

# Guide to Judiciary Policy

Vol. 12: Human Resources

## Ch. 6: Pay

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### § 646 Garnishment

#### § 646.10 Overview

(a) Authority for Regulations

These regulations are issued by the Director of the Administrative Office of the United States Courts (AO) at the direction of the Chief Justice of the United States under authority of section 459 of the [Social Security Act \(42 U.S.C. § 659\)](#) and [5 U.S.C. § 5520a](#), which are applicable to the judiciary as defined in [§ 646.15](#).

(b) Statutory Authority for Garnishment

Under the statutes referenced, the federal government is subject to legal process in like manner and to the same extent as a private person.

(1) Spousal Support and Child Support

Section 459 of the Social Security Act ([42 U.S.C. § 659](#)) permits pay and retirement annuities paid by the federal government to be garnished through state, territory or possession of the United States, or foreign legal process for the purpose of satisfying an obligation of an employee to pay spousal or child support.

(2) Garnishments Other than Spousal and Child Support

Under [5 U.S.C. § 5520a](#), the pay of a federal employee may be garnished for any debt other than spousal or child support through legal process issued by an appropriate authority within any state, territory or possession of the United States. Garnishments for spousal or child support under [42 U.S.C. § 659](#) take priority over garnishments permitted by 5 U.S.C. § 5520a, which are mainly for outstanding commercial and state tax debts.

(c) Other Federal Statutes Affecting Garnishments

(1) Consumer Credit Protection Act

Section 303 of the Consumer Credit Protection Act ([15 U.S.C. § 1673](#)) sets limits on the amount of an employee’s pay that is subject to garnishment for debts other than bankruptcy and taxes. Section 307 ([15 U.S.C. §1677](#)) makes state garnishment restrictions applicable when they are narrower than those provided in section 303.

(2) Bankruptcy Code

The Bankruptcy Code requires all entities to cease the collection of certain pre-petition debts from any person upon receiving notice that the person has filed a bankruptcy petition. [11 U.S.C. § 362\(a\)](#). The Bankruptcy Code also authorizes the bankruptcy court to order any entity from whom a Chapter 13 bankruptcy debtor receives income to pay all or any part of the income to the bankruptcy trustee. [11 U.S.C. § 1325\(c\)](#).

(d) Scope

These regulations specify the procedures for garnishment of the pay of any officer or employee who receives or is due to receive pay disbursed by the AO including the courts listed in [28 U.S.C. § 610](#), the Administrative Office, the Federal Judicial Center, the United States Sentencing Commission, and the Judicial Panel on Multidistrict Litigation, and became effective February 3, 1994. The regulations also provide for the handling of bankruptcy payment orders, stay of collections under the Bankruptcy Code, and United States Internal Revenue Service (IRS) levies concurrently with garnishments.

<b>§ 646.15 Definitions</b>	
Appropriate Authority	A court, agency, official or person authorized by federal, state or local law to take an action with respect to a legal process
Bankruptcy Court	A court having jurisdiction of cases under the Bankruptcy Code ( <a href="#">title 11 of the United States Code</a> ).
Bankruptcy Payment Order	An order of a bankruptcy court that directs the AO to withhold all or part of an employee’s pay or pay it to any person other than the employee.

