



Quick Facts: Statewide Lien Registries

This Quick Facts guide provides information about Statewide Lien Registries

The Child Support Enforcement Program¹ is a successful federal-state partnership whose mission is to promote economic stability for children whose parents live apart. Statewide Lien Registries provide an effective tool for the collection of past due support.

Background

States are required to have laws that impose liens on the personal and real property of non-custodial parents who owe overdue child support (45 CFR §302.70(a)(4)). While all states have methods for imposing child support liens on real property, some states have specific procedures to record child support liens on titled personal property such as motor vehicles.

A federally-approved form is used to impose liens in other states. The state child support agency, a private attorney, or custodial parent may directly file a lien notice with the appropriate recorder in the other state in the amount of the overdue child support, and then the lien is perfected under the laws of the other state (42 USC 654(9)(E)).

Best Practices

Several states, including Pennsylvania, Wisconsin and North Dakota have a centralized, statewide lien registry. Typically, a lien registry requires a proactive look-up by a title searcher to clear title to ensure that there is no child support lien, or if one exists, that it is paid off to the extent possible from the sale proceeds. The registry lists the names of all non-custodial parents owing support arrearages of a certain amount.

In Pennsylvania, paying agents responsible for distributing monetary awards must check the statewide lien registry website to see if the claimant owes overdue child support, searching by first name, last name, Social Security Number or date of birth. A match automatically results in an alert being sent out on the state computer system, which notifies the agent of the match by sending an initial Non-disbursement Order. The agent then notifies the local Domestic Relations Section (DRS) listed on the Non-disbursement Order for further instructions. Any net payouts that exceed \$5,000 are to be withheld, up to the amount of the overdue support.

The Wisconsin Department of Children and Families (DCF) maintain a *Child Support Lien Docket*, listing the names of parents who owe child support. When a person obligated to pay support fails to pay any court-ordered amount of support, that amount becomes a lien in favor of the department upon all real and personal property of the person, including motor vehicles.²³

¹ Created by Title IV-D of the Social Security Act

² 23 Pa.C.S.A. § 4308.1, 42 Pa. C.S.A. Rule 1910 *et seq.*

³ Wisconsin's *Child Support Lien Docket Handbook*, Department of Children and Families, Division of Families and Economic Security, Bureau of Child Support, pg. 3.





The Lien Docket was an immediate success, garnering \$978,000 in unpaid support in its first eight months.⁴

The child support lien docket is available online for search at any time. Title companies, auto dealers, or anyone dealing in title transactions must search the child support lien docket when issuing title insurance, title reports, and abstracts of title, or engaging in car purchases, etc. The lien is docketed by the individual's name, date of birth, and Social Security number.

Recently, the Child Support Enforcement Division of the North Dakota Department of Human Services established a *Lien Registry* modeled after Wisconsin's. The Lien Registry is a public site that must be searched by persons who are considering doing business with an individual who may owe past-due support.⁵ This includes lenders, realtors and car dealers.

The lien Registry appears to have had immediate impact. In its first month of operations, child support collections increased by 8 percent from 11.3 million to 12.2 million dollars. The increase was attributed at least in part to parents paying their support to avoid dealing with the Lien Registry⁶.

⁴ *State Adds Autos to Child Support Lien List*, The Milwaukee Business Journal (August 21, 2001)

⁵ Olson, Dave, *Lien law collects on unpaid child support*, Bakken Today, April 1., 2012

⁶ Olson *Ibid.*

