

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee  
Hon. Mary Ann Grilli and Hon. Susan Huguenor, Co-chairs  
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DATE: October 26, 2004

SUBJECT: Child Support Withholding: Revised Order/Notice to  
Withhold and Related Instructions (adopt forms FL-195/OMB No. 0970-  
0154 and FL-196/OMB No. 0970-0154) (Action Required)

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Issue Statement

In order to comply with federal requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (Pub.L. No.04-93), the Legislature amended California Family Code section 5208 to require, effective January 1, 2000, that the federal form *Order/Notice to Withhold Income for Child Support* (OMB No. 0970-0154) be used as the earnings assignment order in any action in which child or family support is ordered.<sup>1</sup> The form was adopted by the Judicial Council on December 2, 1999, and with the form renumbering effective January 1, 2003, it became FL-195. (FL-196 contains instructions for FL-195.) The Federal Office of Management and Budget revised the form this year, and federal mandates require that the revised version of the form be used in California.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2005, adopt the revised *Order/Notice to Withhold Income for Child Support* (FL-195/OMB No. 0970-0154) and *Instructions to Complete Order/Notice to Withhold Income for Child Support* (FL-196/OMB No. 0970-0154) in order to comply with Family Code section 5208 and federal law.

The text of the revised federal form and its instructions is attached at pages 4–13.

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<sup>1</sup> PRWORA requires that states transmit orders and notices for income withholding to employers using uniform formats prescribed by the Secretary of Health and Human Services. 42 U.S.C. § 666(b)(6)(a)(ii). A copy of 42 U.S.C. § 666(b) is attached for reference at pp. 14–15; a copy of Fam. Code, § 5208 is attached at p.16.

### Rationale for Recommendation

In 1996, PRWORA instituted welfare reform, which included a requirement that the Office of Child Support Enforcement (OCSE) develop a standardized form to collect child support payments from an obligor's employer. Family Code section 5208 was amended in 1999 to comply with this federal mandate and required that all child or family support orders be issued on an *Order/Notice to Withhold Income for Child Support* (FL-195/OMB No. 0970-0154).

This form has just been revised by the federal government to make it more universal for tribal governments and other users. These changes include providing space for tribunal/court information, adding the term "tribe" throughout the form where references are made to other governmental entities, moving the children's names to the back of the form, and revising the signature lines. The *Instructions to Complete Order/Notice to Withhold Income for Child Support* (FL-196) have been revised to clarify how to complete the form and what documentation is required when submitting the *Order/Notice to Withhold Income for Child Support* (FL-195/OMB No. 0970-0154) for collection. Significant amounts of federal funding for both welfare and child support programs are contingent on compliance with federal child support program regulations, and thus it is important that state forms and procedures comply with these regulations. The federal government requires that the form be adopted without any local changes to either content or format. The revised form should be adopted by the Judicial Council so that it can be published and made easily available along with other Judicial Council forms, as it is a heavily used form.

### Alternative Actions Considered

Because the recommended adoption of the revised *Order/Notice to Withhold Income for Child Support* (FL-195/OMB No. 0970-0154) and *Instructions to Complete Order/Notice to Withhold Income for Child Support* (FL-196) is necessary to comply with federal requirements, no alternative actions were considered.

### Comments From Interested Parties

The form is a federally mandated form that has already taken into consideration comments received during the federal open comment period. The form must be implemented exactly as approved by the Office of Management and Budget, without any local changes. The federal revision process included review of the form and recommendations for changes by the U.S. General Accounting Office, meetings of a task group formed by OCSE to incorporate the changes and get input from stakeholders, two separate comment periods, and approval by the Office of Management and Budget. The attachment to this report contains a detailed description of the revision and comment process.

### Implementation Requirements and Costs

Following established procedures, a camera-ready copy of the form will be delivered to the courts and to the commercial Judicial Council forms publisher. The courts will make copies available to the public. In addition, a copy of the form will be posted to the California Courts Web site. Courts will incur no costs in addition to the normal costs they incur in providing forms.

