

GOVERNMENTAL AGENCY (pursuant to Welf. & Inst. Code, §§ 11475.1, 11478.2): <hr/> TELEPHONE NO.: _____ FAX NO.: _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
<input type="checkbox"/> MODIFIED NOTICE OF WAGE AND EARNINGS ASSIGNMENT <input type="checkbox"/> CHILD SUPPORT <input type="checkbox"/> SPOUSAL SUPPORT <input type="checkbox"/> FAMILY SUPPORT	CASE NUMBER:

TO THE PAYOR: There is a court order for support. You are required to withhold part of the earnings or other money owed to (*Obligor's name and date of birth*):

and pay as directed below. Instructions for this notice are printed on the reverse.

1. The amounts you are required to pay are
- | | | | |
|--------------------------------|--|--------------------------------|---|
| a. <input type="checkbox"/> \$ | per month current child support | e. <input type="checkbox"/> \$ | per month child support arrearages |
| b. <input type="checkbox"/> \$ | per month current spousal support | f. <input type="checkbox"/> \$ | per month spousal support arrearages |
| c. <input type="checkbox"/> \$ | per month current family support | g. <input type="checkbox"/> \$ | per month family support arrearages |
| d. <input type="checkbox"/> \$ | per month for other (<i>specify</i>): | | |

h. TOTAL DEDUCTIONS PER MONTH: \$

2. The most recent support order was filed on (*specify date*):
3. The TOTAL amount owed each month will continue until further notice from the district attorney's office.
4. Send all payments to the following governmental agency (*specify name and address*):
5. This notice affects all money due the Obligor beginning as soon as possible, but not later than 10 days after you receive this notice.
6. If the "modified" box is checked above, **the amount you must withhold may have changed.** The existing order is still in effect until the first withholding based on this notice.
7. **Give the Obligor a copy of this notice and the blank *Request for Hearing* (form 1299.28) as soon as possible, but not later than 10 days from the date you receive this form.**
8. Other (*specify*):

9. For purposes of this notice the Obligor owes arrearage as follows:
- | | <u>Amount</u> | <u>As of (date)</u> | <u>Interest included?</u> |
|---|---------------|---------------------|--|
| a. <input type="checkbox"/> Child support | | | yes <input type="checkbox"/> no <input type="checkbox"/> |
| b. <input type="checkbox"/> Family support | | | yes <input type="checkbox"/> no <input type="checkbox"/> |
| c. <input type="checkbox"/> Spousal support | | | yes <input type="checkbox"/> no <input type="checkbox"/> |
| d. <input type="checkbox"/> Other (<i>specify</i>): | | | yes <input type="checkbox"/> no <input type="checkbox"/> |

Interest that has not been calculated or included is not waived.

(Information and instructions on reverse)

INSTRUCTIONS FOR THE NOTICE OF WAGE AND EARNINGS ASSIGNMENT

1. DEFINITIONS OF IMPORTANT WORDS IN THE NOTICE OF WAGE AND EARNINGS ASSIGNMENT:

a. Earnings:

- (1) wages, salary, bonuses, vacation pay, retirement pay, and commissions paid by an employer;
- (2) payments for services of independent contractors;
- (3) dividends, interest, rents, royalties, and residuals;
- (4) patent rights and mineral or other natural resource rights;
- (5) any payments due as a result of written or oral contracts for services or sales, regardless of title;
- (6) payments due for workers' compensation temporary benefits, or payments from a disability or health insurance policy or program; and
- (7) any other payments or credits due regardless of source.

b. Notice of Wage and Earnings Assignment:

notice that is sent to employers to implement a court order for support. The court order may be for child, spousal, or family support. This order has top priority over any other orders such as garnishments or earnings withholding orders.

Earnings should not be withheld for any other order until the amounts necessary to satisfy this order have been withheld in full. When this Notice is for child support or family support, it has top priority over a similar order for spousal support. The front of this form tells which types of support the order is for.

- c. **Obligor:** any person ordered by a court to pay child support, spousal support, or family support. The Obligor is named before item 1 on the Notice.
- d. **Obligee:** the person to whom the support is to be paid, including the district attorney or other governmental agency in some cases.
- e. **Payor:** the person or entity, including an employer, that pays earnings to an Obligor.

2. INFORMATION FOR ALL PAYORS:

Withhold money from the earnings payable to the Obligor as soon as possible but no later than 10 days after you receive the *Notice of Wage and Earnings Assignment*. Send the money withheld to the payee named in item 4 on the notice within 10 days of the pay date. You may deduct \$1 from the Obligor's earnings for each payment you make.

When sending the withheld earnings to the payee, state the date that the earnings were withheld. You may combine amounts withheld for more than one Obligor in a single payment to each payee, and identify what portion of that payment is for each Obligor.

You will be liable for any amount you fail to withhold and can be cited for contempt of court.

3. SPECIAL INSTRUCTIONS FOR PAYORS WHO ARE EMPLOYERS:

- a. State and federal laws limit the amount that you can withhold and pay as directed by this Notice. This limitation applies only to earnings defined above in item 1a(1) and are usually half the Obligor's disposable earnings.

Disposable earnings are different from gross pay or take-home pay. Disposable earnings are earnings left after subtracting the money that state or federal law requires an employer to withhold. Generally these required deductions are (1) federal income tax, (2) social security, (3) state income tax, (4) state disability insurance, and (5) payments to public employees' retirement systems.

After the Obligor's disposable earnings are known, withhold the amount required by the Notice, **but never withhold more than 50 percent of the disposable earnings unless the court order specifies a higher percentage.** Federal law prohibits withholding more than 65 percent of disposable earnings of an employee in any case.

If the Obligor has more than one assignment for support, add together the amount of support due for each assignment. If 50 percent of the Obligor's net disposable earnings will not pay in full all of the assignments for support, prorate it first among all of the current support assignments in the same proportion that each assignment bears to the total current support owed. Apply any remainder to the assignments for arrearage support in the same proportion that each assignment bears to the total arrearage owed. If you have any questions, please contact the office that sent this form to you. This office's name appears in the upper left-hand corner of the Notice.

- b. If the employee is paid by a different time period from that specified in the order, prorate the amount ordered to be withheld so part of it is withheld from each of the Obligor's paychecks.
- c. If the Obligor stops working for you, notify the office that sent you this form no later than the date of the next payment, by first-class mail. Give the Obligor's last known address and, if known, the name and address of any new employer.
- d. California law prohibits you from firing, refusing to hire, or taking any disciplinary action against any employee ordered to pay support through a wage and earnings assignment. Such action can lead to a \$500 civil penalty per employee.

4. INFORMATION FOR ALL OBLIGORS: You should have received a *Request for Hearing Regarding Wage and Earnings Assignment* (form 1299.28) with the *Notice of Wage and Earnings Assignment* to request a hearing. If not, you may get one from either the court clerk or the district attorney. If you want the court to stop or modify your wage assignment you must file (hand-deliver or mail) an original copy of the form with the court clerk within 10 days of the date you received this Notice. Keep a copy of the form for your records.

If you think your child support order is wrong, you can ask for a modification of the order, or in some cases, you can have the order set aside and have a new order issued. You can talk to an attorney or get information from the court about this.

5. SPECIAL INFORMATION FOR THE OBLIGOR WHO IS AN EMPLOYEE: State law requires you to notify the payee named in item 4 on the Notice if you change your employment. You must provide the name and address of your new employer.