

1 AN ACT relating to flagrant nonsupport.

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

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

- 4 (1) A person is guilty of nonsupport:
- 5 (a) When he or she persistently fails to provide support which he or she can
6 reasonably provide and which the person~~[he]~~ knows he or she has a duty to
7 provide to a minor,~~[or to]~~ a child adjudged mentally disabled, an indigent
8 spouse, or indigent parent; or
- 9 (b) Upon a finding that a defendant obligor, subject to court order to pay any
10 amount for the support of a minor child, is delinquent in meeting the full
11 obligation established by the court~~[such]~~ order, and has been~~[so]~~ delinquent
12 for a period of at least two (2) months duration.
- 13 (2) A person is guilty of flagrant nonsupport when he or she persistently fails to
14 provide support which he or she can reasonably provide and which the person~~[he]~~
15 knows he or she has a duty to provide by virtue of a court or administrative order to
16 a minor,~~[or to]~~ a child adjudged mentally disabled, an indigent spouse, or indigent
17 parent, and the failure results in:
- 18 (a) An arrearage of not less than two~~[one]~~ thousand five hundred
19 (\$2,500)~~[\$1,000]~~; or
- 20 (b) Six (6) consecutive months without payment of support; or
- 21 (c) The dependent having been placed in destitute circumstances. For the
22 purposes of this paragraph, it shall be prima facie evidence that a dependent
23 has been placed in destitute circumstances if the dependent is a recipient of
24 public assistance as defined in KRS 205.010.
- 25 (3) A person has a duty to provide support for an indigent spouse, a minor child or
26 children, or a child or children adjudged mentally disabled and, for purposes of this
27 section, is presumed to know of that duty.

- 1 (4) Any person who is eighteen (18) years of age or over, residing in this state and
2 having in this state a parent who is destitute of means of subsistence and unable
3 because of old age, infirmity, or illness to support himself or herself, has a duty to
4 provide support for such parent and, for purposes of this section, is presumed to
5 know of that duty.
- 6 (5) Nonsupport is a Class A misdemeanor. For a second offense, the person shall
7 receive a minimum sentence of seven (7) days in jail. For a third or any subsequent
8 offense, the person shall receive a minimum sentence of thirty (30) days in jail.
- 9 (6) Flagrant nonsupport is a Class D felony.