

The parent or guardian of such minor shall not, in his capacity as parent or guardian, have the power to attach or in any manner transfer any share account issued to or in the name of such minor.

No attachment
by parent, etc.

APPROVED—The 13th day of July, A. D. 1953.

JOHN S. FINE

No. 95

AN ACT

Relating to support of dependents; providing a procedure for enforcement thereof, including attachment of property and earnings; conferring powers and imposing duties upon courts, district attorneys and probation officers.

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

"The Pennsylvania Civil
Procedural
Support Law."

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

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

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

"Law" includes both common and statute law.

"Duty of Support" includes any duty of support imposed or impossible by law or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, legal separation, separate maintenance, or otherwise.

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

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

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

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

Section 3. Remedies Additional to Those Now Existing.—The proceedings provided by this act are in addition to and not in substitution of proceedings provided by law where there is desertion or a failure of duty to support.

Section 4. Domestic Relations Division and Probation Officer.—(a) In every judicial district of the Commonwealth, there shall be a Domestic Relations Division for the purpose of keeping a full and complete record of all support proceedings, which shall process all complaints received from an initiating county or from an initiating state which has adopted the Uniform Reciprocal Enforcement of Support Act.

(b) A probation officer, together with such assistants as may be necessary, appointed by the court, shall be in charge of the Domestic Relations Division, for the purpose of processing the complaints filed and making effective the orders of support entered. Said probation officer shall keep an account of all orders made by the court and a record of all payments made thereunder and shall bring promptly to the attention of the court and the district attorney any default in compliance with the court's order. The probation officer shall make an annual report to the court of the full activity of the Domestic Relations Division.

(c) The probation officer and assistants in the Domestic Relations Division shall receive a salary commensurate with their duties and fixed by the salary board of the county, together with the necessary expenses incurred while in the actual performance of duty, both of which shall be paid by the county. It shall be the duty of the probation officer to make such investigation as may be necessary, and to furnish the court such information and assistance as the court may require, and to take charge of any defendant before or after hearing, as may be directed by the court, and to collect and pay over to the proper persons money received, and, in general, to do and perform such services as the court may direct.

Section 5. Commencement of Actions.—(a) A support action under this act shall be commenced by the filing of a verified complaint which shall state as follows: (1) The name and address of the complainant; (2) The name and address of the defendant; (3) The date and place of marriage; (4) The names and ages of any children; (5) Date and circumstances of separation or failure to support; (6) Employment of defendant and earnings; (7) Amount of public assistance; (8) Amount of support asked; (9) The complaint may contain any information to aid the locating or identification of a defendant including, but without limitation, by enumeration, a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, his financial status, fingerprints and Social Security number, and any order of support in any other court.

(b) A complaint may be filed by any person, including a minor wife, to whom a duty of support is owing. It

shall be filed on behalf of a minor child by a person having custody of the minor, without appointment as guardian ad litem. It may be filed by any public body or public or private agency having any interest in the care, maintenance or assistance of any person to whom a duty of support is owing.

(c) Every complaint shall contain an order directing the defendant to appear for hearing at a time and place as specified in such order.

(d) Every complaint and order may be served by registered mail or by any adult person or by any other manner provided by law.

Section 6. Contempt of Court.—If a person duly served with a copy of a complaint and order shall fail to appear, the court may 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 appear be brought before the court at such time as the court may direct, at which time the court may adjudge said person in contempt of court and, in its discretion, may commit such person to the county jail or house of correction for a period not exceeding six (6) months.

Section 7. Order of Support.—(a) An order of support may be made effective from the date of the filing of the complaint.

(b) An order of support of any person shall be made payable to the Domestic Relations *Division, for transmission to the complainant or for transmission directly to a public body or public or private agency, whenever the care, maintenance and assistance of such person is provided for by such public body or public or private agency.

Section 8. Compelling Attendance.—(a) At all stages of proceedings provided under this act, the court may compel the attendance, by attachment process directed to the sheriff or other proper officer of the county, directing and commanding that the person named as having failed to appear be brought before the court at such time as the court may direct, at which time the court may adjudge such person in contempt of court and, in its discretion, may commit such person to the county jail or house of correction for a period not exceeding six (6) months.

(b) At any stage of the proceedings under this act, upon affidavit that the defendant is about to leave the jurisdiction, an attachment may be issued, directed to the sheriff or other proper officer of the county, directing that the person named be brought before the court at

* "Division" in original.

such time as the court may direct, at which time the court may direct that the person named give security by one or more *sureties to appear when directed by the court or to comply with any order of the court.

