

Instructions for completing the Motion and Declaration for Income Withholding Order – Spousal or Partner Support

Match the numbers with the corresponding instruction after each image.

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13

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR 1 COUNTY

In the Matter of 2
4
Petitioner,
and
5
Respondent.

Court Case No: 3

**EX PARTE MOTION AND
DECLARATION FOR INCOME
WITHHOLDING ORDER –
SPOUSAL OR PARTNER
SUPPORT**

1. Insert the name of the county where your judgment or support order is filed.
2. Complete this sentence as it appears on your judgment or support order. Example: *In the Matter of the Marriage of*.
3. Insert the court case number for your judgment or support order.
4. Insert the name of the petitioner. This will be the person one who filed for or initiated the judgment or support order. The other person will be the Respondent. Review your judgment or support order to identify your role and the other person's role. The names and roles should match the first page of your judgment or support order.
5. Insert the name of the respondent.

Note: If you are identified as Co-Petitioners, you will need to adjust these forms accordingly. You may need to cross out the roles and identify yourself and the other person by name or use the term co-petitioner.

14 **MOTION**

15 I am the ⁶ Petitioner ⁷ Respondent in this case.

16 I ask the court to issue an order requiring ⁸ _____ to withhold spousal or

17 partner support from any wages or income owed to ⁹ _____.

18 All money withheld shall be made payable to me and ¹⁰ mailed to the following address:

19 ¹¹ _____

20 _____

21 _____

22 ¹² transferred to me electronically. I want the employer to contact me to set up an electronic funds

23 transfer.

- 6. If your role is Petitioner, mark this box.
- 7. If your role is Respondent, mark this box.
- 8. Insert name of employer for the person who owes spousal support.
- 9. Insert name of the person who owes spousal support.
- 10. If you want payments to be mailed to you, mark this box.
- 11. Insert the mailing address where payments should be sent. This should be an address that is safe for others to have and that you check frequently. If you do not have a safe address to provide, you may want to contact an attorney or licensed paralegal or request payments be transferred to you electronically.
- 12. If you want payments to be transferred to you electronically, mark this box.

5 **Declaration** **13**

6 The following facts support my Motion for Income Withholding. Petitioner Respondent failed

7 to comply with the terms of the order or judgment as follows: *(Explain and provide amounts and*

8 *dates.)*

9 I have a support order of \$ **14** per month. My order was signed on **15**.

10 A copy of the pages showing that money award and judicial signature is attached, labeled "Exhibit

11 1." No court or agency order has changed that amount.

12 The paying party is at least one month in arrears. The current amount of arrears is: \$ **16**.

13

13. Mark the box for the role of the person who owes spousal support.

Note: If your roles are as co-petitioners, cross out the role and replace with the name of the person who owes support.

14. Insert the current monthly spousal support amount (i.e., 500.00)

15. Insert the date your judgment or support order was signed by a judge.

16. Insert the amount of arrears that are owed to you. This is the past-due amount. To use these forms, you must be owed more than one month of past-due support.

14 Submitted by: **17** Petitioner Respondent Attorney for Petitioner or Respondent

15 **18** **19**

16 _____ Date Signature _____

17 _____ **20** _____

18 OSB # (attorneys only) Name (printed)

19 **21** **22** **23**

19 _____ Contact Address City, State, ZIP Contact Phone _____

20

17. Mark the box according to your role.

18. Insert today's date.

19. Your signature goes here.

20. Print your name.

21. & 22. Insert your contact address. This should be an address that is safe for others to have and that you check frequently. It can be different than the payment address if that is needed.

23. Insert your contact phone number. This should be a safe phone number for others to have. If you want your payments transferred to you electronically, the employer may call you at this number. Court staff may also need to call you.

Instructions for completing the Order Re: Income Withholding – Spousal Support

IN THE CIRCUIT COURT OF THE STATE OF OREGON	
FOR <u>1</u> COUNTY	
In the Matter of <u>2</u>	
<u>4</u>	Court Case No: <u>3</u>
Petitioner,	
and	
<u>5</u>	ORDER RE: INCOME WITHHOLDING – SPOUSAL SUPPORT
Respondent.	

1. Insert the name of the county where your judgment or support order is filed.
2. Complete this sentence as it appears on your judgment or support order. Example: *In the Matter of the Marriage of*.
3. Insert the court case number for your judgment or support order.
4. Insert the name of the petitioner. This will be the person one who filed for or initiated the judgment or support order. The other person will be the Respondent. Review your judgment or support order to identify each person's role. The names and roles should match the first page of your judgment or support order.
5. Insert the name of the respondent.

