

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1962 Session of 2024

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 24, 2024

AN ACT

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

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

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

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

12 * * *

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

18 ~~(1) Establish paternity of children of an applicant or~~

~~recipient natural or adoptive parent 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 natural or adoptive parent is cooperating in good faith with matters set forth in section 4379 (relating to cooperation required).~~

~~(4) Notify the applicant or recipient natural or adoptive parent 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.~~

~~* * *~~

SECTION 1. SECTION 4378(A) OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 4378. Assistance recipients to seek support.

(a) Seeking support required.--**[Prior]** EXCEPT AS PROVIDED UNDER SUBSECTION (A.1), PRIOR to authorization, every applicant natural or adoptive parent 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

1 family court or domestic relations section, the secretary is
2 authorized to waive the requirement of personal appearance
3 before a family court or domestic relations section if another
4 procedure would be as efficient and effective. Subject to
5 Federal approval, only when necessary, assistance shall not be
6 authorized by the department until it has been certified that
7 the applicant natural or adoptive parent has cooperated in <--
8 determining paternity and enforcing support.

9 (A.1) COOPERATION BY NONPARENTS OF RELATIVE CHILDREN.-- <--

10 (1) SUBJECT TO FEDERAL APPROVAL AND ONLY WHEN NECESSARY,
11 AN APPLICANT FOR ASSISTANCE WHO IS A NONPARENT OF A RELATIVE
12 CHILD MAY CHOOSE WHETHER TO COOPERATE IN SEEKING AND
13 OBTAINING SUPPORT PAYMENTS FOR A RELATIVE CHILD WITH RESPECT
14 TO WHOM THE ASSISTANCE IS CLAIMED.

15 (2) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND
16 PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
17 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

18 "BLOOD RELATIVE." THE TERM INCLUDES AN INDIVIDUAL OF
19 HALF-BLOOD.

20 "FIFTH DEGREE OF KINSHIP." THE FIFTH DEGREE OF KINSHIP
21 INCLUDES A GREAT-GREAT GRANDPARENT, GREAT-GREAT-GREAT
22 GRANDPARENT AND OTHER RELATIONSHIP PREFIXED BY GREAT, GREAT-
23 GREAT, GRAND OR GREAT-GRAND. THE TERM DOES NOT INCLUDE A
24 SECOND COUSIN OR MORE REMOTE COUSIN.

25 "FIRST COUSIN ONCE REMOVED." THE CHILD OF AN
26 INDIVIDUAL'S FIRST COUSIN OR THE FIRST COUSIN OF AN
27 INDIVIDUAL'S PARENT.

28 "NONPARENT OF A RELATIVE CHILD." IN RELATION TO A
29 DEPENDENT CHILD, A GRANDPARENT, STEP-GRANDPARENT OR OTHER
30 BLOOD RELATIVE WHO IS WITHIN THE FIFTH DEGREE OF KINSHIP TO

1 THE DEPENDENT CHILD, INCLUDING A FIRST COUSIN ONCE REMOVED.

2 * * *

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

7 SECTION 2. SECTIONS 4379(1)(IV) AND 4380(A) OF TITLE 23 ARE <--
8 AMENDED TO READ:

9 § 4379. Cooperation required.

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

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

15 * * *

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

18 ~~* * *~~

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

25 (IV) [COOPERATE] SUBJECT TO SECTION 4378(A.1), <--
26 COOPERATE IN OBTAINING SUPPORT PAYMENTS FOR SUCH
27 APPLICANT OR RECIPIENT AND FOR A CHILD WITH RESPECT TO
28 WHOM SUCH ASSISTANCE IS CLAIMED OR IN OBTAINING ANY OTHER
29 PAYMENT OR PROPERTY DUE SUCH APPLICANT, RECIPIENT OR SUCH
30 CHILD UNLESS THE DEPARTMENT DETERMINES THAT THE APPLICANT

1 OR RECIPIENT HAS GOOD CAUSE FOR FAILING TO DO SO.

2 * * *

3 § 4380. Enforcement of cooperation requirements.

