

No. 1997-58

AN ACT

HB 1412

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for alimony, for information to consumer reporting agency, for cooperation of government and nongovernment agencies and for general administration of support matters; providing for duties of Title IV-D attorney; further providing for order of support, for mandatory inclusion of child medical support, for commencement of support actions or proceedings, for expedited procedure, for paternity, for attachment of income, for costs and fees, for continuing jurisdiction over support orders, for duty to report and for denial or suspension of licenses; providing for Title IV-D program and related matters; further providing for acknowledgment and claim of paternity, for responsibilities of law enforcement agencies, for court-ordered relief, for continuing exclusive jurisdiction, for recognition of child support orders, for duties of initiating tribunal, for duties and powers of responding tribunal, for inappropriate tribunal, for duties of support enforcement agency, for supervisory duty, for duties of the Department of Public Welfare and for income-withholding order of another state; providing for compliance with multiple income-withholding orders, for immunity from civil liability, for penalties for noncompliance and for contest by obligor; further providing for notice of registration of order, for procedure to contest validity or enforcement of registered order and for modification of child support order of another state; providing for jurisdiction to modify child support order of another state and for notice to issuing tribunal of modification; further providing for supervisory duty and for definitions; making repeals; and making editorial changes.

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

Section 1. Sections 3701(b) and 3702 of Title 23 of the Pennsylvania Consolidated Statutes are amended to read:

§ 3701. Alimony.

* * *

(b) Factors relevant.—In determining whether alimony is necessary and in determining the nature, amount, duration and manner of payment of alimony, the court shall consider all relevant factors, including:

- (1) The relative earnings and earning capacities of the parties.
- (2) The ages and the physical, mental and emotional conditions of the parties.
- (3) The sources of income of both parties, including, but not limited to, medical, retirement, insurance or other benefits.
- (4) The expectancies and inheritances of the parties.
- (5) The duration of the marriage.
- (6) The contribution by one party to the education, training or increased earning power of the other party.

(7) The extent to which the earning power, expenses or financial obligations of a party will be affected by reason of serving as the custodian of a minor child.

(8) The standard of living of the parties established during the marriage.

(9) The relative education of the parties and the time necessary to acquire sufficient education or training to enable the party seeking alimony to find appropriate employment.

(10) The relative assets and liabilities of the parties.

(11) The property brought to the marriage by either party.

(12) The contribution of a spouse as homemaker.

(13) The relative needs of the parties.

(14) The marital misconduct of either of the parties during the marriage. The marital misconduct of either of the parties from the date of final separation [shall not] *may* be considered by the court in its determinations relative to alimony. *As used in this paragraph, the term "marital misconduct" shall include, but is not limited to, the abuse of one party by the other party. As used in this paragraph, "abuse" shall have the meaning given to it under section 6102 (relating to definitions).*

(15) The Federal, State and local tax ramifications of the alimony award.

(16) Whether the party seeking alimony lacks sufficient property, including, but not limited to, property distributed under Chapter 35 (relating to property rights), to provide for the party's reasonable needs.

(17) Whether the party seeking alimony is incapable of self-support through appropriate employment.

* * *

§ 3702. Alimony pendente lite, counsel fees and expenses.

(a) *General rule.*—In proper cases, upon petition, the court may allow a spouse reasonable alimony pendente lite, spousal support and reasonable counsel fees and expenses. Reasonable counsel fees and expenses may be allowed pendente lite, and the court shall also have authority to direct that adequate health and hospitalization insurance coverage be maintained for the dependent spouse pendente lite.

(b) *Relevant factors.*—*In determining whether alimony pendente lite, spousal support and reasonable counsel fees and expenses are necessary and in determining the amount of payment, the court shall consider all relevant factors pursuant to section 3701(b) (relating to alimony).*

Section 1.1. The definitions of "income" and "order of support" in section 4302 of Title 23 are amended and the section is amended by adding definitions to read:

§ 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:

* * *

“Department.” *The Department of Public Welfare of the Commonwealth.*

* * *

“Income.” Includes compensation for services, including, but not limited to, wages, salaries, *bonuses*, fees, compensation in kind, commissions and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; all forms of retirement; pensions; income from discharge of indebtedness; distributive share of partnership gross income; income in respect of a decedent; income from an interest in an estate or trust; military retirement benefits; railroad employment retirement benefits; social security benefits; temporary and permanent disability benefits; [workmen’s] *workers’* compensation [and]; unemployment compensation; [or] other entitlements to money or lump sum awards, without regard to source[.], *including lottery winnings; income tax refunds; insurance compensation or settlements; awards or verdicts; and any form of payment due to and collectible by an individual regardless of source.*

* * *

“Obligee.” *The term shall have the meaning given in section 7101(b) (relating to short title of part and definitions).*

“Obligor.” *The term shall have the meaning given in section 7101(b) (relating to short title of part and definitions).*

“Order of support.” Includes assistance imposed or imposable by law or by any court order *or by an agency administering a State Title IV-D program*, whether [interlocutory or] *temporary, final[,] or subject to modification and* whether incidental to a proceeding for divorce, separate maintenance, action for failure to support a child born out of wedlock or otherwise. *The term includes an order for the support and maintenance of a child, including a child who has attained the age of majority, or for the parent with whom the child is living which provides for monetary support, health care, arrearages or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys’ fees and other relief.*

“State disbursement unit.” *The organizational unit established within the Department of Public Welfare responsible for collecting and disbursing support as provided in section 4374 (relating to State disbursement unit).*

* * *

Section 2. Sections 4303, 4304.1 and 4305 of Title 23 are amended to read:

§ 4303. Information to consumer reporting agency.

Information regarding the name and the amount of arrearages owed by an obligor shall be provided *periodically* to consumer reporting agencies whenever the obligor owes overdue support [and is at least two months in arrears], subject to the following:

(1) The information shall be available only after the obligor owing the arrearages has been notified of the proposed action and given a period not to exceed 20 days to contest the accuracy of the information. The notice shall be as provided by local rule of the court of common pleas.

(2) Such information shall not be made available to:

(i) a consumer reporting agency which the [Department of Public Welfare] *department* determines not to have sufficient capability to systematically and timely make accurate use of such information; or

(ii) an entity which has not furnished evidence satisfactory to the [Department of Public Welfare] *department* that the entity is a consumer reporting agency.

§ 4304.1. Cooperation of government *and nongovernment* agencies.

(a) Cooperation of government agencies.—Notwithstanding any other provision of law, including the provisions of section 731 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, all government agencies shall:

(1) At the request of the [Department of Public Welfare] *department*, provide information [in a form] prescribed by the department regarding a person's wages, income, telephone numbers, addresses, Social Security numbers and date of birth, employer names, addresses and telephone numbers.

(2) Require the Social Security number of an individual on any application for a professional or occupational license or certification[.]; *a permit; a driver's license, including a commercial driver's license; a recreational license; or a marriage license.*

(3) Require the Social Security number of any individual subject to a *divorce decree*, support order, paternity determination or acknowledgment of paternity in all records relating to the matter.

(4) *Require the Social Security number of a deceased individual in records relating to the death, including the death certificate.*

(b) Cooperation of labor organizations.—Labor organizations shall at the request of the [Department of Public Welfare] *department* provide information in a form prescribed by the department regarding wages, income, telephone numbers, addresses, Social Security numbers and date of birth, employer names, addresses and telephone numbers.

(b.1) *Cooperation of financial institutions.—Notwithstanding any other provision of law, all financial institutions doing business in this Commonwealth shall:*

(1) *Provide for each calendar quarter such identifying information, asset information and benefit information as the department may specify*

for any obligor who owes past due support as identified by the department by name and Social Security number or other taxpayer identification number.

(2) Upon receipt of a notice of lien or seizure order from the domestic relations section or the department, encumber or surrender, as the case may be, identified assets of an obligor who is subject to a child support lien. The Supreme Court shall by general rule prescribe the form of the order. The financial institution shall remit to the domestic relations section or to the department the assets available in the account on the date of the receipt of the notice of lien or seizure order by the financial institution. Remittance by the financial institution shall be made within a reasonable period of time.

(b.2) Agreements between the department and financial institutions.—Notwithstanding any other provision of law, the department and any financial institution doing business in this Commonwealth are authorized to enter into agreements for the purpose of carrying out the provisions of subsection (b.1). The agreement may specify payment of a fee by the department to the financial institution to conduct the activities in accordance with subsection (b.1)(1) which shall not exceed actual and reasonable costs incurred by the financial institution.

(c) Penalty.—Following notice and hearing, the [Department of Public Welfare] department may impose a civil penalty of up to \$1,000 per violation upon any government agency [or], labor organization or financial institution which willfully fails to comply with a request by the [Department of Public Welfare] department for information pursuant to this section.

(d) Confidentiality.—Any information provided or collected pursuant to this section shall be confidential and may [only] be used by the department, the court or the domestic relations section solely for purposes of child and spousal support enforcement [by the Department of Public Welfare.] and, to the extent allowed by Federal law, for administration of public assistance programs. Any person, government agency, employer or agent of the department who divulges such information in a manner not provided in this section commits a misdemeanor of the third degree and, upon conviction, shall be sentenced to pay a fine of up to \$1,000 per violation and costs and shall be subject to a term of imprisonment of not more than one year, or both.

(d.1) Notification.—No financial institution shall be required to notify an obligor of a request for information by the department or the court under this section.

(e) Immunity.—A person, government agency [or], labor organization or financial institution providing information, encumbering or surrendering property pursuant to this section shall not be subject to civil or criminal liability to any person or entity. The department, a court, a domestic relations section or an authorized employee of such an entity requesting information under this section or ordering the seizure, encumbrance or

surrender of an asset held by a financial institution shall not be subject to any civil or criminal liability. A financial institution shall not be subject to any civil or criminal liability for encumbering or surrendering assets of an obligor as required by this section. The immunity provided by this subsection shall not apply to any person or agent of a government agency [or], labor organization or financial institution who knowingly supplies false information under this section.

(f) Data collection.—The department shall provide for the frequency and format, which may include automated data exchanges, for the collection of the information required in this section.

(g) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Account.” A demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account or money market mutual fund account. The term does not include trust accounts, custodian accounts or accounts under 20 Pa.C.S. Ch. 53 (relating to the Pennsylvania Uniform Transfers to Minors Act).

“Asset information.” Account balances, deposits, withdrawals, interest, investments, trusts, dividends, certificates of deposits and other asset information.

“Benefit information.” Information regarding financial or health care benefits to which an individual may be entitled from government, an employer, an insurer or other source.

“Financial institution.” A depository institution, as defined by section 3(c) of the Federal Deposit Insurance Act (64 Stat. 873, 12 U.S.C. § 1813(c)); an institution-affiliated party, as defined by section 3(u) of the Federal Deposit Insurance Act; a Federal credit union or State credit union, as defined in section 101 of the Federal Credit Union Act (48 Stat. 1216, 12 U.S.C. § 1752), including an institution-affiliated party of such a credit union, as defined in section 206(r) of the Federal Credit Union Act; and a benefit association, insurer, safe deposit company, money market mutual fund or similar entity authorized to do business in this Commonwealth.

“Identifying information.” Name, record address, Social Security number or other taxpayer identification number.

“Insurer.” A foreign or domestic insurance company, association or exchange holding a certificate of authority under the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921; a risk-assuming preferred provider organization operating under section 630 of The Insurance Company Law of 1921; a health maintenance organization holding a certificate of authority under the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act; a fraternal benefit society holding a certificate of authority under the act of December 14, 1992 (P.L.835, No.134), known as the Fraternal Benefit Societies Code; a hospital plan corporation holding a certificate of authority

under 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations); a professional health service plan corporation holding a certificate of authority under 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations); or a similar entity authorized to do insurance business in this Commonwealth.

§ 4305. General administration of support matters.

