

GUIDE TO COLLECTING CHILD SUPPORT PAYMENTS BY INCOME DEDUCTION AND WITHHOLDING IN GEORGIA

-What is Income Deduction and Withholding? It is a process in which an employed parent who is ordered by a court to pay child support has the payments withheld directly from his or her paycheck.

-Why is Income Deduction and Withholding important? First, Georgia law requires that all child support payments be made by income deduction UNLESS the judge ordering child support finds that there is good cause to use a different method of payment OR the parents can agree to another method for payments. Income withholding benefits the children, families, and all citizens of the State of Georgia by ensuring families quickly receive the child support they need. It also benefits the paying parents since it provides a simple and efficient method by which they can receive credit for making the payments that provide for the well-being of their children. Finally, it benefits employers since regular and consistent income withholding keeps employees out of court and available for work.

-Who should use this guide? This guide is intended to describe the steps to be taken to begin income deduction and withholding once a court has ordered a parent to pay child support. Parents, attorneys, employers, and court officials should follow the steps below.

STEPS TO INITIATE INCOME DEDUCTION AND WITHHOLDING

Step 1: Obtain a court order establishing child support. All orders for child support either:

- a. Order that payments be made by immediate income withholding;
- b. Find that there is good cause not to require immediate withholding; or
- c. Include a written agreement between both parties providing for an alternative method to collect child support. O.C.G.A. § 19-6-32(a.1)(1).

Step 2: If the court orders child support to be paid by income deduction, the judge will sign a separate "Income Deduction Order" (IDO). Use the required IDO form pursuant to Uniform Superior Court Rule 24.12. See USCR 24.11 for exceptions to entry of a separate IDO. (At USCR 24.11(A)(1), the Division of Child Support Services (DCSS) is exempt from obtaining a separate IDO.) The obligee (person receiving child support) is responsible for completing and transmitting all documents and notices to the Georgia Family Support Registry (FSR), the employer, and the obligor (parent paying child support). The Uniform Superior Court Rules and IDO form may be found here: <http://ido.georgiacourts.gov/>. The Court will also provide to the paying parent a "Statement of Obligor's Rights, Remedies, and Duties." O.C.G.A. § 19-6-32(a)(1), (b), & (e).

Step 3: The person receiving child support (or his or her attorney) is responsible for completing the federal form "Income Withholding Order for Support" (IWO) found here: <http://ido.georgiacourts.gov/>. This form is required by federal law to be sent to the employer who will be withholding the child support payments from the paying parent's wages. The IWO is NOT a court document and may NOT be filed in court because it contains personal information; it is used only as a NOTICE document in Georgia. The parent receiving support should fill out the IWO using instructions found here: <http://ido.georgiacourts.gov/>. The "State Disbursement Unit" referred to in the IDO and IWO is the Georgia Family Support Registry. 42 U.S.C.A. § 666(b)(6), O.C.G.A. § 19-6-33.1, O.C.G.A. § 10-1-393.8.

Step 4: The completed IWO and a copy of the IDO must be mailed to the paying parent's employer, along with a notice required by state law which contains information necessary for the employer to comply with the IDO. A sample Notice to Payor form may be found here: <http://ido.georgiacourts.gov/>. O.C.G.A. § 19-6-33(a) & (e).

Step 5: The Georgia Family Support Registry (FSR) is an office of the Georgia Department of Human Services (DHS) that receives and processes child support payments from employers, individuals and other states. The parent who will receive child support may obtain the FSR registration form here: <http://ido.georgiacourts.gov/>. A completed copy of this form and copies of the IDO and child support order must be mailed to: Family Support Registry, P.O. Box 1800, Carrollton, Georgia, 30112-1800 or faxed to 770-836-2701. O.C.G.A. §§ 19-6-33.1(c) and 19-6-32(a.1)(3).

Step 6: Once the case is registered with FSR, DHS will mail letters to both parents indicating that income withholding is expected to begin. The letter to the paying parent will contain information on how the paying parent may contest the income deduction order. O.C.G.A. § 19-6-33(a).

Step 7: The employer will deduct the amounts specified by the IDO and the IWO from the paying parent's wages. The funds will be forwarded to FSR. The employer may also withhold up to an additional \$25 from the paying parent's wages to set up the initial income withholding, and up to an additional \$3 for every child support payment that is deducted by income withholding. O.C.G.A. § 19-6-33(e)(5).

Step 8: FSR will charge a fee in the amount of 5% of the amount deducted for current or past due child support, or a maximum fee of \$1.50 per deduction, whichever is less. This fee will be taken out of the amount sent by the employer to FSR. O.C.G.A. § 19-6-33.1(j).

Step 9: FSR will distribute the money it receives from the employer to the parent receiving child support within two business days of receipt. (Official state holidays will delay payments.) A debit card used to access the funds is issued to the parent receiving child support unless a direct deposit account is established. O.C.G.A. § 19-6-33.1(i)(2). Information on setting up direct deposit may be obtained at <http://dcss.dhs.georgia.gov/debit-card-direct-deposit>.

Step 10: Steps (3) through (7) must be repeated, if the paying parent changes employers or if a court modifies the child support amount and issues a new IDO.

Step 11: If the parent paying child support separates from an employer, the employer must fill out that part of the IWO form indicating termination and mail a copy of the IWO to the parent receiving child support. O.C.G.A. § 19-6-33(k).

Step 12: It is the parents' responsibility to notify the employer and FSR when it is time to terminate the income withholding. FSR requires a court order to close the case, which may be a new order or the original court order which established the time frame for how long child support is to be paid (usually child support continues until the minor child turns 18 or graduates from high school up to age 20). Employers are notified by sending a new IWO with the appropriate box marked indicating termination. See instructions found here: <http://ido.georgiacourts.gov/>. O.C.G.A. § 19-6-32(d).

(A physical copy of all forms and sample documents mentioned may also be obtained by contacting the Administrative Office of the Courts: 404-463-6383.)