

# How I collected child support arrears from the deadbeat dad



By Moira Boyle

Like any other single mother, I relied on the court ordered child and spousal support to survive. After my attorney had failed attempts to levy bank accounts, garnishee wages, I was like so many frustrated single parents unable to collect one penny from the non-custodial parent. Child Support Services couldn't get blood out of a turnip, and I gave up because I couldn't force him to do what was right, at least pay some support, I received nothing ever.

I struggled financially and said, "no, we can't afford it" more times than I can remember. There was never extra money for savings, retirement, or those expensive school trips that most kids got to go on. My job was to raise our daughter alone without financial help and hope that she work hard in school and that the hard work pays off in her future.

On her 19th birthday and after 16 years of being an absentee parent, her dad calls my office wanting to get back in touch. He told me how well he was doing working in the film business on movies such as "Kill Bill I and II," "Being John Malkovich," "Sisterhood of the Traveling Pants" and "Evan Almighty," just to name a few. All this time he had an income but offered no support, not a penny. I asked him if he would help her through college, and like all the broken promises, I was told he would, but never heard from him again.

At a board meeting where I served as Vice President for California Association of Legal Document Assistants (CALDA), fellow board members told me it wasn't too late to collect child support even after my daughter was 18 years of age. One suggested I contact an attorney who is a private support collector, but after I did some investigation that lawyer would receive 40% of the support arrears, and that was pretty high, considering single parents need every penny they can get.

It was then I decided to do the research on my own, thinking how can I help self-represented litigants if I can't even help myself? I knew the first thing I needed to do was get a hearing to determine how much my ex-husband was in arrears.

Using the software *Dissomaster*™ I was able to determine that the total amount of unpaid support, plus interest at 10%, came to \$184,623.46

The first step once I prepared all the paperwork to determine the support arrearages was to find a way to serve my ex husband. Most of the time there is a reason we can't find them and this was no exception. My process server attempted at the last known address, I hired a PI to run his address, and that address according to the process server was a run down crack hotel with no sign of life. Faced with disappointment I didn't want to give up. I did some research and found a way to serve the Clerk of the Court, prepared the paperwork and then stood before the Judge. I must say, it was the most uncomfortable 2 minutes of silence while he reviewed my pleadings you could hear a pin drop. Judge Millard granted my request and it was served to the clerk in lieu of my ex-husband.

My next hearing was in the Self-represented Calendar. This is a fantastic set up for those who don't have an attorney and need to make an appearance or those who need some assistance at the hearing with family law matters. I had an advantage being a paralegal and had no problem getting this Order, but overall for anyone coming to this department it is very pro per friendly, it reminded me of the old TV series "Night Court".

My next step was to collect on the Order for \$184,623.46, but how? My ex worked for the Union, and not some steady job where I can get an Earnings Assignment Order. He had no property, and I wouldn't know if he had a bank account so I can get a writ (last time I did that with my lawyer, he cleaned out the account so it was a waste of money).

I remember flipping through my *Rutter's Practice Guide* feeling frustrated and thinking of ways I can collect on the arrears without having to surrender it to an attorney who would collect that 40%. I was on my bed, and flopped back on my pillow looking up at the ceiling fan and unwilling to give up. I sat up again, and my practice guide was open to a new

page thanks to the fan, then I saw EXACTLY what I needed to do and knew someone above that ceiling fan was looking after us.

It was a long shot, but I had to try. The ex was in the Film Industry; he told me he had all this excellent health insurance (thanks, would have been nice to put his daughter on the plan so she could have had dental insurance and a doctor when my law firm didn't insure my kids). I Googled the Film Industry Pension Plan and found what I was looking for. Immediately I found the form required to get a sample QDRO, and to get that I had to file a Joinder (which I knew how to do) once the Joinder was served on the Plan requesting I be sent statements for any pension benefits, BINGO, he paid into it, I knew it was all worth the wait.

I prepared the QDRO for Support Arrears, filled in the arrearages amount, and took it personally to the department to have it signed by the judge. Once I had the QDRO signed, I served the Plan. This part took the longest, because somehow the Plan Administrator decided to wait to pay out the arrearages out of the pension rather than treat it as an Earnings Assignment Order and pay forthwith. Well it took over 60 days, and the Plan wasn't cooperating. So to get what was rightfully mine, I filed an Order to Show Cause on the Claimant to get that check issued, after haggling with the Law Firm representing the Motion Picture Industry, I was able to clean out the entire pension that my ex husband paid into rather than paying child support.

On the day I received the check, it was a legal victory I will never forget. All the work I did to get the child support arrears was done without ONE attorney advising me. If I can do it, any determined self-represented party can do it.

I created The QDRO Doc to give hope for those who were like me unable to collect any child support, but have some way to get what is rightfully yours through a Qualified Domestic Relations Order for Support. I hope my story inspires you to call me today to see if we can assist you.