(a) *Powers and duties.*—Subject to any inconsistent general rules and to the supervision and direction of the court, the domestic relations section shall have the power and duty to:

(1) Process all complaints received under [Chapter 45 (relating to reciprocal enforcement of support orders)] *Parts VIII (relating to uniform interstate family support) and VIII-A (relating to intrastate family support).*

(2) Make such investigation as may be necessary.

(3) Take charge of any obligor before or after hearing, as may be directed by the court.

(4) Collect and pay over to the persons entitled thereto moneys received pursuant to support proceedings.

(5) Keep a full and complete record of all support proceedings, including orders of the court.

(6) Keep account of all payments made under order of court and promptly bring to the attention of the court and the district attorney any default in compliance with any order of court.

(6.1) In the case of a dispute as to the amount of an order of support proposed by the domestic relations section, issue a temporary order of support pending judicial determination. A temporary order of support under this paragraph may not be for less than the full amount of the proposed order of support being disputed.

(7) Make effective the orders of support entered.

(8) Furnish the court with such information and assistance as it may require and generally perform such services as it may direct relating to support proceedings.

(9) Inform both parties to a support action that guidelines as specified in section 4322 (relating to support guidelines) are available in the domestic relations section.

(10) *Implement safeguards applicable to all confidential information received by the domestic relations section in order to protect the privacy rights of the parties, including:*

(i) *safeguards against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity or to establish, modify or enforce support or to make or enforce a child custody determination;*

(ii) *prohibitions against the release of information on the whereabouts of one party or the child to another party against whom*

a protective order with respect to the former party or the child has been entered; and

(iii) prohibitions against the release of information on the whereabouts of one party or the child to another person if the domestic relations section has reason to believe that the release of the information may result in physical or emotional harm to the party or the child.

(11) Initiate judicial proceedings to void a fraudulent transfer or obtain a settlement from the transferee in the best interests of the child support obligee.

(b) Additional powers.—Subject to the supervision and direction of the court but without the need for prior judicial order, the domestic relations section shall have the power to expedite the establishment and enforcement of support to:

(1) Order genetic testing for the purpose of paternity establishment pursuant to section 4343 (relating to paternity).

(2) Issue subpoenas against any entity within this Commonwealth, including for-profit, not-for-profit and governmental employers, to require production of information regarding the employment, compensation and benefits of any individual employed by the entity as an employee or contractor.

(3) Access records of all State and local government agencies, including the following:

(i) vital statistic records, including records of marriage, birth and divorce;

(ii) State and local tax and revenue records, including information on residence address, employer, income and assets;

(iii) records of real and titled personal property;

(iv) records of occupational and professional licenses;

(v) records of the ownership and control of corporations, partnerships and other business entities;

(vi) employment security records;

(vii) records of agencies administering public assistance programs;

(viii) motor vehicle registration and operator licensing records;

(ix) probation and parole records; and

(x) corrections records.

(4) Issue subpoenas for the records of public utilities and cable television companies with respect to individuals who are owed support or against whom or with respect to whom a support obligation is sought, consisting of the names and addresses of the individuals or of their employers.

(5) Issue subpoenas for the records held by financial institutions with respect to individuals who are owed support or against whom or with respect to whom a support obligation is sought.

(6) Issue subpoenas for financial or other information needed to establish, modify or enforce a support order.

(7) Issue orders directing an obligor or other payor to change the payee of a support order.

(8) Order income withholding pursuant to section 4348 (relating to attachment of income).

(9) Increase the amount of monthly support payments for the payment of arrearages as may be provided by general rule or previous court order.

(10) Issue orders in cases where there is a support arrearage to secure assets to satisfy current support obligation and the arrearage by:

(i) Intercepting or seizing periodic or lump sum payments from a government agency, including unemployment compensation, workers' compensation and other benefits.

(ii) Intercepting or seizing judgments or settlements.

(iii) Attaching and seizing assets of the obligor held in financial institutions.

(iv) Attaching public and private retirement funds.

(v) Imposing liens on property.

(vi) Directing the sheriff to levy and sell other real or personal property.

(11) Transmit to another state a request for assistance in a case involving the enforcement of a support order and sufficient information to enable the state to which the request is transmitted to compare the information to the information in the data bases of the state. The transmittal shall serve as a certification of arrears and a certification that the state has complied with all procedural due process requirements applicable to the case.

(12) Respond to a request for assistance received from another state. The response shall confirm the receipt of the request, the action taken and the amount of support collected and specify any additional information or action required of the requesting tribunal to obtain enforcement of the child support obligation.

(c) Civil penalty.—In addition to initiating contempt proceedings, the domestic relations section may assess a civil administrative penalty of up to \$1,000 per violation upon any person or entity which fails to comply with a subpoena or request for information under subsection (b)(2).

(d) Due process and judicial review procedures.—Subject to general rules which may be promulgated by the Supreme Court, each court shall establish due process and judicial review procedures for domestic relations sections exercising powers under this section.

(e) Transmission of information.—All information transmitted to this Commonwealth from another state for purposes of establishing or enforcing an order of support under this chapter may be transmitted electronically or by other methods.

Section 3. Section 4306 heading and (a) of Title 23 are amended and the section is amended by adding a subsection to read:

§ 4306. Duties of [district attorney and rights of Department of Public Welfare] *Title IV-D attorney.*

(a) General rule.—The [district] *county Title IV-D* attorney shall at all times aid in the enforcement of the duty of *child support and child and spousal* support and shall cooperate with the domestic relations section in the presentation of complaints or in any proceeding designed to obtain compliance with any order of the court.

* * *

(b.1) Representation of Commonwealth.—*In matters relating to the establishment and enforcement of child support and child and spousal support, the Title IV-D interests of the Commonwealth shall be represented, where appropriate, by the county Title IV-D attorney in a proceeding for child support and child and spousal support.*

* * *

Section 4. Sections 4307, 4308(a), (b) heading, introductory paragraph, (2)(i) and (4) introductory paragraph and (i), (d) and (e), 4325, 4326(a), (e), (f) introductory paragraph, (g)(1), (4) and (4.2), (h.1)(2) and (l) and 4341 of Title 23 are amended to read:

§ 4307. State income tax intercept.

The [Department of Public Welfare] *department* shall have the authority to implement a State income tax refund intercept program pursuant to section 466(a)(3) of the Social Security Act (Public Law 74-271, 42 U.S.C. § 666(a)(3)) when, in the judgment of the department, it is cost effective to do so.

§ 4308. Lottery winnings intercept.

(a) Duty of Department of Revenue.—In the case of any person winning more than \$2,500 in the Pennsylvania State Lottery, the Department of Revenue shall request the [Department of Public Welfare] *department* to make all reasonable efforts to determine if the winner is a delinquent support obligor prior to making any lottery winnings payment. If the winner is so found, the amount of any arrearages shall be deducted from the amount of lottery winnings and paid to the obligee in the manner provided in this title for the administration of support payments.

(b) Duties of [Department of Public Welfare] *department*.—The [Department of Public Welfare] *department* shall:

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(2) Furnish the Department of Revenue with the following information:

(i) The [Department of Public Welfare] *department* identifier.

* * *

(4) Request the Department of Revenue to pay over, whether in a lump sum or by installment, to the [Department of Public Welfare] *department* that part of the prize which satisfies this arrearage and:

(i) Deduct from the amount received from the Department of Revenue any amount assigned to the **[Department of Public Welfare] department**.

* * *

(d) Right to review.—A lottery prizewinner whose prize is used to satisfy an obligation under this section may appeal to the **[Department of Public Welfare] department** in accordance with 2 Pa.C.S. (relating to administrative law and procedure). The appeal shall be filed within 30 days after the prizewinner is notified by the Department of Revenue that the prize has been reduced or totally withheld to satisfy the prizewinner's outstanding arrearages for child support and related obligations.

(e) Rules and regulations.—The Department of Revenue and the **[Department of Public Welfare] department** shall, in the manner provided by law, jointly promulgate the rules and regulations necessary to carry out this section.

§ 4325. Payment of order of support.

[An] Unless procedures established by the department for the State disbursement unit provide otherwise, an order of support shall direct payment to be made payable to or payment to be made to the domestic relations [office] section for transmission to the obligee or for transmission directly to a public body or public or private agency whenever the care, maintenance and assistance of the obligee is provided for by the public body or public or private agency.

§ 4326. Mandatory inclusion of child medical support.

(a) General rule.—In every proceeding to establish or modify an order which requires the payment of child support, the court shall ascertain the ability of each parent to provide health care coverage for the children of the parties[.], **and the order shall provide health care coverage for each child as appropriate.**

* * *

(e) Uninsured expenses.—The court shall determine the amount of any deductible and copayments which each parent shall pay. In addition, the court may require that either parent or both parents pay a designated percentage of the reasonable and necessary uncovered health care expenses of the parties' children, including birth-related expenses incurred prior to the filing of the complaint. **Upon request of the domestic relations section, the department shall provide to the domestic relations section all birth-related expenses which the department has incurred in cases it has referred to the domestic relations section for child support services.**

(f) Proof of insurance.—Within 30 days after the entry of an order requiring a parent to provide health care coverage for a child **or after any change in health care coverage due to a change in the parent's employment**, the obligated parent shall submit to the other parent, or person having custody of the child, written proof that health care coverage has been

obtained or that application for coverage has been made. Proof of coverage shall consist of at a minimum:

* * *

(g) Obligations of insurance companies.—Every insurer doing business within this Commonwealth shall be obligated as follows:

(1) to permit the custodial parent or the provider, with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent and to make payment on such claims directly to such custodial parent, the provider or, in the case of Medical Assistance patients, to the **[Department of Public Welfare] department**;

* * *

(4) to permit the enrollment of children under court order upon application of the custodial parent, domestic relations section or the **[Department of Public Welfare] department** within 30 days of receipt by the insurer of the order;

* * *

(4.2) to receive, process and pay claims (whether or not on behalf of a child), including electronically submitted claims, submitted by the **[Department of Public Welfare] department** within the time permitted by law without imposing any patient signature requirement or other requirement different from those imposed upon providers, agents or assignees of any insured individual;

* * *

(h.1) Obligations of employers.—Every employer doing business within this Commonwealth shall be obligated as follows:

* * *

(2) if the insured parent is enrolled but fails to make application to obtain coverage for such child, to enroll the child under the family coverage upon application by the child's other parent, the domestic relations section or the **[Department of Public Welfare] department**; and

* * *

(l) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Birth-related expenses." Costs of reasonable and necessary health care for the mother or child or both incurred before, during or after the birth of a child born in or out of wedlock which are the result of the pregnancy or birth and which benefit either the mother or child. Charges not related to the pregnancy or birth shall be excluded.

"Child." A child to whom a duty of child support is owed.

"Health care coverage." Coverage for medical, dental, orthodontic, optical, psychological, psychiatric or other health care services for a child. For the purposes of this section, medical assistance under Subarticle (f) of Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, shall not be considered health care coverage.

“Insurer.” A [corporation or person incorporated or doing business in this Commonwealth by virtue of] *foreign or domestic insurance company, association or exchange holding a certificate of authority under the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921; a risk-assuming preferred provider organization operating under section 630 of The Insurance Company Law of 1921; a health maintenance organization holding a certificate of authority under the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act; a fraternal benefit society holding a certificate of authority under the act of December 14, 1992 (P.L.835, No.134), known as the Fraternal Benefit Societies Code; a hospital plan corporation [as defined in] holding a certificate of authority under 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations); a professional health service plan corporation [as defined in] holding a certificate of authority under 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations); [a beneficial society subject to 40 Pa.C.S. Ch. 65 (relating to fraternal benefit societies); a health maintenance organization;]* or [any other person, association, partnership, common-law trust, joint stock company, nonprofit corporation, profit corporation or other] *a similar entity [conducting an] authorized to do insurance business in this Commonwealth.*

“Medical child support order.” An order which relates to the child’s right to receive certain health care coverage and which:

(1) includes the name and last known mailing address of the parent providing health care coverage and the name and last known mailing address of the child;

(2) includes a reasonable description of the type of coverage to be provided or includes the manner in which coverage is to be determined;

(3) designates the time period to which the order applies;

(4) if coverage is provided through a group health plan, designates each plan to which the order applies; and] *as of the date the order is written;*

(4.1) requires that, if health care coverage is provided through the noncustodial parent’s employer and that parent changes employment, the provisions of the order will remain in effect for the duration of the order and will automatically apply to the new employer. The new employer shall enroll the child in health care coverage without need for an amended order unless the noncustodial parent contests the enrollment; and

(5) includes the name and address of the custodial parent.

