

Election Code. If a majority of those voting on the question vote in favor of the increase, the school district may levy such tax annually thereafter.

Section 2. The taxes and penalties collected under the provisions of this act shall be used by such school districts for general public school purposes.

Tax to be used for general public school purposes.

Section 3. The tax authorized to be levied under the provisions of this act shall be in addition to any other taxes any school district of the first class A is empowered to levy and collect under any existing law.

Said tax to be in addition to other taxes.

Section 4. The taxes which are levied under the provisions of this act shall be collected at the same time, in the same manner, with like authority, and subject to the same discounts and penalties, as other real estate taxes for school purposes are collected.

Method of collection, etc.

APPROVED—The 19th day of August, A. D. 1953.

JOHN S. FINE

No. 335

AN ACT

To amend the act, approved the tenth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 279), entitled "An act to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto," by designating the applicable support law; providing a rebuttable presumption of the obligors presence; authorizing states and political subdivisions thereof to obtain orders for continuing support; detailing the duties of courts when acting as initiating or responding state; providing for the maintenance of an information agency by the Secretary of Public Assistance; regulating procedure; authorizing more informative complaints; providing arrest in certain cases; providing for the assessment of costs to the county in certain cases; stating the effect of a Pennsylvania order as responding state on order of initiating state; providing that participation in proceedings under this act shall not give the court jurisdiction over any party in other proceedings; conferring powers and imposing duties on district attorneys and the Secretary of Public Assistance.

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

Uniform reciprocal enforcement of support law.

Section 1. The act, approved the tenth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 279), entitled "An act to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto," is hereby amended to read as follows:

Act of May 10, 1951, P. L. 279, amended.

Article I.

General Provisions.

Section 1. Purposes.—The purposes of this act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

Section 2. Definitions.—As used in this act, unless the context requires otherwise,

(1) “State” includes any state, territory or possession of the United States, and the District of Columbia, in which this or a substantially similar reciprocal law has been enacted.

(2) “Initiating state” means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) “Responding state” means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) “Court” means the Court of Quarter Sessions of the Peace of any county, the Municipal Court of Philadelphia County and the County Court of Allegheny County of this State, and when the context requires, means the court of any other state, as defined in a substantially similar reciprocal law.

(5) “Law” includes both common and statute law.

(6) “Duty of support” includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorcé, judicial (legal) separation, separate maintenance, or otherwise.

(7) “Obligor” means any person owing a duty of support.

(8) “Obligee” means any person to whom a duty of support is owed.

Section 3. Remedies Additional to Those Now Existing.—The remedies herein provided are in addition to, and not in substitution for, any other remedies.

Section 4. Extent of Duties of Support.—[The duty of support imposed by the laws of this State or by the laws of the state where the obligee was present when the failure to support commenced, as provided in section 7, and the remedies provided for enforcement thereof, including any costs or penalty imposed thereby.] *Duties of support arising under the law of this State when applicable under section 7 bind the obligor present in this State regardless of the presence or residence of the obligee.*

Article II.

Criminal Enforcement.

Section 5. Interstate Rendition.—The Governor of this State, (1) may demand from the governor of any other state, the surrender of any person found in such other state who is charged in this State with the crime of failing to provide for the support of any person in this State; and, (2) may surrender, on demand by the governor of any other state, any person found in this State who is charged in such other state with the crime

of failing to provide for the support of a person in such other state. The provisions for extradition of criminals, not inconsistent herewith, shall apply to any such demand, although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime, and although he had not fled therefrom. Neither the demand, the oath, nor any proceedings for extradition pursuant to this section, need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or the other state.

Section 6. Relief From the Above Provision.—Any obligor contemplated by section 5 who submits to the jurisdiction of the court of such other state and complies with the court's order of support shall be relieved of extradition for desertion or non-support entered in the courts of this State during the period of such compliance.

Article III.

Civil Enforcement.

Section 7. [What Duties are Enforceable] *Choice of Law*.—Duties of support [enforceable] *applicable* under this law are those imposed or imposable under the laws of any state where the [alleged] obligor was present during the period for which support is sought [, or where the obligee was present when the failure to support commenced, at the election of the obligee]. *The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.*

Section 8. Remedies of a *State or Political Subdivision Thereof Furnishing Support.—Whenever the state or a political subdivision thereof [has furnished] *furnishes* support to an obligee, it [shall have] *has* the same right to invoke the provisions hereof as the obligee to whom the support was furnished, for the purpose of securing reimbursement of expenditures so made *and of obtaining continuing support.*

Section 9. How Duties of Support are Enforced.—All duties of support are enforceable by action (complaint), irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the courts designated in section 2, subsection (4).

Section 10. Contents of Complaint for Support.—The complaint shall be verified; and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant [and], his dependents for whom support is sought, and all other pertinent information.

* "State" in original.

The plaintiff may include in or attach to the complaint any information which may help in locating or identifying the defendant, including, but without limitation, by enumeration, a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his finger prints, or social security number.

Section 11. District Attorney to Represent Plaintiff.—The District Attorney, upon the request of the court or a state or local public welfare official, shall represent the plaintiff in any proceeding under this act.

