

## HOUSE SUBSTITUTE TO SENATE BILL 137

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 enact provisions recommended by the Georgia Child Support Commission relating  
 3 to child support and the enforcement of child support orders; to harmonize provisions  
 4 relating to the information required to be in a final judgment involving the payment of child  
 5 support; to clarify and correct definitions used with respect to the entity which collects child  
 6 support and the collection of child support; to clarify provisions relating to child support; to  
 7 provide for the use of separate worksheets to an order of child support under certain  
 8 circumstances; to change provisions relating to parenting time; to change and clarify  
 9 provisions relating to income deduction orders; to change provisions relating to the family  
 10 support registry; to change provisions relating to the "Child Support Recovery Act"; to  
 11 require the obligor to pay the full fee required by the federal Deficit Reduction Act of 2005;  
 12 to amend Code Sections 7-4-12.1, 10-1-393.10, and 31-10-9.1, Title 19, Article 5 of  
 13 Chapter 3 of Title 42, and Article 2 of Chapter 27 of Title 50 of the Official Code of Georgia  
 14 Annotated, relating to interest on arrearage on child support, filing of contracts for  
 15 collections, social security account information of parents, domestic relations diversion  
 16 center and program for violation of alimony and child support orders, and setoff of debt  
 17 collection against lottery prizes, respectively, so as to harmonize and correct cross-references  
 18 and definitions; to amend Code Section 19-6-15 of the Official Code of Georgia Annotated,  
 19 relating to child support in final verdict or decree, so as to enact a recommendation by the  
 20 Georgia Child Support Commission relating to child support; to change provisions relating  
 21 to work related child care costs; to provide for related matters; to provide for effective dates;  
 22 to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **PART I**  
 25 **SECTION 1-1.**

S. B. 137 (SUB)

26 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
27 amended by revising Code Section 19-5-12, relating to the form of judgment and decree, as  
28 follows:

29 "19-5-12.

30 (a) A final judgment of divorce shall be prepared so as to conform to the pleadings and the  
31 evidence and may restore a maiden or prior name, if requested. It shall be prepared in form  
32 substantially as follows:

33 FINAL JUDGMENT AND DECREE

34 Upon consideration of this case, upon evidence submitted as provided by law, it is the  
35 judgment of the court that a total divorce be granted, that is to say, a divorce a vinculo  
36 matrimonii, between the parties to the above stated case upon legal principles.

37 It is considered, ordered, and decreed by the court that the marriage contract heretofore  
38 entered into between the parties to this case, from and after this date, be and is set aside  
39 and dissolved as fully and effectually as if no such contract had ever been made or  
40 entered into.

41 Petitioner and Respondent in the future shall be held and considered as separate and  
42 distinct ~~persons~~ individuals altogether unconnected by any nuptial union or civil contract  
43 whatsoever and both shall have the right to remarry.

44 Decree and order entered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

45 \_\_\_\_\_  
46 Judge, Superior Court'

47 (b) ~~When~~ Where applicable, any one or more of the following clauses shall be included  
48 in the form of the judgment:

49 The court restores to (Petitioner/Respondent) his/her prior or maiden name, to wit:  
50 \_\_\_\_\_.

51 The court awards custody of the children of the parties as follows:  
52 \_\_\_\_\_.

53 The court fixes alimony as follows:  
54 \_\_\_\_\_.

55 (c) In any case which involves the determination of child support, the form of the  
56 judgment shall also include ~~provisions indicating both parents' income, the number of~~  
57 ~~children for which support is being provided, the presumptive amount of child support~~  
58 ~~award calculation, and, if the presumptive amount of child support is rebutted, the award~~  
59 ~~amount and the basis for the rebuttal award~~ all of the information set forth in paragraph (2)  
60 of subsection (c) of Code Section 19-6-15. The final judgment shall have attached to it the

61 child support worksheet containing the calculation of the final award of child support and  
 62 ~~Schedule E pertaining to deviations~~ any schedule that was prepared for the purpose of  
 63 calculating the amount of child support. The final judgment shall specify a sum certain  
 64 amount of child support to be paid.

65 (d) ~~When~~ Where applicable, the court shall also include in the ~~order~~ the provisions of Code  
 66 ~~Section 19-6-30 concerning continuing garnishment for support and language in~~  
 67 ~~compliance with Code Section 19-6-32 concerning income deduction orders~~ final judgment  
 68 the ability to use income deduction orders as set forth in Code Sections 19-6-30 and  
 69 19-6-32."

70 **SECTION 1-2.**

71 Said title is further amended by revising Code Section 19-6-14, relating to child support and  
 72 custody pending final divorce, as follows:

73 "19-6-14.

74 Pending a final judgment in an action for divorce, the judge presiding may grant as ~~alimony~~  
 75 temporary child support a sum sufficient for the support of the children of the parties in  
 76 accordance with Code Section 19-6-15. The judge may also hear and determine who shall  
 77 be entitled to the care and custody of the children until the final judgment in the case. If  
 78 a sum is awarded for the support of the children, the party who is required to pay the  
 79 support shall not be liable to third persons for necessaries furnished to the children."

80 **SECTION 1-3.**

81 Said title is further amended by revising paragraph (6.1) of subsection (a) of Code Section  
 82 19-6-15, relating to child support in final verdict or decree, as follows:

83 "(6.1) 'Child support services' means the ~~agency~~ entity within the Department of Human  
 84 Services ~~which provides and administers child support services and its contractors that~~  
 85 are authorized to enforce a duty of support."

