

No. 50  
AN ACT

To improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Uniform support law.

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 divorce, 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, bind the obligor 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.—Duties of support enforceable 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.

Section 8. Remedies of a State or Political Subdivision Thereof Furnishing Support.—Whenever the state or a political subdivision thereof has furnished support to an obligee, it shall have 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.

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.

Section 11. 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 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.

Section 12. 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 13. 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. 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. 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. 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.

Section 17. 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. 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 19. Severability.—If any provision hereof, or the application thereof, to any person or circumstance 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. Effective Date.—The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 10th day of May, A. D. 1951.

JOHN S. FINE