<b>§ 646.15 Definitions</b>	
Child Support	Periodic payments of funds for the support and maintenance of a child or children that an employee has a legal obligation to pay. The scope of child support is determined by state law and includes but is not limited to, payments to provide for health care, education, recreation, clothing, or to meet other specific needs of a child or children. Child support also includes attorney's fees, interest, and court costs, to the extent those are expressly made recoverable as such in a decree, order, or judgment issued in accordance with state law by a court of competent jurisdiction.
Designated Agent	The official or person identified in <a href="#">§ 646.25</a> of these regulations to accept service of legal process.
Disposable Earnings	That part of an employee's compensation paid or payable for personal services subject to garnishment, that remains after the deduction of any amounts required by law to be withheld. Amounts withheld under an order for spousal support or the support of any person are not amounts required by law to be withheld and are included in disposable earnings.
Employee	For garnishment purposes, employee means an officer or employee as defined in <a href="#">5 U.S.C. § 2104</a> and <a href="#">§ 2105</a> includes an individual employed in any court, office of a circuit executive or bankruptcy administrator, federal public defender organization, or agency within the United States federal judiciary for which the Administrative Office of the U.S. Courts (AO) disburses employee pay, including the AO, Federal Judicial Center, United States Sentencing Commission, and Judicial Panel on Multidistrict Litigation.
Garnishment	Any legal or equitable procedure through which an employee's pay is required to be withheld for the payment of any debt, and includes any judicial or administrative procedure in the nature of garnishment.
Interrogatories	Any written request authorized by law for written responses to questions relevant to a garnishment.
IRS Levy	A levy by the United States Internal Revenue Service for the payment of a tax debt.
Issuing Authority	The court, agency or official that issued a legal process, IRS levy or bankruptcy payment order.
Judiciary	Any court or agency in the judicial branch of the United States government for which the AO disburses pay of employees, including the courts listed in <a href="#">28 U.S.C. § 610</a> , the Administrative Office, the Federal Judicial Center, the United States Sentencing Commission, and the Judicial Panel on Multidistrict Litigation.
Legal Process or Process	Any writ, order, summons, or other similar process in the nature of garnishment that:  (1) Is issued by a court of competent jurisdiction within any state,

<b>§ 646.15 Definitions</b>	
	<p>territory, or possession of the United States, or by an appropriate authority under order of such a court or under state or local law, and directs the AO to withhold money from the pay of a judiciary employee and pay it to another person in satisfaction of a specifically described legal debt of the employee other than spousal or child support.</p> <p>(2) Is issued by a court of competent jurisdiction within any state, territory, or possession of the United States, or by an appropriate authority under order of such a court or under state or local law, or by a court of competent jurisdiction in any foreign country with which the United States has entered into an agreement which requires the United States to honor such process, and directs the AO to withhold money from the pay of a judiciary employee and pay it to another person in satisfaction of a legal obligation of the employee to provide child support or make spousal support payments.</p>
Money Required by Law to be Deducted or Required by Law to be Withheld	When determining pay subject to or available for garnishment, does <b>not</b> include money withheld in satisfaction of a legal process or bankruptcy payment order, voluntary payroll deductions, or the fee charged by the AO under these regulations.
Pay Available for Garnishment or Pay Available	Pay subject to garnishment that is not being paid in satisfaction of a legal process of greater priority.
Pay Subject to Garnishment	<p>(1) For spousal or child support debts (<a href="#">42 U.S.C. § 659</a>), pay subject to garnishment is any money due or disbursed by the AO to an employee that consists of:</p> <p>(A) Compensation paid or payable for personal services of the employee, whether the compensation is denominated as wages, salary, commission, bonus, pay, or otherwise, and includes but is not limited to, severance pay, sick pay, and incentive pay, or</p> <p>(B) Periodic benefits, including a periodic benefit as defined in <a href="#">42 U.S.C. § 428(h)(3)</a>, or other payments to the employee under the Federal Old-Age, Survivors and Disability Insurance system or any other system or fund established by the United States, as defined in <a href="#">42 U.S.C. chapter 7, subchapter II</a> that provides for the payment of pensions, retirement or retired pay, annuities, dependents' or survivors' benefits, or similar amounts payable on account of personal services performed by the employee or any compensation for death under any federal program.</p>