86 **SECTION 1-4.**

87 Said title is further amended in subsection (b) of Code Section 19-6-15, relating to child  
 88 support in final verdict or decree, by deleting "and" at the end of paragraph (10), by replacing  
 89 the period with "; and" at the end of paragraph (11), and by adding a new paragraph to read  
 90 as follows:

91 "(12) When there is more than one child for whom support is being determined, the court  
 92 shall establish the amount of support and the duration of such support in accordance with  
 93 subsection (e) of this Code section. Separate worksheets shall be utilized for such

94 determination and shall be attached to the final child support order. Such order shall  
 95 contain findings as required by law."

96 **SECTION 1-5.**

97 Said title is further amended by revising subparagraphs (c)(2)(A), (c)(2)(B), and (c)(2)(C)  
 98 of Code Section 19-6-15, relating to child support in final verdict or decree, as follows:

99 "(A) Specify in what sum certain amount, the duration of such support, and from which  
 100 parent the child is entitled to permanent support as determined by use of the worksheet  
 101 or multiple worksheets when there is more than one minor child;

102 (B) Specify ~~as required by Code Section 19-5-12~~ in what manner, how often, to whom,  
 103 and until when the support shall be paid;

104 (C) Include a written finding of each ~~the~~ parent's gross income as determined by the  
 105 court or the jury;"

106 **SECTION 1-6.**

107 Said title is further amended by revising subparagraph (i)(2)(K) of Code Section 19-6-15,  
 108 relating to child support in final verdict or decree, as follows:

109 "(K) **Parenting time.**

110 (i) The child support obligation table is based upon expenditures for a child in intact  
 111 households. The court may order or the jury may find by special interrogatory a  
 112 deviation from the presumptive amount of child support when special circumstances  
 113 make the presumptive amount of child support excessive or inadequate due to  
 114 extended parenting time as set forth in the order of visitation, ~~or when~~ the child  
 115 resides residing with both parents equally, or visitation rights not being utilized.

116 (ii) If the court or the jury determines that a parenting time deviation is applicable,  
 117 then such deviation shall be included with all other deviations ~~and be treated as a~~  
 118 deduction.

119 (iii) In accordance with subsection (d) of Code Section 19-11-8, if any action or  
 120 claim for parenting time or a parenting time deviation is brought under this  
 121 subparagraph, it shall be an action or claim solely between the custodial parent and  
 122 the noncustodial parent, and not any third parties, including child support services."

123 **SECTION 1-7.**

124 Said title is further amended by revising subsection (l) of Code Section 19-6-15, relating to  
 125 child support in final verdict or decree, as follows:

126 "(l) **Split parenting.** In cases of split parenting, a worksheet shall be prepared separately  
 127 for the by each custodial parent for each child for whom ~~the father~~ such parent is the

128 custodial parent ~~and for the child for whom the mother is the custodial parent~~, and that  
 129 worksheet shall be filed with the clerk of court. For each split parenting custodial situation,  
 130 the court shall determine:

- 131 (1) Which parent is the obligor;
- 132 (2) The presumptive amount of child support;
- 133 (3) The actual award of child support, if different from the presumptive amount of child  
 134 support;
- 135 (4) How and when the sum certain amount of child support owed shall be paid; and
- 136 (5) Any other child support responsibilities for each parent."

137 **SECTION 1-8.**

138 Said title is further amended by revising paragraph (1) of subsection (m) of Code Section  
 139 19-6-15, relating to child support in the final verdict or decree, as follows:

140 "(1) Schedules and worksheets shall be prepared by the parties for purposes of  
 141 calculating the amount of child support. In child support services cases in which neither  
 142 parent prepared a worksheet, the court may rely on the worksheet prepared by child  
 143 support services as a basis for its order. Information from the schedules shall be entered  
 144 on the child support worksheet. The child support ~~worksheet and, if there are any~~  
 145 ~~deviations, Schedule E worksheets and any schedule that was prepared for the purpose~~  
 146 of calculating the amount of child support shall be attached to the final court order or  
 147 judgment; provided, however, that any order entered pursuant to Code Section 19-13-4  
 148 shall not be required to have such ~~worksheet and schedule~~ worksheets and schedules  
 149 attached thereto."

150 **SECTION 1-9.**

151 Said title is further amended by revising Code Section 19-6-17, relating to application for  
 152 child support following custody award, as follows:

153 "19-6-17.

154 (a) Whenever the custody of a minor child ~~or children~~ has been lawfully awarded by any  
 155 court having jurisdiction thereof to:

- 156 (1) Any ~~person~~ individual other than a parent of ~~the children~~ such child at any time  
 157 subsequent to the rendition of a final divorce decree between the ~~father and mother of the~~  
 158 ~~children~~ parents of such child; or
- 159 (2) A parent as part of the final divorce decree ~~where~~ when the court awarding the decree  
 160 was unable to obtain jurisdiction over the parent without custody for purposes of a  
 161 determination as to whether the parent should be bound for support of ~~the child or~~

162 ~~children~~ such child and the court's decree contains no specific provisions binding the  
 163 parent without custody for the support of ~~the child or children~~ such child,  
 164 the parent or other ~~person~~ individual to whom the custody of ~~the child or children~~ such  
 165 child is awarded may apply by petition to the superior court in the county where the parent  
 166 without custody of ~~the child or children~~ such child resides for an order and judgment fixing  
 167 the amount of support money that the parent without custody shall provide in order to  
 168 fulfill the parent's natural duty to supply the necessities of life for ~~the child or children~~  
 169 such child.

