

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 680 5-9.0
INCOME DEDUCTION ORDER AND FORMS

WHEREAS Chapter 61, Florida Statutes, as amended by Chapter 86-220,

Laws of Florida, provides that domestic support payments shall, with limited exceptions, be ordered to be paid through the Central Governmental Depository, and

WHEREAS Section 61.1301, Florida Statutes, as amended by Chapter 86-220, Laws of Florida, provides that an Income Deduction Order shall be entered in every case and that such Income Deduction Order shall be immediately effective absent a finding by the Court that good cause exists to defer immediate implementation of the Income Deduction Order, and

IN ORDER to provide the Court, the Clerks of the Circuit Court, counsel and the public with a uniform set of forms for the direction and termination of payment through the Central Governmental Depository and Orders for Income Deduction, it is

ORDERED AND DIRECTED that

1. The following forms, copies of which are attached hereto and incorporated herein, are ratified and approved for use in the Tenth Judicial Circuit:

- a. Affidavit and Request for Participation in Central Governmental Depository
- b. Affidavit and Request for Termination of Child Support through Central Governmental Depository
- c. Income Deduction Order
- d. Statement of Rights, Remedies and Duties in Regard to Income Deduction Order
- e. Notice to Payor
- f. Notice of Delinquency

2. Counsel or other persons responsible for the preparation of any Final Judgment or other order providing for the payment of support or the enforcement or modification of support shall prepare the Income Deduction Order and submit it to the assigned judge with any proposed judgment or order providing for the establishment, modification or enforcement of a support obligation. In those cases in which the

Department of Health and Rehabilitative Services (HRS) is providing services to establish or enforce a support obligation under Title IV-D of the Social Security Act, HRS shall be responsible for the preparation and submission of the Income Deduction Order, Statement of Rights, Remedies and Duties in Regard to Income Deduction Order, Notice to Payor and Notice of Delinquency, and including in the forms any additional information required by HRS.

3. The Clerk's Office is hereby appointed the agent of the custodial parent for the purpose of obtaining income deduction orders in all non-IV-D cases except where the custodial parent requests otherwise.

4. Section 61.1301(1), Florida Statutes, as amended by Chapter 86-220, requires that copies of the Income Deduction Order be provided to the Depository, the Obligor, the Obligee, the Payor and the IV-D Agency if the obligee is a IV-D applicant. In order to comply with this provision, Counsel or persons responsible for the preparation of the Income Deduction Order pursuant to paragraph two of this order shall submit to the Court as many identical copies of the Income Deduction Order as is necessary to provide for the distribution required above. One copy shall be for signature and filing in the case file, and the other copies shall be conformed and provided to the applicable parties or agencies. Upon receipt of the Income Deduction Order with complete employment information, the Depository shall prepare and distribute the Statement of Rights, Remedies and Duties in Regard to Income Deduction Order and Notice to Payor to the appropriate parties.

5. The Court Administrator's Office shall furnish a copy of this order to the members of the Bar in the Tenth Judicial Circuit and shall make a copy hereof available to others upon request.

DONE AND ORDERED in Chambers, Bartow, Polk County, Florida, this 16th day of December, 1986.


WILLIAM A. NORRIS, Chief Judge

mh/

Distribution:
A, B, C, D and G
plus
Charles Carlton, HRS

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT,
IN AND FOR POLK COUNTY, FLORIDA

Plaintiff/Petitioner,

vs.

CASE NO: _____

DRD NO: _____

Defendant/Respondent.

INCOME DEDUCTION ORDER

TO: _____

_____, current employer or payor of
_____, Soc. Sec. #: _____
Obligor, and all subsequent employers and payors of obligor.

YOU ARE HEREBY ORDERED, pursuant to Chapter 61, Florida
Statutes, to make regular deductions from all income of
_____ in accordance with the terms of this
order and the attached Notice to Payor.

YOU ARE FURTHER ORDERED:

1. To deduct from all income due and payable to
_____ the sum of \$_____ per _____ for
ongoing support, plus an additional 20%, or \$_____ per
_____ toward the arrearage of \$_____, plus the
Clerk's fee of \$_____, for a total of \$_____ per
_____ for the support of the following named dependents:

_____ whose date of birth is _____,
_____ whose date of birth is _____,
_____ whose date of birth is _____.

2. To send payments to E.D. "Bud" Dixon, Clerk of Courts,
Domestic Relations Department, P.O. Box 1610, Bartow, FL 33830,
within two days of each of the obligor's regular payment dates.