<b>§ 646.15 Definitions</b>	
	<p>(2) For debts other than spousal or child support (<a href="#">5 U.S.C. § 5520a</a>), the pay subject to garnishment is any money due or disbursed by the AO to a judiciary employee that consists of:</p> <ul style="list-style-type: none"> <li>(A) basic pay;</li> <li>(B) premium pay;</li> <li>(C) annual leave lump sum payments;</li> <li>(D) payments to a missing employee;</li> <li>(E) moneys due a deceased employee;</li> <li>(F) severance and back pay;</li> <li>(G) sick pay;</li> <li>(H) incentive pay; and</li> <li>(I) any other compensation paid or payable for personal services, whether the compensation is denominated as wages, salary, commission, bonus pay or otherwise.</li> </ul>
<p>Pay Subject to Garnishment (continued)</p>	<p>(3) For all garnishments, pay <b>not</b> available is that:</p> <ul style="list-style-type: none"> <li>(A) Owed by the employee to the United States;</li> <li>(B) Required by law to be and actually deducted from the moneys due from or payable by the United States, including but not limited to federal employment taxes, and fines and forfeitures ordered by court-martial;</li> <li>(C) Properly withheld for federal, state or local income tax purposes, if the withholding of the amounts is authorized or required by law and if the amounts withheld are not greater than would be the case if the employee claimed all dependents to which he or she is entitled or are additional amounts withheld under <a href="#">26 U.S.C. § 3402(l)</a> in recognition of a tax obligation;</li> <li>(D) Deducted as health insurance premiums;</li> <li>(E) Deducted as normal retirement contributions (not including an employee's Thrift Savings Plan contributions or other amounts deducted for supplementary coverage);</li> <li>(F) Deducted as normal life insurance premiums from salary or other remuneration for employment (not including amounts deducted</li> </ul>

<b>§ 646.15 Definitions</b>	
	for supplementary coverage);  (G) Awards for making suggestions; or  (H) Reimbursement or other payments to an employee to defray travel, subsistence or other expenses incurred by the employee incident to the performance of official duties.
Spousal Support	Periodic payments of funds for the support and maintenance of the spouse (or former spouse) of an employee, formerly alimony.  (1) In accordance with state law, spousal support includes but is not limited to: <ul style="list-style-type: none"> <li>• separate maintenance,</li> <li>• alimony pendente lite, and</li> <li>• maintenance and spousal support.</li> </ul> (2) Spousal support also includes attorney’s fees, interest, and court costs to the extent that those are expressly made recoverable as such in a decree, order, or judgment issued in accordance with applicable state law by a court of competent jurisdiction.  (3) Spousal support does <b>not</b> include any payment or transfer of property or its value by an employee to a spouse or former spouse in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses or former spouses.

**§ 646.20 Honoring Legal Process**

(a) Agency Consent

The Director of the AO consents to honor legal process for garnishment of the pay of officers and employees of the judiciary in accordance with these regulations.

(b) Reasons for Not Honoring Process

The AO will not honor legal process if:

- (1) The process is not served in accordance with these regulations.
- (2) The process does not conform on its face to the laws of the jurisdiction from which it was issued.

(3) The process seeks to garnish funds that the AO has determined are not pay subject to garnishment as defined in these regulations, or are not disbursed by the AO.

(c) Notice to Issuing Authority

When the AO decides that it cannot honor a legal process, the AO will return the process to the issuing authority and give notice of the reason for the decision.

### § 646.25 Designated Agent and Procedure for Service

The person responsible for serving the legal process and any other document required to be served by these regulations must serve the designated agent in a manner set forth in this section.

(a) Service by Mail

The process may be served by certified or registered mail, return receipt requested, or other letter delivery service that provides a record on the envelope of the date of dispatch and a receipt indicating the date of delivery to:

Chief, Payroll Services Branch  
**Attention: Legal Process**  
Administrative Office of the United States Courts  
One Columbus Circle, N.E., Suite 2-270  
Washington, DC 20544

(b) Service by Delivery

The process may be served by personal delivery during regular business hours to:

Chief, Payroll Services Branch  
**Attention: Legal Process**  
Administrative Office of the United States Courts  
One Columbus Circle, N.E., Suite 2-270  
Washington, DC 20544

(c) Record of Receipt

The designated agent will apply a date and time stamp to each legal process or set of interrogatories as soon as possible after it is served.

