

IWO Form Non-IV-D c
(August, 2012)

**GENERIC INSTRUCTIONS FOR INCOME WITHHOLDING
ORDER/NOTICE FOR SUPPORT, APPLICATION FOR CHILD SUPPORT
ENFORCEMENT SERVICES, AND CASE REGISTRY FILING FORM FOR
USE IN NEW YORK STATE FAMILY COURT AND SUPREME COURT**

INCOME WITHHOLDING ORDER/ CHILD SUPPORT ENFORCEMENT SERVICES

When *Must* the Court Issue an Income Withholding Order

When the Court issues an order of support, the Court *must in every case issue an immediate income withholding order unless:*

- a) child support services are being applied for, or provided through, the child support enforcement program (often referred to as the “IV-D” program) by a local district Support Collection Unit; or
- b) the Court finds and sets forth in writing (1) the reasons why there is good cause not to require immediate income withholding, or (2) an agreement providing for an alternative arrangement has been reached between the parties. See Domestic Relations Law § 240(2)(b)(2), Family Court Act § 440(1)(b)(2), and CPLR § 5242(c)(1).

Where an income withholding order is required, the Court shall direct that the support be paid by automatically deducting moneys from the obligor’s income through the use of an Income Withholding Order/Notice of Support. (See instructions below for completing this form).

The child support enforcement program is a state-supervised, county-run program. Each local social services district has a Support Collection Unit that assists litigants in obtaining the child support (or enforcing child and spousal support combined) that has been ordered by the court.

To learn about and apply for child support services, use Form LDSS 4882. You may download a copy of this form from the Divorce Resources website of the New York State Unified Court System under Child Support Resources at <http://www.nycourts.gov/divorce/>. The application form has two sections. The first section provides a detailed description of the child support services provided and other important information you need to know. A child support brochure (Pub.1950) is also available that provides a brief description of the program which may also be found at the Court website.

As an alternative to using Form LDSS 4882, you may also apply for child support services by making that request in your written application or motion to the Court for a child support order and you may provide a copy of that application or motion to the support collection unit of the appropriate social services district pursuant to Domestic Relations Law § 236 (B)(7)(b) and Social Services Law § 111-g.

If you wish to apply for child support-services at this time, or you are already receiving such services, DO NOT fill out this Income Withholding Order/Notice for Support; an Income Withholding Order /Notice for Support will be prepared and sent by the Support Collection Unit on your behalf.

If you do not wish to apply for child support services at this time, you may choose to apply for such services through your local Support Collection Unit in the future.

If you do not apply for child support services at this time, and are not already receiving them, the Court may nonetheless decide after consideration of relevant factors that an Income Withholding Order/Notice for Support is required by law.

If the Court notifies you that an Income Withholding Order/ Notice for Support is required, or you decide to ask the Court to issue one, follow the procedure for completing and serving the Income Withholding Order /Notice for Support set forth below.

INCOME WITHHOLDING ORDER /NOTICE FOR SUPPORT (IWO)

FOR USE IN NEW YORK STATE (IWO FORM NON-IV-D – CHILD SUPPORT AND COMBINED CHILD AND SPOUSAL SUPPORT (SAME AS FAMILY COURT FORM 4-9) *Important Note: Use the Numbered Reference copy of the IWO form, (IWO Form Non-IV-D b, same as Family Court Form 4-9b), as a guide when completing this form.*

If you or your spouse is to receive child support only or combined child support and maintenance (spousal support), and if no child support enforcement services are already being provided through a local district Support Collection Unit (see Instructions above about whether and how to apply for such services), you or your spouse may ask the Court to issue an Income Withholding Order/Notice for Support **or** the Court may decide to issue such an order on its own. In either case, the Income Withholding Order/Notice for Support form is the form approved by the federal Office of Management and Budget and **must** be used. No other form of Income Withholding Order/Notice for Support can be used. A copy of said form with pre-filled fields prepared by the New York State of Office of Temporary and Disability Assistance for use in New York State is available on the Divorce Resources website of the New York State Unified Court System under Child Support Resources at <http://www.nycourts.gov/divorce/>. If you are the person making the payment, you are the employee/obligor (or debtor). If you are the person receiving the payment, you are the custodial party/obligee (or creditor). ***Follow the instructions below:***

FOR USE IN NEW YORK STATE IWO FORM NON-IV-D a – SPOUSAL SUPPORT ONLY (SAME AS FAMILY COURT FORM 4-9 a) *Important Note: Use the Numbered Reference copy of the IWO form, (IWO Form Non-IV-D b, same as Family Court Form 4-9b), as a guide when completing this form.*

