

No. 1992-87

AN ACT

SB 402

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for a lottery winnings intercept in relation to delinquent support obligors; and further providing for emergency relief.

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

Section 1. Title 23 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 4308. Lottery winnings intercept.

(a) *Duty of Department of Revenue.*—*In the case of any person winning more than \$2,500 in the Pennsylvania State Lottery, the Department of Revenue shall request the Department of Public Welfare to make all reasonable efforts to determine if the winner is a delinquent support obligor prior to making any lottery winnings payment. If the winner is so found, the amount of any arrearages shall be deducted from the amount of lottery winnings and paid to the obligee in the manner provided in this title for the administration of support payments.*

(b) *Duties of Department of Public Welfare.*—*The Department of Public Welfare shall:*

(1) *Cause a search to be made periodically of the following:*

(i) *Its records relative to the Title IV-D Program.*

(ii) *Any information received from county domestic relations offices relative to arrearages of court-ordered child support.*

(iii) *Any information received from states with reciprocal enforcement of child support relative to arrearages of court-ordered child support.*

(2) *Furnish the Department of Revenue with the following information:*

(i) *The Department of Public Welfare identifier.*

(ii) *The obligor's full name and Social Security number.*

(iii) *The amount of the arrearage and the identifier of the court order which underlies it.*

(3) *Request the Department of Revenue to withhold from a lottery prizewinner the amount of any arrearage discovered pursuant to the provisions of paragraph (1).*

(4) *Request the Department of Revenue to pay over, whether in a lump sum or by installment, to the Department of Public Welfare that part of the prize which satisfies this arrearage and:*

(i) *Deduct from the amount received from the Department of Revenue any amount assigned to the Department of Public Welfare.*

(ii) *Pay over to the domestic relations section for distribution to the obligee of the child support court order the amount of prizewinnings which satisfies the arrearage owed to the obligee. This payment shall be made within 30 days of the date when the winnings are withheld.*

(5) *May, if prizewinnings are insufficient to satisfy the arrearages owed under the child support order, proceed as follows:*

(i) *It may collect as provided by law.*

(ii) *It may reinstate the procedures set forth in this section if the obligor wins a subsequent lottery prize.*

(6) *Determine and set a fee which reflects the actual costs it and the Department of Revenue incur to administer this section, submit this calculation to the Department of Revenue for its approval, request the Department of Revenue to deduct the calculated amount from the amount to be paid to the prizewinner after the prizewinner's child support obligation has been fully satisfied and request that the deducted amount be divided between both departments based on the administrative expenses incurred by each.*

(7) *Within 30 days of the date the prize was won:*

(i) *Award the prizewinner the lottery prize winnings in whole or in part.*

(ii) *If applicable, notify the prizewinner that the prize or a portion thereof was used to satisfy arrearages owed for court-ordered child support.*

(c) *Notice.—The domestic relations section shall send a one-time notice to all obligors of existing orders informing them that arrearages may be intercepted as provided by this section.*

(d) *Right to review.—A lottery prizewinner whose prize is used to satisfy an obligation under this section may appeal to the Department of Public Welfare in accordance with 2 Pa.C.S. (relating to administrative law and procedure). The appeal shall be filed within 30 days after the prizewinner is notified by the Department of Revenue that the prize has been reduced or totally withheld to satisfy the prizewinner's outstanding arrearages for child support and related obligations.*

(e) *Rules and regulations.—The Department of Revenue and the Department of Public Welfare shall, in the manner provided by law, jointly promulgate the rules and regulations necessary to carry out this section.*

Section 2. Section 6110(a) of Title 23 is amended to read:
§ 6110. Emergency relief by minor judiciary.

(a) *General rule.—When[, in counties with less than four judges, the court is unavailable during the business day by reason of duties outside the county, illness or vacation, and when, in counties with at least four judges, the court deems itself unavailable from the close of business at the end of each day to the resumption of business the next morning or from the end of the business week to the beginning of the business week,]:*

(1) *in counties with less than four judges, the court is unavailable:*

(i) *from the close of business at the end of each day to the resumption of business the next morning;*

(ii) from the end of the business week to the beginning of the business week; and

(iii) during the business day by reason of duties outside the county, illness or vacation;

(2) in counties with at least four judges, the court is unavailable:

(i) from the close of business at the end of each day to the resumption of business the next morning; and

(ii) from the end of the business week to the beginning of the business week;

a petition may be filed before a hearing officer who may grant relief in accordance with section 6108(a)(1) and (2) or (1) and (3) (relating to relief) if the hearing officer deems it necessary to protect the plaintiff or minor children from abuse upon good cause shown in an ex parte proceeding. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for the purposes of this subsection.

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Section 3. This act shall take effect in 60 days.

APPROVED—The 9th day of July, A. D. 1992.

ROBERT P. CASEY :