(d) Time of Service

The time of service of a legal process or interrogatories is, as applicable,:

- (1) The date of mailing or dispatch as established by postmark or other record on the envelope, when served by mail in accordance with these regulations; or
- (2) The date and time stamped on a process by the designated agent upon personal delivery of the process.

(e) Simultaneous Mailing

When more than one process seeking to garnish pay of the same employee has the same date of mailing or dispatch, priority among those processes will be established by the applicable law(s).

(f) Ineffective Service

Service is not effective, and no time of service is established, unless the legal process is served in compliance with this section and accompanied by the information specified below in § 646.30.

(g) Receipt of Process by Other Officers or Employees

Any officer or employee of the judiciary other than the designated agent who receives legal process will forward the process to the designated agent as noted in § 646.25.

### **§ 646.30 Information to Accompany Legal Process**

Sufficient information to positively identify a person as a judiciary employee is required. This information must be provided at the time of service and include the following unless otherwise indicated information. It may appear in the legal process itself or in a certified writing by an appropriate authority that is served with the legal process.

- (a) Employee's full name.
- (b) Employee's social security number (or last four digits if state law requires suppression).
- (c) Employee's official duty station (city, state) and name of office (probation, clerk of court, etc.) for which the employee works or worked. Optional.
- (d) The address and telephone number of the issuing authority.



- (e) The name and address of the payee to whom payment is to be made. This payee must be able to receive and post biweekly or monthly payments.
- (f) Whether the legal process, or any portion of it, is to enforce an obligation to pay spousal support, child support or the support of any other person, and the name of each person to whom the support obligation relates.  
  
**Note:** All child support orders and applicable spousal support orders must use the OMB-approved Income Withholding for Support form 0970-0154.
- (g) A statement of the total debt as a dollar amount, and a dollar amount or portion of the employee's pay to be withheld periodically.
- (h) Any limits set by the law of the jurisdiction in which the process was issued on the time that the legal process is effective or on the number of payments or the total dollar amount of payments that the process may compel.
- (i) Any restrictions under state law on the amount of pay subject to garnishment that apply to the legal process in lieu of those prescribed by the Consumer Credit Protection Act ([15 U.S.C. § 1673](#), [§ 1672](#) and [§ 1677](#)).

### § 646.35 Agency Notice to Employee

Within 15 days after the time of service received by the designated agent, the AO will send to the employee at his or her duty station or last known home address a copy of the process or interrogatories and a written notice that the designated agent has been served.

### § 646.40 Agency Response to Process

- (a) Time and Content of Response

The AO will respond to legal process or interrogatories in accordance with these regulations within 30 days after the time of service or within any longer period that may be prescribed by state law where the process was issued, advising the issuing authority that the AO:

- (1) Will commence payments in satisfaction of the process;
- (2) Has retained the process for future satisfaction;
- (3) Requires further information to honor the process; or

- (4) Cannot honor the process for a reason described in these regulations.

(b) Response to Interrogatories

The AO will respond to interrogatories relevant to any garnishment, if the interrogatories are:

- (1) Authorized by the law of the jurisdiction in which legal process has been issued or will be issued; and
- (2) Served in accordance with these regulations and accompanied by all applicable information specified in § 646.30 and by any additional documentation required by law.

(c) Compliance with Other Garnishment Procedures

Except as otherwise provided in these regulations, the AO will give any notice and complete any forms required by a legal process. When the process requires the AO to give a notice that is equivalent to a notice prescribed by these regulations, whether to the same or a different person, the designated agent will give only the notice required by the process.

