

GUIDE TO COLLECTING CHILD SUPPORT PAYMENTS BY INCOME WITHHOLDING IN GEORGIA

-What is Income 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 Withholding important?: First, Georgia law requires that all child support payments be made by income withholding 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. Income withholding benefits the children, families, and all citizens of the State of Georgia by ensuring families quickly receive the 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 which 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 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 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 withholding, the judge will sign a separate “Income Deduction Order” (IDO). The court will also provide to the paying parent a “Statement of Obligor’s Rights, Remedies, and Duties,” unless the court orders the parent that will be receiving child support to serve all required documents. A sample IDO and Statement to be filed in Court may be found here: <http://www.georgiacourts.gov/csc/iwo/>. *O.C.G.A. §19-6-32(a)(1), (b), & (e).*

Step 3: The parent that will be receiving child support (or his or her attorney) is responsible for completing the federal form “Income Withholding Order for Support” (IWO) found here: <http://www.georgiacourts.gov/csc/iwo/>. 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. The parent receiving support should fill out the IWO using instructions found here:

<http://www.georgiacourts.gov/csc/iwo/>. The “State Disbursement Unit” referred to in the 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 may be found here: <http://www.georgiacourts.gov/csc/iwo/>. *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 that will be receiving child support will obtain the FSR registration form from <http://www.georgiacourts.gov/csc/iwo/>. A completed copy of this form and a copy of the IDO must be mailed to: Family Support Registry, P.O. Box 1800, Carrollton, Georgia, 30112-1800. *O.C.G.A. §19-6-33.1(c) & 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 after that for every pay period that child support is deducted by income withholding. *O.C.G.A. § 19-6-33(e)(5).*

Step 8: FSR will charge a \$1.50 fee for money received as child support by income withholding that it processes. 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 that is receiving child support within two days of receipt. FSR will issue a debit card to the parent used to access the funds. Information on setting up direct deposit may be obtained at <http://ocss.dhs.georgia.gov/portal/site/DHS-OCSE/> (At Your Service→Debit Card and Direct Deposit). *O.C.G.A. § 19-6-33.1(i)(2).*

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 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). Employers are notified by sending a new IWO with the appropriate boxes marked indicating termination. See instructions found here: <http://www.georgiacourts.gov/csc/iwo/>. *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.)