

**ENFORCING A SUPPORT ORDER**  
**Withholding Action—Without Notice**

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**CS 510.3**

**SUPERSEDES**

CS 510.3 Withholding Action—Without Notice, July 24, 2020

**REFERENCES**

42 USC § 666(b); 45 CFR 308.2; MCA § 39-71-743; MCA Title 40, Chapter 5, Part 4

**Definitions**

**Immediate Income Withholding:** Withholding for current support that is available under Montana or other state law without notice to the obligor. A case qualifies for immediate withholding when both 1. and 2. below apply:

1. The child support order was issued or modified in Montana after January 1, 1990, or the child support order was issued in another state after laws requiring immediate withholding were enacted and the Child Support Services Division (CSSD) is able to timely determine these facts, or a child support order issued in Montana or another state specifically requires income withholding for current support.
2. The support order does not exempt the obligor from immediate withholding. A support order may specify an exemption based on good cause based on the best interests of the child, or an alternative arrangement between the parties for payment of support.

**Gap Support Order:** A support order entered by a Montana district court after January 1, 1990, but before April 24, 1991, that specifically requires the Montana IV-D agency to enforce immediate income withholding. These orders were entered during the statutory "gap" between the effective date of immediate income withholding in Montana, and the effective date of the Montana law allowing district courts, as well as, the IV-D agency to administer immediate withholding.

A support order entered by a Montana district court that exempts the obligor from, or is silent on, immediate income withholding, is not a gap order for purposes of this section, regardless of the date of entry.

**Withholding Notice:** A Notice and Order for Withholding (NOW); or if issued prior to May 19, 2003, a Notice of Intent to Withhold Income, or a Supplemental Notice of Intent to Withhold. When referring to a previous notice, a withholding notice may also include a voluntary withholding authorization entered in CS 510.3 Withholding Action—Without Notice.

**Withholding Order:** An Income Withholding Order (IWO) for Child Support issued by a court or Title IV-D agency to an employer/payor to withhold child support payment from an obligor's income. IWO previously referred to as Order to Withhold Income (OWI) for Child Support; an Order to Withhold Income or Order to Modify/Terminate Withholding issued prior to October 1998.

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#### Policy

#### Applicability

The procedures in this section apply when the CSSD takes a withholding action that does not require a notice and an opportunity for hearing. In cases where a notice is required the procedures in CS 510.1 Withholding Action--With Notice apply.

#### Withholding Action

The CSSD takes an income withholding action in this section by issuing an IWO to the employer or other payor of income. The action may be an initial action in a case, a modification of a previous action, a one-time lump sum request, a re-issuance of an existing action to a new employer/payor, or a termination of the action.

#### Authority over Employer/Payor, Payee Designation

Two types of authority are required for the CSSD to issue an IWO. The CSSD must have authority over the employer/payor; this occurs when either of the following conditions applies:

- 1) The CSSD has personal or *in rem* jurisdiction over the employer/payor because the employer/payor is located in Montana, does business in Montana, or has minimum contacts with Montana.
- 2) The employer/payor is located in a state that has adopted the income withholding provisions of the Uniform Interstate Family Support Act (UIFSA).

If neither condition applies, the CSSD cannot issue the IWO; instead, it must send an interstate referral for enforcement to a state that does have jurisdiction over the employer/payor. However, at the time of this writing, every state had adopted the income withholding provisions of UIFSA.

**IMPORTANT.** The CSSD does not need personal jurisdiction over the obligor to take withholding action against his or her income.

The CSSD must have authority to order the employer/payor to make payments directly to it. This authority exists when the underlying support order requires payment to the CSSD, or the CSSD has taken the proper steps to redirect support payments. If necessary refer to CS 503.4 Redirecting Support Payments for applicable conditions and procedures.

If the CSSD does not have this authority and cannot gain it under CS 503.4 it cannot issue an IWO; instead, the CSSD must send an interstate referral for enforcement to the state that issued the support order.

