

IN THE CIRCUIT COURT FOR
..... COUNTY, FLORIDA

Case No.

IN RE THE MARRIAGE OF

.....,
Petitioner/.....Husband/Wife.....,

and

.....,
Respondent/.....Husband/Wife.....

CHILD SUPPORT INCOME DEDUCTION ORDER

THIS COURT entered an order on(date).... establishing support obligations owed by the obligor,(name)....., whose Social Security number is In compliance with section 61.1301, Florida Statutes,

IT IS ADJUDGED:

INCOME DEDUCTION: From all income due and payable to obligor,(name)....., the following amounts shall be deducted:

A. ONGOING SUPPORT:

1. ___ Child support of \$..... each pay period:
.....weekly/biweekly/monthly/twice a month.....

2. ___ Alimony of \$..... each pay period:weekly/biweekly/monthly/twice a month.....

B. PAST DUE SUPPORT/ARREARAGE: Payments of previously ordered support not paid.

1. ___ Child support of \$..... each pay period:
.....weekly/biweekly/monthly/twice a month.....

2. ___ Alimony of \$..... each pay period:weekly/biweekly/monthly/twice a month.....

3. Total: \$..... is past due.

4. Interest of% through(date)..... Interest continues to accrue at the rate of 12% annually on the unpaid principal, or \$..... per day.

5. Payment of Past Due Child Support/Alimony: An additional \$..... shall be withheld each pay period:weekly/biweekly/monthly/twice a month..... until full payment is made of this arrearage with interest.

C. RETROACTIVE SUPPORT: The court has ordered that the new support amount began on the date the petition asking for it was filed. Retroactive support is the difference between how much support was paid from the date the petition was filed to the date the order was entered and how much support would have been paid if the new amount had begun when the petition was filed.

1. ___ Child support of \$..... each pay period:weekly/biweekly/monthly/twice a month.....

2. ___ Alimony of \$..... each pay period:weekly/biweekly/monthly/twice a month.....

3. TOTAL: \$..... is past due.

4. PAYMENT OF PAST DUE CHILD SUPPORT/ALIMONY: An additional \$..... shall be withheld each pay period:weekly/biweekly/monthly/twice a month..... until full payment is made of this retroactive support.

D. PAST PUBLIC ASSISTANCE:

1. TOTAL: \$.....past public assistance was awarded in this matter and is due and owing.

2. PAYMENT OF PAST DUE CHILD SUPPORT/ALIMONY: An additional \$..... shall be withheld each pay period:weekly/biweekly/monthly/twice a month..... until full payment is made of this past public assistance.

E. ATTORNEYS' FEES AND COSTS: Obligor has been ordered to pay to the payee,(name)....., attorneys' fees in the amount of \$..... and costs in the amount of \$....., totalling \$..... Immediately after support arrearages in subsection (B)(1) are paid in full, an additional \$..... shall be withheld each pay period:weekly/biweekly/monthly/twice a month..... until full payment is made. If there is no support arrearage, this amount shall be withheld immediately.

F. SERVICE FEE: Any depository service fees as provided in section 61.181, Florida Statutes, shall be paid with each payment. The amount of the service fee is 4% of the total payment, but not less than \$1.25 nor more than \$5.25.

G. AMOUNT OF DEDUCTION: The total amount to be withheld (add A-F above) each pay period is \$....., or55%/65%..... of the disposable income of the obligor, whichever is lower.

H. PLACE OF PAYMENT: The payor shall make the total amount in (G) above payable to and send it directly to:

CLERK OF COURT, CENTRAL DEPOSITORY

Address:
City: State: Zip:
Telephone:
Telefax:

I. CONSUMER CREDIT PROTECTION ACT: The maximum amount to be deducted shall not exceed amounts allowed under section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. section 1673(b), as amended. The maximum amount to be deducted shall not exceed 50% of the disposable income where there is a second family, 60% where there is no second family, and an additional 5% of either limit if the arrearage equals or exceeds 12 weeks of support payments. A copy of the Consumer Credit Protection Act is attached to and made a part of this order.

J. EFFECTIVE DATE: This income deduction order shallbecome effective immediately/become effective upon a delinquency..... in an amount equal to one month's support \$..... A Notice to Payor and a Statement of Rights, Remedies, and Duties of the Obligor are attached to and made a part of this order.

K. DURATION: This income deduction order supersedes any income deduction order that may have been entered earlier in this case. This order shall stay in effect unless and until it is changed by this court or until the support duty ends by operation of law.

L. ATTORNEYS' FEES: This court reserves jurisdiction for an award of attorneys' fees, costs, and suit money incurred by the payee regarding the entry of this order.

**CONSUMER CREDIT PROTECTION ACT
GARNISHMENT RESTRICTIONS**

(a) Except as provided in subsection (b) of this section, the total disposable earnings of a person for any workweek which can be garnished cannot be more than:

(1) 25% of obligor's disposable earnings for that week, or

(2) the amount by which obligor's disposable earnings for that week exceed 30 times the federal minimum hourly wage prescribed by section 206(a) of Title 29 in effect at the time the earnings are payable, whichever is less. In the case of earnings for any pay period other than a week, the Secretary of Labor shall by regulation prescribe a multiple of the federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).

EXCEPTIONS

(b)(1) The restrictions of subsection (a) of this section do not apply in the case of:

(A) any order for the support of any person issued by a court of competent jurisdiction or in accordance with an administrative procedure, which is established by state law, affords substantial due process, and is subject to judicial review.

(B) any order of any court of the United States having jurisdiction over cases under Chapter 13 of Title 12.

(C) any debt due for a state or federal tax.

