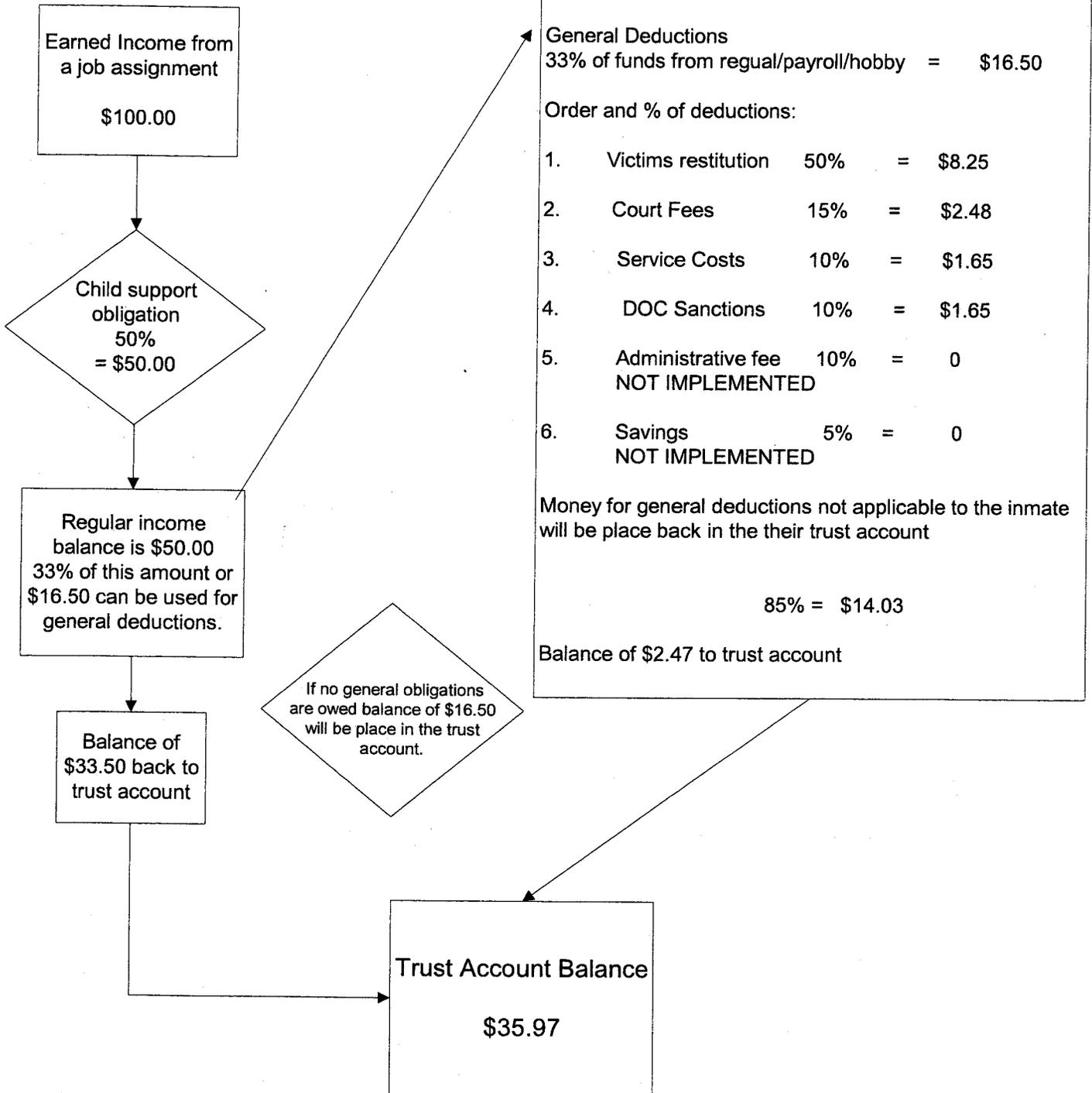


Department of Corrections
Example of income deductions with ratio scenerio
7/15/08

EXHIBIT 1
DATE 1/26/2009
HE 302



Earned Income from a job assignment
\$100.00

Child support obligation
50%
= \$50.00

Regular income balance is \$50.00
33% of this amount or \$16.50 can be used for general deductions.

Balance of \$33.50 back to trust account

Trust Account Balance
\$35.97

General Deductions
33% of funds from regual/payroll/hobby = \$16.50

Order and % of deductions:

1.	Victims restitution	50%	=	\$8.25
2.	Court Fees	15%	=	\$2.48
3.	Service Costs	10%	=	\$1.65
4.	DOC Sanctions	10%	=	\$1.65
5.	Administrative fee	10%	=	0
	NOT IMPLEMENTED			
6.	Savings	5%	=	0
	NOT IMPLEMENTED			

Money for general deductions not applicable to the inmate will be place back in the their trust account

85% = \$14.03

Balance of \$2.47 to trust account

If no general obligations are owed balance of \$16.50 will be place in the trust account.

(c) the court determines that the obligor is delinquent in the payment of support; or
 (d) the court determines there are new or additional delinquencies to be added to an existing deduction order.

(2) The order must state:

- (a) the action involved;
- (b) the total amount of back child support due and the amount of each court-ordered installment of child support;
- (c) the amount to be deducted from the obligor's income and the amount, if any, allowed to the payor under 40-5-309(2) as a fee for handling the deduction;
- (d) the length of time the order is to remain in effect, if ascertainable; and
- (e) the name and address of the person or entity to whom the deduction is to be paid by the payor.

