

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

_____*
Complainant,*
vs.* IN CHANCERY NO. _____*
_____*
Defendant.*

This Order is directed to the Employer:

PAYROLL WITHHOLDING ORDER

Definitions & Parties:

Obligor - The party paying the support,

_____ - SSN: _____

Payee - The party receiving the support,

_____ - SSN: _____

Dependent Children

Employer - The employer of the obligor,

The Department - A division of the Virginia Department of Social Services
which is authorized to process the payments of support

Department of Child Support Enforcement (DCSE)
3953 Pender Drive
Fairfax, VA 22030
Case No. _____

Pursuant to §20-79.3, Code of Virginia:

1. The name, address and Social Security Numbers of the Obligor and the Payee are stated above.

2. The Employer shall withhold and pay out of the disposable earnings of the Obligor as defined below, a single monetary amount or the maximum amount permitted under §34-29 (see ¶4 below), whichever is less, for each regular pay period of the Obligor and payment may be by check. Disposable Earnings are the portion of earnings remaining after the deduction of any amounts required by law to be withheld. (§63.1-250).

3. The payroll withholding shall begin with the next regular pay period of the obligor following service of this order on the employer, and payment shall be made at regular intervals consistent with the pay periods of the Obligor.

4. Pursuant to §34-29, the maximum portion of the aggregate disposable earnings subject to withholding pursuant to the terms of this order may not exceed: (i) Sixty percent (60%) of the Obligor's disposable earnings; OR (ii) If the Obligor is supporting a spouse or dependent child other than the spouse or child with respect to whose support this order applies, Fifty percent (50%) of the Obligor's disposable earnings. Provided However, (iii) The Fifty percent (50%) in (ii) above shall be fifty-five percent (55%), and the Sixty percent (60%) in (i) above shall be sixty-five percent (65%), if and to such extent that such earnings are subject to withholding to enforce an order for support for a period which is more than twelve weeks prior to the beginning of such workweek.

5. To the extent required by the health care provisions of this order, the Employer shall:

(i) Enroll the Obligor, the Payee and the Obligor's dependent children subject to this order as covered persons in a group health insurance plan or other similar plan providing health care services or coverage offered by the Employer, without regard to enrollment season restrictions, if the Obligor, the Payee or the dependent children are eligible for such coverage under the Employer's enrollment provisions, and

(ii) Deduct any required premiums from the Obligor's earnings to pay for the insurance. If more than one plan is offered by the employer, the Payee and the dependent children shall be enrolled prospectively in the insurance plan in which the Obligor is enrolled or, if the Obligor is not enrolled, in the least costly plan otherwise available. The Employer shall also enroll the children of an employee in the appropriate health coverage plan upon application by the children's other parent or legal guardian or upon application by the Department of Medical Assistance Services.

In each case which is being enforced by the Department of Social Services, the Employer shall respond to such orders by advising the Department in which plan the children are enrolled or if the children are ineligible for any plan through the employer. The order to the Employer shall specify either support withholdings or insurance premium deductions as having priority for the duration of the order in the event the maximum total deduction permitted at any time by §34-29 is insufficient to fully cover both; the Employer shall consider and direct insurance premium deductions and support withholdings the same for purposes of § 34-29.

The Employer shall not be held liable for any medical expenses incurred on behalf of the Payee, or dependent children because of the Employer's failure to enroll the Payee or dependent children in a health care plan after being directed to do so by a court or the Department. The Employer shall not be

obligated to subsequently make or change such enrollment if the group health insurance plan or other factors change after the Payee's or children's eligibility or ineligibility for coverage is initially determined in response to the order for withholding. However, the Employer is not to disenroll such children unless the Employer (i) is provided satisfactory written evidence that such court or administrative order is no longer in effect, (ii) is provided satisfactory written evidence that the children are or will be enrolled in a comparable health coverage plan which will take effect not later than the effective date of such disenrollment, or (iii) has eliminated family health coverage for all of its employees. A one-time fee of no more than five dollars may be charged by the employer to the Obligor for the administration of this requirement.

6. A fee of five dollars for each reply or remittance on account of the Obligor may be charged by the Employer and withheld from the Obligor's earnings in addition to the support amount to be withheld.

7. This order is binding upon the Employer and the Obligor and withholding is to continue until further notice by order of the Court or the Department is served or the Obligor is no longer employed, whichever comes first.

