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ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS AGAINST LICENSED PROFESSIONALS: HOW FAR CAN YOU GO?

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In the last few years, every state in the country has enacted statutory or administrative provisions that impose limitations on the driving, occupational, professional and recreational licenses of so-called deadbeat parents who do not pay court-ordered child support obligations. This can be a very emotional hot-button topic for the licensee, but one that must be understood so that the licensee's livelihood and reputation, at the very least, are not impaired by failing to comply with a court order.

Willful failure to pay court-ordered child support, when the ability to pay exists, may lead to criminal sanctions for contempt of court, affect credit scores, trigger wage garnishment, and cause the imposition of property liens. Child support obligations are enforceable country-wide, based upon the Uniform Interstate Family Support Act (42 U.S.C. Section 654), so moving out-of-state is not a successful solution.

In California, Welfare and Institutions Code Section 11350.6 and Family Code Section 17520 prohibit the issuance or renewal of these licenses to any individual who is delinquent and whose name appears on the California Department of Child Support Service's "Absent Parent Master File." The licensee receives a notice when there is an arrears of 30 calendar days or more. He or she may receive a one-time temporary driver's license for 150 days, which may be extended an additional 150 days if it is not a commercial license.

In Nevada, Nevada Revised Statutes Sections 425.500 – 425.560 imposes similar restrictions when the parent owes at least \$1,000 and is at least two months delinquent. He or she has 30 days from receiving notice to pay the arrears in full, enter into or comply with a payment plan, provide proof of medical insurance for the child(ren), comply with any subpoenas or warrants, or submit a written request for a review hearing.

Some jurisdictions have considered further penalties, such as possibly barring licensed contractors from bidding on public works projects, or disallowing licensed healthcare professionals from accepting governmental insurance programs. Critics argue that such remedies conflict with public policy, an issue that would be sorted out by the courts.

The need for a temporary driving license is understandable if the parent must use private transportation in order to be gainfully employed and thereby satisfy the child support obligation. Restrictions on business and professional licenses can be very onerous, and hinder a licensee's ability to satisfy their obligations, but governments realize through experience that sometimes drastic measures are needed to get a licensee's attention. Hunting and fishing licenses are less important overall, but losing them over failure to pay court-ordered child support can be very devastating on a personal level.

It never makes sense to avoid child support obligations, but the legal remedies for non-payment can have exceptionally negative long-term repercussions on the working professional.

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