History: En. Sec. 8, Ch. 171, L. 1981; amd. Sec. 4, Ch. 276, L. 1995; amd. Sec. 63, Ch. 552, L. 1997.

Cross-References

Earnings of judgment debtor, 25-13-614.

What property subject to attachment, 27-18-102.

Discharge or layoff of employee because of attachment or garnishment prohibited, 39-2-302.

40-5-309. Amount to be deducted from income. (1) (a) The amount of money to be deducted each pay period from the obligor's income is:

(i) (A) the amount of money necessary to pay current installments of child support as they become due and payable; plus

(B) the amount of money that, when deducted in equal amounts each pay period, will pay off all outstanding child support payments delinquent within 2 years; or

(ii) not less than 25% of the obligor's disposable earnings.

(b) If withholding is annualized, when deducted in equal amounts, the amount withheld each pay period must be sufficient to pay all installments due in a 12-month period under the order to withhold.

(2) The district court may allow a fee not to exceed \$5 per deduction, which the payor may deduct from the obligor's income for the expense of administering the deduction.

(3) The total amount to be deducted under subsections (1) and (2) may not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. 1673(b), as amended.

(4) Except as provided in 40-5-315, the child support income deduction must cease when there is no past-due child support owing, unless the district court orders continued income deductions for payment of child support installments as they become due and payable.

History: En. Sec. 9, Ch. 171, L. 1981; amd. Sec. 1, Ch. 625, L. 1987; amd. Sec. 17, Ch. 635, L. 1991; amd. Sec. 11, Ch. 60, L. 1995; amd. Sec. 64, Ch. 552, L. 1997.

Cross-References

Payment of maintenance or support to court, 40-4-206.

40-5-310. Priority of income deduction. An order for the deduction of income for the payment of child support payments takes precedence over any:

- (1) assignment of income;
- (2) voluntary deductions from the obligor's income; and
- (3) other court-ordered garnishment of income.

History: En. Sec. 10, Ch. 171, L. 1981; amd. Sec. 65, Ch. 552, L. 1997.

Cross-References

Earnings of judgment debtor exempt from execution, 25-13-614.

What property subject to attachment, 27-18-102.

Wage brokers — restrictions upon assignment of wages or salary, 31-1-304.

Assignments for benefit of creditors, Title 31, ch. 2, part 2.

40-5-311. Remedy not exclusive. The remedy provided in this part for the collection of unpaid child support is not exclusive. This part provides a remedy in addition to all other remedies in law available to obligees of unpaid child support.

History: En. Sec. 11, Ch. 171, L. 1981.

Cross-References

Remedies additional — cumulative, 40-5-144, 40-5-404.

(a) because the person has a child support obligation; or
 (b) because of the institution of income withholding on the obligor's income or the initiation of proceedings under this part.

(2) Any person who violates this section may be fined not more than \$500 and not less than \$150 and may be required to make full restitution to the aggrieved obligor, including reinstatement and backpay.

History: En. Sec. 12, Ch. 571, L. 1985; amd. Sec. 18, Ch. 702, L. 1989.

Cross-References

Discharge or layoff of employee because of attachment or garnishment prohibited, 39-2-302.

40-5-423. Priority of income withholding. An order to withhold and deliver income under this part takes priority over any:

- (1) wage or income deduction order under any other state law and any income-withholding order issued in another state and sent to a payor in this state;
- (2) voluntary or involuntary assignment of wages;
- (3) other voluntary deductions from the obligor's income;
- (4) levies, writs of execution, or garnishments of the obligor's income; and
- (5) any other claims by creditors.

History: En. Sec. 13, Ch. 571, L. 1985; amd. Sec. 76, Ch. 552, L. 1997.

Cross-References

What property subject to attachment, 27-18-102.

40-5-424. Civil liability for failure to comply with income-withholding order. (1) A payor who fails to withhold and deliver support money from the obligor's income when ordered to do so under 40-5-415 is liable to the department for any amount up to the accumulated amount the payor should have withheld and delivered.

(2) No payor who complies with an order to withhold under this part is liable for wrongful withholding to the obligor or to any other person claiming rights derived from the obligor.

History: En. Sec. 11, Ch. 571, L. 1985.

Cross-References

Damages — measure of damages, Title 27, ch. 1, parts 2 and 3.

40-5-425. Repealed. Sec. 22, Ch. 635, L. 1991.

History: En. Sec. 5, Ch. 702, L. 1989.

40-5-426 through 40-5-430 reserved.

40-5-431. Registration of interstate income-withholding orders. (1) Whenever an obligor, whether or not the obligor resides in this state, derives income within this state and an order for income withholding of the obligor's income has been issued by another IV-D agency as a means to enforce support orders under Title IV-D of the Social Security Act, that agency may register the income-withholding order with the department. Upon registration of the withholding order issued by an entity other than the department, it must be treated in the same manner and have the same effect as an income-withholding order issued by the department. The provisions of 40-5-188 through 40-5-191 apply to this section to the extent that they are consistent with this section.

(2) The application for registration of an order issued by an entity other than the department for income withholding must include:

- (a) a certified copy of the support order, with all modifications of the order;
- (b) a certified copy of the income-withholding order;
- (c) a sworn statement of the facts entitling the agency to issue an income-withholding order, including a statement of the amount of arrearages and a statement that all procedural due process requirements of the other jurisdiction for issuance of the income-withholding order have been carried out in full;
- (d) the name, address, and social security number of the obligor;
- (e) the name and address of the obligor's employer or of any other payor of income to the obligor if the order for income withholding of the other jurisdiction extends to other income; and
- (f) the name and address of the agency or person to whom support payments collected by the department under income-withholding procedures should be transmitted.