

APPENDIX 25.1: COURT-SPECIFIC RULES CONCERNING INCOME ASSIGNMENT ORDERS

COURT	PARISHES	<u>COURT-SPECIFIC RULES CONCERNING INCOME ASSIGNMENT ORDERS</u>
1 st J.D.C.	Caddo Parish	<p>An income assignment order substantially similar to the following form shall be issued in each case where child support and/or spousal support is awarded, as is required by R.S. 46:236.3 and R.S. 9:303:</p> <p align="center">INCOME ASSIGNMENT ORDER EXHIBIT E(1). IMMEDIATE INCOME ASSIGNMENT ORDER</p> <p>_____ NUMBER _____ VERSUS FIRST JUDICIAL DISTRICT COURT _____ CADDO PARISH, LOUISIANA</p> <p>ASSIGNMENT: SECTION _____</p> <p align="center">IMMEDIATE INCOME ASSIGNMENT ORDER</p> <p>In accordance with R.S. 46:236.3, this ORDER for an income assignment shall be effective immediately.</p> <p>Considering the support obligation of the OBLIGOR, _____, pursuant to the JUDGMENT rendered by this Court on the ___ day of _____, 20__:</p> <p>1. IT IS ORDERED that the PAYOR, _____, shall withhold from the income of the OBLIGOR (including but not limited to wages, salary, commission, compensation as an independent contractor, disability, unemployment compensation, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by public act excluding worker's compensation benefits, Black Lung benefits, VA Disability benefits, and Title XVI Supplemental Security Income) the amount ordered for support, which amount is \$_____ per _____, as it becomes due; that the PAYOR must implement withholding no later than the first pay period that occurs following receipt of this income assignment, and shall continue the withholding each pay period until further order of the Court as provided in R.S. 46:236.3(G).</p> <p>2. IT IS FURTHER ORDERED that the income seized shall not exceed the percentage of disposable earnings subject to seizure as defined in R.S. 13:3881 for the payment of a support obligation; or, the income exempt from seizure is fifty percent (50%) of the OBLIGOR's disposable earnings, but in no case shall this exemption be less than an amount in disposable earnings which is equal to thirty times the federal minimum hourly wage. For further instruction on how to properly compute the income seized pursuant to this Order of assignment, please see Exhibit A attached hereto.</p> <p>3. IT IS FURTHER ORDERED that the TOTAL AMOUNT WITHHELD SHALL BE FORWARDED WITHIN TEN DAYS to the OBLIGEE, _____, at the following address: _____.</p> <p>4. IT IS FURTHER ORDERED that this assignment shall be binding upon any existing or future employer of the OBLIGOR upon whom a copy of the Order is served.</p> <p>5. IT IS FURTHER ORDERED that the PAYOR may deduct a three dollar processing</p>

fee from the income of the OBLIGOR per each pay period during which the income assignment order is in effect.

6. IT IS FURTHER ORDERED that when two or more orders to withhold income for support are received, the orders shall be prorated; if there are insufficient funds available to satisfy all orders, the orders for current support shall be given priority on a pro-rata basis.

7. IT IS FURTHER ORDERED that the OBLIGOR shall advise the court and the obligee of any change in his employment during the effective period of assignment and shall advise the court and the obligee of the name and address of any new employer. The PAYOR shall inform the OBLIGEE in writing within ten days when the OBLIGOR terminates employment, and shall provide the OBLIGOR's last known address and the name and address of the OBLIGOR's new employer, if known.

8. IT IS FURTHER ORDERED that a support order shall be given preference to any other garnishment proceeding.

9. IT IS FURTHER ORDERED that no PAYOR shall discharge, discipline, or otherwise penalize any OBLIGOR because of the duty to withhold income.

THUS DONE AND SIGNED at Shreveport, Louisiana, on this the ___ day of _____, 20__.

DISTRICT JUDGE

Prepared by:

ATTORNEY FOR

EXHIBIT E(2). INCOME ASSIGNMENT ORDER EFFECTIVE UPON
DELINQUENCY

VERSUS

NUMBER _____
FIRST JUDICIAL DISTRICT COURT
CADDO PARISH, LOUISIANA

ASSIGNMENT: SECTION _____

INCOME ASSIGNMENT ORDER EFFECTIVE UPON DELINQUENCY

In accordance with R.S. 46:236.3, this ORDER for an income assignment shall be effective when the OBLIGOR, _____, becomes delinquent in payment of an amount equal to at least one month's support obligation (\$_____) pursuant to the JUDGMENT rendered by this Court on the ___ day of _____, 20__:

1. IT IS ORDERED that the PAYOR, _____, shall withhold from the income of the OBLIGOR (including but not limited to wages, salary, commission, compensation as an independent contractor, disability, unemployment compensation, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by public act excluding worker's compensation benefits, Black Lung benefits, VA Disability benefits, and Title XVI Supplemental Security Income) the amount ordered for support, which amount is \$_____ per _____, as it becomes due, together with an additional

sum as computed pursuant to the formula in the NOTICE OF DELINQUENCY to discharge the past due amount; that the PAYOR must implement withholding no later than the first pay period that occurs following receipt of this income assignment, and shall continue the withholding each pay period until further order of the Court as provided in R.S. 46:236.3(G).