§ 4341. Commencement of support actions or proceedings.

(a) *Procedure.*—A support action or proceeding under this chapter shall be commenced in the manner prescribed by the Rules of Civil Procedure governing actions of support.

(b) *Standing.*—*Any person caring for a child shall have standing to commence or continue an action for support of that child regardless of*

whether a court order has been issued granting that person custody of the child.

(c) Jurisdiction.—The court shall exercise Statewide jurisdiction over the parties to a proceeding under this chapter.

Section 5. Section 4342 of Title 23 is amended by adding subsections to read:

§ 4342. Expedited procedure.

* * *

(f) Hearsay exception.—For proceedings pursuant to this section, a verified petition, affidavit or document and a document incorporated by reference in any of them which would not be excluded under the hearsay rule if given in person is admissible in evidence if given under oath by a party or witness.

(g) Payment record.—A copy of the record of support payments certified as a true copy of the original by the custodian of the record is evidence of facts asserted in it and is admissible to show whether payments were made.

(h) Bills.—Copies of billing statements, bills for testing for parentage and for prenatal and postnatal health care of the mother and child furnished to the adverse party at least ten days before a court proceeding are admissible in evidence to prove the amount of the charges billed and to prove that the charges were reasonable, necessary and customary.

(i) Transmission of documentary evidence.—Documentary evidence transmitted to the domestic relations section by telephone, telecopier or other means which do not provide an original writing may not be excluded from evidence based on the means of transmission.

(j) Testimony.—In a proceeding under this part, a court may permit a party or witness to be deposed or to testify by telephone, audiovisual or other electronic means at a designated location.

Section 6. Sections 4343(a), (c)(1), (4) and (6) and 4346 of Title 23 are amended to read:

§ 4343. Paternity.

(a) Determination.—Where the paternity of a child born out of wedlock is disputed, the determination of paternity shall be made by the court in a civil action without a jury [unless either party demands trial by jury]. A putative father may not be prohibited from initiating a civil action to establish paternity. The burden of proof shall be by a preponderance of the evidence. Bills for pregnancy, childbirth, postnatal care related to the pregnancy and genetic testing are admissible as evidence without requiring third-party foundation testimony and shall constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child. If there is clear and convincing evidence of paternity on the basis of genetic tests or other evidence, the court shall upon motion of a party issue a temporary order of support pending the judicial resolution of a dispute regarding paternity. The Supreme Court shall provide by general rule for entry of a default order establishing paternity upon a showing of service of

process on the defendant and a subsequent failure to appear for scheduled genetic testing.

* * *

(c) Genetic tests.—

(1) Upon the request of any party to an action to establish paternity, *supported by a sworn statement from the party*, the court or domestic relations section shall require the child and the parties to submit to genetic tests. *The domestic relations section shall obtain an additional genetic test upon the request and advance payment by any party who contests the initial test.*

* * *

[(4) A fee for performing genetic tests may be imposed on any individual who is not a recipient of public assistance. The amount of the fee will be in accordance with applicable Federal regulation.]

(4) If the court or domestic relations section orders genetic testing, the domestic relations section shall pay the cost of the test, subject to recoupment from the alleged father if paternity is established.

* * *

(6) A determination of nonpaternity made by another state with respect to a public assistance recipient shall not be binding upon the Department of Public Welfare unless the defendant shows that the [Department of Public Welfare] *department* had actual notice of the proceedings, including the date and time of any trial, and a fair opportunity to participate in all material proceedings through counsel of its own choice.

§ 4346. Contempt for noncompliance with visitation or partial custody order.

(a) General rule.—A party who willfully fails to comply with any visitation or partial custody order may, as prescribed by general rule, be adjudged in contempt. Contempt shall be punishable by any one or more of the following:

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

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

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

(4) An order for nonrenewal, suspension or revocation of operating privilege pursuant to section 4355 (relating to denial or suspension of licenses).

(b) Condition for release.—An order committing a person to jail under this section shall specify the condition which, when fulfilled, will result in the release of the obligor.

Section 7. Section 4348(b), (e)(1) introductory paragraph, (i) and (iv) and (2), (i)(3), (j), (l)(1) and (o) of Title 23 are amended, subsection (l) is amended by adding a paragraph and the section is amended by adding a subsection to read:

§ 4348. Attachment of income.

* * *

(b) Future orders.—All orders of support entered or modified on or after July 1, 1990, shall, as part of the order, provide for the mandatory attachment of income unless:

(1) the obligor is not in arrears in payment in an amount equal to or greater of one month's support obligation; and

(2) (i) one of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) [A] a written agreement is reached between the parties which provides for an alternative arrangement.

The court may, on its own motion, order the attachment of the obligor's income where the court has a reasonable basis to believe the obligor will not comply with the order of support. In making this determination, the court may consider evidence of the person's previous violations of orders entered in any jurisdiction or evidence that the obligor has attempted to conceal income or to transfer, convey or encumber property in order to reduce the obligor's support obligation. Attachment shall occur *under this subsection* without amendment to the order of support[.] *and, if arrearages occur, without the need for a judicial or administrative hearing.*

* * *

(e) Attachment process.—

(1) The obligor shall be given [advance] notice [prior to] of the attachment of his income. Such notice shall specify all of the following:

(i) The amount to be withheld *on account of current support and on account of arrears.*

* * *

(iv) That attachment *has occurred or* shall occur in all cases within ten days of the issuance of the [advance] notice.

* * *

(2) To contest the order, the obligor must appear before the domestic relations section no later than ten days after issuance of the [initial] notice, at which time it will be determined if a mistake of fact has occurred. If so, the order shall be modified accordingly.

* * *

(i) Notice to employer.—The employer of an obligor shall be given notice of the attachment as provided by the Rules of Civil Procedure governing support. This notice shall include reference to subsections (g), (k), (l), (n) and (o) and all of the following:

* * *

(3) That the attachment payment must be sent to the domestic relations section *or State disbursement unit, as appropriate,* within [ten] *seven business* days of the date the obligor is paid.

* * *

(j) Effect of compliance by employer.—Compliance by an employer with an order of attachment of income *that is regular on its face* operates as a discharge of the *civil* liability of the employer to the obligor as to that portion

of the employment income of the obligor affected. *An employer shall not be subject to criminal or civil liability to any individual or agency for conduct in compliance with the order.* The employer may deduct from the income of the obligor 2% of the amount paid under the order for reimbursement of the expense in complying with the order. In no case shall the [money] *employer's reimbursement* be deducted from the amount of the support order.

* * *

(l) Disciplinary action by employer prohibited.—

(1) When an order of attachment on income *withholding* is about to be or has been entered, an employer or officer or employee thereof shall not use the attachment or possibility thereof as a basis, in whole or in part, *for the refusal to employ or for the discharge of an employee or for any disciplinary action against or demotion of an employee.* In case of a violation of this subsection, the employer or officer or employee thereof may be adjudged in contempt and committed to jail or fined by the court.

* * *

(3) *The department or a domestic relations section may impose a civil penalty of up to \$1,000 per violation against any employer that willfully violates the provisions of this subsection or that willfully fails to withhold income or to pay such amounts to the State disbursement unit.*

* * *

[(o) Priority of attachment.—An order of attachment for support shall have priority over any attachment, execution, garnishment, State or local tax withholding or wage assignment.]

* * *

(q) *Priority of attachment.—An order of attachment for support shall have priority over any attachment, execution, garnishment or wage assignment. The Supreme Court shall by general rule provide for priorities for withholding and allocating income withheld for multiple child support obligees received by an employer for the same obligor under this section and Chapter 75 (relating to direct enforcement of order of another state without registration).*

Section 8. Section 4351 of Title 23 is amended to read:

§ 4351. Costs and fees.

(a) General rule.—[When it appears to the court that either party or both parties are financially able to pay costs and fees, the court may impose the costs and fees on either party or both parties.] *If an obligee prevails in a proceeding to establish paternity or to obtain a support order, the court may assess against the obligor filing fees, reasonable attorney fees and necessary travel and other reasonable costs and expenses incurred by the obligee and the obligee's witnesses. Attorney fees may be taxed as costs and shall be ordered to be paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee shall have priority over fees, costs and expenses.*

(b) Lack of good cause for failure to pay on time.—If the court determines that the person subject to a child support order did not have good cause for failing to make child support payments on time, it may further assess costs and reasonable attorney fees incurred by the party seeking to enforce the order.

Section 9. Sections 4352(a), (b) and (d), 4353(a) and 4355 heading, (a), (b) heading, (1) introductory paragraph, (i) and (iv) and (2), (c)(1) and (3), (d) and (e) of Title 23 are amended and the sections are amended by adding subsections to read:

§ 4352. Continuing jurisdiction over support orders.

(a) General rule.—The court making an order of support shall at all times maintain jurisdiction of the matter for the purpose of enforcement of the order and for the purpose of increasing, decreasing, modifying or rescinding the order unless otherwise provided by Part VIII (relating to uniform interstate family support) or VIII-A (relating to intrastate family support)[.] *without limiting the right of the obligee, or the department if it has an assignment or other interest, to institute additional proceedings for support in any county in which the obligor resides or in which property of the obligor is situated. The Supreme Court shall by general rule establish procedures by which each interested party shall be notified of all proceedings in which support obligations might be established or modified and shall receive a copy of any order issued in a case within 14 days after issuance of such order. A petition for modification of a support order may be filed at any time and shall be granted if the requesting party demonstrates a substantial change in circumstances.*

(a.1) *Automatic review.*—A method shall be developed for the automatic review of each order of support at least once every three years from the date of establishment or the most recent review, for the purpose of making any appropriate increase, decrease, modification or rescission of the order. *During the automatic review, the court shall adjust the order, without requiring proof of a change in circumstances, by applying the Statewide guidelines or a cost-of-living adjustment in accordance with a formula developed by general rule. Automated methods, including automated matches with wage or State income tax data, may be used to identify the support orders eligible for review and implement appropriate adjustments.* If, however, it is determined that such a review would not be in the best interests of the child and neither parent *nor the department, if it has an assignment or other interest*, has requested a review [in the interim], no review shall be required.

