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You Just Never Know...

Every so often, I meet people who feel financially and emotionally trapped by a former girlfriend or boyfriend. They have a child by this person, and the other person has no interest whatsoever in the child. Sometimes the client is or was married to the person, but most of the time, the two parents were never married. Sometimes the child was conceived as a result of the classic one-night stand. Most of the time, the parent talking to me just wants the child to have a second parent and certainly would appreciate the benefits of child support payments.

While neither the parent talking to me, nor I, can make the person on the other side do the right thing, some things can be done to address the financial burden of raising a child alone.

The obvious reaction is to file for child support.

While some people are fearful that filing for child support will encourage a custody complaint coming from the other side, others feel pursuing support is a pointless endeavor because other parent is either continuously unemployed, mentally ill, has a substance abuse issue, or some combination of all three. Basically, what is the point of getting a support order the other side will never pay?

I always suggest to these people to file for support anyway because you just never know. It might be that tens of thousands of dollars in support arrears accumulate with no payments being made for years, but that is the point. In Pennsylvania, various lump sum financial awards are subject to attachment for child support arrears. These include IRS refunds, federal economic stimulus payments, lottery winnings, worker's compensation awards, personal injury settlements and awards, proceeds from real estate; basically, any monetary award is subject to attachment for back child support. What would be a better prize for a single parent who has financially struggled for years than to get a payment on support arrears of \$25,000.00 because the other parent just hit the lottery?

In some of these scenarios, the support obligee does not need to do anything; in some, the obligee may need to reduce the back support lien to judgment and transfer it to another state. The common prerequisite for this is that the person needs to have first filed for child support.

I recently received a telephone call from a woman I met almost ten years ago. She had a child with a guy who could not have cared less. He had no contact with the child, lost his professional license and then bounced from menial job to menial job, never making any money. When we first met, I told her to file for support. She did not because she did not want the aggravation. Her child is now 17. The father's mother just died, leaving him several large tracts of land and other assets.

He suddenly has money. Since the child is now 17, she has a right to a year of child support, but wouldn't it have been nice for her to finally have gotten the financial help she always deserved, even if it has been long-delayed?

The family law attorneys at Weber Gallagher are familiar with the issues surrounding the collection of back child support because, as I say above, you just never know. So should you need any assistance, please reach out to our office at 610.272.5555.