2. IT IS FURTHER ORDERED that the income seized shall not exceed the percentage of disposable earnings subject to seizure as defined in R.S. 13:3881 for the payment of a support obligation; or, the income exempt from seizure is fifty percent (50%) of the OBLIGOR's disposable earnings, but in no case shall this exemption be less than an amount in disposable earnings which is equal to thirty times the federal minimum hourly wage. For further instruction on how to properly compute the income seized pursuant to this Order of assignment, please see Exhibit A attached hereto.

3. IT IS FURTHER ORDERED that the TOTAL AMOUNT WITHHELD SHALL BE FORWARDED WITHIN TEN DAYS to the OBLIGEE, _____, at the following address: ____.

4. IT IS FURTHER ORDERED that this assignment shall be binding upon any existing or future employer of the OBLIGOR upon whom a copy of the Order is served.

5. IT IS FURTHER ORDERED that the PAYOR may deduct a three dollar processing fee from the income of the OBLIGOR per each pay period during which the income assignment order is in effect.

6. IT IS FURTHER ORDERED that when two or more orders to withhold income for support are received, the orders shall be prorated; if there are insufficient funds available to satisfy all orders, the orders for current support shall be given priority on a pro-rata basis.

7. IT IS FURTHER ORDERED that the OBLIGOR shall advise the court and the obligee of any change in his employment during the effective period of assignment and shall advise the court and the obligee of the name and address of any new employer. The PAYOR shall inform the OBLIGEE in writing within ten days when the OBLIGOR terminates employment, and shall provide the OBLIGOR's last known address and the name and address of the OBLIGOR's new employer, if known.

8. IT IS FURTHER ORDERED that this assignment shall be directed to any and all persons employing or paying the OBLIGOR and shall be effective against OBLIGOR's income from any new PAYOR immediately upon service of the assignment order and notice of delinquency on the new payor as provided in R.S. 46:236.3(B)(6)(c).

9. IT IS FURTHER ORDERED that a support order shall be given preference to any other garnishment proceeding.

10. IT IS FURTHER ORDERED that no PAYOR shall discharge, discipline, or otherwise penalize any OBLIGOR because of the duty to withhold income.

THUS DONE AND SIGNED at Shreveport, Louisiana, on this the ____ day of _____, 20__.

DISTRICT JUDGE

Prepared by:

		<p>ATTORNEY FOR</p> <p>_____</p> <p style="text-align: center;">EXHIBIT A</p> <p>Formula for Computing Amount to Be Withheld in Accordance With Attached Income Assignment Order</p> <p>1. Gross compensation per pay period: \$ _____</p> <p>2. Less the following deductions:</p> <p>a. Federal income tax \$ _____</p> <p>b. F.I.C.A. _____</p> <p>c. Normal retirement contribution _____</p> <p>d. State tax _____</p> <p>e. Processing fee (up to \$3.00) _____</p> <p>Total deductions: (_____)</p> <p>3. Disposable income: \$ _____</p> <p>4. 50% of disposable income: \$ _____</p> <p>(NOTE: To avoid possible excessive seizure, compare amount equal to 50% of disposable income to the amount of income which is exempt from seizure as set forth in paragraph 2 of the attached Income Assignment Order.)</p>
<p>Family Court for the Parish of East Baton Rouge</p>	<p>East Baton Rouge</p>	<p>The following state case registry data form must be completed and attached to all Income Assignment Orders as required by Louisiana Revised Statutes § 46:236.10 prior to presentation for signature by the judge:</p> <p>_____ NO: _____ DIV. _____</p> <p>(PETITIONER) THE FAMILY COURT</p> <p>VERSUS PARISH OF EAST BATON ROUGE</p> <p>_____ STATE OF LOUISIANA</p> <p>(DEFENDANT)</p>

State Case Registry Data Form

Docket No. _____
 Court/Parish _____

A. Obligor Information

Name _____ Sex _____ Date of Birth _____
First Middle Last

Social Security No. _____ Drivers' License No. _____

Telephone No. _____

Mailing Address _____
P.O. Box City State/Zip Code

Residential address (if different) _____

Employer _____ Employer telephone _____

Employer Address _____

Victim of Domestic Violence Yes No

B. Oblige Information

Name _____ Sex _____ Date of Birth _____
First Middle Last

Social Security No. _____ Drivers' License No. _____

Telephone No. _____

Mailing Address _____
P.O. Box City State/Zip Code

Residential address (if different) _____

Employer _____ Employer telephone _____

Employer Address _____

Victim of Domestic Violence Yes No

C. Children Information

(1) Name _____
First Middle Last
 Sex _____ Date of Birth _____ Social Security No _____
 Evidence of Child Abuse/Domestic Violence Yes No

(2) Name _____
First Middle Last
 Sex _____ Date of Birth _____ Social Security No _____
 Evidence of Child Abuse/Domestic Violence Yes No

(3) Name _____
First Middle Last
 Sex _____ Date of Birth _____ Social Security No _____
 Evidence of Child Abuse/Domestic Violence Yes No

In accordance with Section 466(a) (13) of the Social Security Act (42 U.S.C. 666(a)(13), disclosure of social security numbers is required. The information may be used for purposes of establishing paternity and establishing, modifying, and enforcing support obligations. Social security numbers may also be released for reasons directly connected to programs within the Department of Social Services.

