

<input type="checkbox"/> District Court <input type="checkbox"/> Juvenile Court _____ County, Colorado Court Address: _____ <hr/> <b>In Re:</b> <b>Petitioner:</b> _____  <b>Respondent/Co-Petitioner:</b> _____	▲ <b>COURT USE ONLY</b> ▲
Attorney or Party Without Attorney (Name and Address): _____  Phone Number: _____                      E-mail: _____ FAX Number: _____                         Atty. Reg.#: _____	Case Number: _____  Division                      Courtroom
<b>NOTICE TO WITHHOLD INCOME FOR SUPPORT</b>	

Date of Notice: \_\_\_\_\_  
 To: \_\_\_\_\_ (Employer, Trustee, or Other Payor of Funds)

Re:    Obligor: \_\_\_\_\_  
       Social Security No.: \_\_\_\_\_  
       Family Support Registry (FSR) Account No.: \_\_\_\_\_  
       Obligee: \_\_\_\_\_

**CHILD(REN) INFORMATION**

Name	DOB	Name	DOB

**NOTICE INFORMATION** This is a Notice to Withhold Income for Support based upon an order for support from \_\_\_\_\_ . By law, you are required to deduct these amounts from the above-named employee's/obligor's income until you are notified in writing by the Obligee, Obligee's representative, the child support enforcement unit or the court, even if the Notice is not issued by your State.

If checked, you are required to enroll the child(ren) identified above in any health insurance coverage available through the employee's/obligor's employment.

\$ \_\_\_\_\_ per month in current child support  
 \$ \_\_\_\_\_ per month in past due support at, \_\_\_\_\_ % interest (1/24<sup>th</sup> of total)  
 \$ \_\_\_\_\_ per month in current maintenance  
 \$ \_\_\_\_\_ per month in past due maintenance at, \_\_\_\_\_ % interest (1/24<sup>th</sup> of total)  
 \$ \_\_\_\_\_ per month in medical support  
 for a total of \$ \_\_\_\_\_ per month to be forwarded to the payee below.

You do not have to vary your pay cycle to be in compliance with the support order. If your pay cycle does not match the ordered support payment cycle, use the following to determine how much to withhold:

**Note: Colorado state law requires that you divide the withholding among the pay periods for the month, but the total amount withheld in a month must equal the monthly amount due as specified on the income assignment.**

- \$ \_\_\_\_\_ per weekly pay period
- \$ \_\_\_\_\_ per biweekly pay period (every two weeks)
- \$ \_\_\_\_\_ per semimonthly pay period (twice a month)
- \$ \_\_\_\_\_ per monthly pay period

**REMITTANCE INFORMATION**

You must begin withholding no later than the first pay period occurring 14 working days after the date of this Notice. Send payment within 7 working days of the payday/date of withholding. You are entitled to deduct a fee to defray the cost of withholding. Refer to the laws governing the work state of the employee for the allowable amount. The total withheld amount including your fee, cannot exceed 65% of the employee's/obligor's aggregate disposable weekly earnings, (see #9)

When remitting payment, provide the payday/date of withholding and FSR Account Number \_\_\_\_\_.

Make it payable to: \_\_\_\_\_

**Send check to:**

**ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS**

**If checked you are required to provide a copy of this form to your employee.**

1. **Priority:** Withholding under this Notice has priority over any other legal process under State law against the same income. Federal tax levies in effect before receipt of this notice have priority. If there are Federal tax levies in effect please contact the requesting agency.
2. **Combining Payments:** You can combine withheld amounts from more than one employee's/obligor's income in a single payment to each agency requesting withholding. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligor.
- 3.\* **Reporting the Paydate/Date of Withholding:** You must report the payday/date of withholding when sending the payment. The payday/date of withholding is the date on which the amount was withheld from the employee's wages. You must comply with the law of the state of employee's/obligor's principal place of employment with respect to the time periods within which you must implement the withholding order and forward the support payments.
- 4.\* **Employee/Obligor with Multiple Support Withholdings:** If there is more than one Notice to Withhold Income for Support against this employee/obligor and you are unable to honor all support Notices due to Federal or State withholding limits, you must follow the law of the state of employee's/obligor's principal place of employment. You must honor all Notices to the greatest extent possible. (see #9)
5. **Termination Notification:** You must promptly notify, in writing, the payee or the FSR, if payments are made through the FSR, when the employee/obligor is no longer working for you. Please provide the information requested and return a copy of this Notice to the payee or the FSR, if applicable.

**Employee's/Obligor's Name:** \_\_\_\_\_

**Employee's Case Identifier:** \_\_\_\_\_ **Date of Separation:** \_\_\_\_\_

**Last Known Home Address:** \_\_\_\_\_

**New Employer's Name & Address:** \_\_\_\_\_

6. **Lump Sum Payments:** You may be required to report and withhold from lump sum payments such as bonuses, commissions, or severance pay.
7. **Liability:** If you fail to withhold income as the Notice directs, you are liable for both the accumulated amount you should have withheld from the employee's/obligor's income and any other penalties set by State law.

