

Name: _____

Address: _____

Social Security #: _____

Birthplace: _____

Birthdate: _____

Date Child turns 18 _____

2. Attached to this order is a copy of Subchapter C, Chapter 158, of the Texas Family Code, which sets forth rights, duties and potential liabilities of employers in addition to the provisions of this order.

3. The Court ORDERS that any employer of OBLIGOR shall begin withholding from his/her disposable earnings no later than the first pay period following the date this order is served on that employer.

4. Method of Payment

The Court ORDERS the employer to pay all amounts withheld on each payday through the Office of the Attorney General, Texas Child Support State Distribution Unit, P. O. Box 659791, San Antonio, Texas 78265-9941, for distribution according to law. All payment shall identify the Obligor, the Obligee, the date of withholding and the cause number, which is _____.

5. Maximum Amount Withheld

The maximum amount to be withheld shall not exceed 50% of the OBLIGOR'S disposable earnings.

6. "Arrearage" Defined

As used in this Order, the term "arrearage" means the sum of

- All past-due child support payments; and
- All unpaid interest accrued on child support obligations; and
- All unpaid child support judgment amounts

7. Order to Withhold

7.1 The Court ORDERS the employer to withhold the following amounts from the earnings of the OBLIGOR:

- \$ _____ if OBLIGOR is paid MONTHLY
- \$ _____ if OBLIGOR is paid SEMI-MONTHLY
- \$ _____ if OBLIGOR is paid BI-WEEKLY

\$ _____ if OBLIGOR is paid WEEKLY

7.2 The Court ORDERS the employer to withhold the above amount until further order of this Court.

8. Calculating Disposable Earnings

8.1 The employer shall calculate Obligor's disposable earnings which are subject to withholding for child support, as follows:

8.2 Determine the earnings of OBLIGOR, which means compensation paid or payable for personal services, whether called wages, salary, compensation received as an independent contractor, overtime pay, severance pay, commission, bonus or otherwise, including periodic payments pursuant to a pension, an annuity, worker's compensation, a disability and retirement program, and unemployment benefits;

8.3 Subtract the following sums to calculate OBLIGOR's "disposable earnings":

- any amounts required by law to be withheld, that is, federal income tax and federal FICA or OASI tax (Social Security) and Railroad Retirement Act contributions;
- union dues;
- non-discretionary retirement contributions by OBLIGOR, and
- medical, hospitalization, and disability insurance coverage for OBLIGOR'S child.

9. More Than One Order Withholding

If you receive more than one "Writ of Withholding" or "Employer's Order to Withhold Earnings for Child Support" for OBLIGOR, you shall pay an equal amount towards the current support part of all orders or writs until each is individually complied with, and thereafter pay equal amounts on the arrearage portion of all orders or writs until each is complied with, or until the maximum total amount of allowable withholding, 50 percent of OBLIGOR'S disposable earnings, is reached, whichever occurs first.

10. Termination of Withholding

For as long as OBLIGOR is employed by you, you, the employer of OBLIGOR shall continue to withhold income in accordance with this order.

11. Notice of Change of Employment

The Court ORDERS the employer to notify the Court and OBLIGEE within seven days of the date that OBLIGOR terminates employment. The Court ORDERS the

employer to provide OBLIGOR'S last known address and the name and address of his/her new employer, if known.

SIGNED on this the _____ day of _____, 20_____.

JUDGE PRESIDING

TEXAS FAMILY CODE
CHAPTER 158 WITHHOLDING FROM EARNINGS
FOR CHILD SUPPORT
SUBCHAPTER C. RIGHTS AND DUTIES OF EMPLOYER

§ 158.201. Order or Writ Binding on Employer

- (a) An employer required to withhold income from earnings is not entitled to notice of the proceedings before the order is rendered or writ of withholding is issued.
- (b) An order or writ of withholding is binding on an employer regardless of whether the employer is specifically named in the order or writ.

§ 158.202. Effective Date of and Duration of Withholding

An employer shall begin to withhold income in accordance with an order or writ of withholding not later than the first pay period following the date on which the order or writ was delivered to the employer and shall continue to withhold income as required by the order or writ as long as the obligor is employed by the employer.

§ 158.203. Remitting Withheld Payments

- (a) The employer shall remit the amount to be withheld to the person or office named in the order or writ on each pay date. The payment must include the date on which the withholding occurred.
- (b) For payments made by electronic funds transfer or electronic data interchange, the employer shall transmit the amount withheld not later than the second business day after the pay date.
- (c) The employer shall include with each payment transmitted:
 - (1) the number assigned by the Title IV-D agency, if available, and the county identification number, if available;
 - (2) the name of the county or the county's federal information processing standard code;
 - (3) the cause number of the suit under which withholding is required;
 - (4) the payor's name and social security number; and
 - (5) the payee's name and, if available, social security number, unless the payment is transmitted by electronic funds transfer.
- (d) In a case in which an obligor's income is subject to withholding, the employer shall remit the payment of child support directly to a local registry, the Title IV-D agency, or to the state disbursement unit.

