AGREEMENT TO MODIFY (CHANGE) INCOME WITHHOLDING ORDER

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1

WHEN ALL PARTIES WILL SIGN AGREEMENT TO MODIFY

FORMS AND INSTRUCTIONS

071425

Agreement to change Income Withholding Order

Checklist

Use the forms and instructions in this packet only if the following factors apply to you:

- ✓ You have an Income Withholding Order that was entered in Yuma County, AND
- ✓ You wish to modify the order, AND
- ✓ All parties agree to modify the Income Withholding Order, AND
- ✓ You have the notarized signatures of all parties on the agreement (as well as the signature of the IV-D agency representative if any party is using the child support collection services of the state), AND
- ✓ At least one of the following conditions applies to you:

You want to modify the Income Withholding Order because:

- ✓ The amount shown in the Income Withholding Order is wrong or was changed by court order; OR
- ✓ You have paid up all amounts you owed for past-due support and/or spousal maintenance (alimony), and only have to pay current child support and/or spousal maintenance, which will make your monthly payments go down; OR
- ✓ You still owe money for past due child support or spousal maintenance, but the current payments for maintenance or support should stop because the child named on the order has turned 18 and is out of school or one of the other conditions for ending payments listed in the child support order or permitted by law has occurred - so you should pay less; OR
- ✓ The Child Support Order is based on an amount per child, per month, and one or more of the children have married, died, reached age 18, or other condition for ending child support listed on the child support order or permitted by law has been met, so you should pay less.

(Note: If the support order does not state a separate amount per child, you may need to change the Child Support Order – not the Income Withholding Order).

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Do not use forms and instructions in this packet if the following factors apply to you:

- ✖ You want to lower the amount of the Income Withholding Order because your income is now lower. (You must file a Petition or Agreement to change/modify the Child Support Order!).
- ✖ You want to stop the Income Withholding Order completely. (If so, you must file forms to STOP (not modify) the Income Withholding Order.)
- ✖ The parties do not agree to modify the Income Withholding Order.
- ✖ The other party will not sign the agreement (in front of a notary or Court Clerk).

Read Me: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

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Law Library Resource Center

Agreement to Modify (Change)An Income Withholding Order

For Petitioner and Respondent

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This packet contains court forms and instructions to file an agreement to modify an income withholding order. Items in **bold** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

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Instructions: How to fill out forms to modify an income withholding order

(When All Parties Will Sign an Agreement to the Change)

This request can be completed by either the person paying support or the person receiving support, but must be signed by both. If the DES is involved in your case because either party has used the child support services of the state, a representative of that agency must also sign the Agreement.

To complete these forms, you will need the date the current Income Withholding Order was signed. You can find the date on the original Income Withholding Order in the court file.

Note: If no more payments are owed, STOP! You have the wrong form! If your "Income Withholding Order" was issued after January 1, 2005, there may be a presumptive termination date (an automatic stop date) on the Order. If there is and that date is correct, you do not need to file anything to stop the Order, though you may want to make sure the financial department of whomever has been making payments is aware of the termination date. If there is no stop date on the Order, review the Law Library Resource Center forms to "Terminate an Income Withholding Order" to determine if it is appropriate for your situation.

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About the Signatures Needed For the Agreement to Modify Income Withholding Order

If either party has used the services of the State of Arizona to establish or collect child support, you will also need a signature from a representative of DES or the Attorney General's Division of Child Support Enforcement (DCSE) on the Agreement before filing as well. Contact the office to find out how to get an Agency representative's signature. You may take the Agreement in to the office or mail it. If mailing, keep your signed original(s) and mail a copy to:

Attorney General, Child Support Enforcement
1800 Palo Verde St.
Yuma, AZ 85365

Enclosing a self-addressed, stamped envelope for the Agency to mail the signed form back to you may speed the response time, or you may arrange to pick up the form from the Agency office.

For All Forms: use black ink, type or print in large clear letters.

Agreement to Modify Income Withholding Order

Match each numbered item in the instructions with the same numbered item on the form.
Enter the following information:

(1) (At top left) Print the name and other information requested for the person submitting this form. If you are representing yourself in this matter, check the box before "Self."

(2) The names of the persons shown as the petitioner/plaintiff and respondent/defendant on the original Income Withholding Order.

(3) The case number that appears on the Income Withholding Order.

(4) The ATLAS number (if one has been assigned to your case).

(5) The name of the person making this request, and (a) the name of the person ordered to pay, and (b) the name of the person receiving the support payments according to the Court Order.

(6) The date the current Income Withholding Order, the one you want to change, was signed, along with the title/name and location of the Court that issued the Order.

