the court of quarter sessions of the directors of the poor of the Erie County Poor District, and abolishing the elected directors; providing for the appointment and compensation of a director of welfare, investigators, assistants, experts, and employes, and for the employment and compensation of elected directors whose terms have not expired; and repealing existing laws."

The act approved the twelfth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, seven hundred twenty-five), entitled "An act relating to the consolidation of poor districts having territories not coextensive with counties."

All other acts, general, local, and special, and parts of acts inconsistent with this act, are hereby repealed.

APPROVED—The 24th day of June, A. D. 1937.

GEORGE H. EARLE

No. 397

AN ACT

Relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure.

Be it enacted, &c., That,

Section 1. Short Title.—This act shall be known and may be cited, as "The Support Law." "The Support Law."

Section 2. Definitions. — The masculine pronoun when used in this act shall be construed to include the feminine. Definitions.

The word court, as used in this act, shall be construed to mean the court of quarter sessions of the peace of any county, the family court of Philadelphia, and the county court of Allegheny County. Court.

Relatives liable for support of indigent persons.

Section 3. Relatives Liable for the Support of Indigent Persons; Procedure to Enforce Support.—(a) The husband, wife, child, father, mother, grandparent and grandchild of every indigent person shall, if of sufficient financial ability, care for and maintain, or financially assist, such indigent person at such rate as the court of the county, where such indigent person resides, shall order or direct;

Procedure to enforce support.

(b) The courts shall have power to hear, determine and make orders and decrees in such cases upon the petition of such indigent person, or of any other person, or any public body or public agency having any interest in the care, maintenance or assistance of such indigent person;

Hearing.

(c) In all cases where an order has been made by the court for the care and maintenance or assistance of a husband, wife, father, mother, child, grandfather, grandmother or grandchild, whether or not confined in any public institution, and the said order has not been complied with, the court, or any judge thereof, upon affidavit or petition filed, setting forth that the person on whom the said order has been made has not complied with the said order, shall issue an attachment, directed to the sheriff or other proper officer of the county, directing and commanding that the person named as having failed to comply with said order be brought before the court at such time as the court may direct. If it shall appear to the court, after hearing, that the person on whom the said order was made has wilfully neglected or refused to comply with said order, the court may adjudge said person in contempt of court, and, in its discretion, may commit said person to the county jail for a period not exceeding six months.

Property of indigent persons.

Section 4. Property of Indigent Persons Liable for Expenses Incurred for Support and Assistance. — (a) The real and personal property of any indigent person shall be liable for the expenses of his support, maintenance, assistance and burial, incurred by any public body or public agency, whether owned at the time such expenses were incurred or acquired thereafter. Any public body or public agency may sue for moneys so expended, and any judgment obtained shall be a lien upon the real estate of such indigent person, and be collected as other judgments;

Lien upon real estate of indigent person.

Claims.

(b) Any claim for the expenses of support, maintenance, assistance and burial of an indigent person, held by any public body or public agency, shall have the same force and effect against the real estate of a deceased indigent person as other debts of a decedent, and shall be ascertained and recovered in the same manner.

Recovery of moneys due persons publicly cared for or assisted.

Section 5. Recovery of Moneys Due Persons Publicly Cared for or Assisted.—(a) Whenever any person shall

become a public charge or receive public assistance, the public body or public agency caring for or furnishing such assistance may sue for and recover any sum of money due such person;

(b) Such suit shall be brought in the name of such person for the use of such public body or public agency. Proof that the person to whom such money is due became a public charge, or was publicly assisted, shall be conclusive of the right to recover whatever may be legally due such person. If the amount due shall have been reduced to judgment, the public body or public agency may be substituted as plaintiff in the judgment. If the sum due is founded on an order or decree of court, the public body or public agency shall have the right to recover the same;

(c) Should such person become self-supporting, or be supported by a relative or friend, then any moneys recovered and not expended in the care or assistance of such person shall belong to him. In case of his death, moneys not expended for his care, assistance and burial shall belong to his estate.

