

A NEWSLETTER FROM

# LAW OFFICES OF MATTHEW Z. MARTELL, P.A.

## FEBRUARY ISSUE

LEARN MORE ONLINE AT  
[WWW.MZMLAW.COM](http://WWW.MZMLAW.COM)

### IN THIS ISSUE

■ How to Get a Better  
Night's Sleep | P4

■ Why is February 14  
'Valentine's Day'? | P7

■ Recipe: Cake Box  
Cookies | P8

## Family Matters

# Legal Actions to Collect Child Support

### #1. File a Motion for Contempt Requesting Payment and Incarceration

A Motion for Contempt alleges the parent has been ordered to make support payments and has willfully refused to do so, violating the court's order. On the court's finding of a willful violation, the parent is held in contempt of court. The parent can be incarcerated in the county jail for nonpayment. A "purge amount" (a portion of the arrearage to be paid to secure release) will be set. When the "purge amount" is paid, the parent is released from incarceration. On your request, the court will enter an Income Withholding Order (if one has not already been entered) directed to the



SEE '[CHILD SUPPORT](#)' PAGE 2

parent's employer requiring that ongoing support and an additional amount toward the arrearage be automatically withheld from the parent's paycheck.

## **#2. Get a Money Judgment**

With the entry of its order finding the parent in contempt of court, and depending on the parent's financial solvency, you may find it advisable to request that the court enter a money judgment against the parent in the amount of the arrearage. The judgment typically will include a provision that interest at the current legal rate will accrue until the judgment is satisfied. The money judgment in your favor will be recorded in the public records of the county

in which litigation has taken place, and it may also be recorded in the county where the parent resides or owns property. This outstanding money judgment will affect the parent's credit score and will prove problematic if he or she seeks a loan, applies for a credit card, or tries to finance a vehicle.

## **#3. Request a Writ of Execution, Writ of Attachment, or Writ of Garnishment**

If the parent owing child support has assets such as boats, motorcycles, coin or art collections, bank accounts, and investments, you have several options for collecting back child support. Along with a money judgment, a Writ of Execution directs the county sheriff to take possession of the parent's non-exempt assets (typically tangible assets) and sell them at public auction. You will get the sale proceeds until the judgment is fully satisfied.

A Writ of Attachment is similar, but is typically used before you get a judgment to "freeze" the asset, so once you have the judgment, the asset can be used to satisfy it.

The Writ of Garnishment is similar to an Income Withholding Order, and will be effective until the outstanding arrearage is fully satisfied.

## **#4. Request Suspension of Driver's License, Business License, Professional or Occupational License and Passport**

Most, if not all, states have enacted laws to compel parents to make regular child support payments. If an arrearage accrues, these laws may force compliance with the court's order even if other methods have failed. On your request, the court may enter an order suspending a professional license or driver's license for nonpayment of child support.

If the child support arrearage exceeds \$2,500.00, the federal Office of Child Support Enforcement notifies the federal Passport Denial Program which has the authority to deny, revoke or restrict U.S. Passports. This mechanism has been successful in collecting back child support from parents who could pay but choose otherwise.



## **#5. Seek Help from Your State Child Support Collection Agency**

The federal Office of Child Support Enforcement works in concert with the child support collection agencies of the various states. The states participate in child support collection through Title IV of the Social Security Act of 1975. While there are several different Title IV programs, generally any parent who is owed child support may request collection and enforcement services from the state agency at no charge. Through the Title IV program, the state has a wide range of resources to discover the employment status of a delinquent parent, the whereabouts of a runaway parent (Federal Parent Locator Service), and the ability to intercept state and federal tax refunds and lottery winnings.

## **#6. Consult an Attorney Regarding Federal Law for the Collection of Child Support Arrearage**

An additional federal mechanism may be available to you to enforce payment of child support. 18 U.S.C.



§ 228 makes it illegal for an individual to fail to pay child support in certain circumstances. See Citizens Guide to U.S. Federal Law on Child Support Enforcement, United States Department of Justice, July 7, 2017. If the parent owes more than \$5,000.00 or has been delinquent for longer than one year, the law prohibits him or her from crossing state lines or fleeing the country with the intent to avoid paying child support.

