116104 Stay of Service of an Income Withholding Order

(a)

If a court previously ordered that service of an income withholding order be stayed, and the order requires further application to the court to lift the stay, a local child support agency shall make application to the court to terminate the stay within 10 days of any of the following: (1) An obligor no longer meets the requirements specified in Section 5260, Family Code, for staying an income withholding order for good cause. (2) An obligor requests termination of the stay. (3) An obligor has failed to make a payment of support within 30 days of the due date. (4) The date on which the custodial party requests that withholding begin.

(1)

An obligor no longer meets the requirements specified in Section 5260, Family Code, for staying an income withholding order for good cause.

(2)

An obligor requests termination of the stay.

(3)

An obligor has failed to make a payment of support within 30 days of the due date.

(4)

The date on which the custodial party requests that withholding begin.

(b)

A local child support agency shall make application to the court for a lift of stay by

filing with the court a declaration, signed under penalty of perjury by the obligee, that the obligor has failed to make timely support payments, within 30 days.

(c)

A local child support agency shall be present at any court proceeding of which the local child support agency has received notice that the issue of a stay of service of an income withholding order is properly before the court.

(d)

Upon termination of a stay of service, a local child support agency shall serve an income withholding order on the obligor's employer as specified in Section 116100.