

NO.

IN THE INTEREST OF

[insert names of child
or children]

CHILDREN

§
§
§
§
§

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**EMPLOYER'S ORDER TO WITHHOLD
FROM EARNINGS FOR CHILD SUPPORT**

The Court ORDERS you, City of Austin Employee Retirement System, the employer of _____, Obligor-Payee, to withhold income from his disposable earnings from this employment as follows:

Obligor and Payee

Name:

Address:

Social Security number:

Obligee and Alternate Payee

Name:

Address:

Social Security number:

Children

Name:

Sex:

Birth date:

Social Security number:

Date child will become eighteen:

Birthplace:

Child's Current Address:

Name:

Sex:
Birth date:
Social Security number:
Date child will become eighteen:
Birthplace:
Child's Current Address:

Withholding Earnings for Child Support

The Court ORDERS the City of Austin Employees Retirement System as an employer (herein the "employer") of _____¹ (hereinafter sometimes the "Obligor" or "Obligor-Payee") to begin withholding from his disposable earnings no later than the first pay period following the date this order is served on the employer.

Method of Payment

The Court ORDERS the employer, on each pay date, to remit all amounts withheld through _____,
_____ ² for distribution according to law. The Court ORDERS the employer to include the following information with each payment: (1) the date of withholding; (2) the number assigned by the title IV-D agency (if available), the county identification number (if available), or the cause number, which is _____; (3) _____'s name³; and (4) unless the payment is transmitted by electronic funds transfer, _____.⁴

Maximum Amount Withheld

¹ Insert name of the Obligor-Payee. This is the member of the City of Austin Employees Retirement System from whose monthly benefit the child support is to be withheld.

² Insert name and address of the person, agency, legal entity or office to which the child support withholding is to be sent.

³ Insert name of Obligor/Payee.

⁴ Insert name of Obligee-Alternate Payee.

The maximum amount to be withheld shall not exceed 50 percent of _____⁵'s disposable earnings. The amounts set below are to be reduced proportionately if and as required to not exceed fifty percent of such disposable earnings. Such amounts shall not be increased for any reason other than further Order of this court, and will be decreased in proportion to any decrease in the monthly benefits paid to the Payee under the Plan. This Order terminates on the death of _____.⁶

"Arrearage" Defined

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

1. all past-due child-support and medical-support payments; and
2. all unpaid interest accrued on child-support and medical-support obligations;
and
3. all unpaid child-support and medical-support judgment amounts.

Order to Withhold

The Court ORDERS the employer to withhold the following amounts from the earnings of _____:⁷

\$0.00 if Obligor is PAID MONTHLY:

\$0.00 on current support,

\$0.00 on the arrearage owed, and

\$0.00 on fees and costs.

\$0.00 if Obligor is PAID TWICE MONTHLY:

⁵ Insert name of Obligor-Payee.

⁶ Insert name of Obligor-Payee.

⁷ Insert name of Obligor-Payee.

\$0.00 on current support,
\$0.00 on the arrearage owed, and
\$0.00 on fees and costs.

\$0.00 if Obligor is PAID EVERY OTHER WEEK:

\$0.00 on current support,
\$0.00 on the arrearage and
\$0.00 on fees and costs.

\$0.00 if Obligor is PAID EVERY WEEK:

\$0.00 current support,
\$0.00 on the arrearage and
\$0.00 on fees and costs.

The Court ORDERS the employer to withhold the above amount until the first month following the date of the earliest occurrence of one of the events specified below, for which written notice and documentation of the event is provided to the employer:

1. any child reaches the age of eighteen years, provided that, if the child is fully enrolled in an accredited secondary school in a program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit pursuant to Section 130.008 of the Texas Education Code, the periodic child support payments shall continue to be due and paid until the end of the month in which the child graduates from high school;

2. any child marries;

3. any child dies;

4. any child's disabilities are otherwise removed for general purposes;

5. _____⁸ and the Obligor-Payee remarry each other; 6. further

⁸ Insert the name of the Obligee-Alternate Payee.

order modifying this child support; or

7. the death of _____⁹.

