

§ 4-5-44 Request for Court Records of Another State

If a custody decree has been rendered in another state concerning a child involved in a custody proceeding pending in the Tribal Court, the Court upon taking jurisdiction of the case shall request of the Court of the other state a certified copy of the transcript of any court record and other documents mentioned in section 4-5-43.

§ 4-5-45 International Application

The general policies of this sub-title extend to the international area. The provisions of this chapter relating to the recognition and enforcement of custody decrees of other states apply to custody decrees and decrees involving legal institutions similar in nature to custody institutions rendered by appropriate authorities of other nations if reasonable notice and opportunity to be heard were given to all affected persons.

§ 4-5-46 Priority

Upon the request of a party to a custody proceeding which raises a question of existence or exercise of jurisdiction under this sub-title the case shall be given calendar priority and handled expeditiously.

SEPARATE MAINTENANCE/CHILD SUPPORT

§ 4-5-50 Temporary Spousal/Child Support (section was formerly § 4-1-12 renumbered and amended by NPTEC 7/8/03)(section amended 2/26/08)

(a) While an action for dissolution is pending and upon consideration of the financial status of the parties, the court may order the payment by one party to the other:

- (1) of temporary maintenance in an amount and according to appropriate terms under the circumstances;
- (2) of temporary support of a child based on the child support guidelines;
- (3) of a reasonable amount for the cost of maintaining or defending any dissolution proceedings.

(b) In those instances where the Court deems it necessary, it may appoint a guardian ad litem to represent a minor or dependent child with respect to his support, custody and visitation. Any costs or fees for such representation shall be born by either or both of the child's parents.

§ 4-5-51 Maintenance/Child Support (formerly 4-5-13 renumbered and amended by NPTEC 7/8/03)

(a) Action for separate maintenance and/or child support may be maintained by one spouse who is living separate from the other.

(b) Where a dissolution is granted and after considering all relevant factors, the Court may order separate maintenance for either spouse in such amounts and for such period of time the Court deems just. Separate maintenance may be awarded to a spouse only if such spouse:

- (1) lacks sufficient property to provide for his or her reasonable needs; and
- (2) is unable to support himself or herself through employment.

(c) The court may order either or both parents owing a duty of support to a child to pay an amount reasonable or necessary for such child's support. (subsection amended 2/26/08)

(1) The Tribe shall establish guidelines for determining the amount of child support. The amount resulting from the application of these guidelines is the amount of child support ordered unless a written finding is made, based on criteria approved by the Tribe, that application of the guidelines would be inappropriate or unjust in a particular case. The Tribe shall review the guidelines at least once every four (4) years to ensure that their application results in the determination of appropriate child support amounts. The Tribe shall base the guidelines and criteria for deviation from them on all relevant factors, including:

- (A) The financial resources and needs of the child.
- (B) The financial resources and needs of the custodial party.
- (C) The standard of living the child would have enjoyed had the marriage not been dissolved.
- (D) The physical and emotional condition of the child and the child's educational needs.
- (E) The financial resources and needs of the noncustodial parent.

(2) The child support guidelines shall be used in determining the ability to pay child support and the amount of payments. The obligation to pay child support is primary and other financial obligations are secondary.

(A) There shall be a rebuttable presumption that the amount of the award which would result from the application of the guidelines is the amount of the child support to be awarded, unless evidence is presented in a particular case which indicates that an application of the guidelines would be unjust or inappropriate.

(B) If the court determines that the circumstances exist to permit a departure from the guidelines, the judge making the determination shall make a written or specified finding on the record that the application of the guidelines would be unjust or inappropriate in the particular case before the court

(C) In-kind payments may be permitted to satisfy a support obligation provided that the court order:

- (i) states the specific dollar amount of the support obligation, and
- (ii) describes the type of in-kind payment that is being allowed to satisfy the specific dollar amount of the support order, and
- (iii) prohibits the in-kind payment from satisfying any assigned support obligations.

(3) The court may order either parent to name any child under eighteen as a beneficiary of any medical or dental or benefit plan carried by such parent or available to such parent on a group basis through employment.

