

# Enforcing your Final Divorce Order: Money and Property Issues

- 
- ❖ Read this only if you live in Washington State.
  - ❖ You can find all the fact sheets and Do It Yourself packets we link to here at WashingtonLawHelp.org.
- 

## Should I read this?

At the end of your divorce case, the judge will issue a final order. In Washington, we call this a **Final Divorce Order** (or **Divorce Decree**). Other states may call it something else.

This final order may

- Order your former spouse to pay you.
- Award you ownership of certain property.

We explain here how to make sure everyone follows (how to **enforce**) the final divorce order and how to collect any money or property your ex-spouse must pay or give you.

- 
- ❖ **This information is general.** For more help with your case, talk to a lawyer.
- 

## How do I make sure my ex-spouse pays me child support?

If you get legal custody of the children (you become the **primary residential parent**), the court will order your ex to pay you child support. A Washington child support order usually makes a parent pay through the Washington State Support

Registry (WSSR). In these cases, the Division of Child Support (DCS) automatically opens a child support case for you.

If your court order does **not** direct your ex to pay through the WSSR, you can still open a case with DCS by applying for services. This is true even if your order comes from another state. You just give DCS a copy of the court order. DCS's services are free. Call your local DCS office to apply for their services, or visit <https://bit.ly/37rpId2> to apply online.

---

❖ Read [How Can I Collect Child Support?](#) to learn more.

---

## What if my ex owes me back support?

If the debt (**arrears**) is not too old, DCS may be able to collect it. **DCS does not collect unpaid interest.**

If there is a lot of back support, you may not want DCS's services. You may be able to find a lawyer who will take the case on a **contingent basis**. This means that you do not pay the lawyer a fee. Instead, the lawyer gets part of the back payments as payment for services. A lawyer might take your case depending on

- How much your ex owes
- If you can find your ex
- If your ex can pay

A lawyer could also help you get a judgment so you can bring a collection action on your own.

## Can I change the child support amount?

You can try. Either parent can file a motion to change the child support amount **if** the case meets certain conditions, such as

- the income of one or both parents changes greatly
- one or more child turns twelve

Read [If You Want to Modify \(Change\) Your Child Support Court Order](#) to learn more.

You might also want to read:

- [Getting Child Support After High School](#)
- [Asking DCS to Review Your Child Support Order for Modification](#)
- [File a Motion to Adjust a Child Support Court Order](#)
- [File a Petition to Modify Your Child Support Court Order](#)
- [Finalize a Modification of Your Child Support Court Order](#)

## How do I collect alimony (maintenance)?

If you have an open child support case with DCS, they can collect maintenance for you. DCS automatically includes maintenance if your order says it must go to WSSR. If your order does not mention WSSR, contact your Support Enforcement Officer for more information.

If the debt is not too old, DCS can also help collect back maintenance payments. “How do I make sure my ex pays me child support,” above, has more info.

## The court ordered my ex to pay me only maintenance. The court did not order not child support. Will DCS still help me?

**No. DCS will not open a case.** You must file a motion for contempt to collect back payments.

If you win your contempt motion, the judge will order your ex to pay the maintenance or make your ex pay a court fine, **unless** your ex shows they have tried to follow the order but do not have enough money.

---

❖ **Example:** Your ex is unemployed, but looking for work. The court will not hold your ex in contempt. You will not get the maintenance payments.

---

Our [File a Motion for Contempt: Family Law Cases](#) packet has forms and instructions. Some counties have their own packet to use instead of ours.

## How do I get the property the Final Divorce Order awarded me?

A judge may order your ex to pay you money or give you property. If your ex does not follow the court order, you have options. You can read the law about this at [RCW \(Revised Code of Washington\) \(apps.leg.wa.gov/rcw/default.aspx\)](https://apps.leg.wa.gov/rcw/default.aspx), [Chapters 6 and 7](#). Talk to a lawyer about your unique case. What follows is a general description.

**Garnishment** - You can use garnishment to enforce a money judgment. The judge orders a third party with control of money belonging to the debtor (your ex) to turn that money over to the creditor (you). **Example:** You get an order saying your ex's employer must turn over part of your ex's wages to you.

**Execution and lien foreclosure** against real estate – You get a court order for the sheriff to collect on (execute) your money judgment. The sheriff seizes your ex's property and sells it to pay your judgment. Your ex should get notice before this happens. The sheriff may **not** seize certain types of “exempt” property. Read [How to Claim Personal Property Exemptions](#) to learn more.