(2) The total disposable earnings of a person for any workweek which can be garnished cannot be more than:

(A) when such individual is supporting a spouse or dependent child (other than a spouse or child with respect to whose support such order is used), 50% of such individual's disposable earnings for that week; and

(B) when such individual is not supporting such a spouse or dependent child described in clause (A), 60% of such individual's disposable earnings for that week;

except that, with respect to the disposable earnings of any individual for any workweek, the 50% specified in clause (A) shall be deemed to be 55% and the 60% specified in clause (B) shall be deemed to be 65%, if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve-week period which ends with the beginning of such workweek.

(c) Execution or enforcement of garnishment order or process is prohibited.

No court of the United States or any state, and no state (or officer or agency thereof), may make, execute, or enforce any order of process in violation of this section.

15 U.S.C. section 1673.

NOTICE TO PAYOR

RE: Obligor's name:
Social Security number:

YOU ARE HEREBY NOTIFIED:

1. Deduction from Obligor's Income. You are required to begin an income deduction in compliance with the income deduction order entered by the court and pay that amount to the payee or the depository, whichever the court order setting support says to make payment to. A copy of that order and any notice of delinquency is enclosed for your payroll records. The amount actually deducted, plus all

administrative charges, shall not be in excess of the amount allowed under section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. section 1673(b). If payment is ordered through the court depository, payments shall be made payable to and sent directly to:

CLERK OF COURT, CENTRAL DEPOSITORY

Address:

City: State: Zip:

Telephone:

Telefax:

Each payment must have the obligor's name and case number clearly written on it.

2. Effective Date. You must begin the income deduction no later than the first payment date which occurs more than 14 days after the date you get this notice.

3. Forward Payments. You must send to the payee or the court depository (whichever the court order says to send payments to), within two days after each payment date, the amount to be kept from the obligor's wages/income and a statement that the money sent pays all or part of the payment due as set out in the income deduction order or notice of delinquency, and giving the exact date the money was taken from the obligor's wages/income and sent to the payee directly or through the central depository.

4. Your Liability. If you do not take out the right amount of money from the obligor's wages/income, you are liable for the money you should have kept out, and costs, interest, and reasonable attorneys' fees.

5. Your Costs. You may take out and keep from the obligor's wages/income an additional \$5.00 for the first deduction and \$2.00 for each deduction after that to cover your administrative costs.

6. Duration. The income deduction order and thisnotice to payor/notice of delinquency..... are binding upon you until released in writing by the payee, by court order, or until you stop giving wages/income to the obligor.

7. Duty to Report; Penalty for Noncompliance. You must tell thepayee/depository..... when you are no longer giving wages/income to the obligor. You also must give the obligor's last-known address, and the name and address of the obligor's newpayor/employer....., if known. You face a civil penalty not to exceed \$250.00 for the first violation and \$500.00 for any violation after that if you do not tell thepayee/depository..... obligor's newpayor/employer..... if known to you. Penalties shall be paid to the payee.

8. Duty to Cooperate; Penalty for Noncompliance. You may not discharge/fire, refuse to employ, or take disciplinary action against an obligor because of an income deduction order. You face a civil penalty not to exceed \$200.00 for the first violation or \$500.00 for any violation after that. Penalties shall be paid to the payee if any support is owing. If no support is owing, the penalty shall be paid to the obligor.

9. Obligor's Rights. The obligor may bring a civil action against you if you refuse to employ the obligor, discharge the obligor, or otherwise discipline the obligor because of an income deduction order. The obligor is entitled to reinstatement and all wages and benefits lost, plus reasonable attorneys' fees and costs.

10. Priority Under Law. The income deduction order has priority over all other legal processes under state law pertaining to the same income. Payment in compliance with the income deduction order is a complete defense by you against any claims of the obligor or obligor's creditors as to the sums paid.

11. Your Convenience. When you get income deduction orders requiring that the income of two or more obligors be deducted and sent to the same depository, you may combine the amounts that are to be paid to the depository in a single payment as long as you clearly identify the portion of the payment that is for each obligor.

12. Conflict. If you receive more than one income deduction order against the same obligor, contact the court for further instructions.

**STATEMENT OF RIGHTS, REMEDIES, AND DUTIES
IN REGARD TO INCOME DEDUCTION ORDER**

A. Fees of \$..... shall be imposed. Interest of \$..... shall be imposed.

B. UNTIL the total arrearage, retroactive support, interest, costs and fees are paid in full, \$..... shall be deducted from each pay period:weekly/biweekly/monthly/twice a month.....

AFTER all of those amounts are paid in full, \$..... shall be deducted from each pay period:weekly/biweekly/monthly/twice a month.....

The amounts deducted may not be in excess of that allowed under section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. section 1673(b), as amended.

C. The income deduction order applies to current and subsequent payors and periods of employment.

D. A copy of the income deduction order will be served on the obligor's payor or payors.

E. Enforcement of the income deduction order may be contested only on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearage, or the identity of the obligor.

F. The obligor is required to notify the payee within seven days of changes in the obligor's address and payors and the addresses of his payors.

DONE and ORDERED in County, Florida, on(date).....

Circuit Judge

cc:

Petitioner orhis/her.....
attorney if represented

.....(name).....
.....(address and telephone
.....(telefax number).....

Other

.....(name).....
.....(address and telephone number).....
.....(telefax number).....

Clerk of the Central Depository

.....(name).....
.....(address and telephone number).....
.....(telefax number).....

Respondent orhis/
her..... attorney (if represented)

.....(name).....
.....(address and telephone number)..... number).....
.....(telefax number).....

Payor orhis/her..... attorney if represented

.....(name).....
.....(address and telephone number).....
.....(telefax number).....