

House Bill 319 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 23<sup>rd</sup>, Porter of the 119<sup>th</sup>, Beasley-Teague of the 48<sup>th</sup>, Post 2, Parham of the 94<sup>th</sup>, and Mobley of the 58<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,  
2 so as to provide for a definition of "court order for child support"; to provide for the  
3 department to accept applications for IV-D services from noncustodial parent obligors and  
4 to review and modify support awards; to provide for a reasonable application fee; to provide  
5 for the acceptance of a certification of noneligibility for issuance of a social security number  
6 by the Department of Motor Vehicle Safety; to provide for periodic notices to obligors and  
7 obligees subject to IV-D child support orders; to provide that a request for review of a child  
8 support order shall not be required to demonstrate certain conditions; to provide that the  
9 IV-D agency shall not be deemed to represent either the obligee or obligor in a child support  
10 modification proceeding; to amend Article 2 of Chapter 5 of Title 40 of the Official Code of  
11 Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, so as  
12 to provide for other information to be included in an application for a driver's license; to  
13 provide for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

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

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

1 child support has been assigned to the department pursuant to subsection (a) of Code  
 2 Section 19-11-6, or upon registration of a foreign order pursuant to Article 3 of this  
 3 chapter."

#### 4 SECTION 2.

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

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

#### 14 SECTION 3.

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

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

#### 25 SECTION 4.

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

29 "(c) The department shall accept applications from noncustodial parents for services as  
 30 provided for in this article and federal law and regulations. The department shall provide  
 31 for a reasonable application fee for a noncustodial parent who applies for services under  
 32 this subsection.

33 (d) Any action initiated by the department pursuant to subsection (a), (b), or (c) of this  
 34 Code section or in any action in which the department appears pursuant to subsection (b)

1 ~~of this Code section~~ shall be limited solely to the issue of support and shall exclude issues  
 2 of visitation, custody, property settlement, or other similar matters otherwise joinable by  
 3 the parties."

#### 4 SECTION 5.

5 Said title is further amended by striking paragraph (1) of subsection (a.1) of Code Section  
 6 19-11-9.1, relating to the duty to furnish information about obligor to department, use of  
 7 information obtained, and penalty for noncompliance, and inserting in its place the following:

8 "(a.1)(1) In accordance with the mandate contained in 42 U.S.C. Section 666(a)(13)(A)  
 9 and notwithstanding any provision of Title 40 relating to motor vehicles as now existing  
 10 or hereafter amended, the Department of Motor Vehicle Safety shall require an applicant  
 11 for a driver's license, a commercial driver's license, a learner's permit, or an identification  
 12 card to provide to the Department of Motor Vehicle Safety the applicant's social security  
 13 number or certification from the Social Security Administration that the applicant is not  
 14 eligible for issuance of a social security number as part of the application. Notwithstanding  
 15 the foregoing, nothing in this Code section shall be construed so as to authorize the  
 16 issuance of any driver's license, permit, or identification card to any person who is not  
 17 either a United States citizen or an alien with legal authorization from the United States  
 18 Immigration and Naturalization Service. If the Immigration and Naturalization Service  
 19 status of such person is terminated or expired, any Georgia driver's license issued to such  
 20 person shall be revoked. The Department of Motor Vehicle Safety shall provide to the  
 21 Department of Human Resources, in addition to other information required to be provided  
 22 to the Department of Human Resources, such social security numbers of individuals who  
 23 have been issued a driver's license, a commercial driver's license, a learner's permit, or an  
 24 identification card. The Department of Human Resources shall use the information  
 25 provided by the Department of Motor Vehicle Safety pursuant to this Code section for the  
 26 purpose of complying with the requirements of law concerning the enforcement of child  
 27 support."

#### 28 SECTION 6.

29 Said title is further amended by striking paragraph (1) of subsection (b) of Code Section  
 30 19-11-12, relating to determination of ability to support, review procedures, order adjusting  
 31 support award amount, and no release from liability due to subsequent financial obligation,  
 32 and inserting in its place the following:

33 "(b)(1) The IV-D agency shall periodically give notice to the obligor and obligee who are  
 34 subject to a IV-D court order for child support order which is being enforced under this  
 35 chapter, as defined in paragraph (1) of Code Section 19-11-3, of their the right of each

1 to request a review of the order by the IV-D agency for possible recommendation for  
 2 adjustment of such order. Such notification should be provided within 36 months after the  
 3 establishment of the order or the most recent review; however, failure to provide the notice  
 4 within 36 months shall not affect the right of either party to request a review nor the right  
 5 of the IV-D agency to conduct a review and to recommend an adjustment to the order. The  
 6 notice can be included in the initial order or review recommendation."

7 **SECTION 7.**

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

12 "(c)(1) The IV-D agency shall review IV-D court orders for child support, as defined in  
 13 paragraph (1) of Code Section 19-11-3, for possible modification ~~child support orders,~~  
 14 ~~judicial and administrative in origin, which are subject to enforcement~~ under this chapter.

15 The review shall be performed upon the written request of either the obligor or obligee,  
 16 or, if there is an assignment under subsection (a) of Code Section 19-11-6, upon the  
 17 request of the IV-D agency or of the obligor or obligee. Exceptions to this procedure are  
 18 cases where the IV-D agency determines that such a review would not be in the best  
 19 interest of the child or children involved."

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

27 **SECTION 8.**

28 Said title is further amended by striking paragraph (2) of subsection (d) of Code Section  
 29 19-11-12, relating to determination of ability to support, review procedures, order adjusting  
 30 support award amount, and no release from liability due to subsequent financial obligation,  
 31 and inserting in its place the following:

32 "(2) The IV-D agency shall review and, if there is a significant inconsistency between  
 33 the amount of the existing child support order and the amount of child support which  
 34 would result from the application of Code Section 19-6-15, the agency shall make a  
 35 recommendation for an increase or decrease in the amount of an existing order for

1 support. The IV-D agency shall not be deemed to be representing either the obligee or  
2 obligor in a proceeding under this Code section."

3 **SECTION 9.**

4 Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to  
5 issuance, expiration, and renewal of drivers' licenses, is amended by striking subsection (c)  
6 of Code Section 40-5-25, relating to application and fees for drivers' licenses, and inserting  
7 in its place the following:

8 "(c) Every such application shall state the full name, date of birth, sex, and residence  
9 address of the applicant; shall briefly describe the applicant; and shall state whether the  
10 applicant has theretofore been licensed as a driver and, if so, when and by what state or  
11 country, and whether any such license has ever been suspended, revoked, or refused, and,  
12 if so, the date of and reason for such suspension, revocation, or refusal; and shall state such  
13 other information as the commissioner may require to determine the applicant's identity,  
14 competence, and eligibility. The application shall include any other information as required  
15 by paragraph (1) of subsection (a.1) of Code Section 19-11-9.1. The department shall not  
16 issue a license until a complete examination of the applicant's record has been completed.  
17 The commissioner may issue such rules and regulations as shall be necessary for the  
18 orderly processing of license applications."

19 **SECTION 10.**

20 All laws and parts of laws in conflict with this Act are repealed.