Note: If you are identified as Co-Petitioners, you will need to adjust these forms accordingly. You may need to cross out the roles and identify yourself and the other person by name or use the term co-petitioner.

The motion to withhold spousal support is:

6
 denied _____
 granted.

THIS ORDER IS DIRECTED TO:

7

Your Employee: **8** _____

Social Security Number (last 4): **9** _____ Year of Birth: **10** _____

THE COURT FINDS:

11 _____ owes spousal or partner support to **12A** Petitioner

12B Respondent, **13** _____ This obligation is based on an order or judgment issued on **14** _____ (date) and docketed with the court in **15** _____ County, Oregon.

The existing monthly spousal support obligation is \$ **16** _____. The paying party is at least one month in arrears. The current amount in arrears is \$ **17** _____.

18 _____

6. Leave this section blank. The judge will mark the appropriate box based on their decision. If they deny the motion, they will use the blank line to explain why.

7. Insert name of employer for the person who owes spousal support.

8. Insert name of person who owes spousal support.

9. Insert the last four digits of the Social Security number for the person who owes spousal support. If they have a common name, the employer will need this to identify the appropriate employee. If you do not know this, leave it blank.

10. Insert the year of birth for the person who owes spousal support. If the person has a common name, the employer will need this to identify the appropriate employee. If you do not know this, leave it blank.

11. Insert name of person who owes spousal support.

12A. & 12B. Mark the box according to your role, or the role of the person who is owed spousal support.

13. Insert your name or name of the person who is owed spousal support.

14. Insert the date your judgment or support order was signed by a judge.

15. Insert the name of the county where your judgment or support order is filed.

- 16. Insert the current monthly spousal support amount (i.e., 500.00)
- 17. Insert the amount of arrears that are owed. This is the past-due amount. To use these forms, you must be owed at least one month of past-due support.
- 18. Insert any other finding the court may need to make.

THE COURT ORDERS WITHHOLDING AS FOLLOWS:

Beginning no later than five days after the first payday following receipt of this Order, and within seven business days of each pay date, thereafter:

- 1. Withhold \$ **19** per month for current support and arrears (current support amount plus 20 percent for payment on arrears) as set out in Oregon law. If the pay cycle is other than monthly, withhold a pro-rated amount for each period as indicated in the table below. A copy of ORS 25.414 is attached for reference, labeled "Exhibit 1", and incorporated by reference.

Monthly	Semi-Monthly (2 times per month)	Bi-Weekly (every 2 weeks)	Weekly
19	19A	19B	19C

- 2. Remit payment to the recipient by check to the address below, or by electronic funds transfer if available. **20** _____

19. Insert the Monthly amount to withhold as calculated using the [Income Withholding Calculator](#) found on the Oregon Child Support Program website @ OregonChildSupport.gov under Calculators & Laws. This should be the amount found in cell D3 (120% of the monthly court ordered amount)

19A. Insert the Semi-Monthly amount to withhold as calculated using the [Income Withholding Calculator](#). This should be the amount found in cell D4.

19B. Insert the Bi-Weekly amount to withhold as calculated using the [Income Withholding Calculator](#). This should be the amount found in cell D5.

19C. Insert the Weekly amount to withhold as calculated using the [Income Withholding Calculator](#). This should be the amount found in cell D6.

20. Insert the mailing address where payments should be sent. This should be an address that is safe for others to have and that you check frequently. If you do not have a safe address to provide, you may want to contact an attorney.

IT IS ALSO ORDERED THAT:

If any additional information is needed by Employer to comply with this order, Employer shall contact the recipient at the address above or at the phone number provided by the recipient.

If Employer is able or wants to set up electronic funds transfer, employer shall contact the recipient at the address above or at the phone number provided by the recipient.

The recipient or their agent shall notify Employer when, for any reason known to recipient, the amount required to be withheld is to be reduced or discontinued.

Judge Signature:

Leave this section blank. This is where the judge will sign and date.

Certificate of Readiness

This proposed order is ready for judicial signature because service is not required under UTCR 5.100 because this order is submitted **ex parte** as allowed by statute or rule.

21
Submitted by: Petitioner Respondent

22

Signature

23

Print Name

21. Mark the box according to your role.

22. Your signature goes here.

23. Print your name.