**MANDATORY INCOME WITHHOLDING FOR CHILD SUPPORT (§§ 4-5-52 - 4-5-66
adopted by NPTEC 7/8/03)**

§ 4-5-52 Remedies in Addition to Other Remedies

(a) The remedies provided in this chapter are in addition to, and not in substitution for, any other remedies provided by law.

(b) The provisions of this chapter apply to any dependent child, whether born before or after the effective date of this act, and regardless of the past or current marital status of the parents.

§ 4-5-53 Income Withholding

(a) The CSEP may enforce a support order which is, or has been issued or modified against a noncustodial parent by withholding:

- (1) as much of his/her income as is necessary to pay the current monthly support amount and if needed an additional amount to be applied toward any arrearage. The total amount may not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Act (15 U.S.C. 1673 (b));

(b) The CSEP will comply with all procedural due process requirements of the Nez Perce Tribe.

(c) Income Withholding does not apply to in-kind payments.

(d) Mistake of fact is the only basis for contesting income withholding.

§ 4-5-54 Notice of Immediate Income Withholding

(a) The court shall order income withholding in all support orders effective the date of the order unless an exception is granted by the court pursuant to subsection (b) of this section. All support orders shall notify the obligor that income withholding shall be enforced by a withholding order issued to the obligor's employer, without additional notice to the obligor.

(b) Immediate income withholding shall not be ordered if

(1) One of the parties demonstrates and the court makes a specific written finding that there is good cause not to require immediate income withholding. A finding of good cause by the court must be based on, at a minimum:

(A) A written determination and explanation of why implementing immediate withholding would not be in the best interests of the child; and

(B) Proof of timely payment of previously ordered support in cases involving the modification of support orders; or

(2) A written agreement is reached between the obligor and obligee and the CSEP in cases where the CSEP is providing child support services, which provides for an alternative arrangement, and such agreement is determined by the court to be in the best interests of the child.

(c) Failure to provide for income withholding does not affect the validity of the support order.

§ 4-5-55 Income Withholding Upon a Delinquency

If a support order does not include immediate income withholding, the obligor is subject to income withholding upon a delinquency at least equal to the child support payment for one (1) month, without the need for a judicial or administrative hearing.

§ 4-5-56 Judicial Proceedings for Income Withholding

(a) A proceeding to enforce a duty of support is commenced by:

- (1) filing a petition or complaint for an original action; or
- (2) motion in an existing action or under an existing case number.

(b) Venue for the action is in the tribal court or county district court where the dependent child resides or is present, where the obligor resides, or where the prior support order was entered. The petition or motion may be filed by the obligee, the tribe or any agency providing care or support to the dependent child.

(c) A filing fee shall not be assessed in cases brought on behalf of the Nez Perce Tribe.

(d) A petition or motion shall include a sworn statement by the obligee, stating the facts authorizing the issuance of the income withholding order, pursuant to § 4-5-54 or § 4-5-55, and:

- (1) The name, address, and social security number of the obligor;
- (2) A copy of the support order;
- (3) The name and address of the obligor's employer;
- (4) The amount of any delinquency; and
- (5) Whether the obligee has received public assistance from any source on behalf of the minor child, and, if so, from which source(s).

(e) Upon receipt of a petition or motion, the court shall issue an income withholding order pursuant to § 4-5-54 or § 4-5-55 using the form prescribed by the U.S. Federal Office of Child Support Enforcement, to the employer. The court shall also order the employer to remit the amount withheld to the person or entity designated in the income withholding order within seven (7) business days after the date the amount would have been paid or credited to the obligor. The income withholding shall include: (subsection amended 2/26/08)

- (1) The maximum amount of current support, if any, to be withheld from the obligor's earnings each month, or from each earnings disbursement;
- (2) The total amount of the arrearage or reimbursement judgment previously entered by the court, if any, if any; and
- (3) The amount of arrearage payment specified in the support order, if any.

(f) If the petition or motion indicates the obligee has received public assistance from any source on behalf of a minor child, the clerk shall immediately forward a copy of the petition or the motion to the CSEP.

(g) The court retains continuing jurisdiction under this chapter until all duties of support of the obligor, including any delinquency, have been satisfied or until the order is otherwise unenforceable.

