
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No.

672

Session of

1961

MESSRS. WEINER AND LANE, IN PLACE, MAY 23, 1961.

MR. McCREESH, COMMITTEE ON PUBLIC HEALTH AND WELFARE, AS AMENDED, JUNE 20, 1961.

AN ACT

Amending the act of June 24 1937 (P L 2045) entitled as amended "An act relating to the support of indigent persons providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of certain persons providing for guardians of the person and property of such persons providing for the arrest and seizure and sale of the property of deserters and providing procedure" prescribing liabilities for assistance with respect to medical assistance for the aged

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

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

- 1 Section 1 Section 3 act of June 24 1937 (P L 2045) known as
2 "The Support Law" amended May 23 1945 (P L 864) and October 7
3 1955 (P L 660) is amended to read
- 4 Section 3 Relatives Liable for the Support of Indigent Persons
5 Procedure to Enforce Support (a) ~~{The}~~ Except as limited by subsec-
6 tion (e) hereof the husband wife child (except as hereinafter provided)
7 father and mother of every indigent person whether a public charge
8 or not shall if of sufficient financial ability care for and maintain or
9 financially assist such indigent person at such rate as the court of the
10 county where such indigent person resides shall order or direct No child
11 shall be liable for the support of any parent who abandoned the child
12 and persisted in the abandonment for a period of ten years during the
13 child's minority In respect to medical assistance for the aged OTHER
14 THAN PUBLIC NURSING HOME CARE as provided in the Public
15 Assistance Law the responsibility of the relative liable for support shall
16 be six times the excess of such relative's average monthly income over
17 the amount required for the reasonable support of himself and other

1 persons dependent upon him or the cost of such medical assistance for
2 the aged whichever is less

3 (b) ~~{The}~~ Except as limited by subsection (c) hereof the courts
4 shall have power to hear determined and make orders and decrees in
5 such cases upon the petition of such indigent person or of any other
6 person or any public body or public agency having any interest in the
7 care maintenance or assistance of such indigent person

8 (c) In all cases where an order has been made by the court for
9 the care and maintenance or assistance of a husband wife father mother
10 or child whether or not confined in any public institution and the said
11 order has not been complied with the court or any judge thereof upon
12 affidavit or petition filed setting forth that the person on whom the
13 said order has been made has not complied with the said order shall
14 issue an attachment directed to the sheriff or other proper officer of
15 the county directing and commanding that the person named as having
16 failed to comply with said order be brought before the court at such
17 time as the court may direct If it shall appear to the court after hear-
18 ing that the person on whom the said order was made has wilfully
19 neglected or refused to comply with said order the court may adjudge
20 said person in contempt of court and in its discretion may commit said

1 person to the county jail for a period not exceeding six months No lien
2 may be imposed against the property of any individual prior to his
3 death on account of medical assistance for the aged paid or to be paid
4 on his behalf (except pursuant to the judgment of a court on account
5 of benefits incorrectly paid on behalf of such individual) and there shall
6 be no adjustment or recovery (except after the death of such individual
7 and his surviving spouse if any from such individual's estate) of any
8 medical assistance for the aged correctly paid on behalf of such in-
9 dividual

10 SECTION 2 SECTION 4 OF THE ACT AMENDED SEPTEMBER
11 BER 26 1951 (P L 1455) IS AMENDED TO READ

12 SECTION 4 PROPERTY OF PERSONS LIABLE FOR EX-
13 PENSES INCURRED FOR SUPPORT AND ASSISTANCE (A)
14 **[THE]** EXCEPT AS LIMITED BY SUBSECTION (C) HEREOF
15 THE REAL AND PERSONAL PROPERTY OF ANY PERSON
16 SHALL BE LIABLE FOR THE EXPENSES OF HIS SUPPORT
17 MAINTENANCE ASSISTANCE AND BURIAL AND FOR THE
18 EXPENSES OF THE SUPPORT MAINTENANCE ASSISTANCE
19 AND BURIAL OF THE SPOUSE AND MINOR CHILDREN OF
20 SUCH PROPERTY OWNER INCURRED BY ANY PUBLIC BODY

1 OR PUBLIC AGENCY IF SUCH PROPERTY WAS OWNED DUR-
2 ING THE TIME SUCH EXPENSES WERE INCURRED OR IF A
3 RIGHT OR CAUSE OF ACTION EXISTED DURING THE TIME
4 SUCH EXPENSES WERE INCURRED FROM WHICH THE OWN-
5 ERSHIP OF SUCH PROPERTY RESULTED ANY PUBLIC BODY
6 OR PUBLIC AGENCY MAY SUE THE OWNER OF SUCH PROP-
7 ERTY FOR MONEYS SO EXPENDED AND ANY JUDGMENT
8 OBTAINED SHALL BE A LIEN UPON THE SAID REAL ESTATE
9 OF SUCH PERSON AND BE COLLECTED AS OTHER JUDG-
10 MENTS EXCEPT AS TO THE REAL AND PERSONAL PROP-
11 ERTY COMPRISING THE HOME AND FURNISHINGS OF SUCH
12 PERSON WHICH HOME SHALL BE SUBJECT TO THE LIEN
13 OF SUCH JUDGMENT BUT SHALL NOT BE SUBJECT TO EXE-
14 CUTION ON SUCH JUDGMENT DURING THE LIFETIME OF
15 THE PERSON SURVIVING SPOUSE OR DEPENDENT CHIL-
16 DREN

17 (B) [ANY] EXCEPT AS LIMITED BY SUBSECTION (C)
18 HEREOF ANY CLAIM FOR THE EXPENSES OF SUPPORT
19 MAINTENANCE ASSISTANCE AND BURIAL OF A PERSON

1 AND FOR THE SUPPORT MAINTENANCE ASSISTANCE AND
2 BURIAL OF HIS SPOUSE AND MINOR CHILDREN HELD BY
3 ANY PUBLIC BODY OR PUBLIC AGENCY SHALL HAVE THE
4 SAME FORCE AND EFFECT AGAINST THE REAL AND PER-
5 SONAL ESTATE OF A DECEASED PERSON AS OTHER DEBTS
6 OF A DECEDENT AND SHALL BE ASCERTAINED AND RE-
7 COVERED IN THE SAME MANNER

8 (C) NO LIEN MAY BE IMPOSED AGAINST THE PROPER-
9 TY OF ANY INDIVIDUAL PRIOR TO HIS DEATH ON AC-
10 COUNT OF MEDICAL ASSISTANCE FOR THE AGED PAID
11 OR TO BE PAID ON HIS BEHALF (EXCEPT PURSUANT TO
12 THE JUDGMENT OF A COURT ON ACCOUNT OF BENEFITS
13 INCORRECTLY PAID ON BEHALF OF SUCH INDIVIDUAL)
14 AND THERE SHALL BE NO ADJUSTMENT OR RECOVERY
15 (EXCEPT AFTER THE DEATH OF SUCH INDIVIDUAL AND
16 HIS SURVIVING SPOUSE IF ANY FROM SUCH INDIVIDUAL'S
17 ESTATE) OF ANY MEDICAL ASSISTANCE FOR THE AGED
18 CORRECTLY PAID ON BEHALF OF SUCH INDIVIDUAL

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The day of A. D. 1981.

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Governor