

FORM SUMMARY

Name of Form: **Income Assignment Order for Unpaid Fines and Other Financial Penalties**

Form Number: **GF-161**

Statutory Reference: §§778.30, 973.05(4)(b), 973.05(5)(c), Wis. Stats.; Federal Consumer Protection Act, 15 U.S.C. 1973.

Purpose of Form: Formal order of the court requiring any person owing income or money to the defendant to pay a portion of that amount to the clerk of court in order to pay unpaid fines, forfeitures, costs, assessments, surcharges, or restitution.

Who Completes It: Clerk of court

Distribution of Form: Original to court, copies to employer and/or other holders of obligor's earnings, etc., obligor, and other parties.

Accompanying Forms: Generally none.

New Form/Modification: Modification; last modification 11/99.

Modifications: Added a new #3 to indicate where to remit payments. Added statute reference §973.05(5)(c).

Comments: The assignment covers commissions, earnings, salaries, wages, pension benefits, worker's compensation benefits, and other money due or to be due the defendant in the future.

There is a distinction between the collection of fines and forfeitures. With respect to fines, this form can be used for those fines imposed on or after June 30, 1996. With respect to forfeitures, this form can be used for those forfeitures imposed on or after September 1, 1998.

1997 Wisconsin Act 148 eliminated the provision in section 973.05(4)(b), Wisconsin Statutes, to withhold from lottery prizes.

The priority between conflicting withholding orders places these orders after child support but before garnishments and other assignments. See §§778.30(1)(d) and 973.05(4m), Wisconsin Statutes.

The statutes do not provide for a procedure by which the assignment is to be ordered. Some courts may believe that this can be done *sua sponte* and *ex parte* by the court when the defendant fails to make the necessary payments. Other courts may prefer a motion and

hearing procedure prior to the granting of the assignment.

About this form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.