§ 4-5-57 Service of Income Withholding Order in a Judicial Proceeding

(a) The following items and documents shall be served on the employer personally or by any form of mail requiring a return receipt

(1) two (2) conformed copies of the income withholding order, one (1) of which is for the employer, and one (1) for the obligor;

(2) four (4) answer forms in substantial compliance with § 4-5-60;

(3) Three (3) stamped envelopes provided by the obligee and addressed to, respectively, the person or entity designated in the income withholding order, the obligee's attorney or the obligee, and the obligor.

§ 4-5-58 Employer's Duties and Responsibilities -- Fee for Employer

(a) Upon receiving an income withholding order from the court, the employer shall answer the income withholding order on forms supplied with the income withholding order within ten (10) days after the date of service. The employer shall deliver the original answer to the court, and shall mail one (1) copy to the obligee or obligee's attorney, and shall deliver one (1) copy to the obligor as soon as is reasonably possible. The answer shall state whether the obligor is employed by or receives income from the employer, whether the employer will honor the income withholding order, and whether there are multiple child support income withholding orders or garnishments against the obligor. Upon receiving an income withholding order from the CSEP, the employer shall begin income withholding pursuant to this section.

(b) If the employer possesses any income due and owing to the obligor, the income subject to the income withholding order shall be withheld immediately upon receipt of the income withholding order. The withheld income shall be delivered to the person or entity designated in the income withholding order within seven (7) business days after the date the amount would have been paid or credited to the employee.

(c) The total amount to be withheld from the obligor's earnings each month, or from each earnings disbursement, shall not exceed forty percent (40%) of the disposable earnings of the obligor for that period. If the amounts to be paid toward the arrearage are specified in the support order, then the maximum amount to be withheld is the sum of the current support ordered and the amount ordered to be paid toward the arrearage, or fifty percent (50%) of the disposable earnings of the obligor for that period, whichever is less. (In no event shall the amount to be withheld from the earnings of the obligor exceed the amount specified under section 303(b) of the Consumer Credit Act (15 U.S.C. 1673(b)).

(d) When an employer receives an income withholding order issued by another tribe or state, the employer shall apply the income withholding law of the jurisdiction of the obligor's principal place of employment in determining

- (1) The employer's fee for processing an income withholding order;
- (2) The maximum amount permitted to be withheld from the obligor's income;
- (3) The time periods within which the employer must implement the income withholding order and forward the child support payment;
- (4) The priorities for withholding and allocating income withheld for multiple child support obligees; and
- (5) Any withholding terms or conditions not specified in the income withholding order.

(e) If an obligor is subject to two (2) or more income withholding orders for child support on behalf of more than one (1) obligee, the employer may send the entire amount withheld from that obligor to the Nez Perce Accounting Department . The Accounting Department shall apportion the amount of income withheld between all obligees of the obligor as follows: the support obligation for the current month shall be paid first. If the amount of nonexempt disposable income withheld is not sufficient to pay the total support obligation for the current month for each obligee for whom there is an income withholding order, the amount withheld shall be divided between each obligee for whom there is an income withholding order on a pro rata basis. If the amount of the nonexempt disposable earnings withheld is in excess of the total support obligation for the current month for each obligee for whom there is an income withholding order, the excess shall be divided between each obligee for whom there is an income withholding order which includes withholding for any delinquency on a pro rata basis unless otherwise ordered by the court. (subsection amended 2/26/08)

(f) The employer shall continue to withhold the ordered amounts from nonexempt income of the obligor until notified by the court or the CSEP that the income withholding order has been modified or terminated. The employer shall promptly notify the CSEP when the employee is no longer employed, and of the employee's last known address, and the name and address of his new employer, if known. (subsection amended 2/26/08)

(g) The employer may deduct a processing fee, not to exceed five dollars (\$5.00), to cover the costs of each withholding. Such fee is to be withheld from the obligor's income in addition to the amount withheld to satisfy the withholding order, but the total amount withheld, including the fee, shall not exceed forty percent (40%) of the obligor's disposable income.

(h) The employer may combine amounts withheld from various employees for a particular entity in a pay period into a single payment for that pay period, as long as the portion

thereof which is attributable to each individual employee is separately designated.

(i) An order for income withholding for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment, income withholding order, or garnishment for child support.

