

## Other Questions

Contact DFAS at 1-888-332-7411 for specific assistance with the garnishment process.

Go to this website for general information:

<http://www.dfas.mil/garnishment/military.html>.

### Involuntary allotments

#### **What is an involuntary allotment?**

Involuntary allotment is a procedure that can be initiated when the service member is behind in alimony or child support payments in an amount equal to or greater than two months. These payments must be made payable through a state official, and normally they can be payable through the Clerk of Court.

#### **How can I initiate an involuntary allotment?**

To initiate an allotment, the person owed payment should get a court ordering payment and a letter from the Office of Child Support Enforcement showing the two-month arrearage. The person owed payment can then go to DFAS, which will initiate the allotment with notice to the member and the commander. The debtor has thirty days to cure the arrearage before the allotment goes into effect.

#### **What is the maximum amount of the allotment?**

The amount of the allotment shall be the amount necessary to comply with the order. If the order so provides, the amount may include arrearages as well as the amounts for current support. However, it shall not exceed 60% of the member's salary unless the soldier is more than 3 months behind, in which case it can be 65%. If the court order is for more than the allotment, the service member is still responsible for complying with the court order by paying any additional amount.

#### **Can the allotment be adjusted or discontinued?**

Yes. An allotment can be adjusted or discontinued only upon notice from the authorized state official, not by the military member.

#### **What is the difference between child support garnishments and an involuntary allotment for child support?**

When calculating the amount of a military member's pay that can be taken for an allotment, the member's allowances are included. When doing that same calculation for garnishments, allowances are not included.



#### **31st FW Legal Office**

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## FAMILY LAW SERIES

## CHILD SUPPORT & ALIMONY

### Garnishment and Involuntary Allotments



### **31st FW Legal Office**

## **Collecting Child Support & Alimony**

There are two methods of collecting unpaid child support or alimony from a military member: garnishment proceedings and involuntary allotments.

### **Garnishment**

#### **What is garnishment?**

Garnishment is a statutory proceeding through which a person's property or money (usually a bank account or paycheck) is taken and applied to the payment of the person's child support or alimony debt. Most states allow garnishment proceedings to enforce debts.

#### **What types of pay can be garnished?**

All pay after taxes is garnishable. Such pay includes basic pay, hazardous duty pay, severance pay, sick pay, cash awards, pensions, and retirement pay. However, allowances such as BAQ, BAS, and Family Separation Allowances cannot be garnished.

#### **Whose pay can be garnished?**

Federal law authorizes the pay of active, reserve, and retired members of the military and the pay of civilian employees of the Federal government to be garnished.

#### **How do I initiate a garnishment proceeding for child support?**

To initiate a garnishment proceeding, you must first have a court order requiring the service member to pay child support. Secondly, you should hire a civilian attorney to obtain a garnishment order from the local court. Once the garnishment order is obtained from the local court, it must be served on the designated agent of the government agency that has moneys due and payable to the individual who owes child support – this is usually the Defense Finance and Accounting Services (DFAS). DFAS notifies the military member of the garnishment order.

The service address for DFAS is:  
Defense Finance and Accounting Service  
Cleveland DFAS-DGG/CL  
PO Box 998002  
Cleveland Ohio 44199-8002

#### **Will I need more information to insure processing by the government agency?**

Yes. Sufficient identifying information must accompany the legal papers. The following identifying information about the individual owing child support (the obligor) is requested if known: full name, date of birth, Social Security number, component of the government agency for which the service member works, the official duty station, and the status of the obligor. Include your return address as well.

#### **How do I know if someone is a military member?**

You can use the Defense Manpower Data Center's (DMDC) Military Verification service at <https://www.dmdc.osd.mil/appj/scra/scraHome.do> to verify if someone is in the military. At that website, you can enter in the individual's SSN and other personal information and the system will indicate that the Department either does not possess information regarding the individual, or that the individual is in the military.

#### **Can I use garnishment to collect child support ordered by a foreign court?**

Foreign court orders will be more difficult. Usually, you will have to convert the foreign court order into a domestic (U.S.) court order. For example, if you have an Italian court order and the member returns to the U.S., the Italian court order must be obtained and forwarded to the U.S. court in the state where the service-member is living. The U.S. courts will decide whether there is sufficient evidence upon which to hold the service member liable for payment of support.

Some states allow the Italian prosecutor to file the action on its own, while other states require the mother's written consent. If the court accepts the Italian court's decision, it will essentially convert the Italian support order into a U.S. support order and will require the garnishment of the service-member's wages.

#### **If I request garnishment of an individual's pay, how much of his/her pay may I garnish?**

There are state and federal limitations on the amount of pay that can be garnished. Unless a lower maximum garnishment limitation is provided by state law, the maximum amount subject to garnishment will not exceed 50% of the disposable pay if the service member is remarried and supporting a spouse and/or dependent child; or 60% if the service member is single. An additional 5% will apply to each maximum limit if the court order contains evidence that the service member is 12 weeks or more in arrears.

#### **When will I receive the garnished amount?**

Payments from the military pay systems are made the first business day following the monthly payroll processing from which the payments were deducted. Thus, if the letter from DFAS informs you that your payments will start with the month of January, it means that the payment will be deducted from the member's January pay and that you should receive your payment on or about February 1st.

#### **If my pay is garnished, how can I stop garnishment?**

The only way a military member can stop the garnishment is to go to the court that ordered it and have it removed or reduced.