8. **Anti-discrimination:** You are subject to a fine determined under State law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against any employee/obligor because of a support withholding.
- 9.\* **Withholding Limits:** You may not withhold more than the lesser of : 1) the amounts allowed by the Federal Consumer Credit Protection Act (15 USC §1673 (b); or 2) the amounts allowed by the State of the employee's/obligor's principal place of employment. The Federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; and Medicare taxes.
10. Colorado employers, trustees, or other payors of funds must comply with §14-14-111.5 Colorado Revised Statutes attached.

**\*NOTE:** If you or your agent are served with a copy of this order in the state that issued the notice you are to follow the law of the state that issued this order with respect to these items.

**NOTICE:** A fraudulent submission of a Notice to Withhold Income for Support shall subject the person submitting the Notice to an employer, trustee, or other payor of funds to a fine of not less than one thousand dollars and court costs and attorney fees. (Section 14-14-111.5(4)(n) C.R.S.)

### **CERTIFICATE OF MAILING**

I certify that a true and correct copy of this Notice to Withhold Income for Support and a certified copy of the Support Order were placed in the United States mail, postage prepaid on (date) \_\_\_\_\_ addressed to the employer as follows:

\_\_\_\_\_  
(Signature)

**Section 14-14-111.5, C.R.S.**

(6) **Priority.** (a) A notice of income assignment for support shall have priority over any garnishment, attachment, or lien.

(b) If there is more than one income assignment for support for the same obligor, the total amount withheld, which is subject to the limits specified in section 13-54-104(3), C.R.S., shall be distributed in accordance with the priorities set forth in this paragraph (b):

(I) (A) First priority shall be given to income assignments for orders for current monthly child support obligations and maintenance when included in the child support order.

(B) If the amount withheld is sufficient to pay the current monthly support and maintenance for all orders, the employer or other payor of funds shall distribute the amount to all orders and proceed to the second priority to distribute any remaining withholding. If the amount withheld is not sufficient to pay the current monthly support and maintenance in all orders, the employer shall add the current monthly support and maintenance in all orders for a total and then divide the amount of current monthly support and maintenance in each order by the total to determine the percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

(II) (A) Second priority shall be given to income assignments for all orders for medical support when there is a specific amount ordered for medical support.

(B) If the amount withheld is sufficient to pay the medical support for all orders, the employer shall distribute the amount to all orders and proceed to the third priority to distribute any remaining withholding. If the amount withheld is not sufficient to pay the medical support in all orders, the employer shall add the medical support in all orders for a total and then divide the amount of medical support in each order by the total to determine the percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

(III) (A) Third priority shall be given to income assignments for child support debt and support arrears, including medical support arrears.

(B) If the amount withheld is sufficient to pay the child support debt and support arrears for all orders, the employer shall distribute the amount to all orders and proceed to the fourth priority to distribute any remaining withholding. If the amount withheld is not sufficient to pay the child support debt and support arrears in all orders, the employer shall add the child support debt and support arrears in all orders for a total and then divide the amount of child support debt and support arrears in each order by the total to determine the percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

(IV) (A) Fourth priority shall be given to income assignments for orders for maintenance only.

(B) If the amount withheld is sufficient to pay the maintenance only for all orders, the employer shall distribute the amount to all orders. If the amount withheld is not sufficient to pay the maintenance only in all orders, the employer shall add the maintenance only in all orders for a total and then divide the amount of maintenance only in each order by the total to determine the percent of the total for each order. The percent for each order derived from such calculation shall be multiplied by the total amount withheld to determine what proportionate share of the amount withheld shall be paid for each order.

**Section 13-54-104(3)(b), C.R.S.**

(b) (I) The maximum part of the aggregate disposable earnings of an individual for any workweek, which is subject to garnishment or levy under execution or attachment to enforce any order for the support of any person, shall not exceed:

(A) Where such individual is supporting his spouse or dependent child, other than a spouse or child with respect to whose support such order is used, fifty percent of such individual's disposable earnings for that week; and

(B) Where such individual is not supporting a spouse or dependent child as described in sub-subparagraph (A) of this subparagraph (I), sixty percent of such individual's disposable earnings for that week;

(II) With respect to the disposable earnings of any individual for any workweek, the fifty percent specified in sub-subparagraph (A) of subparagraph (I) of this paragraph (b) shall be deemed to be fifty-five percent and the sixty percent specified in sub-subparagraph (B) of subparagraph (I) of this paragraph (b) shall be deemed to be sixty-five percent if and to the extent that such earnings are subject to garnishment or wage assignment or income assignment or levy under execution or attachment to enforce a support order with respect to a period which is prior to the twelve-week period that ends with the beginning of such workweek.

(III) Notwithstanding the maximum part of the aggregate disposable earnings of an individual which is subject to garnishment as provided in this paragraph (b), a debtor who is totally and permanently disabled and who established that at least seventy-five percent of his income is derived from any disability income or benefits may object to the amount of the aggregate disposable earnings subject to garnishment under this paragraph (b). The court upon consideration of the circumstances of the parties may provide for garnishment in an amount less than such maximum amounts.