

What Can I Do if My Ex Won't Pay Child Support?

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David Pedrazas

What You Can Do if Your Ex Refuses to Pay Child Support

What can you do if your ex owes you child support and won't pay it back? There are definitely options available to you. Some things you might want to consider include:

- **Going to court to ask to have your ex's wages garnished.** This is well within Utah state law and ORS policy.
- **Ask the court for a *motion of contempt* against your ex.** If one is issued, the threat of jail time for contempt may be enough to get them to pay what they owe.
- **Request your attorney to file a *motion with the court* on your behalf to demand your ex pay the child support.** Your ex will have to come to court and explain their financial circumstances to the judge to avoid having a warrant issued for them.
- **Be proactive.** If your ex is refusing to pay, it is up to you to take action. You will need to go to court to ask for a demand for payment, or payment plan. First, your ex must be shown to be willfully not paying. This means the court must prove your ex knows about the obligation, is able to pay, and is willfully refusing to do so. If willfulness can be proven, your ex will be ordered to pay the arrearage, either all at once or on a payment plan, or face jail time.

At the [Law Office of David Pedrazas](#), experienced family law attorney David Pedrazas in Salt Lake City, Utah can help you take the steps that are needed in order to get the child support you are owed.

Here are Some Common Questions Women Often Have About Their Exes Not Paying Back Child Support:

Is it Legal for Me to Deny My Ex Visitation with the Children if He Won't Pay Child Support?

No. Though it is illegal for your ex to refuse to pay child support in most cases (there are a few exceptions, which we will discuss), it is not legal for you to violate a visitation order if he does not pay. These are two separate issues, and ***you must uphold the visitation agreement regardless of whether or not he is paying, or you could be held in contempt of court.*** If your ex isn't paying, take him to court to see if he can be forced to, but under no circumstances deny him visitation.

If My Ex Moved Out of State, is He Still Required to Pay Child Support?

Yes. A move out of state does not negate the existing child support agreement. There are interstate agreements between the various states that can work in your favor to get a warrant for him wherever he is, and to get him extradited back to your state to face charges of not paying. ***As long as the child support agreement has not been modified by a judge, he still has to pay regardless of where he lives in the United States.***

Can I Still Get Child Support if the Father Doesn't Work?

Usually. ***Just because the spouse who is supposed to be paying child support doesn't have an income usually doesn't mean the child support obligation goes away.*** Child support money can be taken out of your ex's unemployment or disability benefits, *if doing so will not place an undue financial burden on him.* If your ex does have significantly reduced financial circumstances through no fault of his own, *he can ask the court to reduce or temporarily eliminate the child support obligation,* and they may do it.

Who Pays Child Support if the Father is in Jail?

Your ex still pays it. *However, his child support obligation can be modified, depending on his circumstances.* He can ask your family court judge to modify the order while he is in jail. *Judges are not required to follow state child support guidelines if your ex is expected to be in jail for three or more years.* Now, ***if your ex has assets outside of jail, like investments, rental income, bank accounts with money in them, disability or retirement benefits, or other sources of passive income, those can be garnished to pay the child support while he is in jail.*** If your ex has no financial assets, you may not be able to collect child support while your ex is in jail. However, *the amount your ex owes will accrue, and he will be required to pay it when he is released.*

Utah Family Law Attorney David Pedrazas Can Help

Do you need help collecting child support arrearages from your ex? Come to the [Law Office of David Pedrazas](#) in Salt Lake City, UT. ***David Pedrazas has more than fifteen years of experience in family law,*** and has *handled hundreds of cases just like yours.* He knows what to do to give you the *best chance* of getting your ex to pay you the money he owes you. When it comes to [child support](#) arrearages, you need David Pedrazas on your side. **[Contact the law office of David Pedrazas, PLLC today for a free consultation](#)**, and get your ex to pay.