

Title Tips - "Child Support Judgments"

June 5, 2008

Question: Why are we being asked for so much information on child support judgments?

Answer: As you can imagine, people who are having a hard time making their mortgage payments are probably also having difficulty in making their child support payments. These claims, when we have to pay them, are generally in the thousands of dollars.

This month, we'd like to review the most commonly encountered child support situations:

1. An Affidavit of Title may be accepted as proof that a specific child support judgment is not against the borrower. It cannot be used as proof that there is a zero balance for the account. You must contact Probation and confirm the amount due.
2. Where the borrower or seller has reached an arrangement with Probation to pay arrears over time, all arrears must be paid on a refinance or purchase of a new residence regardless of the special arrangement, and the child support obligation be brought current.
3. Where a child support judgment is in place, a child can only be emancipated (and the child support obligation terminated) by an order of the court, a warrant to satisfy judgment or other written proof from Probation, or a warrant to satisfy the judgment from the party to whom the support is paid.
4. Where the custodial and non-custodial parent are joining together to refinance or convey real property, the child support obligation must be paid current, or the custodial parent must subordinate the judgment to the mortgage, or release the premises from the lien of the judgment.

Where you encounter an open child support judgment in your searches, we suggest that you:

1. Verify that the obligor is (or is not) your borrower/ seller.
2. Check to see if the servicing of the account has been transferred from the county shown on the judgment to another county due to the obligor moving.
3. If the obligor is your borrower/ seller, obtain a statement from Probation or the Child Support Website that the account is current and that there are no arrears.
4. If amounts are owed, pay them out of closing proceeds. Keep a copy of the HUD form and a copy of the payment check in your file. If payment is made outside of closing, require proof of such payments before issuing the policy.

As always, please call a member of our team if you have any questions.

This article is sent courtesy of CB Title Group, LLC and Commonwealth Land Title Insurance Company.

CB Title services the entire States of: NY, NJ, PA, FL, as well as Nationally. Ask us how we can help with your title needs!

For more information about how we can serve you, go to www.cbtitlegroup.com

CB Title Group, LLC
140 Mountain Avenue, Suite 101
Springfield, NJ 07081
P: 973-921-0990 • F: 973-921-0902

CB Title Agency of NY, LLC
14 Penn Plaza, Suite 1800
New York, NY 10122
P: 212-239-8789 • F: 212-239-4675