(b) Notice.—Each [parent] party subject to [a] *an automatic* child support [order is to be notified 30 days in advance of the commencement of such a] review *shall receive:*

(1) *thirty days' advance notice* of the right of such [parent] party to request a review *and adjustment* of the order, *except when the adjustment results from a cost-of-living adjustment or other automated adjustment;*

(2) [of a proposed adjustment (or determination that there should be no change) in the order] *a copy of any order establishing, modifying or rescinding a child support obligation or, in the case of a denied petition for modification, a notice of determination that there should be no change in the amount of the child support order, within 14 days after issuance of such order or determination; and*

(3) [such parent is afforded 30 days] *a 30-day period from the date of the notice of a cost-of-living adjustment or other automated adjustment to [initiate a challenge to the] request an individual review and adjustment [(or determination)] in accordance with the Statewide guideline.*

* * *

(d) Arrears as judgments.—On and after the date it is due, each and every support obligation shall constitute a judgment against the obligor by operation of law, with the full force, effect and attributes of a judgment of court, including the ability to be enforced, and shall be entitled as a judgment to full faith and credit in this or any other state. [Past due support obligations shall not become a lien upon the real and personal property of the person ordered to make such payments until the judgment or order has been entered of record in the office of the clerk of the court of common pleas in the county where the real or personal property owned by the person obligated to pay support is located or in the office of the clerk of the branch of the court of common pleas embracing such county in accordance with 42 Pa.C.S. § 4303 (relating to effect of judgments and orders as liens). Execution shall issue thereon pursuant to the Rules of Civil Procedure.] *Overdue support obligations of this or any other state which are on record at the domestic relations section shall constitute a lien by operation of law against all real property owned by the obligor within the judicial district. The department shall develop and implement a system for providing notice to the public of liens arising out of overdue support obligations. The system and its procedures shall ensure convenient access to lien information and shall address hours of access by the business community and the general public and access via modem or automated means. Upon establishment of the system, any lien on record shall constitute a lien against any real property in this Commonwealth owned by the obligor and shall also have the effect of a fully perfected security interest in personal property owned by the obligor in which a security interest can arise. The department shall consult with the Department of Transportation in the development of this system to enforce compliance with this subsection as it applies to liens on motor vehicles. The Supreme Court shall by general rule establish procedures for the recording of liens at the domestic relations section and the enforcement of liens without prior judicial notice or hearing. A bona fide good faith purchaser of personal property for value which is subject to a lien under this subsection acquires all title which the transferor had or had the power to transfer pursuant to*

13 Pa.C.S. Ch. 24 (relating to title, creditors and good faith purchasers), and the obligee shall have all rights against such property which would be preserved to a fully perfected secured creditor under 13 Pa.C.S. Div. 9 (relating to secured transactions; sales of accounts, contract rights and chattel paper). The obligation for payment of arrears or [past due] overdue support shall terminate by operation of law when all arrears or [past due] overdue support has been paid.

* * *

(g.1) Nondisclosure of certain information.—If the court finds in an ex parte or other proceeding or if an existing order provides that the health, safety or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, the court shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this part. Any court order under this subsection must be docketed in the domestic relations section.

(g.2) Work activities.—If an obligor owes overdue support with respect to any child receiving cash or medical assistance, the court shall upon motion of the department or domestic relations section order that overdue support be paid in accordance with a plan approved by the court or that the obligor participate in work activities approved by the department. Work activities include:

- (1) Subsidized or unsubsidized public or private sector employment.**
- (2) Work experience programs.**
- (3) Work training programs.**
- (4) Community service programs.**
- (5) Job search requirements.**
- (6) Job readiness programs.**
- (7) Education directly related to employment.**
- (8) Attendance at secondary school.**
- (9) For a person who has not graduated high school, study leading to a high school diploma or equivalent.**

(g.3) Fraudulent transfers.—The court may void any fraudulent transfer by the obligor pursuant to 12 Pa.C.S. Ch. 51 (relating to fraudulent transfers). It shall be a rebuttable presumption that a transfer by an obligor is fraudulent as to an obligee if the transfer was made for less than reasonably equivalent value and the transfer occurred after the initiation of a proceeding to establish or enforce support.

* * *

§ 4353. Duty to report.

(a) Notice of changes affecting support.—An individual who is a party to a support proceeding shall notify the domestic relations section, *the department and the other parties* in writing or by personal appearance within seven days of any material change in circumstances relevant to the level of

support or the administration of the support order, including, but not limited to:

- (1) change of employment; and
- (2) change of personal address or change of address of any child receiving support.

(a.1) Delivery.—*In any subsequent child support enforcement action between the parties, upon sufficient showing that due diligence has been made to ascertain the location of a party, the court or the department may deem due process requirements for notice and service of process to be met with respect to the party upon delivery of written notice to the most recent residential address or employer address filed with the domestic relations section or the department pursuant to subsection (a).*

(a.2) Notice of location information.—*Each party to a support proceeding shall file with the domestic relations section and the department, and update as appropriate, information on the location and identity of the party, including Social Security number, residential and mailing addresses, telephone numbers, driver's license number and name, address and telephone number of employer.*

* * *

§ 4355. Denial or suspension of [license to engage in remunerative employment] licenses.

(a) General rule.—*[Where] Except as provided in subsection (d.1), where the domestic relations section or the department has been unable to attach the income of an obligor [pursuant to section 4348 (relating to attachment of income)] and the obligor owes support in an amount equal to or greater than three months of the monthly support obligation[,], or where an individual has failed to comply with a visitation or partial custody order pursuant to section 4346 (relating to contempt for noncompliance with visitation or partial custody order) or an individual has failed, after appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings, the court, the domestic relations section or the department shall issue an order directing any licensing authority to:*

- (1) prohibit the issuance or renewal of a license of the obligor *or other individual*; or
- (2) require the suspension of the license of the obligor *or other individual*.

(b) Notice to obligor *or other individual*.—

(1) Prior to the issuance of an order to suspend, nonrenew or deny a license, the [court shall send written notice to the] obligor *or other individual shall be given advance notice*. The notice shall specify:

- (i) The amount of arrears owed, *if applicable*.

* * *

(iv) That an order to the licensing authority to automatically suspend, nonrenew or deny the license will occur in all cases 30 days

after issuance of the notice unless the arrearage is paid [or], a periodic payment schedule is approved by the court *or the individual is excused from the failure to comply with the warrant or subpoena.*

[(2) If the obligor is a member of the bar and has an attorney's license issued by the Supreme Court of Pennsylvania, the court shall send written notice to the disciplinary board of the Supreme Court so that appropriate action may be taken.]

(2) *The Supreme Court shall by general rule provide a procedure for the court or disciplinary board to deny, suspend or not renew the license of an attorney who owes past due support in a manner comparable to the procedures set forth in this section.*

(c) Order.—

(1) Thirty days after the issuance of the notice, if the obligor has not paid the arrearage [or], entered into a court-approved periodic payment schedule *or, if applicable, the obligor or other individual has not been excused from complying with the warrant or subpoena,* the court, *the domestic relations section or department* shall *direct or* cause an order to be issued to the licensing authority to suspend or deny the issuance or renewal of a license. Upon receipt, the licensing authority shall immediately comply with the order[.] *or directive. The licensing authority shall have no authority to stay implementation of the order or to hold a hearing except in cases of mistaken identity.*

*** * ***

(3) [To] *Subject to section 4377(c) (relating to appeals), to* contest the order, the obligor *or other individual* must appear before the domestic relations section not later than ten days after issuance of the order. The grounds for contesting shall be limited to mistakes of fact. If, as determined by the domestic relations section, a mistake of fact has occurred, the action shall be modified accordingly within ten days.

(d) Reinstatement or issuance of license.—Where [the court has issued] an order *or directive has been issued* pursuant to subsection (c) and the obligor has satisfied the arrearage *or entered into a court-approved payment plan or, if applicable, the obligor or other individual has been excused from the failure to comply with the subpoena or warrant,* the court, *the domestic relations section or the department* shall order *or direct* the licensing authority to reinstate or issue the license to the obligor *or other individual.* Upon receipt of the order, the licensing authority shall reinstate or issue the license immediately, provided that the obligor *or other individual* meets any and all other requirements for issuance or reinstatement.

(d.1) *Special procedures for operating privilege.—*

(1) *Where the domestic relations section or the department has been unable to attach the income of an obligor and the obligor owes support in an amount equal to or greater than three months of the monthly support obligation or where an individual has failed, after appropriate notice, to comply with subpoenas or warrants relating to paternity or*

child support proceedings, the court, the domestic relations section or the department may issue an order directing the Department of Transportation to:

(i) prohibit the issuance or renewal of a license of the obligor or other individual; or

(ii) require the suspension of the license of the obligor or other individual.

(2) Prior to the issuance of an order to suspend, nonrenew or deny a license, the obligor or other individual shall be given advance notice. The notice shall specify:

(i) The amount of arrears owed, if applicable.

(ii) How, when and where the notice can be contested.

(iii) That the grounds for contesting the notice shall be limited to mistakes of fact. Mistakes of fact shall be limited to errors in the amount of arrears owed or mistaken identity of the obligor.

(iv) That an order to the Department of Transportation to automatically suspend, nonrenew or deny the license will occur in all cases 30 days after issuance of the notice unless the arrearage is paid, a periodic payment schedule is approved by the court or the individual is excused from the failure to comply with the warrant or subpoena.

(3) Any order issued to the Department of Transportation pursuant to this section shall be issued as agreed upon by the department and the Department of Transportation. The order may be transmitted electronically or by other methods.

(4) Upon receipt of an order or directive from a court, the domestic relations section or the department authorizing the Department of Transportation to suspend the operating privilege of an obligor or other individual, the Department of Transportation shall immediately suspend the operating privilege of that obligor or other individual. Upon receipt of an order from the court or the domestic relations section or a directive from the department authorizing the Department of Transportation to restore the operating privilege of an obligor or other individual, the Department of Transportation shall immediately restore the operating privilege of that obligor or other individual if the person complies with the provisions of 75 Pa.C.S. § 1960 (relating to reinstatement of operating privilege or vehicle registration).

(5) An insurer may not increase premiums, impose a surcharge or rate penalty, make a driver record point assignment for automobile insurance or cancel or refuse to renew an automobile insurance policy on account of a suspension under this section.

(6) There shall be no right to appeal from a suspension under this section pursuant to 75 Pa.C.S. § 1550 (relating to judicial review). Subject to section 4377(c) (relating to power to expedite support cases), the sole remedy shall be to petition the court which entered the

underlying support order resulting in the suspension, revocation or refusal to issue or renew the license.

(d.2) Special procedures for recreational licenses issued by Pennsylvania Game Commission.—

(1) Where the domestic relations section or the department has been unable to attach the income of an obligor and the obligor owes support in an amount equal to or greater than three months of the monthly support obligation or where an individual has failed, after appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings, the court may issue an order directing the Pennsylvania Game Commission to prohibit the issuance or renewal of a recreational license of the obligor or other individual or to require the suspension of the recreational license of the obligor or other individual.

(2) Procedures for notice of suspension, nonrenewal or denial, issuance of the appropriate order and reinstatement of a recreational license shall be in accordance with subsections (b), (c) and (d).

(3) Upon receipt of an order from a court requiring the Pennsylvania Game Commission to refuse to issue or renew or to revoke or suspend the recreational license of the obligor or other individual, the Pennsylvania Game Commission shall immediately comply with the order. Upon receipt of an order from the court authorizing the Pennsylvania Game Commission to restore the recreational license of an obligor or other individual, the Pennsylvania Game Commission shall immediately restore the recreational license of the obligor or other individual if the obligor or other individual complies with the provisions of 34 Pa.C.S. Ch. 27 (relating to hunting and furtaking licenses).

(4) There shall be no right to appeal from a refusal to issue or renew or from a revocation or suspension under this section. The sole remedy shall be to petition the court which entered the underlying support order which resulted in the revocation, suspension or refusal to issue or renew the recreational license.

(d.3) Special procedures for licenses issued by Pennsylvania Fish and Boat Commission.—

(1) Where the domestic relations section or the department has been unable to attach the income of an obligor and the obligor owes support in an amount equal to or greater than three months of the monthly support obligation or where an individual has failed, after appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings, the court may issue an order directing the Pennsylvania Fish and Boat Commission to prohibit the issuance or renewal of a recreational license of the obligor or other individual or to require the suspension of the recreational license of the obligor or other individual.

(2) Procedures for notice of suspension, nonrenewal or denial, issuance of the appropriate order and reinstatement of a recreational license shall be in accordance with subsections (b), (c) and (d).

(3) Upon receipt of an order from a court requiring the Pennsylvania Fish and Boat Commission to refuse to issue or renew or to revoke or suspend the recreational license of the obligor or other individual, the Pennsylvania Fish and Boat Commission shall immediately comply with the order. Upon receipt of an order from the court authorizing the Pennsylvania Fish and Boat Commission to restore the recreational license of an obligor or other individual, the Pennsylvania Fish and Boat Commission shall immediately restore the recreational license of the obligor or other individual if the obligor or other individual complies with the provisions of 30 Pa.C.S. Ch. 27 (relating to fishing licenses).

(4) There shall be no right to appeal from a refusal to issue or renew or from a revocation or suspension under this section. The sole remedy shall be to petition the court which entered the underlying support order which resulted in the revocation, suspension or refusal to issue or renew the license.