### **§ 646.45 Withholding from Employee's Pay**

(a) Determination of Amount to Withhold

The AO will identify the amount of the employee's pay available for garnishment and the amount that the legal process requires to be withheld from each disbursement of pay to the employee. The AO will withhold from each disbursement of pay available for garnishment the greatest amount necessary to satisfy the legal process.

(b) Start of Withholding

Whenever possible, withholding will begin in the first complete pay period after the time of service of the process. Otherwise, withholding will begin as soon as possible after that.

(c) Periodic Payments of Withheld Funds

The AO will make periodic payments in fulfillment of the legal process according to the employee's regular pay period.

- (1) When a legal process prescribes a different payment schedule or specifies a dollar amount for each payment, the AO will withhold an

amount per pay period that most nearly approximates but does not exceed the payment rate prescribed by the process.

- (2) The AO will not disrupt or vary its normal pay and disbursement cycles to comply with any legal process.
- (3) The AO will deduct the collection fee prescribed in [§ 646.90](#) from the money withheld and pay the balance of the money withheld to the person or entity designated by the legal process.
- (4) The AO will make disbursements by check or EFT payment for each deduction on each pay cycle. The AO cannot deduct funds and hold them in suspense for a combined payment at a later date.

(d) Established Order of Precedence of Paycheck Deductions

A partial paycheck due to non-pay status may not cover all of an employee's allotments. Deductions from paychecks follow an established order of precedence, listed below:

- (1) Federal (FICA/Medicare and Income Withholding), State and Local Income Taxes
- (2) Salary Offsets (Re-employed Annuitants)
- (3) Federal Employees Health Benefits (FEHB) Premium (pre-tax)
- (4) Thrift Savings Plan (TSP) Basic and Catch-up Contributions
- (5) Dental/Vision (pre-tax)
- (6) Flexible Spending Account Deductions
- (7) Health Savings Account Deductions
- (8) Retirement Deductions
- (9) FEHB (post-tax)
- (10) Debts
- (11) Federal Employees' Group Life Insurance (FEGLI) Basic Premium
- (12) Garnishments (Child Support, Federal/State Levies, Writs, etc.)
- (13) FEGLI Optional Premiums

- (14) TSP Loans
- (15) TSP Roth
- (16) Military Deposits
- (17) Dental/Vision (post-tax)
- (18) Combined Federal Campaign
- (19) Long-Term Care Premiums
- (20) Other Voluntary Deductions/Allotments

(e) Withholding from Non-Periodic Pay

The AO will withhold the maximum amount permitted by law from any non-periodic pay that is available for garnishment and pay the money withheld, less the fee prescribed by these regulations, in satisfaction of the legal process of greatest priority having a claim to those funds. Non-periodic pay includes awards, bonuses, voluntary separation incentive payments, and lump-sum annual leave payments.

(f) Cessation of Withholding

The AO will withhold and pay in compliance with a legal process, subject to these regulations, until:

- (1) The process ceases to be effective by operation of law;
- (2) The AO has paid an amount equal to the dollar amount of the debt stated in the process;
- (3) There is no pay available for further compliance with the process (**see: [§ 646.75](#)**); or
- (4) The AO is served with an order of a court of competent jurisdiction or other written notification by an appropriate authority enjoining, suspending, terminating or modifying the operation of the process. Any further payments in accordance with such an order or notification will have the same priority as the original process. **See also: [§ 646.55](#).**

## **§ 646.50 Federal Limitations on Pay Subject to Garnishment**

(a) General Limitation

Except as provided in § 646.50(b)–(e), the maximum part of the disposable earnings of an employee during any pay period which is withheld to satisfy all legal processes may not exceed the lesser of:

- (1) 25% of the employee’s disposable earnings during that pay period, or
- (2) The amount by which the employee’s disposable earnings during a pay period exceed 30 times the federal minimum hourly wage in effect at the time of payment, times the number of weeks in the pay period (60 times the minimum hourly wage for a biweekly pay period or 130 times the minimum hourly wage for a monthly pay period.)

