

ADOPTED

1 The Senate Public Safety and Homeland Security Committee offered the following
2 amendment:

3 Amend HB 319 by striking lines 1 through 3 of page 1 and inserting in lieu thereof the
4 following:

5 "To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic
6 relations, so as to provide for a definition of 'court order for child support'; to provide for
7 the department to accept applications for IV-D services from noncustodial parent obligors
8 and to review and modify support awards; to provide for a reasonable application fee; to
9 provide for periodic notices to obligors and obligees subject to IV-D child support orders;
10 to provide that a request for review of a child support order shall not be required to
11 demonstrate certain conditions; to provide that the IV-D agency shall not be deemed to
12 represent either the obligee or obligor in a child support modification proceeding; to
13 provide for the acceptance of a certification of".

14 By inserting between lines 10 and 11 of page 1 the following:

15 "Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
16 amended by striking paragraph (1) of Code Section 19-11-3, relating to definitions related
17 to child support recovery, and inserting in its place the following:

18 '(1) "Court order for child support" means ~~any judgment or order of the courts of this state~~
19 ~~or another state and includes orders in criminal proceedings which result in the payment~~
20 ~~of child support, as a condition of probation or otherwise~~ any order for child support
21 issued by a court or administrative or quasi-judicial entity of this state or another state,
22 including an order in a criminal proceeding which results in the payment of child support
23 as a condition of probation or otherwise. Such order shall be deemed to be a IV-D order
24 for purposes of this article when either party to the order submits a copy of the order for
25 support and a signed application to the department for IV-D services, when the right to
26 child support has been assigned to the department pursuant to subsection (a) of Code
27 Section 19-11-6, or upon registration of a foreign order pursuant to Article 3 of this
28 chapter.'

29 **SECTION 2.**

30 Said title is further amended by striking subsection (c) of Code Section 19-11-6, relating to
31 enforcement of child support payments and alimony for public assistance recipients, and
32 inserting in its place the following:

1 '(c) The department shall accept applications for child support ~~enforcement~~ services from
 2 any proper party or person notwithstanding the fact that the child or children do not receive
 3 public assistance. When made, this application to the department shall constitute an
 4 assignment of the right to support to the department and the proceeds of any collections
 5 resulting from such application shall be distributed in accordance with the standards
 6 prescribed in the federal Social Security Act.'

7 SECTION 3.

8 Said title is further amended by adding following subsection (d) of Code Section 19-11-6,
 9 relating to enforcement of child support payments and alimony for public assistance
 10 recipients, a new subsection (e) to read as follows:

11 '(e) The department shall accept applications for IV-D services from noncustodial parent
 12 obligors. The department, by virtue of the acceptance of such applications for IV-D
 13 services, is authorized to take any action allowed by this chapter including, but not limited
 14 to, the review and modification of support awards, whether such awards are modified
 15 upward or downward, pursuant to Code Section 19-11-12. The proceeds of any collections
 16 resulting from such applications shall be distributed in accordance with the standards
 17 prescribed in the federal Social Security Act.'

18 SECTION 4.

19 Said title is further amended by striking subsection (c) of Code Section 19-11-8, relating to
 20 the department's duty to enforce support of abandoned minor public assistance recipient and
 21 scope of action, and inserting in its place the following:

22 '(c) The department shall accept applications from noncustodial parents for services as
 23 provided for in this article and federal law and regulations. The department shall provide
 24 for a reasonable application fee for a noncustodial parent who applies for services under
 25 this subsection.

26 (d) Any action initiated by the department pursuant to subsection (a), (b), or (c) of this
 27 Code section or in any action in which the department appears pursuant to subsection (b)
 28 of this Code section shall be limited solely to the issue of support and shall exclude issues
 29 of visitation, custody, property settlement, or other similar matters otherwise joinable by
 30 the parties."

31
 32 By striking lines 11 through 14 of page 1 and inserting in lieu thereof the following:

1 **"SECTION 5.**

2 Said title is further amended by striking paragraph (1) of subsection (a.1) of Code Section
3 19-11-9.1, relating to the duty to furnish information about obligor to department, use of
4 information obtained, and penalty for noncompliance, and inserting in its place the
5 following:".

6 By renumbering Sections 2 and 3 of page 2, respectively, as Sections 9 and 10 and inserting
7 between lines 6 and 7 of page 2 the following:

8 **"SECTION 6.**

9 Said title is further amended by striking paragraph (1) of subsection (b) of Code Section
10 19-11-12, relating to determination of ability to support, review procedures, order adjusting
11 support award amount, and no release from liability due to subsequent financial obligation,
12 and inserting in its place the following:

13 '(b)(1) The IV-D agency shall periodically give notice to the obligor and obligee who are
14 subject to a IV-D court order for child support ~~order which is being enforced under this~~
15 ~~chapter, as defined in paragraph (1) of Code Section 19-11-3, of their the right of each~~
16 to request a review of the order by the IV-D agency for possible recommendation for
17 adjustment of such order. Such notification should be provided within 36 months after
18 the establishment of the order or the most recent review; however, failure to provide the
19 notice within 36 months shall not affect the right of either party to request a review nor
20 the right of the IV-D agency to conduct a review and to recommend an adjustment to the
21 order. The notice can be included in the initial order or review recommendation.'

22 **SECTION 7.**

23 Said title is further amended by striking paragraphs (1) and (3) of subsection (c) of Code
24 Section 19-11-12, relating to determination of ability to support, review procedures, order
25 adjusting support award amount, and no release from liability due to subsequent financial
26 obligation, and inserting in their respective places the following:

27 '(c)(1) The IV-D agency shall review IV-D court orders for child support, as defined in
28 paragraph (1) of Code Section 19-11-3, for possible modification ~~child support orders;~~
29 ~~judicial and administrative in origin, which are subject to enforcement~~ under this chapter.
30 The review shall be performed upon the written request of either the obligor or obligee,
31 or, if there is an assignment under subsection (a) of Code Section 19-11-6, upon the
32 request of the IV-D agency or of the obligor or obligee. Exceptions to this procedure are
33 cases where the IV-D agency determines that such a review would not be in the best
34 interest of the child or children involved.'

1 '(3) If the request for the review occurs at least 36 months after the last issuance or last
2 review, the requesting party shall not be required to demonstrate a substantial change in
3 circumstances, the need for additional support, or that the needs of the child have
4 decreased. The sole basis for a recommendation for a change in the award of support
5 under this paragraph shall be a significant inconsistency between the existing child
6 support order and the amount of child support which would result from the application
7 of Code Section 19-6-15.'

8 SECTION 8.

9 Said title is further amended by striking paragraph (2) of subsection (d) of Code Section
10 19-11-12, relating to determination of ability to support, review procedures, order adjusting
11 support award amount, and no release from liability due to subsequent financial obligation,
12 and inserting in its place the following:

13 '(2) The IV-D agency shall review and, if there is a significant inconsistency between the
14 amount of the existing child support order and the amount of child support which would
15 result from the application of Code Section 19-6-15, the agency shall make a
16 recommendation for an increase or decrease in the amount of an existing order for
17 support. The IV-D agency shall not be deemed to be representing either the obligee or
18 obligor in a proceeding under this Code section.'