

HB 183 -- Child Support Payments

Sponsor: Stevenson

This bill allows the recipient of child support or the Family Support Division within the Department of Social Services to commence a civil contempt proceeding in the circuit court of the county in which the child support order was filed or registered against a person who has been ordered to pay child support and fails or refuses to do so if an order of income withholding is inapplicable or unsuccessful. If the person ordered to pay fails to appear in response to the contempt proceeding, the court must find the person in contempt for failure to appear and issue a warrant or find the person in contempt for the reasons in the original motion.

If a warrant is issued, the person will be subject to arrest and if apprehended or detained, will be held until the hearing unless a cash performance bond is deposited. If bond is posted, the court must schedule a hearing within 30 days.

The court may find a person in contempt if it finds that the person is in arrears on his or her child support payments and is satisfied that he or she has the resources currently available to pay all or a portion of the amount due. If that person fails to provide proof to the contrary, the court is to assume that he or she currently has available resources equal to four weeks of payments of child support, but cannot find that he or she has more than one month of resources without further proof.

If found under contempt, the court may do one or more of the following:

- (1) Commit the person to county jail;
- (2) Commit the person to county jail under a work release program;
- (3) Suspend the person's occupational license, driver's license, or hunting or fishing license; or
- (4) Order the person to participate in work activity.