**See:** [15 U.S.C. § 1673\(a\)](#).

(b) Exceptions to General Limitation

The limits in § 646.50(a) do not apply to legal process to enforce an order for the support of any person, an order of a bankruptcy court, or a debt due for any state or federal tax. **See:** [15 U.S.C. § 1673\(b\)\(1\)](#).

(c) Limitation for Support Orders

- (1) The maximum part of the disposable earnings of an employee for any pay period which is subject to garnishment to enforce an order for the support of any person will not exceed:
  - (A) 50% of the employee’s disposable earnings for that pay period, where the employee asserts by affidavit that he or she is supporting a spouse or child other than a spouse or child whose support is the purpose of the legal process.
  - (B) 60% of the employee’s disposable earnings for that pay period, where the employee does not assert by affidavit that he or she is supporting a spouse or child other than a spouse or child whose support is the purpose of the legal process.
- (2) The percentages in § 646.50(c)(1)(A) and (c)(1)(B) are deemed to be 55% and 65%, respectively, if the legal process is to enforce a support obligation applicable to any period antedating the commencement of garnishment by more than twelve weeks.

**See:** [15 U.S.C. § 1673\(b\)\(2\)](#).

(d) Special Exemptions from Consumer Credit Protection Act

The limitations on garnishment provided in this section do not apply to legal process issued under the laws of a state that the Secretary of Labor of the United States has exempted by regulation from the application of sections 303(a) and 303(b)(2) of the Consumer Credit Protection Act ([15 U.S.C. § 1673\(a\) and \(b\)\(2\)](#)).

(e) Applicability of State Garnishment Laws

The AO is subject to the laws of any state that prohibit garnishments or provide for more limited garnishments than are permitted by section 303 of the Consumer Credit Protection Act ([15 U.S.C. § 1673](#)).

### § 646.55 Priority of Legal Process and Other Claims

The following are general guidelines defining the priority of legal process and other claims. In accordance with applicable law, there may be exceptions to the following guidance.

(a) Priority of Support Orders

A legal process has priority over a process served later, except that a legal process for spousal or child support has priority over any process for a debt other than spousal or child support.

(b) Bankruptcy Orders

A bankruptcy payment order has the same priority that a legal process for a debt other than spousal or child support would have according to its time of service, unless the court that issued the bankruptcy payment order directs otherwise.

(c) IRS Levies

An IRS levy has the priority provided by law. This may vary, depending on the nature and timing of the tax debt and other debts.

(d) Multiple-Debt Garnishments

A legal process for more than one debt or a bankruptcy payment order will have priority according to this section as being entirely for a debt other than spousal or child support debt, unless the process or order specifies a portion of the payment by dollar amount that is for spousal or child support. In that case, the AO will accord the specified dollar amount a separate priority as a spousal or child support payment according to this section.

(e) Honoring Processes in Order of Priority

- (1) When the AO is served with more than one legal process seeking to garnish the same moneys, the AO will first satisfy all processes that seek to enforce obligations to pay spousal or child support. Those processes will be honored in accordance with the issuing state. The AO will then satisfy any legal processes for debts other than spousal and child support in the order of greatest priority.
- (2) Each legal process will be satisfied in turn from the portion of the employee's pay that remains available for garnishment after satisfaction of all other legal processes having greater priority, subject to the garnishment limitations set forth in [§ 646.50](#).
- (3) A legal process, bankruptcy payment order or IRS levy may be satisfied ahead of processes of greater priority when pay is available for that purpose but not available for garnishment under the other processes.

**§ 646.60 Insufficient Pay Available for Garnishment**

Except as provided below in § 646.60(a), when there is pay available for garnishment to satisfy a legal process, but the pay is insufficient to satisfy the garnishment in full, the AO will withhold all pay available for garnishment and disburse it in satisfaction of the process, less the collection fee prescribed by these regulations.