§ 4-5-59 Penalties for Employers

(a) An employer may not discharge, discipline, or refuse to employ an obligor on the basis of an income withholding order issued under this chapter. If an employer discharges, disciplines, or refuses to employ an obligor because of an income withholding obligation, the obligor shall have a cause of action against the employer. The employer shall be liable for double the amount of lost wages and other damages suffered as a result of the violation and for costs and reasonable attorney's fees, and may be subject to a civil penalty of up to three hundred dollars (\$300) for each violation. In addition, the employer may also be ordered to hire, rehire, or reinstate the aggrieved obligor.

(b) An employer who knowingly fails to retain and remit to the Nez Perce Accounting Department an amount pursuant to the income withholding order shall be liable to the CSEP for the amount to be retained specified in the income withholding order and may be subject to a fine of up to one hundred dollars (\$100), which is a debt due and owing to the CSEP unless: (subsection amended 2/26/08)

(1) The employer notifies the court or CSEP that the obligor is not in his employ and the CSEP verifies the obligor's nonemployment and withdraws its income withholding order; or

(2) The obligor's income is not sufficient and therefore the restrictions in section 303(b) of the Consumer Credit Production Act (15 U.S.C. 1673(b)), apply and a lesser amount must be withheld.

(c) No employer who complies with an income withholding order that is regular on its face shall be subject to civil liability to any individual or agency for conduct in compliance with the income withholding order.

§ 4-5-60 Identifying Information -- Filing with Tribunal and Child Support Services

Obligors and obligees shall file with the court or the CSEP, if the CSEP is providing child support services, identifying information including social security number, residential and mailing address, telephone number, driver's license number, and name, address, and telephone number of the employer. Obligors and obligees shall provide written notification of any changes within ten (10) days after such changes. (subsection amended 2/26/08)

§ 4-5-61 Order for Payment of Medical Expenses

(a) A proceeding to enforce a support order directing the payment of medical expenses of a dependent child may be commenced as provided in § 4-5-56.

(b) The petition or motion may be filed by an obligee when medical expenses not otherwise provided without charge to the obligee by the Indian Health Service, or NiMiiPuu Health, or Medicaid, or otherwise covered by insurance have been incurred in the amount of one hundred dollars (\$100) or more, or when insurance premiums, deductibles, or payments on submitted claims for which payment or reimbursement is claimed to be due from the obligor equal or exceed one hundred dollars (\$100). The petition or motion shall include a sworn statement by the obligee, stating the facts authorizing the issuance of the order, including (amended by NPTEC 3/22/11)

(c) Upon the filing of a petition or motion and affidavit containing the information required in subsection (2) of this section, the clerk of the court shall set a hearing thereon. The obligee shall serve a copy of the petition or motion, accompanying affidavit and notice of hearing on the obligor by personal service or certified mail, pursuant to the Nez Perce Tribe's rules of civil procedure.

(d) After hearing, the court shall enter its order directing payment of the specific sums, if any, for which the obligor is found to be liable for previously incurred medical expenses. In addition, if the court determines that some or all of the medical expenses of the dependent child are of an ongoing or recurring nature and the anticipated amounts thereof are capable of determination to the satisfaction of the court, the court may order payment to the obligee of a specific sum per month toward such expenses.

(e) For purposes of this section "medical expenses" means any and all costs and expenses related to health care incurred on behalf of a dependent child, including insurance premiums and any deductible amounts, all or a portion of which are ordered to be paid by the obligor in addition to any amount awarded as child support, pursuant to a support order.

§ 4-5-62 Termination of Income Withholding upon Obligor's Request

(a) An obligor whose income is subject to withholding upon a delinquency under this chapter may request a hearing to quash, modify, or terminate the withholding, by filing a motion requesting such relief before the court which issued the income withholding order. A copy of the motion and a notice of hearing shall be served upon the obligee by personal service or certified mail, pursuant to the Nez Perce Tribe's rules of civil procedure.

(b) In a hearing to quash, modify, or terminate the income withholding order, the court may grant relief only upon a showing by the obligor that there is a substantial probability that the obligor would suffer irreparable injury and that the obligee would not suffer irreparable injury. Satisfaction by the obligor of any delinquency subsequent to the issuance of the income withholding order is not grounds to quash, modify, or terminate the income withholding order.

