

Appellate Court Permits Invasion of Retirement Accounts to Enforce Child Support Orders

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On May 7th, the Appellate Division of the New Jersey Superior Court issued an important decision in the case of *Orlowsky v. Orlowsky*, ruling that federally-protected retirement plans can be invaded to pay child support arrears and college tuition expenses, as well as attorney and expert fees.

In this case, Mr. Orlosky created a tortured history of litigation by repeatedly filing meritless motions against his former wife while failing to comply with multiple child support orders.

Finally, the judicial system had enough and ordered that a Qualified Domestic Relations Order, which functions as a limited exception to federally-protected retirement plans, could be utilized to pay child support arrears and other child-related expenses, as well as attorney and expert fees, from Mr. Orlowsky's retirement account. The court explored federal law and relied upon out-of-state rulings to support its decision. While some of the court's findings were legally technical, the takeaway is that Qualified Domestic Relations Orders will be increasingly utilized as a remedy in family law cases when other alternatives are unavailable.

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