

Printer's No.—1093

Previous Printer's Nos. 782, 950, 1087

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **672** Session of
1961

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

AS AMENDED ON THIRD READING, JULY 17, 1961.

AN ACT

Amending the act of June 24 1937 (P L. 2015) 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 monies 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 husband wife child (except as
6 hereinafter provided) father and mother of every indigent person wheth-
7 er a public charge or not shall if of sufficient financial ability care for
8 and maintain or financially assist such indigent person at such rate as
9 the court of the county where such indigent person resides shall order
10 or direct No child shall be liable for the support of any parent who
11 abandoned the child and persisted in the abandonment for a period of
12 ten years during the child's minority In respect to medical assistance
13 for the aged other than public nursing home care as provided in the
14 Public Assistance Law the responsibility of the relative liable for support
15 shall during any twelve month period be six times the excess of such
16 relative's average monthly income over the amount required for the
17 reasonable support of himself and other persons dependent upon him
18 or the cost of such medical assistance for the aged whichever is less

1 (b) The courts shall have power to hear determine and make orders
2 and decrees in such cases upon the petition of such indigent person or
3 of any other person or any public body or public agency having any
4 interest in the care maintenance or assistance of such indigent person

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

1093—Printer's No. 4

1 Section 2 Section 4 of the act amended ~~September 26 1951 (P L~~
2 ~~4455)~~ JUNE 19 1961 (ACT NO 240) is amended to read

3 Section 4 Property of persons liable for expenses incurred for sup-
4 port and assistance (a) ~~[the]~~ except PERSONS LIABLE FOR EX-
5 PENSES INCURRED FOR SUPPORT AND ASSISTANCE (A)
6 **[THE]** EXCEPT as limited by subsection (c) hereof the real and per-
7 sonal property of any person shall be liable for the expenses of his sup-
8 port maintenance assistance and burial and for the expenses of the sup-
9 port maintenance assistance and burial of the spouse and UNEMANCI-
10 PATED minor children of such property owner incurred by any pub-
11 lic body or public agency if such property was owned during the time
12 such expenses were incurred or if a right or cause of action existed
13 during the time such expenses were incurred from which the ownership
14 of such property resulted Any public body or public agency may sue
15 the owner of such property for moneys so expended and any judgment
16 obtained shall be a lien upon the said real estate of such person and be
17 collected as other judgments except as to the real and personal property
18 comprising the home and furnishings of such person which home shall
19 be subject to the lien of such judgment but shall not be subject to

1 execution on such judgment during the lifetime of the person surviving
2 spouse or dependent children

3 (b) [Any] Except as limited by subsection (c) hereof any claim
4 for the expenses of support maintenance assistance and burial of a per-
5 son and for the support maintenance assistance and burial of his spouse
6 and UNEMANCIPATED minor children held by any public body or
7 public agency shall have the same force and effect against the real and
8 personal estate of a deceased person as other debts of a decedent and
9 shall be ascertained and recovered in the same manner

10 (c) No lien may be imposed against the property of any individual
11 prior to his death on account of medical assistance for the aged paid or
12 to be paid on his behalf (except pursuant to the judgment of a court
13 on account of benefits incorrectly paid on behalf of such individual)
14 and there shall be no adjustment or recovery (except after the death
15 of such individual and his surviving spouse if any from such individual's
16 estate) of any medical assistance for the aged correctly paid on behalf
17 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. 1961.

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Governor