3. Pursuant to the Consumer Credit Protection Act, 15
U.S.C. s. 1673(b), as amended, if the obligor is supporting a
spouse or dependent child other than those named in paragraph 1
above, you shall not deduct more than 50% of the obligor's
disposable earnings per _____. If the obligor is not
supporting a spouse or dependent other than those named in
paragraph 1, you shall not deduct more than 60% of the obligor's
disposable earnings per _____.

DONE AND ORDERED at Bartow, Polk County, Florida, this
day of _____, 19_____.

CIRCUIT JUDGE

Copies furnished to:

1. Defendant/Respondent
2. Employer or Payor of
Defendant/Respondent
3. Domestic Relations Department
4. Petitioner

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT,
IN AND FOR POLK COUNTY, FLORIDA

Plaintiff/Petitioner,

CASE NO: _____

vs.

DRD NO: _____

Defendant/Respondent.

STATEMENT OF RIGHTS, REMEDIES AND DUTIES
IN REGARD TO INCOME DEDUCTION ORDER

TO: _____

Pursuant to Florida Statutes 61.1301, the domestic support payments the Court has ordered you to pay are to be deducted by any employer or payor of income to you and forwarded directly by the employer or payor to the Clerk of Circuit Court for distribution to the obligee (the person to whom you owe support) of these funds.

1. The Clerk's fee for the income deduction order is \$20.00.

2. The total amount of income that will be deducted from your paycheck is \$_____ every _____. This sum is calculated as follows:

\$_____ child support/alimony
\$_____ arrearage of \$_____
\$_____ delinquency fee
\$_____ Clerk's collection fee

3. The income deduction order applies to current and future employers and payors, and periods of employment.

4. Your employer or payor will be instructed to deduct the periodic domestic support payment you have been ordered to pay. The payor shall also be instructed to deduct twenty percent (20%) of that periodic payment to be applied to any arrearage that may have accrued in your case.

5. The employer or payor may deduct a fee for the administrative costs incurred by the payor in forwarding funds to the Clerk of Court. This fee may be up to Five Dollars (\$5.00) for the first periodic payment and up to One Dollar (\$1.00) for each periodic payment made thereafter, Florida Statute 61.13015.

6. You may contest enforcement of the Income Deduction Order pursuant to Chapter 61, Florida Statutes, only on the following mistakes of fact:

- a. The amount of support owed;
- b. The arrearage amount, or;
- c. The obligor's (your) identity.

You have 15 days from _____, or until _____, to file your application to contest the order.

7. The total amount deducted by your employer or payor from your periodic income payments may not exceed the amounts allowed under Section 303(b) of the Consumer Credit Protection Act, 15 U.S.C. 1673(b) as amended. If you support a spouse or dependent child other than those for whom you pay support in this case, no more than 50% of your disposable earnings may be deducted per payment. If you do not support anyone other than those persons named in this case, no more than 60% of your disposable earnings may be deducted per payment.

8. You are required to notify the obligee and the Domestic Relations Enforcement Office within seven days of a change in your address, your employment or your employer's address.

BY ORDER OF THE COURT

CERTIFICATE

I certify that a true copy of this Statement of Rights, Remedies and Duties in regard to Income Deduction Order has been served on _____ by certified mail, return receipt, this _____ day of _____, 19____.

E.D. "BUD" DIXON, CLERK
CIRCUIT COURT, POLK COUNTY, FLORIDA

BY: _____ D.C.

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT,
IN AND FOR POLK COUNTY, FLORIDA

Plaintiff/Petitioner,

vs.

CASE NO: _____

Defendant/Respondent.

NOTICE TO PAYOR

TO: _____

AS REQUIRED BY CHAPTER 61, FLORIDA STATUTES, YOU ARE
HEREBY NOTIFIED OF THE FOLLOWING:

1. You have been served with an Income Deduction Order for _____, obligor. This order must be implemented no later than the first payment date which occurs more than 14 days after you were served with the order.
2. Payments must be sent to the Domestic Relations Department, Clerk of the Circuit Court, Post Office Box 1800, Bartow, Florida 33830.
3. You are required to forward the amounts deducted to the depository stated in paragraph 1 within 2 working days after each payment date, and at the same time to forward to the depository a statement as to whether the amount deducted totally or partially satisfies the amount specified in the Income Deduction Order.
4. If you fail to deduct the proper amount from the obligor's income, you are liable for the amount you should have deducted, plus costs, interest and reasonable attorney's fees.
5. You may withhold and retain up to \$5.00 against the obligor's income to reimburse you for administrative costs for the first income deduction, and up to \$1.00 for each deduction thereafter.
6. The Income Deduction Order and this Notice are binding on you until further notice or until you no longer provide income to the obligor.
7. When you no longer provide income to the obligor, you shall notify the Domestic Relations Enforcement Office and shall also provide the obligor's last known address and the name and address of the obligor's new payor, if known. If you violate this provision, you are subject to a civil penalty not to exceed \$250.00 for the first violation or \$500.00 for any subsequent violation. Penalties shall be paid to the depository.
8. You shall not discharge, refuse to employ, or take disciplinary action against any person because of an Income Deduction Order. A violation of this provision subjects you to a civil penalty not to exceed \$250.00 for the first

violation or \$500.00 for any subsequent violation. Penalties shall be paid to the depository.

