

Can Child Support Be Withheld From a Person's Paycheck Without His or Her Consent?

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If you have been ordered by the court to pay child support, you may wonder if the payments can be withheld from your paycheck without your consent. The answer is *yes*. Under Utah's [child support garnishment rules](#), your employer may be legally compelled to withhold child support payments. Wage garnishment for child support or other debt is not a type of payroll deduction that requires the employee's permission. It's a collection action due to the nonpayment of a debt.

What Is Child Support?

Child support is payments ordered by the court to be paid by the noncustodial parent to the custodial parent for the financial support of a minor child. It is to protect the child from adverse financial effects of the parents' legal separation or divorce. Child support funds are intended to provide shelter, food, education, childcare, and other essentials and nonessentials to which the child was accustomed during the parents' marriage.

How Much Can Child Support Take From Your Check?

Up to 50% of a person's income can be withheld from the paycheck for child support. This is the legal maximum under Utah state code 62A-11-320, which is subordinate to Section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. Sec. 1673(b). The court can order the employer to withhold funds up to the child support garnishment limits. The employer must send the money to the government agency that is responsible for the collection and disbursement of the funds directly to the custodial parent.

Can Child Support Be Garnished Without a Court Order?

If you fail to pay child support in compliance with the order for child support in the divorce decree, the order can be enforced by the Office of Recovery Services (ORS). This is a division of the Utah State Department of Human Services (DHS). A wage garnishment can be activated with your employer as a means of collecting unpaid child support.

In some situations, the ORS can legally enforce a child support order by having income withheld even if the divorce decree does not include an order for withholding.

How To Stop Child Support from Garnishing My Wages

Because a wage garnishment must be ordered by the court, to have child support withheld from an employee's paycheck, the employer is required by law to comply. The employer must withhold the stipulated amount up to the maximum allowed percentage of the worker's earnings. Generally speaking, the only expeditious way to stop court-ordered wage garnishment for child support is to pay the past due amount in full through the agency collecting on the account.

How Does O.R.S. Child Support Collection Work?

The custodial parent has legal options for collecting child support payments as necessary through the ORS:

- The parent can opt to use the state agency's child support only service, which is limited to collecting child support by setting up employer withholding. OR,
- The parent can use the ORS's full-range child support services, which encompasses a wide range of opportunities for help. Those can include seizing state and federal income tax refunds from the noncustodial parent or other advanced collection actions to enforce the child support order.

More Information About O.R.S. Child Support Collection

For additional information about the Utah ORS and the various services the agency offers, see the [ORS website](#). To request help from ORS, you can call the agency at (801) 536-8500 or request assistance through the ORS website accessible through the link.

How to Avoid Child Support Garnishment

To avoid a child support garnishment or potentially stop the withholding of child support from your paychecks, you must pay payments on time. Or, you can attempt to obtain a modified child support order from the court.

If you choose to pursue a modified order, you will need to contact an experienced [Utah child support attorney](#) to help you. Your lawyer can accurately evaluate your potential for success with that effort based on all the relevant factors and help you present the most compelling case possible for a modification.

Protect Your Rights! Contact a Utah Child Support Lawyer

If you are involved in a contentious divorce, or if you believe the court order for child support in your case should be modified, you need to work with the best Utah divorce lawyer.

For help with complex child support issues, call the Law Office of David Pedrazas, PLLC at (801) 263-7078 or contact us online to schedule a meeting about your situation.