#### Amounts in IWO

Included in the IWO are the amounts to be withheld each month for current and noticed arrears. Support debt includes arrears and any support-related judgments for arrears, fees, fines, interest, or medical costs. Workers compensation is an exception to this, special restrictions apply to amounts to be withheld from workers compensation payments, refer to Determining Withholding from Workers Compensation Payments later in this section.

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For purposes of this section, adjudicated amounts are amounts determined by an administrative or judicial proceeding specifically authorizing income withholding; adjudicated amounts may include arrears or other past-due amounts or assessments. The proceeding may be a contested case, a consent to withholding for sum-certain amounts, or some other entry of judgments by Montana or another state. Note that unadjudicated arrears, or judgments entered without specific authority for income withholding, require notice as in CS 510.1 before the CSSD can include them in an IWO. For a case that requires collection of interest and fees, refer to Note 2 under Conditions for Issuing a NOW in CS 510.1.

The monthly withholding for support debt is 1/24th of the total unpaid amount. In a withholding action to add new amounts to the total support debt, the monthly withholding must be recalculated at 1/24th of the new total. The new total is equal to the support debt from the previous IWO, less payments received, plus the amount being added. However, if there is no new support debt and only the amount of current support is being changed, the existing withholding for support debt is not recalculated.

#### **Determining Withholding from Workers' Compensation Payments**

Under state law MCA § 39-71-743, the monthly withholding ordered by the CSSD from periodic workers' compensation payments may not exceed the **lesser** of the amount determined by applying the Montana Child Support Guidelines using the workers' compensation benefits and any other known current income, or the amount stated in the existing IWO with any existing hardship adjustment

#### **Obligors with Multiple Case Obligations**

Effective November 9, 2015 all IWOs, both paper and Electronic Income Withholding Order (E-IWO) formats, must be created one case and/or custodian per withholding order. Cases, obligees and amounts cannot be combined into one order. When an obligor has more than one case and/or custodian, a separate order must be issued for each.

Reviewing IWOs with an employer who receives multiple orders for an employee (obligor), can help ensure the correct amount is withheld. An employer may combine the amounts to be withheld when those amounts are based upon the company's pay cycle. In addition, an employer can submit the withholdings as a single form of payment; however, a breakdown of the payment should be included.

All IWOs issued *before* the effective date above remain valid, and employers should continue to honor those orders. If an amended order becomes necessary, a separate IWO for each case and/or custodian must be issued.

#### **NOTE:**

**IWO for Lump Sum Payment.** When an obligor has more than one case and/or custodian a separate IWO for Lump Sum must be issued for each.

**REMINDER keep debt noticed.** A noticed debt prepares the case for other enforcement actions such as, an IWO for Lump Sum Payment, a Notice of Support Lien or a Warrant for Distraint. Also, noticing the debt before the declining balance debt reaches zero, prevents adjustments due to overcollection.

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#### Income Withholding Orders Not Prioritized

When there is more than one order for withholding against the obligor, the employer/payor should honor all withholding orders to the extent that the total amount withheld from the obligor's wages or salary does not exceed the garnishment limitations discussed below.

The employer/payor should not favor one IWO over another and all support obligations must be implemented. When the withholding of current support is less than the amount of current support due to all obligees, the employer/payor must prorate the amount based on the amount of current support due to each. The withholding of arrears support is distributed equally among all of the obligor's cases.

#### Garnishment Limitations

Montana statutes concerning garnishment limitations work in accordance with the Federal Consumer Credit Protection Act (CCPA), which limits the ability of creditors to garnish earnings of a debtor. In general, only 25% of a debtor's disposable earnings are subject to garnishment. However, exceptions to this limitation apply. For CSSD purposes, the most applicable exception is garnishment for child support. Depending upon circumstances the CCPA allows an individual's disposable earnings to be subject to a 50%-65% garnishment limitation for child support debts. Due to the variety of circumstances that may be involved the CSSD has chosen 50% as a maximum garnishment amount.

