

Collection of overdue child support payments

If [child support](#) payments are overdue, you may work with the Department of Children and Families (DCF) to collect what is owed or you can take the issue to court. To learn more about DCF enforcement options, see our article [State Enforcement of Child Support](#).

If the other parent of your child is ordered to pay child support to you and does not pay, you may ask a court to enforce the order. To start the enforcement process, fill out the following forms:

1. [Affidavit for Finding of Contempt](#)
2. [Order to Show Cause for Finding of Contempt](#)

File the forms with the [clerk of courts](#) and ask the clerk to set a hearing date. You will need to make copies of the forms once they have the hearing date and have been file-stamped by the clerk.

The papers must be personally served upon all other parties at least five business days before the date of the hearing. [There is a service instructions guide](#) available from the State Courts website for more information on personal service and serving the child support agency.

Both parties are supposed to bring a completed [Income and Expense Statement](#) to the hearing.

Once you are before the court, the court has broad power to enforce the orders of the court. If the nonpaying parent does not have a job, the court may order that the nonpaying parent look for work.

Contempt of Court

If the court finds that a parent could have paid child support but didn't, the court can find that parent in [contempt of court](#). This means the court might order jail time, but

it can also set certain conditions that the parent can meet to avoid going to jail. These conditions are called purge conditions and are usually an amount of money that can be paid towards the past-due child support amount.

Criminal Nonsupport

Criminal nonsupport is a crime prosecuted by the district attorney or by tribal court. Child support agencies may refer cases to the district attorney. The parent who is owed child support may file a complaint directly with the district attorney. The district attorney decides whether or not to take the case, usually after talking with the child support agency.

Wisconsin law places a 20 year statute of limitations on collecting child support that is past due. This means if you are owed past-due support, your case may be enforced for up to 20 years after your youngest child's 18th birthday. This 20 year period begins the date your youngest child emancipates or reaches the age of majority (18), but can be extended indefinitely if enforcement action is taken at any time during that twenty year period of time.

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