(c) Mistake of fact is the only basis for contesting income withholding.

§ 4-5-63 Health Insurance Coverage -- Enforcement

(a) Where a person is required by court or administrative order to provide health insurance coverage for a dependent child, that person is eligible for family health coverage through an employer and fails to provide such coverage or lets it lapse, the CSEP or other obligee may seek enforcement of the coverage order as provided under this section provided that, where health care is available to a child based upon a parent's status as an American Indian/Alaskan Native, the federal health care exemption shall apply and CSEP shall not seek enforcement. (amended by NPTEC 3/22/11)

- (b) (1) If the obligor's order to provide health insurance coverage contains language notifying the obligor that failure to provide such coverage may result in direct enforcement of the order and orders payments through, then the CSEP may, without further notice to the obligor, send a notice of intent to enroll to the obligor's employer by certified mail, return receipt requested. The notice which shall include a copy of the order shall require the employer to enroll the child in the health insurance plan as provided in subsection (3) of this section.
- (2) If the obligor's order to provide health insurance coverage does not order payments through, and has not been submitted to, the CSEP:
 - (A) The obligee may, without further notice to the obligor, send a certified copy of the order requiring health insurance coverage to the obligor's employer by certified mail, return receipt requested; and
 - (B) The obligee shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court.

(c) Upon receipt of an order that provides for health insurance coverage, or a notice of intent to enroll:

- (1) The obligor's employer shall answer the party who sent the order or notice within thirty (30) days and confirm that the child:
 - (A) Has been submitted in the health insurance plan;
 - (B) Cannot be covered, stating the reasons why such coverage cannot be provided.
- (2) The employer shall withhold any required premium for the obligor's dependents from the obligor's income or wages;

- (3) If more than one (1) plan is offered by the employer, and each plan may be extended to cover the child, then the child shall be enrolled in the obligor's plan. If the obligor's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the obligor parent;
- (4) The employer or insurer shall provide the name of the health insurance coverage provider or insurer, the extent of coverage available and other necessary information to the CSEP or other obligee and shall make available any necessary claim forms or enrollment membership cards.

(d) If the order for coverage contains no language notifying the obligor that failure to provide health insurance coverage may result in direct enforcement of the order, the CSEP or other obligee may serve a written notice of intent to enforce the order on the obligor by certified mail, return receipt requested, or by personal service. If the obligor fails to provide written proof that such coverage has been obtained or applied for within thirty (30) days of service of the notice, or within thirty (30) days of coverage becoming available, the CSEP or other obligee may proceed to enforce the order directly as provided in subsection (b) of this section.

(e) If the obligor ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the CSEP or other obligee may serve a written notice of intent to enroll the child in a separate health insurance coverage plan on the obligor by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

(f) If the CSEP serves a notice under subsection (e) of this section, the obligor may, within thirty (30) days of the date of service:

- (1) File a motion with the tribal court; or
- (2) Provide written proof to the CSEP that the obligor has either applied for, or obtained coverage accessible to the child.

(g) If an obligee other than the CSEP serves a notice under subsection (5) of the section, within thirty (30) days of the date of service, the obligor shall provide written proof to the obligee that the obligor has either applied for, or obtained, coverage accessible to the child.

(h) If the obligor fails to respond to a notice served under subsection (5) of this section to the party who served the notice, the party who served the notice may enroll the obligor's child in the health insurance coverage specified in the notice directly. The employer shall withhold the amount of the premium from the income of the obligor. The amount to be withheld from the income of the obligor shall not exceed the amount specified in section 303(b) of the Consumer Credit Act (15 U.S.C. 1673(b)). The employer shall forward the amount of premium withheld to the insurance provider.

(i) If the coverage is terminated or amended, the employer shall mail a notice of termination or amendment to the CSEP or other obligee at the obligee's last known address within forty-five (45) days of the termination date.

(j) This section shall not be construed to limit the right of the obligor or the obligee to bring an action in court at any time to enforce, modify or clarify the original support order.

(k) If the amount of the obligor's income or wages which are withheld under subsection (c)(2) of this section is insufficient to pay the premium for the dependents, the obligor shall, nevertheless, be responsible for payment of the premium.