### Attachments

ORDER/NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT  
 NOTICE OF AN ORDER TO WITHHOLD INCOME FOR CHILD SUPPORT

Original  Amended  Termination Date: \_\_\_\_\_  
State/Tribe/Territory \_\_\_\_\_  
City/Co./Dist./Reservation \_\_\_\_\_  
 Non-governmental entity or Individual \_\_\_\_\_  
Case Number \_\_\_\_\_

\_\_\_\_\_  
Employer's/Withholder's Name  
\_\_\_\_\_  
Employer's/Withholder's Address  
\_\_\_\_\_  
\_\_\_\_\_  
Employer's/Withholder's Federal EIN Number (if known)

RE : \_\_\_\_\_  
Employee's/Obligor's Name (Last, First, MI)  
\_\_\_\_\_  
Employee's/Obligor's Social Security Number  
\_\_\_\_\_  
Employee's/Obligor's Case Identifier  
\_\_\_\_\_  
Obligee's Name (Last, First, MI)

**ORDER INFORMATION:** This document is based on the support or withholding order from \_\_\_\_\_.  
You are required by law to deduct these amounts from the employee's/obligor's income until further notice.

\$ \_\_\_\_\_ Per \_\_\_\_\_ current child support  
\$ \_\_\_\_\_ Per \_\_\_\_\_ past-due child support - Arrears greater than 12 weeks?  yes  no  
\$ \_\_\_\_\_ Per \_\_\_\_\_ current cash medical support  
\$ \_\_\_\_\_ Per \_\_\_\_\_ past-due cash medical support  
\$ \_\_\_\_\_ Per \_\_\_\_\_ spousal support  
\$ \_\_\_\_\_ Per \_\_\_\_\_ past-due spousal support  
\$ \_\_\_\_\_ Per \_\_\_\_\_ other (specify) \_\_\_\_\_

for a total of \$ \_\_\_\_\_ per \_\_\_\_\_ to be forwarded to the payee below.

You do not have to vary your pay cycle to be in compliance with the support order. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$ \_\_\_\_\_ per weekly pay period. \$ \_\_\_\_\_ per semimonthly pay period (twice a month).  
\$ \_\_\_\_\_ per biweekly pay period (every two weeks). \$ \_\_\_\_\_ per monthly pay period.

**REMITTANCE INFORMATION:** When remitting payment, provide the pay date/date of withholding and the case identifier. If the employee's/obligor's principal place of employment is \_\_\_\_\_, begin withholding no later than the first pay period occurring \_\_\_\_\_ days after the date of \_\_\_\_\_. Send payment within \_\_\_\_\_ working days of the pay date/date of withholding. The total withheld amount, including your fee, may not exceed \_\_\_\_\_% of the employee's/obligor's aggregate disposable weekly earnings.

If the employee's/obligor's principal place of employment is not \_\_\_\_\_, for limitations on withholding, applicable time requirements, and any allowable employer fees, follow the laws and procedures of the employee's/obligor's principal place of employment (see #3 and #9, ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS).

Make check payable to: (Payee and Case identifier) \_\_\_\_\_ Send check to: \_\_\_\_\_. If remitting payment by EFT/EDI, call \_\_\_\_\_ before first submission. Use this FIPS code: \_\_\_\_\_:  
Bank routing number: \_\_\_\_\_ Bank account number: \_\_\_\_\_.

**If this is an Order/Notice to Withhold:**

**If this is a Notice of an Order to Withhold:**

Print Name \_\_\_\_\_  
Title of Issuing Official \_\_\_\_\_  
Signature and Date \_\_\_\_\_

Print Name \_\_\_\_\_  
Title (if appropriate) \_\_\_\_\_  
Signature and Date \_\_\_\_\_

IV-D Agency  Court  Attorney  Individual  Private Entity  
 Attorney with authority under state law to issue order/notice.

**NOTE:** Non-IV-D Attorneys, individuals, and non-governmental entities must submit a Notice of an Order to Withhold and include a copy of the income withholding order unless, under a state's law, an attorney in that state may issue an income withholding order. In that case, the attorney may submit an Order/Notice to Withhold and include a copy of the state law

**IMPORTANT:** The person completing this form is advised that the information on this form may be shared with the obligor authorizing the attorney to issue an income withholding order/notice.

**ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS**

If checked, you are required to provide a copy of this form to your employee/obligor. If your employee works in a state that is different from the state that issued this order, a copy must be provided to your employee/obligor even if the box is not checked.

1. **Priority:** Withholding under this Order or Notice has priority over any other legal process under state law (or tribal law, if applicable) against the same income. If there are federal tax levies in effect, please notify the contact person listed below. (See 10 below.)
2. **Combining Payments:** You may combine withheld amounts from more than one employee's/obligor's income in a single payment to each agency/party requesting withholding. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligor.
3. **Reporting the Paydate/Date of Withholding:** You must report the paydate/date of withholding when sending the payment. The paydate/date of withholding is the date on which the amount was withheld from the employee's wages. You must comply with the law of the state of employee's/obligor's principal place of employment with respect to the time periods within which you must implement the withholding and forward the support payments.
4. **Employee/Obligor with Multiple Support Withholdings:** If there is more than one Order or Notice against this employee/obligor and you are unable to honor all support Orders or Notices due to federal, state, or tribal withholding limits, you must follow the state or tribal law/procedure of the employee's/obligor's principal place of employment. You must honor all Orders or Notices to the greatest extent possible. (See 9 below.)
5. **Termination Notification:** You must promptly notify the Child Support Enforcement (IV-D) Agency and/or the contact person listed below when the employee/obligor no longer works for you. Please provide the information requested and return a complete copy of this Order or Notice to the Child Support Enforcement (IV-D) Agency and/or the contact person listed below. (See 10 below.)

**THE EMPLOYEE/OBLIGOR NO LONGER WORKS FOR:** \_\_\_\_\_  
**EMPLOYEE'S/OBLIGOR'S NAME:** \_\_\_\_\_ **CASE IDENTIFIER:** \_\_\_\_\_  
**DATE OF SEPARATION FROM EMPLOYMENT:** \_\_\_\_\_  
**LAST KNOWN HOME ADDRESS:** \_\_\_\_\_  
**NEW EMPLOYER/ADDRESS:** \_\_\_\_\_

6. **Lump Sum Payments:** You may be required to report and withhold from lump sum payments such as bonuses, commissions, or severance pay. If you have any questions about lump sum payments, contact the Child Support Enforcement (IV-D) Agency.
7. **Liability :** If you have any doubts about the validity of the Order or Notice, contact the agency or person listed below under 10. If you fail to withhold income as the Order or Notice directs, you are liable for both the accumulated amount you should have withheld from the employee's/obligor's income and any other penalties set by state or tribal law/procedure.

\_\_\_\_\_  
 \_\_\_\_\_

8. **Anti-discrimination:** You are subject to a fine determined under state or tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against any employee/obligor because of a child support withholding.

\_\_\_\_\_  
 \_\_\_\_\_

9. **Withholding Limits:** For state orders, you may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C. § 1673(b)); or 2) the amounts allowed by the state of the employee's/obligor's principal place of employment. The federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as: state, federal, local taxes, Social Security taxes, statutory pension contributions, and Medicare taxes. The Federal CCPA limit is 50% of the ADWE for child support and alimony, which is increased by 1) 10% if the employee does not support a second family; and/or 2) 5% if arrears greater than 12 weeks. For tribal orders, you may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers who receive a state order, you may not withhold more than the amounts allowed under the law of the state that issued the order.

**Child(ren)'s Names and Additional Information:** \_\_\_\_\_

\_\_\_\_\_

10. If you or your employee/obligor have any questions, contact \_\_\_\_\_ by telephone at \_\_\_\_\_ by Fax at \_\_\_\_\_ or by internet at \_\_\_\_\_.

***Instructions to complete the Order/Notice to Withhold Income for Child Support or Notice of an Order to Withhold Income for Child Support***

The Order/Notice to Withhold Income for Child Support (Order/Notice) or Notice of an Order to Withhold Income for Child Support (Notice) is a standardized form used for income withholding in tribal, intrastate, interstate, and intergovernmental cases. Please note that information provided on this form may be shared with the obligor. When completing the form, please include the following information.