Section 12. Complaint for a Minor.—A complaint on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

Section [11] 13. Duty of Court of This State as Initiating State.—If the court of this State, acting as an initiating state, finds that the complaint sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, [he] it shall so certify; and shall cause [certified copies of the complaint, the certificate, and an authenticated copy of this act to be transmitted to the court of the responding state] three copies of (1) the complaint, (2) its certificate, and (3) this act to be transmitted to the court in the responding state. If the name and address of such court is unknown, and the responding state has an information agency comparable to that established in the initiating state, it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

Section 14. Costs and Fees.—A court of this State, acting either as an initiating or responding state, may, in its discretion, direct that any part of or all fees and costs incurred in this State, including, without limitation, by enumeration, fees for filing service of process, seizure of property, and stenographic service, of both plaintiff and defendant, or either, shall be paid by the county. Where the action is brought by or through the State or an agency thereof, there shall be no filing fee.

Section 15. Jurisdiction by Arrest.—When the court of this State, acting either as an initiating or responding state, has reason to believe that the defendant may flee the jurisdiction, it may, (a) as an initiating state, request in its certificate that the court of the responding state obtain the body of the defendant by appropriate process,

if that be permissible under the law of the responding state, or (b) as a responding state, obtain the body of the defendant by appropriate process.

Section 15.1. Compelling Attendance.—(a) At all stages of proceedings provided under this act, the court may compel the attendance, by attachment process directed to the sheriff or other proper officer of the county, directing and commanding that the obligor be brought before the court at such time as the court may direct, at which time the court may adjudge such person in contempt of court, and, in its discretion, may commit such person to the county jail or house of correction for a period not exceeding six (6) months.

(b) At any stage of the proceedings under this act, upon affidavit of obligee that the obligor is about to leave the jurisdiction, an attachment may be issued, directed to the sheriff or other proper officer of the county, directing that the person named be brought before the court at such time as the court may direct, at which time the court may direct that the person named give security, by one or more *sureties, to appear when directed by the court, or to comply with any order of the court.

(c) The court in the responding state shall have the authority to issue a bench warrant for the immediate arrest of the obligor. The obligor shall have the right to post bail in an amount set by the court for the subsequent hearing.

Section 16. State Information Agency.—The Department of Public Assistance is hereby designated as the State Information Agency under this act, and it shall be the duty of the Secretary of Public Assistance:

(1) To compile a list of the courts and their addresses in this State having jurisdiction under this act and transmit the same to the State Information Agency of every other state which has adopted this or a substantially similar act.

(2) To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this State having jurisdiction under this act.

Section [12] 17. Duty of the Court of This State as Responding State.—When the court of this State, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall, (1) docket the cause; (2) notify the district attorney; (3) set a time and place for a hearing; and, (4) take such action as is necessary, in accordance with the laws of this State, to obtain jurisdiction.

Section 18. Further Duty of Responding Court.—If a court of this State, acting as a responding state, is unable to obtain jurisdiction of the defendant or his

* "surety" in original.

property, due to inaccuracies or inadequacies in the complaint, or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the defendant or his property, and shall hold the case pending the receipt of more accurate information or an amended complaint from the court in the initiating state.

Section [13] 19. Order of Support.—If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor, and subject the property of the defendant to such order.

Section [14] 20. Responding State to Transmit Copies to Initiating State.—The court of this State, when acting as a responding state, shall cause to be transmitted to the court of the initiating state, a copy of all orders *of support or for reimbursement therefor.

Section [15] 21. Additional Powers of Court.—In addition to the foregoing powers, the court of this State, when acting as the responding state, has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders, and in particular—

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the clerk of the court or other officers designated by the court, or the obligee, and to report personally to such clerk or other officer designated by the court at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court, to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

Section [16] 22. Additional Duties of the Court of This State When Acting as a Responding State.—The court of this State, when acting as a responding state, shall have the following duties, which may be carried out through the clerk of the court or other officer designated by the court:

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state; and,

(b) Upon request, to furnish to the court of the initiating state, a certified statement of all payments made by the defendant.

* "or" in original.

Section [17] 23. Additional Duty of the Court of This State When Acting as an Initiating State.—The court of this State, when acting as an initiating state, shall have the duty, which may be carried out through the clerk of the court or other officer designated by the court, to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

Section [18] 24. Evidence of Husband and Wife.—Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to *proceedings under this act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

Section 25. Application of Payments.—Any order of support issued by a court of this State, when acting as a responding state, shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

Section 26. Effect of Participation in Proceeding.—Participation in any proceedings under this act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.

Section [19] 27. Severability.—If any provision hereof, or the application thereof, to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section [20] 28. Effective Date.—The provisions of this act shall become effective immediately upon final enactment.

Section 2. The provisions of this amending act shall become effective immediately upon final enactment.

Amending act
effective
immediately.

APPROVED—The 19th day of August, A. D. 1953.

JOHN S. FINE

No. 336

AN ACT

To further amend the act, approved the tenth day of March, one thousand nine hundred forty-nine (Pamphlet Laws 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," by changing minimum salaries of certain part-time

* "proceedings" in original.