

1975 WL 29101 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 27, 1975

*1 The Honorable Arnold S. Goodstein
2124 Dorchester Avenue
Charleston, South Carolina

Dear Senator Goodstein:

In your letter dated August 4, 1975, you requested an opinion of the Attorney General as to how Public Law 93-647, as amended, can be implemented in South Carolina. In particular you are concerned with the new Section 459.

Section 459 (copy attached) is a statutory consent by the United States to garnishment, stating generally that money due an individual from the United States is subject, as if the United States were a private person, to legal process brought against such individual for enforcement of legal obligations for child support or alimony.

It is clear that this Section subjects the salaries of Federal employees to garnishment for child support and alimony, however, it does so only to the extent as if the United States were a private person. In a state where garnishment of private persons is prohibited, garnishment of Federal employees would also be prohibited. As pointed out in your letter, wage garnishment is prohibited by statute in South Carolina, Sections 10-1731 and 10-1731.1, South Carolina Code of Laws, 1962, as amended. Thus, garnishment as provided for in [42 U.S.C. 659](#), Section 459, could be implemented in South Carolina only by amendment of the prohibition of South Carolina Code Sections 10-1731 and 10-1731.1.

I am enclosing for you a recent publication of the Family Law Reporter. This article discusses Section 459 at length and might offer you some insight into the provision.

I hope that this information is of assistance to you. If you have any further questions, please contact me.

Very truly yours,

Harry H. Davis, Jr.
Staff Attorney

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