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Title 22@ Social Security

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Division 13@ Department of Child Support Services

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Chapter 6@ Enforcement Actions

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Subchapter 6.1@ Immediate Enforcement Actions

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Article 1@ Income Withholding Orders

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Section 116100@ Preparing and Serving an Income Withholding Order - General Requirements and Timeframes

116100 Preparing and Serving an Income Withholding Order - General Requirements and Timeframes

(a)

If a child support order exists, a local child support agency shall serve an income withholding order on an obligor's employer, unless a court has ordered that service be stayed. The income withholding order shall specify the following amounts, as applicable, to be withheld from the obligor's disposable earnings whether for child, family, spousal, and/or medical support: (1) The amount(s) of current support specified in the most recent support order. (2) The amount specified in the court order to be withheld for the liquidation of any support arrearage. (3) An amount to be withheld for the liquidation of any support arrearage, if no amount(s) of payment toward any arrearage is specified in the court order, or additional arrears have accrued after the date of a court order for support. If both current support and arrearages exist, the amount to be withheld from salary or wages towards the liquidation of arrearages shall not exceed 25 percent of the current support order, or when combined with the current support amount, the maximum amount withheld cannot exceed 50 percent of the obligor's disposable earnings. (A) In addition to the amount specified in (a)(3) above, when an obligor's current support obligation for a child terminates by operation of law but an arrearage balance exists, the local child support agency shall serve an amended income withholding order on the obligor's employer within 30 days that provides for a monthly

payment that is equal to the current support payment that has terminated for each child, to be applied towards the liquidation of arrearages not to exceed the maximum amount withheld cannot exceed 50 percent of the obligor's disposable earnings. (B) An income withholding order issued by a local child support agency for the liquidation of arrearages, shall not exceed five percent of a disabled obligor's total monthly Social Security Disability Insurance (SSDI) benefits pursuant to Title II of the Social Security Act, if the obligor provides the local child support agency with proof that the obligor meets the Supplemental Security Income (SSI) resource test and is receiving SSI/State Supplementary Program (SSP) benefits and/or SSDI, or, but for excess income, would be eligible to receive SSI/SSP. Proof that the obligor is otherwise eligible for SSI/SSP, but for excess income, includes SSDI check stubs and self-certification by the obligor declaring under penalty of perjury that the obligor meets the SSI resource limits.

(1)

The amount(s) of current support specified in the most recent support order.

(2)

The amount specified in the court order to be withheld for the liquidation of any support arrearage.

(3)

An amount to be withheld for the liquidation of any support arrearage, if no amount(s) of payment toward any arrearage is specified in the court order, or additional arrears have accrued after the date of a court order for support. If both current support and arrearages exist, the amount to be withheld from salary or wages towards the liquidation of arrearages shall not exceed 25 percent of the current support order, or when combined with the current support amount, the maximum amount withheld cannot exceed 50 percent of the obligor's disposable earnings. (A) In addition to the

amount specified in (a)(3) above, when an obligor's current support obligation for a child terminates by operation of law but an arrearage balance exists, the local child support agency shall serve an amended income withholding order on the obligor's employer within 30 days that provides for a monthly payment that is equal to the current support payment that has terminated for each child, to be applied towards the liquidation of arrearages not to exceed the maximum amount withheld cannot exceed 50 percent of the obligor's disposable earnings. (B) An income withholding order issued by a local child support agency for the liquidation of arrearages, shall not exceed five percent of a disabled obligor's total monthly Social Security Disability Insurance (SSDI) benefits pursuant to Title II of the Social Security Act, if the obligor provides the local child support agency with proof that the obligor meets the Supplemental Security Income (SSI) resource test and is receiving SSI/State Supplementary Program (SSP) benefits and/or SSDI, or, but for excess income, would be eligible to receive SSI/SSP. Proof that the obligor is otherwise eligible for SSI/SSP, but for excess income, includes SSDI check stubs and self-certification by the obligor declaring under penalty of perjury that the obligor meets the SSI resource limits.

