

ENFORCEMENT OF SUPPORT ORDERS

Enforcement is the process of securing compliance with Court orders for child and/or spousal support. Conditions of the Court order for support coupled with Federal, State, and local laws provide the framework for enforcing a support order.

The Compliance/Enforcement Unit of the Domestic Relations Section is responsible for monitoring cases for compliance with the support order and identifying those cases which become delinquent and require enforcement action to be taken.

The following are the many tools or remedies which may be used to enforce collection of a support order:

Income Attachments

All support orders require an income attachment which is a Court order directing an employer to deduct support payments from a defendant's paycheck. Income attachments are also issued for unemployment compensation benefits, social security disability benefits, worker's compensation benefits, and some pension benefits.

Credit Bureau Reporting

When a defendant owes 2 or more months of back support, he or she will automatically be reported to the consumer credit bureau agencies as delinquent. Once a defendant's back support falls below 2 months, the defendant's status with the consumer credit bureau agencies will change from delinquent to current.

Federal and State Tax Refund Intercepts

Federal tax refunds may be intercepted and applied toward a defendant's back support if the following eligibility requirements are met:

- \$150 or more in back support is owed to the Department of Public Welfare
- \$500 or more in back child support is owed to a plaintiff (non-welfare)

State tax refunds may be intercepted and applied toward a defendant's back support if the arrears are \$11 or more.

Contempt Conference

A petition for contempt may be filed by the Domestic Relations Section upon a defendant's failure to comply with a Court order for support. The defendant will receive notice of a date and time to appear in the Domestic Relations Section for a contempt conference which is held before a Compliance Officer to address the allegations of contempt.

If an agreement is reached at the contempt conference, the Compliance Officer will prepare a written Order for signature of the parties and submit it to the Court.

If an agreement is not reached or if the Compliance Officer determines that the defendant's failure to comply with the support order is willful and there is a present ability to comply, the petition for contempt is scheduled for a contempt hearing before a Family Court Judge for consideration of incarceration or other appropriate sanctions.

Contempt Hearing

A contempt hearing is held before a Family Court Judge. If after the hearing, the Court finds that a defendant has willfully failed to comply with the support order when he/she was capable of complying, the Court may find the defendant in civil contempt and impose one or a combination of the following:

- Incarceration not to exceed 6 months;
- Fine not to exceed \$1000; and/or
- Probation not to exceed 1 year

If the Court enters an Order committing a defendant to jail for civil contempt, the Court will specify the conditions (or "purge") that if fulfilled, will result in the defendant's release from jail. While incarcerated, the defendant will be Court ordered to participate in the work release program as a means of trying to secure payments on the support order.

Bench Warrants

Bench warrants are issued by the Court for a defendant who fails to appear for a Court ordered contempt conference in the Domestic Relations Section or a Court ordered contempt hearing before a Family Court Judge.

Financial Institution Data Match (FIDM)

When a defendant owes 2 or more months of back support, the Court may freeze and seize a defendant's financial assets and apply it as payment on the back support.

Lottery Winnings Intercept

When a defendant owes more than \$100 in back support and is an individual ticket holder of winnings in excess of \$2500 from the Pennsylvania Lottery Commission, the winnings will be intercepted and applied toward the back support.

Liens

A defendant's back support becomes an automatic lien against his or her property. This information is available to title companies and banks who are required to review for liens

at the time of property transfers. If the title company or bank determines there is a back support lien against the property under review, they will submit a request to the Domestic Relations Section for written certification of the back support that is owed. Upon closing or settlement on the property, any proceeds from the sale, up to the amount of back support owed, are forwarded to the Domestic Relations Section as payment.

A defendant's back support becomes an automatic lien against the net proceeds of a monetary award or settlement that is paid as a lump sum. This may be as a result of a monetary award from a lawsuit, worker's compensation claim, or social security disability claim.

Driver License Suspension

A defendant's driver's license may be suspended when 3 or more months of back support is owed and there is no active income attachment in effect.

Professional License Suspension

A defendant's professional license may be suspended when 3 or more months of back support is owed and there is no active income attachment in effect.

Recreational License Suspension

A defendant's recreational (hunting, boating) license may be suspended when 3 or more months of back support is owed and there is no active income attachment in effect.

Passport Denial

A defendant who owes back support of \$2500 or more (combining all support cases) will not be able to obtain or renew a passport until all the back support is paid in full.