If you or your spouse is to receive maintenance (spousal support) **only**, and if no child support enforcement services are already being provided through a local district Support Collection Unit (see Instructions above about whether and how to apply for such services), you or your spouse may ask the Court to issue an Income Withholding Order/Notice for Support **or** the Court may decide to issue such an order on its own. In either case, the Income Withholding Order/Notice for Support form is the form approved by the federal Office of Management and Budget. While not required, this form is recommended for use in New York State for Spousal Support Only IWO's. A copy of said form with pre-filled fields prepared by the New York State of Office of Temporary and Disability Assistance for use in New York State is available on the Divorce Resources website of the New York State Unified Court System under Child Support Resources at <http://www.nycourts.gov/divorce/>. On IWO Form Non-IV-D a (for Spousal Support Only IWOs) areas not applicable to Spousal Support Only have

been grayed out. In addition to graying out fields not applicable to the Spousal Support Only IWO, the other difference from the IWO Form Non-IV-D is that Spousal Support Only IWOs are payable to the “obligee,” **not** the New York State Child Support Processing Center (SDU). If you are the person making the payment, you are the employee/obligor (or debtor). If you are the person receiving the payment, you are the obligee (or creditor). ***Follow the instructions below:***

Instructions for IWO Form Non-IV-D (CHILD SUPPORT AND COMBINED CHILD AND SPOUSAL SUPPORT) and IWO Form Non-IV-D a (SPOUSAL SUPPORT ONLY)

Fields 1a-1d: Check the applicable box, depending on your situation.

Note: If you check box 1d “Termination IWO” enter \$0 in field 12a “Total Amount to Withhold.”

Field 1e: Leave this field blank. The Court will fill in the date when the Income Withholding Order/Notice for Support (IWO) is signed.

Field 1f: Check the box for “Court.”

Note: this form may also be used by a private attorney or individual to enforce an order of support in Family Court or Supreme Court. If so, the applicable box should be checked.

Field 1g: Write in “New York.”

Field 1h: Leave this field blank.

Field 1i: Write in the name of the county where your divorce action was filed or where you filed a petition in Family Court for support.

Field 1j: Fill in the Index number of your Supreme Court divorce action or the Docket Number of your Family Court case.

Field 1k: Leave this field blank.

Note: this form may also be used by a private attorney or individual to enforce an order of support in Family Court or Supreme Court. If so, the attorney or individual should fill in their name.

Field 1l: Leave this field blank

Field 2a: Fill in the Name of the employer to whom the IWO will be sent and who will be directed to withhold income

Field 2b: Fill in the mailing address of the employer, including the street, PO Box, city, state and zip code. (This may differ from the employee’s worksite). If the employer is a federal government agency, fill in the address listed under Federal Agencies - Addresses for Income Withholding Purposes at http://www.acf.hhs.gov/programs/cse/newhire/contacts/iw_fedcontacts.htm

Field 2c: Fill in the employer’s nine digit Federal Employer Identification Number (FEIN) if available.

Field 3a: Fill in the employee’s/obligor’s last name, first name, middle name.

Field 3b: Fill in the social security number or other taxpayer identification number of the employee/obligor.

- Field 3c: Fill in the name of the custodial party/obligee (or obligee on the Spousal Support Only IWO) (last name, first name, middle name)
- Field 3d: Fill in the child(ren)'s last name(s), first name(s), and middle name(s). Note if there are more than six children, attach an additional page. (Or you could utilize the blank space above the lines provided for the first 6 children.)
Note: for Spousal Support Only orders field 3d is not applicable.
- Field 3e: Fill in the child(ren)'s birth date(s) for each child named.
Note: For Spousal Support Only orders field 3e is not applicable.
- Field 3f: Write in, "Supreme Court of _____ County." Then fill in County where the divorce action was filed. If this relates to a Family Court support order, write in "Family Court of _____ County." Then fill in County where the petition was filed.
- Field 4: Fill in the county where the divorce action was filed or where you filed a petition in Family Court for support.
- Fields 5a- 11c: Fill in the applicable dollar amounts for a specific time period for each type of support. Copy this information from the applicable order of support. For Field 6c, check the appropriate box to indicate whether arrears have accrued for more than 12 weeks.
NOTE: For Spousal Support Only orders fields 5a, 5b, 6a, 6b, 7a, 7b, 8a and 8b are not applicable.
- Field 12a: Enter the total of the amounts in Fields 5a-11a on Line 12a. This is the total amount to withhold.
Note: For a Termination IWO enter \$0 in this field.
- Field 12b: Enter the time period (e.g. week, month) specified in the underlying order for the obligations contained in 5a - 11a.
- Fields 13a - 13d:
If you are certain of the employer's pay cycle, enter the value of the obligation in the appropriate field. **Only one field need be filled in.**
If you are not certain of the employer's pay cycle, you must enter a value in **each of these fields.** To do this, follow these instructions:
First calculate the amount of the obligation on a yearly basis (i.e., if the amount of the obligation is weekly, multiply it by 52; if biweekly, multiply it by 26; if semimonthly multiply it by 24; or if monthly, multiply it by 12); then take the yearly amount and divide it by the appropriate pay cycle (i.e., if weekly, by 52; if biweekly, by 26; if semimonthly, by 24; and if monthly, by 12). Then enter the recalculated amount in the proper field.
Example 1: Assume the support obligation is \$100.00 biweekly. You know that the employer's pay cycle is monthly. Then you should multiply \$100.00 by 26 to get the yearly obligation (\$2,600.00). Then divide that by 12 to get the monthly obligation (\$216.67). You would then enter that value in field 13d.