(a) Decrease in Pay Subject to Garnishment

- (1) If an employee's pay subject to garnishment decreases so that it is insufficient to satisfy all pending legal processes, the AO will reduce or discontinue disbursements under the process having the least priority until the total disbursed under all processes does not exceed the available pay subject to garnishment.
- (2) If necessary, the AO will likewise reduce or discontinue the disbursements made under other processes in the order of least priority.

(b) Maintenance of Disbursements Having Priority

The AO will not reduce or discontinue disbursements under any legal process under this section until payments under all processes having lesser priority have been discontinued.

(c) No Pay Available for Garnishment

- (1) When none of an employee's pay is available to satisfy a legal process, IRS levy, or bankruptcy payment order, the AO will notify the issuing authority.
- (2) Unless directed otherwise by an appropriate authority, the designated agent will retain the process or order and begin withholding in satisfaction of it when pay becomes available.

(d) Later Process with Priority over Earlier Process

When the designated agent receives a legal process, IRS levy, or bankruptcy payment order that has priority over earlier processes under which it is already making disbursements, the AO will reduce or discontinue the payments under the earlier processes in the order of least priority as necessary until there is enough pay available for garnishment to satisfy the process, levy, or bankruptcy payment order having greatest priority.

(e) Notice of Change in Agency Compliance

Whenever the AO disburses less than the full amount specified in a legal process, or reduces or discontinues payments, the AO will notify the issuing authority of the reason for the change.

## § 646.65 Changes in Employee's Pay

(a) Separation from Employment

- (1) When an employee leaves the employment of the judiciary, the AO will honor outstanding legal processes using any pay available for garnishment from the employee's remaining salary or lump sum payments.
- (2) Once the employee is separated, the AO will discontinue disbursements when there is no longer any pay due the former employee to satisfy the garnishment. **See:** [§ 646.60\(c\)](#).

(b) Notice of Change

The designated agent will send notice of an employee's separation to the issuing authority of each process under which the AO is making disbursements or that the AO has retained for future compliance under these regulations. **See also:** [§ 646.75](#).

(c) Increase in Pay Available for Garnishment



When an employee's pay available for garnishment increases, the AO will withhold the additional pay available for garnishment as necessary to comply with any outstanding legal processes in the order of greatest priority.

## § 646.70 Employee's Bankruptcy

### (a) Suspension of Payments

The AO will suspend disbursements under a legal process in accordance with the automatic stay provision of the Bankruptcy Code ([11 U.S.C. § 362](#)) as soon as possible after the designated agent is served with notice of the employee's bankruptcy in one of the following forms:

- (1) An original or a certified copy of a completed [Official Bankruptcy Form B206](#).
- (2) A certified copy of the bankruptcy petition or the summons to debtor in an involuntary case, which bears the dated file stamp of the bankruptcy clerk's office.
- (3) A certified copy of an order of a bankruptcy court, or other appropriate authority, directing the AO to suspend payment.
- (4) An affidavit of an attorney at law representing the bankruptcy trustee or the employee, including:
  - (A) the employee's name and social security number;
  - (B) the name of the court in which the bankruptcy case is pending, the case number, and the date the petition was filed;
  - (C) the chapter of the Bankruptcy Code under which the petition was filed;
  - (D) the affiant's name, title, address, telephone number, and bar identification number;
  - (E) a statement that the bankruptcy case is pending at the time of service;
  - (F) a statement that collection of the debt under the legal process is stayed by the pendency of the bankruptcy; and

(G) the following subscribed statements concluding the affidavit:  
“The affiant declares under penalty of perjury that the foregoing is true and correct. Executed on (date).”

(b) Exception for Support Obligations

The AO will not suspend disbursements that represent support obligations under this section except by order of the bankruptcy court or other appropriate authority, served on the designated agent under these regulations. [11 U.S.C. § 362\(b\)\(2\)](#).

