

Can I Withhold Visitation if My Spouse does not Pay Child Support?

Disputes over the payment of child support are a common problem in family law. If you are the primary custodial parent of your child, getting the non-custodial parent to make child support payments can sometimes be difficult. Preventing the non-custodial parent from seeing his or her child may seem like an effective and easy way to force the non-custodial parent to pay child support. However, interfering with the non-custodial parent's court-ordered visitation is prohibited under the *California Family Code* and could lead to you facing serious penalties.

Under the *California Family Code*, a child support order is separate from a child custody/visitation order. Because of this, if the non-custodial parent fails to pay child support you cannot prevent the other parent from visiting his or her child. In fact, if you prevent the other parent from visiting his or her child, *you* will be the one subject to potentially serious penalties.

There are several remedies the court can employ if you prevent visitation. These include but are not limited to:

- Holding you in contempt of court. This can be effectuated through fines and/or imprisonment.
- Terminating or reducing the amount of spousal support owed to you.
- Requiring you to post a bond in order to ensure compliance with the visitation order.
- Requiring you to pay financial compensation to the other parent in the form of attorney's fees or otherwise.
- **You could lose custody of your child.**

If the non-custodial parent refuses to pay his or her child support obligations the best course of action for you to take is to seek enforcement of the child support order through the court. This can be accomplished through a request for arrears. Make sure you remain consistent by allowing the other parent his or her court ordered custody time to remain in the court's good graces.