170 (b) The procedure provided for in this Code section shall be available in cases in which  
 171 the parent with custody of ~~the children~~ such child is the petitioner, notwithstanding the fact  
 172 that the divorce decree and judgment may have been rendered in favor of the parent  
 173 without custody.

174 (c) The petition shall be served upon the respondent; ~~it~~. The petition shall be heard by the  
 175 court; unless a jury trial is demanded by either party to the case. The judgment shall be  
 176 reviewable as in other cases. The order or judgment shall likewise be subject to  
 177 modification in the event of changed circumstances, under the same terms and conditions  
 178 as are provided for in other cases of ~~permanent alimony for the support of children~~ child  
 179 support granted in connection with the rendition of a final decree in divorce cases.

180 (d) The order and judgment of the court shall remain in effect, except as limited by its own  
 181 restrictions and subsection (c) of this Code section, so long as the petitioner remains in  
 182 lawful custody of ~~the child or children~~ such child and until ~~they become~~ such child  
 183 becomes 18 years of age. Execution may be granted to the petitioner for any sums past due  
 184 under the order and judgment, in accordance with procedures in other cases of judgments  
 185 for alimony.

186 (e) Any payment or installment of support under any child support order is, on and after  
 187 the date due:

188 (1) A judgment by operation of law, with the full force and effect and attributes of a  
 189 judgment of this state, including the ability to be enforced;

190 (2) Entitled as a judgment to full faith and credit; and

191 (3) Not subject to retroactive modification."

192 **SECTION 1-10.**

193 Said title is further amended by revising subsection (c) of Code Section 19-6-29, relating to  
 194 inclusion of accident and sickness insurance coverage in order for child support and payroll  
 195 deductions, as follows:

196 "(c) An order for payroll deduction entered pursuant to subsection (b) of this Code section  
197 shall be consistent with the provisions of Code Sections 19-6-30 through ~~19-6-33~~ 19-6-33.1."

198 **SECTION 1-11.**

199 Said title is further amended by revising Code Section 19-6-30, relating to provision for  
200 collection by continuing garnishment for support, as follows:

201 "19-6-30.

202 (a) Any order of support of a child entered or modified on or after July 1, 1985, shall  
203 contain the following provision:

204 'Whenever, in violation of the terms of this order there shall have been a failure to make  
205 the support payments due hereunder so that the amount unpaid is equal to or greater than  
206 the amount payable for one month, the payments required to be made may be collected  
207 by the process of continuing garnishment for support.'

208 ~~(b) Any order of support entered or modified prior to July 1, 1985, shall be construed as  
209 a matter of law to contain the provision set forth in subsection (a) of this Code section.~~

210 ~~(c)~~(b) All Title IV-D (child support recovery) cases involving orders of support of a child  
211 or spouse entered or modified prior to July 1, 1989, or thereafter being enforced by the  
212 entity within the Department of Human Services and its contractors that are authorized to  
213 enforce support orders shall be subject to income deduction as ~~defined in Code Sections~~  
214 ~~19-6-31, 19-6-32, and 19-6-33~~ orders as set forth in Code Sections 19-6-32 through  
215 19-6-33.1."

216 **SECTION 1-12.**

217 Said title is further amended by revising Code Section 19-6-31, relating to definitions, as  
218 follows:

219 "19-6-31.

220 ~~As used in Code Sections 19-6-32 and 19-6-33, the term:~~

221 (1) ~~'Accruing on a daily basis' means the amount of support computed by conversion of  
222 the periodic amount to an annual sum, divided by 365.~~

223 (2) ~~'Court' includes proceedings conducted by an appointed court referee and  
224 proceedings conducted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative  
225 Procedure Act,' as relates to the enforcement of the duty of support as defined in Chapter  
226 11 of Title 19.~~

227 (3) ~~'Department' means the Department of Human Services.~~

228 (4) ~~'Family member' means any minor child of the defendant or a spouse or former  
229 spouse of the defendant.~~

230 ~~(5) 'Income' or 'earnings' means any periodic form of payment due to an individual,~~  
 231 ~~regardless of source, including without limitation wages, salary, commission, bonus,~~  
 232 ~~workers' compensation, disability, payments pursuant to a pension or retirement program,~~  
 233 ~~and interest.~~

234 ~~(6) 'IV-D' means Title IV-D of the federal Social Security Act.~~

235 ~~(7) 'IV-D agency' means the Child Support Enforcement Agency of the Department of~~  
 236 ~~Human Services and its contractors.~~

237 ~~(8) 'IV-D judgment' means any order or judgment of a court of this state, any order or~~  
 238 ~~judgment of a court of another state or any final administrative order issued by another~~  
 239 ~~state and transmitted to this state for the purpose of wage deduction pursuant to Code~~  
 240 ~~Section 19-6-33, any order of this state entered pursuant to a proceeding under Chapter~~  
 241 ~~10 of Title 19, or any final administrative order for support issued by the department~~  
 242 ~~under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'~~

243 ~~(8.1) 'National Medical Support Notice' means a notice as prescribed under 42 U.S.C.~~  
 244 ~~Section 666(a)(19), or a substantially similar notice, which is issued and forwarded by~~  
 245 ~~the IV-D agency to enforce the medical support provisions of a support order.~~

246 ~~(9) 'Periodic support' means support required by the terms of a court order or judgment~~  
 247 ~~or an administrative order to be paid regularly on a daily, weekly, monthly, or similar~~  
 248 ~~specified frequency Reserved."~~

249 **SECTION 1-13.**

250 Said title is further amended by revising Code Section 19-6-32, relating to entering income  
 251 deduction order or medical support notice for award of child support, as follows:

252 "19-6-32.

