

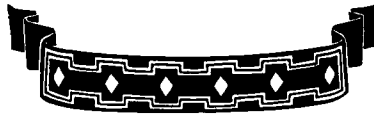
# Oneida Appeals Commission

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## Trial Court

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Michael Metoxen,  
Petitioner

Docket No. 03-TC-344

vs.

Dane County Child Support Agency,  
Respondent

Date: December 9, 2003

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## Petition for Injunction

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This case has come before the Oneida Appeals Commission Trial Court. Judicial Officers, Mary Adams, Winnifred Thomas, and Leland Wigg-Ninham presiding.

### I Background

The Petitioner, Michael Metoxen, filed an Injunction to prevent further garnishment of his wages for child support against the Respondent, Dane County Child Support Agency. The Petitioner received an Order/Notice to Withhold Income for Child/Spousal Support from the Respondent. The Petitioner claims he filed for bankruptcy. The Petitioner requests an order be issued to stay all collection judgements against him.

### II Issue

Does the Oneida Appeals Commission have jurisdiction in this case?

### III Analysis

On December 2, 2003 the Dane County Child Support Agency issued a Notice to Withhold Income for Child Support from the Petitioner. Under 11 USCA §523(a)(5), debts for family support are not discharged in bankruptcy proceedings.<sup>1</sup> While some debts are discharged, child support is generally not included within the terms of bankruptcy.

The Petitioner's Petition for an Injunction is denied. The Petitioner failed to include his official bankruptcy notice that shows a court received such notice. The Petitioner failed to provide an official court order for child support. Without such documentation the court can not place a restraining order preventing a garnishment. Furthermore, according to the Oneida Garnishment Ordinance, Article VII. Child Support Orders, the Oneida Appeals Commission shall recognize and enforce the orders issued from a court of competent jurisdiction.<sup>2</sup> The Oneida Appeals Commission does not have jurisdiction to override a judgement from another court. The Petitioner must file his appeal with the court that originally made the decision to garnish his wages.

### IV Decision

The court denies the Petitioner's request for an Injunction.

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<sup>1</sup>. The Provision excepts from discharge a debt owed to a spouse, former spouse or child of the debtor, in connection with a separation agreement, divorce decree, or property settlement agreement, for alimony to, maintenance for, or support of such spouse or child but not to the extent that the debt is assigned to another entity.

<sup>2</sup>. Article VII (7-1). Recognition of Order: Orders for child support against any employee shall be recognized and enforced, provided that the order has been issued from a court of competent jurisdiction.