

ADDITIONAL INFORMATION

EXPLANATION OF CHANGES:

The language and format of the form have been modified and made easier to read and comprehend. Some fields have been moved to make the form more readable. The form includes tribal language where appropriate.

- **Title.** The new form has been modified to have one title, “Income Withholding for Support.” This is a change from the current form where you must select one of two title lines, “Order to Withhold Income for Child Support” or “Notice to Withhold Income for Child Support.” The new form eliminates this by incorporating both Order and Notice.
- **Identification of who is sending the IWO.** The new form provides a clearer indication of the entity submitting the IWO (i.e., Child Support Enforcement (CSE) agency, court, private entity, etc.) at the beginning of the document. Private individual/entity includes tribes who are not operating under a CSE program.
- **Note.** This has been moved to the top of the form in the same area where the issuer of the form is identified. It clearly explains the requirement that anyone other than a State CSE agency or court must provide a copy of the underlying order. Tribal language has been added.
- **Employer/Withholder’s Name.** This field has been changed to Employer/Income Withholder’s Name to be inclusive of other withholders of income.
- **Blank box for barcodes.** The new form has a blank space at the right side of the form in order to accommodate court stamps or bar codes.
- **Lump sum.** A “One-Time Order/Notice – Lump Sum Payment” checkbox has been added to allow for the issuer of the IWO to indicate a lump sum amount which should be attached to satisfy an arrearage. In addition, a line has been added to allow the issuer to indicate the amount of the lump sum and to indicate that this is a one-time lump sum payment request. (The form also includes specific instructions to the employer to continue payments for ongoing IWOs). The employer is directed to contact the issuer to determine whether it (the employer) is required to withhold or for any questions regarding the lump sum.
- **Case Identifier.** This field has replaced the “Case Number” used on the current form.
- **Order Identifier.** This field has been added so that a state may identify a specific order. This is used at the state’s discretion and could be used for the court number, docket number or other issuer’s identifier. (Use of this identifier is optional.)

- **Child's Name.** The child's name and date of birth fields have been moved to the front of the form. This allows the employer community to easily identify for whom the IWO is issued and to avoid implementation of duplicate orders.
- **Remittance Identifier.** The revised form has a new field in the "Remittance Information" section called "Remittance Identifier." The current IWO requires that states use the "case identifier". However, some states use a Social Security Number, Participant Identification Number or other identifier, which may be entered in this field as the appropriate identifier for employers to remit payments to the state disbursement units (SDUs).
- **EFT/EDI.** Under "Remittance Information," the state's routing transit number and bank account number (for sending payments electronically) have been removed. The following sentence has been added: "For EFT/EDI instructions, contact the EFT/EDI office at the website listed below".
- **Signature.** The signature fields have been compressed from two columns to one for signature (if required), printed name and title. The issuer is identified at the top of the document, so there is need for only one place for the signature, title and name.
- **Document Tracking Identifier.** A Document Tracking Identifier has been added to the footer on page one for use by States participating in the Federal Office of Child Support Enforcement's Electronic Income Withholding Order (eIWO) application. This is an optional field for other users of the form.
- **Website.** Information has been added to the second page under ADDITIONAL INFORMATION FOR EMPLOYERS AND OTHER INCOME WITHHOLDERS for employers, which states: "State-specific information may be viewed on the OCSE Employer Services website located at: <http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contacts.htm>".
- **Withholding Limits.** The Withholding Limits section has been revised with a clearer explanation regarding the Federal Consumer Credit Protection Act. This section also provides better guidance on tribal orders and withholding for cases with arrears of more than 12 weeks.
- **Contact Information.** Additional fields were added to provide "employer" and "employee/obligor" with contact information (i.e. phone/fax number, email/website address) for questions regarding the order. A correspondence address for the employer to send correspondence or a termination notification was added.
- **Identifying Information.** At the top of the last page, fields have been added for employee/obligor's name, case identifier, order identifier and employer's name for identification to allow the employer to return this page to report the termination of the employee.

