

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 53 Session of 2023

INTRODUCED BY OWLETT, PICKETT, HAMM, JAMES, KAUFFMAN, GROVE AND ZIMMERMAN, MARCH 7, 2023

REFERRED TO COMMITTEE ON HEALTH, MARCH 7, 2023

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An  
2 act to consolidate, editorially revise, and codify the public  
3 welfare laws of the Commonwealth," in public assistance,  
4 further providing for verification of eligibility.

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

7 Section 1. Section 441.9 of the act of June 13, 1967  
8 (P.L.31, No.21), known as the Human Services Code, is amended by  
9 adding subsections to read:

10 Section 441.9. Verification of Eligibility.--\* \* \*

11 (d) All applicants and recipients shall, as a condition of  
12 eligibility, cooperate with the department in securing medical  
13 support from the noncustodial parent of any child for whom  
14 medical assistance is sought or provided in all cases in which  
15 support is being sought for the child. The department may not  
16 accept a private agreement between a custodial parent and a  
17 noncustodial parent that the custodial parent will provide  
18 medical support if the agreement results in the child foregoing  
19 medical support which would otherwise be available to the child

1 under 23 Pa.C.S. § 4326 (relating to mandatory inclusion of  
2 child medical support). An agreement made in violation of this  
3 subsection shall be considered void as contrary to public  
4 policy. Medical assistance shall be provided to a child without  
5 delay while the department is making a determination of the  
6 noncustodial parent's ability to provide medical support.

7 (e) The requirements of subsection (d) may not apply if:

8 (1) The custodial parent is a victim of domestic violence  
9 perpetrated by the noncustodial parent. Domestic violence shall  
10 be verified using State standards developed under 42 U.S.C. §  
11 602(a)(7) (relating to eligible states and state plan).

12 (2) The application of subsection (d) endangers the well-  
13 being of a child by interrupting the child's continuity of  
14 medical care.

15 (3) The pursuit of medical support from the noncustodial  
16 parent harms either the child or the custodial parent's well-  
17 being as documented in accordance with regulations promulgated  
18 by the department.

19 (f) If the department determines that the noncustodial  
20 parent withheld information required under subsection (d), the  
21 noncustodial parent shall reimburse the department for the cost  
22 of the medical assistance provided to the child. Nothing in this  
23 section shall be construed to make the minor ineligible for  
24 medical assistance.

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