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Sokolsky v. Kuhn, 405 So. 2d 975 (Fla. 1981)

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Creditors' Rights—GARNISHMENT—REDUCING PAST-DUE CHILD SUPPORT TO FINAL MONEY JUDGMENT: THE VANISHING EXCEPTION TO WAGE EXEMPTION—*Sokolsky v. Kuhn,* 405 So. 2d 975 (Fla. 1981).

The plaintiff, Audrey Kuhn, in *Sokolsky v. Kuhn*[1] established a foreign divorce decree in a Florida court and reduced overdue child support payments to a final money judgment. She subsequently filed a motion for writ of garnishment of her former husband's wages, seeking to satisfy her final judgment. The trial court issued the writ of garnishment and the garnishee responded as to the amount it was indebted to Sokolsky, the former husband. Before final judgment of garnishment was entered, Sokolsky moved to dissolve the garnishment. He filed an affidavit alleging that he was entitled to an exemption as the head of a family residing in Florida and that the garnished funds were exempt wages.[2] Kuhn failed to file a controverting affidavit as mandated by section 222.12 of the Florida Statutes in order to contest the wage exemption claim made under section 222.11. The trial court granted final judgment against the garnishee and concluded that Sokolsky was not exempt from garnishment under Florida Statutes, section 61.12, the alimony and child support exception to the wage exemption.[3] Al-

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1. 405 So. 2d 975 (Fla. 1981).

2. As head of family, Sokolsky claimed that his wages were exempt from garnishment pursuant to FLA. STAT. § 222.11 (1979). Section 222.11 provides:

> No writ of attachment or garnishment or other process shall issue from any of the courts of this state to attach or delay the payment of any money or other thing due to any person who is the head of a family residing in this state, when the money or other thing is due for the personal labor or services of such person.

Section 222.11 was amended in 1981 to provide that "[a]s used in this section, the term 'head of family' includes any unmarried, divorced, legally separated, or widowed person who is providing more than one-half of the support for a child or other dependent." FLA. STAT. § 222.11 (1981). FLA. STAT. § 222.12 (1979) sets forth the procedure to establish the exemption:

> Whenever any money or other thing due for labor or services as aforesaid is attached by such process, the person to whom the same is due and owing may make oath before the officer who issued the process that the money attached is due for the personal labor and services of such person, and he is the head of a family residing in said state. When such an affidavit is made, notice of same shall be forthwith given to the party, or his attorney, who sued out the process, and if the facts set forth in such affidavit are not denied under oath within 2 days after the service of said notice, the process shall be returned, and all proceedings under the same shall cease. If the facts stated in the affidavit are denied by the party who sued out the process within the time above set forth and under oath, then the matter shall be tried by the court from which the writ or process issued, in like manner as claims to property levied upon by writ of execution are tried, and the money or thing attached shall remain subject to the process until released by the judgment of the court which shall try the issue.

3. FLA. STAT. § 61.12 (1979). Section 61.12, which creates an exception to the exemption for the head of a family, provides in relevant part:

though the district court affirmed, Sokolsky argued in a petition for rehearing that section 61.12 was inapplicable because Kuhn had reduced the child support "order" to a final "judgment" for arrearages.[4] The district court rejected this argument finding that, although the support arrearages had been reduced to a money judgment, the garnishment "proceeding remained essentially one for child support."[5] Since section 61.12 applied, Kuhn's failure to file a controverting affidavit had no effect on the proceedings.[6] The Florida Supreme Court granted review, posing the determinative issue as "whether section 61.12(1), Florida Statutes (1979), permitting garnishment of wages of the head of household 'to enforce the orders of the court of this state for alimony, suit money, or child support,' applies where child support arrearages had been reduced to a final money judgment."[7]

Justice Alderman opined that the final money judgment entered in favor of the former wife was not an order within the purview of section 61.12: "When a money judgment is entered providing for execution, the provisions of section 61.12 are not applicable."[8] Therefore, the court held that the section 61.12 exception to the head of family exemption from garnishment of a former spouse's wages did not apply when the former wife obtained a final judgment for past-due child support.[9] The supreme court supported its opinion with a literal reading of section 61.12 in deciding to quash

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(1) So much as the court orders of the money or other things due to any person or public officer, state or county, whether the head of family residing in this state or not, when the money or other thing is due for the personal labor or service of the person or otherwise, is subject to attachment or garnishment to enforce the orders of the court of this state for alimony, suit money, or child support, or other orders in proceedings for dissolution, alimony, or child support . . . .