(7) Check this box if the amount on the Income Withholding Order is wrong. (Note: If the amount is correct but the Order contains an incorrect date when the Order will automatically end ("presumptive termination date"), skip (7), (7a), (7b) and (8), and go to (9)).

(7a) Check this box if the amount is wrong because the amount of child support or spousal maintenance was changed by Court Order, and then enter the date of the Court Order making the change, and the name of the county where the change was made.

(7b) Check this box if the amount is wrong because some portion of the amount listed on the Order of Assignment is no longer owed, and then check the appropriate box(es) below that explain which items are no longer owed. In the lines below 7b, explain why money is no longer owed for any items checked (in 7b).

For example: If current child support is no longer owed because all children named in the child support order have turned 19 or gotten married, or other reason for stopping current support payments has occurred, but back child support ("arrearages and interest") are still owed, you would check the box beside (7) and the box to indicate that "Current Child Support" is no longer owed. Then, on the lines below, explain why current support is no longer owed, for example: "all children have emancipated" (turned 19, gotten married), or other condition that has occurred that requires or allows the amount of the assignment to be changed. List and attach any supporting documents such as, if a child married, a copy of the marriage license or a newspaper announcement that states the wedding has already taken place.

(8) If you indicated that the amount listed on the current Income Withholding Order is wrong, write the amount listed on the current Income Withholding Order, in the space provided for (8a), and then write the correct amount, the amount that should be listed on the Income Withholding Order in the space provided for (8b).

(9) Check this box if the Income Withholding Order contains a presumptive termination date (a date when the Order will automatically end), and that date is wrong.

(9a) Write the date that appears on the current Income Withholding Order.

(9b) Write the correct date that should be listed on the new Income Withholding Order.

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(10) Signature. Sign where indicated. Print your name on the line below and enter the date of your signature (Month/Date/Year). Signing this Petition is a statement to the Court that the information you have provided is true and correct, under penalty of perjury.

When you have completed these forms, go to the "Procedures" page and follow the steps listed there.

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Procedures: What to do after you have completed the forms to modify an income withholding order by agreement

Most court forms can be filed electronically (eFile), and some forms in this packet may be auto generated by the eFiling system. If you will be eFiling your forms, you will not need to complete all forms in this packet. For more information about eFiling and which forms will be auto generated by the eFiling system, read the eFiling instructions first: https://superiorcourt.maricopa.gov/media/7446/dref13i.pdf.

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Step 1: Complete the forms in this packet:

- Agreement to Modify Income Withholding Order
- Current Employer Information Sheet

Step 2: Copies.

If you will eFile your forms, you may not need as many paper copies. You will need a paper set of the filed forms to serve on the other party, Division of Child Support Services if they are involved in your case, and one for your judge or Family Administration (when required). For more information about how to eFile your papers, read the eFiling instructions: https://superiorcourt.maricopa.gov/media/7448/dref93i.pdf.

Make 3 copies of the documents listed above.

Step 3: Separate your documents into 4* sets: (Make additional copy if the Arizona Division of Child Support Services (DCSS) is involved in your case.)

Set 1: To file with Clerk of Superior Court	Set 2: For the Judge
○ COPY Agreement to Modify Income Withholding Order ○ COPY Current Employer Information Sheet	• ORIGINAL Agreement to Modify Income Withholding Order • ORIGINAL Current Employer Information Sheet You must also provide 2 (two) 9" x 12" business envelopes, one stamped and addressed to each party.
Set 3: COPIES for You	Set 4: COPIES for the Other Party
• Clerk-stamped copy of Agreement to Modify Income Withholding Order • Current Employer Information Sheet	• Clerk-stamped copy of Agreement to Modify Income Withholding Order • Current Employer Information Sheet

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Step 4: File the papers at the court.

Go to the Clerk of Superior Court's filing counter: Hand over the originals and all sets of copies to the Clerk at the filing counter. The Clerk will keep the originals, stamp the extra copies to show that these are copies of papers you have filed with the Court, and return the stamped copies to you. These stamped sets of copies are now called "conformed" copies.

You may file your papers from 8:00 a.m. to 5:00 p.m., Monday through Friday, at any of the following Superior Court locations:

Clerk of Superior Court
250 W Second St.
Yuma, Arizona 85364

Fees: A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

Step 5: Make sure you get back the following from the clerk:

- Your sets of copies with the Clerk's stamp on them (the "conformed" copies).

What the Court will do:

- Grant the relief you requested;
- Schedule a hearing for you and the other party to come talk to the Judge about the case (if the Judge has questions);
- Return your paperwork because you did not show good reason for the change requested; OR
- Other orders the Judge thinks proper.

If the Court grants your request, a new Income Withholding Order with the new/correct information will be completed by Judicial Officers or court staff.

