



## Contempt and Enforcement of Child Support

# What Can I Do if the Other Parent Does Not Pay?

## Last Resort

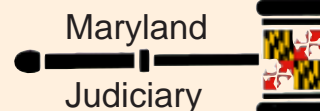
As a last resort, cases can be referred for federal prosecution, if the offender is in violation of the Deadbeat Parents Punishment Act of 1998.

To be prosecuted under this law, the payor must have refused to pay support to a child who resides in another state, and the total amount owed must be over \$5,000, OR must have remained unpaid for over a year. Punishments include fines and/or jail time.



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# What Can I Do If the Other Parent Refuses to Pay Child Support?

If you have not been receiving complete payments, on time, you can ask the court to find the other person in contempt of court. To do so you can:

- Seek the assistance of the local child support enforcement office. They will take legal action, if appropriate and can ask the court to impose numerous sanctions to enforce the order;
- File your own Petition for Contempt with the circuit court or file with the help of an attorney. The court will hold a hearing to determine if the payor should be held in contempt of court;
- Criminal contempt or criminal non-support may also be used to enforce a child support order. To initiate a criminal action, ask the local child support enforcement office or the State's Attorney's Office for local practices.

In contempt cases, a judge can order additional deductions from the non-paying parent's paycheck to cover back support owed, or even jail the offender.



It is important to go to court quickly to enforce a child support order. If the payor is experiencing financial difficulties, an agreement can be worked out. However, if he or she is simply avoiding this obligation, there are several

remedies that can be employed by the courts and your local child support enforcement office. The court may issue a court order called a wage lien that allows child support payments to be deducted from the non-custodial parent's wages or unemployment benefits.

Your local child support office can also help, by:

- Having the MVA suspend the offender's driver's license;
- Having the offender's professional licenses suspended (attorney, barber, etc.);
- Intercepting any lottery winnings by the non-paying parent; or
- Intercepting federal and state tax refunds.

Additionally, Maryland law requires that offenders be reported to consumer credit agencies if they are in arrears for 60 days or more.

If all these measures fail and the offender still refuses to pay child support, he or she can be brought before the court on contempt charges or they may be charged with criminal non-support.



# What if the payor hides income and assets?

In this situation, you, your lawyer or the local child support enforcement office will need to obtain proof of the payor's true financial situation by requesting subpoenas be issued to banks with which he or she does business, auto financing and mortgage companies, landlords or any other place where he or she makes regular payments.

Also, evidence about the payor's lifestyle (vacations taken, type of car owned, etc.), and past earnings will all help to make it easier to prove that the obligor can and should pay child support.

