

**STATE OF NORTH CAROLINA**

\_\_\_\_\_ County

Court File No.

IV-D Case No.

In The General Court Of Justice  
 District  Superior Court Division

Civil: *Plaintiff* \_\_\_\_\_

Criminal: **STATE**

**VERSUS**

**NOTICE OF OBLIGATION TO WITHHOLD  
FROM INCOME OTHER THAN  
WAGES FOR CHILD SUPPORT**

G.S. 110-136.5(d), 110-136.8; 15A-1344.1

Name Of Defendant

Name And Address Of Payor

Name And Address Of Obligor

**TO THE PAYOR NAMED ABOVE:**

Take notice of your obligation to withhold for child support from the disposable income of the obligor named above. This Notice is based on the fact that the obligor receives disposable income from you in the amount and manner as set out below.

1. Amount Of Disposable Income  \$ \_\_\_\_\_  Weekly  Monthly  
 Bi-weekly  Other (specify) \_\_\_\_\_

**(If this amount or the pay cycle is incorrect, see 4 below.)**

2. You are directed to withhold the dollar amount set out below from the above named obligor's disposable income each pay period. You must begin withholding this amount from the first payment due the obligor in the first pay period that occurs fourteen (14) days following your receipt of this Notice. You must continue the withholding until officially notified by the North Carolina Child Support Centralized Collection Office to stop.

3. Withhold This Amount  \$ \_\_\_\_\_

Address Of North Carolina Child Support Centralized Collection Office

**North Carolina Child Support Centralized Collection Office  
PO Box 900012  
Raleigh, NC 27675**

4. If a lesser amount of disposable income other than that indicated in 1 above is available to the obligor for any pay period, you must withhold \_\_\_\_\_ % of the current disposable income minus the \$2.00 processing fee or withhold the amount indicated in 3 above, **WHICHEVER IS LESS.**

5. The amount withheld must be made payable to the North Carolina Child Support Centralized Collection Office and forwarded to the address shown above within seven (7) days of the date the obligor is paid. The Court File Number, the amount of the payment, the date on which that amount was withheld, and the obligor's name must be provided when submitting payments. You are entitled to retain a processing fee of \$2.00 in addition to the amount of withholding for each withholding you make.

6. If you willfully refuse to comply with the requirements of this Notice, you may be held liable for any amount you should have withheld. Also, if a court finds you have discharged from employment, refused to employ, or have taken disciplinary action against an individual solely because of the withholding, you will be liable and a penalty or other legal sanctions will be imposed.

Date

Signature

*(See Certificate and Return Of Service on reverse.)*

Deputy CSC  Assistant CSC  Clerk Of Superior Court

**(NOTE: This Notice may be served on obligor by regular mail. Service on the payor may be made by certified mail. If certified mail is unsuccessful, this Notice must be served by the sheriff.)**

**(NOTE: This form may be used in both civil and criminal cases.)**

Original - File Copy - Payor Copy - Obligor  
(over)

**CERTIFICATE OF SERVICE - OBLIGOR**

I certify that on the date listed below, a copy of this Notice was served on the obligor by regular mail.

<i>Date Mailed</i>	<i>Signature Of Person Serving Notice</i>
	<i>Name (Type Or Print)</i>
	<input type="checkbox"/> <i>Deputy CSC</i> <input type="checkbox"/> <i>Assistant CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i> <input type="checkbox"/> <i>Other</i> _____

**CERTIFICATE OF SERVICE - PAYOR**

I certify that on the date listed below, a copy of this Notice was served on the payor by certified mail, return receipt requested.

<i>Date Mailed</i>	<i>Signature Of Person Serving Notice</i>
	<i>Name (Type Or Print)</i>
	<input type="checkbox"/> <i>Deputy CSC</i> <input type="checkbox"/> <i>Assistant CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i> <input type="checkbox"/> <i>Other</i> _____

**RETURN OF SERVICE - PAYOR**

I certify that this Notice was received and served as follows:

<i>Date Served</i>	<i>Time Served</i> <input type="checkbox"/> AM <input type="checkbox"/> PM	<i>Name Of Payor</i>
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- By delivering to the payor named above a copy of this Notice.
- By leaving a copy of this Notice at the dwelling house or usual place of abode of the payor named above with a person of suitable age and discretion then residing therein.
- As the payor is a corporation, service was effected by delivering a copy of this Notice to the person named below.

*Name And Address Of Person With Whom Copy Left*

*Title Of Person With Whom Copy Left*

Other manner of service: *(specify)*

Payor WAS NOT served for the following reason:

<i>Date Received</i>	<i>Signature Of Deputy Sheriff Making Return</i>
<i>Date Of Return</i>	<i>Name Of Sheriff (Type Or Print)</i>
	<i>County Of Sheriff</i>

**Note To Clerk Of Superior Court:** *Attach copy of AOC-CV-908M, Page 2, for "Further Notice Of Rights And Responsibilities."*

## FURTHER NOTICE OF RIGHTS AND RESPONSIBILITIES

### A. "Disposable Income" Means

...any form of periodic payment to an individual, regardless of sources, including but not limited to wages, salary, commission, self-employment income, bonus pay, severance pay, sick pay, incentive pay, vacation pay, compensation as an independent contractor, worker's compensation, disability, annuity, survivor's benefits, pension and retirement benefits, interest, dividends, rents, royalties, trust income and other similar payments, which remain after the deduction of amounts for federal, State, and local taxes, Social Security, and involuntary retirement contributions. However, Supplemental Security Income, Work First Family Assistance, and other public assistance payments shall be excluded from disposable income. [G.S. 110-129(6)]

### B. Processing Fee

You may retain a processing fee of two dollars (\$2.00) to cover the cost of each withholding, or you may waive this right.

### C. Limits Of Withholding

In no event may you withhold more than the percentage of the obligor's disposable income as set forth in this Notice.

### D. Priority Of Withholding

You must withhold from the obligor's income for child support before withholding pursuant to any other legal process under State law against the obligor's disposable income.

### E. Duty To Notify Clerk

You must promptly notify the Clerk of Superior Court or the State Child Support Collection and Disbursement Unit in writing:

- (1) when there is more than one order or notice for withholding for child support from the obligor's disposable income; or
- (2) when an obligor's entitlement to receive income from you ends, (include the obligor's last known address, and the name and address of any new employer/payor, if known); or
- (3) if you are unable to comply with this Notice for any reason.

### F. Combining Amounts Withheld From Different Individuals

If you are sending withheld funds to the North Carolina Child Support Centralized Collection Office for more than one obligor, you may combine amounts withheld and submit a single payment to the North Carolina Child Support Centralized Collection Office, if you separately identify by name and file number the portion of the single payment that was withheld for each individual and the date on which each portion was withheld.

### G. Prohibited Conduct; Penalties

If you willfully refuse to comply with the provisions of G.S. 110-136.8, as reflected in this Notice, you may be made a party to the court action, ordered to start withholding, and held liable for any amount you should have withheld; but you are not required to vary the normal pay or disbursement cycles in order to comply with this Notice. If you withhold the sum provided in this Notice, you will not be liable for any penalties under this section.

You may not discharge from employment, refuse to employ, or otherwise take disciplinary action against an individual solely because of the withholding. If a court finds that you have taken any of these actions, you will be liable for a civil penalty. For a first offense, the penalty is \$100.00. For second and third offenses, the penalty is \$500.00 and \$1,000.00 respectively. If you violate any provision of this paragraph, you will be liable in a civil action for reasonable damages suffered by the individual as a result of the violation, and a person discharged or demoted in violation of this paragraph shall be entitled to be reinstated to his/her former position.