## **#7. Contact Your State Child Support Collection Agency for Intrastate Enforcement**

Most states have adopted the Uniform Intrastate Family Support Act (UIFSA) to implement the payment and

collection of child support in a sister state. A collection action under this Act in another state may be brought by a private attorney, but your state child support collection agency has the tools and relationships with other states to effectively facilitate child support collection from a parent who lives in a different state. Intrastate enforcement of child support can be a complicated process and requires the assistance of a knowledgeable and experienced attorney. Under UIFSA, you may petition for enforcement of child support in another state, and, in some circumstances, prosecute or defend a petition to modify the amount of child support. ■

---

*Illustrations by pch.vector*



# For a Better Night's Sleep, Practice These 8 Habits

*If you struggle to get a good night's sleep, you are not alone. Poor sleep is an epidemic among American adults.*

According to the CDC, 50 to 70 million Americans suffer from insomnia. The problem might be difficulty falling asleep; difficulty staying asleep; waking up very early; or feeling tired the next day.

Sleep is essential for good health. It's hard to enjoy

life when you are dragging yourself through each day. Poor sleep can compromise your memory, mood, and judgment. You are more likely to be involved in accidents and make errors on the job when sleep deprived. Chronic sleep deficits can contribute to a host of disorders such

as diabetes, high blood pressure, heart disease, obesity, and even a shortened life span.

Stress is a major cause of poor sleep and few events in life are more stressful than sustaining an injury. Bad sleep patterns may persist

even after your legal crisis is resolved or other sources of stress may arise.

The good news is that, no matter what the cause, you can improve your sleep by practicing good “sleep hygiene.” Here are 8 sleep hygiene habits that will help you get a better night’s sleep whether your challenge is stress and anxiety, shift work, or jet lag.



### **1. Stick with a regular schedule. Go to bed and get up at the same time every day.**

Sticking to a regular schedule regulates your internal clock and trains your body to be drowsy at bedtime and alert when it’s time to get up. Set an alarm so that worry about oversleeping does not keep you awake. Resist the temptation to stay up late

and sleep in on weekends or days off. You’ll have trouble getting back into your schedule and will likely experience a “sleep hangover” on your first day or two back at work.



### **2. Create a restful sleep environment.**

Keep your bedroom light-free. You may need to invest in light-blocking drapes or eyeshades. Don’t sleep with the TV or computer on. If your clock face is illuminated, cover it or turn the clock toward the wall. Besides the light, checking the clock as you try to fall asleep or if you wake up can increase anxiety and make it harder to get to sleep. Close the door if lights are on in adjacent rooms or shut them off if you can. Keep the temperature cool, between 60 and 75 degrees,

and the room quiet. Use earplugs or a white noise machine if noise intrudes.



### **3. Watch what you eat and drink in the hours before bed.**

Avoid stimulants like nicotine and caffeine (coffee, tea, chocolate, cola, energy drinks) in the four to six hours before bedtime. If you are especially caffeine sensitive, you may want to limit your caffeine to a single cup of coffee early in your day or switch to decaf. Herbal tea may even be a better choice as decaffeinated beverages contain some caffeine. Similarly avoid alcohol a couple of hours before bed. Although alcohol may relax you and you may fall asleep easily, you’re likely to wake up later and be unable to get back to sleep. Don’t eat a large meal within a few hours

---

SEE ‘SLEEP’ PAGE 6

before retiring. The digestive process may keep you awake. Also eating shortly before bed sends your body a confusing message that you are gearing up for activity when the body's internal clock is telling it to shut down. If you find you are hungry before bedtime, opt for a light snack that is easy to digest.

#### **4. Follow a relaxing bedtime routine.**

An hour before bed, stop working and turn off your electronic devices. You might try a warm bath, pleasure reading, listening to music, relaxation exercises, or a little TV. Some people are better off with no TV as the light from the screen or the program itself may be stimulating. You can find instructions for a number of effective relaxation techniques on the internet such as deep breathing exercises, progressive relaxation, acupressure, and guided imagery. Avoid stressful activities, emotional topics, and vigorous exercise, all of which are likely to increase alertness.