#### NOTE:

**To determine if garnishment limitations are required** it is necessary to review the type of money being garnished. Money that does not fit the definition of earnings found in 15 USC 1672(a) is not subject to the garnishment limitation.

#### Conditions for Taking Withholding Action without Notice

The CSSD issues an IWO in this section when an employer/payor is identified and one or more of the following conditions applies:

1. Immediate withholding. Immediate income withholding applies when there is no withholding order in place for the current employer/payor. This situation may occur when the CSSD opens or reopens an enforcement case, the support order is modified to include immediate withholding, or a new employer/payor is identified. [Original IWO]
2. Additional adjudicated debt. A withholding order is in place and the CSSD has identified additional support debt that was previously adjudicated. [Amended IWO] [IWO Lump Sum]

#### IWO for Lump Sum Payment

Unlike an original or amended IWO, which is used to collect periodic payments made on regular paydays, an IWO for Lump Sum is used to attach a one-time collection. It can be used to collect settlement payments from such things as Social Security Income, Disability and Retirement, workers compensation, insurance claims, estates, sale of property, bonuses, commissions, and incentive pay. Other uses include the liquidation of unused sick or vacation pay or leave, and severance pay. In some instances, it can be used in lieu of an out-of-state lien. It is **always necessary to consult** with your regional manager and legal department before using an IWO for Lump Sum.

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While useful in the collection of one-time payments, an IWO for Lump Sum cannot be used to collect a Financial Institution Data Match (FIDM), or a Montana Lottery win. To collect from those sources, use existing procedures in the following policy sections: CS 500.3 Financial Institution Data Match (FIDM) and Administrative Enforcement in Interstate Cases (AEI), and CS507.5 Lottery Liens.

Put accounts on hold, and monitor the case for receipt of the lump sum payment, upon receipt the distribution and pay source is the same as for an original or amended IWO. Once the payment is received the IWO for Lump Sum should be closed in SEARCHS. It is not necessary to send a termination notice since the form is marked as a, "One-Time Order for Lump Sum Payment". However, it is recommended that the employer is reminded of its one-time usage, refer to Best Practice in the procedures below. For collection of a subsequent lump sum payment, even from the same employer, an other IWO for Lump Sum is required.

3. Reopened case. A case is reopened, in which a previous withholding notice still applies; the notice must have been resolved in favor of withholding, or must still be pending. see CS 510.1. [Original IWO]
4. Debt paid in full. A withholding order is in place for current support and support debt, and withholding or other collections have reduced the debt amount to \$0. [Amended IWO]
5. Voluntary withholding. The obligor signs a Voluntary Withholding Authorization (VWA) for the amount of current support and, if applicable, the agreed total support debt and a monthly amount toward it. Once a VWA is entered, it acts like a resolved withholding notice, and the obligor may not rescind it. [Original or amended IWO]

#### NOTE:

**The CSSD will agree to Voluntary Withholding Authorization amounts except as noted below:**

- Current support in the VWA equals the amount in the existing support order.
- Total support debt in the VWA equals the support debt amount known or proved to the caseworker for the period in question.
- Withholding for support debt in the VWA is calculated at the standard rate 1/24th of the VWA support debt.

Like any other withholding notice, the VWA must contain the full amount of withholding for support debt regardless or any hardship adjustment to the actual withholding.

**EXCEPTION 1: For a VWA being processed simultaneously with case opening**, where the CSSD has not yet obtained the support order for the case file, amounts for current support must be correct to the best of the caseworker's immediate knowledge.

**EXCEPTION 2: The total support debt must accurately reflect payments and obligations for the period specified;** however, months not included in a previous withholding notice, or fees or fines to which the obligor will not agree, may be omitted if advantageous in enforcing the case.

