CABINET FOR FAMILIES AND CHILDREN
COMMONWEALTH OF KENTUCKY
FRANKFORT 40621

DEPARTMENT FOR COMMUNITY BASED SERVICES
AN EQUAL OPPORTUNITY EMPLOYER M/F/D

Information Release #759

TO: All IV-D Agents

DATE: August 1, 1998

SUBJECT: The Deadbeat Parents Punishment Act of 1998

Attached is the full text of the "Deadbeat Parents Punishment Act of 1998" [Pub.L. 105-187] as signed by President Clinton on June 24, 1998. This legislation provides for a felony prison term for noncustodial parents who flee across State lines to avoid payment of their child support obligations. This legislation is another of the expanding range of tools that we can use in our continuing effort to ensure that children receive the support they deserve.

Questions about the information in this release are to be directed to the area office manager for your county.

STEVEN P. VENO, DIRECTOR
DIVISION OF CHILD SUPPORT

Attachment

H. R. 3811

One Hundred Fifth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-seventh day of January, one thousand nine hundred and ninety-eight

An Act

To establish felony violations for the failure to pay legal child support obligations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deadbeat Parents Punishment Act of 1998".

SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.

Section 228 of title 18, United States Code, is amended to read as follows:

"§ 228. Failure to pay legal child support obligations

"(a) OFFENSE.—Any person who—

"(1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 1 year, or is greater than $5,000;

"(2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than 1 year, or is greater than $5,000; or

"(3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than 2 years, or is greater than $10,000;

shall be punished as provided in subsection (c).

"(b) PRESUMPTION.—The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

"(c) PUNISHMENT.—The punishment for an offense under this section is—

"(1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and

"(2) in the case of an offense under paragraph (2) or (3) of subsection (a), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

"(d) MANDATORY RESTITUTION.—Upon a conviction under this section, the court shall order restitution under section 3663A in

an amount equal to the total unpaid support obligation as it exists at the time of sentencing.

"(e) VENUE.—With respect to an offense under this section, an action may be inquired of and prosecuted in a district court of the United States for—

"(1) the district in which the child who is the subject of the support obligation involved resided during a period during which a person described in subsection (a) (referred to in this subsection as an 'obliger') failed to meet that support obligation;

"(2) the district in which the obliger resided during a period described in paragraph (1); or

"(3) any other district with jurisdiction otherwise provided for by law.

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'Indian tribe' has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a);

"(2) the term 'State' includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

"(3) the term 'support obligation' means any amount determined under a court order or an order of an administrative process pursuant to the law of a State or of an Indian tribe to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living.".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.