

Divorce Decrees Enforced in Several Ways

Q: I am divorced, but have not been receiving my court-ordered support payments. What can I do?

A: A domestic relations court keeps the authority to enforce its divorce decree orders. You may file a motion with the domestic relations court asking that the other party in the divorce be found in contempt of court for failing to comply with the court order to make child or spousal support payments. The motion requires the offending party to appear before the court and explain why he or she should not be held in contempt of court for failing to pay support.

If someone is held in civil contempt of a court, he or she must first be given the opportunity to correct the situation by paying all back support money. However, in the case of continuing violations, the court has a great deal of latitude in dealing with these violations, and may even impose a jail sentence. Also, in addition to the civil contempt remedy, in certain cases a prosecuting attorney may decide to file criminal non-support charges. Furthermore, if you are the person who is owed support payments, you may be able to get a judgment against the non-paying party and get the support payments through collection procedures. Money owed to the non-paying person, such as income tax refund checks or bonus checks, may be confiscated in order to help satisfy the support obligation. Courts also may award reasonable attorney fees and costs to one seeking to enforce a court order. An experienced domestic relations attorney or the local Child Support Enforcement Agency should be consulted concerning the options available.

Q: What can I do if the person owing support has moved to another state?

A: Reciprocal laws now apply in all states. These laws allow one state to enforce another state's support orders. An attorney or the local Child Support Enforcement Agency should be consulted.

Q: What can I do if I am being prevented from having parenting time with my children, even though the court ordered the parenting time?

A: Enforcement of parenting time is often a more complicated process because it may involve not only the relationship between parents but also between parents and children. Parents who feel that a current parenting order is no longer in the best interest of a child should ask the court to modify the order and not simply refuse to comply with it. If you are the parent who has been prevented from exercising parenting time with your children, you may file a motion that would require the other parent to show cause as to why the court-ordered parenting schedule is not being followed. If a non-residential parent later seeks to change a prior parenting order, one of the factors the court must consider is whether the custodial parent has continuously and willfully denied the non-residential parent court-ordered parenting time.

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This "Law You Can Use" consumer legal information column was provided by the Ohio State Bar Association. It was prepared by Robert A. Koblentz, a Columbus attorney.

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