

# GOVERNMENT OF THE DISTRICT OF COLUMBIA

## OFFICE OF THE ATTORNEY GENERAL



### CIVIL/ CRIMINAL CONTEMPT

#### CHILD SUPPORT SERVICES DIVISION

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[WWW.CSSD.DC.GOV](http://WWW.CSSD.DC.GOV)

### What is Civil Contempt

Non compliance with your court ordered support where the court can order the non custodial to pay a lump sum, scheduled payments or incarceration



### Is my case eligible for Civil Contempt?

Your case is eligible if you have not received a *voluntary payment* within 60 days – voluntary payments are payments made by the non-custodial party or their employer.

### Am I automatically eligible for a Contempt of Court Hearing just for no payment received?

Not exactly. There are other requirements that must be met:

You must have an active case;

CSSD must have a current, valid address for the non-custodial party;

The non-custodial party cannot be receiving Social Security benefits for Disability;

The non-custodial party cannot be incarcerated



- Your case must not be in the process of CSSD filing a motion for contempt
- CSSD must not have reviewed your case and found it ineligible for contempt within the last 60 days

### How long will CSSD take to file the Motion for Contempt?

CSSD has 60 days to review and file the motion for contempt after it is referred to the Legal Services Section.

### Will my court date be within 60 days after filing?

No. Once the motion is filed, the court date will be determined by the Court's calendar.



### I have provided the non-custodial party's current address, but he no longer lives in D.C..

In order for CSSD to file a contempt motion, the courts must have *jurisdiction* over the non-custodial party.

What this means is that the courts must have authority over the non-custodial party, regardless of their location.

If you provide CSSD with an out of state address, please question whether CSSD has jurisdiction for that location— if not your case may need to be an Interstate case.



## **I have an Interstate case that I am not receiving support.**

CSSD will promptly notify the enforcing state that your case is eligible for contempt.



## **I have a court date and the non-custodial party is now making payments on the child support order.**

If you are receiving child support payments, CSSD will dismiss the pending motion for contempt. If the payment amount is far less than the court ordered amount, CSSD will review the case before dismissing the pending motion.

## **Does the case have to go to court or can we settle the contempt motion without a hearing?**

You may settle out of court. The non-custodial party will have to provide:

- A lump sum payment towards the arrears and current support
- Documentation that they are disabled or otherwise unable to work
- Documentation that they are recently unemployed through no fault of their own.

**Usted puede solicitar totalmente gratis servicios de interpretación por teléfono o en persona, así como pedir que se le traduzcan algunos documentos. Si tiene alguna pregunta sobre este documento, por favor llámenos al (202) 442-9900.**

## **What is Criminal Contempt**

A Court finding that a noncustodial parent (“NCP”) has willfully not paid their child support order.



## **When will CSSD pursue Criminal Contempt?**

A case will be reviewed for criminal contempt action only when all other appropriate *administrative enforcement actions* fail to collect overdue support; and

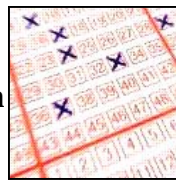
the NCP has not made significant voluntary support payment's within three months prior to the criminal contempt referral date; and

There is a good faith belief by the Legal Service Section that demonstrates the NCP has the ability to pay child support

## **What are these “Administrative Actions”?**

Prior to filing for criminal contempt your case will be subject to the following enforcement actions :

- Income Withholding
- Financial Institute Data Match (FIDM)
- Credit Reporting
- Federal and State Tax Refund Interception
- Civil Contempt—(Two findings of fact, order of adjudication)
- License Revocation
- Contacting the NCP by phone, mail, or in-person
- Lottery Interception



- Worker's Compensation Interception
- Disability Income Withholding
- Directories of New Hire and Quarterly Wage Searches
- Notice Letter

## **When will CSSD not file a Criminal Contempt Action with the Court?**

- When the case is Arrear Only,
- When the child has not emancipated and is living with the NCP.
- When the NCP is receiving TANF or SSI during the period of nonsupport and currently receiving TANF or SSI when a criminal contempt action is requested.
- When the NCP is incarcerated during the period of nonsupport or currently incarcerated when a criminal contempt was requested with no income or assets to pay support.
- When the NCP is receiving inpatient treatment in a drug or mental health program during the period of nonsupport, is currently receiving inpatient drug or mental health treatment when the criminal contempt action is requested with no income or assets to pay support.
- When the NCP has an active wage withholding order with payments.

## **What action (s) will the Court order when a NCP has willfully disobeyed a lawful support order?**

- A jail term not to exceed 180 days, or
- Participation in a rehabilitative program
- Acceptance of appropriate and available employment, or participation in job search and placement activities
- Probation
- Any other action the Court may direct