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## Getting Your Deadbeat Ex to Pay the Child Support or Alimony You're Owed

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Like many divorced women, Nancy J. Kemp of Charleston, W.Va., has a deadbeat ex and a do-nothing judge.

She is unemployed and has health issues. Her ex-husband Richard hasn't paid her [spousal support](#) since August. As of Nov. 17, he owed her \$4,746. she needs the money for prescriptions among other things.

Since September, Nancy Kemp has filed four [motions for contempt with the court](#). If he's ultimately found to be in contempt, he could face jail time, a fine or both.

Making things worse is that the judge in the case, Kanawha Family Law Judge Robert M. Montgomery, scheduled her motions more than three months after the original missed payment. She's had to take the extraordinary step of filing a [writ of mandamus](#) — a legal order from a higher court telling the judge to do his job now.

But Nancy Kemp isn't alone in her efforts to get her ex-husband to pay what he owes. In fact, thousands of people who are reading this are probably shaking their heads knowingly.

That's because, according to the most recent [US Census Bureau statistics](#), about **24 percent of all child support payments are never paid and another 30 percent are only partially paid**. Statistics for alimony payments are unavailable, but it's probably fair to assume that non-payment rates are similar.

### Enforcement Options

You have several legal options if your ex refuses to make court-ordered child support or alimony payments. But it's also important to recognize two unfortunate truths:

- First, there is no surefire way of getting someone to cough up what they owe, particularly if they use sneaky ways to hide their income.
- Second, it may be much more difficult to collect on alimony payments than child support. That's because states usually offer a lot of assistance in collecting child support, and significantly less help collecting past-due alimony.

### State Actions to Collect Child Support

Most states have agencies that monitor child support orders. Typically the same agency or a branch of the state attorney general's office will also take the lead in collecting the money if a [parent fails to make their child support payments](#).

States can take any number of approaches to get a parent to pay up. These include:

- **Taking the money** directly from the person's paycheck (known as garnishing their wages)

- **Intercepting tax refunds**, unemployment insurance payments and/or workers' compensation payments
- **Putting a lien** on any vehicles or real estate owned by the property. A lien is a claim against the property that must be paid off before the property can be sold. It makes it more difficult to obtain a loan using the property as collateral.

In addition, the state can take a variety of other actions that are designed to pressure or guilt the parent into paying. These include:

- **Telling credit bureaus** that the parent has an outstanding debt, which may make it more difficult for the parent to borrow money or get a job
- **Suspending the parent's driver's license, passport, professional licenses** and recreational licenses, potentially denying them income, certain leisure activities as well as the ability to travel from place to place until the money is repaid
- **Criminally prosecuting** the parent if they are either a year behind in payments or owe more than \$5,000 and leave the state or country to avoid payments. If charged with and convicted, the parent faces jail time and fines, while also still being legally required to pay the outstanding child support.

**There are some pros and cons to state enforcement.** On the plus side, you won't normally pay out-of-pocket for the state's efforts. However, government agencies—like the law—don't always move quickly. And the state may be selective in its enforcement efforts, depending on how much you're owed and whether the state thinks there's a high likelihood of collecting the money. You may still want to hire a [child support attorney](#) to act as your advocate and to explore civil law options.



“State child support enforcement agencies offer valuable services to parents who seek enforcement and collection of child support orders,” says attorney [Colleen Cunnally](#) of The Divorce Collaborative LLC in Franklin, MA. “However, attorneys for the child support agency represent the state and do not represent the individuals involved. A private attorney can work in conjunction with the child support agency by devoting personalized attention to the client's specific needs to ensure the best possible results. A private attorney can also be effective in uncovering income that a payor may fail to disclose, possibly leading to increased child support for the recipient.”

Colleen E. Cunnally

## Other Ways of Collecting Child Support & Alimony

You have several other legal options to compel payment of outstanding child support and unpaid alimony.

- **Contempt motion:** Often just the threat of jail may persuade your ex to pay what they owe.
- **Wage garnishment:** The process varies from state to state, but typically you'll have to obtain a judgment against your ex, notify the debtor of your intent to garnish his or her wages, then order the employer to deduct the specified amount from each paycheck and send that money to you.
- **Writ of execution:** This allows local law enforcement to seize your ex's property and sell it at a sheriff's sale. If you've obtained a monetary judgment against your ex and wage garnishment isn't the appropriate solution, you should consider a writ of execution. You then receive any money raised from the sale. Certain assets, such as Social Security income, are exempt from a writ of execution.

But it can be tough to collect payment from a dedicated deadbeat. Someone who doesn't want their wages garnished can take an off-the-books job—or simply quit working entirely. To avoid having assets seized with a writ of execution, the ex can transfer ownership to someone else. Some deadbeats even accept jail sentences rather than paying a penny to their exes (even though jail doesn't erase the debt).

## Contact an Attorney Right Away



“Absent good communication between ex-spouses, I generally advise a support recipient to contact counsel within a few days of not timely receiving support,” says [Christopher J. Gillette](#) of the Law Office of Christopher J. Gillette, PC. “That way, the attorney can create a written record of attempts to obtain compliance with the applicable support order. Generally, child support compliance should be addressed quickly in light of the fact that it is the children whose needs may not be met when a party fails without excuse to pay support as ordered.”

Christopher J. Gillette

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