

# State Enforcement of Child Support

County child support agencies watch cases to make sure child support orders are being followed, but only if either parent receives state benefits or has submitted an application for child support services. Child support agencies have various methods to make sure parents pay the child support they owe. To use their time wisely, these agencies decide which methods to use and when, based on their experience. For example, they might send warning letters before taking more serious steps. Some actions, like adding interest on overdue payments, happen automatically. Other methods might need a court decision or legal process.

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Initial actions used to collect money when a parent owes past-due support

Federal rules say that local child support agencies must act if someone is more than a month behind on their payments. First, these agencies try some basic steps to collect the overdue money before taking more serious actions:

- **Charging Interest on Past-Due Support.** Wisconsin law requires interest charges of 0.5% per month (6% a year) on past-due support. Interest charges begin when the past-due amount equals or is greater than the amount of child support due in one month. Interest is charged even if the parent is paying on the debt.
- **Increasing Income Withholding Amounts.** If you owe past-due child support, the amount withheld from your paycheck may be increased - up to 50% of the current support amount ordered by the court.

**Example:** The court order for child support is for \$250/month. Another \$125 (50% of \$250) can be added to the income withholding notice. The total amount withheld would be \$375/month until the past-due amount is paid in full.

Actions taken automatically by law when the amount of past-due support reaches a certain level

If the amount of past-due support reaches a certain level, the child support agency by law must take several actions:

- **Intercepting Tax Refunds.** If the past-due amount is \$150 or more, the child support agency may take part or all of your state tax refund. If the past-due amount is \$500 or more (or \$150 or more if part of the past-due amount is owed to the state), the child support agency may take part or all of your federal tax refund.

The child support agency sends the names of parents owing past-due support and the amount owed to the Internal Revenue Service (IRS) and the Wisconsin Department of Revenue (DOR). The amount of past-due support owed is updated with the IRS and DOR regularly.

- **Child Support Liens.** A child support lien is a hold placed on property (such as your home and cars) until past-due child support is paid. Liens must be paid off or released before you can sell your property. In most cases, a lien is automatically created when past-due support is \$500 or more. These liens will be placed without a court hearing.

The Child Support Lien Docket is an electronic list of all parents with child support liens in Wisconsin. The list includes the names of parents owing past-due support and their lien amounts. The Lien Docket is a public record. Before any action is taken, child support will mail a notice to you at the address listed with the child support agency.

If you are listed on the Child Support Lien Docket:

- Child Support will report the lien to credit bureaus. This could affect your ability to get loans.
- State agencies will deny you grants and loans.
- You will remain on the list for five years, unless you pay the entire debt off sooner.

Actions taken on a case by case basis, decided by the child support agency

You must be placed on the child support lien docket for the child support agency to consider taking any of the following enforcement actions against you. Some of them have additional criteria, as you'll see below.

- **Intercept Lump Sums.** If you have a child support lien, the child support agency might take any lump-sum payments you are owed from public retirement funds, judgments, or settlements.
- **License Denial.** If your child support lien equals or exceeds 300% of your monthly child support order, the child support agency may decide to deny, restrict, suspend, or not renew a professional, occupational, recreational or driver's license.
- **Account Seizure.** When your child support lien equals or exceeds 300% of your monthly child support order or is \$1,000, whichever is greater, the child support agency may order your bank to freeze your account (including checking, savings, IRAs, and mutual funds) and take from it the money you owe in past-due child support.
- **Real and Personal Property Seizure.** If your child support lien equals or exceeds 600% of your monthly child support order, the child support agency may take and auction off your real and personal property (e.g. land, cars), then take the past-due amount you owe out of the sale proceeds.

## Federal Enforcement Actions

The Wisconsin Child Support program reports the amount of unpaid support for its cases to federal offices. When you don't pay your child support, you can't receive certain services from the federal government. The following actions are taken without a court hearing:

- **Denial of Loans and Grants.** When the past-due amounts reach a certain level, you won't be able to receive some college grants or small business loans. Setting up and following a payment plan may help you get a loan or grant.
- **Denial of a Passport.** The U.S. State Department will not issue or renew a passport if you were ever eligible for a tax intercept with a debt of \$2,500 or more and haven't paid the debt in full. The debt includes all unpaid support and

interest.

## Payment Plans

A payment plan is a way for you to make payments towards your past-due child support in amounts that may better fit your current financial situation. A payment plan can be either a lump-sum payment, a monthly payment, or both.

You can ask for a payment plan at any time. However, if you get a notice about an enforcement action (such as denying a license or seizing a savings account) and you want a payment plan in order to stop the enforcement action, you need to ask for a payment plan within 10-business days of the enforcement action notice.

As long as you follow your payment plan, it will:

- Stop license denials.
- Stop bank account and property seizure.
- Allow you to sell titled property with a child support lien.
- Allow you to apply for state government loans and grants.

A payment plan cannot:

- Prevent denial of a passport.
- Stop tax or public retirement fund interceptions.
- Stop the report of the child support lien to credit bureaus.
- Remove your child support lien. Only paying off your past-due child support can remove your name from the child support lien docket.

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