(d.4) Implementation.—The department may promulgate regulations and issue directives to coordinate and carry out the provisions of this section.

(d.5) Construction.—This section shall supersede any conflicting provision in any other State law unless the provision specifically references this section and provides to the contrary.

(d.6) Immunity.—The court, the domestic relations section, the Department of Public Welfare, the Department of Transportation, the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission or any employee of any of these entities shall not be subject to civil or criminal liability for carrying out their duties under this section.

(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“License.” A license, certificate, permit or other authorization to:

(1) engage in a profession, trade or business in this Commonwealth or a political subdivision or agency thereof[.]; or

(2) operate a motor vehicle for personal or commercial purposes.

“Licensing authority.” Any entity of the Commonwealth, political subdivision or agency thereof which issues a license.

“Operating privilege.” The privilege to apply for and obtain a license to use as well as the privilege to use a vehicle on a highway as authorized under Title 75 (relating to vehicles).

“Recreational license.” A hunting or fishing license.

Section 10. Chapter 43 of Title 23 is amended by adding subchapters to read:

SUBCHAPTER E
TITLE IV-D PROGRAM AND RELATED MATTERS

Sec.

- 4371. Definitions.
- 4372. Establishment of Title IV-D program.
- 4373. Administration of Title IV-D program.
- 4374. State disbursement unit.
- 4375. Access to records.
- 4376. Central registry.
- 4377. Power to expedite support cases.
- 4378. Assistance recipients to seek support.
- 4379. Cooperation required.
- 4380. Enforcement of cooperation requirements.
- 4381. Garnishment of wages of Commonwealth employees.

§ 4371. Definitions.

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

“Assistance.” Cash assistance, medical assistance or designated services provided under Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

“Legally responsible relative.” Effective January 1, 1997, a spouse and a parent for an unemancipated minor child.

“Secretary.” The Secretary of Public Welfare of the Commonwealth.

§ 4372. Establishment of Title IV-D program.

(a) Designation of Title IV-D agency.—The department is the Title IV-D State agency. The department shall create a single and separate organizational unit which shall be responsible for developing and implementing, subject to the approval of the secretary, a federally approved State plan for child support.

(b) Implementation of Title IV-D requirements.—The department shall construe and implement this subchapter in order to comply with Title IV-D of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.). The department shall take all steps necessary to implement a federally approved State plan for child support. The department may issue regulations and orders necessary to implement a federally approved State plan for child support. The department may issue interim regulations if Federal law or regulations supersede existing statutes, regulations or court rules.

§ 4373. Administration of Title IV-D program.

(a) Parent locator service.—The department shall maintain a parent locator service for the purpose of establishing parentage, for establishing, setting the amount of, modifying or enforcing child support, establishing or enforcing visitation or custody orders and locating legally responsible relatives. The

locator services shall utilize all sources of information and legally available records. In addition, the department shall utilize the parent locator service of the Federal Government pursuant to Federal law and shall only make disclosures of information to individuals as provided by Federal law.

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

(1) Establish paternity of children with respect to whom assistance has been received.

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

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

(4) Notify the applicant or recipient of each noncooperation determination and the basis for such determination.

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

(c) Incentive payments.—The department shall make incentive payments to political subdivisions and other states consistent with Federal law whenever the political subdivision or other state enforces or collects support payable to the department.

§ 4374. State disbursement unit.

(a) Establishment.—The department shall establish and operate a State disbursement unit for collection and disbursement of payments on child support orders consistent with Federal law. The State disbursement unit shall also monitor support orders for enforcement action consistent with Federal law. At the option of the department, the domestic relations sections may be linked into the State disbursement unit and perform some or all of the functions thereof.

(b) Disbursements.—The department may require that such collections and disbursements of support as the department may specify, including those related to persons not receiving public assistance, be processed through the State disbursement unit.

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

(1) In the case of a family receiving cash assistance from the Commonwealth:

(i) First, pay to the Federal Government an amount equal to the Federal share of the amount collected.

(ii) Second, after application of subparagraph (i), from the amount remaining, pass through to the assistance group the first \$50 per month of current child or spousal support collected without decreasing the amount of cash assistance, provided, however, that in no event may any assistance group be paid more than one support pass-through payment per month.

(iii) Third, retain the remainder of the amount collected to reimburse the Commonwealth until the amount reimbursed equals the amount of unreimbursed cash assistance paid to the family.

(iv) Fourth, pay to the family any amounts collected in excess of the amounts distributed or retained under subparagraphs (i), (ii) and (iii).

(2) In the case of a family that formerly received cash assistance from the Commonwealth:

(i) first, pay to the family the current support collected that does not exceed the court-ordered amount to be paid in the month; and

(ii) second, treat amounts collected in excess of the current support collected as arrearages and distribute as follows:

(A) In the case of arrearages that accrued after the family ceased to receive cash assistance from the Commonwealth and which are collected after October 1, 1997:

(I) first, pay the family up to the amount of arrearages that accrued after the family ceased to receive cash assistance from the Commonwealth;

(II) second, treat the balance as reimbursement of assistance in an amount not to exceed the total amount of unreimbursed cash assistance paid to the family and:

(a) pay an amount equal to the Federal share of the reimbursed amount to the Federal Government; and

(b) retain for the Commonwealth an amount equal to the non-Federal share of the reimbursed amount; and

(III) third, pay any remaining amount to the family.

(B) In the case of arrearages that accrued before the family received cash assistance from the Commonwealth and which are collected before October 1, 2000:

(I) first, treat the amount collected first as reimbursement of assistance in an amount not to exceed the total amount of unreimbursed cash assistance paid to the family and:

(a) pay an amount equal to the Federal share of the reimbursed amount to the Federal Government; and

(b) retain for the Commonwealth an amount equal to the non-Federal share of the reimbursed amount; and

(II) second, pay any remaining amount to the family.

(C) In the case of arrearages that accrued before the family received cash assistance from the Commonwealth and which are collected after October 1, 2000:

(I) first, pay to the family up to the amount of arrearages that accrued before the family began to receive cash assistance from the Commonwealth;

(II) second, treat the balance as reimbursement of assistance in an amount not to exceed the total amount of unreimbursed cash assistance paid to the family and:

(a) pay an amount equal to the Federal share of the reimbursed amount to the Federal Government; and

(b) retain for the Commonwealth an amount equal to the non-Federal share of the reimbursed amount; and

(III) third, pay any remaining amount to the family.

(3) In the case of a family that never received cash assistance from the Commonwealth, all support collections shall be paid to the family.

(d) Retention by Commonwealth.—Arrearages collected through use of the Internal Revenue Service Tax Refund Offset Program shall be retained by the Commonwealth to the extent past due support has been assigned to the department as a condition of receiving assistance. The department shall pay to the Federal Government the Federal share of the amounts so retained. In no event shall the total of amounts paid to the Federal Government and retained by the department exceed the total of the amount of cash assistance paid to the family by the Commonwealth. To the extent that the amounts collected exceed the amount retained, the department shall pay the excess to the family.

(e) Child support, foster care children.—Notwithstanding the preceding provisions of this section, amounts collected by the department as child support for months in any period on behalf of a child for whom a public agency is making foster care maintenance payments under Part E of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.) shall:

(1) be retained by the department to the extent necessary to reimburse the Commonwealth for foster care maintenance payments made with respect to the child during such period, with appropriate reimbursement to the Federal Government to the extent of its financial participation;

(2) be paid to the public agency responsible for supervising the placement of the child to the extent that the amounts collected exceed the foster care maintenance payments made with respect to the child during such periods but not the amounts required by a court or administrative order to be paid as support on behalf of the child during such period, and the responsible agency may use the payment in the manner it determines will serve the best interests of the child, including setting such payments aside for the child's future needs or making all or part thereof available to the person responsible for meeting the child's day-to-day needs; and

(3) be retained by the department if any portion of the amounts collected remains after making the payments required under paragraphs (1) and (2), to the extent that such portion is necessary to reimburse the Commonwealth for any past foster care maintenance payments or payments of cash assistance which were made with respect to the child and with respect to which past collections have not previously been retained.

Any balance shall be paid to the Commonwealth agency responsible for supervising the placement of the child for use by such agency in accordance with paragraph (2).

(f) Modification of distribution rules.—Notwithstanding any other provision of law, the department may modify the foregoing distribution rules when necessary to comply with Federal law.

(g) Definitions.—The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Assistance group.” The term shall have the meaning given in section 402 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

“Family.” The term shall include the child for whom support is received, the custodial parent living with the child and any other person in the same assistance group as the child.

§ 4375. Access to records.

(a) Access to be granted.—The secretary or his designees in writing shall have access to all records, and the department in cooperation with all other agencies of the executive branch shall establish a single, uniform system of information clearance and retrieval. Information collected as a result of the use of tax records shall include the full name, residence or address, name and address of the employer, income and assets and the Social Security number of the noncustodial parent.

(b) Earnings records.—The Bureau of Employment Security shall provide the department with a statement of earnings clearance upon the request of the department.

(c) Motor vehicle registration information.—Upon request of the department, the Bureau of Motor Vehicles shall provide information as to all vehicles owned by the applicant or recipient.

§ 4376. Central registry.

(a) Central registry created.—A central registry of records shall be maintained in the department showing, as far as it is known, with respect to any absent parent against whom support is sought, all of the following:

- (1) The full and true name of such parent together with any known aliases.
- (2) The date and place of birth.
- (3) Physical description.
- (4) Social Security number.

(5) Occupation and any special skills he may have.

(6) Military status and Veterans' Administration or military service serial number.

(7) Last known address and the date thereof.

(8) The number of the driver's license.

(9) Any further information that may be of assistance in locating the person or enforcing support.

(b) Information for registry.—To effectuate the purposes of this section, the department may request and shall receive from all boards or other agencies of this Commonwealth or any of its political subdivisions, and the same are authorized to provide, such assistance and data as will enable the Federal Government, the department and other public agencies in this State or in other states to carry out their duties to locate absent parents for the support of their children. The data to be provided from tax records shall include the full name, residence or address, name and address of the employer, income and assets and the Social Security number of the noncustodial parent. The department shall utilize the parent locator service pursuant to establishment in the Department of Health and Human Services by filing in accordance with section 453(b) of the Social Security Act (49 Stat. 620, 42 U.S.C. § 653(b)).

(c) Certain confidential records.—Notwithstanding any other provision of law, all State and local law enforcement agencies, the Board of Probation and Parole, the Department of Corrections and the Department of Transportation shall upon request provide the department, any domestic relations section or any child support agency of the Federal Government or any state with such information regarding the location of an individual as may be contained in law enforcement, probation and parole, corrections, motor vehicle registration and operator licensing records.

(d) Limits on use.—Any records established pursuant to the provisions of this section shall be available only to public welfare offices, district attorneys, probation departments, domestic relations sections, Federal agencies and the agencies of other states conducting activities under Title IV-D of the Social Security Act and courts having jurisdiction in support or abandonment proceedings or actions and only for the purposes for which the records have been established.

§ 4377. Power to expedite support cases.

(a) Administrative powers.—The department shall have Statewide jurisdiction to issue the following administrative orders to expedite the establishment and enforcement of support on behalf of any assistance recipient or nonrecipient receiving Title IV-D services:

(1) To order any individual to submit to genetic testing for the purpose of paternity establishment.

(2) To issue administrative subpoenas against any entity within this Commonwealth, including for-profit, not-for-profit and governmental employers, to require production of information regarding the employment,

compensation and benefits of any individual employed by such entity as an employee or contractor.

(3) To access records of all State and local government agencies, including vital statistic records (including records of marriage, birth and divorce), State and local tax and revenue records (including information on residence address, employer, income and assets), records of real and titled personal property, records of occupational and professional licenses, records of the ownership and control of corporations, partnerships and other business entities, employment security records, records of agencies administering public assistance programs, motor vehicle records, probation and parole records and corrections records.