- **Notification of Termination of Employment.** In the “Notification of Termination of Employment section,” new fields have been added:
 - Checkbox to indicate:
 - This person has never worked for this employer.
 - This person no longer works for this employer.
 - Additional fields:
 - Last known phone number
 - Date final payment made to SDU or Tribal CSE agency
 - Final payment amount
- **OMB Expiration Date.** The OMB Expiration Date, with an explanation of its purpose, has been added (in the footnote) to the second page of the form. The footnote states: “OMB Expiration Date – 10/31/2010. The OMB Expiration Date has no bearing on the termination date or validity of the income withholding order; it identifies the version of the form currently in use.”
- **Instructions.** The revisions to the instructions correspond with the revisions to the form, providing instructions for completing the form and guidance regarding the documentation required when submitting the form for income withholding.

QUESTIONS AND ANSWERS:

Question 1: Must the IWO be used in all cases (IV-D and non-IV-D)?

Answer: Yes. To ensure consistency, the revised Order/Notice should be used by public and private entities immediately. With the publication of the Final Rule for Tribal Child Support Enforcement Programs on March 30, 2004 (69 FR 16638), tribes that operate IV-D programs are required to use the Federal Income Withholding Order/Notice (IWO). The IWO must be used in all cases, including IV-D, non-IV-D, interstate and intrastate. Use of the IWO for non-IV-D orders was effective January 1, 1994. (See Section 466(a) (8) (B) of the Social Security Act.) States are encouraged to conduct outreach to county judges and others in the judicial community who may not be aware of the requirement that this form be used for the withholding of child support for the non-IV-D community.

Question 2: If an employer receives the IWO from a non-governmental entity, what means are available to the employer to verify whether he or she should implement the IWO?

Answer: Upon receipt of an IWO from a non-governmental entity, the employer should review the IWO and the accompanying underlying support order containing a provision for income withholding or the state law authorizing another legal process to implement withholding as verification that income withholding has been ordered in accordance with state law. If the underlying order or state law is not provided, the employer may return the IWO and request the appropriate documentation.

Question 3: The revised IWO includes fields for withholding child support from lump sum payments to individuals. Will the IWO be used to attach both regular (on-going) and a lump sum amounts on the same document?

Answer: No. The IWO should be prepared for the attachment of regular payments **or** the attachment of a lump sum payment, **not both**. Issuers should check the appropriate box at the top of the form as described below:

- The “ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO).” When checked, this form will include “*Order Information*” that details the amounts for regular deductions. (Issuers should submit a termination of the withholding order to the employer when the withholding is to be stopped.)
- The “ONE-TIME ORDER/NOTICE - LUMP SUM PAYMENT.” When checked, this form is to be used as a stand-alone, one time issuance document and include only the amount of the lump sum payment in the “*Amounts to Withhold*” section of the IWO. This will preclude the requirement for a separate Lump Sum IWO termination document. The issuer will need to issue a new IWO for each lump sum attachment. The employer should retain the IWO for the “ONE-TIME ORDER/NOTICE - LUMP SUM PAYMENT” until the lump sum has been issued. Please review the instructions for the IWO regarding lump sum payments (Fields 1b and 14).

Question 4: Is there sufficient space for the issuer to add state specific information?

Answer: Yes. The IWO has space for state specific information regarding:

- Liability. The issuer may reference employer compliance laws or other pertinent information in the space provided on the second page under the liability paragraph.
- Anti-discrimination. The issuer may reference anti-discrimination laws or other pertinent information in the space provided on the second page under the anti-discrimination paragraph.
- Additional Information. The issuer may indicate other pertinent information in the space provided on the third page under the additional information paragraph.

Question 5: Are child support payments required to be sent to the State Disbursement Unit (SDU)?

Answer: Federal law requires payments made by income withholding to be sent to the SDU except for payments for cases in which the initial child support order was entered before January 1, 1994 or payments in Tribal CSE cases. States are encouraged to educate county judges and others in the judicial community of the requirement that child support payments ordered in case where a child support order is entered after January 1, 1994 must be submitted to SDUs. This requirement is found at Section 454B (1) of the Social Security Act.

Question 6: How should employers inform issuing agencies that the employee is no longer employed by his/her company?

Answer: The employer may use the form to notify the issuing agency that the withholding will stop because the employee is no longer employed at his/her company. Issuing agencies are encouraged to fill in the information at the top of page three. The employer can notify the issuing agency of the employee's new status by completing the remaining portion of the form and mailing it to the issuing agency. (The use of this form for reporting terminations is optional as many states have made other means available to employers to report terminations.)