253 (a) As used in this Code section, the term:

254 (1) 'Child support enforcement agency' means the entity within the Department of  
 255 Human Services and its contractors that are authorized to enforce a duty of support.

256 (2) 'Court' means judge of any court of record or an administrative law judge of the  
 257 Office of State Administrative Hearings.

258 (3) 'Earnings' means any form of payment due to an individual, regardless of source,  
 259 including without limitation wages, salary, commission, bonus, workers' compensation,  
 260 disability, payments pursuant to a pension or retirement program, and interest.

261 (4) 'IV-D' means Title IV-D of the federal Social Security Act.

262 (5) 'National Medical Support Notice' means a notice as prescribed under 42 U.S.C.  
 263 Section 666(a)(19) or a substantially similar notice.

264 (6) 'Obligee' means the individual to whom the payment of a support obligation is owed.

265 (7) 'Obligor' means the individual owing a duty of support.



266 (8) 'Payor' means the person that provides earnings to an obligor.

267 ~~(a)(b)(1)~~ Except as provided for in paragraph (1) of subsection ~~(a.1)~~ (c) of this Code  
 268 section, upon the entry of a judgment or order establishing, enforcing, or modifying a  
 269 child support obligation or spousal support obligation through a court ~~or an administrative~~  
 270 ~~process~~, a separate income deduction order ~~for income deduction~~, if one has not been  
 271 previously entered, shall be entered. If the obligee is an applicant for child support  
 272 services under ~~Title IV-D of the federal Social Security Act, the court, referee, or~~  
 273 ~~administrative law judge IV-D, the obligee~~ shall furnish copies of the support order and  
 274 the income deduction order to the ~~IV-D~~ child support enforcement agency.

275 (2) For all child support orders, and spousal support orders enforced pursuant to  
 276 subsection (d) of Code Section 19-11-6, the ~~IV-D~~ child support enforcement agency shall  
 277 be authorized to issue an ~~order for~~ income deduction order without need for any  
 278 amendment to the order involved or any further action by ~~the court or entity~~ a court that  
 279 issued it, provided that an opportunity for a hearing before a court, ~~a referee of the court,~~  
 280 ~~or an administrative law judge~~ is afforded. The ~~IV-D~~ child support enforcement agency  
 281 shall also be authorized to issue a National Medical Support Notice to enforce the  
 282 medical support provisions of such orders, provided that an opportunity for a hearing  
 283 pursuant to Code Section 19-11-27 is afforded. Such orders or notices may be issued  
 284 electronically by the ~~IV-D~~ child support enforcement agency. The ~~IV-D~~ child support  
 285 enforcement agency shall issue an ~~order for~~ income deduction order or, when appropriate,  
 286 a National Medical Support Notice within two business days after the information  
 287 regarding a newly hired employee is entered into the centralized employee registry  
 288 pursuant to Code Section 19-11-9.2 and matched with an obligor in a case being enforced  
 289 by the ~~IV-D~~ child support enforcement agency.

290 ~~(3) All child support orders issued or modified before July 1, 1997, which are not~~  
 291 ~~otherwise subject to income deduction shall become subject to income deduction upon~~  
 292 ~~the accrual of the equivalent of a 30 day arrearage, without the need for an administrative~~  
 293 ~~or judicial hearing or order.~~

294 ~~(a.1)(1)(c)(1)(A)~~ All child support orders which are initially issued in this state on or  
 295 after January 1, 1994, and are not at the time of issuance being enforced by the ~~IV-D~~  
 296 child support enforcement agency shall provide for the immediate withholding of such  
 297 support from the ~~income and~~ earnings of the ~~person~~ individual required by that order  
 298 to furnish support unless:

299 ~~(A)(i)~~ A The court issuing the order finds there is good cause not to require such  
 300 immediate withholding; or

301 ~~(B)(ii)~~ A written agreement is reached between both parties which provides for an  
 302 alternative arrangement.

303 ~~(B)~~ For purposes of this ~~paragraph subsection~~, any finding that there is good cause not  
 304 to require withholding ~~must~~ from earnings shall be based on at least a written  
 305 determination that implementing ~~wage~~ such withholding would not be in the best  
 306 interest of the child and proof of timely payment of previously ordered support in cases  
 307 involving modification of support orders.

308 (2) All child support orders which are not described in subsection ~~(a)~~ (b) of this Code  
 309 section or in paragraph (1) of this subsection shall, upon petition of either party to revise  
 310 ~~that such~~ order under Code Section 19-6-19 or to enforce ~~that such~~ order under Code  
 311 Section 19-6-28, be revised to include provisions for withholding ~~of~~ such support from  
 312 the ~~wages~~ earnings of the ~~person~~ individual required by the order to furnish ~~that such~~  
 313 support if arrearages equal to one month's support accrue but without the necessity of  
 314 filing application for services under Code Section 19-11-6.

