

530.050 Nonsupport and flagrant nonsupport.

- (1) A person is guilty of nonsupport:
 - (a) When he persistently fails to provide support which he can reasonably provide and which he knows he has a duty to provide to a minor or to a child adjudged mentally disabled, 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 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 persistently fails to provide support which he can reasonably provide and which he knows he has a duty to provide by virtue of a court or administrative order to a minor or to a child adjudged mentally disabled, indigent spouse or indigent parent and the failure results in:
 - (a) An arrearage of not less than one thousand dollars (\$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.

Effective: July 15, 1988

History: Amended 1988 Ky. Acts ch. 411, sec. 30, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 144, sec. 18, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 141, sec. 136, effective July 1, 1982. -- Amended 1976 Ky. Acts ch. 361, sec. 1, effective June 19, 1976. -- Created 1974 Ky. Acts ch. 406, sec. 261, effective January 1, 1975.

Note: 1980 Ky. Acts ch. 396, sec. 148 would have amended this section effective July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, also effective July 1, 1982.