

	Agency Name	Office of Family Support (OFS)		
	Chapter No./Name	09 – Support Enforcement Services (SES)		
	Part No./Name	K. Enforcement of Support		
	Section No./Name	K-900 Civil Constructive Contempt		
	Document No./Name	K-910 Constructive Contempt for Providing False Information		
	Dates	Issue	December 29, 2004	Effective

The [Code of Civil Procedure Article 224\(11\)](#) allows SES to file a rule for constructive contempt of court against any person applying for services with SES who provides false information.

*In any case where the Department is providing services, the District Manager must immediately inform the Attorney Supervisor in State Office via FAX of the following acts that constitute a constructive contempt of court:

- Knowingly making a false statement or representation of a material fact; or
- Knowingly failing to disclose a material fact in order to apply for or receive support enforcement services for the purpose of securing an order of paternity, child support, medical support, an income assignment order, or a notice of income assignment against another person.

In each instance, the District Manager’s notice to the Attorney Supervisor in State Office must include the following:

- A. Facts and evidence that support the Department’s contention that a court should find the party in indirect contempt of court under [CCP Article 224\(11\)](#).

An example of facts and evidence of the indirect contempt of court would be:

There is an affidavit executed by the CP stating that there was an exclusive sexual relationship between the CP and the NCP. Thereafter, subsequent genetic testing contradicts the statement made by the CP and excludes the NCP as the biological father of the child(ren). After the exclusion by the genetic testing, the CP then informs SES for the first time that there may be another or other possible alleged fathers for the child(ren).

- B. An explanation how the party’s action(s) or failure to act has impacted the Department and the outcome of the judicial process to the extent that contempt proceedings are warranted.
- C. The pros and cons of the District Manager’s recommendation as to whether the Department should or should not initiate contempt proceedings against the party.

State Office will review the required documentation and grant approval or disapproval to file contempt proceedings.

If State Office grants approval to file the contempt proceedings, copies of pleadings filed in the contempt proceeding and all decisions rendered by the court shall be sent to the Attorney Supervisor in State Office.**