315 (3) Copies of income deduction orders issued under this subsection shall be ~~served on~~  
 316 ~~the obligee, obligor, and the child support IV-D agency~~ provided by the obligee to the  
 317 obligor, payor, and the family support registry established pursuant to Code Section  
 318 19-6-33.1.

319 ~~(b)~~(d) ~~An~~ The income deduction order shall:

320 (1) Direct a payor to deduct from all ~~income~~ earnings due and payable to an obligor the  
 321 amount required by the support order to meet the obligor's support obligation;

322 (2) State the amount of arrearage accrued, if any, under the support order and direct a  
 323 payor to withhold an additional amount until the arrearage is paid in full;

324 (3) Direct a payor not to deduct in excess of the amounts allowed under Section 303(b)  
 325 of the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673(b), ~~as amended;~~  
 326 and

327 (4) Direct the payor to send income deduction ~~payment~~ order payments, including  
 328 administrative fees authorized by law, to the family support registry ~~as provided for in~~  
 329 established pursuant to Code Section 19-6-33.1.

330 ~~(c)~~(e) Income deduction orders shall be effective immediately unless ~~the~~ a court upon good  
 331 cause shown finds that the income deduction order shall be effective upon a delinquency  
 332 in an amount equal to one month's support or a written agreement is reached between both  
 333 parties which provides for an alternative arrangement.

334 ~~(d)~~(f) ~~An~~ The income deduction order shall be effective so long as the order of support  
 335 upon which it is based is effective or until further order of ~~the~~ a court.

336 ~~(e)~~(g) When ~~the court orders the~~ an income deduction ~~to~~ order shall be effective  
 337 immediately, the ~~court~~ obligee or child support enforcement agency, as applicable, shall  
 338 furnish to the obligor a statement of his or her rights, remedies, and duties in regard to the  
 339 income deduction order. The statement shall state:

- 340 (1) All fees or interest which shall be imposed;
- 341 (2) The total amount of ~~income earnings~~ to be deducted for each pay period until the
- 342 arrearage, if any, is paid in full and ~~state~~ the total amount of ~~income earnings~~ to be
- 343 deducted for each pay period thereafter. The amounts deducted ~~may~~ shall not be in
- 344 excess of that allowed under Section 303(b) of the federal Consumer Credit Protection
- 345 Act, 15 U.S.C. Section 1673(b), ~~as amended~~;
- 346 (3) When the withholding will commence;
- 347 ~~(3)~~(4) That the income deduction ~~applies~~ order shall apply to current and subsequent
- 348 payors and periods of employment;
- 349 ~~(4)~~(5) That a copy of the income deduction order ~~will be served on the obligor's payor~~
- 350 ~~or shall be provided to the~~ payors;
- 351 ~~(5)~~(6) That the enforcement of the income deduction order may only be contested on the
- 352 ground of mistake of fact regarding the amount of support owed pursuant to a support
- 353 order, the arrearages, or the identity of the obligor; ~~and~~
- 354 (7) How to contest the withholding; and
- 355 ~~(6)~~(8) That the obligor is required to notify the obligee and, when the obligee is receiving
- 356 Title IV-D services, the ~~IV-D~~ child support enforcement agency, within seven days of
- 357 changes in the obligor's address and payors and the addresses of his or her payors.
- 358 ~~(f)~~(h) When ~~the~~ an income deduction order is effective upon a delinquency in an amount
- 359 equal to one month's support, or when an order for spousal or child support was in effect
- 360 prior to July 1, 1989, the obligee or child support enforcement agency, as applicable, may
- 361 enforce the income deduction order by ~~servicing~~ providing a notice of delinquency ~~on~~ to the
- 362 obligor. A ~~The~~ notice of delinquency shall state:
- 363 (1) The terms of the support order;
- 364 (2) The period of delinquency and the total amount of the delinquency as of the date the
- 365 notice is mailed;
- 366 (3) All fees or interest which may be imposed;
- 367 (4) The total amount of ~~income earnings~~ to be deducted for each pay period until the
- 368 arrearage and all applicable fees and interest are paid in full and the total amount of
- 369 ~~income earnings~~ to be deducted for each pay period thereafter. The amounts deducted
- 370 ~~may~~ shall not be in excess of that allowed under Section 303(b) of the federal Consumer
- 371 Credit Protection Act, 15 U.S.C. Section 1673(b), ~~as amended~~;
- 372 (5) That a copy of the notice of delinquency ~~will be served on the obligor's payor or~~ shall
- 373 be provided to the payors, together with a copy of the income deduction order. The
- 374 obligor may apply to ~~the~~ a court to contest enforcement of the order once the notice of
- 375 delinquency has been ~~served~~ received. The application shall not affect the enforcement

376 of the income deduction order until ~~the~~ a court enters an order granting relief to the  
377 obligor;

378 (6) That the enforcement of the income deduction order may only be contested on the  
379 ground of mistake of fact regarding the amount of support owed pursuant to a support  
380 order, the arrearages, or the identity of the obligor; and

381 (7) That the obligor is required to notify the obligee of the obligor's current address and  
382 current payors and the address of current payors. All changes shall be reported by the  
383 obligor within seven days of the change occurring. If the ~~IV-D~~ child support enforcement  
384 agency is enforcing ~~the~~ such order, the obligor shall make these notifications to the child  
385 support enforcement agency instead of to the obligee.