(4) To issue administrative subpoenas for the records of public utilities and cable television companies with respect to individuals who owe or are owed support or against whom or with respect to whom a support obligation is sought, consisting of the names and addresses of such individuals and the names and addresses of their employers.

(5) To issue administrative subpoenas for the records held by financial institutions with respect to individuals who owe or are owed support or against whom or with respect to whom a support obligation is sought.

(6) To issue administrative subpoenas for financial or other information needed to establish, modify or enforce a support order.

(7) To issue orders directing an obligor or other payor to change the payee of a support order.

(8) To order income withholding.

(9) To increase the amount of monthly support payments for the payment of arrearages, as may be provided by general rule.

(10) To issue administrative orders in cases where there is a support arrearage to secure assets to satisfy any current support obligation and the arrearage by:

(i) Intercepting or seizing periodic or lump sum payments from a government agency, including unemployment compensation, workers' compensation and other benefits.

(ii) Intercepting or seizing judgments or settlements.

(iii) Attaching and seizing assets of the obligor held in financial institutions.

(iv) Attaching public and private retirement funds.

(v) Imposing liens on property.

(vi) Directing the sheriff to levy and sell other real or personal property.

(11) To transmit to another state, electronically or by other methods, a request for assistance in a case involving the enforcement of a support order containing¹ sufficient information as will enable the state to which

¹"containing" omitted in enrolled bill.

the request is transmitted to compare the information to the information in the data bases of the state. The transmittal shall serve as a certification of arrears and a certification that the state has complied with all procedural due process requirements applicable to the case.

(12) To respond to a request for assistance received from another state. The response, which may be transmitted electronically or by other methods, shall confirm the receipt of the request, the action taken and the amount of support collected and specify any additional information or action required of the requesting tribunal to obtain enforcement of the child support obligation.

(b) Enforcement authority.—The department may administratively assess a civil penalty of up to \$5,000 per violation upon any person or entity that fails to comply with an order, subpoena or request for information issued under subsection (a). The department may make application to any court of common pleas or to the Commonwealth Court for purposes of enforcing any subpoena or final administrative order.

(c) Appeals.—Any person aggrieved by an action of the department under this section shall have a right to appeal. An appeal of an action under subsection (a) shall be taken to an independent hearing officer designated by the department unless the appellant is challenging the validity or amount of the underlying support obligation, in which case the court having jurisdiction over the support obligation shall hear the appeal. An appeal from imposition of a civil penalty imposed under subsection (b) must be taken to the Bureau of Hearing and Appeals in the department. An appeal which is filed in the wrong tribunal shall be transferred to the correct tribunal. If no appeal is timely filed from the department action or under subsection (a) or (b), the department's action or order shall be final. An action or order of the department under this section shall remain in effect pending any appeal unless stayed for good cause shown.

(d) Immunity.—The department and its employees shall be immune from civil or criminal liability for any good faith action taken under this section. The immunity provided by this subsection shall not apply to any individual who intentionally misuses the authority of the department for a purpose other than securing the lawful establishment or enforcement of support.

§ 4378. Assistance recipients to seek support.

(a) Seeking support required.—Prior to authorization, every applicant for assistance whose circumstances include the reported absence of a legally responsible relative from the household or the presence of a putative father shall appear before the domestic relations section or other applicable division of the court of common pleas. Upon the request of a family court or domestic relations section, the secretary is authorized to waive the requirement of personal appearance before a family court or domestic relations section if another procedure would be as efficient and effective. Subject to Federal approval, only when necessary, assistance shall not be authorized by the

department until it has been certified that the applicant has cooperated in determining paternity and enforcing support.

(b) Assignment.—Acceptance of assistance shall operate as an assignment to the department, by operation of law, of the assistance recipient's rights to receive support on his or her own behalf and on behalf of any family member with respect to whom the recipient is receiving assistance. Such assignment shall be effective only up to the amount of assistance received. The assignment shall take effect at the time that the recipient is determined to be eligible for assistance. Upon termination of assistance payments, the assignment of support rights shall terminate, provided that any amount of unpaid support obligations shall continue as an obligation to and collectible by the department to the extent of any unreimbursed assistance consistent with Federal law. Immediately upon receipt of notification from the department that a recipient has been determined to be eligible for assistance, the clerks of the appropriate courts of the Commonwealth shall transmit any and all support payments that they thereafter receive on behalf of such assistance recipients to the department. Such clerks shall continue transmitting such support payments until notified by the department that it is no longer necessary to do so. While the recipient is receiving assistance, any such support payments made to or on behalf of the assistance recipient shall be allocated to any amount due the department as assignee of the recipient's support rights consistent with Federal law. The assistance recipient shall be deemed to have appointed the department as his attorney-in-fact to endorse over to the department any and all drafts, checks, money orders or other negotiable instruments submitted for payment of support due during the time the recipient is receiving assistance on behalf of himself, herself or any family member.

(c) Standing.—An applicant or recipient shall have standing to commence an action to obtain support for any child with respect to whom the applicant or recipient claims assistance.

§ 4379. Cooperation required.

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

(1) Require as a condition of eligibility for assistance that an applicant or recipient:

(i) Furnish his or her Social Security account number or, to the extent permitted by Federal law, proof of making application for a Social Security account number if the applicant or recipient has no Social Security account number.

(ii) Assign to the department on forms provided by the department such support rights as the applicant or recipient may have individually or on behalf of any family member who is a part of the assistance group.

(iii) Cooperate with the department in establishing the paternity of a child with respect to whom assistance is claimed unless the

department determines that the applicant or recipient has good cause for failing to do so.

(iv) Cooperate in obtaining support payments for such applicant or recipient and for a child with respect to whom such assistance is claimed or in obtaining any other payment or property due such applicant, recipient or such child unless the department determines that the applicant or recipient has good cause for failing to do so.

(2) Require cooperation in accordance with the following:

(i) Subject to Federal approval, only when necessary, cooperation shall include, but not be limited to, taking the following actions:

(A) Identifying the parents of any child for whom assistance is sought or received, including appearing for scheduled genetic testing with the child and submitting to such testing.

(B) Keeping scheduled appointments with the department or domestic relations section.

(C) Providing truthful and accurate information and documents requested by the department or domestic relations section.

(D) Signing and returning any forms requested by the department or domestic relations section.

(E) Appearing as a witness and providing testimony at judicial and other hearings as requested by the domestic relations section.

(F) Paying to the department any support payment received directly from an absent parent after an assignment of support has been made.

(ii) Failure of the mother to identify by name the father of a child shall create a presumption of noncooperation which may be rebutted only by clear and convincing evidence.

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

§ 4380. Enforcement of cooperation requirements.

(a) Cooperation required.—It is essential to the effective and responsible utilization of assistance funds that applicants and recipients who are caretakers of a child whose circumstances include the reported absence of a legally responsible relative from the household or presence of a putative father cooperate fully with the department and the court or domestic relations section in establishing paternity and in securing child support payments and in all matters set forth in section 4379 (relating to cooperation required).

(b) Procedures.—

(1) Upon application for assistance, each applicant or recipient shall be notified that his or her cooperation in the matters set forth in section 4379 shall be required as a condition of eligibility and that failure to cooperate will result in the termination of medical assistance and the reduction of the

cash assistance allowance in an amount equal to not less than 25% and may, if provided by departmental regulation, result in the imposition of protective payments for any child in whose behalf the applicant or recipient seeks assistance.

(2) If the department or domestic relations section, as applicable, determines that the applicant or recipient fails to cooperate as set forth in section 4379, unless the failure to cooperate was for good cause, the applicant or recipient shall be notified of the noncooperation determination and the basis for the noncooperation determination. The department shall notify the applicant or recipient in writing of the termination of medical assistance eligibility for the applicant or recipient, the reduction of the cash assistance allowance equal to not less than 25% and, if applicable, that protective payments will be imposed for any child so affected ten days after the date of notice. At the expiration of the ten-day period, the department shall impose the termination of medical assistance, the assistance allowance reduction and, if applicable, protective payments. Any hearing or appeal with respect to the notice of noncooperation issued by the department shall be conducted in accordance with the department's regulations governing an applicant's or a recipient's right to hearings.

(3) Subject to Federal approval, only when necessary, if after notice and opportunity for hearing the court or domestic relations section determines that the applicant or recipient failed to cooperate as set forth in section 4379 and lacked reasonable excuse for such failure, the court shall notify the applicant or recipient and the department of the basis of the noncooperation determination and order the department to impose a sanction for noncooperation. The department shall issue a notice to the applicant or recipient to terminate medical assistance eligibility, reduce the assistance allowance by not less than 25% and, if applicable, impose a protective payment for any child so affected. The department shall implement the order of the court within ten days of receipt. Any hearing or appeals with respect to the recommendation and order of noncooperation directed by the court shall be conducted by the court in accordance with the Pennsylvania Rules of Civil Procedure as may be promulgated by the Supreme Court governing actions for support. The decision to hold hearings for noncooperation cases shall be at the option of the court or domestic relations section. If the court or domestic relations section chooses not to conduct the hearings on noncooperation, appropriate court or domestic relations section personnel shall be available to provide testimonial evidence by telephone testimony at the time and location set by the department for the departmental appeal hearing. A finding of noncooperation of an applicant or recipient shall not affect an obligor's duty to pay support.

§ 4381. Garnishment of wages of Commonwealth employees.

Notwithstanding any other provision of law, moneys due from or payable by the Commonwealth, including any agency, instrumentality or authority

thereof, due to any individual shall be subject, in like manner and to the same extent as if the Commonwealth were a private person, to legal process brought for the enforcement against such individual of his legal obligations to provide support for a child or spouse.

SUBCHAPTER F NEW HIRE REPORTING

Sec.

- 4391. Definitions.
- 4392. Employer reporting.
- 4393. Use of information.
- 4394. Guidelines.
- 4395. Confidentiality.
- 4396. Penalties.

§ 4391. Definitions.

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

“Date of hire.” The first day an employee performs services for remuneration.

“Employee.” An individual who is an employee within the meaning of Chapter 24 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 3401 et seq.). The term shall not include an employee of a Federal or State agency performing intelligence or counterintelligence functions if the head of the agency has determined that reporting the information required by this section with respect to the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

“Employer.” The term has the meaning given in section 3401(d) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 3401(d)) and includes any government agency and any labor organization.

“Newly hired employee.” The term includes:

- (1) a new employee; and
- (2) a rehired former employee who was:
 - (i) laid off, furloughed, separated or granted leave without pay for more than 30 days; or
 - (ii) terminated from employment.

§ 4392. Employer reporting.

(a) General rule.—For purposes of enhancing child support enforcement activities, including the location of individuals, the establishment of paternity and the enforcement of child support obligations pursuant to this subchapter, a Commonwealth directory of new hires shall be established within the Department of Labor and Industry.

(b) Duty of employer.—Except as provided in subsection (c), each employer doing business in this Commonwealth shall provide the following

information regarding a newly hired employee to the Commonwealth directory of new hires: name; home address; Social Security number; date of hire; the employer's name and address; the identifying number assigned to the employer under section 6109 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 6109); and the name and telephone number of an employer contact. The information may be submitted on a form provided by the Department of Labor and Industry or by attaching the date of hire and name and telephone number of an employer contact to the W-4 form submitted for the newly hired employee. The information may be transmitted by first class mail, magnetically, electronically or by another method authorized by the directory of new hires.

(c) Employees in two or more states.—An employer that employs individuals in two or more states and that transmits reports magnetically or electronically may comply with subsection (b) by designating one of its offices located in a state in which the employer has employees to send the required report to the Commonwealth directory of new hires. An employer that transmits reports pursuant to this subsection shall notify the Commonwealth directory of new hires and the United States Secretary of Health and Human Services in writing as to which state such employer has designated to send the report required under subsection (b). If the Commonwealth is so designated, the employer shall transmit information in accordance with this subchapter, including the newly hired employee's state of hire, and shall comply with all procedures adopted under this subchapter.