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Step 6: Wait for the Court to let you know whether the Order was signed, or the matter was set for a hearing. If a hearing is scheduled, you will receive written notice of when and where to appear (date, time, and location).

Reminder: Did you provide two self-addressed, stamped envelopes so the staff can mail the decision to both parties (as listed in Step 3, above)?

- one addressed to you;
- one addressed to the other party



* Staple and group the documents according to the page numbers and document sections. Do not combine or staple all documents together. Each document should be stapled separately and kept in the correct page-number order.

* Please look for the line in the corner of each page. This line indicates where the documents should be separated and stapled.

* If you have any questions or need clarification, please contact the Law Library at 928-817-4165

FOR CLERK'S USE ONLY

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____

Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

(2) _____
Petitioner (in original case)

(2) _____
Respondent (in original case)

(3) Case No. _____

(4) ATLAS No. _____

AGREEMENT TO MODIFY INCOME WITHHOLDING ORDER
A.R.S. § 25-504

An ***Income Withholding Order*** is a court order that requires an employer or other payor to withhold money from the funds of a person ordered to pay child support and/or spousal maintenance (alimony).

THIS FORM WILL NOT AFFECT THE AMOUNT OF SUPPORT ORDERED PAID; IT ONLY AFFECTS THE AMOUNT OF SUPPORT DEDUCTED FROM PAY.

I, **(5a)** _____, the person ordered to make payments, and

I, **(5b)** _____, the person receiving payments, ask the Court to modify the ***Income Withholding Order*****:**

Case No. _____

Issued this date: **(6)** _____ (Month/Day/Year)

Issued by this Court: _____ (Name of Court)

Located in this County: _____ (Name of County)

Located in this State: _____ (Name of State)

because: (Check the appropriate box(s))

(7) ☐ The **amount** shown on the ***Income Withholding Order is wrong because:***

(7a) The amount was changed by Court Order issued on this date: _____

(Month/Day/Year) in this county: _____ , **OR**

(7b) The person making payments no longer owes (Check all that apply)

☐ Current Child Support.
☐ Child Support arrearages (back child support) and interest
☐ Current Spousal Support
☐ Spousal Support arrearages (back alimony) and interest

Reason(s) why money is no longer owed for any items checked in item (7b):
(List and attach any supporting documents.)

_____

_____

_____

(8) For the reasons listed in **above**, the amount ordered assigned should be changed from the current Amount of **(8a)** $ _____ to the ***new*** amount of **(8b)** $ _____

(9) ☐ The current ***Income Withholding Order*** should be modified because the ***presumptive termination date*** (the day the order will end) **is wrong**. The termination date should be changed from the date listed on the current ***Income Withholding Order:*** **(9a)** _____ (Month/Day/Year)

To the ***new*** date of **:** **(9b)** _____ (Month/Day/Year)

Explain why the presumptive termination date is wrong (list and attach any supporting documents)

_____

_____

_____

Case No. _____

Do not write or sign below this line until you are instructed to do so by Court Clerk or Notary.

UNDER OATH OR BY AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

_____
Petitioner's Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this:

_____(date)

By _____.

_____
Deputy Clerk or Notary Public

(notary seal)

_____
Respondent's Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this:

_____(date)

By _____.

_____
Deputy Clerk or Notary Public

(notary seal)

_____
Judge of the Superior Court

_____
Date

For Clerk's Use Only

CURRENT EMPLOYER* INFORMATION

You may also fill out this form online at the Family Support Center Website.

THIS FORM MUST BE COMPLETED FOR:

☐ **AN INCOME WITHHOLDING ORDER**
☐ **ORDER TO STOP AN INCOME WITHHOLDING ORDER**
☐ **NOTIFICATION OF A CHANGE OF EMPLOYER (*or OTHER PAYOR)***

CASE NUMBER:_____ **ATLAS NUMBER:**_____

NAME OF PERSON ORDERED TO MAKE PAYMENTS:

LIST THE NAME OF THE EMPLOYER* AND THE ADDRESS OF THE PAYROLL OR FINANCIAL DEPARTMENT (for the person named above) **WHERE THE INCOME WITHHOLDING ORDER OR STOP ORDER SHOULD BE MAILED.**

EMPLOYER* NAME:_____

PAYROLL ADDRESS: _____

CITY:_____ **STATE:**_____ **ZIP:**_____

EMPLOYER* TELEPHONE: _____

EMPLOYER* FAX: _____

or other payor or source of funds

FOR COURT USE ONLY. DO NOT WRITE BELOW THIS LINE.

WA/FSC

WA/LOG ID:			
TYPE OF W/A			
DATE			
AMOUNT OF ORDER			
EMPLOYER STATUS			
ENTERED BY			
NEW W/A		SUB	
AG		DCSE	