6-30/205.10 Child or Spousal Support Debt

A withholding order for support under an execution for alimony or child support does not reach all of the debtor's earnings. 50 percent of the debtor's earnings are automatically exempt if the debt is for child or spousal support. (CCP 706.052(a))

15 USC 1677 permits the states to have more stringent restrictions than are set forth in Federal legislation. As a consequence, the Federal restrictions pursuant to 15 USC 1673(b) of the amounts that may be withheld from wages do not apply to a judgment for alimony or child support, and California law is controlling.

Although no claim of exemption may be filed for earnings withheld pursuant to a withholding order for support, upon motion of any interested party, the court shall make an equitable division of the judgment debtor's earnings that takes into account the needs of all the persons the judgment debtor is required to support and shall effectuate such division by an order determining the amount to be withheld from the judgment debtor's earnings pursuant to the withholding order for support. (CCP 706.052(b))

Such an order may not authorize an amount to be withheld which is in excess of that allowable by Federal law under 15 USC 1673. (CCP 706.052(c))

Attorney's fees and costs awarded in an action for dissolution of marriage are not in the same category as a judgment for support.