**The following information 1a – 1g refers to the government agency, non-government entity, or individual completing and sending this form to the employer.**

- 1a. Check whether this is an Order/Notice to Withhold Income for Child Support or a Notice of an Order to Withhold Income for Child Support. Attorneys, individuals, and non-governmental entities must submit a Notice of an Order to Withhold and include a copy of the income withholding order unless, under a state's law, an attorney in that state may issue an income withholding order/notice. In that case, the attorney may submit an Order/Notice to Withhold and include a copy of the state law authorizing the attorney to issue an income withholding order/notice.
- 1b. Check the appropriate status of the Order or Notice.
- 1c. Date this form is completed and/or signed.
- 1d. Name of the state, tribe or territory sending this form. This must be a governmental entity.
- 1e. Name of the county, city, district, or reservation sending this Order or Notice, if appropriate. This must be a governmental entity.
- 1f. Check and indicate the non-governmental entity or individual sending this Order or Notice. Complete this item only if a non-governmental entity or individual is submitting this Order or Notice.
- 1g. Identifying case number used by the entity or individual sending this Order or Notice. In a IV-D case, this must be the IV-D case number.

**The following information in 2 and 3 refers to the obligor, obligor's employer, and case identification.**

- 2a. Employer's/Withholder's name.
- 2b-c. Employer's/Withholder's mailing address, city, and state. (This may differ from the Employee's/Obligor's work site.)
- 2d. Employer's/Withholder's nine-digit federal employer identification number (if available). Include three-digit location code.

- 3a. Employee's/Obligor's last name, first name, and middle initial.
- 3b. Employee's/Obligor's Social Security Number (if known).
- 3c. The case identifier used by the order issuing state or tribe for recording payments. (Should be the same as #21.) In a IV-D case, this must be the IV-D case number.
- 3d. Custodial Parent's last name, first name, and middle initial (if known).

**ORDER INFORMATION - The following information in 4 -14e refers to the dollar amounts taken directly from the child support order.**

- 4. Name of the state or tribe that issued the support order.
- 5a-b. Dollar amount to be withheld for payment of current child support, time period that corresponds to the amount in #6a (such as month, week, etc.).
- 6a-b. Dollar amount to be withheld for payment of past-due child support, time period that corresponds to the amount in #6a (such as month, week, etc.).
- 7a-b. Dollar amount to be withheld for payment of current cash medical support, as appropriate, based on the underlying order, time period that corresponds to the amount in #7a (such as month, week, etc.).
- 8a-b. Dollar amount to be withheld for payment of past-due cash medical support, if appropriate, based on the underlying order and the time period that corresponds to the amount in #8a (such as month, week, etc.).
- 9a-b. Dollar amount to be withheld for payment of spousal support (alimony), if appropriate, based on the underlying order, time period that corresponds to the amount in #9a (such as month, week, etc.).
- 10a-b. Dollar amount to be withheld for payment of past-due spousal support (alimony), if appropriate, based on the underlying order, time period that corresponds to the amount in #10a (such as month, week, etc.).
- 11a-c. Dollar amount to be withheld for payment of miscellaneous obligations, if appropriate, based on the underlying order, time period that corresponds to the amount in #11a (e.g., month, week, etc.), and description of the miscellaneous obligation.
- 12a. Total of #5a, #6a, #7a, #8a, #9a, #10a, and # 11a.
- 12b. Time period that corresponds to the amount in #12a (e.g., month).
- 13. Check this box if arrears greater than 12 weeks.
- 14a. Amount an employer should withhold if the employee is paid weekly.

- 14b. Amount an employer should withhold if the employee is paid every two weeks.
- 14c. Amount an employer should withhold if the employee is paid twice a month.
- 14d. Amount an employer should withhold if the employee is paid once a month.

