



CSSD Policy			
Subject:	Criminal Contempt	Number	2007-37
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Approved By:	Benidia A. Rice, Director	Revision	FINAL

- I. **PURPOSE:** To advise Child Support Services Division (“CSSD”) personnel on the policy and procedures for initiating, filing and enforcing criminal contempt cases. This policy is applicable to all IV-D cases.
- II. **AGENCY IMPACT:** This policy directly affects the Enforcement Unit and Legal Services Section. All units within CSSD are also affected.
- III. **REFERENCES:** D.C. Law 14-81, Child Support Enforcement Amendment Act of 2001; D.C. Official Code § 46-225.02, Criminal Contempt Remedy for Failure to Pay Child Support.
- IV. **INQUIRIES:** Direct all inquiries to Policy and Training Unit, (202) 724-2131.
- V. **POLICY:**
When appropriate, CSSD will file criminal contempt charges against a noncustodial parent (“NCP”) who has willfully failed to obey a lawful order to pay child support pursuant to District law. A case will be reviewed for criminal contempt action only when all other appropriate administrative enforcement actions fail to collect overdue support.

CRIMINAL CONTEMPT PROCEDURES

I. GENERAL INFORMATION:

- A. The Child Support Services Division (“CSSD”) will initiate criminal contempt charges against a noncustodial parent who has willfully failed to obey a lawful order to pay child support. (D.C. Official Code § 46-225.02)
- B. CSSD will take all appropriate enforcement actions to collect court ordered child support payments from a NCP prior to initiating a criminal contempt action.
- C. A case may be reviewed for criminal contempt action when all other appropriate administrative enforcement actions fail to collect overdue support.

II. CRITERIA FOR CASE REFERRAL:

- A. There must be a valid court order which obligates a NCP to pay child support.
- B. All enforcement administrative actions, including but not limited to the following, must be exhausted before a criminal contempt referral is forwarded to the LSS:
 - 1. Income Withholding
 - 2. Financial Institution Data Match (FIDIM)/MS FIDIM Searches
 - 3. Credit Reporting
 - 4. Federal and State Tax Refund Interception
 - 5. Civil Contempt - (Two Findings of Fact, Order of Adjudication)
 - 6. License Revocation
 - 7. Passport Revocation
 - 8. Lottery Interception
 - 9. Worker’s Compensation Interception
 - 10. Bankruptcy
 - 11. Disability Income Withholding
 - 12. Directories of New Hire and Quarterly Wage Searches
 - 13. Recent NCP Contact Notice Letter
- C. There must be no significant voluntary support payment(s) made by the NCP within three months prior to the criminal contempt referral date:
 - 1. The worker should access the DCCSES Obligation History Display Menu and research the Obligation Summary screen to determine the most recent support payments.

2. The worker should access the Disposition/Obligation screen and enter the appropriate disposition code or type "ALL" at the bottom of the screen.
 3. The Applied Receipts screen will appear highlighting payments that have been received and applied to a case.
- D. There must be a good faith belief when a criminal contempt action is filed and evidentiary proof which demonstrates that a NCP has the ability to pay child support. The following sources of information should be used to determine if there is sufficient proof to pursue a criminal contempt action:
1. Custodial Parent Contact
 2. Court or CSSD Case Files:
 - a. Prior attempts to reduce arrears suggest an inability to pay
 - b. Two prior Findings of Fact, Order of Adjudication suggests an ability to pay
 - c. Prior purges of civil contempt suggest an ability to pay
 3. Quarterly Wage Statements
 4. Employer Statements
 5. Credit Reports
 6. Prior Federal or State Income Tax Intercepts
 7. FIDIM
- E. There must be a good faith belief and evidentiary proof which demonstrates that the NCP has willfully failed to obey a court order. The following sources of information should be used to determine if there is sufficient proof to pursue a criminal contempt action:
1. NCP employment history (Voluntary termination of employment after income withholding is executed suggests willfulness).
 2. Prior enforcement actions to compel compliance.
 3. Prior civil contempt action(s) filed at Court.

III. CRIMINAL CONTEMPT EXCEPTIONS::

- A. CSSD will not file an action for criminal contempt when any of the following circumstances are present:

1. There is an arrears only case,
2. The child (ren) at issue is presently residing with the NCP, and under 21 years of age.
3. The NCP is receiving TANF or SSI during the period of nonsupport and currently receiving TANF or SSI when a criminal contempt action is requested.
4. The NCP is incarcerated during the period of nonsupport, currently incarcerated when a criminal contempt action was requested and has no income or assets to pay support.
5. The NCP is receiving inpatient treatment in a drug or mental health program during the period of nonsupport, is currently receiving inpatient drug or mental health treatment when the criminal contempt action is requested and has no income or assets to pay support.

The NCP has an active wage withholding order with payments.