386 (i) The failure of the obligor to receive the notice of delinquency ~~does not preclude~~  
387 subsequent service of provided for in subsection (h) of this Code section shall not preclude  
388 the income deduction order ~~on the obligor's~~ being subsequently provided to the payor. A  
389 notice of delinquency which fails to state an arrearage ~~does~~ shall not mean that an arrearage  
390 is not owed.

391 ~~(g)~~(j) At any time, any party, including the ~~IV-D~~ child support enforcement agency, may  
392 apply to ~~the court, referee of the court, or administrative law judge~~ a court to:

393 (1) Modify, suspend, or terminate the ~~order for~~ income deduction order because of a  
394 modification, suspension, or termination of the underlying order for support; or

395 (2) Modify the amount of ~~income deducted~~ earnings being withheld when the arrearage  
396 has been paid."

#### 397 **SECTION 1-14.**

398 Said title is further amended by revising Code Section 19-6-33, relating to the notice and  
399 service of income deduction order, as follows:

400 "19-6-33.

401 (a) As used in this Code section, the term:

402 (1) 'Child support enforcement agency' means the entity within the Department of  
403 Human Services and its contractors that are authorized to enforce a duty of support.

404 (2) 'Court' means judge of any court of record or an administrative law judge of the  
405 Office of State Administrative Hearings.

406 (3) 'Earnings' means any form of payment due to an individual, regardless of source,  
407 including without limitation wages, salary, commission, bonus, workers' compensation,  
408 disability, payments pursuant to a pension or retirement program, and interest.

409 (4) 'IV-D' means Title IV-D of the federal Social Security Act.

410 (5) 'Obligee' means the individual to whom the payment of a support obligation is owed.

411 (6) 'Obligor' means the individual owing a duty of support.

412 (7) 'Payor' means the person that provides earnings to an obligor.

413 ~~(a)(b)~~ The obligee ~~or his or her agent shall serve~~ shall provide an income deduction order  
 414 ~~and the notice to the payor,~~ and in the case of a delinquency, a notice of delinquency, ~~on~~  
 415 ~~the obligor's to the payor. The obligor must be notified that withholding has commenced~~  
 416 ~~and how to contest the withholding. The obligee or child support enforcement agency, as~~  
 417 applicable, shall provide the notice to payor as set forth in subsection (f) of this Code  
 418 section.

419 ~~(b)(c)~~ Service of the initial income deduction order by or upon any person who is a party  
 420 to a proceeding under this Code section shall be by personal service, by certified mail ~~or~~  
 421 ~~statutory overnight delivery, return receipt requested, or by regular mail~~ by statutory  
 422 overnight delivery, or by first-class mail; such order may be served electronically if  
 423 permitted under Code Section 9-11-5. Service upon ~~an obligor's a~~ payor or successor payor  
 424 under this Code section shall be by ~~regular~~ first-class mail, ~~or such order may be served~~  
 425 electronically if permitted under Code Section 9-11-5.

426 ~~(c)(d)(1)~~ When ~~the~~ an income deduction order is effective upon a delinquency in an  
 427 amount equal to one month's support, the obligor may apply to ~~the~~ a court to contest the  
 428 enforcement of the income deduction order on the ground of mistake of fact regarding the  
 429 amount of support owed pursuant to a support order, the amount of arrearage of support,  
 430 or the identity of the obligor. The obligor shall send a copy of ~~the~~ his or her pleading to  
 431 the obligee and, if the obligee is receiving IV-D services, to the ~~IV-D~~ child support  
 432 enforcement agency. The filing of ~~the~~ such pleading ~~does~~ shall not affect the  
 433 enforcement of an income deduction order unless ~~the~~ a court enters an order granting  
 434 relief to the obligor. The payment of delinquent support by an obligor upon entry of an  
 435 income deduction order shall not preclude ~~service of the income deduction on~~ order being  
 436 provided to the obligor's payor.

437 (2) When an obligor requests a hearing to contest enforcement of an income deduction  
 438 order, ~~the court, referee, or administrative law judge~~ a court, after due notice to all parties  
 439 and the ~~IV-D~~ child support enforcement agency, if the obligee is receiving IV-D services,  
 440 shall hear the matter within 30 days after the application is filed and shall not extend the  
 441 time for hearing unless good cause for a later date is found by ~~the~~ a court, in which event  
 442 the time for a hearing may be extended for up to 30 days. A court ~~The court, referee, or~~  
 443 ~~administrative law judge~~ shall enter an order resolving the matter within ten days after  
 444 the hearing. ~~A copy of this order shall be served on~~ and provide such order to the parties  
 445 and the ~~IV-D~~ agency child support enforcement agency, if the obligee is receiving IV-D  
 446 services.

447 ~~(d)(e)~~ When a court, ~~court referee, or administrative law judge~~ determines that an income  
 448 deduction order is proper pursuant to subsection ~~(e)~~ (d) of this Code section, the obligee

449 ~~or his or her agent~~ shall cause a copy of the income deduction order ~~and a notice to payor,~~  
 450 and in the case of a delinquency, a notice of delinquency, to be ~~served on the obligee's~~  
 451 ~~payors provided to the payor.~~ The obligee or child support enforcement agency, as  
 452 applicable, shall provide the notice to payor as set forth in subsection (f) of this Code  
 453 section. A copy of the notice to ~~the~~ payor, and in the case of a delinquency, a notice of  
 454 delinquency, shall also be ~~furnished~~ provided to the obligor by the obligee or child support  
 455 enforcement agency, as applicable.

