

Survey to Chief APOs

Issue: DRO Failure to Pay

Question: (from Erie County)

I am wondering if any counties put their DRO folks on the monitor in lieu of incarceration for failing to pay? Our work release at the prison has not reopened and my PJ and County Exec are trying to reduce the jail population. He is asking if we can, basically, be the middleman in this endeavor. Put them on the monitor, and report any violations to our DRO office for them to follow up on.

Allegheny County - Does not do this

Bedford County - We do things like that for our family court. We have not placed them on GPS, but we have discussed it as an option if she would take that route.

Blair County - No

Bucks County - Not done

Carbon County - Does not

Clarion County - Does not

Clinton County - Does not

Elk County - Does not

Fayette County - Does not

Forest County - Does not

Fulton County - The Court has put individuals on probation for failure to pay but never used EM. Under the below general rule, our Judges cite this Section. They have never interpreted that EM can be substituted for imprisonment in these cases.

TITLE 23 DOMESTIC RELATIONS
PART I. GENERAL PROVISIONS
Subchapter C. Proceedings Generally

TITLE 23 § 4345. Contempt for noncompliance with support order.

(a) General rule.--A person who willfully fails to comply with any order under this chapter, except an order subject to section 4344 (relating to contempt for failure of obligor to appear), may, as prescribed by general rule, be adjudged in contempt. Contempt shall be punishable by any one or more of the following:

- (1) Imprisonment for a period not to exceed six months.
- (2) A fine not to exceed \$1,000.
- (3) Probation for a period not to exceed one year.

(b) Condition for release.--An order committing a defendant to jail under this section shall specify the condition the fulfillment of which will result in the release of the obligor.

(Oct. 16, 1996, P.L.706, No.124, eff. 60 days)

Cross References. Section 4345 is referred to in sections 4326, 4353 of this title.

Indiana County

Does not do this. However, there is a probation officer within DRO to address these cases.

Lancaster County - Does not

Lebanon County - At this time, Lebanon does not. However, our judge is looking into 'probation' for our DR cases. I believe the idea they are copying is occurring in Adams County. Not sure whether EM falls under that but may be worth reaching out to Adams DR.

Lehigh County - DRO does not utilize electronic monitoring in lieu of incarceration.

Luzerne County - Does not utilize EM for DRO failure to pay

Northampton County - Does not

Northumberland County - Does not

Schuylkill County - Does not

Snyder County - Does not do this

Somerset County - Does not

Westmoreland County - Does not do this

York County - York County's DRO does not use monitors, in fact she was strongly opposed to the use of a monitor. Her response is below.

I think it would be counter-productive to place someone on monitoring since the cost of same would be placed on the defendant. If they are unable to pay the support obligation, how are they going to pay the fee for monitoring? On the other hand, we place our clients on work release and there is a fee associated with that. The difference is that on work release, they "generally" don't have living expenses. While on monitoring, the client would have to pay living expenses, the monitoring fee and fulfill their support obligation.

I certainly understand the concept as a means to hold the person accountable, especially since they don't have work release available in their county. This would also take the burden off the county from a cost perspective. If we didn't have work release and this were presented as an option here, I would entertain it but only in the "worst case" scenario when there has been absolutely NO compliance.

I am not certain my response is very helpful.