It should be noted that § 61.12 has the following effect: (1) It allows attachment or garnishment of wages due the head of a family, (2) it allows the state to be subject to attachment or garnishment, and (3) it provides that a court may issue a continuing writ of garnishment to enforce payment of child support or alimony.

Sections 61.12 and 222.11 are gender neutral and recognize the situation in which the husband seeks to garnish his former wife's wages to satisfy her child support and alimony obligations. While the ex-husband can be awarded child support and alimony, it is still more common for the ex-husband to pay his ex-wife. Therefore, for purposes of clarity and consistency with the factual circumstances of the cases, this note will assume that the ex-wife seeks to garnish her ex-husband's wages.

4. Sokolsky v. Kuhn, 386 So. 2d 806, 808 (Fla. 1st Dist. Ct. App. 1980) (on denial of the petition for rehearing).

5. *Id.* at 807.

6. 405 So. 2d at 976.

7. *Id.* at 975.

8. *Id.* at 977.

9. *Id.*

the decision of the district court.[10]

I. Policy Considerations and the Underlying Claim

In reaching its holding, the court signaled a retreat from what had been the majority rule among the district courts of appeal.[11] Absent from the *Sokolsky* opinion was an analysis concerning the purposes and policies behind sections 222.11 and 61.12. Because section 61.12 gives the former wife the ability to garnish or attach the wages of the former husband, it should be recognized as a remedial statute entitled to a liberal construction advancing and effectuating the legislative intent.[12] Section 61.001 provides that "[t]his chapter shall be liberally construed and applied to promote its purposes."[13] One such express purpose is "[t]o mitigate the potential harm to the spouses and their children caused by the process of legal dissolution of marriage."[14]

To read chapter 61 in isolation, however, would be incorrect and would not help resolve the competing policies of section 61.12 and section 222.11. Florida case law recognizes that the purpose behind the exemption laws in chapter 222 is to prevent the unfortunate citizen and his family from becoming public charges.[15] Such wage exemption statutes enable the debtor to continue to support his family,[16] thereby relieving the family from the expense and hardship which would inevitably result when wages were garnished.[17] Since public policy in Florida requires that judicial determinations providing for child support payments be enforceable,[18] and because the courts have deemed the underlying purposes of section 222.11

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10. The court noted that had the former wife not obtained a final judgment of arrearages subject to execution, the district court would have been entirely correct in holding § 61.12 creates an exception to the § 222.11 exemption. *Id.*

11. *Id.* The court overruled the following cases to the extent that they were inconsistent with *Sokolsky:* Busot v. Busot, 354 So. 2d 1255 (Fla. 2d Dist. Ct. App. 1978); Clemons v. Morris, 350 So. 2d 519 (Fla. 4th Dist. Ct. App. 1977); Hall v. Air Force Fin. Center, 344 So. 2d 1340 (Fla. 1st Dist. Ct. App. 1977); and DeCastro v. DeCastro, 334 So. 2d 834 (Fla. 3d Dist. Ct. App. 1976).

12. In Hall v. Air Force Fin. Center, 344 So. 2d at 1344, the district court engaged in such an analysis and liberally construed § 61.12 to cover final judgments.

13. Fla. Stat. § 61.001(1) (1979).

14. *Id.* § 61.001(2)(c).

15. Patten Package Co. v. Houser, 136 So. 353, 355 (Fla. 1931).

16. Wolf v. Commander, 188 So. 83, 84 (Fla. 1939).

17. Noland Co. v. Linning, 132 So. 2d 802, 804 (Fla. 1st Dist. Ct. App. 1961).

18. City of Jacksonville v. Jones, 213 So. 2d 259, 259-60 (Fla. 1st Dist. Ct. App. 1968). The district court articulated this purpose in finding that § 61.12 permitted garnishment of a municipality.

to apply to the family, sections 222.11 and 61.12 can be read *in pari materia*. By recognizing that the exemption statutes protect the dependents of the wage earner, the courts should not use section 222.11 as a device to relieve the former husband of his obligation to support his former wife and children.[19]

