

CHAPTER 51

(HB 402)

AN ACT relating to flagrant nonsupport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 530.050 is amended to read as follows:

- (1) A person is guilty of nonsupport:
 - (a) When he *or she* persistently fails to provide support which he *or she* can reasonably provide and which *the person*~~he~~ knows he *or she* has a duty to provide to a minor,~~or to~~ a child adjudged mentally disabled, *an* indigent spouse, or indigent parent; or
 - (b) Upon a finding that a defendant obligor, subject to court order to pay any amount for the support of a minor child, is delinquent in meeting the full obligation established by *the court*~~such~~ order, and has been~~so~~ delinquent for a period of at least two (2) months duration.
- (2) A person is guilty of flagrant nonsupport when he *or she* persistently fails to provide support which he *or she* can reasonably provide and which *the person*~~he~~ knows he *or she* has a duty to provide by virtue of a court or administrative order to a minor,~~or to~~ a child adjudged mentally disabled, *an* indigent spouse, or indigent parent, and the failure results in:
 - (a) An arrearage of not less than ~~two~~~~one~~ thousand *five hundred* dollars (~~\$2,500~~)(~~\$1,000~~); or
 - (b) Six (6) consecutive months without payment of support; or
 - (c) The dependent having been placed in destitute circumstances. For the purposes of this paragraph, it shall be prima facie evidence that a dependent has been placed in destitute circumstances if the dependent is a recipient of public assistance as defined in KRS 205.010.
- (3) A person has a duty to provide support for an indigent spouse, a minor child or children, or a child or children adjudged mentally disabled and, for purposes of this section, is presumed to know of that duty.
- (4) Any person who is eighteen (18) years of age or over, residing in this state and having in this state a parent who is destitute of means of subsistence and unable because of old age, infirmity, or illness to support himself or herself, has a duty to provide support for such parent and, for purposes of this section, is presumed to know of that duty.
- (5) Nonsupport is a Class A misdemeanor. For a second offense, the person shall receive a minimum sentence of seven (7) days in jail. For a third or any subsequent offense, the person shall receive a minimum sentence of thirty (30) days in jail.
- (6) Flagrant nonsupport is a Class D felony.

Signed by Governor March 19, 2021.