



FROM COUNSEL

A Preventive Law Service of The Office of The Judge Advocate General
Keeping You Informed On Personal Legal Affairs

Collecting Garnished Child or Spousal Support

Federal law (42 U.S.C. § 659) authorizes the garnishment or attachment of pay of active, reserve, and retired members of the military and the pay of civilian employees of the Federal government for child and/or spousal support. The Defense Finance and Accounting Service (DFAS) Cleveland accepts and processes a garnishment or wage attachment against any member of the military or any civilian employee. Visit <http://www.dfas.mil/garnishment/childsupportalimony/startpayment.html> for specific information and requirements.

The following frequently asked questions and answers are directly from the DFAS site:

Q. How can I collect the child support/alimony which my ex-spouse was ordered to provide in our divorce decree or separation agreement?

A. To obtain child support, you might want to contact an attorney or your local child support enforcement agency in order to obtain an Income Deduction Order or Income Withholding Order. Visit the Office of Child Support Enforcement's State and Local IV-D Agencies on the Web at <http://www.acf.hhs.gov/programs/css> for assistance in locating your nearest supporting agency. To obtain alimony, you might want to contact a civilian attorney to obtain a garnishment order. To collect the support and/or alimony you were ordered to receive, the DFAS-Cleveland Center, Garnishment Operations Directorate, needs an order from a court or child support agency that directs the government to pay support or alimony from the other party's pay. You do not need to send the order that established the obligation.

Q. Can I collect a child support/alimony arrearage?

A. Yes, if the withholding order directs the collection of an arrearage. The arrears will be paid within the limits the law allows, as discussed below.

Q. Must I serve the child support income withholding order or alimony garnishment order by certified mail, return receipt requested?

A. No, you may serve child support income withholding orders or alimony garnishments on DFAS Cleveland by regular United States mail, or fax. Mail to Defense Finance and Account Service, Cleveland DFAS-HGA/CL, P.O. Box 998002, Cleveland, OH 44199-8002. FAX Phone Number: (877) 622-5930.

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Q. My ex-spouse parent was ordered to provide/maintain health insurance coverage for our child. How can I enforce that order?

A. Send a copy of the order directing the coverage to the non-custodial parent's personnel office. Do not send these orders to DFAS.

Q. Must I include the payer's Social Security number when I serve a child support income withholding order or alimony garnishment?

A. Yes. Without the payer's Social Security number, Garnishment Operations cannot process the child support income withholding order or alimony garnishment.

Q. Why am I not receiving the full amount of the ordered child support/alimony?

A. The most common reason is that the payer has insufficient disposable earnings to allow deduction of the full amount. DFAS is limited by law on the amount that can be deducted for child support/alimony. The full ordered amount will be deducted as long as that amount does not exceed the maximum percentage allowable. Here is an explanation of when the different maximum percentages apply:

- 50% of disposable earnings is the maximum percentage allowable if the payer provides proof that he/she is providing more than half the support of dependents other than those for whom the support is to be deducted. If the payer has accrued an arrearage, this will increase to 55%.
- 60% of disposable earnings is the maximum percentage allowable if the payer has not provided proof that he/she is providing more than half the support of dependents other than those for whom the support is to be deducted. If the payer has not accrued an arrearage, this will increase to 65%.

These percentages apply only if the payer does not have sufficient disposable earnings to allow for the full ordered amount to be deducted.

Q. What happens if there are multiple child support income withholding orders against the pay of the same payer?

A. If the payer has sufficient available disposable earnings, DFAS will authorize the payment for the full amounts of both/all orders. If there are insufficient available disposable earnings and the above percentage limitations apply, DFAS will divide the available disposable earnings so that a *pro rata* share of the available earnings is paid toward each obligation. DFAS calculates the *pro rata* shares by dividing the amounts of each order by the total amount of disposable earnings available to determine what percentage of the available disposable earnings will be paid toward each obligation.

Q. What if there are multiple child support orders for the same obligation?

A. In cases where DFAS can determine from the information provided in both orders that both are ordering payment for the same child(ren) and payable to the same payee, DFAS will honor the most recently served order.

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