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6. Change in current support. A withholding order is in place and there is a change in the amount due for current support that can be determined directly from the text of the support order itself. The change may be a replacement or modification of the support obligation, or the result of a specific change clause in the support order. [Amended IWO]
7. Hardship adjustment. A withholding order is in place and the CSSD has granted a hardship adjustment lowering the withholding for support debt, or terminated an existing hardship, raising the withholding for support debt. See CS 510.5 Hardship Adjustments. [Amended IWO]
8. Loss of withholding authority. In a case where a withholding order is in place, the CSSD has lost the ability to withhold income. Reasons for loss of withholding authority may include any of the following:
  - 1) A bankruptcy court or other tribunal of appropriate jurisdiction has imposed a stay on collection actions against the obligor's assets.
  - 2) A judicial review of a CSSD final agency decision has determined that income withholding is not appropriate.
  - 3) The case is being closed and any support debt due the State of Montana is paid in full.

**EXCEPTION Gap Order Cases Not Closable.** If the existing support order is a gap order (see DEFINITIONS above), and the case would qualify for closure, under CS 201.5 Identifying Closed Case Status, based on a request by the non-public assistance obligee, the CSSD may not close the case until the support order is appropriately modified or the child is emancipated. The modified order must either exempt the obligor from immediate income withholding, or allow immediate withholding through the Clerk of Court.

- 4) The enforceable support obligation is terminated e.g., the children have emancipated, or the children have changed custodians and the support order does not apply to the new custodian, and any support debt enforceable by the CSSD is paid in full.

Termination of employment is not a basis for terminating a withholding order. If there is a lapse in the obligor's employment, the IWO instructs the employer to retain the order and to resume withholding if the obligor is employed in the future.

#### Electronic IWO (E-IWO)

Once an employer chooses to receive an E-IWO, it is CSSD policy to issue all subsequent IWOs to that employer electronically. If a paper IWO is received, the employer can contact the employer liaison to request the CSSD reissue it electronically.

Since an employer may choose to opt-in or out of the E-IWO process at any time the Office of Child Support Enforcement (OCSE) twice a month sends the CSSD an employer file. Upon receipt of the file the system automatically updates electronic employers and their contact information. Electronic employers are found in system on the Electronic Employer Name (EEN) and the E-IWO Employer Information (EEI) screens.

**REMINDER.** The Locate Unit must be contacted to *add any* employer to the Employer Maintenance Update (EMU) screen.

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**Automated Income Withholding (AIW) and E-IWO**

The E-IWO process does not affect orders generated by AIW. AIW orders continue to generate, even when an employer has chosen the E-IWO process; therefore, it is necessary to determine which AIW generated order should be sent to the employer. Regional offices must ensure there are procedures in place to review AIW orders daily.

**TIP: An E-IWO generated through the AIW process** does not contain the Acknowledgment of Receipt of Order(s) and Waiver of Service document.

**Automated Income Withholding**

The IWO will be generated automatically by the system's income withholding (AIW) function, without an accompanying notice when all the following conditions apply:

**OBLIGOR CONDITIONS**

1. Obligor match. A match occurs between an AIW locate source and a SEARCHS obligor. AIW locate sources are the State Directory of New Hires, the National Directory of New Hires, and Unemployment Insurance.
2. New employer. There is no existing IWO to the employer/payor identified by the locate source.
3. Simple structure for fees. If there is more than one open case or sub case for the obligor, there is no fee account balance greater than \$0 for any of them.
4. Non-multiple regions. If there is more than one open case for the obligor, all the open cases are in the same region.

**CASE CONDITIONS**

5. Not suppressed. The AIW function is not suppressed on the CAS screen.
6. Case characteristics. The case qualifies for AIW by its characteristics; that is the case is open; the case is not assigned to region 90, 95, or 99; the case type on the IST screen is not interstate initiating (account types do not matter); and the case has an open ADMN or CORT order on the SOD screen.

**OMIT-NOTICE CONDITIONS**

7. No new arrears. There are no new arrears in the case, or there are new arrears but there is an unresolved NOW in process in that sub case already.