Section 6. Guardians for Persons Being Cared for or Assisted.—(a) Any public body or public agency caring for or assisting any indigent person may apply, by petition, to the court of common pleas, if the person is of full age, or to the orphans' court, if the person is a minor, for a citation upon such person to show cause why such public body or public agency, or some other person appointed by the court, should not become the legal guardian of the person and property of such person. Such petition shall have attached an inventory of the property. The court shall fix a day for hearing, of which due notice shall be served upon said person;

(b) After hearing, the court may make an order constituting the public body, public agency, or some other person, guardian of the person and estate of such person, whether or not all of such estate was enumerated in the inventory. Such proceedings and order shall be indexed in the name of such person in the adsectum equity index, or the orphans' court index, as the case may be, which indexing, in either office, shall be notice of such facts;

(c) No such person shall be discharged from such guardianship until he has made application to the proper court, by petition, for a citation upon the guardian. If the court is satisfied that the person has become able and willing to resume control of his own person and estate, and that the public body or public agency has been fully reimbursed for the expense of his care or assistance, or that all of his estate has been applied thereon, it may terminate the guardianship. The cost of such proceed-

ings shall be paid by the petitioner, unless otherwise ordered by the court;

(d) Under the supervision of the court of common pleas, or the orphans' court, as the case may be, the guardian may make leases for a term of years of the real estate of any such person, and receive the rents, issues and profits thereof, and apply the proceeds to defray the expenses incurred in the care or assistance and burial of such person. The balance thereof shall be paid to the legal representatives of such person after his or her death, or to such person upon termination of the guardianship.

Seizure of
property of
deserters.

Section 7. Seizure of Property of Deserters.—(a) If any man shall separate himself from his wife without reasonable cause, or shall desert his children, or if any woman shall desert her children, leaving them to be publicly cared for or assisted, any magistrate, alderman or justice of the peace of the county, upon complaint made by public body or public agency, may issue his warrant authorizing the taking and seizure of so much of the goods and chattels, and the collection of so much of the rents and profits of the real estate of such man or woman, or to attach so much of his or her wages, or of any sums due, as in the judgment of the said magistrate, alderman or justice of the peace shall be sufficient to provide for such wife and to maintain and bring up such children, which sum or amount shall be specified in such warrant. If sufficient real or personal estate cannot be found, then such person shall be arrested and be brought before the magistrate, alderman or justice of the peace at a time to be specified in such warrant;

Return of
warrant.

(b) On the return of such warrant, the magistrate, alderman or justice of the peace may require security from such person for his appearance at the next court of quarter sessions of the county, there to abide the order of the court, and for want of such security to commit such person to the county jail;

(c) The warrant, aforesaid, shall be returned to the next court of quarter sessions of the county. The court may make an order for the payment of such sums as it shall think reasonable for the maintenance of the deserted person, and may authorize the public body or public agency to dispose of the said goods and chattels by sale, or otherwise, and to collect and receive the rents and profits aforesaid, or so much of either as in the judgment of the court shall be sufficient to provide such maintenance. If there is no real or personal estate, the court may commit such person to the jail or workhouse of the county, there to remain until he shall comply with such order, give security for the performance thereof, or be discharged by due course of law.

Section 8. Repeal.—All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

Section 9. Effective Date. — This act shall become effective immediately upon final enactment. When effective.

APPROVED—The 24th day of June, A. D. 1937.

GEORGE H. EARLE

No. 398

AN ACT

To amend section seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-six (Pamphlet Laws, twenty-eight), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by making further provision for the cost of administering the act.

Section 1. Be it enacted, &c., That section seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-six (Pamphlet Laws, twenty-eight), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," is hereby amended to read as follows:

Section 17,
act of
June 25,
1936 (P. L.
28), amended.

Section 17. Cost of Administration; Political Activity Prohibited.—The boards in the several counties shall appoint such investigators and clerical assistants as may be necessary to enable them to distribute assistance in their respective counties, but as far as possible the in-