

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 242 Session of 2015

INTRODUCED BY DeLUCA, THOMAS, LONGIETTI, D. COSTA, DUNBAR, SCHLOSSBERG, KOTIK, McNEILL, GAINNEY, D. MILLER, COHEN AND GIBBONS, JANUARY 28, 2015

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 28, 2015

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in support of the indigent, repealing  
3 provisions relating to relatives' liability.

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

6 Section 1. Section 4603 of Title 23 of the Pennsylvania  
7 Consolidated Statutes is repealed:

8 [§ 4603. Relatives' liability; procedure.

9 (a) Liability.--

10 (1) Except as set forth in paragraph (2), all of the  
11 following individuals have the responsibility to care for and  
12 maintain or financially assist an indigent person, regardless  
13 of whether the indigent person is a public charge:

14 (i) The spouse of the indigent person.

15 (ii) A child of the indigent person.

16 (iii) A parent of the indigent person.

17 (2) Paragraph (1) does not apply in any of the following  
18 cases:

1 (i) If an individual does not have sufficient  
2 financial ability to support the indigent person.

3 (ii) A child shall not be liable for the support of  
4 a parent who abandoned the child and persisted in the  
5 abandonment for a period of ten years during the child's  
6 minority.

7 (b) Amount.--

8 (1) Except as set forth in paragraph (2), the amount of  
9 liability shall be set by the court in the judicial district  
10 in which the indigent person resides.

11 (2) For medical assistance for the aged other than  
12 public nursing home care, as provided in section 401 of the  
13 act of June 13, 1967 (P.L.31, No.21), known as the Public  
14 Welfare Code, the following apply:

15 (i) Except as set forth in subparagraph (ii), the  
16 amount of liability shall, during any 12-month period, be  
17 the lesser of:

18 (A) six times the excess of the liable  
19 individual's average monthly income over the amount  
20 required for the reasonable support of the liable  
21 individual and other persons dependent upon the  
22 liable individual; or

23 (B) the cost of the medical assistance for the  
24 aged.

25 (ii) The department may, by reasonable regulations,  
26 adjust the liability under subparagraph (i), including  
27 complete elimination of the liability, at a cost to the  
28 Commonwealth not exceeding those funds certified by the  
29 Secretary of the Budget as available for this purpose.

30 (c) Procedure.--A court has jurisdiction in a case under

1 this section upon petition of:

2 (1) an indigent person; or

3 (2) any other person or public body or public agency  
4 having any interest in the care, maintenance or assistance of  
5 such indigent person.

6 (d) Contempt.--

7 (1) If an individual liable for support under this  
8 section fails to comply with an order under this section, the  
9 court shall schedule a contempt hearing. At the hearing, if  
10 the court determines that the individual liable for support  
11 has intentionally failed to comply with the order, the court  
12 may hold the individual in contempt of court and may sentence  
13 the individual to up to six months' imprisonment.

14 (2) This subsection applies regardless of whether the  
15 indigent person is confined in a public institution.]

16 Section 2. This act shall take effect immediately.