4 (a) Cooperation required.--It is essential to the effective
5 and responsible utilization of assistance funds that applicants
6 and ~~{recipients}~~ recipient natural or adoptive parents who are <--
7 caretakers of a child whose circumstances include the reported
8 absence of a legally responsible relative from the household or
9 presence of a putative father cooperate fully with the
10 department and the court or domestic relations section in
11 establishing paternity and in securing child support payments
12 and in all matters set forth in section 4379 (relating to
13 cooperation required), SUBJECT TO SECTION 4378(A.1) (RELATING TO <--
14 ASSISTANCE RECIPIENTS TO SEEK SUPPORT).

15 ~~(b) Procedures.~~ <--

16 ~~(1) Upon application for assistance, each applicant or~~
17 ~~recipient natural or adoptive parent shall be notified that~~
18 ~~his or her cooperation in the matters set forth in section~~
19 ~~4379 shall be required as a condition of eligibility and that~~
20 ~~failure to cooperate will result in the termination of~~
21 ~~medical assistance and the reduction of the cash assistance~~
22 ~~allowance in an amount equal to not less than 25% and may, if~~
23 ~~provided by departmental regulation, result in the imposition~~
24 ~~of protective payments for any child in whose behalf the~~
25 ~~applicant or recipient seeks assistance.~~

26 ~~(2) If the department or domestic relations section, as~~
27 ~~applicable, determines that the applicant or recipient~~
28 ~~natural or adoptive parent fails to cooperate as set forth in~~
29 ~~section 4379, unless the failure to cooperate was for good~~
30 ~~cause, the applicant or recipient natural or adoptive parent~~

1 ~~shall be notified of the noncooperation determination and the~~
2 ~~basis for the noncooperation determination. The department~~
3 ~~shall notify the applicant or recipient natural or adoptive~~
4 ~~parent in writing of the termination of medical assistance~~
5 ~~eligibility for the applicant or recipient natural or~~
6 ~~adoptive parent, the reduction of the cash assistance~~
7 ~~allowance equal to not less than 25% and, if applicable, that~~
8 ~~protective payments will be imposed for any child so affected~~
9 ~~ten days after the date of notice. At the expiration of the~~
10 ~~ten day period, the department shall impose the termination~~
11 ~~of medical assistance, the assistance allowance reduction~~
12 ~~and, if applicable, protective payments. Any hearing or~~
13 ~~appeal with respect to the notice of noncooperation issued by~~
14 ~~the department shall be conducted in accordance with the~~
15 ~~department's regulations governing an applicant's or a~~
16 ~~[recipient's] recipient natural or adoptive parent's right to~~
17 ~~hearings.~~

18 ~~(3) Subject to Federal approval, only when necessary, if~~
19 ~~after notice and opportunity for hearing the court or~~
20 ~~domestic relations section determines that the applicant or~~
21 ~~recipient natural or adoptive parent failed to cooperate as~~
22 ~~set forth in section 4379 and lacked reasonable excuse for~~
23 ~~such failure, the court shall notify the applicant or~~
24 ~~recipient natural or adoptive parent and the department of~~
25 ~~the basis of the noncooperation determination and order the~~
26 ~~department to impose a sanction for noncooperation. The~~
27 ~~department shall issue a notice to the applicant or recipient~~
28 ~~natural or adoptive parent to terminate medical assistance~~
29 ~~eligibility, reduce the assistance allowance by not less than~~
30 ~~25% and, if applicable, impose a protective payment for any~~

1 ~~child so affected. The department shall implement the order~~
2 ~~of the court within ten days of receipt. Any hearing or~~
3 ~~appeals with respect to the recommendation and order of~~
4 ~~noncooperation directed by the court shall be conducted by~~
5 ~~the court in accordance with the Pennsylvania Rules of Civil~~
6 ~~Procedure as may be promulgated by the Supreme Court~~
7 ~~governing actions for support. The decision to hold hearings~~
8 ~~for noncooperation cases shall be at the option of the court~~
9 ~~or domestic relations section. If the court or domestic~~
10 ~~relations section chooses not to conduct the hearings on~~
11 ~~noncooperation, appropriate court or domestic relations~~
12 ~~section personnel shall be available to provide testimonial~~
13 ~~evidence by telephone testimony at the time and location set~~
14 ~~by the department for the departmental appeal hearing. A~~
15 ~~finding of noncooperation of an applicant or recipient~~
16 ~~natural or adoptive parent shall not affect an obligor's duty~~
17 ~~to pay support.~~

18 * * *

<--

19 Section 2 3. This act shall take effect in ~~60 days~~ SIX
20 MONTHS.

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