



Writs Family Code

County & District Clerk's
Association of Texas
Fall Conference
September 5, 2018

Medical Support....etc.

Medical Insurance



Dental Insurance



WRITS OF WITHHOLDING

Family Code Chapter 158



THIS CHAPTER HAS MANY PIECES: THE PARTIES, ATTORNEYS ,
COURT AND CLERK HAVE TO WORK TOGETHER TO MAKE IT FIT

WRIT OF WITHHOLDING

Should be done on THE FEDERAL FORM –employer may refuse and return for correct form:

INCOME WITHHOLDING FOR SUPPORT

ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)
 AMENDED IWO
 ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT
 TERMINATION of IWO

Date: _____

Child Support Enforcement (CSE) Agency Court Attorney Private Individual/Entity (Check One)

NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154_instructions.pdf). If you receive this document from someone other than a State or Tribal CSE agency or a Court, a copy of the underlying order must be attached.

State/Tribe/Territory TEXAS
City/County/Dist./Tribe RANDALL COUNTY
Private Individual/Entity _____

Remittance Identifier (include w/payment) _____
Order Identifier _____
CSE Agency Case Identifier _____

Employer/Income Withholder's Name _____ RE: Employee/Obligor's Name (Last, First, Middle) _____
Employer/Income Withholder's Address _____ Employee/Obligor's Social Security Number _____
Custodial Party/Obligee's Name (Last, First, Middle) _____

Attorney Fees and Court Cost Family Code Sec. 158.0051

Resulting from an action to enforce child support





VOLUNTARY Sec.158.011

A notarized or acknowledged request signed by the obligor and the obligee for the issuance and delivery to the obligor's employer of a writ of withholding. On receipt the clerk shall issue and deliver a writ of withholding.

JUDICIAL WRIT OF WITHHOLDING

Sec. 158.104

Sec. 158.104 and 158.105 a request may be filed with the clerk and the clerk shall issue and deliver



JUDICAL WRIT OF WITHHOLDING ISSUED BY CLERK \SUBCHAPTER D.

Sec.158.301

Application Sec.158.302

Contents Sec. 158.302

Delivery of the Notice Sec.158.306

Effect of Filing Motion to Stay Sec.158.308

Prohibits the clerk of court from delivering the judicial writ of withholding to any employer.

Request for Issuance and Delivery of

Writ of Withholding Sec. 158.312

the party who filed the notice shall file with the clerk of the court a request for issuance

Sec.158.313 On the filing of a request for issuance of a writ of withholding, the clerk of the court shall issue the writ.

WRIT OF WITHHOLDING for SPOUSAL MAINTENANCE Sec. 8.301 and 8.308

Can be court ordered or be volunteer by Obligor



WRIT of ATTACHMENT

Sec.157.066

(for Failure to Appear - Court can order a capias –writ of attachment)

- Respondent may post bond!



- Should be brought immediately before the court if unable to make bond!

WRIT OF HABEAS CORPUS

Sec 157.371

- The court may set a hearing and the respondent is to bring the child to court at a certain time and place to determine possession
- The court may order that the child is to be attached and handed over to the relator. Then a hearing will be held to determine possession.

Family Writ? Does anyone
have QUESTIONS?

