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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 116108@ Employer Non-Compliance-Notification Timeframes, Electronic Funds Transfer, and Documentation Requirements

116108 Employer Non-Compliance-Notification Timeframes, Electronic Funds Transfer, and Documentation Requirements

(a)

If an obligor's employer does not comply with an income withholding order by withholding support from an obligor's disposable earnings and forwarding that support to a local child support agency within 45 days of service of the order, the local child support agency shall: (1) Fax or electronically transmit a copy of the income withholding order to the obligor's employer, along with a letter indicating that failure to comply with an income withholding order is punishable as contempt. (2) If the employer cannot receive a fax or other electronic transmission, send by certified mail a copy of the income withholding order along with the letter specified in (a)(1) above.

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If the employer cannot receive a fax or other electronic transmission, send by certified mail a copy of the income withholding order along with the letter specified in (a)(1) above.

(b)

If a local child support agency has electronic funds transfer capability, the local child support agency shall complete and file with the court an order to show cause to request a court order that requires payment of support by electronic funds transfer from the bank account of the obligor's employer, if either of the following conditions exist: (1) An obligor's employer willfully failed to comply with an income withholding order, or (2) An obligor's employer failed to comply with an income withholding order on three separate occasions within a 12 month period.

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(c)

A local child support agency shall personally serve the obligor's employer with a copy of the order to show cause, if either of the conditions specified in subsection (b) above, exist.

(d)

A local child support agency shall document in the case record the following information regarding an employer's non-compliance with an income withholding order: (1) The date the income withholding order was initially served on the employer. (2) The date(s) of all verbal and/or written notification, including copies of written notification(s). (3) The date the order to show cause permitted by subsection (b) was served. (4) Any other information and/or documentation pertaining to the employer's failure to comply with the income withholding order.

(1)

The date the income withholding order was initially served on the employer.

(2)

The date(s) of all verbal and/or written notification, including copies of written notification(s).

(3)

The date the order to show cause permitted by subsection (b) was served.

(4)

Any other information and/or documentation pertaining to the employer's failure to comply with the income withholding order.