

Instructions: How to fill out forms to modify an income withholding order (when parties will not sign an agreement to the change)

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 appropriate for your situation.

For all forms: use black ink, type or print in large clear letters.

PETITION 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/Party A and Respondent/Party B 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 stop, 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 "*Income Withholding Order*" 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 Withholding Order 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*"

(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.

NEW "Income Withholding Order"

If the Court grants your request, you will need a *new "Income Withholding Order"* with the new/correct information. Judges or staff will complete the new document. Proceed to next form.

CURRENT EMPLOYER OR OTHER PAYOR INFORMATION SHEET

Fill in the following information:

- Case Number
- ATLAS Number (if one has been assigned to this case)
- Name of the "payor", the person ordered to make payments
- Name and payroll or financial department address, fax and phone numbers for the payor's *current* employer or other payor, (the one(s) named in the "*Income Withholding Order*")
- Name and payroll or financial department address, fax and phone numbers for the payor's *previous* employer or other payor

ORDER MODIFYING INCOME WITHHOLDING ORDER

Fill in the following information ONLY:

- (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."
- The names of the persons shown as the Petitioner/Party A and Respondent/Party B on the original "*Income Withholding Order*"
- The case number that appears on the "*Income Withholding Order*"
- The ATLAS number (if one has been assigned to your case).

Leave the rest of the form blank!

The rest of the form is to be filled out by the judicial officer assigned to your case.

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

Do not copy
or file this page