(l) The employer shall not disenroll or eliminate coverage of any such child unless:

- (1) The employer has been provided satisfactory written evidence that the order requiring such health care coverage is no longer in effect; or
- (2) The employer has received confirmation that the child is enrolled in other comparable health care coverage; or
- (3) The employer has eliminated family health coverage for all of its employees; or
- (4) The employee upon whose employment the health coverage is premised has ceased employment with the employer and reasonable measures have been taken to give notice to the parents or guardians of the child.

§ 4-5-64 Termination or Modification of Income Withholding upon Oblige's Request

The court may quash, modify or terminate an income withholding order upon written request therefor by the obligee, unless the court finds that the termination would not be in the best interests of the dependent child.

§ 4-5-65 Termination of Income Withholding by the Court in a Judicial Proceeding

If the clerk is unable to deliver payments under the income withholding order for a period of three (3) months due to the failure of the obligee to notify the clerk of a change of address, the court shall terminate the income withholding order, and shall mail a copy of the termination order to the employer and to the obligor. The court shall return all undeliverable payments to the obligor.

§ 4-5-66 Location of Noncustodial Parent

(a) The Nez Perce Tribe Child Support Enforcement Division (CSEP) maintains a service to locate noncustodial parents using:

- (1) All sources of information and available records on the Nez Perce Reservation, in Idaho or other states; and
- (2) The Federal Parent Locator Service (FPS) maintained by the federal Department of Health and Human Services.

§ 4-5-67 Modification (section added 2/26/08)

(a) Any order for child support, in which the tribal court has original jurisdiction or to which both parties agree to a modification in tribal court, may be modified on a showing of changed circumstance that is substantial and continuing, except as to any amount that may have accrued as an arrearage before the date of notice of the motion to modify.

- (1) If application of the guidelines results in an order that varies fifteen percent (15%) or more from the existing amount, the fifteen percent variation in the amount of the order will be considered evidence of a substantial and continuing change of circumstances.
- (2) The addition of health insurance coverage as defined in section 4-5-51(c)
- (3) or a change in the availability of health insurance coverage may constitute a continuing and substantial change in circumstance.

(b) Modification is effective on the first day of the month following notice of the motion for modification unless the court, for good cause shown, orders the change to become effective at a different date but not earlier than the date of filing the motion for modification. The order of modification may include an award of attorney fees and court costs to the prevailing party.

(c) In a case receiving CSEP services, a party or the CSEP, if there is an assignment of rights resulting from the custodial person receiving TANF benefits, may request every three years that an order for child support be reviewed and, if appropriate, adjusted.

- (1) The request may be made without a specific showing of a changed circumstance that is substantial and continuing.
- (2) The CSEP shall conduct the review in accordance with the tribal child support guidelines.
- (3) If appropriate, the CSEP shall file a motion in the tribal court to adjust the support amount.
- (4) Every three years the CSEP shall notify the parties of their right to request a review of the order for support. The CSEP shall notify the parties by first class mail at their last known address or by including the notice in an order.

(d) If a party in a case receiving CSEP services requests a review and adjustment sooner than three years, the party shall demonstrate a changed circumstance that is substantial and continuing.

(e) Children of the party requesting the modification who are born or adopted after the entry of the existing order shall not be considered in determining a modified support obligation.

§ 4-5-68 Income Withholding Orders from Foreign Jurisdictions (section added 2/26/08)

The CSEP shall receive and process income withholding orders from other Tribes, States and other entities as follows: Within five days of receiving an income withholding order from a foreign jurisdiction either directly or as forwarded from a Tribal employer, the CSEP shall request transmittal of the case from the initiating IV-D agency. Upon receipt of the foreign order, CSEP shall proceed pursuant to § 4-5-53 and the procedural rules for the Recognition and Enforcement of Foreign Judgments. (amended by NPTEC 3/22/11)

§ 4-5-69 Termination of Income Withholding upon Satisfaction of Support Obligation (section added 2/26/08)

Notice terminating the income withholding will be promptly sent to the employer when the support obligation, including any arrears, has been satisfied.

§ 4-5-70 Amounts Improperly Withheld (section added 2/26/08)

The Nez Perce Accounting Department will promptly refund to the obligor any amounts improperly withheld from the obligor's earnings.