

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

FOR CLERK'S USE ONLY

(1)

Petitioner (in original case)

Respondent (in original case)

Case No. _____
ATLAS No _____
(if applicable)

**TO: Current and future employers or other payers
of:**

**EX PARTE
INCOME WITHHOLDING
ORDER
A.R.S. § 25-504**

(2) Name: _____ SSN: _____

You shall withhold court-ordered payments as follows:(3)

(Use same amounts as listed in (6) of the "Request")

Current Child Support	\$	_____
Current Spousal Maintenance	\$	_____
Payments on Child Support Arrearages/Interest	\$	_____
Payments on Spousal Maintenance Arrearages/Interest	\$	_____
Subtotal	\$	_____ per month
Clearinghouse handling fee	\$	5.00* per month
Total amount per month	\$	_____

but no more than 50% of the disposable earnings (A.R.S. § 33-1131) to be made payable to the Support Payment Clearinghouse. * The monthly Clearinghouse handling fee is set by statute and is subject to change (A.R.S. § 25-510).

THIS ORDER MODIFIES AND REPLACES ANY PREVIOUSLY DATED INCOME WITHHOLDING ORDERS WITH THE SAME CASE NUMBER.

This Income Withholding Order is effective immediately upon receipt by an employer or other payor, including self-employed persons, and continues until further Order, or until a period of ninety continuous days from the last payment to the person ordered to make support payments (the Obligor). If you are again obligated to pay monies to the Obligor within ninety days, you are again bound by this Income Withholding Order. Payment must be sent to the Clearinghouse within two business days after the obligor is paid.

This is an "Ex Parte" Order. If you are the first employer or other payor served, **you are ordered to serve by personal delivery or by registered mail a copy of: (1) the Request, (2) the Income Withholding Order, and (3) the Notice** to the person ordered to pay **within five (5) days** of the date you were served.

Case No. _____

The first employer or other payor served shall not withhold or deduct amounts specified in the Ex Parte Income Withholding Order for fourteen (14) calendar days to allow the obligor an opportunity to contest the Income Withholding Order if necessary, pursuant to A.R.S. § 25-504(G). Any future employers or future payors shall begin withholding no later than fourteen (14) days after receipt of the Income Withholding Order.

YOU SHALL NOT DISCHARGE OR OTHERWISE DISCIPLINE THE PERSON NAMED IN THIS ORDER BECAUSE OF SERVICE OF THIS INCOME WITHHOLDING ORDER.

THE ATLAS NUMBER AND EMPLOYEE'S NAME MUST APPEAR ON THE TRANSMITTAL FORM OR CHECK.

Send Payments to:

SUPPORT PAYMENT CLEARINGHOUSE, P.O. BOX 52107, PHOENIX, ARIZONA 85072-2107

Dated: _____

Judicial Officer or Clerk of the Superior Court

NOTICE
TO THE PERSON ORDERED TO PAY SUPPORT OR SPOUSAL MAINTENANCE
Arizona Revised Statutes (A.R.S.), Section (§) 25-504(C)

This is to notify you that part of the money to be paid to you by your employer or other payor* will be deducted as a result of the *Income Withholding Order* (the pages before this Notice). This order was issued in response to a **Request for an Income Withholding Order** that is also enclosed. The **Income Withholding Order** has been issued for currently accruing child support or spousal maintenance, or both, based on the requesting party's claim that you are obligated to pay this. In addition, the requesting party may be claiming a right to collect other support, as defined in **A.R.S. § 25-500**, for arrearages on spousal maintenance or interest on a judgment for unpaid spousal maintenance.

If you believe the enclosed Income Withholding Order is improper or unlawful, that your property is exempt by law or that your employer* is withholding more than is permitted by law, you may request a hearing before the superior court. You must file a request to terminate or adjust the Income Withholding Order on forms provided by the clerk of the court within seven days after your receipt of the Income Withholding Order, request for an Income Withholding Order and this notice.

If you request a hearing, it will be held no more than **ten days** after you file your request with the court.

Here are some other important things you should know:

- * Where this document refers to “employer”, it means employer or other payor or source of income.
- The Income Withholding Order is effective immediately on service of the order on your employer. The first employer served shall not withhold or deduct amounts specified in the ex parte Income Withholding Order for fourteen calendar days from the date of service to allow you, the obligor, an opportunity to contest the order of assignment as provided in **A.R.S. § 25-504**. A future employer may begin deductions sooner than the fourteen day period after the order of assignment is received.
- If you request a hearing, the court, after considering the financial resources of both parties and the reasonableness of the positions each party has taken, may order a party to pay a reasonable amount to the other for the attorney fees and costs of filing or defending the request.
- **Under state law (A.R.S. § 33-1131) no more than one-half of your disposable earnings for any pay period may be taken to satisfy an order issued for support or spousal maintenance.** The amount of disposable earnings exempt from the Income Withholding Order must be paid to you when due. Disposable income means the remaining portion of your wages, salary or compensation for personal services, including bonuses and commissions, or otherwise, and includes payments pursuant to a pension or retirement program or a deferred compensation plan, after deducting from such earnings the amounts required by law to be withheld.
- An employer who receives the Income Withholding Order may deduct from amounts due to you one dollar for each pay period, but not more than four dollars per month, for costs. The employer also must deduct a monthly amount for the support payment handling fee required by state law (**A.R.S. § 25-510**).

- The employer on whom the Income Withholding Order is served will continue to withhold the amount set in the order and will forward the payment to the support payment clearinghouse *until you file with the clerk one of the following:*
 1. A verified request to **modify** (change) the Income Withholding Order, and the court adjusts the Income Withholding Order because there has been a change of circumstances since the time of the issuance of the order or there is other good cause to do so.
 2. A verified request for a hearing to **terminate** the Income Withholding Order and, after a hearing, the court terminates the order of assignment if all obligations have been satisfied or will be satisfied within ninety days.
 3. A notarized stipulation stating that the obligation to pay support or spousal maintenance has ended and that all arrearages either have been satisfied or have been waived, and the clerk terminates the order of assignment.
- An employer may not refuse to hire, may not discharge or may not otherwise discipline you as a result of the Income Withholding Order. If you are wrongfully refused employment, discharged or otherwise disciplined you may recover damages suffered, plus reinstatement if appropriate, plus reasonable attorney fees and costs incurred against the employer.
- Unless a court has expressly ordered otherwise, **you must notify the clerk of the court or the support payment clearinghouse in writing of the address of your residence and of your employment and, within ten days, of a change in either one.** Your failure to do so may subject you to sanctions for contempt of court, including reasonable attorney fees and costs pursuant to state law (A.R.S. § 25-504 (R)). Official notices will be delivered to you at the most recent addresses you have provided to the clerk or support payment clearinghouse.