

While every source of the noncustodial parent's income is subject to Ohio wage garnishment, there *are* garnishment exemptions available to the noncustodial parent in Ohio. This means that some of the noncustodial parent's income is protected. Ohio garnishment law follows the Consumer Credit Protection Act (CCPA) closely when determining these garnishment exemptions. Further, these exemptions apply even when the noncustodial parent is assigned multiple orders of support.

Garnishment Limits and Exemptions

Most any source of income is subject to withholding in Ohio. However, some income is protected by withholding limits. To determine the income subject to these protections, Ohio follows CCPA guidelines. The CCPA defines "earnings" as any income that is paid or payable for personal services. To determine the portion of these earnings that are protected, you must first subtract all of the deductions required by law. These deductions can include Social Security and Medicare, state, federal, and local income taxes, and any mandatory deductions for a state disability or unemployment program, as well as mandatory pension system deductions for a public employee. After the deductions are made, you are left with the employee's "disposable earnings." These disposable earnings are subject to the following maximum withholding limits:

- 50% if the employee supports a second family;
- 55% if the employee supports a second family and is more than twelve months behind on their support payments;
- 60% if the employee does not support a second family; and
- 65% if the employee does not support a second family and is not more than twelve months behind on their support payments.

Allocation and Priority

When an employer receives two or more support orders for the same employee, and the employee does not have enough disposable earnings to cover all of the payments, the employer must contact the issuing agencies to let them know about the other orders. The employer should allocate the current support first, based on the pro rata method. The pro rata method is done by allocating each support payment amount according to the ratio of the total allowable disposable earnings each takes up. If there are any allowable disposable earnings left over, the employer should then deduct for arrears.

If an Ohio employer receives a support order along with another type of withholding order for the same employee, they must follow the set method for prioritization. If the other withholding order is issued by a state or is a Chapter 13 bankruptcy order dated on or after October 17, 2005, then the employer should prioritize the support order first. When making this determination, it does not matter that another withholding order was issued before the support order – the support order still takes priority under the law.

On the other hand, if the other withholding order is a levy issued by the IRS, the employer must prioritize the levy first. However, when there are not enough allowable disposable earnings to cover both payments, the IRS can accommodate the support order if contacted by an employer. If the IRS does so, the employer should get the agreement in writing and go on to contact the court or the agency that issued the support order to notify them of the IRS levy on the employee.

Protection from Discrimination

An employer may not discriminate against an employee, or a potential employee, on the basis of a support order. An employer who discriminates on this basis will be subject to a fine determined under Ohio law.

Read more: http://family-law.freeadvice.com/family-law/child_support/ohio-child-support-garnishment-limits-exemptions-protections.htm#ixzz491JEMT19

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