

## Article - Family Law

[Previous][Next]

§10-133.

(a) Except as provided in § 10-123 or § 10-124 of this subtitle, an obligor may contest the issuance of an earnings withholding order by moving for a stay of the order no later than 15 days after a copy of the withholding order is mailed to the obligor under § 10-127 of this subtitle.

(b) A motion for a stay of the withholding order:

(1) shall be under oath;

(2) shall state the grounds for contesting the earnings withholding, including dates and amount of payments in dispute; and

(3) may be on a form that shall be prepared by the court.

(c) Any person who willfully makes a false representation of facts on a motion for stay of the withholding order under this section shall be subject to the penalties for perjury.

(d) Upon receipt of a motion for a stay of the withholding order under subsection (a) of this section, the court shall immediately notify the recipient and the support enforcement agency, if applicable, and shall schedule a hearing within 15 days.

(e) The only issues that may be adjudicated at a hearing scheduled under this section are:

(1) whether the alleged arrearage existed;

(2) the amount of the arrearage;

(3) the identity of the obligor; and

(4) that the amount of the withholding order exceeds the limits of the federal Consumer Credit Protection Act.

(f) Payment of arrearage after the date of the motion for service of the withholding order is not a defense against withholding.

(g) After adjudication of the issues under subsection (e) of this section, if the court finds that the obligor owed an amount in excess of 30 days' support at the time the request for service of the withholding order was filed, the court shall cause the earnings withholding order to be served on the obligor's employer immediately and shall deny the stay.

(h) If the court finds that the amount of the withholding order exceeds the limits of the federal Consumer Credit Protection Act, the court shall alter the amount of the earnings withholding to the maximum allowed under the federal Consumer Credit Protection Act.

(i) In any event, the court shall rule on the request for service of the earnings withholding order within 45 days of the mailing of the notice to the obligor.

[Previous][Next]