

# Support Obligations Have a Life of Their Own

BY JOSEPH N. DUCANTO

*Partner, Schiller DuCanto & Fleck LLP*

*[jducanto@sdflaw.com](mailto:jducanto@sdflaw.com)*

---

Well over one-third of the adults in the USA have been divorced, often accompanied by legally enforceable obligations for child support or alimony. Life being what it is, the payor of these obligations frequently default, paying less than (or sometimes none of) the obligated sums.

In the minds of most people, the passage of time should and often does work an eradication of debt, in effect a statute of limitation which frees one of any concern for stale claims never acted upon by the holder. Such is not, however, the case with respect to child support and, to a lesser degree, alimony. Their collectability lasts for the lifetime of the debtor and uncollected amounts due are enforceable against a delinquent's estate!

But then, this is only a part of a very jarring story. Not only are all cumulative unpaid sums fully collectible—20, 30 and even 40 years later—but with interest added as well. One recent Illinois appeals case sustained a judgment for \$375,530 arising from failure 38 years before to pay a child support order of \$30 per week!

Many obligors (mostly men) simply do not have any awareness that these old claims still have sharp teeth. These sharp teeth include more than just payment of the funds due. Unpaid child support can be enforced by a range of punitive measures, including, (1) cancellation of one's passport; (2) denial or withdrawal of a driver's license; (3) attachment by a support creditor of federal tax refund; (4) attachment of IRA's and 401(k) plans; (5) invasion of spend-thrift trusts; (6) suspension or revocation of professional or occupational licenses; and, (7) publication of one's name as a "Deadbeat most Wanted" listing on radio and TV. Furthermore, unpaid support obligations constitute the last vestige of imprisonment for debt, a continued failure to pay often leading to a jail sentence!

In short, there is no escape in this life or the next from this duty and being forewarned one should ponder the direction to pursue to completely eradicate these possible horrors.

Schiller DuCanto and Fleck LLP has for 28 years sought and successfully achieved answers and solutions for many of these and related family law issues. Should you desire help in reviewing your personal situation and are seeking effective answers to your family law questions, call for a consultation with one of our many experts in the field. (312) 641-5560.

---

Joseph N. DuCanto, 2009.© Joseph N. DuCanto is a graduate of the Law School of the University of Chicago, and is an attorney and partner in the Chicago, Illinois law firm of Schiller, DuCanto and Fleck, a firm which limits its practice to Family Law. Mr. DuCanto, after over 50 years as a member of the Bar, is a nationally recognized expert in the area of Tax, Financial and Estate Planning in Family Law matters, is a frequent lecturer to Bar groups and a guest lecturer at numerous law schools throughout the nation. In 2003 Mr. DuCanto was named a "Laureate of the Illinois State Bar Association in recognition of his significant contribution to the legal profession as well as to the public good. He founded Securatex, Ltd. in 1982, a private security provider, and currently serves as Chairman of the Board. He is a long-time member of the American Society of Industrial Security (ASIS) and has served as a training officer with respect to legal matters for a number of Illinois police agencies.