Example 2: Maybe you're not sure of the employer's pay cycle. Then you should again multiply \$100.00 by 26 to get the yearly obligation (\$2,600.00). Then divide \$2,600.00 by 52 to get the value for the weekly value (\$50.00); divide \$ 2,600.00 by 26 to get the biweekly value (\$100.00.); divide \$2,600.00 by 24 to get the semimonthly value (\$108.33); and divide \$2,600.00 by 12 to get the monthly value (\$216.67). You should enter these values in fields 13a - 13d.

- Field 13a: If the employer's pay cycle does not correspond with Field 12b, enter the total amount the employer should withhold if the employee is paid weekly
- Field 13b: If the employer's pay cycle does not correspond with Field 12b, enter the total amount the employer should withhold if the employee is paid twice a month
- Field 13c: If the employer's pay cycle does not correspond with Field 12b, enter the total amount the employer should withhold if the employee is paid every two weeks.
- Field 13d: If the employer's pay cycle does not correspond with Field 12b, enter the total amount the employer should withhold if the employee is paid once a month.
- Field 14: Complete if 1c, above, has been selected.
- Fields 15- 24: These Fields have been pre-filled to make it easier for you. For this reason, Fields 15-24 have no numbers. Go to Field 21.
- Field 21: "Document Tracking Identifier": Leave the line at the bottom of page 1 blank.
Note: This form may also be used by a private attorney or individual to enforce an order of support in Family Court or Supreme Court. If so the attorney or individual may want to insert a case number. This is optional.
- Field 25: Leave this field blank. It is to be filled in by the Employer if applicable.
Note: For Spousal Support Only orders Field 25 is not applicable.
- Fields 26- 29 Leave these spaces blank. The Court will fill in this information when the IWO is signed by the Judge.
Note: This form may also be used by a private attorney or individual to enforce an order of support in Family Court or Supreme Court and if so, the attorney would be the issuing authority and would sign the IWO.
- Field 30: If the employee works in a state different from New York, check this box.
- Fields 34a -41: Leave these spaces blank. These are to be filled in by the Employer, if applicable.
- Fields 42 -50: Leave this section blank so that it can be filled in by the Court.
Note: This form may also be used by a private attorney or individual to enforce an order of support in Family Court or Supreme Court. If so the attorney or individual should fill in these blanks.
- Top of Page 3: Copy the information from Fields 2a, 2c, 3a and 1j. Leave the NY Case Identifier field blank.

Now that you have finished completing the Income Withholding Order/Notice for Support, you should submit it to the Court Clerk for signature by the Judge. ***After it is signed by the Judge, you must serve a certified copy of the Income Withholding Order/Notice for Support on the employer and the other parties to the action. A certified copy of Child Support and Combined Child and***

Spousal Support orders (IWO Form Non-IV-D, same as Family Court Form 4-9) must also be served on the New York State Child Support Processing Center, PO Box 15365, Albany, N.Y. 12212-5365. You may use regular mail, but it is suggested that you file an Affidavit of Service of the IWO order with the Clerk of the Court. Spousal Support Only IWO orders (IWO Form Non-IV-D a, same as Family Court Form 4-9a) should NOT be served on the New York State Child Support Processing Center.

Important Note: The NYS Office of Temporary and Disability Assistance advises that the Federal Office of Child Support Enforcement has confirmed that if the IWO is issued by a Court, a copy of the underlying order need not be attached to the IWO even in instances where the IWO is served by a litigant or his/her representative acting on the Court's instructions. See Field 1(f) on the first page of the IWO and Fields 26-29 on the second page of the IWO which identify the Issuer.

If you have continuing questions about this instruction, you may contact the New York State Child Support Customer Service Helpline at 1-888-208-4485 (TTY: 1-866-875-9975) Monday through Friday 8:00 a.m - 7:00 p.m.

NEW YORK STATE CASE REGISTRY FILING FORM:

Information about child support orders must be filed with the State Case Registry by filing a New York State Registry Filing Form. If a party to the order is receiving child support services from the support collection unit (known as a IV-D case), the support collection unit will report the information. A case is receiving support collection services if: 1) the County Department of Social Services (or, in New York City, HRA) is a party to the order because a child is receiving public assistance benefits, Medicaid or is in foster care; or 2) a party has applied for services including collection and enforcement of the support order. If you are unsure whether the case is receiving child support services, contact the court clerk.

You MUST complete and submit the State Case Registry form:

- a) if your case involves child support or combined spousal and child support and the Court issues an Income Withholding Order/Notice for Support that requires the employer to remit payments to the NYS Child Support Processing Center; or
- b) if the court determines that immediate income withholding is not required by statute and payments are made directly to the custodial party/obligee.

Note: If your support order is generated (or prepared by) Family Court, the court will take care of filing the form, but if your support order is from Supreme Court, you must complete and use the form posted on the Divorce Resources website at http://www.nycourts.gov/divorce/forms_instructions/case-reg.pdf

You should NOT complete and submit the State Case Registry form :

- a) if your case involves spousal support only; or
- b) if a party to the order is applying for, or receiving support services from, a local Support Collection Unit pursuant to the child support enforcement program.