(d) Time for submission.—The information required under subsection (b) shall be submitted by the employer to the Commonwealth directory of new hires no later than 20 days from the date of hire of a newly hired employee. In the case of a magnetic or electronic transmission of the information, the employer may comply by making two monthly transmissions not less than 12 days nor more than 16 days apart.

§ 4393. Use of information.

(a) Access to information.—The domestic relations sections and the department shall have access to all information required under this subchapter for purposes of locating individuals, establishing paternity and establishing, modifying and enforcing child support obligations. The domestic relations sections and the department may disclose such information to its employees, agents and contractors solely for the purposes set forth in this subsection.

(b) Department access to information.—The department shall have access to the information received by the Commonwealth directory of new hires for purposes of verifying eligibility for programs administered by the department.

(c) Other programs.—In addition to child support enforcement, the information received by the Commonwealth directory of new hires may be utilized by the Department of Labor and Industry for purposes of administering the workers' compensation and unemployment compensation programs, including fraud detection, and to develop labor market information for economic and work force development in this Commonwealth.

(d) National directory.—Information included in the Commonwealth directory of new hires shall be provided to the National Directory of New Hires and as otherwise required by Federal law.

§ 4394. Guidelines.

The Department of Labor and Industry shall develop guidelines for employers to use to determine if an individual qualifies as an employee under this subchapter.

§ 4395. Confidentiality.

All information received pursuant to this subchapter shall be confidential and shall be used only for the purposes set forth herein. A person commits a summary offense if he or she discloses information received pursuant to this subchapter to an unauthorized person or for an unauthorized purpose and shall be subject to a civil penalty of up to \$250 per offense.

§ 4396. Penalties.

An employer that fails to report pursuant to this subchapter may be provided a written warning for the first violation and is subject to a civil penalty of up to \$25 for each violation which is subsequent to the warning. The civil penalty shall be payable to the Department of Labor and Industry. If the failure to report or the submission of a false report is the result of a conspiracy between the employer and the employee, the employer shall be subject to a civil penalty of up to \$500.

Section 11. Section 5103(a), (c) and (d) of Title 23 are amended and the section is amended by adding subsections to read:

§ 5103. Acknowledgment and claim of paternity.

(a) Acknowledgment of paternity.—The father of a child born to an unmarried woman may file with the Department of Public Welfare, on forms prescribed by [subsection (c)] *the department*, an acknowledgment of paternity of the child which shall include the consent of the mother of the child, supported by her affidavit. In such case, the father shall have all the rights and duties as to the child which he would have had if he had been married to the mother at the time of the birth of the child, and the child shall have all the rights and duties as to the father which the child would have had if the father had been married to the mother at the time of birth. *The hospital or other person accepting an acknowledgment of paternity shall provide written and oral notice, which may be through the use of video or audio equipment, to the birth mother and birth father of the alternatives to, the legal consequences of and the rights and responsibilities that arise from, signing the acknowledgment.*

* * *

(c) Duty of hospital or birthing center.—Upon the birth of a child to an unmarried woman, an agent of the hospital or birthing center where the birth occurred shall:

(1) Provide the newborn's birth parents with an opportunity to complete an [affidavit acknowledging] *acknowledgment of paternity*. The completed, signed and [notarized affidavit] *witnessed acknowledgment*

shall be sent to the Department of Public Welfare. A copy shall be given to each of the birth parents. This [affidavit] *acknowledgment* shall contain:

(i) A [sworn,] signed, *witnessed statement subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)* by the birth mother consenting to the [assertion] *acknowledgment* of paternity.

(ii) A signed, [notarized] *witnessed statement subject to 18 Pa.C.S. § 4904* by the birth father acknowledging his paternity.

(iii) A written explanation of the parental duties and parental rights which arise from signing such a statement.

(iv) The Social Security numbers and addresses of both birth parents.

(2) Provide written information, furnished by the [Department of Public Welfare] *department* to the birth mother *and birth father*, which explains the benefits of having the child's paternity established, the availability of paternity establishment services and the availability of child support enforcement agencies.

(d) Conclusive evidence.—[An] *Notwithstanding any other provision of law, an acknowledgment of paternity shall constitute conclusive evidence of paternity without further judicial ratification* in any action to establish support. [An acknowledgment of paternity may be set aside by the court only upon clear and convincing evidence that the defendant was unaware of the fact that he was acknowledging paternity when the acknowledgment was signed.] *The court shall give full faith and credit to an acknowledgment of paternity signed in another state according to its procedures.*

* * *

(g) *Rescission.*—

(1) *Notwithstanding any other provision of law, a signed, voluntary, witnessed acknowledgment of paternity subject to 18 Pa.C.S. § 4904 shall be considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of the following:*

(i) *sixty days; or*

(ii) *the date of an administrative or judicial proceeding relating to the child, including, but not limited to, a domestic relations section conference or a proceeding to establish a support order in which the signatory is a party.*

(2) *After the expiration of the 60 days, an acknowledgment of paternity may be challenged in court only on the basis of fraud, duress or material mistake of fact, which must be established by the challenger through clear and convincing evidence. An order for support shall not be suspended during the period of challenge except for good cause shown.*

(h) Penalties for noncompliance.—The department may impose a civil penalty not to exceed \$500 per day upon a hospital or birthing center which is not in compliance with the provisions of this section. A penalty under this subsection is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(i) Status of father.—The name of the father shall be included on the record of birth of the child of unmarried parents only if one of the following applies:

(1) The father and mother have signed a voluntary acknowledgment of paternity.

(2) A court or administrative agency of competent jurisdiction has issued an adjudication of paternity.

Section 11.1. Section 5303(a) of Title 23 is amended and the section is amended by adding a subsection to read:

§ 5303. Award of custody, partial custody or visitation.

(a) General rule.—

(1) In making an order for custody or partial custody, the court shall consider the preference of the child as well as any other factor which legitimately impacts the child's physical, intellectual and emotional well-being.

(2) In making an order for custody, partial custody or visitation to either parent, the court shall consider, among other factors, which parent is more likely to encourage, permit and allow frequent and continuing contact and physical access between the noncustodial parent and the child. [In addition, the]

(3) The court shall consider each parent and adult household member's present and past violent or abusive conduct which may include, but is not limited to, abusive conduct as defined under the act of October 7, 1976 (P.L.1090, No.218), known as the Protection From Abuse Act.

*** * ***

(b.2) Parent convicted of murder.—No court shall award custody, partial custody or visitation to a parent who has been convicted of murder under 18 Pa.C.S. § 2502(a) (relating to murder of the first degree) of the other parent of the child who is the subject of the order, unless the child is of suitable age and consents to the order.

*** * ***

Section 12. Sections 6105(e), 6107(a) and 6108(a)(7) of Title 23 are amended to read:

§ 6105. Responsibilities of law enforcement agencies.

*** * ***

(e) Statewide registry.—

(1) The Pennsylvania State Police shall establish a Statewide registry of protection orders and shall maintain a complete and systematic record and index of all valid temporary and final court orders of protection or

court-approved consent agreements. The Statewide registry shall include, but need not be limited to, the following:

- (i) The names of the plaintiff and any protected parties.
- (ii) The name and address of the defendant.
- (iii) The date the order was entered.
- (iv) The date the order expires.
- (v) The relief granted under sections 6108(a)(1), (2), (4), (6) and (7) (relating to relief) and 6110(a) (relating to emergency relief by minor judiciary).
- (vi) The judicial district in which the order was entered.
- (vii) Where furnished, the Social Security number and date of birth of the defendant.

(2) The prothonotary shall send, on a form prescribed by the Pennsylvania State Police, a copy of the protection order or approved consent agreement to the Statewide registry of protection orders so that it is received within 24 hours of the entry of the order. Likewise, amendments to or revocation of an order shall be transmitted by the prothonotary within 24 hours of the entry of the order for modification or revocation. The Pennsylvania State Police shall enter orders, amendments and revocations in the Statewide registry of protection orders within eight hours of receipt.

(3) The registry of the Pennsylvania State Police shall be available at all times to inform courts, dispatchers and law enforcement officers of any valid protection order involving any defendant.

(4) When an order granting relief under section 6108(a)(7) has been entered by a court, such information shall be available to the Pennsylvania State Police for the purpose of conducting a criminal history records check in compliance with the applicable provisions of 18 Pa.C.S. Ch. 61 Subch. A (relating to Uniform Firearms Act).

* * *

§ 6107. Hearings.

(a) General rule.—Within ten days of the filing of a petition under this chapter, a hearing shall be held before the court, at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence. The court shall, ***at the time the defendant is given notice of the hearing, advise the defendant of the right to be represented by counsel[,] and of the fact that any protection order granted by a court may be considered in any subsequent proceedings under this title. This notice shall be printed and delivered in a manner which easily attracts attention to its content and shall specify that child custody is one of the proceedings where prior protection orders may be considered.***

* * *

§ 6108. Relief.

(a) General rule.—The court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:

* * *

(7) Ordering the defendant to temporarily relinquish to the sheriff the defendant's weapons which have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children and prohibiting the defendant from acquiring or possessing any other weapons for the duration of the order *and requiring the defendant to relinquish to the sheriff any firearm license the defendant may possess*. The court's order shall provide for the return of the weapons *and any firearm license* to the defendant subject to any restrictions and conditions as the court shall deem appropriate to protect the plaintiff or minor children from further abuse through the use of weapons. *A copy of the court's order shall be transmitted to the chief or head of the police force or police department of the municipality and to the sheriff of the county of which the defendant is a resident.*

* * *

Section 13. The definitions of "income-withholding order," "initiating state," "responding state" and "state" in section 7101(b) of Title 23 are amended to read:

§ 7101. Short title of part and definitions.

* * *

(b) Definitions.—Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Income-withholding order." An order or other legal process directed to an obligor's employer *or other debtor*, in accordance with section 4348 (relating to attachment of income), to withhold support from the income of the obligor.

"Initiating state." A state [in] *from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state* under this part or a law *or procedure* substantially similar to this part, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act [is filed for forwarding to a responding state].

* * *

"Responding state." A state [to] *in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state* under this part or a law *or procedure* substantially similar to this part, the Uniform

Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.

* * *

“State.” A state of the United States, the District of Columbia, [the Commonwealth of] Puerto Rico, *the United States Virgin Islands* or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe and a foreign jurisdiction that has *enacted a law or* established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this part *or Part VIII-A¹ (relating to intrastate family support)*.

* * *

Section 14. Section 7205(a) of Title 23 is amended to read:

§ 7205. Continuing, exclusive jurisdiction.

(a) Extent.—A tribunal of this State issuing a support order consistent with the law of this State has continuing, exclusive jurisdiction over a child support order:

(1) as long as this State remains the residence of the obligor, the individual obligee or the child for whose benefit the support order is issued; or

(2) until [each individual party has] *all of the parties who are individuals have* filed written consent with the tribunal of this State for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

* * *

Section 15. The heading of Subchapter C of Chapter 72 of Title 23 is amended to read:

SUBCHAPTER C
[RECONCILIATION WITH ORDERS OF OTHER STATES]
RECONCILIATION OF MULTIPLE ORDERS

Section 16. Sections 7207, 7304, 7305(a) and (e), 7306, 7307(b), 7308, 7310(b) and 7501 of Title 23 are amended to read:

§ 7207. Recognition of *controlling* child support [orders] *order*.

[(a) Principles.—If a proceeding is brought under this part and one or more child support orders have been issued in this State or another state with regard to an obligor and a child, a tribunal of this State shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one tribunal has issued a child support order, the order of that tribunal must be recognized.

¹or under Part VIII (relating to uniform interstate family support) or VIII-A" in enrolled bill.

(2) If two or more tribunals have issued child support orders for the same obligor and child and only one of the tribunals would have continuing, exclusive jurisdiction under this part, the order of that tribunal must be recognized.

(3) If two or more tribunals have issued child support orders for the same obligor and child and more than one of the tribunals would have continuing, exclusive jurisdiction under this part, an order issued by a tribunal in the current home state of the child must be recognized, but, if an order has not been issued in the current home state of the child, the order most recently issued must be recognized.

