

Wisconsin's Child Support Liens

What they are

What they mean to home buyers
- and sellers

More than 400,000 Wisconsin children do not live with both their parents, and depend on the steady payment of support to meet their needs. While many children receive the support they need and deserve, 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.

One new way that unpaid support can be collected is through a **Child Support Lien**. This brochure explains what a Child Support Lien is, and what people who buy or sell real estate need to know about them.

What is a Child Support Lien?

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

As of March 2001, a lien is entered into the **Child Support Lien Docket** when past-due support is at least \$17,500. The threshold is being gradually reduced in stages. By September 2001, liens are scheduled to be entered if past due support is \$10,000 or more. The threshold may be lowered until it includes all payers who owe \$500 or one month of past-due child support.

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As of January 1, 2001, a lien is entered into the **Child Support Lien Docket** when past-due support is at least \$20,000. The threshold is being gradually reduced in stages. By September 2001, liens are scheduled to be entered if past due support is \$10,000 or more. The threshold may be lowered until it includes all payers who owe \$500 or one month of past-due child support.

What is the Child Support Lien Docket?

The Child Support Lien Docket is an electronic list of the names of child support payers with a Child Support Lien in Wisconsin and the amount of the lien.

It is an Internet-based registry maintained by the Department of Workforce Development. The Child Support Lien Docket is a public record and can be viewed in county register of deeds offices.

How are people notified if their names are on the Child Support Lien Docket?

When the name of a person who owes child support is placed on the lien docket, that person is sent a document called **Notice of Lien and Credit Bureau Reporting**. The notice tells the amount of the lien and the date that it was placed on the docket. This document is sent to the most recent address that the child support agency has for the person owing child support. At the time that the notice is received, that person has an opportunity to challenge the lien.

What does a buyer need to know about Child Support Liens?

Child Support Liens can delay the sale of property.

Buyers who have any concerns about whether the seller may have child support debts should ask the closing agent to check whether the seller is named on the Child Support Lien Docket.

Land-Title Companies should research the Child Support Lien Docket and determine whether the seller has a Child Support Lien.

Buyers should find out the amount of the lien, and whether the seller will receive enough money from the sale to satisfy the lien. If the seller will not receive enough money to satisfy the lien, then the buyer should verify that the seller has obtained a release from the lien from the payer's child support agency. Failure to obtain a release will delay closing on the sale.

If the lien is not satisfied or released from the property, the buyer may be responsible for the lien.

What does a seller need to know about Child Support Liens?

Liens must be paid in full in order to remove a name from the Child Support Lien Docket. Or the support debt could be paid from the proceeds of the sale. If the payment arrangement does not satisfy the lien, the child support agency may release the specific property being sold from the lien. However, the lien remains on the docket until it is paid in full. Once a lien has ended, current support must be paid, or the payer's name will be added to the Child Support Lien Docket again.

People who are not sure whether they may be liable for a Child Support Lien are to contact the child support agency in the county where the child support order was issued. If the agency does not have the payer's current address, the payer may not have received the Notice of Lien and Credit Bureau Reporting.

What happens if a lien is not satisfied or released, and the property is sold?

If the lien is not satisfied or released from the property, the buyer may be responsible for the lien.

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