456 ~~(e)~~(f) ~~A~~ The notice to payor shall contain only information necessary for the payor to  
 457 comply with the income deduction order. The payor shall have the duties, penalties, and  
 458 rights specified in ~~the~~ such notice. The notice to payor shall:

459 (1) Require the payor to deduct from the obligor's ~~income~~ earnings the amount specified  
 460 in the income deduction order, and in the case of a delinquency the amount specified in  
 461 the notice of delinquency, and to pay ~~that~~ such amount to the ~~obligee or to a child support~~  
 462 ~~receiver, the IV-D agency, or other designee, as appropriate~~ family support registry  
 463 established pursuant to Code Section 19-6-33.1. The amount actually deducted plus all  
 464 administrative charges shall not be in excess of the amount allowed under Section 303(b)  
 465 of the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673(b);

466 (2) Instruct the payor to implement the income deduction order no later than the first pay  
 467 period that occurs after 14 days following the date the notice was mailed;

468 (3) Instruct the payor to forward, within two business days after each payment date, to  
 469 the family support registry the amount deducted from the obligor's ~~income~~ earnings and  
 470 a statement as to whether ~~that~~ such amount totally or partially satisfies the periodic  
 471 amount specified in the income deduction order;

472 (4) Specify that if a payor willfully fails to deduct the proper amount from the obligor's  
 473 ~~income~~ earnings, the payor ~~is~~ shall be liable for the amount the payor should have  
 474 deducted, plus costs, interest, and reasonable attorney's fees;

475 (5) Provide that the payor may collect up to \$25.00 against the obligor's ~~income~~ earnings  
 476 to reimburse the payor for administrative costs for the first ~~income deduction~~ payment pursuant  
 477 ~~to an~~ payment of an income deduction order and up to \$3.00 for each ~~deduction thereafter~~  
 478 subsequent payment. The payor ~~of income may~~ shall not deduct a fee for complying with  
 479 any order or notice for enrollment in a health benefit plan;

480 (6) State that the income deduction order and the notice to payor, and in the case of a  
 481 delinquency, the notice of delinquency, are binding on the payor until ~~further~~ ;

482 (A) Further notice by the obligee, ~~IV-D agency, or the court or until the~~ child support  
 483 agency, or court; or

484 (B) The payor no longer provides ~~income~~ earnings to the obligor;

485 (7) Instruct the payor that, when the payor no longer provides ~~income~~ earnings to the  
 486 obligor, the payor shall notify the obligee and shall also provide the obligor's last known  
 487 address and the name and address of the obligor's new payor, if known, and that, if the  
 488 payor willfully violates this ~~provision paragraph~~, the payor is ~~is~~ shall be subject to a civil  
 489 penalty not to exceed \$250.00 for the first violation ~~or~~ and \$500.00 for any subsequent  
 490 violation. If the ~~IV-D~~ child support enforcement agency is enforcing the income  
 491 deduction order, the payor shall make ~~these~~ such notifications to the ~~IV-D~~ child support  
 492 enforcement agency instead of to the obligee. Penalties shall be paid to the obligee or the  
 493 ~~IV-D~~ child support enforcement agency, whichever is enforcing the income deduction  
 494 order;

495 (8) State that no payor may discharge an obligor by reason of the fact that ~~income has~~  
 496 earnings have been subjected to an income deduction order under Code Section 19-6-32  
 497 and that a violation of this ~~provision subjects~~ paragraph shall subject the payor to a civil  
 498 penalty not to exceed \$250.00 for the first violation ~~or~~ and \$500.00 for a any subsequent  
 499 violation. Penalties shall be paid to the obligee or the ~~IV-D~~ child support enforcement  
 500 agency, whichever is enforcing the income deduction order, if any support is owing. If  
 501 no support is owing, the penalty shall be paid to the obligor;

502 (9) Inform the payor that the income deduction order has priority over all other legal  
 503 processes under state law pertaining to the same ~~income~~ earnings and that payment, as  
 504 required by the income deduction order, is a complete defense by the payor against any  
 505 claims of the obligor or his or her creditors as to the sum paid;

506 (10) Inform the payor that if the payor receives income deduction orders requiring that  
 507 the ~~income~~ earnings of two or more obligors be deducted and sent to the same depository,  
 508 ~~he~~ the payor may combine the amounts paid to the depository in a single payment as so  
 509 long as ~~he~~ the payor identifies that portion of the payment attributable to each obligor;  
 510 and

511 (11) Inform the payor that if the payor ~~receives~~ may receive more than one income  
 512 deduction order against the same obligor, ~~he shall contact the court for further~~  
 513 ~~instructions. Upon being so contacted, the court shall allocate amounts available for~~  
 514 ~~income deduction giving~~ and shall give priority to current child support obligations up  
 515 to the limits imposed under Section 303(b) of the federal Consumer Credit Protection  
 516 Act, 15 U.S.C. Section 1673(b).

