

# Enforcing Your Final Divorce Order: Money and Property Issues

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## Intro

At the end of your divorce, the judge will issue a final order. In Washington, we call this final order 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 certain property.

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

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

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

If you get custody of the children (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 for an application.

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❖ Read [How Can I Collect Child Support?](#)

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## What if my ex owes 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**. You do not pay the lawyer a fee. 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 [Changing Your Child Support Court Order](#). You might also want to read:

- [Collecting Support After High School](#)
- [How to Ask DCS to Review Your Child Support Order for Modification](#)
- [Filing a Motion to Adjust a Child Support Court Order](#)
- [Filing a Petition to Modify Your Child Support Court Order](#)
- [Finalizing a Modification of Your Child Support Court Order](#)

### How do I collect maintenance (alimony)?

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 info.

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

### The court ordered my ex to pay only maintenance, 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 them pay a court fine, **unless** your ex shows they have tried to follow the order but do not have enough money.

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❖ **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.

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[Filing a Motion for Contempt: Family Law Cases](#) 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. See [RCW \(Revised Code of Washington\) Chapters 6 and 7](#). These laws are complicated. Talk to a lawyer about your 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 execute (collect on) 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](#).

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- ❖ 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.
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**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.

**Unlawful Detainer (eviction)** - If your ex refuses to vacate (move out from) 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 certain conduct. 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 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 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 [Retirement, Divorce, and You](#).

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

Read [Community Debts and Bankruptcy Issues](#).

## What if my Final Divorce Order is from an out-of-state court?

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 [How Do I Register an Out-of-State Order in Washington](#). Your county may have its own packet with forms to use.

## How do I enforce the final parenting plan?

Contact the family law facilitator, if your county has one, or talk to a lawyer.

## When should I get a lawyer?

You may want one if either of these is true:

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

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

The Legal Voice’s [Working with a Lawyer](#) has more about finding and working with a lawyer.

### 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 the drafting of 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 info you may need to take collection action if your ex does not pay. You may need:

- your spouse’s social security number
- your spouse’s birthdate
- your spouse’s address

- your spouse’s work address
- your spouse’s work phone
- your spouse’s bank names and account numbers
- your spouse’s vehicle numbers
- a recent clear photo of your spouse
- 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.

## What if I need legal help?

- Apply online with [CLEAR\\*Online](https://www.nwjustice.org/get-legal-help) - [nwjustice.org/get-legal-help](https://www.nwjustice.org/get-legal-help)  
or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- Outside King County: Call 1-888-201-1014 weekdays, 9:15 a.m. - 12:15 p.m.
- King County: Call 211 for info and referral to an appropriate legal services provider weekdays, 8:00 am – 6:00 pm. You may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info

on legal service providers in King County at [www.resourcehouse.com/win211/](https://www.resourcehouse.com/win211/).

- **Persons 60 and Over**: Seniors age 60 or over may call CLEAR\*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. Seniors in King County may call 2-1-1.

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 (or toll-free 1-877-211-9274) using the relay service of their choice.

CLEAR and 211 will conference in free interpreters when needed.

Free legal education publications, videos and self-help packets covering many legal issues are available at [WashingtonLawHelp.org](https://www.washingtonlawhelp.org).

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