

117405 Direct Income Withholding Orders

(a)

To enforce an order issued by or made payable to California, and except as specified in (b) below, a local child support agency shall send the Federal Form (OMB NO.: 0970-0154) "Income Withholding for Support," directly to an employer, as defined in Section 110311, in another state when the obligor resides outside of California, the employer is known, and a local child support agency has not initiated an intergovernmental case.

(b)

A local child support agency shall use an intergovernmental process rather than direct income withholding when it has reason to believe one or more of the following items, non-inclusive list, applies: (1) The obligor has more than one family and another state has sent an income withholding order to the obligor's employer. (2) The obligor's arrears are in dispute. (3) The order was issued by and is payable to another state. (4) The obligor has declared bankruptcy. (5) The obligor has a history of short-term employment or job-hopping. (6) The obligor is unemployed. (7) The obligor is incarcerated. (8) The obligor is self-employed. (9) The obligor is receiving compensation such as unemployment insurance and/or workers' compensation and direct enforcement is not possible.

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withholding order to the obligor's employer.

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The obligor is unemployed.

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The obligor is incarcerated.

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The obligor is self-employed.

(9)

The obligor is receiving compensation such as unemployment insurance and/or workers' compensation and direct enforcement is not possible.

(c)

When there is an active intergovernmental case in progress and the local child support agency decides to file a direct income withholding order, the local child support agency shall notify the responding state to close its case.

(d)

When a local child support agency has a direct income withholding order in place and wishes to initiate an intergovernmental case, a local child support agency shall advise the responding state of the direct income withholding order and

coordinate withdrawal of the direct income withholding order with service of the responding state's withholding order.

(e)

If the obligor contests the direct income withholding order, a local child support agency shall: (1) Contact the Title IV-D agency in the responding state to request its assistance in appearing on behalf of the local child support agency. (2) Comply with a responding state's request to withdraw the direct income withholding order and file an intergovernmental action to authorize the responding state to appear on behalf of the initiating state, if the responding state determines such action is necessary.

(1)

Contact the Title IV-D agency in the responding state to request its assistance in appearing on behalf of the local child support agency.

(2)

Comply with a responding state's request to withdraw the direct income withholding order and file an intergovernmental action to authorize the responding state to appear on behalf of the initiating state, if the responding state determines such action is necessary.

(f)

A local child support agency shall contact the employer if an employer does not comply with the direct income withholding order and attempt to resolve the issue informally. If that effort fails, a local child support agency shall initiate an intergovernmental case requesting the responding state to register and serve an income withholding order.

(g)

A local child support agency shall open a case and assist an obligor in registering

a support order or direct income withholding order that is being contested if an obligor requests Title IV-D services, which includes the right to initiate a contest.