

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 836 Session of 2013

INTRODUCED BY SCHLOSSBERG, BIZZARRO, CARROLL, COHEN, CONKLIN, FLYNN, MCGEEHAN, MUNDY, PAINTER, READSHAW, ROZZI, SNYDER, TOOHIL, YOUNGBLOOD, MOLCHANY, EVERETT, MURT, KORTZ, SIMS, FLECK, FARINA AND FREEMAN, MARCH 11, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 25, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for liability for
3 support.

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

6 Section 1. Section 4321 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended by adding a paragraph to read:

8 § 4321. Liability for support.

9 Subject to the provisions of this chapter:

10 \* \* \*

11 ~~(4) A person that is the father of a child conceived as~~ <--
12 ~~a result of a rape or incest is liable for the support of his~~
13 ~~children who are unemancipated and 18 years of age or~~
14 ~~younger. This paragraph shall apply whether or not the~~
15 ~~person's parental rights were terminated.~~

16 (2.1) THE FOLLOWING APPLY: <--

17 (I) PARAGRAPH (2) APPLIES WHETHER OR NOT PARENTAL

1 RIGHTS OF THE PARENT HAVE BEEN TERMINATED DUE TO A  
2 CONVICTION FOR ANY OF THE FOLLOWING WHERE THE OTHER  
3 PARENT IS THE VICTIM:

4 (A) 18 PA.C.S. § 3121 (RELATING TO RAPE);

5 (B) 18 PA.C.S. § 3122.1 (RELATING TO STATUTORY  
6 SEXUAL ASSAULT);

7 (C) 18 PA.C.S. § 3124.1 (RELATING TO SEXUAL  
8 ASSAULT) WHERE THE OFFENSE INVOLVED SEXUAL  
9 INTERCOURSE;

10 (D) 18 PA.C.S. § 3124.2 (RELATING TO  
11 INSTITUTIONAL SEXUAL ASSAULT) WHERE THE OFFENSE  
12 INVOLVED SEXUAL INTERCOURSE; OR

13 (E) 18 PA.C.S. § 4302 (RELATING TO INCEST) WHERE  
14 THE OFFENSE INVOLVED SEXUAL INTERCOURSE.

15 (II) PATERNITY OF THE CHILD UNDER THIS PARAGRAPH  
16 SHALL BE ESTABLISHED THROUGH BLOOD, GENETIC OR OTHER TYPE  
17 OF PATERNITY TEST ACCEPTABLE TO THE COURT.

18 SECTION 2. THE ADDITION OF 23 PA.C.S. § 4321(2.1) SHALL  
19 APPLY TO ANY ACTION REGARDING CUSTODY OF A CHILD UNDER 23  
20 PA.C.S. CH. 43 THAT IS FILED ON OR AFTER THE EFFECTIVE DATE OF  
21 THIS SECTION.

22 Section 2 3. This act shall take effect in 60 days.

<--