Section 9. Enforcement of Orders of the Court.—(a) The court, upon receiving information, either through written application or at any hearing, that there is failure to comply with the order of the court, may issue attachment proceedings, directed to the sheriff or other proper officer of the county, directing that the person named be brought before the court at such time as the court may direct.

(b) Any wilful failure to comply with any order of the court may be deemed a contempt of court and may be punishable by the court by commitment to the county jail or house of correction.

(c) The wages, salary or commissions of any person owing a duty of support may be attached in the following manner:

(1) A certified copy of the order of support shall be served on the employer, whether a corporation, political subdivision, association, company, firm or individual, and may be served by registered mail or by any adult person or by any other manner provided by law.

(2) Such certified copy of the order shall contain an order directing the employer to make a full answer, within ten (10) days after service of the order, of the amount of wages, salary or commissions of the defendant, and further directing the employer to make no payment to the defendant over 50% of the amount due him until further order of the court.

(3) The court shall determine the amount of the wages, salary or commissions which shall be regularly paid by the employer to the Domestic Relations Division and shall so notify said employer.

(4) Thereafter, it shall be the duty of the employer to pay such amount regularly to the Domestic Relations Division, and upon failure so to pay shall be in contempt and subject to the court's order as now provided in proceedings against defendant. The employer is authorized to deduct 2% of the amount paid under the order from the wages of the defendant for clerical work and expense involved in complying therewith.

(5) Such attachment shall continue until discharged by order of the court.

(d) The Domestic Relations Division shall make periodic reports to the court of defaults in and failure to comply with any order of the court.

Section 10. Jurisdiction.—The court making the order shall at all times maintain jurisdiction of the cause for the purpose of enforcement of the order and for the purpose of increasing, decreasing, modifying or re-

* "surety" in original.

scinding such order, without limiting the right of a complainant to institute additional proceedings for support in any county wherein the *defendant resides or where his property is situated.

Section 11. Duties of District Attorney.—(a) The district attorney shall at all times aid in the enforcement of the duty of support and shall cooperate with the Domestic Relations Division in the presentation of complaints or in any proceeding designed to obtain compliance with any order of the court.

(b) The district attorney, upon the request of the court, a state or local public welfare official, shall represent any complainant in any proceeding under this act.

Section 12. Duties of Court in Initiating County.—If the court of the county acting as an initiating county finds that the complaint sets forth facts from which it may be determined that the defendant owes a duty of support or the defendant is in default in payment on an order of support and that the court of the responding county may obtain jurisdiction of the defendant or his property, it shall so certify to the responding county and shall cause three copies of (1) the complaint or order and (2) its certification to be transmitted to the court in the responding county.

Section 13. Duties of Court in Responding County.—(a) If the court of the county acting as responding county receives from the initiating county the aforesaid copies, it shall (1) docket the cause, (2) notify the district attorney, (3) set time and place for hearing, and (4) serve the defendant.

(b) If the responding county is unable to obtain jurisdiction of the defendant or his property, the court shall communicate this to the initiating county.

(c) If the responding county finds a duty of support or a default in payment on an order of support, it shall enter an appropriate order and may further subject any property of the defendant to such order by any writ of attachment or execution.

(d) The responding county shall cause to be transmitted to the initiating county a copy of all orders entered and shall transmit all collections made on any order to the Domestic Relations Division of the initiating county.

(e) The responding county shall have the power to subject the defendant or his property to such terms and conditions as the court may deem proper to assure compliance with its orders and, in particular, (1) to require the defendant to furnish recognizance in the form of cash deposit or bond, of such character and in such amount as the court may deem proper, to assure

* "defendent" in original.

compliance with the order of support, (2) to require the defendant to make payments at specific intervals to its Domestic Relations Division, (3) to punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of court.

Section 14. **Costs and Fees.**—No fee shall be required to be paid in advance. The court of an initiating or responding county may, in its discretion, direct that any part of or all fees and costs incurred, including without limitation, by enumeration, fees for filing service of process, seizure of property and stenographic service, shall be paid by the parties or shall be borne by the county in which the costs have been incurred. When the action is brought by or through the state or local public welfare official, there shall be no filing fee.

APPROVED—The 13th day of July, A. D. 1953.

JOHN S. FINE

No. 96

AN ACT

To further amend the act, approved the seventeenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1092), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner; and repealing existing laws," by further regulating contracts and funds of such societies.

Fraternal benefit societies.

Section 9, act of July 17, 1935, P. L. 1092, amended.

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

Section 1. Section nine of the act, approved the seventeenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1092), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regu-