The *Sokolsky* court, in contravention of the mandates of section 61.001, reached its holding through a formalistic and restrictive reading of section 61.12, concluding that a final money "judgment" was not the equivalent of an "order" of the court for child support.[20] By elevating form over substance, the court sidestepped the basic purposes underlying sections 61.12 and 222.11 to achieve a result the legislature never intended. The court's holding was even more curious because of its recognition that there are differing policy concerns when a third-party creditor in a normal debtor-creditor relationship seeks garnishment as compared to an ex-wife seeking to enforce past-due child support payments.[21] Even if the former husband remarries, section 61.12 contemplates that it is within the discretion of the court to garnish "[s]o much [of his wages] as the court orders."[22] Therefore, within the constructs of section 61.12, the court has the express power to prevent the ex-husband's new family from becoming a public charge while at the same time enforcing his legal obligation for child support to his prior family.[23] Yet the *Sokolsky* court soundly quashed the latter policy choice by denying the ex-wife a remedy under section 61.12 when her court-ordered child support payment arrearages were reduced to final judgment.

While it is possible to resolve the issue in *Sokolsky* based upon an examination of the underlying purposes of sections 222.11 and

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19. This point was precisely addressed in Meadows v. Meadows, 619 P.2d 598, 600 (Okla. 1980).

20. 405 So. 2d at 977.

21. *Id.* at 977 n.1. Certainly, § 222.11 was designed to protect against predatory creditors and not the former spouse who has reduced child support arrearages to a final judgment.

The *Sokolsky* court recognized this precise point in commenting upon *Killian v. Lawson*, 387 So. 2d 960 (Fla. 1980), in which the wage exemption was used to defeat a claim made by a third-party creditor. The court was careful to note that the use of the wage exemption in *Killian* was not available to the ex-husband to defeat his former wife's garnishment for past-due child support since "such an absurd result" was not intended. 405 So. 2d at 977 n.1.

22. FLA. STAT. § 61.12(1) (1979).

23. 15 U.S.C. § 1673 (Supp. IV 1981) provides a maximum percentage of disposable earnings that can be subjected to garnishment to enforce child support orders. These maximum percentages preempt state law and limit the permissible garnishment. Phillips v. General Fin. Corp. of Fla., 297 So. 2d 6, 8 (Fla. 1974). *See infra* note 33 and accompanying text.

61.12, one court has adopted a rationale based upon the origin of the claim to garnishment. In concluding that section 61.12 was applicable when the support arrearages were reduced to final judgment, the First District Court of Appeal stated that the "proceeding remained essentially one for child support."[24] Inherent in the district court's analysis is the recognition that the genesis of the former wife's claim to garnishment lies in a court order for child support. Through the valid court order, the former wife obtained a final judgment for arrearages. The supreme court was remiss in failing to consider the origin of the claim to garnishment. Had the supreme court adopted an analysis that contemplated the genesis of the wife's claim regardless of the final money judgment, the purposes behind section 61.12 would have been promoted and she could have enforced the *court-ordered* child support by garnishment.

Based upon the essential concept that a final judgment is not a "court order," the *Sokolsky* court concluded that section 61.12 is inapplicable.[25] The court, however, provided no further guidance to distinguish between an order and a judgment. While an order for child support is not in all respects the same as a final judgment,[26] the Florida Supreme Court, in *Vinson v. Vinson*,[27] found the difference to be that an order was enforced by contempt whereas a judgment was enforced by execution.[28] With the difference between an order and a judgment being the enforcement mechanism, section 61.12, by subjecting wages to garnishment and attachment, enables an order to be enforced through execution as if it were a final judgment. In determining whether a judgment comes within the purview of section 61.12, one commentator was critical of a decision holding section 61.12 inapplicable and stated that "the court was indulging in semantic hocus-pocus in distinguishing an 'order' from a 'judgment.' "[29] Whatever differences exist between orders

24. 386 So. 2d at 807. The First, Second, Third, and Fourth District Courts of Appeal had all concluded § 61.12 applied where a final judgment had been obtained. *See* cases cited *supra* notes 4, 10.

25. 405 So. 2d at 977.

26. *See generally* 26 FLA. JUR. 2D *Family Law* § 754 (1981).

27. 190 So. 454 (Fla. 1939).

28. *Id.* at 456-57. The *Vinson* court compared a "decree" with a judgment since at that time there were separate courts of law and equity. The word "decrees" was stricken from § 61.12 when the courts of law and equity merged into one. Hall v. Air Force Fin. Center, 344 So. 2d at 1343-44.

