

License Suspension

A tool to collect past-due child support

More than 400,000 Wisconsin children do not live with both their parents. These children depend on the steady payment of support to meet their needs. While many children receive the support they need, most of them do not. Nearly \$2 billion is owed in past-due support and interest. That's \$2 billion that should be going to pay for the needs of Wisconsin's children.

The State of Wisconsin now has authority to suspend, revoke, deny or not renew licenses of payers who owe past-due support (subject to the restrictions in this brochure). This brochure explains how child support agencies may use this enforcement tool, and the due process rights of payers.

Terms used in this brochure:

- **License Suspension:** Action by a local child support agency (CSA) to have a license of a delinquent payer suspended, denied, revoked or not renewed. The CSA notifies the appropriate regulatory agency to act on the license in question.
- **Child Support Lien:** A hold placed on property, such as land, cars or boats, until past-due child support is paid. Missed payments on child support, family support, maintenance and past support are included.
- **Child Support Lien Docket:** An electronic list of payers with a child support lien in Wisconsin and the amount of the lien.
- **Alternative Payment Plan (APP):** A payment schedule to pay off the child support lien while maintaining current support. Please see the brochure "Alternative Payment Plan," DES-12410, for more information.

When license suspension can be pursued:

Child support agencies have the option to pursue license suspension when:

- a) The payer's name is listed in the Child Support Lien Docket; and
- b) The payer owes at least three times the monthly obligation in past-due support, and at least \$1,000; and
- c) There is no Alternative Payment Plan in effect for the case.

Before any license suspension action can be considered, a payer is sent a "Notice of Lien and Credit Bureau Reporting." This letter tells the payer that his/her name has been added to the Child Support Lien Docket.

What licenses may be suspended?

Child support agencies may choose to pursue suspension in any of the following categories:

Recreational: hunting, fishing, trapping

Professional/Occupational: e.g., plumbing, engineers, etc.

Driver's: drivers, chauffeurs, and truck drivers (if a drivers license has been revoked, people who must drive to work may apply to the Department of Transportation for a special occupational driver's license)

Child support agencies may choose to pursue action against more than one category of license at a time.

License suspension procedures:

First Notice

If a child support agency decides to pursue license suspension against a payer, the agency will send a letter, "Notice of Intent to Suspend, Revoke or Deny License(s)." This letter will specify which category of license is being pursued for suspension.

Upon receipt, the payer may:

- a) request a hearing (within 20 business days) to challenge the suspension. The payer may dispute only the exact amount of past-due support owed, or whether an APP proposed by the child support agency is reasonable.
- b) request to arrange an APP with the child support agency (within 10 business days)
- c) pay off the child support debt

Second Notice

If the payer does not respond to the First Notice, the child support agency will send a Second letter, "Final Notice of Certification, License Suspension Revocation or Denial."

A payer has the same options for response to the second letter as for the first. The payer may:

- a) request a hearing (within 20 business days) to challenge the suspension. The payer may dispute only the exact amount of past-due support owed, or whether an APP proposed by the child support agency is reasonable.
- b) request to arrange an APP with the child support agency (within 10 business days)
- c) pay off the child support debt

If the payer takes no action following the second notice, the child support agency will send a notice to the appropriate licensing agency to suspend, revoke, deny or not renew the license in question.

Avoiding suspension action

A payer can avoid license suspension by staying current in child support and paying off any past-due support. A payer may agree to an APP at any time to pay past-due support. Any Child Support Lien would stay in effect.

However, if a payer fails to follow the terms of an APP, that payer may be subject to license suspension and other child support administrative enforcement actions.

Payers with child support orders in more than one county would have to enter into an APP with each county to avoid license suspension action by a child support agency.

Questions and Answers

Q. If a payer is listed on the Child Support Lien Docket, will all his/her licenses be suspended automatically?

A. No. License suspension is never an automatic enforcement action. The child support agency must choose to act to deny, suspend, or revoke a license, and must follow the due process requirements of license suspension procedures outlined in this brochure.

Q. What happens if a payer hunts, drives or works without the appropriate license?

A. Depending on the laws governing the license involved, a payer may face criminal penalties, monetary fines or other possible consequences. A payer should contact the agency responsible for issuing the license for more information.

Q. How can a payer get her/his license back once action has been taken against it?

A. If the payer pays the lien in full or enters into an alternative payment plan, the child support agency will notify the licensing agency that the payer is no longer eligible for license suspension. The payer would then be eligible for reinstatement of the license, depending on what other requirements the licensing agency may have. A payer with questions regarding license reinstatement should contact the appropriate licensing agency.

Children deserve full support

Even if a parent can't be there every day, a child needs and deserves both emotional and financial support.

License suspension will never become an issue if a payer follows these simple tips:

- Pay support when due; *avoid getting behind in payments*
- Arrange to pay any past-due support
- Inform the child support agency if moving, so a payer can be updated on the status of the case
- If a payer begins to have problems making support payments, notify the child support agency immediately
- Ask the court to review the support order if a payer becomes injured or seriously ill and cannot work
- Even if child support is withheld from a payer's income, the payer must make sure it is paid. If the payer switches jobs, the payer should continue paying support until income withholding is in place with the new employer

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