

## **OUTAGAMIE COUNTY CHILD SUPPORT AGENCY**

320 S. Walnut St  
Appleton, WI 54911-5918  
Phone: (920) 832-5058

### **INSTRUCTIONS FOR INCOME WITHHOLDING**

#### **TO THE EMPLOYER:**

All support orders are assignments of income. Enclosed is a Notice to Withhold indicating the amount to be deducted by you from the commissions, earnings, salaries, wages, pension benefits, unemployment compensation benefits, workers compensation benefits, or any other money due or to be due to the person named on the enclosed Notice to Withhold.

If the order is expressed in a fixed amount, report the payroll date along with the payment.

If the order is expressed as a percentage of gross income, report the employee's gross earnings and the payroll date to the WI Support Collections Trust Fund along with the payment.

The Notice to Withhold applies to any money paid to the obligor beginning one week after the date of the Notice.

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### **CONSUMER CREDIT PROTECTION ACT (CCPA)**

#### **What is the CCPA?**

Federal law requires states to limit the amount of child support which can be collected by income withholding to 60% of the obligor's disposable earnings per pay period or to 50% of the obligor's disposable earnings per pay period if the obligor is supporting another spouse or dependent child (second family). If an employee has an arrearage which is more than 12 weeks old, you may be ordered to withhold an additional 5%.

#### **What are disposable earnings?**

Disposable earnings means the earnings of the obligor which remains after deductions of federal, state, local withholding taxes, and social security taxes.

#### **What if the order does not address the CCPA?**

You are bound by the terms of the Notice to Withhold. If the Notice does not direct you to reduce the amount to be withheld to the limitations in the CCPA, you may not reduce the amount to be withheld, even if it exceeds the CCPA limitations, without a further order from the court.

#### **To whom do I direct my employees to seek a reduction in their withholding?**

Employees who wish to seek a reduction in their income withholding should be referred to the Outagamie County Child Support Agency.

#### **Will a reduction in my employee's income withholding also reduce his/her underlying child support order?**

NO. If the income withholding is reduced, arrearages will accrue on the difference, if unpaid. If the employee wishes to seek a reduction in the underlying child support order, he/she must take separate steps to do so.

#### **How do I know which percentage to use?**

If the Notice to Withhold directs you to reduce the amount to be withheld to the limitations in the Consumer Credit Protection Act, the Notice will indicate which of the above percentages to use in order to enable you to determine the appropriate amount to be withheld each pay period.

**What if my employee doesn't want withholding reduced?**

You are encouraged to honor requests for voluntary deductions for the full amount of the child support order even when you are permitted to reduce the withholding to the limitations in the CCPA. Only the amount which may be withheld from their income is affected by the CCPA. The employee remains liable for the full amount of their child support order.

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**How are support amounts calculated?**

The support amount ordered must be based on the total gross income.

**What are the procedures for withholding?**

This deduction should be made after state and federal income tax and FICA, but before any garnishments, other assignments, or voluntary deductions.

All monies withheld must be forwarded to the WI Support Collections Trust Fund within 5 days of each withholding. Note the case name and account number on each check you forward.

**Will I be compensated for my administrative costs?**

In addition to the amount noted on the Notice to Withhold, you may withhold your actual costs to comply with this Notice, up to a maximum of \$3.00.

**What if my employee quits or is terminated?**

You must notify the Child Support Agency if an employee has terminated employment within ten (10) days of the termination.

**What if I don't comply with the Notice?**

If you fail to comply with the terms of this Notice, you may be proceeded against for contempt of court under Chapter 785 of the Wisconsin State Statutes.

**Can I refuse to hire a person with an income withholding requirement?**

Discrimination against an employee as a result of this Notice may result in a fine and a requirement to make full restitution to the employee including reinstatement and back pay.

**Who can answer my questions about the income withholding or CCPA?**

You can contact the Outagamie County Child Support Agency at (920) 832-5058. The address is 320 S. Walnut St Appleton, WI 54911-5918.

A copy of Wisconsin State Statute 767.265 is available upon request.

**THIS NOTICE IS EFFECTIVE UNTIL FURTHER ORDER FROM THE COURT.**

**THANK YOU FOR YOUR COOPERATION.**