**REMITTANCE INFORMATION**

- 15. The state, tribe, or territory from which this Order/Notice or Notice of an Order is sent.
- 16. Number of days in which the withholding must begin pursuant to the issuing state's or tribe's laws/procedures.
- 17. The effective date of the income withholding.
- 18. Number of working days within which an employer or other withholder of income must remit amounts withheld pursuant to the issuing state's law.
- 19. The percentage of income that may be withheld from the employee's/obligor's income. For state orders, you may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C. § 1673(b)); or 2) the amounts allowed by the state of the employee's/obligor's principal place of employment. The federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as: state, federal, local taxes, Social Security taxes, statutory pension contributions, and Medicare taxes.

For tribal orders, you may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers who receive a state order, you may not withhold more than the amounts allowed under the law of the state that issued the order.

- 20. The state, tribe, or territory from which the Order or Notice is sent.
- 21. Name of the State Disbursement Unit, individual, tribunal/court, or tribal child support enforcement agency specified in the underlying income withholding order to which payments are required to be sent. This form may not indicate a location other than that specified by an entity authorized under state or tribal law to issue an income withholding order. Please include the case identifier used to record payment (should be the same as 3c). In a IV-D case, this must be the IV-D case number.
- 22. Address of the State Disbursement Unit, tribunal/court, tribal child support enforcement agency, or individual identified in #21. This information is shared with the obligor. Be sure to safeguard confidential addresses.

**Complete only for EFT/EDI transmission.**

- 23a. Telephone number of contact to provide EFT/EDI instructions.

- 23b. Federal Information Process Standard (FIPS) code for transmitting payments through EFT/EDI. The FIPS code is five characters that identify the state, county or tribe. It is seven characters when it identifies the state, county, and a location within the county. It is necessary for centralized collections.
- 23c. Receiving agency's bank routing number.
- 23d. Receiving agency's bank account number.

**IV-D agencies, courts, and attorneys (with authority to issue an income withholding order/notice) sending an Order/Notice to Withhold Income for Child Support must complete 24a-e.**

- 24a. Print name of the government official authorizing this Order or Notice to Withhold.
- 24b. Print title of the government official authorizing this Order or Notice to Withhold.
- 24c. Signature of Government Official authorizing this Order/Notice to Withhold and date of signature. This line may be optional only if the Withholding Order/Notice includes the name and title of a government official (line 24a, 24b) and a signature of the official (line 24c) is not required by state or tribal law. Provide a signature if required by state or tribal law.
- 24d. Check the appropriate box to indicate whether a child support enforcement agency (IV-D) or court is authorizing this Order or Notice for withholding.
- 24e. Check the box if you are an attorney with authority to issue an order or notice under state law.

**Attorneys, individuals, and private entities sending a Notice of an Order to Withhold Income for Child Support complete 25a-d.**

- 25a. Print name of the individual or entity sending this Notice.
- 25b. Print title of the individual sending this Notice, if appropriate
- 25c. Signature of the individual sending this Notice and date of signature.
- 25d. Please check the appropriate box to indicate whether you are an attorney, individual, or private entity sending this Notice of an Order.

**The following information refers to federal, state, or tribal laws that apply to issuing an income withholding order/notice or notice of an order to the employer. Any state or tribal specific information may be included in space provided.**

- 26. Check the box if the state or tribal law requires the employer to provide a copy of the Order or Notice to the employee.
- 27. Use this space to provide additional information on the penalty and/or citation for an employer who fails to comply with the Order or Notice. The law of the obligor's principal place of employment governs the penalty.
- 28. Use this space to provide additional information on the penalty and/or citation for an employer, who discharges, refuses to employ, or disciplines an employee/obligor as a result of the Order or Notice. The law of the obligor's principal place of employment governs the penalty.
- 29. Use this space to provide the child(ren)'s names listed in the support order and/or additional information regarding this income withholding Order or Notice of an Order.

**Please provide the following contact information to the employer. Employers may need additional information to process the Order or Notice.**

- 30a. Name of the contact person sending the Order or Notice of an Order that an employer and/or employee/obligor may call for information regarding the Order or Notice of an Order.
- 30b. Telephone number for the contact person whose name appears in #30a.
- 30c. Fax number for the person whose name appears in #30a.
- 30d. Internet address for the person whose name appears in #30a.