§ 158.204. Employer May Deduct Fee From Earnings

An employer may deduct an administrative fee of not more than \$10 each month from the obligor's disposable earnings in addition to the amount to be withheld as child support.

§ 158.205. Hearing Requested by Employer

- (a) Not later than the 20th day after the date an order or writ of withholding is delivered, the employer may, as appropriate, file a motion with the court or file a request with the Title IV-D agency for a hearing on the applicability of the order or writ to the employer. The Title IV-D agency by rule shall establish procedures for an agency hearing under this section.
- (b) The hearing under this section shall be held not later than the 15th day after the date the motion or request was made.
- (c) An order or writ of withholding remains binding and payments shall continue to be made pending further order of the court or, in the case of an administrative writ, action of the Title IV-D agency.

§ 158.206. Liability and Obligation of Employer; Workers' Compensation Claims

- (a) An employer receiving an order or a writ of withholding under this chapter, including an order or writ directing that health insurance be provided to a child, who complies with the order or writ is not liable to the obligor for the amount of income withheld and paid as required by the order or writ.
- (b) An employer receiving an order or writ of withholding who does not comply with the order or writ is liable:
 - (1) to the obligee for the amount not paid in compliance with the order or writ, including the amount the obligor is required to pay for health insurance under Chapter 154;
 - (2) to the obligor for:
 - (A) the amount withheld and not paid as required by the order or writ; and
 - (B) an amount equal to the interest that accrues under Section 157.265 on the amount withheld and not paid; and
 - (3) for reasonable attorney's fees and court costs.
- (c) If an obligor has filed claim for workers' compensation, the obligor's employer shall send a copy of the income withholding order or writ to the insurance carrier with whom the claim has been filed in order to continue the ordered withholding of income.

§ 158.207. Employer Receiving More Than One Order or Writ

- (a) An employer receiving two or more orders or writs for one obligor shall comply with each order or writ to the extent possible.
- (b) If the total amount due under the orders or writs exceeds the maximum amount allowed to be withheld under Section 158.009, the employer shall pay an equal amount towards the current support in each order or writ until the employer has complied fully with each current support obligation and, thereafter, equal amounts on the arrearages until the employer has complied with each order or writ, or until the maximum total amount of allowed withholding is reached, whichever occurs first.
- (c) An employer who receives more than one order or writ of withholding that combines withholding for child support and spousal maintenance as provided by Section 8.101 shall withhold income and pay the amount withheld in accordance with Section 8.207.

§ 158.208. Employer may Combine Amounts Withheld

An employer required to withhold from more than one obligor may combine the amounts withheld and make a single payment to each agency designated if the employer separately identifies the amount of the payment that is attributable to each obligor.

§ 158.209. Employer's Penalty for Discriminatory Hiring or Discharge

- (a) An employer may not use an order or writ of withholding as grounds in whole or part for the termination of employment or for any other disciplinary action against an employee.
- (b) An employer may not refuse to hire an employee because of an order or writ of withholding.
- (c) If an employer intentionally discharges an employee in violation of this section, the employer continues to be liable to the employee for current wages and other benefits and for reasonable attorney's fees and court costs incurred in enforcing the employee's rights as provided in this section.
- (d) An action under this section may be brought by the employee, a friend of the court, the domestic relations office, or the Title IV-D agency.

§ 158.210. Fine for Noncompliance

- (a) In addition to the civil remedies provided by this subchapter or any other remedy provided by law, an employer who knowingly violates the provisions of this chapter may be subject to a fine not to exceed \$200 for each occurrence in which the employer fails to:
 - (1) withhold income for child support as instructed in an order or writ issued under this chapter; or

(2) remit withheld income within the time required by Section 158.203 to the payee identified in the order or writ or to the state disbursement unit.

- (b) A fine recovered under this section shall be paid to the county in which the obligee resides and shall be used by the county to improve child support services.

Section 158.211. Notice of Termination of Employment and of New Employment

- (a) If an obligor terminates employment with an employer who has been withholding income, both the obligor and the employer shall notify the court of the Title IV-D agency and the obligee of that fact not later than the seventh day after the date employment terminated and shall provide the obligor's last known address and the name and address of the obligor's new employer, if known
- (b) The obligor has a continuing duty to inform any subsequent employer of the order or writ of withholding after obtaining employment.

Section 158.212. Improper Payment

An employer who remits a payment to an incorrect office or person shall remit the payment to the agency or person identified in the order of withholding not later than the second business day after the date the employer receives the returned

Section 158.2313. Withholding From Workers' Compensation Benefits

- (a) An insurance carrier that receives an order or writ of withholding under Section 158.206 for workers' compensation benefits payable to an obligor shall withhold an amount not to exceed the maximum amount allowed to be withheld from income under Section 158.009 regardless of whether the benefits payable to the obligor for lost income are paid as lump sum amounts or as periodic payments.
- (b) An insurance carrier subject to this section shall send the amount withheld for child support to the place of payment designated in the order or writ of withholding.