When all the above conditions apply, the AIW function will generate an IWO to the new employer and build the appropriate IWO record on SEARCHS. Amounts in the IWO are taken from the applicable AIW master order as in the Note below. If no applicable master exists, AIW will use amounts from all applicable NOI records for the obligor as in NOTE 2. If there is no applicable master and no applicable NOI record, AIW will generate the IWO for current support only, based on the open current support accounts on SEARCHS. In this situation AIW will also build and resolve an NOI record for current support.

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When any of the above conditions do not apply, the caseworker must generate the IWO using regular SEARCHS document generation processing, unless the E-IWO process applies. When all the above conditions apply **except that there are new arrears and no NOW already in process**, AIW will generate a NOW, as well as, an IWO. In that situation, refer to the AIW policies and procedures in CS 510.1 Withholding Action--With Notice.

#### NOTE:

**Applicable Master.** A master order is created by the caseworker for obligors with special circumstances--for example, a hardship adjustment of the arrears amount. A master order is applicable if the account types in the master match the open account types on SEARCHS. For purposes of this test, there is a match if both the master and SEARCHS contain current accounts only, if both contain arrears accounts only, or if both contain current and arrears accounts. Assigned or unassigned subtypes do not matter.

#### NOTE 2:

**Applicable NOIs.** An applicable NOI record is one that is the most recent record for a sub case, contains at least one positive amount, and lists a resolved notice or a NOW.

#### Suppressing AIW

SEARCHS automatically suppresses the AIW function on the CAS screen whenever the case status code is changed to, or entered as, a Native American Jurisdiction (NAJ) code. Certain other one-time suppressions were also set by SEARCHS during the September 2003 AIW case conversion process. The caseworker may remove an auto-suppression at any time, if case facts indicate that AIW-generated documents would be appropriate.

The caseworker can also manually suppress the AIW function at any time. However, manual suppression is limited by policy to the situations where,

- the support order contains an exemption from income withholding.
- a stay of enforcement issued by an appropriate tribunal is in effect.
- the CSSD has not yet obtained authority to redirect payment of withheld income in the case, refer to Authority over Employer/Payor, Payee Designation in policy above.
- the reason for lifting a previous auto-suppression no longer applies.
- there is reason to believe an AIW action would be inappropriate. For example, the debt is uncertain in one or more of the obligor's cases or sub cases; or, complex accounting facts are likely to cause inaccuracies in AIW documents and the supervisor approves the suppression.



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**PROCEDURES**

**Procedures for Caseworker**

1. Initial case management. Before taking withholding action in this section, reviews the case for other required activities in steps 1a through 1d below.
  - a. Hardship requests. If at any point in these procedures the obligor claims the amount of withholding for support debt is not affordable, proceeds in CS 510.5 concurrently with actions in this section.
  - b. Redirecting Payments/Interstate Referral. If applicable takes action as needed to confirm or gain authority for an IWO, or to send an interstate referral to the other state.
  - c. AIW Suppression. Reviews the AIW suppression status on CAS; if applicable, sets or removes a suppression.

**IMPORTANT:** When setting a suppression, sets a tickler for a projected change in the case facts e.g., expiration of the stay of enforcement, and reviews the suppression at that time. Removes the suppression, as soon as, the underlying case facts no longer apply.
  - d. Creating an AIW master order. When the amounts to be included in a withholding order are different from the monthly amounts for current support and payment of support debt listed on the Notice of Intent to Withhold (NOI) screen for the applicable sub cases, creates an AIW master order on SEARCHS containing the correct amounts. Deletes or updates the master when the amounts no longer apply.

For example, a master withholding order may be needed, to adjust the withholding for arrears based on a hardship; to adjust current or arrears withholding based on the special requirements of the state that issued the support order; or to comply with a court order resulting from a challenge to the CSSD's standard withholding amounts.
  - e. Updating NOI Amounts. Whenever the current support obligation changes and the change does not require a new notice a modified support order, or declining debt balance reaches \$0 updates THE SYSTEM withholding amounts by building a new NOI record. Proactive update is essential for AIW accuracy in cases where there is no master withholding order and AIW relies on NOI amounts.
2. Voluntary Withholding. In a case where the obligor requests initiation or modification of withholding and the requested terms and amounts are agreeable to the CSSD, prepares CS-510.4A Voluntary Withholding Authorization. Sends the form to the obligor by regular mail and awaits return.

