
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 825 Session of
2013

INTRODUCED BY HANNA, CALTAGIRONE, D. COSTA, O'BRIEN,
SCHLOSSBERG, FLYNN, COHEN, MILNE, YOUNGBLOOD, V. BROWN,
KORTZ, READSHAW, CARROLL, EVERETT, MAHONEY, DeLUCA, DEASY,
MURT AND GOODMAN, FEBRUARY 25, 2013

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 25, 2013

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in support matters generally, further
3 providing for support guidelines.

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

6 Section 1. Section 4322(a) of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 4322. Support guideline.

9 (a) Statewide guideline.--

10 (1) Child and spousal support shall be awarded pursuant
11 to a Statewide guideline as established by general rule by
12 the Supreme Court, so that persons similarly situated shall
13 be treated similarly. The guideline shall be based, subject
14 to the provisions of paragraph (2), upon the reasonable needs
15 of the child or spouse seeking support and the ability of the
16 obligor to provide support. In determining the reasonable
17 needs of the child or spouse seeking support and the ability

1 of the obligor to provide support, the guideline shall place
2 primary emphasis on the net incomes and earning capacities of
3 the parties, with allowable deviations for unusual needs,
4 extraordinary expenses and other factors, such as the
5 parties' assets, as warrant special attention. The guideline
6 so developed shall be reviewed at least once every four
7 years.

8 (2) (i) Neither public assistance, Supplemental
9 Security Income (SSI) benefits, nor Social Security
10 benefits received by the child as a result of a parent's
11 death shall be counted as income for purposes of
12 determining support.

13 (ii) If a child for whom support is sought is
14 receiving Social Security benefits as a result of an
15 obligor parent's retirement or disability, the benefits
16 the child receives shall be added to the combined monthly
17 net incomes of the obligor and the obligee to calculate
18 the income available for support on the vertical axis of
19 the basic child support schedule set forth in the
20 Pa.R.C.P. No.1910.16-3 (relating to Support Guidelines.
21 Basic Child Support Schedule). The presumptive amount of
22 support as set forth on the schedule at the combined
23 income of the obligee, obligor and child's benefits shall
24 then be reduced by the amount of the child's benefits
25 before apportioning the remaining support obligation
26 between the parties pursuant to Pa.R.C.P. No. 1910.16-4
27 (relating to Support Guidelines. Calculation of Support
28 Obligation. Formula). For purposes of determining the
29 support obligation of a surviving parent, the income of a
30 nonparent obligee who is caring for the child but has no

1 support obligation to that child shall not be considered.

2 (iii) If a child for whom support is sought is
3 receiving Social Security benefits as a result of the
4 death, retirement or disability of anyone other than the
5 obligor, then the obligor shall not receive a credit for
6 these Social Security benefits against the obligor's
7 child support obligation.

8 * * *

9 Section 2. This act shall take effect in 60 days.