#### **5. Exercise daily.**

Participants in numerous studies have reported that regular exercise helped them fall asleep faster, sleep more deeply, sleep for longer periods, and feel more rested when awake. Research also shows that exercise reduces anxiety and depression both of which interfere with sleep. But schedule your exercise early enough in your day so as not to rev you up before bed.

#### **6. Eliminate naps.**

Many people take short power naps to boost alertness and productivity when fatigue sets in during their day. If you nap, but find you are not tired at bedtime, try skipping the nap.

#### **7. Get up if you can't fall asleep within 20 minutes.**

Remaining in bed and trying

to force sleep is likely to be counterproductive. The longer you try unsuccessfully to sleep, the more anxious, frustrated, and alert you become. Once you are up, try some relaxation techniques, listening to music or an audio book, or light reading. Keep the lights dim so as not to send a wake up signal to your brain. Wait until you begin to feel sleepy to return to bed.



#### **8. Call your doctor if sleeplessness persists.**

If your sleep doesn't improve despite following these tips, you may need to be evaluated for an underlying medical condition. ■

---

*Illustration by Designs.ai*

# The History of Valentine's Day

*You might think that the greeting card industry invented Valentine's Day as a way to boost sales during that slow period between New Year's Day and Mother's Day. Not so.*

Hallmark produced its first Valentine's Day card in 1913, but Valentine's Day was celebrated long before then. However, the reason we celebrate romantic love on that particular day remains something of a history mystery.

One story holds that Valentine's Day originated with Valentinus, a third century theologian and scholar who was jailed and sentenced to death for his Christian beliefs. While in jail, Valentinus restored the sight of the jailer's blind daughter. Valentinus was executed on February 14, but not before he wrote a farewell letter to the jailer's daughter, which he signed, "From Your Valentine."

A similar story holds that a priest named Valentine was jailed for speaking out against the Roman Empire; while in jail, he wrote letters to a woman he loved, signed, "Your Valentine." According to a third story, Emperor

Claudius believed that his soldiers would be better fighters if they were single and unattached. Accordingly, he forbade his soldiers from marrying. The young priest Valentine would have none of that. He so believed in love and marriage (and so despised the brutal practices of the Empire) that he risked his life to perform secret marriage ceremonies. Valentine married hundreds of soldiers in these surreptitious ceremonies.

Finally, some scholars trace the origins of Valentine's Day

to medieval author, Geoffrey Chaucer. In 1376, Chaucer published a poem, titled "The Parliament of Fowls," in which a group of birds has a spirited debate about, among other things, the nature and purpose of love. The poem ends with a song in praise of St. Valentine.

Whatever its true origin story, Valentine's Day has evolved into a day to acknowledge, celebrate and be thankful for the love we have in our lives. ■



*Illustration by Designs.ai*

# Cake Box Cookies

## Featuring Funfetti and Strawberry Cake Mix

*There are few better pastimes than baking cookies. But who wants to go through all the hassle of making them from scratch when you can easily make a delicious and unique cookie that is sure to please out of something you might already have in your own cabinet?*

Cake box cookies are not a new concept, but there are endless possibilities when it comes to customizing and styling these cookies..

They are also incredibly easy to make and use very few ingredients, so let's dive in!



### INGREDIENTS:

- 1 box of your preferred cake mix (strawberry or funfetti recommended)
- 2 eggs
- 1 cup of butter or oil
- Preferred topping (White chocolate chips, cream cheese frosting, sprinkles are all good options.)

### DIRECTIONS:

- Preheat the oven to 350 degrees.
- Beat the eggs.
- Melt the butter and add to eggs.
- Add cake mix.
- Mix well to create your delicious dough.
- Add your white chocolate chips if desired.
- If you have a cookie scooper (highly recommended) spray it with Pam, and start scooping out your dough!
- Place on parchment paper or a greased cookie sheet and bake for 8 - 10 minutes.
- Add your sprinkles or drizzle with cream cheese frosting (microwave 15-20 seconds to get it ultra drizzly.)
- Enjoy!