If the obligor returns the signed and notarized Authorization, proceeds to step 3 below. Otherwise, proceeds in this section or CS 510.1 as applicable.

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#### NOTE:

**Considerations for Using Voluntary Withholding Authorization.** A Voluntary Withholding Authorization may be useful in situations where the obligor's consent will overcome an existing barrier to enforcement in the case. For example, cases involving Native American jurisdiction, interstate initiating requirements, or incarcerated obligors. The authorization can be valuable in cases where it is used in place of a NOW, as it provides a written determination of the debt for the time periods included in it.

3. Identifying a Case for Withholding Action—Applying the Time Frames Identifies a case for IWO action as follows:
  - a. Upon being notified by SEARCHS that AIW has created an IWO in a case, immediately reviews the IWO for accuracy, and proceeds directly to step 4 Generating: IWO, AIW and E-IWO, assembles and issues the IWO package within two working days.
  - b. Upon manually identifying a case where the conditions for issuing an original or amended IWO apply, initiates the appropriate withholding action in step 4, within two working days after receiving any of the following: a new-hire report, an income source subject to withholding from a court, another state, an employer, the FPLS, or another recognized source, and the conditions for issuing an original or amended IWO apply.

#### NOTE:

**Timeliness of Information.** In cases where information concerning a possible income source is received three months or more after the information was last known to be true for example, a quarterly wage report for a quarter ending more than three months before the current date, the caseworker may take verification action before sending the IWO. If verification reveals the obligor is no longer receiving income from the employer/payor, the IWO is not required. Verification action includes sending an Employer Verification form or contacting the employer/payor by telephone or e-mail. The action **must be initiated within two working days** after receiving the information, and prompt follow-up is required.

- c. Upon manually identifying a case where the CSSD no longer has authority to withhold income in this or any other case against the obligor, immediately initiates the appropriate action to terminate withholding in step 4.

#### NOTE:

**Non-AIW CASES.** Cases not identified by AIW where manual initiation of the withholding action is necessary may for include, cases where there is no new-hire report because the employer is newly discovered by the CSSD, but the obligor is not newly hired, or where the existing withholding order must be amended or terminated, or where AIW has been suppressed but withholding action is still needed.

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4. Generating: IWO, AIW and E-IWO. Determines the amounts to be included in the order and the method for issuing the withholding order, processes the Notice of Intent to Withhold (NOI) and Order to Withhold (OWI) screens, and generates documents. Processing the NOI screen sets the declining balance for current support, support debt, or both. Additionally, the withholding order cannot be generated on system unless a notice exists on the NOI screen.

1) IWO PACKAGE IF EMPLOYER/PAYOR KNOWN:

- a. Generates form FED-IW and obtains the signature of the Administrator's designee. The form may be generated in the original, amended, lump sum or termination version, according to the conditions upon which it is based. Puts accounts and creates one IWO per case or custodian. Does not combine amounts into one IWO.

**Best Practice for IWO Lump Sum:**

**Notification to Employer.** It is considered a best practice to notify the employer by telephone that an IWO for Lump Sum has been issued to the business. A phone call to the employer ensures they are aware of the request for a lump sum *before* the IWO is received. Notifying the employer provides an opportunity to answer questions, and can eliminate confusion caused by receiving another IWO. While discussing the IWO for Lump Sum it may be necessary to point out the checked box at the top of the form, indicating it is for a **one-time use only**. After the payment is received **no termination notice is issued**. In addition, remind the employer that if there is an original or amended IWO already in place for the obligor, it is **still necessary to continue issuing payments as per instructions in that order**.

