

# Income Withholding for Spousal/Partner Support

## Instructions

### ✓ What These Forms Do

Help you enforce an existing spousal/partner support order.

- By getting a court order requiring an employer to withhold spousal/partner support from the paying party's (Payor) wages and send those funds to the receiving party (Recipient).
- But they apply only if the paying party owes at least one month of past-due spousal support.

### ✗ What These Forms *Don't* Do

Establish a new spousal support order, change the amount of an existing spousal/partner support order, or end a spousal/partner support order.

## Forms Included

- 1 Ex Parte Motion and Declaration for Income Withholding Order – Spousal or Partner Support
- 2 Income Withholding Order – Spousal or Partner Support
- 3 Cover letter to employer (optional)

## Language Explanations

**“Paying Party” or “Judgment Debtor”:** This is the person who is ordered to pay spousal/partner support. The order setting out the support award created a debt for this person to pay.

**“Receiving Party” or “Judgment Creditor”:** This is the person who is entitled to receive the spousal/partner support that was ordered. The order setting out the support award recognizes the legal debt owed to this person.



### Contact the Oregon Child Support Program if:

- You have an ongoing child support order for the same payor. The Oregon Child Support Program can collect child support and spousal/partner support together.
- You receive public assistance. You may qualify for limited spousal support services from the Oregon Child Support Program. For more information, go to [OregonChildSupport.gov](https://oregonchildsupport.gov).



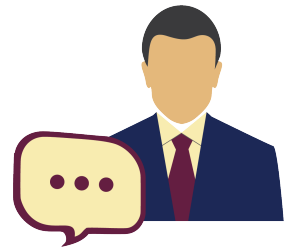
### Safety Concerns?

If you have concerns about providing your actual address to the judgment debtor or their employer, you can use a contact address in the forms. The contact address must be in the same state where you live and should be where you can receive mail and payments. The court will assume you receive and regularly check there for mail sent to that address.

# Talk to a Lawyer Before Using These Forms if:

*You have questions about:*

- Employers located outside of Oregon.
- These forms will help enforce a spousal support award issued by a court or agency in Oregon or outside of Oregon. However, if the employer (the paying parent's principal place of business) is located outside of Oregon, the law of the state where that employer is located will control what needs to be stated in certain sections of these forms. ORS 110.595(4).
- Withholding funds from the payor's retirement account.
- A payor who is in a current bankruptcy case.



## Getting Started: Quick Reference

*What you need:*



**A certified copy of your court order:**

Have a certified copy of your spousal/partner support order.



**Contact info for payor's employer**



**Court name & Court case number**

You can find this info on your court order. Example: **"The Circuit Court of the State of Oregon for the County of Polk."**



**If you need a certified copy:**



Contact the county where your order was issued. It may be part of your divorce (dissolution) or separation judgment order.

**Petitioner or respondent?**



You'll need to know if you are the Petitioner or the Respondent. Look for this info at the top of the first page of your order.

# Getting Started

## What you need:



- A certified copy of your spousal/partner support order.
  - If you don't have a copy, you can get one from the court in the county where your order was issued. Your spousal/partner support order may be part of your divorce (dissolution) or separation judgment order.
  - You will need to know whether you are the Petitioner or Respondent. This information is at the top of the first page of the order or judgment form.
- The payor's employer contact information.
- The name of the court in the county where your order for support is issued (or the county where it is filed) and the court case number. For example, the court name would be at the very top of the page: "The Circuit Court of the State of Oregon for the County of Clackamas." You can find this information and the case number on your support order.

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## Step 1: Filling Out the Forms

 [Click icon to view instructions](#)

### Fill out the following forms:

- [Motion and Declaration for Income Withholding – Spousal Support](#) 
- [Order Re: Income Withholding – Spousal Support](#) 
- [Certificate of Service](#)

For additional information, see [Basic Forms Tutorial](#).

## Checklist

- Complete the Caption**

The caption is the top section of the motion of order. It includes the county name, court case number, and names of the petitioner and respondent.
- Provide payment info**

Include the address where the employer should send payments. If you want electronic funds transfer, be prepared to provide the employer with your banking information.
- Don't include* your Social Security #**

Do not put **your** Social Security number on the forms. **Only the payor's last 4 digits need to be included on the Order.**
- Add these pages from your support order:**

Add to the Motion a copy of the pages in your support order that show the money award and the signature of the judge. Label each page "Exhibit 1" at the bottom right-hand side of the exhibit. Include the page number below it.

## Checklist (Cont.)

- Calculate your income withholding on [OregonChildSupport.gov](https://OregonChildSupport.gov)**  
An [income withholding calculator](#) is available on the [Calculators and Laws page](#) on the [OregonChildSupport.gov](https://OregonChildSupport.gov) website. Add these amounts to the table on page 2 of the Income Withholding Order.
- Sign the Certificate of Readiness**  
Complete and sign the Certificate of Readiness. This will tell the judge the Order is ready for signature.

## Have someone review your documents

You may want to have your documents reviewed by a lawyer, a licensed paralegal, or a court facilitator before you file. Call the court or go to [Courts.Oregon.gov](https://Courts.Oregon.gov) to see if a court facilitator is available. Court facilitators are free. If you want to talk to a lawyer or a licensed paralegal, the Oregon State Bar Lawyer Referral Service can help. Call the Oregon State Bar (OSB) at 800-452-7636 or go to [Osbar.org/public/ris/](https://Osbar.org/public/ris/). Some Modest Means services are available from the OSB. Other low-cost legal services may be available. If you need help understanding your rights or finding low-cost legal assistance, [OregonLawHelp.org](https://OregonLawHelp.org) is also a resource.

## Make copies

Make one copy of **all** completed forms for your records.

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## Step 2: Filing

File all forms with the court clerk. There will not be a filing fee.

Once the judge has signed the order, request a certified copy of the *Order Re: Income Withholding – Spousal Support* from the court. You may have to pay a fee for this copy.

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## Step 3: Sending Income Withholding Order to the Employer

Send the payor's employer a certified copy of the Order Re: Income Withholding. You will need the address for the employer's principal place of business. You must serve (deliver) the document to the employer or the employer's bookkeeper, accountant, corporate officer, or registered agent, or the person responsible for payroll or a local office manager. The order can be delivered in person by someone other than you or be sent by mail. The person who delivered or mailed the withholding order must file a Certificate of Service with the court.

The employer has five days after the payor's next regular payday to send the payment to the address you provided in the order. How often the employee is paid determines when you can expect to receive payments. If they are paid monthly, it may be up to 45 days before you receive a first payment. If payments are not made, you may need an attorney or licensed paralegal to help you enforce the order.

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## Step 4: Sending Income Withholding Order to the Payor

After the employer receives the withholding order, send the payor a copy of the Order Re: Income Withholding and a copy of the Ex Parte Motion and Declaration for Income Withholding Order along with any exhibits. A Certificate of Service must be filed with the court.