

What Happens If I Don't Pay Child Support?

What You Should Know About Liens and other Ways to Collect Past-Due Support in Wisconsin

This brochure answers the questions:

1. How is past-due support collected?
2. What is a child support lien?
3. What is the child support lien docket?
4. How do I find out if my name is on the lien docket?
5. What happens when my name is placed on the lien docket?
6. What other actions can be taken to enforce a child support lien?
7. What if I don't think I owe back child support?
8. How can enforcement actions be prevented?

This pamphlet is for informational purposes only. This is not a notice of past-due child support.



Your child deserves your full support

Even if you can't be there every day, your child needs and deserves your full support: emotional and financial.

This brochure describes what can happen if you fail to pay court-ordered child support. Recent federal and state laws provide new ways for child support agencies to enforce child support orders.

Enforcement will never become an issue if you follow these simple tips:

- Pay support when due; *avoid getting behind in your payments*
- Arrange to pay any past-due support
- Inform the child support agency if you move, so you can be updated on the status of your case
- If you begin to have problems making your support payments, notify your child support agency immediately
- Ask the court to review your support order if you become injured or seriously ill and cannot work
- Even if child support is withheld from your income, you are responsible to make sure it is paid. If you switch jobs, pay support obligations yourself until income withholding is in place with your new employer

For more answers to your questions about child support liens, contact your child support agency (listed in the phone book under "county government" or tribal name).

1. How is past-due support collected?

Child support agencies may ask a court to take action against people who fail to pay child support. This is called **judicial enforcement**. Charges such as civil contempt of court or criminal non-support may be filed. If convicted, offenders may be fined and/or jailed for not paying past-due support.

Recent federal and state* laws now give child support agencies the option of pursuing **administrative enforcement**. Administrative enforcement allows the child support agency to take action without going to court. These new tools are based on what is known as a **child support lien**.

2. What is a child support lien?

A child support lien is a hold placed on property (land, or cars and boats) until past-due child support is paid. These liens may now be placed **without a court hearing**. Child support liens must be satisfied when property is sold. Failure to pay a child support lien can hinder the sale or transfer of property.

A lien will automatically be entered into the **child support lien docket** when past-due support equals 1 month's worth of child support or \$500, whichever is greater.

3. What is the child support lien docket?

The lien docket is an electronic list of payers with a child support lien in Wisconsin. This list includes the payers owing past-due support and the amount of the lien.

The lien docket is maintained by the Department of Workforce Development. It can be viewed in county register of deeds offices.

4. How do I find out if my name is on the lien docket?

If your name is placed on the lien docket, you will be sent a document called **Notice of Lien and Credit Bureau Reporting**. The notice will tell you the amount of the lien on the date that it was placed on the docket.

This notice also describes your rights and the procedures for disputing the lien amount.

5. What happens when my name is placed on the lien docket?

Placement on the lien docket is a first step to collect past-due support.

Once your name is placed on the lien docket, child support agencies can:

- Locate financial accounts you may have with financial institutions (such as banks and credit unions) in Wisconsin and other states
- Report your lien amount to credit bureaus. This could affect your ability to qualify for loans
- Locate any licenses – drivers, professional, occupational, or recreational – you may have
- Report liens to the Department of Transportation, which records the lien on the title of any vehicle you may purchase
- Request the denial of grants and loans issued by state agencies, such as student loans, higher education grants, and mortgage loans from the Wisconsin Housing and Economic Development Authority (WHEDA)
- Intercept lump-sum pension payments from public retirement funds, such as the Department of Employee Trust Funds
- Intercept judgements or settlements, for example, car accident settlements

*Wisconsin laws include ss. 49.852, 49.854, 49.856, and 49.857, Wis., Stats; Adm. Rule DWD 43

6. What other actions can be taken to enforce a child support lien?

If you do not pay the lien in full or enter into a satisfactory payment plan, a child support agency may take the following actions.

When a child support lien equals or is more than three months' worth of support:

- Request the suspension or denial of licenses – professional, occupational, drivers, and recreational licenses (for example, hunting licenses)

When a child support lien equals or is more than \$1,000 or three months' worth of support, whichever is greater:

- Seize bank accounts including checking, savings, IRAs, and mutual funds

When a child support lien equals or is more than six months' worth of support:

- Seize real property and titled personal property (land, or cars and boats)

When a child support lien is more than \$5,000:

- Request the denial of passports by the U.S. Department of State

You will receive written notice when any action is taken to enforce a lien.

7. What if I don't think I owe back child support?

- You have the right to request payment records from the child support agency. After receiving the records, you may compare them with your own records to determine if the past-due support amount is accurate
- If you feel there is an error, contact the child support agency to discuss the possible reasons for the discrepancy. You must provide evidence for your belief the amount is in error
- The child support agency will review your case to determine if there is an error
- If you do not agree with the child support agency's decision, you may request a court review

8. How can enforcement actions be prevented?

Pay past-due support in full. One way you could do this is by taking out a loan. Once past-due support is paid, stay current.

Arrange a payment plan with the child support agency for past-due support. If you follow the terms of your payment plan, a child support agency will not take the enforcement steps listed under Question 6.

A payment plan will not remove a child support lien from either the lien docket or the credit bureau report. If you do not follow the terms of your payment plan, a child support agency will take additional enforcement action to collect past-due support.

The Department of Workforce Development is an equal opportunity service provider. If you need help to access services or material in an alternate format, please contact your local service provider or the Division of Economic Support Equal Opportunity Office at (608) 267-0927 (Voice and TDD).