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## Support Help for Obligor in Desperate Times

These are extraordinary times, and we are all facing a bizarre set of circumstances. Not only are we all hiding in our houses from coronavirus, the corresponding hit being absorbed by the business community is affecting our livelihoods. Businesses are curtailing hours and services and, we hope, only temporarily closing. Hopefully, all of this is over quickly, but who knows how long it will last. We hope the financial hit we are all taking is for the short term.

The effect on the business community has a direct and parallel impact on wages. So what do you do if you have a child support order that assumes you make a guaranteed monthly net income, and you don't make that much anymore? The Pennsylvania Support Guidelines allow for a modification of support any time one party experiences a continuing and permanent change in circumstances. A layoff is such a change. Additionally, any such alteration is retroactive back to the date of filing. An attorney can file a modification petition for you, and the Pennsylvania support website allows you to file a modification on your own. Just make sure you have some indication of when you submitted the modification request.

A more practical problem is this, right now courthouses and the Domestic Relations Sections of those courthouses are closed and, again, for who knows how long. On top of that, it is likely that when the courts finally do reopen, there is going to be a back-log of not only all the conferences and hearings that need to be rescheduled but also the scheduling for all of the accumulated filings that came in during the closure.

Let's play through two realistic scenarios. In the first, your employer has been forced to close, at least temporarily. The first thing you should do is seek a support modification. Second, in any legal situation, you should mitigate your damages. If you can't find other employment immediately, file for unemployment. The simple rule on unemployment is that if there is no work available, you have the right to file for it, so do it. Mitigate your damages and file for unemployment.

In the second scenario, you work for a company that is still open, but your hours have been seriously curtailed, and your wages reduced accordingly. You usually net about \$6,000.00 per month, but because of the hour reduction, you are now bringing home half that amount. The \$2,000.00 per month child and spousal support order, with daycare included, suddenly becomes two-thirds of your income. What do you do in the short-term before you can be heard on a support modification?

Again, the first step is to file for a modification. Also, there is help from federal consumer protection laws. All states are subject to certain limitations on wage attachments. Under 15 USCS §1673(b), if you are supporting another family beside the one subject to the support order, support is limited to 50% of your net income. Your net income is what you take home after taxes and other mandatory deductions from your pay. If you are over 12 weeks in arrears on your support, the maximum figure goes up to 55% of your net. If you are not supporting another family, that figure goes up to 60% of your net; and if you are not supporting another family and are over 12 weeks in arrears, that figure goes up to 65% of your net income.

My experience has been that payroll departments, state unemployment offices and Domestic Relations Sections understand all of this. If you are in such a situation and either your payroll department or local Domestic Relations Section seems to be violating this law, point it out to them. Theoretically, during this crisis, Domestic Relations Section employees are working remotely. They should respond to an email, and your payroll department does not want a complaint from any consumer protection agency on your behalf. Finally, if none of that works, my office is available to help.