**If the employer is a Federal Government agency, the following instructions apply.**

- Serve the Order or Notice of an Order upon the governmental agent listed in 5 CFR part 581, appendix A.
- Sufficient identifying information must be provided in order for the obligor to be identified. It is, therefore, recommended that the following information, if known and if applicable, be provided:
  - (1) full name of the obligor; (2) date of birth; (3) employment number, Department of Veterans Affairs claim number, or civil service retirement claim number; (4) component of the government entity for which the obligor works, and the official duty station or worksite; and (5) status of the obligor, e.g., employee, former employee, or annuitant.
- You may withhold from a variety of incomes and forms of payment, including voluntary separation incentive payments (buy-out payments), incentive pay, and cash awards. For a

more complete list see 5 CFR 581.103.

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The Paperwork Reduction Act of 1995

This information collection is conducted in accordance with 45 CFR 303.100 of the child support enforcement program. Standard forms are designed to provide uniformity and standardization for interstate case processing. Public reporting burden for this collection of information is estimated to average one hour per response. The responses to this collection are mandatory in accordance with 45 CFR 303.7. This information is subject to State and Federal confidentiality requirements; however, the information will be filed with the tribunal and/or agency in the responding State and may, depending on State law, be disclosed to other parties. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.



authorizing the attorney to issue an income withholding order/notice.

**ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS**

**#26**  If checked, you are required to provide a copy of this form to your employee/obligor. If your employee works in a state that is different from the state that issued this order, a copy must be provided to your employee/obligor even if the box is not checked.

1. **Priority:** Withholding under this Order or Notice has priority over any other legal process under state law (or tribal law, if applicable) against the same income. If there are federal tax levies in effect, please notify the contact person listed below. (See 10 below.)
2. **Combining Payments:** You may combine withheld amounts from more than one employee's/obligor's income in a single payment to each agency/party requesting withholding. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligor.
3. **Reporting the Paydate/Date of Withholding:** You must report the paydate/date of withholding when sending the payment. The paydate/date of withholding is the date on which the amount was withheld from the employee's wages. You must comply with the law of the state of employee's/obligor's principal place of employment with respect to the time periods within which you must implement the withholding and forward the support payments.
4. **Employee/Obligor with Multiple Support Withholdings:** If there is more than one Order or Notice against this employee/obligor and you are unable to honor all support Orders or Notices due to federal, state, or tribal withholding limits, you must follow the state or tribal law/procedure of the employee's/obligor's principal place of employment. You must honor all Orders or Notices to the greatest extent possible. (See 9 below.)
5. **Termination Notification:** You must promptly notify the Child Support Enforcement (IV-D) Agency and/or the contact person listed below when the employee/obligor no longer works for you. Please provide the information requested and return a complete copy of this Order or Notice to the Child Support Enforcement (IV-D) Agency and/or the contact person listed below. (See 10 below.)

**THE EMPLOYEE/OBLIGOR NO LONGER WORKS FOR:** \_\_\_\_\_  
**EMPLOYEE'S/OBLIGOR'S NAME:** \_\_\_\_\_ **CASE IDENTIFIER:** \_\_\_\_\_  
**DATE OF SEPARATION FROM EMPLOYMENT:** \_\_\_\_\_  
**LAST KNOWN HOME ADDRESS:** \_\_\_\_\_  
**NEW EMPLOYER/ADDRESS:** \_\_\_\_\_

6. **Lump Sum Payments:** You may be required to report and withhold from lump sum payments such as bonuses, commissions, or severance pay. If you have any questions about lump sum payments, contact the Child Support Enforcement (IV-D) Agency.
7. **Liability:** If you have any doubts about the validity of the Order or Notice, contact the agency or person listed below under 10. If you fail to withhold income as the Order or Notice directs, you are liable for both the accumulated amount you should have withheld from the employee's/obligor's income and any other penalties set by state or tribal law/procedure.

**#27** \_\_\_\_\_  
 \_\_\_\_\_

8. **Anti-discrimination:** You are subject to a fine determined under state or tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against any employee/obligor because of a child support withholding.

