



COMMONWEALTH of VIRGINIA
DEPARTMENT OF SOCIAL SERVICES

**Notice of Change in Virginia Law Related to Child Support Income
Withholding**

Dear Employer:

The 2006 Virginia General Assembly passed legislation related to how employers handle income withholding for child support. This legislation will bring Virginia into compliance with federal law and will make our law consistent with the laws of other states. This change is supported by the American Payroll Association. Previously, the Virginia-issued Order/Notice to Withhold Income for Child Support stated:

Virginia Employers: If you have been served previously with an order for income deductions for support from any court or the Division of Child Support Enforcement (DCSE), you must obey such earlier orders in the order in which you were served before trying to comply with this order.

The new Section 20-79.3(A)(8) of the *Code of Virginia* states:

That the order shall have priority over any other types of liens created by state law against such income, except that if there is more than one court or administrative order for withholding for support against an obligor, the employer shall ***prorate among the orders based upon the current amounts due pursuant to more than one judicial or administrative order or a combination thereof, with any remaining amounts prorated among the accrued arrearages, if any,*** to the extent that the amounts withheld, when combined, do not exceed the maximum limits imposed under § 34-29 as specified in the order being honored.

This law became effective March 30, 2006, and applies to all existing and future income withholding notices. The old language of honoring income withholding orders on a "first come, first served basis" has been removed from the Virginia-issued Order/Notice to Withhold Income for Child Support.

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Employers must now honor all of an obligor's income withholding orders to the greatest extent possible. Therefore, **employers are now required to allocate child support payments among all orders for current support so that each order receives the appropriate proportional share. After current support is satisfied, any remaining available funds shall be allocated to arrears balances in the same manner.**

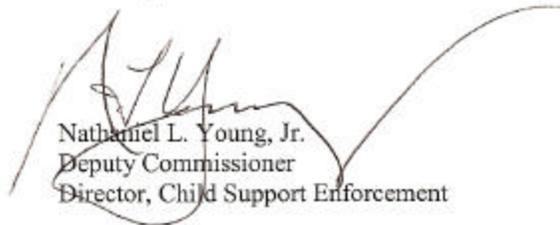
Helpful examples and explanations related to allocating among multiple orders can be found at the Virginia Department of Social Services web site at www.dss.virginia.gov/family/dcse.html.

If you have questions about this change or would like information on paying child support electronically, please call our Employer Inquiry Helpline at 1-800-257-9986.

Thank you for your part in collecting child support for Virginia's children. More than 75% of child support collections sent to families comes from income withholding. You assist in saving taxpayers' dollars since child support collections reimburse public assistance spending and reduce government spending by increasing child support collections for families who would otherwise be forced to seek public assistance. You also help to prevent or reduce fraud - State agencies use new hire employment information to detect and prevent erroneous benefit payments and unlawful receipt of public assistance payments.

We look forward to a continuing partnership with you in collecting child support on behalf of so many children.

Sincerely,



Nathaniel L. Young, Jr.
Deputy Commissioner
Director, Child Support Enforcement

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