

**Iowa Child Support Services' comments to the Notice of Proposed Rulemaking
Information Collection Activity; Income Withholding for Support
OMB# 0970-0154
Federal Register Vol. 91, No. 47, Page 11979**

Income Withholding for Support - Instructions
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1. Page 1, 1d. Termination of IWO. We suggest removing the unnecessary “then” in the first sub-bullet.

- The OMB expiration date is printed on the IWO form.
 - However, the IWO sent on a case does not expire on the OMB expiration date—once the IWO has been sent to the employer, **then** the IWO is in effect until it is terminated by the Issuing Agency.

2. Page 1, 1f. Optional checkboxes: We suggest providing clarification on who is responsible for completing these checkboxes and the purpose of these boxes. The NPRM states, “OCSE revised the IWO form to add checkboxes pertaining to detail for the **respondent** to check, if applicable;”. The NPRM also provides the definition of respondent as, “Courts, private attorneys, custodial parties, or their representatives, employers, and other entities that provide income to noncustodial parents.” The IWO Instructions provide instructions about these boxes under the “**I. Sender Information: (Completed by the Sender) Check one box for fields 1a – 1d.**” section.

As written, it is unclear if the IV-D agency is responsible for completing these boxes or if the income provider is responsible for completing the boxes. If the boxes are intended for the IV-D agency to complete before issuing the income withholding notice (IWN) so the income provider can better route the IWN to their Payroll Department/Human Resources personnel (for Employees) or their Accounts Payable personnel (for Independent Contractors), we suggest this explanation be added. Some states, like the Iowa IV-D agency, are not required to receive this information prior to issuing the IWN, therefore without the explanation of their purpose is confusing. Below is a possible language suggestion:

1f. Employee vs Independent Contractor (Optional for the sender): The sender may choose to check the appropriate box (when the information is available) to indicate the notice should be forwarded/processed by the Payroll Department/Human Resources personnel (for Employees) or the Accounts Payable personnel (for Independent Contractors). If no boxes are checked, the sender either does not know the employment status of the payor or has not programmed the checkboxes.

The responsibility remains on the income provider to determine if the IWO is for an employee or an independent contractor. IWOs are applicable to employees and non-employees(contractors)

3. Page 1, **NOTE TO EMPLOYER/INCOME WITHHOLDER:** We suggest fixing the spacing error.

NOTE TO EMPLOYER/INCOME WITHHOLDER: This IWO must be regular on its face. The IWO must **berejected** and returned to sender under the following circumstances:

4. Page 2, 1h. State/Tribe/Territory. We suggest correcting the reference at the end of the paragraph. It says 1i but we believe it should be 1j.

5. Page 2 We suggest fixing the spacing errors throughout the page. For example:

- IWO instructs the employer/income withholder to send a payment to an entity other than a state disbursement unit (for example, payable to the custodial party, court, or attorney). Each state is required to operate a state disbursement unit (SDU), which is a centralized facility for collection and disbursement of child support payments. Exception: If this IWO is issued by a court, attorney, or private individual/entity and the initial child support order was entered before January 1, 1994, or the **order was issued by a tribal CSA, the employer/income withholder must follow the payment instructions on the form.**
- A copy of the underlying order is required and not included. If you receive this document from **an attorney** or private individual/entity, a copy of the underlying support order containing a **provision authorizing** income withholding must be attached.

NOTE TO EMPLOYER/INCOME WITHHOLDER: The employer/income withholder must **use the** Remittance ID when remitting payments so the SDU or tribe can identify and apply the payment correctly. The Remittance ID is entered as the case identifier on the EFT/EDI record. **Note: You may not remit payments using the federal Office of Child Support Enforcement's (OCSE) Child Support Portal.**

Page 4, **NOTE TO EMPLOYER/INCOME WITHHOLDER:** The last sentence references AT 16-04. However, that Action Transmittal has been archived. In addition, the message at <https://acf.gov/archive/css/policy-guidance/correctly-withholding-child-support-weekly-and-biweekly-pay-cycles> states the content is no longer current. We suggest adding the appropriate language to the form or correcting the message at

<https://acf.gov/archive/css/policy-guidance/correctly-withholding-child-support-weekly-and-biweekly-pay-cycles> to clarify whether the information is or is no longer current.

We also suggest adding information to explain to income providers how to calculate the amount to withhold for multiple daily pay periods (e.g., payor is paid daily and works 3 days in a row). In this particular example it is unclear whether the income provider should calculate the amount to withhold using the weekly method or the daily method multiplied by the number of workdays for which the noncustodial parent was paid.

6. Throughout the document we suggest the links be expanded to show the full website address instead of the name of the web page [See below for examples]. This form is often mailed to income providers and non-custodial parents. Providing the name of the document instead of the actual web address is useless because the income provider and noncustodial parent are unable to click on the link to access the information in a paper copy.

- Change Dos and don'ts to: <https://acf.gov/css/training-technical-assistance/using-income-withholding-support-form-dos-and-donts>
- Change State Income Withholding Contacts and Program Requirements to <https://acf.gov/css/contact-information/state-income-withholding-contacts-and-program-requirements>
- Change Federal Agency Income Withholding Contacts and Program Information to <https://acf.gov/css/contact-information/federal-agency-iwo-and-medical-contact-information>
- Change State Income Withholding Contacts and Program Requirements to <https://acf.gov/css/contact-information/state-income-withholding-contacts-and-program-requirements>
- Change Tribal Leaders Directory to <https://www.bia.gov/service/tribal-leaders-directory>
- Change Tribal Child Support Agency Contacts to <https://acf.gov/css/training-technical-assistance/tribal-child-support-agency-contacts>
- Change OCSE AT-17-07: Interstate Child Support Payment Processing to

Income Withholding for Support- Sample form

1. **Page 2, Section V. Remittance Information:** In the “Remit payment to” box, the wording and placement of the “Note” language is different in the *Income Withholding for Support* - Sample form and the actual *Income Withholding for Support (IWO)* form. We suggest clarification on which wording and placement is correct and make them the same on both versions. See below for example:

Snippet from *Income Withholding for Support* – Sample Form

Remit payment to _____ 22 _____ (SDU/Tribal Order Payee) at _____ 23 _____ (SDU/Tribal Payee Address) Include the Remittance ID with the payment and if necessary this locator code of the SDU/Tribal order payee _____ 24 _____ on the payment. Note: You may not remit payments using the federal Office of Child Support Enforcement's (OCSE) Child Support Portal. To set up electronic payments or to learn state requirements for checks, contact the State Disbursement Unit (SDU).