**#28** \_\_\_\_\_  
 \_\_\_\_\_

9. **Withholding Limits:** For state orders, you may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C. § 1673(b)); or 2) the amounts allowed by the state of the employee's/obligor's principal place of employment. The federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as: state, federal, local taxes, Social Security taxes, statutory pension contributions, and Medicare taxes. The Federal CCPA limit is 50% of the ADWE for child support and alimony, which is increased by 1) 10% if the employee does not support a second family; and/or 2) 5% if arrears greater than 12 weeks. For tribal orders, you may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers who receive a state order, you may not withhold more than the amounts allowed under the law of the state that issued the order.

**Child(ren)'s Names and Additional Information:** **#29** \_\_\_\_\_  
 \_\_\_\_\_

10. If you or your employee/obligor have any questions, contact **#30a** \_\_\_\_\_ by telephone at **#30b** \_\_\_\_\_ by Fax at **#30c** \_\_\_\_\_ or by internet at **#30d** \_\_\_\_\_.

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\*\*\* CURRENT THROUGH P.L. 108-323, APPROVED 10/6/04 \*\*\*

\* WITH GAPS OF 108-309 THROUGH 108-314 and 108-316 THROUGH 108-318 \*

TITLE 42. THE PUBLIC HEALTH AND WELFARE  
CHAPTER 7. SOCIAL SECURITY ACT  
TITLE IV. GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND  
FOR CHILD-WELFARE SERVICES  
PART D. CHILD SUPPORT AND ESTABLISHMENT OF PATERNITY

**GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION**

42 USCS § 666 (2004)

**§ 666. Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement**

(a)...

(b) The procedures referred to in subsection (a)(1)(A) (relating to the withholding from income of amounts payable as support) must provide for the following:

(1) In the case of each noncustodial parent against whom a support order is or has been issued or modified in the State, and is being enforced under the State plan, so much of such parent's wages (as defined by the State for purposes of this section) must be withheld, in accordance with the succeeding provisions of this subsection, as is necessary to comply with the order and provide for the payment of any fee to the employer which may be required under paragraph (6)(A), up to the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)) [15 USCS § 1673(b)]. If there are arrearages to be collected, amounts withheld to satisfy such arrearages, when added to the amounts withheld to pay current support and provide for the fee, may not exceed the limit permitted under such section 303(b) [15 USCS § 1673(b)], but the State need not withhold up to the maximum amount permitted under such section in order to satisfy arrearages.

(2) Such withholding must be provided without the necessity of any application therefor in the case of a child (whether or not eligible for assistance under a State program funded under part A [42 USCS § § 601 et seq.]) with respect to whom services are already being provided under the State plan under this part [42 USCS § § 651 et seq.], and must be provided in accordance with this subsection on the basis of an application for services under the State plan in the case of any other child in whose behalf a support order has been issued or modified in the State. In either case such withholding must occur without the need for any amendment to the support order involved or for any further action (other than those actions required under this part [42 USCS § § 651 et seq.]) by the court or other entity which issued such order.

(3) (A) The income of a noncustodial parent shall be subject to such withholding, regardless of whether support payments by such parent are in arrears, in the case of a support order being enforced under this part [42 USCS § § 651 et seq.] that is issued or modified on or after the first day of the 25th month beginning after the date of the enactment of this paragraph [enacted Oct. 13, 1988], on the effective date of the order; except that such income shall not be subject to such withholding under this subparagraph in any case where (i) one of the parties demonstrates, and the court (or administrative process) finds, that there is good cause not to require immediate income withholding, or (ii) a written agreement is reached between both parties which provides for an alternative arrangement.

(B) The income of a noncustodial parent shall become subject to such withholding, in the case of income not subject to withholding under subparagraph (A), on the date on which the payments which the noncustodial parent has failed to make under a support order are at least equal to the support payable for one month or, if earlier, and without regard to whether there is an arrearage, the earliest of--

(i) the date as of which the noncustodial parent requests that such withholding begin,

(ii) the date as of which the custodial parent requests that such withholding begin, if the State determines, in accordance with such procedures and standards as it may establish, that the request should be approved, or

(iii) such earlier date as the State may select.

