

# Child Support: How Is It Enforced?

## **Q: What can be done if child support payments are not made?**

**A:** All support orders must be secured in one of three ways. Most common is the wage-order (garnishment of the payor's income source or bank account). Self-employed persons have bond orders (a requirement to post a cash bond, which is used if the payor misses a payment. The payee is paid from the bond, and the payor is then called in to reimburse the bond fund). A "reporting" order is used for unemployed parents. If a parent is not working at the time the child support order is issued by the court, then that parent is required to report regularly to state what he or she is doing to find work, and to report any income received or job obtained.

Any person involved in a support order has a support officer at the Child Support Enforcement Agency (CSEA). Without cost, the CSEA officer will attempt to enforce a support order by filing contempt motions on behalf of the payee and by garnishing wages or bank accounts.

Certain sources of income can be usurped by the CSEA agency to meet past due support. For example, any tax refund, company bonus or similar lump sum of money received by a delinquent payor can be taken to pay overdue child support.

There are "teeth" in the law that prohibit renewal of certain licenses for those who are delinquent in paying their child support obligations. For instance, recreational, professional and drivers' licenses may not be renewed if a license-holder owes delinquent child support.

## **Q: May one parent prevent a child from seeing a parent who doesn't pay child support?**

**A:** No. A parent who deliberately denies court-ordered parenting time rights may be considered in contempt of court, which is punishable by a jail sentence, a fine, attorney fees and court costs. Also, if the parent who is denied parenting time seeks a change of custody, the custodial parent's deliberate withholding of parenting time rights may be an important factor to the court in deciding who will receive custody. Depriving a parent of time with a child is not one of the ways to get legal help in collecting child support.

## **Q: May a parent whose rights of parenting time are denied withhold child support from the custodial parent?**

**A:** No. In the same way that a custodial parent may not deliberately disobey court-ordered parenting time rights in order to attempt to collect child support from a non-paying parent, the non-

-custodial parent also may not willfully disobey a child support order. Withholding support payments may be considered contempt of court, which is punishable by a jail sentence, fines, attorney fees and court costs. Also, if the parent who withholds child support seeks custody, the deliberate non-payment of support may become an important factor in deciding that issue. The law provides remedies for denial or interference with parenting time. Depriving a child of support is not one of them.

**Q: How do I locate an absent parent?**

**A:** Federal law provides that the local child support enforcement agency may use the federal parent locator service, and state laws may allow the use of certain state agency records.

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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 Pamela MacAdams, an attorney with the Cleveland firm of Morganstern, MacAdams & DeVito Co., L.P.A., and a member of the Family Matters Committee of the Ohio Judicial Conference.*

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