

**WITHHOLDING ORDER
PAYMENT OF CHILD/SPOUSAL SUPPORT**

Case Number

IN THE _____ COURT OF _____ COUNTY,
ALABAMA

v.

Defendant's Employer

Defendant's Social Security Number

Employer's Address

This Order for Withholding for Payment of Child and Spousal Support is issued pursuant to the provisions of §30-3-61, §30-3-62 or §25-4-152, *Code of Alabama* 1975, as a means of child and spousal support enforcement.

It is therefore ORDERED by this Court as follows:

- The defendant is Ordered to pay the sum of \$ _____ per _____ as current , continuing child support and \$ _____ per _____ toward the total child support arrearage of \$ _____. Where applicable, defendant is also obligated to pay the sum of \$ _____ per _____ as current continuing support for the support of his/her spouse/former spouse and \$ _____ per _____ toward the total spousal support arrearage of \$ _____.
- The defendant's present employer or any future employer or the Department of Industrial Relations is hereby ordered to withhold from income/benefits due or to become due the defendant \$ _____ per _____ for current continuing child support and \$ _____ per _____ for child support arrearages which total \$ _____. The defendant's employer/Department of Industrial Relations is also ordered to withhold \$ _____ per _____ for current continuing spousal support and \$ _____ per _____ for spousal support arrearages which total \$ _____. THE TOTAL AMOUNT OF ALL CHILD AND SPOUSAL SUPPORT PAYMENTS TO BE WITHHELD IS \$ _____ per _____, BUT SHALL NOT EXCEED _____ % OF THE DEFENDANT'S DISPOSABLE EARNINGS/BENEFITS. SHOULD THE TOTAL AMOUNTS TO BE WITHHELD EXCEED THE PERCENTAGE OF THE DEFENDANT'S DISPOSABLE EARNINGS/BENEFITS, THE PRIORITY OF WITHHOLDING IS AS FOLLOWS: _____

When the Total Arrearage(s) have been withheld and remitted to the above-named payee, DEDUCT ONLY CURRENT CONTINUING SUPPORT until further instructed by this Court.

- Defendant's employer/the Department of Industrial Relations shall remit the total amount deducted monthly to _____ (payee) within ten (10) days of the date the defendant is paid the pay check from which the support is to be withheld at _____ (address). If the defendant/employee's pay periods are at intervals which are more frequent than once each month, the employer may withhold at each pay period an amount cumulatively sufficient to equal the total monthly support obligations and remit such amount withheld at each pay period to _____ (payee) within ten (10) days of the date the defendant is paid the pay check from which the amount is withheld.
- Upon receipt from the defendant's employer/the Department of Industrial Relations the above payee shall make distribution of the total payment in the following manner: _____
- This order shall be binding upon the defendant's employer/any successive employers/Department of Industrial Relations fourteen (14) days after service pursuant to the Alabama Rules of Civil Procedure and shall remain effective until further order of the Court.

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- 6. A copy of this Order shall:
 Be served immediately upon the defendant's employer/Department of Industrial Relations at (address) _____

 by personal service certified mail
 Remain in the Court's file until such time as an affidavit maybe made by the obligee or obligor for service of such Order.
- 7. Costs of entering this order for income withholding are: Not applicable Taxed against plaintiff Taxed against defendant
 Waived.

 Additional costs may be incurred and the Clerk is authorized to tax same if this order is served at a later date.
- 8. The defendant, the defendant's employer/any successive employers/or the Department of Industrial Relations as required by law, must notify _____ at (address) _____ of any changes in employment or termination of income/benefits.
- 9. The employer shall not use this Order as a basis for the discharge of the defendant/employee.
- 10. This order shall not under any circumstances be waived by mutual agreement of the parties.
- 11. An employer/ successive employer/Department of Industrial Relations who willfully fails or refuses to withhold or pay the amounts as ordered maybe found to be in contempt of court. Additionally, such employer/successive employer/Department of Industrial Relations maybe found to be personally liable to the obligee for failure to answer or withhold and in such cases, conditional and final judgment for the amounts ordered to be withheld, maybe entered by the court against the employer.
- 12. When the support payments are ordered paid directly to the Clerk of this Court, there shall be paid an additional \$1.00 administrative fee as provided in §12-19-26, *Code of Alabama* 1975, with each periodic payment.

The Clerk is hereby directed to mail a copy of this Order to the Clerk of the _____ Court of _____ which entered the original Order of support, and to further notify the clerk when this Withholding Order is served upon the employer and withholdings are to commence in accordance with §30-3-62(g) or §25-4-152, *Code of Alabama* 1975.

DONE this the _____ day of _____, _____.

 Judge