8. This order shall have priority over any other types of liens created by state law against such earnings, except that if there is more than one court or administrative order for withholding for support against an Obligor, the Employer must honor the terms of the earliest received order, and subsequent orders shall be honored in the order of receipt to the extent that the amounts withheld, when combined, do not exceed the maximum limits imposed under §34-29 as specified in this order above (Paragraph 4).

9. The Obligor's rights are protected pursuant to §63.1-27 1, and no employer shall discharge an employee, take disciplinary action against an employee, or refuse to employ a person by reason of the fact that his earnings have been made subject to a withholding order pursuant to Chapter 13 (§63.1-249 et seq.) of Title 63.1 or §20-79.1 or §20-79.2 and an employer who discharges or takes disciplinary action against an employee, or refuses to employ any person because of an order for withholding under these sections shall be liable for a civil fine of not more than \$1,000.

10. If this order is payable to the Department of Social Services, then the withheld amounts shall be sent by the Employer to DCSE at the address provided on the first page of this order, and the DCSE Case Number shall be stated on the remittance. If this order is payable directly to the Payee, payment shall be made at the address of the Payee provided on the first page of this order.

11. The Employer shall be liable for payments which he fails to withhold or mail as specified in the order.

12. Except as provided in Paragraph 16 below, the Employer shall remit payments on each regular pay date of the Obligor directly to the Payee if requested in writing by the Payee, provided that the employer has not received notice that the Payee is receiving child support services as defined in §63.1-250 through the Division of Child Support Enforcement.

13. The Employer shall be deemed to have complied with this order by mailing on each regular pay date of the Obligor directly to the Department or to the payee, by first class mail, any amount required to be deducted.

14. If payment to the Department of Social Services is ordered, the Employer and Obligor must notify the Department promptly when the Obligor terminates employment and must provide the last known address of the Obligor and the name and address of the new employer, if known.

15. Amounts withheld from multiple employees identified as such by: (i) amount, (ii) name, (iii) social security number, (iv) case number, if provided in the order, (v) date payment was withheld from Obligor's earnings, may be combined into a single payment when payable to the

same Payee.

16. The Employer is to remit individual payments to the Department of Social Services for disbursement to the Payee when directed to do so by the Department of Social Services or any court having competent jurisdiction. However, no order or directive shall require employers of 10,000 or more employees to make payments other than by combined single payment to the Department's central office in Richmond, without the Employer's express written consent.

17. Payment pursuant to this order shall serve as full acquittance of the Employer under any contract of employment.

18. If the Employer fails to timely withhold payments as set forth in this order, the Employer shall be liable for any amount not timely withheld.

UPON CONSIDERATION WHEREOF, it is ADJUDGED, ORDERED and DECREED as follows:

1. The amount of _____ (\$ _____) per month shall be withheld from the earnings of the Obligor by the Employer, who is directed to pay same directly to:

- The Payee, at the address set forth on the first page of this Order. **OR**

- The Department of Child Support Enforcement, at the address set forth on the first page of this Order.

In the event that the regular pay period of the Obligor is not on a monthly basis, the Employer shall convert the monthly amount set forth above to an amount to be deducted each regular pay period from the Obligor, such that the amount deducted each pay period, when annualized, is equal to twelve times the monthly amount set forth above.

2.A - Health insurance coverage is NOT required under a plan provided by the employer. **OR**

2.B - The Obligor is required to provide health insurance coverage through a plan provided by the Employer. Therefore, the Employer shall enroll: the - Payee and/or - the dependent children in the health care plan provided by the employer, if these persons are eligible for such coverage pursuant to the Employer's enrollment provisions. Pursuant to §79.3.A.5, Support withholdings or Insurance premium deductions shall have priority for the duration of this Order in the event that the maximum deduction set forth in §34-29 is insufficient to cover both. See Page 2, Paragraph 5 for other requirements regarding this coverage.

3. Pursuant to §20-79.1.C, the Clerk of this Court is hereby directed to transmit a certified copy of this Order to the Sheriff for service upon the Employer at the address set forth on the first page of this Order, and shall transmit a certified copy of this Order to any future employer of the Obligor named herein. If the Employer is a corporation, such service on the Employer shall be accomplished as is provided in §8.01-513. The Clerk is further directed to mail a copy of this Order to the Obligor by first class mail, at the address set forth on the first page of this Order on the day that a copy of this Order is transmitted to the Sheriff for service.

ENTERED this _____ day of _____, 199__.

JUDGE

SEEN & _____
By: _____
(Name)

SEEN & _____
By: _____
(Name)