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Putting a Face on Unpaid Child Support: Kendra's Story

January 23, 2012 By [Jennifer King](#)

Delinquency on [child support](#) payments is at an epidemic in the United States. According to the latest comprehensive child support numbers from the US Census Bureau, **only 41.2 percent of custodial parents receive the full amount of support owed them by their ex-spouses.**



The number of families affected is vast, with 13.7 million custodial parents caring for 22 million children under 21, or more than a quarter of all children throughout the nation. All of those parents should be receiving child support.

Experts pin the blame for the dismal compliance figures on the struggling economy, but even in the best of times, Americans are chronic slackers on their payments. And all too often, parents who try to collect on what is owed them find they have nowhere to turn.

Trying to collect child support from a deadbeat parent can feel like a full-time job. It's particularly time consuming when the deadbeat is determined to avoid paying. **And although every state has agencies responsible for pursuing parents who aren't paying child support, the government's help often feels like too little, too late.**

"The State [of California] does not want to deal with the issue of child support," says Kendra B., a divorced mom living in Olympia, Wash. with two kids, who estimates her ex-husband has paid only \$20,000 of the \$90,000 he owes in child support.

"It is up to diligent parents to track down employment and constantly provide it to these government agencies, because children ultimately are not a priority in our system."

Working Under the Table

Kendra says her ex-husband has a pretty predictable pattern: He'll get a job, then quit it a short time later.



In theory, the State of California, which has jurisdiction over the child-support agreement, is supposed to collect part of each paycheck and pass it on to Kendra and her two kids, a seven-year-old girl and five-year-old boy. And although it's the state's responsibility to determine where he's working, that doesn't happen. Instead, each time he gets a new job, Kendra herself has to figure out where he's now working and pass the information on to the California Department of Child Support Services (DCSS). At times she's used a private investigator, but more often she relies on a network of friends who live in the same town as her ex-husband and who keep her apprised of his job situation.

Kendra says her ex-husband, a personal trainer she divorced in May 2007, also

admits to working under the table in an effort to avoid paying child support. According to the court order, he's supposed to be paying \$498 a month, plus one-half of all medical and child-care expenses. As of January 2012, **he owes Kendra more than \$70,000**. Kendra says he also has at least two other children with other women who are not receiving child support.

Kendra, who owns an insurance brokerage, says the lack of support has forced her to drain her retirement savings. Nor can she afford health insurance for her or her kids.

"My attorney says, 'Don't expect to see a dime of unpaid support,'" Kendra says. "She faithfully reminds me the courts don't really care about outstanding support. So, while I'm owed \$70,000 if you count medical care, my ex knows the courts won't address the matter, while heaping more charges in my direction."

Although Kendra's had 80 percent custody since she and her ex-husband split, she says he vindictively takes her to court alleging she's an unfit parent and asking for a change in custody. In the last four years, she's been dragged to court about 15 times and estimates she pays about \$50,000 a year in legal fees defending herself.

"As the superior earner, I have been ordered to incur the majority of the legal costs from my attorney, his attorney, counsel for the children and, of course, the evaluator for the past five years," Kendra says. "In November 2011, I was ordered to pay to fly my children to [see their father] one weekend a month, at an additional cost of \$12,000 a year."

Failure of Child Support Enforcement Efforts



Imagine you're a California parent whose ex has failed to pay the court-ordered child support. If you visit the California courts website or DCSS, you'd probably be impressed with the enforcement services they offer. You might even believe they'd collect what you're owed.

According to the [California courts website](#):

When a parent is late or fails to pay court ordered support payments, the local child support agency can do one or more of these to collect support:

- **Credit reporting:** Not paying child support on time can affect a person's credit rating. The local child support agency will report each child support payment to major credit reporting agencies. They also report the failure to pay child support.
- **Passport denial:** Anytime a person owes more than \$2,500 in back child support, the U.S. State Department will not issue or renew a passport until all past-due support payments (also called "arrear") are paid. If your passport application is

denied, you will have to make arrangements with the local child support agency to make your child

support current before traveling outside the United States. You will also have to make arrangements if your passport needs to be renewed while you are already out of the United States.

- **Property liens:** The LCSA will file a lien against the real property (like a house or land) of a parent who owes back support. When the property is sold, past-due support may be paid out of the proceeds from the sale.
- **Suspending licenses:** The LCSA can request that any permanent, state-issued license be suspended or withheld to collect back child support. The State Licensing Match System is used to match parents who owe child support with business, professional, and driver's licenses. These licenses include those for cosmetologists, contractors, doctors, teachers, lawyers, and more.
- **Franchise Tax Board Child Support Collection Program:** The LCSA must let the Franchise Tax Board know anytime a person is more than \$100 and 60 days behind in paying support. The Franchise Tax Board can take funds from bank accounts, rental incomes, royalties, dividends, and commissions. The Franchise Tax Board can also issue an Earnings Withholding Order and take real and personal property, such as vacant land, cash, safe deposit boxes, vehicles, and even boats, to collect child support.
- **Income tax intercepts:** The Internal Revenue Service and the Franchise Tax Board can also intercept tax refunds to pay back child support.
- **Financial Institution Data Match:** Many banks, savings and loan institutions, and credit unions in California and the United States report the assets they hold. These assets can be taken for payment of current and back child support.
- **Disability Insurance Benefit Intercept System:** The LCSA can take part of state disability payments owed to parents who owe child support to pay both current and back child support.
- **Unemployment Insurance Benefit Intercept System:** Part of state unemployment benefit payments due to the noncustodial parent can be taken to pay both current and back child support.
- **Worker's Compensation Appeals Board match system:** Lump sum workers' compensation awards can be taken to pay back child support.
- **Lottery intercept:** Lottery winnings can be taken to pay both current and back child support.

But parents who have dealt with the system say DCSS and the California family law courts are all bark, no bite.

What remedies have DCSS and the California courts used against Kendra's ex-husband? "The courts temporarily suspended his driver's license for non-payment," she says. "I believe the suspension lasts for two days, but as long as he pays even \$100 a month, his license will be reinstated." And just once, she says, the state seized his income tax refund to pay for child support.

It's a rough life, says Kendra, echoing the sentiment shared by other parents with deadbeat exes.

"I am trying to raise healthy, happy well-adjusted children," she says. "I pay for them to play soccer, go to the dentist and doctor. We just do our best given this bad situation. But I am being buried by the legal system. I continue to tread water, doing everything I can to protect my innocent children."

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