

## EMPLOYERS

Income withholding by employers is the single most effective method of child support collection. Over 60% of billions of dollars collected nationwide in child support was collected through wage withholding.

Trinity County Department of Child Support Services, TCDCSS, is committed to helping employers meet their obligations by providing up-to-date information and education. Please ask for our informative employer booklet and check the websites listed on our web page. Trinity County employers are offered a one-hour power point presentation that includes graphics on calculating wage assignments. Listed below are commonly asked questions and answers.

### **How soon after I receive a Notice to Withhold should I start sending payments to the Department of Child Support Services?**

Begin withholding money for child support from the employee's net disposable earnings as soon as possible, but no later than 10 days after you have received the Notice to Withhold.

### **Is there a maximum amount of money that may be withheld from an employee's paycheck?**

No more than 50% of an employee's disposable earnings may be withheld. Disposable earnings refer to the earnings remaining after mandatory taxes and retirement or union dues. Voluntary deductions, such as a 401K plan, health insurance premiums or other benefits may not be used to calculate disposable earnings.

### **What if my employee does not earn enough to satisfy the Notice to Withhold?**

You must send up to 50% of the employee's disposable earnings in the following order of priority:

1. Current child or family support
2. Current medical insurance
3. Current spousal support
4. Past-due child or family support
5. Past-due medical support
6. Past-due spousal support

### **How do I handle two wage assignments from two different counties?**

Determine the available amount for deduction by multiplying 50 % of the employee's net disposable income. Add both of the current support obligations to determine if they may be met without exceeding 50% of the employee's net. If 50% of the obligor's net disposable earnings will not pay the full amount of the

assignments for support, prorate the earnings first among both of the current support assignments in the same proportion that each assignment bears to the total current support owed. Apply any remainder to the assignments for arrearage support in the same proportion that each assignment bears to the total arrearage owed. If you have any questions, please contact DCSS.

**What do I do if the employee is laid off or no longer working?**

You are obligated to notify the DCSS of that fact at the time the next payment would be due on the assignment. If the employee is temporarily laid off the Wage Assignment will remain in effect and you will be obligated to deduct and forward support when the employee is reinstated or rehired.

**What information am I required to provide to the DCSS?**

If an employee is no longer in your employ, you must provide the DCSS with the employee's last-known address as well as the name and address of the new employer if known. Your cooperation assures continuing enforcement of child support obligations. Your failure to cooperate could result in the assessment of a civil penalty against the employer.

**How do I know when to stop the withholding?**

The assignment remains in effect until you receive written notification from DCSS of any changes to or termination of the assignment.

**What do I do if my employee already has other income attachments?**

The Child Support Wage Assignment takes priority over all other attachments except a federal tax lien if it was served before the Child Support Wage Assignment.

**May I send one check for several employees?**

You may send one check for all your employees' child support cases. However you will need to include an itemized accounting providing each employee's name, case number, social security number and the amount withheld from each employee. You will also need to note the date each amount was withheld.

**How soon after the employer receives a National Medical Support Notice (NMSN) does that employer have to enroll a child in a health insurance plan?**

An employer has 30 days after service of the coverage assignment to take steps to commence coverage and provide coverage information to DCSS. Also, laws require that an employer or insurer shall permit the parent to enroll under health

insurance coverage any child without regard to any enrollment period restrictions, when that parent is required to provide coverage for the children.

**Does an employer have to respond to a coverage assignment even if they do not provide coverage for their employee's dependents?**

Yes, the employer must return the assignment within 20 days to the DCSS. It is the employee's responsibility to procure other health insurance for a child if the employer does not provide health insurance benefits for its employees.

**What if the health insurance coverage does not service the area where the child lives?**

If the employee is unable to procure other health insurance in the area where the child resides, the employer may still have to enroll the child.

**Is the cost of the health insurance coverage included in the amount of the child support order?**

The cost of health insurance is in addition to the child support amount ordered.

**Suppose the non-custodial parent (employee) does not agree that the cost of health insurance is reasonable?**

Current laws state that an obligor may go to court to terminate the NMSN if the amount of the premium can be considered unreasonable. Only the court can make that determination.

**What if my employee has voluntarily elected not to maintain health insurance?**

You must enroll the minor child/ren in a health insurance plan regardless of whether or not your employee wants health insurance for his/herself.

**There is an additional cost for dental and vision. Must I enroll the child/ren in these programs?**

Yes, if dental and vision care are offered by the employer, the minor child/ren must be enrolled regardless of whether or not they are part of the existing policy or it is a separate plan.

**When does an NMSN terminate?**

An employer may not terminate any coverage until it receives a written notice from the DCSS.