Snippet from “*Income Withholding for Support (IWO)*” form – Actual Form

Note: You may not remit payments using the OCSE Child Support Portal
Remit payment to _____ (SDU/Tribal Order Payee) at _____ (SDU/Tribal Payee Address) Include the Remittance ID with the payment and if <u>necessary</u> this locator code of the SDU/Tribal order payee _____ on the payment. To set up electronic payments or to learn state requirements for checks, contact the State Disbursement Unit (SDU).

2. **Page 3, VI. Additional Information for Employers/Income Withholders:** Language between the *Income Withholding for Support* - Sample form and the actual *Income Withholding for Support (IWO)* form is not consistent. We suggest clarification on whether the:
 - Heading should be "Lump Sum Payments" or "Report Lump Sums". [See yellow highlight]
 - Second sentence of the paragraph should say "lump sums" or "lump sum payments." [See green highlight]
 - Sentence "Child support payments may not be made through the OCSE Child Support Portal" should be:
 - o Added at the end of this paragraph or if it was intentionally moved from the **Payments:** heading where it is today
 - o “may not” or cannot”. [See blue highlight]

Snippet from *Income Withholding for Support* – Sample Form

Payments: You must send child support payments payable by income withholding to the appropriate State Disbursement Unit or to a tribal CSA within 7 business days, or fewer if required by state law, after the date the income would have been paid to the employee/obligor and include the date you withheld the support from his or her income. You may combine withheld amounts from more than one employee/obligor's income in a single payment as long as you separately identify each employee/obligor's portion of the payment. Child support payments **may not** be made through the federal OCSE Child Support Portal.

Lump Sum Payments: You may be required to notify a state or tribal CSA of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments. Employers/income withholders may use the OCSE [Child Support Portal](#) to provide information about employees who are eligible to receive lump sum payments and to provide contacts, addresses, and other information about their companies.

Snippet from "*Income Withholding for Support (IWO)*" form – Actual Form

Payments: You must send child support payments payable by income withholding to the appropriate SDU or to a tribal CSA within 7 business days, or fewer if required by state law, after the date the income would have been paid to the employee/obligor and include the date you withheld the support from his or her income. You may combine withheld amounts from more than one employee/obligor's income in a single payment as long as you separately identify each employee/obligor's portion of the payment. Child support payments **cannot** be made through OCSE Child Support Portal.

Report Lump Sums: You may be required to notify a state or tribal CSA of upcoming lump sums to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sums.

Employers/income withholders may use the OCSE [Child Support Portal](#) to provide information about employees who are eligible to receive lump sums and to provide contacts, addresses, and other information about their companies.

3. Page 4, PAPERWORK REDUCTION ACT OF 1995 This section is found on the *Income Withholding for Support* - Sample form, but is missing from the actual *Income Withholding for Support (IWO)* form We suggest providing clarification on whether this section should be added to the actual form since it is included on the Sample form.

Snippet from *Income Withholding for Support* – Sample Form

Encryption Requirements: When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to emails, may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

*See 1.d of the instructions regarding the OMB Expiration Date

PAPERWORK REDUCTION ACT OF 1995 (Public Law 104-13) STATEMENT OF PUBLIC BURDEN: The purpose of this information collection is to.... Public reporting burden for this collection of information is estimated to average 2-5 minutes per response including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. This is a mandatory collection of information per 45 CFR 303.21. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, unless it displays a currently valid OMB control number. The OMB # is 0970-0154 and the expiration date is XX/XX/XXXX. If you have any comments on this collection of information, please contact

OCSEFedSystems@acf.hhs.gov

Income Withholding for Support (IWO)

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Snippet from “Income Withholding for Support (IWO)” form – Actual Form

Encryption Requirements:

When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to emails, may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

*See 1.d of the instructions regarding the OMB Expiration Date



4. Throughout the document we suggest the links be expanded to show the full website address instead of the name of the web page [See below for examples]. This form is often mailed to income providers and non-custodial parents. Providing the name of the document instead of the actual web address is useless because they are unable to click on the link to access the information in a paper copy.
- Change [IWO Instructions](#) to: <https://acf.gov/css/form/income-withholding-support-iwo-form-instructions-sample>
 - Change [State-specific withholding limit information](#) to: <https://acf.gov/css/contact-information/state-income-withholding-contacts-and-program-requirements>
 - Change [Tribal Child Support Agency Contacts](#) to: <https://acf.gov/css/training-technical-assistance/tribal-child-support-agency-contacts>
 - Change [Tribal Leaders Directory](#) to: <https://www.bia.gov/service/tribal-leaders-directory>
 - Change [State Income Withholding Contacts and Program Requirements](#) to: <https://acf.gov/css/contact-information/state-income-withholding-contacts-and-program-requirements>
 - Change [Child Support Portal](#) to: <https://ocsp.acf.hhs.gov/csp/>

Income Withholding for Support (IWO) – Actual form

1. See comment included in the Sample form Section (above)