Beginning with the first pay period following the above date after written notice and documentation of the changed circumstances has been provided to the employer, the Court ORDERS the employer to withhold the following amounts from the earnings of the Obligor-Payee:

\$0.00 if Obligor is PAID MONTHLY:

\$0.00 on current support,

\$0.00 on the arrearage owed, and

\$0.00 on fees and costs.

\$0.00 if Obligor is PAID TWICE MONTHLY:

\$0.00 on current support,

\$0.00 on the arrearage owed, and

\$0.00 on fees and costs.

\$0.00 if Obligor is PAID EVERY OTHER WEEK:

\$0.00 on current support,

\$0.00 on the arrearage and

\$0.00 on fees and costs.

\$0.00 if Obligor is PAID EVERY WEEK:

\$0.00 on current support,

\$0.00 on the arrearage and

\$0.00 on fees and costs.

The Court ORDERS the employer to withhold the above amount until the first month

⁹ Insert the name of the Obligor-Payee.

following the date of the earliest occurrence of one of the events specified below, for which written notice and documentation of the event is provided to the employer:

1. any child reaches the age of eighteen years, provided that, if the child is fully enrolled in an accredited secondary school in a program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit pursuant to Section 130.008 of the Texas Education Code, the periodic child support payments shall continue to be due and paid until the end of the month in which the child graduates from high school;

2. any child marries;

3. any child dies;

4. any child's disabilities are otherwise removed for general purposes;

5. _____¹⁰ and _____¹¹ _ remarry each other; or

6. further order modifying this child support; or

7. the death of _____¹².

Calculating Disposable Earnings

The employer shall calculate _____¹³'s disposable earnings, which are subject to withholding for child support, as follows:

1. Determine the "earnings" of _____¹⁴. "Earnings"

¹⁰ Insert name of Obligor-Payee.

¹¹ Insert name of Obligee-Alternate Payee.

¹² Insert name of Obligor-Alternate Payee.

¹³ Insert name of Obligor-Payee.

¹⁴ Insert name of Obligor-Payee.

means a payment to or due an individual, regardless of source and how denominated, and includes a periodic or lump-sum payment for wages, salary, compensation received as an independent contractor, overtime pay, severance pay, commission, bonus, and interest income; payments made under a pension, an annuity, workers' compensation, and a disability or retirement program; and unemployment benefits.

2. Subtract the following sums to calculate _____'s¹⁵
"disposable earnings":

- a. 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;
- b. union dues;
- c. nondiscretionary retirement contributions by _____¹⁶; and
- d. medical, hospitalization, and disability insurance coverage for _____¹⁷ and his children.

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 _____¹⁸, you shall pay an equal amount towards the current support portion of all orders or writs until each is individually complied with, and thereafter pay equal amounts on the arrearage portion of all orders or

¹⁵ Insert name of Obligor-Payee.

¹⁶ Insert name of Obligor-Payee.

¹⁷ Insert name of Obligor-Payee.

¹⁸ Insert name of Obligor-Payee.

writes until each is complied with, or until the maximum total amount of allowable withholding, 50 percent of Obligor-Payee's disposable earnings, is reached, whichever occurs first.

Termination of Withholding

For as long as Obligor-Payee is employed by you, you, the employer of Obligor-Payee, shall continue to withhold income in accordance with this order until the youngest child reaches eighteen years of age or graduates from high school, whichever occurs last. This order indicates when each child reaches eighteen years of age. Written notice from a child's school of the child's high-school graduation will constitute notice of graduation to you.

Notice of Change of Employment

The Court ORDERS the employer to notify the Court and _____
_____ ¹⁹ within seven days of the date that Obligor-Payee terminates employment. The Court ORDERS the employer to provide Obligor-Payee's last known address and the name and address of his new employer, if known.
SIGNED on _.

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

By:____

¹⁹ Insert name of Obligee-Alternate Payee.