

**Information & Instructions: Withholding order for child support**

**PREVIEW**

1. A withholding order may be used for temporary orders; however, the more typical practice is to rely upon the Court's direct involvement with the case during the duration of divorce proceedings. The shorter period during which divorces are pending may also affect the utilization of a withholding order since there may be only a two-month period before the terms of the order may change.

**Form: Withholding order for child support**

NO: [Cause Number]

IN THE MATTER OF THE MARRIAGE OF	§	IN THE DISTRICT COURT
[Petitioner Name], Petitioner,	§	
	§	
v.	§	
	§	[District] JUDICIAL DISTRICT
[Respondent Name], Respondent	§	
	§	
AND IN THE INTEREST OF:	§	
[CHILD NAME]	§	[SUIT COUNTY] COUNTY, TEXAS

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**ORDER WITHHOLDING FROM EARNINGS FOR CHILD SUPPORT**

The Court (CRLER) (Sob, [Employer Name]), the employee of the Obligor, to withhold income from the Obligor's disposable earnings from her employment as follows:

**THIS DOCUMENT**

**OBLIGOR:**

NAME: [Obligor Name]  
ADDRESS: [Obligor Address]  
SOCIAL SECURITY NUMBER: [Obligor Social Security Number]

**OBLIGEE:**

NAME: [Obligee Name]  
ADDRESS: [Obligee Address]  
SOCIAL SECURITY NUMBER: [Obligee Social Security Number]

NAME: [Child Name]  
ADDRESS: [Child Address]  
SOCIAL SECURITY NUMBER: [Child Social Security Number]

**THANK YOU**

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WITHHOLDING EARNINGS FOR CHILD SUPPORT

**PREVIEW**

The Court ORDERS that any employer of the Obligor shall begin withholding from Obligor's disposable earnings no later than the first pay period which occurs 14 days after the date this Order is served on the employer.

The amount of earnings to be withheld is:

1. \$[Amount of Monthly Support] if the Obligor is paid monthly;
2. \$[Amount of Semimonthly Support] if the Obligor is twice monthly;
3. \$[Amount of Biweekly Support] if the Obligor is paid every other week;
4. \$[Amount of Weekly Support] if the Obligor is paid weekly.

The employer shall withhold earnings in the above amounts for so long as the Obligor is employed or until the youngest child attains the age of eighteen (18) years or until further order of this Court.

MAXIMUM AMOUNT WITHHELD

**THIS DOCUMENT**

The maximum amount to be withheld shall not exceed the following percentage of the Obligor's disposable earnings: fifty percent (50%).

**METHOD OF PAYMENT**

The Court ORDERS the employer to pay all amounts withheld on each regular pay day through:

**THANK YOU**

NAME OF AGENCY: [Child Support Agency]

AGENCY ADDRESS: [Agency Address]

ACCOUNT NUMBER: [Agency Account Number]

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All payments shall identify the Obligor, Obligee, the Agency Account Number and the amount of an administrative fee withheld, if any.

**PREVIEW**

### **CALCULATING DISPOSABLE EARNINGS**

The employer shall calculate the Obligor's disposable earnings which are subject to withholding for child support, as follows:

a. Determine the "earnings" of the Obligor, which means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension, disability and retirement program and unemployment benefits.

b. Subtract the following sums to calculate the Obligor's "disposable earnings":

1. Any amount required by law to be withheld, i.e., Federal Income Tax and Federal FICA or OASI Tax, Railroad Retirement Act contributions;
2. Union dues;
3. Nondiscretionary retirement contributions by Obligor;
4. Medical, hospitalization, and disability insurance coverage for the Obligor and her children.

**THIS DOCUMENT**

### **MORE THAN ONE ORDER WITHHOLDING**

If the employer is served with an Order Withholding from Earnings for Child Support, relating to this Obligor in another case, the Court ORDERS the employer to withhold equal amounts on all orders until each order is fully complied with or until the maximum amount to be withheld from the Obligor's disposable earnings is reached, whichever occurs first.

**THANK YOU**

### **NOTICE OF CHANGE OF EMPLOYMENT**

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The Court ORDERS an employer to notify this Court and the Obligee within seven (7) days of the date that the Obligor terminates employment. The employer is ORDERED to provide the

**PREVIEW**

Obligor's last known address and the name and address of the Obligor's new employer, if known.

**REFERENCE TO THE INCOME WITHHOLDING LAW**

Attached to this ORDER is a copy of Texas Family Code, Section 14.43 which sets forth rights, duties, and potential liabilities of employers, in addition to the provisions of this ORDER.

SIGNED on

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**JUDGE PRESIDING**

APPROVED AS TO FORM AND SUBSTANCE:

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[Law Firm's or Attorney's Name]

Attorney for Plaintiff

[Address]

[Telephone & facsimile numbers]

Texas Bar no. [Number]

**THIS DOCUMENT**

APPROVED AS TO FORM ONLY:

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[Law Firm's or Attorney's Name]

Attorney for Defendant

[Address]

[Telephone & facsimile numbers]

Texas Bar no. [Number]

[Texas Bar No.]

**THANK YOU**

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