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THE UNITED STATES

## Child Support Enforcement

Child support enforcement matters are generally handled by state and local authorities, and not by the federal government. Only in very limited circumstances is federal jurisdiction implicated in a child support matter. For this reason, child support issues should be reported to state and local law enforcement authorities.

There are a variety of state civil and criminal remedies for collecting child support. In each state there are agencies, known as "Title IV-D" agencies, which are required by federal law to provide child support enforcement services to anyone who requests such services (For more information, see [U.S. Department of Health and Human Services, Office of Child Support Enforcement](#) and [U.S. Department of Health and Human Service's Office of Inspector General](#)).

## Federal Child Support Laws

Federal child support enforcement became possible with the passage of the Child Support Recovery Act (CSRA) in 1992. The CSRA aimed to deter non-payment of State ordered support obligations through prosecution of the most egregious offenders. While federal prosecution efforts were successful under the CSRA, some law enforcement agencies found that the simple misdemeanor penalties provided for under the Act did not have the force to deter the most serious violators. The problem with enforcement under the CSRA was remedied with the passage of the Deadbeat Parents Punishment Act (DPPA) in 1998. This Act created new categories of federal felonies for the most egregious child support violators.

Federal law makes it illegal for an individual to willfully fail to pay child support as ordered by a court in certain circumstances. Convicted offenders may face fines and imprisonment (For more information, see [Citizen's Guide to Federal Law on Child Support Enforcement](#)).

*Updated May 28, 2020*

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### 18 U.S.C. § 228- Failure to pay legal child support obligations

Section 228 of Title 18, United States Code, makes it illegal for an individual to willfully fail to pay child support in certain circumstances.

For one, an individual is subject to federal prosecution if he or she willfully fails to pay child support that has been ordered by a court for a child who lives in another state, or if the payment is past due for longer than 1 year or exceeds the amount of \$5,000. A violation of this law is a criminal misdemeanor, and convicted offender face fines and up to 6 months in prison (See 18 U.S.C. § 228(a)(1)).

If, under the same circumstances, the child support payment is overdue for longer than 2 years, or the amount exceeds \$10,000, the violation is a criminal felony, and convicted offenders face fines and up to 2 years in prison (See 18 U.S.C. § 228(a)(3)).

Lastly, this statute prohibits individuals obligated to pay child support from crossing state lines or fleeing the country with the intent to avoid paying child support that has either been past due for more than 1 year or exceeds \$5,000. (See 18 U.S.C. § 228(a)(2)). Any individual convicted of this crime may face up to 2 years in prison.

Notably, other than in the specific circumstances aforementioned, child support enforcement issues are handled by state and local authorities, and not by the federal government. Furthermore, all child support enforcement matters must be addressed at the local or state level before concerns can be raised at the federal level.

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