29. Murray, *Family Law*, 24 U. MIAMI L. REV. 296, 306 (1970). The author was commenting on Noyes v. Cooper, 216 So. 2d 799 (Fla. 3d Dist. Ct. App. 1968). The author, however, did state that if the final judgment for "past-due sums" were in the nature of

and judgments, prior to *Sokolsky* many appellate courts overlooked such distinctions in order to serve the overriding policies of section 61.12.[30] These decisions affirmed the state policy favoring the collection of alimony and child support.[31]

II. FEDERAL GARNISHMENT LEGISLATION

While *Sokolsky* was decided strictly upon the basis of the Florida Statutes, the federal government has also enacted legislation concerning wage garnishment for child support and alimony.[32] In enacting 15 U.S.C. § 1673(a), Congress limited wage garnishment to twenty-five percent of the debtor's disposable earnings. The twenty-five percent general rule, however, is subject to an exception for support orders of any person. The exception provides that if the ex-husband is supporting his second family, the maximum percentage is fifty percent while the maximum is sixty percent if he is not supporting a second family.[33]

The percentage formula represents a balancing of interests between the first and second families of the divorced spouse having support obligations to both families. Section 1673(b)(2) specifically contemplates that if an arrearage develops,[34] the maximum percentages increase by an additional five percent.[35] Through 42 U.S.C. § 659(a) the government removed a shielding cloak of sovereign immunity and subjected itself to garnishment to enforce child support and alimony obligations. Since section 659 is written in general language to allow legal process to be brought for the enforcement of child support, Congress enacted section 662[36] which defines "child support" for the purposes of section 659. Under section 662, a decree, order or judgment for child support can be enforced through section 659.[37] While section 659 applies where the

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property settlement and not meant to include alimony and child support, the decision may have had some basis. Murray, *supra*, at 306.

30. *See generally* cases cited *supra* note 11.

31. *See supra* note 11.

32. Consumer Credit Protection Act § 303, 15 U.S.C. § 1673 (1976 & Supp. IV 1980) and Social Security Act § 459, 42 U.S.C. § 659 (Supp. III 1979).

33. 15 U.S.C. §§ 1673(a), (b) (Supp. IV 1980).

34. 15 U.S.C. § 1673(b)(2)(B) (Supp. IV 1980) creates an arrearage when the payment is more than 12 weeks overdue.

35. If the ex-husband is in arrears and supports a second family, the maximum percentage is 55%, but if there is not a second family, the maximum percentage is 65%. 15 U.S.C. § 1673(b)(2)(B) (Supp. IV 1980).

36. 42 U.S.C. § 662 (Supp. III 1979).

37. The legislative history of § 659 recognized that legislation was needed which would permit garnishment and attachment of federal wages where a support order *or judgment*

spouse owing alimony or child support is a government employee, the definitional section clarifies the scope of child support. Even though section 1673 is the broader federal garnishment statute, Congress has not enacted a similar definitional section. The case law under section 1673, however, has achieved the same result by holding that a judgment for arrearages is within the purview of the statute.

In *Evans v. Evans*,[38] the former wife had obtained a judgment for past-due child support and brought garnishment proceedings pursuant to section 659. The court found that even though the arrearages had been reduced to final judgment, wage garnishment was still an available remedy. The court concluded, however, that the more restrictive state law governing garnishment applied[39] and found that no more than twenty-five percent of the ex-husband's retirement pay could be garnished. A similar result was reached in *Samples v. Samples*.[40] The wife had obtained a final judgment for support arrearages and garnished the United States since her ex-husband was a former employee of the government. The district court found that "[t]his garnishment is permitted by 42 U.S.C. § 659."[41] The Eighth Circuit Court of Appeals in *Murray v. Murray*[42] relied upon the child support definition contained in section 662 to conclude that garnishment proceedings pursuant to section 659 applied where the former wife had obtained a judgment for attorney fees awarded in connection with her judgment for alimony and child support.[43]

Where support arrearages have been reduced to final judgment, Florida is not without case law. In *Williams v. Williams*,[44] the former wife successfully subjected her former husband's retirement benefits to garnishment under section 659 in satisfaction of a Florida judgment for arrearages.[45]

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existed. 1974 U.S. CODE CONG. & AD. NEWS 8133, 8157 (emphasis added).

38. 429 F. Supp. 580 (W.D. Okla. 1976).