(4) (A) Such withholding must be carried out in full compliance with all procedural due process requirements of the State, and the State must send notice to each noncustodial parent to whom paragraph (1) applies--

(i) that the withholding has commenced; and

(ii) of the procedures to follow if the noncustodial parent desires to contest such withholding on the grounds that the withholding or the amount withheld is improper due to a mistake of fact.

(B) The notice under subparagraph (A) of this paragraph shall include the information provided to the employer under paragraph (6)(A).

(5) Such withholding must be administered by the State through the State disbursement unit established pursuant to section 454B [42 USCS § 654b], in accordance with the requirements of section 454B [42 USCS § 654b].

(6) (A) (i) The employer of any noncustodial parent to whom paragraph (1) applies, upon being given notice as described in clause (ii), must be required to withhold from such noncustodial parent's income the amount specified by such notice (which may include a fee, established by the State, to be paid to the employer unless waived by such employer) and pay such amount (after deducting and retaining any portion thereof which represents the fee so established) to the State disbursement unit within 7 business days after the date the amount would (but for this subsection) have been paid or credited to the employee, for distribution in accordance with this part [42 USCS § § 651 et seq.]. The employer shall withhold funds as directed in the notice, except that when an employer receives an income withholding order issued by another State, the employer shall apply the income withholding law of the State of the obligor's principal place of employment in determining--

(I) the employer's fee for processing an income withholding order;

(II) the maximum amount permitted to be withheld from the obligor's income;

(III) the time periods within which the employer must implement the income withholding order and forward the child support payment;

(IV) the priorities for withholding and allocating income withheld for multiple child support obligees; and

(V) any withholding terms or conditions not specified in the order.

An employer who complies with an income withholding notice that is regular on its face shall not be subject to civil liability to any individual or agency for conduct in compliance with the notice.

(ii) The notice given to the employer shall be in a standard format prescribed by the Secretary, and contain only such information as may be necessary for the employer to comply with the withholding order.

(iii) As used in this subparagraph, the term "business day" means a day on which State offices are open for regular business.

(B) Methods must be established by the State to simplify the withholding process for employers to the greatest extent possible, including permitting any employer to combine all withheld amounts into a single payment to each appropriate agency or entity (with the portion thereof which is attributable to each individual employee being separately designated).

(C) The employer must be held liable to the State for any amount which such employer fails to withhold from income due an employee following receipt by such employer of proper notice under subparagraph (A), but such employer shall not be required to vary the normal pay and disbursement cycles in order to comply with this paragraph.

(D) Provision must be made for the imposition of a fine against any employer who--

(i) discharges from employment, refuses to employ, or takes disciplinary action against any noncustodial parent subject to income withholding required by this subsection because of the existence of such withholding and the obligations or additional obligations which it imposes upon the employer; or

(ii) fails to withhold support from income or to pay such amounts to the State disbursement unit in accordance with this subsection.

(7) Support collection under this subsection must be given priority over any other legal process under State law against the same income.

(8) For purposes of subsection (a) and this subsection, the term "income" means any periodic form of payment due to an individual, regardless of source, including wages, salaries, commissions, bonuses, worker's compensation, disability, payments pursuant to a pension or retirement program, and interest.

(9) The State must extend its withholding system under this subsection so that such system will include withholding from income derived within such State in cases where the applicable support orders were issued in other States, in order to assure that child support owed by noncustodial parents in such State or any other State will be collected without regard to the residence of the child for whom the support is payable or of such child's custodial parent.

(10) Provision must be made for terminating withholding.

(11) Procedures under which the agency administering the State plan approved under this part [42 USCS § § 651 et seq.] may execute a withholding order without advance notice to the obligor, including issuing the withholding order through electronic means.

**Family Code section**

**5208.** (a) "Earnings assignment order for support" means an order that assigns to an obligee a portion of the earnings of a support obligor due or to become due in the future.  
(b) Commencing January 1, 2000, all earnings assignment orders for support in any action in which child support or **family** support is ordered shall be issued on an "order/notice to withhold income for child support" mandated by Section 666 of Title 42 of the United States **Code**.