

States will exclude debts owed to the United States; Federal, State and local income tax withholding; Social Security withholdings (FICA); deductions for health insurance premiums; normal retirement contributions; normal government life insurance premiums; fines and forfeitures ordered by court-martial; Retired Serviceman's Family Protection Plan; and Survivor Benefit Plan.) See 42 U.S.C. 662(g) and 5 CFR 581.105.

(j) Process directed to the Commander, AFMPC/JA, must demonstrate, either on its face or by accompanying documentation, that collection is sought only for child support or alimony or both. The process must also show the social security number and whether the member is retired, Reserve, ANG, active duty, or civilian employee. (If the employee is a civilian, the name of the base where the civilian is employed should also be provided.)

(k) In order to process the request efficiently, these documents should be provided:

(1) If the process does not reflect that it has been brought to enforce an obligation of support, a certified copy of the order, judgment, or decree that originally established the obligation to support (5 CFR 581.202(c));

(2) A copy of any pleading requesting reduction of delinquent amounts to a judgment amount, and a copy of any order resulting therefrom;

(3) Any pleading, affidavit, or application requesting garnishment process; and

(4) The supporting execution, if any.

Documentation will vary depending on State law.

(l) The law directs the Federal government to answer garnishment or similar process within 30 days (or within such longer period as may be prescribed by applicable State law) after date of service. See 42 U.S.C. 659(d).

(m) Service of legal process must be accomplished by certified or registered mail, return receipt requested, or by personal service. Any documents served in any other manner will be returned without action. The following agents have been designated to accept legal process within the Air Force:

(1) Active duty, reserve, Air National Guard (ANG), and retired military members, and civilian employees of appropriated fund activities: Commander, Air Force Accounting and Finance Center, Attention: JA, Denver CO 80279-5000; (303) 370-7524.

(2) Nonappropriated fund civilian employees of base exchanges: Army and Air Force Exchange Service, Attention: GC-G, Dallas TX 75222-3956; (214) 320-2641.

(3) Civilian employees of all other Air Force nonappropriated fund activities: AFMPC/JA, Attention: NAF Law Division, Randolph AFB TX 78150-6001; (512) 652-6691.

(n) See 5 CFR part 581, appendix A.

#### § 818.21 Statutory allotments.

(a) On 3 September 1982, the President signed into law section 172(a) of Pub. L. 97-248 (codified at 42 U.S.C. 665, effective 1 October 1982) which allows mandatory allotments from an active duty member's pay and allowances to satisfy child or child and spousal support obligations. (Alimony or spousal support alone does not qualify under this law).

(b) A spouse or former spouse may obtain an allotment for child support or child and spousal support in cases where payments are in arrears for at least 2 months.

(c) This act provides that no more than 50 percent of a member's pay and allowances are subject to be allotted from a member who is supporting a second family and no more than 60 percent from a member who is not. The percentages are increased by 5 percent in each situation where there are outstanding arrearages which are 12 or more weeks past due. Pay and allowances and exclusions are defined in the DOD regulations.

(d) After the Air Force member is notified and given an opportunity to be counseled, the allotment will be established in the next available month following 30 days after notice is made on the Air Force member. The payments will be made at the end of the month in which the allotment was established.

(e) An allotment, pursuant to this statute, may be accomplished by furnishing the Air Force Accounting and Finance Center a written notice from a

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court or state agency administering child support programs under title IV-D of the Social Security Act. This notice must be signed and must contain the following information:

(1) A statement that the person signing is an agent or an attorney of the State having a IV-D plan who has the duty or authority under such plan to seek to recover amounts owed by a service member as child or child and spousal support or a notice from a state court or any agent of the court which has authority to issue an order against a service member for the support of a child.

(2) The service member's full name and social security number.

(3) A recently certified copy of the order awarding support must be included with the notice.

(4) A statement that the support payments are in arrears at least two months.

(5) A court order showing the amount of the arrears and specifying that payments be made to liquidate such arrears.

(6) The total amount of the allotment. (Specify the amount to be paid for current support and the amount to be paid each month toward arrears.)

(7) The dates that the current support should terminate (for each child).

(8) Name and address of payee.

(f) The notice and documents must be served on the following: Commander, AF AFC, Attn: JA, Denver CO 80279-5000.