- 
- ❖ Your child support order and final divorce order should include a judgment for any amount owed at the time of the order. If you need a new judgment to update what is due you, have a lawyer draft the paperwork.
- 

**Replevin** - to get a specific item of property (not real estate) the judge awarded you. You may also be able to file a motion for contempt. Read [Getting Your Stuff Back](#) to learn more about the replevin process.

**Unlawful Detainer (eviction)** - If your ex refuses to move out from (refuses to vacate) real property the court awarded you, this process forces the ex to move. You also may get money damages.

**Injunction** - This court order can stop someone from doing things that you don't want them to do. You can use it to keep an ex with control of property you both own from harming or wasting the property.

**Receivership** – The judge can appoint a “receiver” to manage or to get rid of property. The receiver does not act for either spouse.

**Contempt** – You cannot use contempt to force payment of a general money judgment. You **can** use it to get child support or maintenance. In a very few cases, you can use contempt if your ex does not do what the judge ordered them to do.

**Commissioner Signature** - A court commissioner can sign (execute) a document when your ex refuses to follow a court order to do something. **Example:** the judge ordered your house sold. Your ex refuses to sign the necessary documents.

## How do we divide the retirement benefits after our divorce is final?

Read the Legal Voice's [Divorce and Future Retirement Benefits](#) to learn more.

## What if my ex has not paid debts as ordered?

Read [Divorce, Debt and Bankruptcy in Washington State](#) to learn more.

## What if my Final Divorce Order is from a court in another state?

You can enforce it in Washington if your ex lives here. You must first correctly file (register) it in Washington. Then you can use the options above.

Read [Registering an Out-of-State Order in Washington](#) to learn more. Your county may have its own packet with forms to use.

## How do I enforce the final parenting plan?

It depends, among other things, on what is in the parenting plan. Contact the family law facilitator, if your county has one, or talk to a lawyer.

## When should I talk to a lawyer?

You may want one if either of these is true:

- DCS cannot handle your case
- your county has no family law facilitator

---

❖ You do not have a right to a lawyer in divorce cases. You must pay for one.

---

If you cannot afford a lawyer, you can look for one to take your case on a contingent basis or who offers “limited legal services” (“unbundled legal services,” “pro se assistance”). A lawyer who takes your case on a **contingent** basis will only charge

you if you win. The lawyer gets part of the award. A lawyer takes a case on a contingent basis depending on

- How much is at stake
- If you can find your ex
- If your ex-spouse can pay

Under a **limited legal services** arrangement, the lawyer

- gives you legal advice
- looks over or helps with paperwork

The lawyer will **not** represent you.

## Do you have other tips?

**An Ounce of Prevention.** Start thinking about potential collection problems **before** your divorce is final. Your spouse may have the best intentions, but things change. Educate yourself about your property. As you take part in drafting your final order, remember: someone who had trouble with paying bills before the divorce may have just as much or more trouble afterwards.

Make sure you have the information you may need to take collection action if your ex does not pay. You may need:

- your ex's social security number
- your ex's birthdate
- your ex's address
- your ex's work address
- your ex's work phone
- your ex's bank names and account numbers
- your ex's vehicle numbers
- a recent clear photo of your ex

- a copy of the original order (a judge must have signed the order and it must have a file stamp on it)

You may need a **certified copy**. That is a copy made by the clerk's office and verified as accurate.

If the judge awards you a money judgment, you must next get the judgment recorded as a **judgment lien**. A judgment lien attaches to real property the debtor (your ex) currently owns or gets later. Talk to a lawyer about how to do this.

**Do not sit on your rights.** Many of your options are only possible during "the life of the judgment." You can usually enforce a judgment for ten years. Talk to a lawyer about how long you have.

Washington has a procedure for renewing the judgment for another ten years. You must do this before the first ten-year period ends. Otherwise, you cannot collect.

Get legal advice right away if:

- Your ex does not follow the Final Divorce Order.
- You learn your ex has filed for bankruptcy. You can challenge the dischargeability of a property judgment your ex owes you.

## Get Legal Help

- **Apply online** with [CLEAR\\*Online](https://www.nwjustice.org/apply-online) - [nwjustice.org/apply-online](https://www.nwjustice.org/apply-online)
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at [nwjustice.org/apply-online](https://www.nwjustice.org/apply-online).
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR\*Sr at 1-888-387-7111.

**Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

**Interpreters provided.**

---

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

© 2022 Northwest Justice Project — 1-888-201-1014.

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial purposes only.)