(A)

In addition to the amount specified in (a)(3) above, when an obligor's current support obligation for a child terminates by operation of law but an arrearage balance exists, the local child support agency shall serve an amended income withholding order on the obligor's employer within 30 days that provides for a monthly payment that is equal to the current support payment that has terminated for each child, to be applied towards the liquidation of arrearages not to exceed the maximum amount withheld cannot exceed 50 percent of the obligor's disposable earnings.

(B)

An income withholding order issued by a local child support agency for the liquidation of

arrearages, shall not exceed five percent of a disabled obligor's total monthly Social Security Disability Insurance (SSDI) benefits pursuant to Title II of the Social Security Act, if the obligor provides the local child support agency with proof that the obligor meets the Supplemental Security Income (SSI) resource test and is receiving SSI/State Supplementary Program (SSP) benefits and/or SSDI, or, but for excess income, would be eligible to receive SSI/SSP. Proof that the obligor is otherwise eligible for SSI/SSP, but for excess income, includes SSDI check stubs and self-certification by the obligor declaring under penalty of perjury that the obligor meets the SSI resource limits.

(b)

In addition to the original income withholding order served on an employer, a local child support agency also shall serve, the following on the obligor's employer to deliver to the obligor: (1) A second copy of the income withholding order. (2) A blank request for hearing regarding wage and earnings assignment, and the information sheet for a request for hearing regarding wage and earnings assignment.

(1)

A second copy of the income withholding order.

(2)

A blank request for hearing regarding wage and earnings assignment, and the information sheet for a request for hearing regarding wage and earnings assignment.

(c)

An income withholding order and the documents specified in subsection (b) shall be served on an obligor's employer: (1) Within 15 days of any of the following: (A) The date the support order is received by the local child support agency, if the address of the obligor's employer is known on that date. (B) The date the obligor's employer is located. If the obligor's employer is located through the State

Directory of New Hires, the income withholding order shall be served within the timeframe specified in subparagraph (2), below. (C) The date the local child support agency opens a case, if the address of the obligor's employer is known on that date and the support order was entered prior to case opening, and the local child support agency confirms the existence of the court order. The local child support agency shall take appropriate action to confirm the existence of the court order within 10 days of opening the case. (D) The date information is received from the Independent Contractor Registry. (E) The date the support order is registered by the local child support agency in California pursuant to Section 117503 and the employer is known. (2) Within two business days after the date information regarding a newly hired employee is entered into the State Directory of New Hires.

(1)

Within 15 days of any of the following: (A) The date the support order is received by the local child support agency, if the address of the obligor's employer is known on that date. (B) The date the obligor's employer is located. If the obligor's employer is located through the State Directory of New Hires, the income withholding order shall be served within the timeframe specified in subparagraph (2), below. (C) The date the local child support agency opens a case, if the address of the obligor's employer is known on that date and the support order was entered prior to case opening, and the local child support agency confirms the existence of the court order. The local child support agency shall take appropriate action to confirm the existence of the court order within 10 days of opening the case. (D) The date information is received from the Independent Contractor Registry. (E) The date the support order is registered by the local child support agency in California pursuant to Section 117503 and the employer is known.

(A)

The date the support order is received by the local child support agency, if the address of the

obligor's employer is known on that date.

(B)

The date the obligor's employer is located. If the obligor's employer is located through the State Directory of New Hires, the income withholding order shall be served within the timeframe specified in subparagraph (2), below.

(C)

The date the local child support agency opens a case, if the address of the obligor's employer is known on that date and the support order was entered prior to case opening, and the local child support agency confirms the existence of the court order. The local child support agency shall take appropriate action to confirm the existence of the court order within 10 days of opening the case.

(D)

The date information is received from the Independent Contractor Registry.

(E)

The date the support order is registered by the local child support agency in California pursuant to Section 117503 and the employer is known.

(2)

Within two business days after the date information regarding a newly hired employee is entered into the State Directory of New Hires.

(d)

Service on an employer of the documents specified in subsections (a) and (b) may be made by either: (1) Electronic means, such as fax or email. (2) First class or express mail.

(1)

Electronic means, such as fax or email.

(2)

First class or express mail.