39. *Id.* at 582. The federal court found that the garnishment may not exceed 25% of disposable earnings pursuant to the applicable Oklahoma limitation. *Id.* It should be noted that *Evans* was decided prior to the maximum percentage established under § 1673(b)(2) for child support.

40. 414 F. Supp. 773 (W.D. Okla. 1976).

41. *Id.*

42. 558 F.2d 1340 (8th Cir. 1977).

43. *Id.* at 1340-42.

44. 338 So. 2d 869 (Fla. 1st Dist. Ct. App. 1976).

45. *Id.* at 870. The arrearages in *Williams* were for alimony but § 659 applies equally to child support arrearages. *See supra* text accompanying note 36. The district court in *Williams* found that the monies owed to Mrs. Williams under a Texas divorce decree were

Section 61.12 of the Florida Statutes and 15 U.S.C. § 1673(b)(2) are similar because in permitting wage garnishment for the enforcement of support orders neither statute includes the word "judgment." Yet courts have held that a judgment for child support arrearages is within the purview of section 1673(b). In *Pellerin v. Pellerin*,[46] the Supreme Court of Arkansas held that a judgment based upon a court order for child support arrearages came within the scope of section 1673(b).[47] The court found the legislative history of section 1673 decisive because it provided that "[t]he restriction on garnishment provided for in the bill does not apply to any debt due to a court order for the support of any person (domestic relations cases) or for State or Federal taxes."[48]

The *Pellerin* decision was followed in *Brown v. Tubbs*[49] and cited with approval in *V___ v. S___*.[50] The *V___ v. S___* court, in determining whether child support arrearages reduced to final judgment came within the scope of section 1673(b)(2), stated that "[u]nquestionably, an order for child support does not change its essential character simply because it remains unsatisfied."[51] Based upon the former wife's pleadings, however, the court distinguished between the final judgment *sub judice* and a final judgment for support arrearage.[52] Therefore, the court concluded that because the judgment supporting the garnishment action was not an "order

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tantamount to alimony notwithstanding the fact that "alimony" was against public policy in Texas. *Id.*

46. 534 S.W.2d 767 (Ark. 1976).

47. *Id.* at 768.

48. *Id.* (quoting 1968 U.S. CODE CONG. & AD. NEWS 1978). Since *Pellerin* was decided prior to the enactment of § 1673(b)(2), the issue was whether the 25% maximum established by § 1673(a) applied or whether the exception of § 1673(b)(1) applied. The enactment of § 1673(b)(2) would not alter the court's analysis but would only limit the maximum percentage subject to garnishment.

49. 582 P.2d 1165 (Kan. Ct. App. 1978). The Kansas appellate court noted that under its state law, similar to the Arkansas law applicable in *Pellerin*, garnishment was not available on a support order that was not reduced to judgment. *Id.* at 1168. *But cf.* Butler v. Butler, 277 S.E.2d 180, 184 (Va. 1981). The *Butler* court distinguished *Pellerin* based upon the nature of the underlying support order. Under Virginia law, support orders were judgments for purposes of enforcement by garnishment; the arrearage judgment in *Butler*, however, was based upon a contractual property settlement, and not upon court ordered support.

50. 579 S.W.2d 149, 151 (Mo. Ct. App. 1979).

51. *Id.* at 151.

52. *Id.* The court determined that the mother was entitled to reimbursement for past expenditures "upon the basis of her quasi-contractual relationship with the child's father." *Id.* at 152. Since the suit was for reimbursement to the mother and not for the support of the child, the garnishment action did not fall within the larger wage garnishment percentages provided by 15 U.S.C. § 1673(b)(1) (Supp. IV 1980).

of any court for the support of any person,"[53] the former wife was subject to the restrictions under section 1673(a)(1) and could not garnish in excess of twenty-five percent of disposable earnings.[54] Importantly, the court did not reach its result based upon a distinction between an order and judgment.

III. THE EFFECT OF *Sokolsky*

In the aftermath of *Sokolsky*, an ex-wife suing for child support arrearages is in a precarious position. As *Sokolsky* teaches, once an order for child support is reduced to a final judgment for arrearages, section 61.12, Florida Statutes, is no longer applicable.[55] Therefore, the ex-wife assisted by legal counsel will need to engage in a financial analysis of the delinquent former husband. If her ex-husband is wealthy, or at least has assets worth more than the arrearage amount, she may proceed to reduce the arrearages to final judgment. Having obtained a judgment, she may then direct the sheriff to execute against such assets.[56] For the ex-wife faced with the foregoing scenario, *Sokolsky* may not appear too harsh. Where the ex-husband has marginal assets, however, the ex-wife will need to monitor closely the rising arrearages against the limited assets.[57] A likely scenario may be that the wife's former husband has no assets other than wages. Under these facts, after *Sokolsky*, the ex-wife would certainly not opt to reduce child support arrearages to final judgment because the only hope for payment is to look toward these wages. The latter situation appears to be the precise example to which section 61.12 would be applicable.

