




**Contempt:
Perspectives
from the
Child
Support
Agency**

1

**Why does the
Child Support
Agency exist?**

**Because children
who have two
financially involved
parents are less likely
to live below the
poverty line.**



Children who live above the poverty line are less likely to encounter:

- School difficulties and drop-out.
- Joblessness and underemployment.
- Acute or Chronic Mental Health and Behavioral difficulties.
- The Criminal Justice System.
- Poor parenting skills that effect their children (generational misery).

2

As the program expands in ways designed to strengthen families and make them more self-sufficient, the child support program will also continue to strive for right-sized orders and use appropriate enforcement methods to help ensure consistent support payments. Child support attorneys and other child support professionals have important roles to play in this endeavor.


Essentials for Attorneys in Child Support Enforcement, p. 1-9 (4th ed., 2021, U.S. DHHS, Office of Child Support Enforcement). https://www.acf.hhs.gov/sites/default/files/documents/ocse/essentials_for_attorneys_01.pdf

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Non-Custodial Parent owes \$100/mo in child support

January - \$0	January - \$100
February - \$0	February - \$100
March - \$0	March - \$100
April - \$0	April - \$100
May - \$200	May - \$100
June - \$0	June - \$100
July - \$0	July - \$100
August - \$100	August - \$100
September - \$0	September - \$100
October - \$0	October - \$100
November - \$900	November - \$100
December - \$0	December - \$100
= \$1200/yr	= \$1200/yr


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The Agency has goals to meet at the local, state, and federal levelsincluding monthly collections.

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Two Types of Enforcement

<p><u>Administrative</u></p> <ul style="list-style-type: none"> Income Withholding Adding a Payment Towards Arrears Tax Intercept Insurance Lien Property Lien Passport Denial Professional License Revocation Lottery Intercept Social Security Levy Financial Accounts 	<p><u>Judicial</u></p> <ul style="list-style-type: none"> Show Cause for Contempt 
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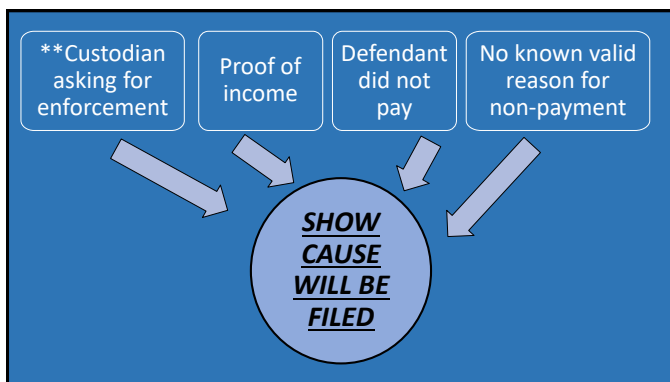
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So the Non-Custodial Parent Isn't Paying.....Now What?

- Send a Non-Compliance Letter
this includes payment instructions and agent contact information
- Call and/or email the non-custodial parent
are there reasons the NCP can't pay?
- Contact last employer for additional information
why did the NCP leave and do they know of his new job?



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Your clients need to either...





Work at least 30 hours per week

or

Have verification of job search.

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Not all employment situations are created equal:

	Regular, W-2 job from which support can be withheld from paycheck
	1099 job / under-the-table work **as long as your client sends in payment
	No job, but proof of sincere job search
	No job and no proof of job search

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GOAL: Consistent Income Withholding

DELAYS
EXPECTED

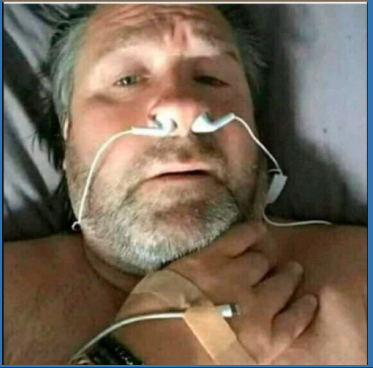
It will take approximately one month to see payment.

- Agent updates employment record
- Income Withholding is sent to the employer
- The employer has to set this up in their payroll system
- The employer begins withholding
- The employer mails the payments to Centralized Collections

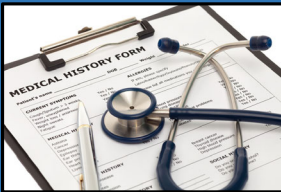
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**Not working
because of
disability or
other medical
reasons?**

<https://imgflip.com/i/3oeuok>



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**Proof of a disability
claim is not enough.**

**Discharge papers
are not enough.**

**Need documentation, signed by a doctor,
describing the limitations and
the duration of the limitations.**

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What counties are represented here today?

(put it in the chat)

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When contempt is nearly automatic.



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To hold a defendant in civil contempt, the trial court must find the following:



1. The order remains in force,
2. the purpose of the order may still be served by compliance,
3. the non-compliance was willful, and
4. the non-complying party is able to comply with the order or is able to take reasonable measures to comply.

Shippen v Shippen, 204 N.C. App. 188 (2010)

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**What
did
they
post?!**

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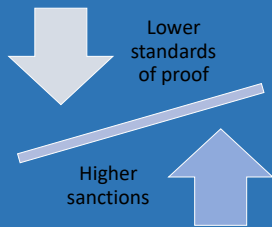
IV-D Child Support Court – Per Statutes

Purpose of Article 9, N.C.G.S. §110-128 – §110-150

“The purposes of this Article are to provide for the financial support of dependent children ...”

*Providing for the welfare of children:
different from criminal law
different from private family court.*

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To closely compare child support to other prosecutorial financial contexts like probation violations or consumer debt is misguided because the long-term well-being of children is at stake, not just the freedom or economic well-being of the accused.

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"The Defendant shall keep the Durham County Child Support Office informed at all times of the Defendant's current residence, mailing address, name and address of any payor of disposable income, effective date of any substantial changes in disposable income, and shall cooperate fully in verifying the amount of the Defendant's disposable income."

See N.C.G.S. §110-136.3

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You can make a lasting difference to your client



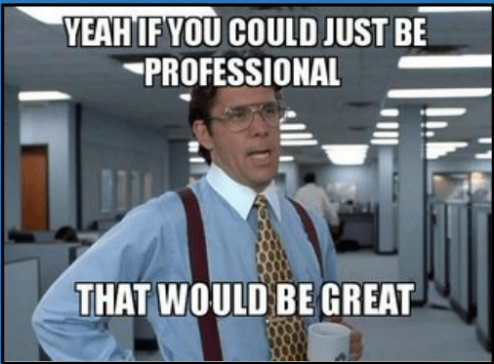
"Children are expensive ... and worth it."

"The best way to stay out of this courtroom ..."

"The job will be mostly to your advantage, but also to your children's."

"If your child eats and has a place to stay and you paid support that month, you did that, and your child will remember."

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<i>The Insiders' Guide to Child Support: How the System Works –Ball and Wellbank</i>
<i>Atomic Habits -James Clear</i>
<i>Tiny Habits -BJ Fogg</i>
<i>Outliers; Talking to Strangers; Blink -Malcom Gladwell</i>
<i>The 7 Habits of Highly Effective People -Stephen Covey</i>
<i>Born a Crime -Trevor Noah</i>
<i>Indefensible -David Feige</i>
<i>Getting Things Done -David Allen</i>

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