9. The obligor may bring a civil action in the courts of this state against you if you refuse to employ, discharge, or otherwise discipline him because of an Income Deduction Order. The obligor is entitled to reinstatement and all wages and benefits lost plus reasonable attorney fees and costs incurred.

10. The Income Deduction Order has priority over all other legal processes under state law pertaining to the same income. Payment, as required by the Income Deduction Order, is a complete defense by you against any claims of the obligor or his creditors as to the sum paid.

11. If you receive Income Deduction Orders requiring that the income of two or more obligors be deducted and sent to the same depository, you may combine the amounts that are to be paid to the depository in a single payment as long as you identify that portion of the payment attributable to each obligor.

12. If you receive more than one Income Deduction Order against the same obligor, you shall contact the court for further instructions. Upon being so contacted, the court shall allocate amounts available for income deduction giving priority to current child support obligations up to the limits imposed under s. 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s. 1673(b).

13. The address to which notices are to be sent is: E.O. "Bud" Dixon, Clerk of Courts, Domestic Relations Department, P.O. Box 1610, Bartow, FL 33830.

BY ORDER OF THE COURT

E.O. "BUD" DIXON, CLERK
CIRCUIT COURT, POLK COUNTY, FLORIDA

BY: _____ O.C.

CERTIFICATE

I certify that a true copy of this Notice to Payor, has been served on the person, firm, agency, office or political subdivision to whom this statement is directed by certified mail, return receipt, this _____ day of _____, 1986.

E.O. "BUD" DIXON, CLERK
CIRCUIT COURT, POLK COUNTY, FLORIDA

BY: _____ O.C.

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT,
IN AND FOR POLK COUNTY, FLORIDA

Plaintiff/Petitioner,

vs.

CASE NO: _____

Defendant/Respondent.

NOTICE OF DELINQUENCY

TO: _____

IN ACCORDANCE WITH CHAPTER 61, FLORIDA STATUTES YOU ARE
HEREBY NOTIFIED OF THE FOLLOWING:

1. You were ordered by the Court to pay \$_____ each
_____ for child support/alimony, beginning _____.
2. According to the records of the Clerk's Office, you are
delinquent in your payments. As of the date of this notice you
owe a total of \$_____.

This amount is calculated as follows:

\$_____	child support/alimony
\$_____	arrearage
\$_____	delinquency fee
\$_____	collection fee
\$_____	total due

3. An Income Deduction Order will therefore become
effective and will be served on your employer in payment along with
a copy of this Notice of Delinquency unless you request in
writing a hearing with the Court with written notice to the
Domestic Relations Enforcement Office, to contest enforcement of
the order within 15 days after the date this Notice of
Delinquency was served. Enforcement of the Income Deduction
Order may be contested only on the following grounds:

- a. Mistake of fact regarding the amount of support
owed pursuant to a court order
- b. The amount of arrearages
- c. Your identity.

If you pay the amount of the arrearage and provide proof
to the Domestic Relations Enforcement Office before the end of
the 15 day period that you have done so, then the Notice of
Delinquency will not be served, but the Income Deduction Order
will still be served.

4. In addition to the amounts due for ongoing support and
for the delinquency you are liable for the administrative fee
that your employer is permitted to deduct and retain (\$5.00 for
the first deduction and \$1.00 for each subsequent deduction) and
for the Clerk's fees.

5. The Income Deduction Order applies to current and subsequent employers or payors.

6. You are required to notify the Domestic Relations Enforcement Office within seven days of changes in your address, your employment and your employer's address.

7. All notices are to be sent to: E.D. "Bud" Dixon, Clerk of Courts, Domestic Relations Department, P.O. Box 1610, Bartow, FL 33830.

BY ORDER OF THE COURT

I certify that a true copy of this Notice of Delinquency has been served on the person, firm, agency, office or political subdivision to whom this statement is directed by certified mail, return receipt, this _____ day of _____, 1986.

E.D. "BUD" DIXON, CLERK
CIRCUIT COURT, POLK COUNTY, FLORIDA

BY: _____ D.G.