

## CHILD SUPPORT: ENFORCING FINANCIAL ORDERS

Once a child support order has been established by a court or administrative authority, the next step a child support agency must take is to enforce the order. The primary method of enforcement is through income withholding by an employer. In fact, over 70% of annual national collections by Title IV-D (child support) agencies is through employer withholding of the noncustodial parent's wages. With very few exceptions, income withholding is mandatory, whether or not the parent owes past due support.

If a noncustodial parent is employed by an employer, the IV-D agency sends an Order to Withhold Income (OWI) to the employer, and the employer must withhold and remit payments within 7 business days of paying wages to the employee. The amount withheld depends upon several factors, including: 1) the amount and frequency of payments set forth in the order; 2) the amount of past due support; 2) the employer's pay cycle; and 3) federal (such as the Consumer Credit Protection Act) and state laws and policies capping the amount that can be deducted. Income may also be withheld from workers' compensation and unemployment benefits.

For individuals who are self-employed, unemployed or working under-the-table, or whose employer or whereabouts are unknown, income withholding may not be an option. If support becomes past due, remedial action can be taken. Remedies may include, but are not limited to:

- Reporting delinquencies to major credit bureaus;
- Intercepting state and federal tax refunds;
- Intercepting state and federal administrative payments;
- Suspending, revoking, or non-renewal of drivers' and commercial drivers' licenses; professional and occupational licenses; and rec
- Suspending, revoking, or non-renewal of professional and occupational licenses;
- Suspending, revoking, or non-issuance of recreational licenses;
- Denying new or renewal applications U.S. passports;
- Intercepting of gambling or lottery winnings, if state law permits;
- Intercepting lump sum insurance benefits and other lump sum payments;
- Intercepting inheritances;
- Contempt proceedings;
- Seizing bank accounts, financial assets;
- Filing liens against personal and real property; and,
- Prosecuting under state or federal criminal laws;

It is important to note that states have different laws, regulations, and policies regarding the definition of "past due" support, and the appropriate use of the above listed enforcement remedies. The tools are designed to compel the parent to pay, rather than to punish the parent for non-payment. Depending upon the parent's individual circumstances, certain remedies may be more appropriate than others, and some may not be appropriate at all. For example, it may not be appropriate to use contempt to put a parent in jail unless it has been established the parent has income and/or assets, and is purposely avoiding payment. To learn more about enforcement remedies available in your State, contact your child support agency.