Law Library Resource Center

Instructions: How to fill out forms to modify an income withholding order

(When All Parties Will Sign an Agreement to the Change)

This request can be completed by either the person paying support or the person receiving support, but must be signed by both. If the DES is involved in your case because either party has used the child support services of the state, a representative of that agency must also sign the Agreement.

To complete these forms, you will need the date the current Income Withholding Order was signed. You can find the date on the original Income Withholding Order in the court file.

Note: If no more payments are owed, STOP! You have the wrong form! If your "Income Withholding Order" was issued after January 1, 2005, there may be a presumptive termination date (an automatic stop date) on the Order. If there is and that date is correct, you do not need to file anything to stop the Order, though you may want to make sure the financial department of whomever has been making payments is aware of the termination date. If there is no stop date on the Order, review the Law Library Resource Center forms to "Terminate an Income Withholding Order" to determine if it is appropriate for your situation.

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About the Signatures Needed For the Agreement to Modify Income Withholding Order

If either party has used the services of the State of Arizona to establish or collect child support, you will also need a signature from a representative of DES or the Attorney General's Division of Child Support Enforcement (DCSE) on the Agreement before filing as well. If you don't know which of the four child support enforcement (also known as IV-D ("4D") offices in Maricopa County is handling your case, call 602-252-4045 and ask which regional office is handling your case and how to contact that office. Next, contact that office to find out how to get an Agency representative's signature. You may take the Agreement in to the office or mail it. If mailing, keep your signed original(s) and mail a copy to:

Attorney General, Child Support Enforcement
P.O. Box 6123, Site Code 775 C
Phoenix, AZ 85005

Enclosing a self-addressed, stamped envelope for the Agency to mail the signed form back to you may speed the response time, or you may arrange to pick up the form from the Agency office.

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For All Forms: use black ink, type or print in large clear letters.

Agreement to Modify Income Withholding Order

Match each numbered item in the instructions with the same numbered item on the form.
Enter the following information:

(1) (At top left) Print the name and other information requested for the person submitting this form. If you are representing yourself in this matter, check the box before "Self."

(2) The names of the persons shown as the petitioner/plaintiff and respondent/defendant on the original Income Withholding Order.

(3) The case number that appears on the Income Withholding Order.

(4) The ATLAS number (if one has been assigned to your case).

(5) The name of the person making this request, and (a) the name of the person ordered to pay, and (b) the name of the person receiving the support payments according to the Court Order.

(6) The date the current Income Withholding Order, the one you want to change, was signed, along with the title/name and location of the Court that issued the Order.

(7) Check this box if the amount on the Income Withholding Order is wrong. (Note: If the amount is correct but the Order contains an incorrect date when the Order will automatically end ("presumptive termination date"), skip (7), (7a), (7b) and (8), and go to (9)).

(7a) Check this box if the amount is wrong because the amount of child support or spousal maintenance was changed by Court Order, and then enter the date of the Court Order making the change, and the name of the county where the change was made.

(7b) Check this box if the amount is wrong because some portion of the amount listed on the Order of Assignment is no longer owed, and then check the appropriate box(es) below that explain which items are no longer owed. In the lines below 7b, explain why money is no longer owed for any items checked (in 7b).

For example: If current child support is no longer owed because all children named in the child support order have turned 19 or gotten married, or other reason for stopping current support payments has occurred, but back child support ("arrearages and interest") are still owed, you would check the box beside (7) and the box to indicate that "Current Child Support" is no longer owed. Then, on the lines below, explain why current support is no longer owed, for example: "all children have emancipated" (turned 19, gotten married), or other condition that has occurred that requires or allows the amount of the assignment to be changed. List and attach any supporting documents such as, if a child married, a copy of the marriage license or a newspaper announcement that states the wedding has already taken place.

(8) If you indicated that the amount listed on the current Income Withholding Order is wrong, write the amount listed on the current Income Withholding Order, in the space provided for (8a), and then write the correct amount, the amount that should be listed on the Income Withholding Order in the space provided for (8b).

(9) Check this box if the Income Withholding Order contains a presumptive termination date (a date when the Order will automatically end), and that date is wrong.

(9a) Write the date that appears on the current Income Withholding Order.

(9b) Write the correct date that should be listed on the new Income Withholding Order.

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(10) Signature. Sign where indicated. Print your name on the line below and enter the date of your signature (Month/Date/Year). Signing this Petition is a statement to the Court that the information you have provided is true and correct, under penalty of perjury.

Notice of Lodging

Fill out the Notice of Lodging. Attach the documents listed in this packet's Procedures to the Notice of Lodging.

When you have completed these forms, go to the "Procedures" page and follow the steps listed there.

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