

## ENFORCEMENT METHODS

Once a child support order is entered, it continues in full force until it is *modified* or *suspended* by the Rhode Island Family Court.

Non-custodial parents often make the mistake of not filing a *motion to modify* or *suspend* a court order when their situation has change from the time the order was first entered. The order continues to run causing arrears (amount overdue) to accumulate and enforcement measures to take place.

All enforcement takes place in a computer generated automated way when a certain dollar amount is met or upon a certain event, this means that custodial parents do not need to contact the child support agency to request enforcement of a past due order. **It takes place automatically.**

**Administrative Offset Program-** This enforcement tool is triggered when the non custodial parent owes at least \$25.00 and is at least 30 days delinquent in his child support payments. The federal government will intercept federal payments to pay past due child support before a non -custodial parent is entitled to payments from the federal government. For example: private vendors who perform federal government work, small business loans and federal retirement benefits would be subject to intercept. Some payments cannot be intercepted such as: veterans' affairs disability benefits, federal student loans, supplemental security income,

railroad retirement benefits, and black lung benefits.

**Federal Tax Refund Offset Program-** The federal tax refund program collects past due child support payments from parents who have fallen behind in the amount of \$150.00 in child support payments and are due a tax refund. Only cases receiving full services under the child support program are entitled to this enforcement measure.

If the non- custodial parent owes past due child support but files a joint return with a current spouse, the spouse may be able to request return of part of the refund due.

**Passport Denial** - All cases receiving full services from the child support agency are entitled to passport denial process. Persons who owe past due child support in the amount of \$2,500 or more will be sent a notice and be referred to the federal government for passport denial.

**Bank Match-**The Office of Child Support Services will report a non- custodial parent who owes the sum of \$500.00 to participating banks to match against their records. The banks will provide the information about the savings or checking account and the agency will place a lien on that account in accordance with the lien procedure.

**Insurance Intercept** - The "Insurance Intercept Act" provides that any insurance company making a settlement of any claim of \$3,000 or more, must look up the case on the Rhode Island Child Support Lien Website to determine if the non –custodial parent is on the list of parents who owe past due support in the amount of \$500 or more. If he/she is on the list, the insurance company must pay the Rhode Island Family Court the insurance proceeds up to the amount of past due child support. Attorneys' fees and medical payments may be deducted.

**Credit Bureau Reporting-** The Office of Child Support Services shall provide information regarding the amount of overdue support to consumer reporting agencies. The non -custodial parent is provided written notice ten (10) days prior to the release of information to allow him/her an opportunity to contest.

**Lottery Intercept** - Any person who has a past due child support due in the amount of \$500.00 is reported to the State Lottery. Upon a lottery winning of \$600.00 or more, the proceeds, after payment of state and federal taxes, shall be offset up to the amount of past due child support. The balance of the lottery proceeds will be payable to the claimant after offset.

**Motion to Adjudge in Contempt-**If a non-custodial parent falls behind in his/her child support payments, a motion to adjudge in contempt may be filed by the child support agency. The filing of this motion is triggered when four (4) months worth of child support is due and owing. This is done in an automated fashion so there is no need to contact the child support office to request this motion.

**License Revocation-** The Office of Child Support Services will serve notice upon a non-custodial parent who owes ninety (90) days worth of child support payments of the agency's intention to submit his/her name for license revocation or suspension.

**Child Support Recovery Act-** The Office of Child Support Services may refer a case to the United States Attorneys Office for criminal prosecution if the non-custodial parent: has the ability to pay child support, willfully fails to pay a known past due amount which has remained unpaid for longer than two (2) years or is an amount greater than \$10,000, and the child resides in another state.

**Administrative Liens-** The Office of Child Support Services may send written notice of an intent to lien personal or real property of the non-custodial parent for past due support. There is no minimum amount of past due support which is required for the administrative lien process. The lien includes any unpaid child support that may accrue in the future.

**Access to Information-** Although not an enforcement tool, it is important to know that the Office of Child Support Services has access to and may request information about the non-custodial and custodial parent from a number of entities provided in the law. Entities include, but are not limited to employers, utility companies, tax assessors office, licensing boards, financial institutions, credit bureau, etc.

**State Criminal Prosecution-** An individual who has incurred past due support in the amount of Ten thousand dollars (\$10,000) or who has willfully thereafter having the means to do so, fails to pay for over a period of three (3) years, shall be guilty of a felony for each instance of failure to pay and upon conviction, be punished by imprisonment for period not to exceed five (5) years. These cases may be referred to the Attorney General's Office for prosecution.

**Bonds-** The Rhode Island Family Court may require a non-custodial parent to post a bond, which will be deposited with the registry of the court to satisfy or to secure future support.

**Body attachments -** A non-custodial parent is served with a witness subpoena and a summons to appear in court. Failure to appear may result in a body attachment being issued for the arrest of the person.

**Interest-** Any past due child support accrues interest at twelve (12%) percent

annually or 1% per month on the unpaid balance.

**If you have any questions please call  
(401) 458-4400**

## **WHAT YOU NEED TO KNOW ABOUT: ENFORCEMENT OF CHILD SUPPORT ORDERS**



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