(c) Representation of Pendency of Bankruptcy

A person that causes service to be made under § 646.70 represents that the bankruptcy case is pending at the time of service.

(d) Notice to Issuing Authority

The designated agent will notify the issuing authority of the effective date of a suspension of disbursements under this section.

(e) Resumption of Payments

The AO will resume disbursements that have been suspended under this section as soon as possible after the designated agent is served with an order of the bankruptcy court that lifts or terminates the stay.

(f) Later-Served Legal Process

After the AO has been served with notice of an employee’s pending bankruptcy case, the AO will honor a later served legal process affecting that employee’s pay only if the process is served together with:

- (1) An order of the bankruptcy court directing the AO to honor the legal process or otherwise declaring that collection under the legal process is not stayed, or
- (2) An affidavit by an attorney at law who represents the party that caused the legal process to be issued. The affidavit must contain all the information prescribed in [§ 646.70\(a\)](#), except that it must state that collection of the debt described in the legal process is **not** stayed by the pendency of the bankruptcy case.

## § 646.75 Retention of Legal Process for Future Satisfaction

(a) No Pay Available or Process Stayed

Unless the legal process directs otherwise, the AO will retain a process that cannot be honored because the employee temporarily has no pay available for garnishment or the operation of the process has been stayed, enjoined, or suspended by an appropriate authority.

(b) Start of Garnishments

- (1) The AO will begin withholding and disbursing in satisfaction of a legal process retained under this section when pay becomes available for garnishment or the AO is served with an order or notice from an appropriate authority that the stay, injunction, or suspension has been removed.
- (2) Processes retained under this section will be satisfied according to their priority among all processes involving the same employee's pay. **See:** [§ 646.55](#).

(c) Notice to Issuing Authority

The designated agent will notify the issuing authority that a legal process has been retained under this section.

### **§ 646.80 Reduction or Elimination of Salary Allotments**

The AO will reduce or discontinue direct deposit salary allotments and IRS levy deductions as necessary to satisfy a legal process.

(a) Opportunity for Voluntary Modification of Allotments

- (1) The designated agent will notify the employee in advance when it is necessary to reduce or eliminate a salary allotment or deduction other than a direct deposit allotment or IRS levy deduction.
- (2) The employee will then have three working days to reduce or eliminate such allotments voluntarily.
- (3) After that, the AO will reduce or eliminate the allotments at its option.

(b) Allotments Subject to Reduction

Allotments that may be reduced or eliminated under this section include those for:

- Thrift Savings Plan contributions and loan payments,
- savings bonds,

- charitable deductions,
- excess withholding for federal and state income taxes,
- supplementary life insurance, and
- supplementary retirement contributions.

### § 646.85 Post-Judgment Interest and Costs

(a) Requirements for Adding Interest or Costs

The AO will add interest or costs to a debt only when they are stated as a dollar amount in the legal process or a dollar amount certified in writing by an appropriate authority that is served on the designated agent.

(b) Later Claim Related to Pending Garnishment

If the AO receives a later claim for interest or costs relating to a legal process under which there is an outstanding balance payable by the AO, the AO will add the claim to the outstanding balance, and the total balance will have the same priority as the original legal process.

(c) Later Claim Related to Completed Garnishment

If a claim for interest or costs relates to a legal process on which there is no outstanding balance, the AO will treat the claim as a new legal process, unless otherwise directed in writing by the issuing authority.

(d) Unspecified Claim Amount

If a legal process states that the employee is liable for post-judgment interest or costs without specifying those elements as a dollar amount, the designated agent will notify the issuing authority of the requirements of this section.

### § 646.90 Collection Fee

The AO will collect a charge of \$5.00 per payment to cover the administrative costs of honoring legal process for a debt other than spousal or child support. **See:** [5 U.S.C. § 5520a](#). This fee, in addition to the garnishment amount, is deducted from each payment subject to garnishment.