

AMERICAN PAYROLL ASSOCIATION

July 13, 2020

Office of Child Support Enforcement
Administration for Children and Families
U.S. Department of Health and Human Services
330 C Street, SW
Washington, DC 20201

<https://www.reginfo.gov/public/do/PRAMain>

Re: Submission for OMB Review; Income Withholding Order/Notice for Support (IWO) (OMB 0970-0154, expiration 8/31/2020), 85 *Fed. Reg.* 36,215 (June 15, 2020)

Dear Acting Commissioner Lekan:

The American Payroll Association (APA) appreciates the opportunity to comment on the Income Withholding Order (OMB 0970-0154). For your consideration, the following are additional items to improve the overall efficiency of the form and instructions:

- On the IWO form, add a new check box for “Income Withholding Order/Notice for Support related to an Independent Contractor.”
- In the IWO instructions, in the Note to Employer/Income Withholder, add a sentence after, “An acceptable method of determining the amount to be paid on a weekly or biweekly basis is to multiply the monthly amount due by 12 and divide that result by the number of pay periods in a year.” The new sentence should convey this information: Occasionally an employer paying weekly or biweekly will experience an extra pay period (53/27 instead of 52/26), and the resulting amount withheld per pay period might not match the amount directed to be withheld on the IWO in fields 13a through 13d.
- The IWO instructions states in #20 on page 2, “Percentage of Disposable Income. The percentage of disposable income that may be withheld from the employee/obligor’s paycheck. It is the sender’s responsibility to determine the percentage an employer/income withholder is required to withhold.” APA requests greater clarity on the percentage requirement to state that the sender must enter a specific maximum percentage for the Consumer Credit Protection Act (CCPA) limits and not enter a range or just a maximum amount. Employers often receive IWOs that have a percentage range (i.e., 50-65%), which is insufficient for employers to determine the percentage of income to withhold.

- On the IWO form, in Section IV, add “\$ _____ per daily pay period.” Similarly, in the Iwo instructions, add an explanation for the daily calculation amount.
- On the paper IWO form, require a valid Federal Employer Identification Number (FEIN). On the IWO Instructions, remove the words “(if available)” in 2c. The FEIN is required in the e-IWO record and the paper and IWO form and instructions should match. The FEIN is critical to ensuring that the employer is clearly identified and the IWO is processed correctly.
- Allow courts and private attorneys to send their non-IV-D child support orders via e-IWO (in reference to Title IV of the Social Security Act of 1975). The e-IWO is an efficient mechanism to send orders to employers and reduce mailing time, which allows funds to reach families faster. Currently, only orders originating from a state IV-D agency can be transmitted via the e-IWO.
- In the e-IWO record layout, add a field to allow states to notify employers that withholding is unnecessary for the lump-sum payments employers have reported. Currently, employers can report lump-sum payments via the e-IWO, but states are unable to respond to employers electronically when withholding is not required. This delays release of lump-sum payments to employees.

Thank you again for the opportunity to comment on the revised IWO.

Sincerely,



Corrinne Flores
Chair, GRTF Subcommittee on
Child Support and Other Garnishments



Alice P. Jacobsohn, Esq.
Senior Manager, Government Relations
American Payroll Association

About APA

APA is a nonprofit professional association serving the interests of more than 20,000 payroll professionals in the United States. APA's primary mission is to educate members and the payroll industry about the best practices associated with paying America's workers while complying with all applicable federal, state, and local laws. APA's Government Relations Task Force (GRTF) works with legislative and executive branches of government to help employers understand their legal obligations, with significant emphasis on minimizing the administrative burden on government, employers, and individual workers. The GRTF maintains a close relationship with state child support agencies and the federal Office of Child Support Enforcement to ensure that APA's members receive the latest information about child support laws and that the state and federal agencies receive meaningful feedback on their programs, regulations, guidance, and laws.