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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 721 Session of  
2017

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INTRODUCED BY HANNA, DAVIS, SCHLOSSBERG, MURT, McNEILL AND  
SOLOMON, MARCH 7, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 7, 2017

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AN ACT

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

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

6 Section 1. Section 4322(a) of Title 23 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 4322. Support guideline.

9 (a) Statewide guideline.--

10 (1) Child and spousal support shall be awarded pursuant  
11 to a Statewide guideline as established by general rule by  
12 the Supreme Court, so that persons similarly situated shall  
13 be treated similarly. [The] Subject to the provisions of  
14 paragraph (2), the guideline shall be based upon the  
15 reasonable needs of the child or spouse seeking support and  
16 the ability of the obligor to provide support. In determining  
17 the reasonable needs of the child or spouse seeking support  
18 and the ability of the obligor to provide support, the

1 guideline shall place primary emphasis on the net incomes and  
2 earning capacities of the parties, with allowable deviations  
3 for unusual needs, extraordinary expenses and other factors,  
4 such as the parties' assets, as warrant special attention.  
5 The guideline so developed shall be reviewed at least once  
6 every four years.

7 (2) (i) Public assistance, Supplemental Security Income  
8 (SSI) benefits and Social Security benefits received by  
9 the child as a result of a parent's death shall not be  
10 counted as income for purposes of determining support.

11 (ii) If a child for whom support is sought is  
12 receiving Social Security benefits as a result of an  
13 obligor parent's retirement or disability, the benefits  
14 the child receives shall be added to the combined monthly  
15 net incomes of the obligor and the obligee to calculate  
16 the income available for support on the vertical axis of  
17 the basic child support schedule set forth in Pa.R.C.P.  
18 Rule 1910.16-3 (relating to Support Guidelines. Basic  
19 Child Support Schedule). The presumptive amount of  
20 support as set forth on the schedule at the combined  
21 income of the obligee, obligor and child's benefits shall  
22 then be reduced by the amount of the child's benefits  
23 before apportioning the remaining support obligation  
24 between the parties pursuant to Pa.R.C.P. Rule 1910.16-4  
25 (relating to Support Guidelines. Calculation of Support  
26 Obligation. Formula). For purposes of determining the  
27 support obligation of a surviving parent, the income of a  
28 nonparent obligee who is caring for the child but has no  
29 support obligation to that child shall not be considered.

30 (iii) If a child for whom support is sought is

1           receiving Social Security benefits as a result of the  
2           death, retirement or disability of anyone other than the  
3           obligor, then the obligor shall not receive a credit for  
4           these Social Security benefits against the obligor's  
5           child support obligation.

6           \* \* \*

7           Section 2. This act shall take effect in 60 days.