

At a term of the Family Court of the  
State of New York, held in and for  
the County of \_\_\_\_\_ ,  
at \_\_\_\_\_ , New York,  
on \_\_\_\_\_ , \_\_\_\_\_ .

P R E S E N T:

Hon.

Judge/Support Magistrate

.....  
In the Matter of a Proceeding for Support  
Under Article (4) (5-B)of the Family Court Act

Docket No.

S.S.# \_\_\_\_\_  
Petitioner,

INCOME DEDUCTION  
ORDER

-against-

S.S.# \_\_\_\_\_  
Respondent.

.....  
WHEREAS an order of support dated \_\_\_\_\_ , was entered by the  
Court of \_\_\_\_\_ County, State of New York, directing the above-named  
 Respondent  Petitioner to pay the sum of \$ \_\_\_\_\_  weekly  every two weeks  
 monthly  quarterly for the support of the following child(ren) [specify]:

Child's Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Social Security Number \_\_\_\_\_

WHEREAS the payments were to be made to  Respondent  Petitioner  the Support  
Collection Unit of [specify]: \_\_\_\_\_ County ; and

WHEREAS the payments have not been made and the amount of \$ \_\_\_\_\_ is due and  
owed to the Creditor ; and

The  Respondent  Petitioner now being entitled to receive income payments as  
defined in C.P.L.R 5241(a) from \_\_\_\_\_ , an  income payor  employer)  
as defined in C.P.L.R 5241(a) , whose address is \_\_\_\_\_  
; and good cause having been shown therefore,

NOW therefore, it is

ORDERED that pursuant to sections 5241 and 5242 of the Civil Practice Law and Rules, the above-named employer income payor is directed to deduct from all income as defined in CPLR Section 5241(a), due or payable to the Respondent Petitioner by the employer income payor the sum of \$ \_\_\_\_\_ weekly every two weeks monthly quarterly to be applied to insure compliance with the direction in the order of support, and a further sum of \$ \_\_\_\_\_ to be applied to the reduction of arrears until the amount of \$ \_\_\_\_\_ in arrears is paid in full; and to pay the deducted amount to the Support Collection Unit at the following address [specify]:

- Respondent at the following address [specify]:
- Petitioner at the following address [specify]:

within ten days of the date that Respondent Petitioner is paid or receives the income.

Attached to this Income Deduction Order is a NOTICE TO EMPLOYER OR INCOME PAYOR which is incorporated by reference and enforceable as if it is part of this Order.

ENTER

\_\_\_\_\_  
Judge of the Family Court /Support Magistrate

Dated: \_\_\_\_\_, \_\_\_\_\_.

**IF THIS ORDER WAS ENTERED BY A JUDGE**, THE ORDER MAY BE APPEALED PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT. THAT SECTION PROVIDES THAT AN APPEAL FROM THAT ORDER MUST BE TAKEN WITH-IN 30 DAYS AFTER RECEIPT OF THE ORDER BY THE APPELLANT IN COURT, 30 DAYS AFTER SERVICE BY A PARTY OR THE LAW GUARDIAN UPON THE APPELLANT, OR 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF THE COURT, WHICHEVER IS EARLIEST.

**IF THIS ORDER WAS ENTERED BY A SUPPORT MAGISTRATE**, SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed ]: \_\_\_\_\_
- Order received in court on [specify date(s) and to whom given]: \_\_\_\_\_

Order Mailed To: \_\_\_\_\_  
Name of Employer Income Payor

## NOTICE TO EMPLOYER OR INCOME PAYOR

**TIMING, AMOUNT AND REMITTING OF DEDUCTIONS:** Pursuant to the Civil Practice Laws and Rules 5241, deductions must commence no later than the first pay period that occurs 14 days following the service of the Income Execution upon the employer or income payor, and payment must be sent within 7 business days of the date the debtor is paid. Each payment shall include the identity and social security number of the debtor and the date and amount of each withholding of the debtor's income included in the payment. "Date of withholding" means the date on which the income would otherwise have been paid or made available to the debtor were it not withheld by the employer or income payor.

Deductions from income shall not exceed the following: Where a debtor IS currently supporting a spouse or dependent child other than the creditor, the amount of the deductions to be withheld shall not exceed fifty percent of the earnings of the debtor remaining after the deduction therefrom of any amounts required by law to be withheld ("disposable earnings"), except that if any part of such deduction is to be applied to the reduction of arrears which shall have accrued more than twelve weeks prior to the beginning of the week for which such earnings are payable, the amount of such deduction shall not exceed fifty-five percent of disposable earnings.

Where a debtor IS NOT currently supporting a spouse or dependent child other than the creditor, the amount of the deductions to be withheld shall not exceed sixty percent of the earnings of the debtor remaining after the deductions therefrom of any amounts required by law to be withheld ("disposable earnings"), except that if any part of such deduction is to be applied to the reduction of arrears which shall have accrued more than twelve weeks prior to the beginning of the week for which such earnings are payable, the amount of such deduction shall not exceed sixty-five percent of disposable earnings.

An employer who receives an income execution issued by another state shall apply the income withholding law of the state of the debtor's principal place of employment in determining the above specifications concerning timing, amount and remitting of deductions.

**FAILURE TO DEDUCT OR REMIT PAYMENTS:** An employer or income payor served with an income execution who fails to deduct the amount specified shall be liable to the creditor, who may commence a proceeding against the employer or income payor for any accrued deductions, together with interest and reasonable attorney's fees. Upon an employer's failure to remit any amounts deducted pursuant to this income execution, either the creditor or the debtor may commence a proceeding against the employer or income payor for accrued deductions with and reasonable attorney's fees.

Additionally, upon a finding by the Family Court that the employer or income payor failed to deduct or remit deductions as specified in the income execution, the court shall issue an order directing compliance, and may direct the employer or income payor to pay a fine, to be paid to the creditor, of up to \$500.00 for the first such failure and \$1,000.00 for each subsequent failure to deduct or remit.

**DISCHARGE, LAYOFF, DISCIPLINING, REFUSAL TO PROMOTE OR REFUSAL TO HIRE BECAUSE OF THE EXISTENCE OF ONE OR MORE INCOME DEDUCTION ORDERS:** Pursuant to Section 5252 of the Civil Practice Laws and Rules, where an employer discharges, lays off, refuses to promote, or disciplines an employee, or refuses to hire a prospective employee, because of the existence of one or more income executions and/or income deduction orders, the Court may direct the employer to pay a fine, payable to the creditor, of up to \$500.00 for the first and \$1,000.00 for each subsequent instance of employer or income payor discrimination.

**FURTHER:** An employer must notify the creditor and issuer promptly when the debtor terminates employment and must provide the debtor's last address and the name and address of the debtor's new employer, if known.

An employer who complies with an income withholding notice that is regular on its face shall not be subject to civil liability to any individual or agency for conduct in compliance with the notice.