

## Survey to Chief APOs

### Issue: Probation & DRO Contempt

#### Question (from Lycoming County):

On January 22, 2020, the Pa Supreme Court issued an opinion in *Thompson v Thompson* in which it was held that suspended sentences are not statutorily authorized as punishment for noncompliance with a child support order, and therefore are illegal sentences. Unfortunately, suspended sentences were the primary tool we use in DRO contempt's. The statute currently provides for 3 specific punishments for a support obligor who is found to be in contempt for noncompliance with a support order: (1) imprisonment for up to 6 months; (2) fine up to \$1000.00; and (3) probation for a period of up to one year. 23 Pa.C.S §4353(a). We are now trying to decide how to handle DRO contempt's going forward. Can you find out if any other counties are using probation as a punishment for DRO contempt's and how it is done.

#### Allegheny County

Does not use probation for DRO contempt cases.

#### Bradford County

In Bradford County, the court orders nonpayment DRO cases to supervision under Supervised Bail program which is overseen by the county jail. There are about 50 nonpayment DRO cases being supervised at this time. Supervised Bail essentially tries to help them obtain employment and get caught up. Usually go in front of judge every 30 days for review at which point they will remain on, be removed, or go to jail.

#### Bucks County

We don't use probation for this in Bucks.

#### Carbon County

Carbon does not use probation for DRO contempt cases.

#### Clinton County

No probation for DRO cases in Clinton County.

#### Erie County

Does not use probation for DRO contempt cases.

#### Fayette County

Probation not used for DRO cases in Fayette Co.

#### Indiana County

Indiana County has been placing those cases on probation. If interested in further information, please call me.

### Lackawanna County

In Lackawanna County, we do the same as Lancaster and Indiana counties. They are tough cases to supervise in my opinion but we do our best with them.

### Lancaster County

Does not use probation for DRO Contempt cases.

### Lawrence County

Does not use probation for DRO contempt cases.

### Lebanon County

Does not use probation for DRO contempt cases.

### Lehigh County

Does not use probation for DRO contempt cases.

### Luzerne County

Probation not used for DRO cases in Luzerne County.

DRO has their own Enforcement Unit, a supervisor and enforcement officers (In PO Bargaining Unit) who train with my POs and handle violations of their court orders.

### Mifflin County

Probation isn't used in Mifflin County.

### Union County

On occasion, our office is asked to handle work release arrangements when a DRO case is incarcerated. There is also the occasional order from the Court for a UA when a DRO case is in front of the Court. And we do supervise Contempt cases as well. We don't have a DRO specific probation caseload or officer.

### Warren County

At one time our Courts were sentencing non-support contempt cases to probation and filing a Probation violation for a sanction. The main condition of probation was paying according to the payment plan established by the Court determined they were able to pay. It worked fairly well. DRO hired a officer who was appointed a probation officer who trained with us and was appointed as a Probation Officer and function as an officer under the probation officer but was paid by DRO.

### Wayne County

Wayne County is not at this time.

### Westmoreland County

Westmoreland County does not.

York County

They do not use probation for DRO Contempt cases in York County.