**NOTE:**

**Administrator's Designee.** The CSSD Administrator has designated the supervisor or the caseworker who prepared the IWO as the individual authorized to issue (sign) the document.

- b. Arranges for service of the IWO, by one of the following service documents:
- CS- 405.1 Acknowledgment of Service\*
  - Certified mail
  - CS-401.3C Sheriff's Praeceptum or cover letter to private process server if it is believed acknowledgement or certified mail will be ineffective

\*Special provision for service by acknowledgement. Sends the original acknowledgment form for the obligor's return. If the obligor does not respond in writing to the acknowledgment within 20 calendar days after the date of mailing, the CSSD must issue the package for service by sheriff or private process server only, in accordance with the Montana Rules of Civil Procedure.

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Montana law does not allow service of the IWO by regular mail to the employer. For purposes of the time frames in step 3, the IWO *is issued* when it is sent for service in this sub-step.

**NOTE:**

An IWO for Lump Sum payment does not require a separate acknowledgment form, nor does SEARCHS Online Allow one to be generated.

- c. Retains one copy of the original signed IWO and the signed Acknowledgment of Service in the case file. Also, retains a copy of the original IWO Lump Sum in the case file, an Acknowledgment of Service is not required. For an E-IWO retaining an Acknowledgment of Service is not possible.
- d. Concurrently sends the IWO to the obligor, and CS 510.8B CP Action Letter to the obligee or Interstate Responding Update--Transmittal #2 (CSE-IRUP), informing the obligee of the withholding action. It is not appropriate to send a copy of the IWO to the obligee.

**When E-IWO is used for issuing the withholding order, notification of obligee by CP Action Letter is still required.**

- e. Monitors for employer/payor compliance with the IWO. If the employer/payor fails to comply, follows procedures in CS 503.5 Administrative Civil Contempt. Otherwise, takes no further action until a change requiring action in this section or 510.1 occurs.

**NOTE:**

**Monitor for receipt of lump sum payment.** Put accounts on hold and monitor the case for receipt of payment. Distribution and pay source for the payment is the same as for an original or amended IWO. Once the payment is received close the IWO Lump Sum in SEARCHS. It is not necessary to send a termination notice, since an IWO for Lump Sum is for a one-time use only. For the collection of subsequent lump sum payments, even from the same employer, an other IWO for Lump Sum is required.

- f. GAP ORDERS ONLY:] Upon receiving a request for case closure from a non-public assistance obligee in a case with a gap support order, explains the case cannot be closed until the support order is modified or the child is emancipated.

**The above restriction applies even in cases where there is no withholding order in place because the CSSD cannot locate an employer/payor.**

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2) AIW ORDER:

Obtains signatures on and assembles packages as in a) and b) above.

**EXCEPTION 1: Invalid AIW.** In certain situations, the AIW process may create an IWO that would not be appropriate given the facts of the case. For example, the new-hire report may be for a second, part-time employer, and proceeding with the AIW withholding would result in total withholding for more than the noticed amounts. If the caseworker can determine within two working days that the withholding action is not appropriate, the caseworker should destroy the IWO, update the system as applicable, and proceed in this section with an IWO to the new employer for an appropriate amount, if any.

**EXCEPTION 2: AIW IWO is invalid.** An AIW is invalid if the order should be sent electronically. Reviews the OWI screen to determine if the employer accepts E-IWO orders. If the OWI screen indicates the order can be sent electronically uses the E-IWO process.

3) E-IWO:

- a. Uses the E-IWO process when the OWI screen indicates the order should be sent electronically. If a previous E-IWO has been sent to the employer/payor selects amended or terminated as appropriate.
- b. Uses SEARCHS Online to generate all necessary documentation for the obligor and the case file. Obtains signatures, assembles packages as in a) and b) above.

The E-IWO process returns the employer/payor Acknowledgment of Receipt of Order(s) and Waiver of Service electronically. A tickler and an event are received on system upon acknowledgment of receipt of order.