In light of *Sokolsky*, the remaining question for the wife who has obtained a final judgment for arrearages becomes the available methods of enforcing court-ordered child support against the former husband's wages. It may be possible to draft pleadings to comport with section 61.12 by requesting an "order for arrearages of child support" rather than a final judgment for arrearages.[58] The more common method in Florida is to proceed under section

53. 15 U.S.C. § 1673(b)(1) (1979).

54. 579 S.W.2d at 152.

55. *See supra* note 8 and accompanying text.

56. Presumably this is what the court had in mind when it stated that the ex-wife was "governed by the general law relating to garnishment after judgment." 405 So. 2d at 977.

57. The analysis is overly simplistic in that it overlooks the added expenses of attorney's fees, execution fees, amount to be realized at a sheriff's sale, and other liens against a particular asset.

58. *See, e.g.*, Sheridan v. Sheridan, 334 So. 2d 172, 173 (Fla. 1st Dist. Ct. App. 1976).

61.13(1)[59] once a judgment for support arrearages has already been obtained.[60] The ex-wife could also proceed under section 61.17[61] to enforce or modify the child support obligation whether in the form of an order or judgment.[62] Additionally, contempt is an available remedy to enforce the payment of a money judgment for support arrearages.[63] The inherent flaw in any of these remedies lies in the fact that the judgment for arrearages will not be satisfied by the payment of a lump sum.[64] These remedies modify the original order and provide that a portion of the periodic payments will go towards satisfying the arrearage while the remainder goes towards satisfying the continuing support obligation. One other possibility left unresolved by the *Sokolsky* court was whether the ex-wife could seek to dissolve her final judgment in an effort to proceed with her court-ordered child support under section 61.12.

IV. CONCLUSION

As a result of the recent *Sokolsky* opinion, the supreme court has held section 61.12 inapplicable where an ex-wife reduced child support arrearages to a money judgment. Notwithstanding the legislative mandate to construe section 61.12 broadly to achieve its remedial purpose, the court reversed a judicial policy favoring the enforcement of support obligations and relegated the former wife to the usual laws governing garnishment after judgment. Until the Florida legislature amends section 61.12 to cover judgments based

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59. FLA. STAT. § 61.13(1) (1981). Section 61.13(1) provides that the court originally entering the child support order has continuing jurisdiction to modify the amount or terms of the initial order.

60. Holmes v. Holmes, 384 So. 2d 1295 (Fla. 2d Dist. Ct. App. 1980); Fagan v. Fagan, 381 So. 2d 278 (Fla. 5th Dist. Ct. App. 1980). Interestingly, the *Fagan* court construed the judgment to constitute an order of support. 381 So. 2d at 280. Since neither § 61.12 nor § 61.13 use the word "judgment," *Fagan* provides additional support for construing § 61.12 to cover judgments as well as orders.

61. FLA. STAT. § 61.17 (1981).

62. Porter v. Porter, 401 So. 2d 832 (Fla. 1st Dist. Ct. App. 1981); Haley v. Edwards, 233 So. 2d 647 (Fla. 4th Dist. Ct. App. 1970).

63. Grotnes v. Grotnes, 338 So. 2d 1122, 1127 (Fla. 4th Dist. Ct. App. 1976).

64. Even under § 61.12, if the amount of arrearages were great enough, the past-due amounts would not be satisfied with a lump sum payment. Within the framework of § 61.12, the arrearage amount should be satisfied in a shorter time-span since the court could allow garnishment up to the maximum percentages allowed pursuant to 15 U.S.C. § 1673(b)(2)(B) (Supp. IV 1980). For a discussion of additional enforcement remedies available to the ex-wife, see Walsh, *Enforcement—Some Practical Suggestions for an Age-Old Problem*, 52 FLA. B.J. 210 (1978).

upon court-ordered child support, *Sokolsky* will bring about a result never intended by the legislature.

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