(4) If two or more tribunals have issued child support orders for the same obligor and child and none of the tribunals would have continuing, exclusive jurisdiction under this part, the tribunal of this State may issue a child support order which must be recognized.]

(a) Single child support order.—If a proceeding is brought under this part and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

(a.1) Multiple orders.—If a proceeding is brought under this part and two or more child support orders have been issued by tribunals of this State or another state with regard to the same obligor and child, a tribunal of this State shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this part, the order of that tribunal controls and must be so recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this part, an order issued by a tribunal in the current home state of the child controls and must be so recognized, but, if an order has not been issued in the current home state of the child, the order most recently issued controls and must be so recognized.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this part, the tribunal of this State having jurisdiction over the parties shall issue a child support order, which controls and must be so recognized.

(a.2) Request to determine controlling order.—If two or more child support orders have been issued for the same obligor and the child and if the obligor or the individual obligee resides in this State, a party may request a tribunal of this State to determine which order controls and must be so recognized under subsection (a.1). The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(b) [Result] Exclusive jurisdiction.—The tribunal that [has] issued [an] the controlling order [recognized] under subsection (a), (a.1) or (a.2) is the

tribunal [having] *that has* continuing, exclusive jurisdiction[.] *under section 7205 (relating to continuing, exclusive jurisdiction).*

(c) *Basis of order.*—A tribunal of this State which determines by order the identity of the controlling order under subsection (a.1)(1) or (2) or which issues a new controlling order under subsection (a.1)(3) shall state in that order the basis upon which the tribunal made its determination.

(d) *Filing of copy of order.*—Within 30 days after issuance of an order determining the identity of the controlling order, the party obtaining the determining order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains a determining order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. Failure to file a copy of the determining order does not affect the validity or enforceability of the controlling order.

§ 7304. Duties of initiating tribunal.

(a) *Copies of petition.*—Upon the filing of a petition authorized by this part, an initiating tribunal of this State shall forward three copies of the petition and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) *Special circumstances.*—

(1) *If a responding state has not enacted this part or a law or procedure substantially similar to this part, a tribunal of this State may issue a certificate or other document and make findings required by the law of the responding state.*

(2) *If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.*

§ 7305. Duties and powers of responding tribunal.

(a) *Filing and notice.*—If a responding tribunal of this State receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section 7301(c) (relating to proceedings under this part), it shall cause the petition or pleading to be filed and notify the petitioner [by first class mail] where and when it was filed.

* * *

(e) *Notice.*—If a responding tribunal of this State issues an order under this part, the tribunal shall send a copy of the order [by first class mail] to the petitioner and the respondent and to the initiating *agency or* tribunal, if any.

§ 7306. Inappropriate tribunal.

If a petition or comparable pleading is received by an inappropriate tribunal of this State, it shall forward the pleading and accompanying

documents to an appropriate tribunal in this State or another state and notify the petitioner [by first class mail] where and when the pleading was sent.
§ 7307. Duties of support enforcement agency.

* * *

(b) Specific duties.—A support enforcement agency that is providing services to the petitioner as appropriate shall do all of the following:

(1) Take all steps necessary to enable an appropriate tribunal in this State or another state to obtain jurisdiction over the respondent.

(2) Request an appropriate tribunal to set a date, time and place for a hearing.

(3) Make a reasonable effort to obtain relevant information, including information as to income and property of the parties.

(4) Within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written notice from an initiating, responding or registering tribunal, send a copy of the notice [by first class mail] to the petitioner.

(5) Within two days, exclusive of Saturdays, Sundays and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication [by first class mail] to the petitioner.

(6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

* * *

§ 7308. Supervisory duty.

[(a) Secretary.—If the secretary determines that a support enforcement agency [other than the department] is neglecting or refusing to provide services to an individual, the secretary may order the agency to perform its duties under this part or may provide those services directly to the individual.

[(b) Attorney General.—If the Attorney General determines that the department is neglecting or refusing to provide services to an individual, the Attorney General may order the department to perform its duties under this part or may provide those services directly to the individual.]

§ 7310. Duties of department.

* * *

(b) Duties.—The department shall do all of the following:

(1) Compile and maintain a current list, including addresses, of the tribunals in this State which have jurisdiction under this part and any support enforcement agencies in this State and transmit a copy to the state information agency of every other state.

(2) Maintain a register of tribunals and support enforcement agencies received from other states.

(3) Forward to the appropriate tribunal in the place in this State in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, documents concerning a

proceeding under this part received from an initiating tribunal or the state information agency of the initiating state.

(4) Obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution by such means as postal verification; Federal or State locator services; examination of telephone directories; requests for the obligor's address from employers; and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses and Social Security.

(5) Transmit to another state, electronically or by another method, a request for assistance in a case involving enforcement of a support order containing sufficient information to enable the state to which the request is transmitted to compare the transmitted information to the information of that state. The transmittal shall constitute a certification of arrears and that the state has complied with all procedural due process requirements applicable to the case.

(6) A response to a request for assistance received from another state under this part must be completed by the responding Commonwealth tribunal. The response, which may be transmitted electronically or by other methods, shall confirm the receipt of the request, action taken, amount of support collected and any additional information or action required by the requesting tribunal to obtain enforcement of the child support obligation.

§ 7501. [Recognition] *Employer's receipt* of income-withholding order of another state.

[(a) Authorization.—]An income-withholding order issued in another state may be sent **[by first class mail]** to the person or entity defined as the obligor's employer under section 4302 (relating to definitions) without first filing a petition or comparable pleading or registering the order with a tribunal of this State. **[Upon receipt of the order, the employer shall do all of the following:**

(1) Treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this State.

(2) Immediately provide a copy of the order to the obligor.

(3) Distribute the funds as directed in the withholding order.

(b) Contests.—An obligor may contest the validity or enforcement of an income-withholding order issued in another state in the same manner as if the order had been issued by a tribunal of this State. Section 7604 (relating to choice of law) applies to the contest. The obligor must give notice of the contest to any support enforcement agency providing services to the obligee and to:

(1) the person or agency designated to receive payments in the income-withholding order; or

(2) if no person or agency is designated, the obligee.]

Section 17. Title 23 is amended by adding sections to read:

§ 7501.1. Employer's compliance with income-withholding order of another state.

(a) Copy of order.—Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) Treatment of order.—The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this State.

(c) Withholding and distribution of funds.—Except as otherwise provided in subsection (d) and section 7501.2 (relating to compliance with multiple income-withholding orders), the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

(1) the duration and amount of periodic payments of current child support, stated as a sum certain;

(2) the person or agency designated to receive payments and the address to which the payments are to be forwarded;

(3) medical support, whether in the form of periodic cash payments of a sum certain or order to the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal and the obligee's attorney, stated as sums certain; and

(5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) Compliance with law of obligor's place of employment.—An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(1) the employer's fee for processing an income-withholding order;

(2) the maximum amount permitted to be withheld from the obligor's income; and

(3) the times within which the employer must implement the withholding order and forward the child support payment.

§ 7501.2. Compliance with multiple income-withholding orders.

If an obligor's employer receives multiple income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the multiple orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child-support obligees.

§ 7501.3. Immunity from civil liability.

An employer who complies with an income-withholding order issued in another state in accordance with this chapter¹ is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

§ 7501.4. Penalties for noncompliance.

An employer who willfully fails to comply with an income-withholding order issued by a tribunal of another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this State.

§ 7501.5. Contest by obligor.

An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this State in the same manner as if the order had been issued by a tribunal of this State. Section 7604 (relating to choice of law) applies to such a contest. The obligor shall give notice of the contest to:

- (1) a support enforcement agency providing services to the obligee;*
- (2) each employer that has directly received an income-withholding order; and*
- (3) the person or agency designated to receive payments in the income-withholding order or, if no person or agency is designated, to the obligee.*

Section 18. Sections 7605(a), 7606(c) and 7611(a), (c) and (e) of Title 23 are amended to read:

§ 7605. Notice of registration of order.

(a) Requirement.—**[If] When** a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. **[Notice must be given by first class, certified or registered mail or by any means of personal service authorized by the law of this State.]** The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

* * *

§ 7606. Procedure to contest validity or enforcement of registered order.

* * *

(c) Hearing.—If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule the matter for hearing and give notice to the parties **[by first class mail]** of the date, time and place of the hearing.

§ 7611. Modification of child support order of another state.

(a) Authority.—After a child support order issued in another state has been registered in this State, the responding tribunal of this State may modify

¹"article" in enrolled bill.

that order only if *section 7613 (relating to jurisdiction to modify child support order of another state when individual parties reside in this State) does not apply and* after notice and hearing it finds [any of the following] that:

(1) The following requirements are met:

(i) the child, the individual obligee and the obligor do not reside in the issuing state;

(ii) a petitioner who is a nonresident of this State seeks modification; and

(iii) the respondent is subject to the personal jurisdiction of the tribunal of this State.

(2) [An individual party or the] *The child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of this State and all of the [individual] parties who are individuals have filed [a] written [consent] consents in the issuing tribunal [providing that] for a tribunal of this State [may] to modify the support order and assume continuing, exclusive jurisdiction over the order. If the issuing state is a foreign jurisdiction which has not enacted a law or established procedures substantially similar to procedures under this part, the consent otherwise required of an individual residing in this State is not required for the tribunal to assume jurisdiction to modify the child support order.*

* * *

(c) Restriction.—A tribunal of this State may not modify any aspect of a child support order that may not be modified under the law of the issuing state. *If two or more tribunals have issued child support orders for the same obligor and child, the order that controls and must be so recognized under section 7207 (relating to recognition of controlling child support order) establishes the aspects of the support order which are not modifiable.*

* * *

[(e) Filing.—Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order and in each tribunal in which the party knows that earlier order has been registered.]

Section 19. Title 23 is amended by adding sections to read:

§ 7613. *Jurisdiction to modify child support order of another state when individual parties reside in this State.*

(a) *General rule.—If all of the parties who are individuals reside in this State and the child does not reside in the issuing state, a tribunal of this State has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.*

(b) *Applicable law.—A tribunal of this State exercising jurisdiction under this section shall apply the provisions of Chapters 71 (relating to general provisions) and 72 (relating to jurisdiction), this chapter and the*

procedural and substantive law of this State to the proceeding for enforcement or modification. Chapters 73 (relating to civil provisions of general application), 74 (relating to establishment of support order), 75 (relating to direct enforcement of order of another state without registration), 77 (relating to determination of parentage) and 78 (relating to interstate rendition) do not apply.

§ 7614. Notice to issuing tribunal of modification.

Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order and in each tribunal in which the party knows the earlier order had been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

Section 20. The definition of "income-withholding order" in section 8101(b) of Title 23 is amended to read:

§ 8101. Short title of part and definitions.

* * *

(b) Definitions.—Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Income-withholding order." An order or other legal process directed to an obligor's employer *or other debtor*, in accordance with section 4348 (relating to attachment of income), to withhold support from the income of the obligor.

* * *

Section 21. Section 8307 of Title 23 is amended to read:

§ 8307. Supervisory duty.

[(a) Secretary.—]If the secretary determines that a support enforcement agency [other than the department] is neglecting or refusing to provide services to an individual, the secretary may order the agency to perform its duties under this part or may provide those services directly to the individual.

[(b) Attorney General.—]If the Attorney General determines that the department is neglecting or refusing to provide services to an individual, the Attorney General may order the department to perform its duties under this part or may provide those services directly to the individual.]

Section 22. Sections 432.6, 432.7, 432.7A, 432.8, 432.9 and 432.11 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, are repealed.

Section 23. This act shall take effect as follows:

- (1) This section shall take effect immediately.
- (2) The amendment of 23 Pa.C.S. §§ 6105(e) and 6108(a)(7) shall take effect in 60 days.
- (3) The remainder of this act shall take effect January 1, 1998.

APPROVED—The 16th day of December, A.D. 1997.

THOMAS J. RIDGE