

NOTICE TO OBLIGOR/DEFENDANT REGARDING INCOME ATTACHMENT

23 Pa. C.S. § 4348 provides for the mandatory attachment of income to meet the financial obligations of a support order. The enclosed Order of Support, consistent with 23 Pa. C.S. §4348 and Rule 1910.21, contains provisions for the mandatory attachment of income to be issued immediately. The parties may agree to waive the mandatory provisions for income withholding in cases in which the balance owed is less than one month's support obligation at the time the support order is issued.

After an income withholding order is issued, it shall apply to any current or future employers. Revised income withholding orders will be issued as the amount of support owed is modified in subsequent proceedings. The definition of the types of income which are subject to income withholding as well as the definition of employers who are obligated to implement the income withholding order are defined in 23 Pa. C.S. § 4302.

An obligor may object to an order for income withholding in writing or by a personal appearance in the Domestic Relations Section within 10 days after issuance of this notice.

The grounds for an objection are limited to the following mistakes of fact:

1. no overdue support exists under the order or there is a mistake in the amount of overdue support;
2. there is a mistake of identity of the obligor; or
3. the amount being withheld exceeds the maximum amount which may be withheld under the federal Consumer Credit Protection Act (15 U.S.C. § 1673).

If a mistake of fact has occurred, the income withholding order shall be modified accordingly.

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