24th
 J.D.C.

Jefferson
 Parish

SPOUSAL AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL DIVORCE PROCEEDINGS – INCOME ASSIGNMENT ORDERS

- A. An income assignment order such as the order contained below shall be issued in each case where child support and/or spousal support is awarded, pursuant to La. R.S. 46:236.3 and La. R.S. 9:303.
- B. Pursuant to La. R.S. 46:236.5 (B), the court hereby assesses a fee of thirty-five dollars (\$35.00) on every petition, motion or rule filed wherein support or enforcement of support is demanded after October 31, 1987 in order to fund the administrative cost of the expedited process. The court also has the discretion to assess and collect fees not to exceed five (5%) percent of the total support obligation pursuant to said statute.
- C. The court hereby assesses a fee of five (5%) percent on all obligations of

support which are assessed through a contempt proceeding.

D. Support obligations shall be paid to the court only by money order, certified check or cashier's check.

24th JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

DOMESTIC RELATIONS DOCKET

NO. _____

VERSUS

INCOME ASSIGNMENT ORDER

In accordance with R.S. 46:236.3, this ORDER for an income assignment shall be effective immediately. Considering the support obligation of the OBLIGOR, _____ pursuant to the JUDGMENT rendered by this Court on the _____ day of _____, 20__.

1. IT IS ORDERED that the PAYOR, _____, shall withhold from the income of the OBLIGOR (including but not limited to wages, salary, commission, compensation as an independent contractor, disability, unemployment compensation, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by public act excluding worker's compensation benefits, Black Lung benefits, VA Disability Benefits, and Title XVI Supplemental Security Income) the amount ordered for support, which amount is \$ _____, per _____, as it becomes due; that the PAYOR must implement withholding no later than the first pay period that occurs following receipt of this income assignment, and shall continue the withholding each pay period until further order of the Court as provided in R.S. 46:236.3(G).

2. IT IS FURTHER ORDERED that the income seized shall not exceed the percentage of disposable earnings subject to seizure as defined in R.S. 13:3881 for the payment of a support obligation; or, the income exempt from seizure is fifty percent (50%) of the OBLIGOR's disposable earnings, but in no case shall this exemption be less than an amount in disposable earnings which is equal to thirty times the federal minimum hourly wage.

3. IT IS FURTHER ORDERED that the TOTAL AMOUNT WITHHELD SHALL BE FORWARDED WITHIN TEN (10) DAYS to the OBLIGEE,

_____, at _____ the _____ following address: _____.

4. IT IS FURTHER ORDERED that this assignment shall be binding upon any existing or future employer of the OBLIGOR upon whom a copy of the Order is served.

5. IT IS FURTHER ORDERED that the PAYOR may deduct a five (\$5.00) dollar processing fee from the income of the OBLIGOR per each pay period during which the income assignment order is in effect.

6. IT IS FURTHER ORDERED that when two or more orders to withhold income for support are received, the orders shall be prorated; if there are insufficient funds available to satisfy all orders, the orders for current support shall be given priority on a pro-rata basis.

7. IT IS FURTHER ORDERED that the OBLIGOR shall advise the court and the obligee of any change in his employment during the effective period of assignment and shall advise the court and the obligee of the name and address of any new employer. The PAYOR shall inform the OBLIGEE in writing within ten (10) days when the OBLIGOR terminates employment, and shall provide the OBLIGOR's last known address and the name and address of the OBLIGOR's new employer, if known.

8. IT IS FURTHER ORDERED that a support order shall be given preference to any other garnishment proceeding.

9. IT IS FURTHER ORDERED that no PAYOR shall discharge, discipline, or otherwise penalize any OBLIGOR because of the duty to withhold income.

Gretna, Louisiana this _____ day of _____, 20____.

J U D G E

CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING –
INCOME ASSIGNMENT ORDERS

In all child support orders that are not being enforced by the Department of Social Services, the court shall comply with La. R.S. 9:303 and La. R.S. 46:236.3.

A. The original order shall include an immediate income assignment order unless there is a written agreement between the parties or the court finds good cause not to require an immediate income assignment. (La. R.S. 9:303)

B. In any case in which an immediate income assignment has not been issued, the case shall be subject to immediate income assignment upon a

		<p>delinquency of an amount equal to one month's support. (La. R.S. 46:236.3)</p> <p>C. In any matter wherein a party hereinafter referred to as "payor" is found to owe past due child support or child support and spousal support, the payor shall pay all future current support and/or arrearage through the Department of Children and Family Services. The payments shall be made by means of an income assignment order.</p>
28 th J.D.C.	LaSalle Parish	All child support orders shall be accompanied by a separate immediate income assignment order pursuant to LSA R.S. 9:303, unless the parties personally and not through counsel agree in writing to a waiver of the order which is to be filed of record.