517 ~~(f)(g)~~ At any time an income deduction order is being enforced, the obligor may apply to  
 518 ~~the~~ a court for a hearing to contest the continued enforcement of the income deduction  
 519 order on the same grounds set out in subsection ~~(e)~~ (d) of this Code section, ~~with a~~ and  
 520 provide a copy of the pleading requesting such hearing to the obligee and, in IV-D cases,  
 521 to the ~~IV-D~~ child support enforcement agency. ~~Such~~ The application ~~does~~ shall not affect

522 the continued enforcement of the income deduction order until ~~the~~ a court enters an order  
 523 granting relief to the obligor. The obligee of the ~~IV-D~~ agency is released from liability  
 524 may be liable for improper receipt of moneys pursuant to an income deduction order ~~upon~~  
 525 ~~return to the appropriate party of any moneys received.~~

526 ~~(g)~~(h) An obligee, or ~~his~~ an obligee's agent, shall enforce income deduction orders against  
 527 an obligor's successor payor who is located in this state in the same manner prescribed in  
 528 this Code section for the enforcement of an income deduction order against a payor.

529 ~~(h)~~(i) The provisions of Article 3 of Chapter 11 of this title, the 'Uniform Interstate Family  
 530 Support Act,' shall apply to all to:

531 (1) All income deduction orders originating in this state and directed to another state:  
 532 ~~In addition, the provisions of Article 3 of Chapter 11 of this title, the 'Uniform Interstate~~  
 533 ~~Family Support Act,' apply to all income withholding; and~~

534 (2) All income-withholding orders originating in another state and directed to this state.

535 ~~(i)~~(j) Certified copies of payment records maintained by a child support receiver or the  
 536 ~~IV-D~~ child support enforcement agency shall, without further proof, be admitted into  
 537 evidence in any legal proceeding in this state.

538 ~~(j)~~(k) No payor shall discharge an obligor by reason of the fact that ~~income has~~ his or her  
 539 earnings have been subjected to an income deduction order under Code Section 19-6-32.

540 A payor who violates this ~~paragraph~~ subsection shall be subject to a civil penalty not to  
 541 exceed \$250.00 for the first violation ~~or~~ and \$500.00 for any subsequent violation.  
 542 Penalties shall be paid to the obligee or the ~~IV-D~~ child support enforcement agency,  
 543 whichever is enforcing the income deduction order, if any support is owing. If no support  
 544 is owing, the penalty shall be paid to the obligor.

545 ~~(k)~~(l) ~~When~~ If a payor is not providing earnings to an obligor or when a payor no longer  
 546 provides income earnings to an obligor, he the payor shall notify the obligee and, if the  
 547 obligee is an IV-D applicant, the IV-D agency and support order is being enforced by the  
 548 child support enforcement agency, the child support enforcement agency shall provide the  
 549 obligor's last known address and the name and address of the obligor's new payor, if  
 550 known. A payor who willfully violates this subsection is shall be subject to a civil penalty  
 551 not to exceed \$250.00 for the first violation ~~or~~ and \$500.00 for a any subsequent violation.  
 552 Penalties shall be paid to the obligee or the ~~IV-D~~ child support enforcement agency,  
 553 whichever is enforcing the income deduction order."

#### 554 SECTION 1-15.

555 Said title is further amended by revising Code Section 19-6-33.1, relating to the family  
 556 support registry, as follows:

557 "19-6-33.1.



558 (a) As used in this Code section, the term:

559 (1) 'Child support enforcement agency' means ~~the Child Support Enforcement Agency~~  
560 ~~of the entity within~~ the Department of Human Services and its contractors that are  
561 authorized to enforce a duty of support.

562 (2) 'Family support registry' means ~~a central registry maintained and operated pursuant~~  
563 ~~to subsection (c) of this Code section, which receives, processes, disburses, and maintains~~  
564 ~~a record of the payment of child support, child support when combined with spousal~~  
565 ~~support, child support arrears, or child support debt made pursuant to court or~~  
566 ~~administrative order.~~

567 (2) 'Earnings' means any form of payment due to an individual, regardless of source,  
568 including without limitation wages, salary, commission, bonus, workers' compensation,  
569 disability, payments pursuant to a pension or retirement program, and interest.

570 (3) 'Income deduction order' means ~~any income deduction~~ an order which is made  
571 pursuant to Code Section 19-6-32 and which becomes effective upon a delinquency  
572 which occurred on or after January 1, 1994, or which became effective immediately  
573 without a delinquency on or after January 1, 1994.

574 (4) 'IV-D' means Title IV-D of the federal Social Security Act.

575 (5) 'Obligee' means the individual to whom the payment of a support obligation is owed.

576 (6) 'Obligor' means the individual owing a duty of support.

577 (7) 'Payor' means the person that provides earnings to an obligor.

578 (b) ~~Any term used in this Code section and defined in Code Section 19-6-31 shall have the~~  
579 ~~meaning provided for such term in Code Section 19-6-31.~~

580 (c)(b) ~~There~~ As required by federal law, there shall be established and operated a family  
581 support registry pursuant to IV-D regulations, and authority and funding shall be provided  
582 to the child support enforcement agency for the operation of such registry. The child  
583 support enforcement agency ~~is~~ shall be authorized to establish and maintain or contract for  
584 the establishment and maintenance of the family support registry. The family support ~~This~~  
585 registry shall be used for the collection and processing of payments for support orders in  
586 all cases which are enforced by the child support enforcement agency and for all other  
587 support orders not being enforced by the child support enforcement agency which are  
588 subject to an income deduction order ~~as defined by paragraph (3) of subsection (a) of this~~  
589 ~~Code section.~~

590 (d)(c) The child support enforcement agency shall, as required by federal law, redirect  
591 payments for support orders in all cases being enforced by the child support enforcement  
592 agency and for all other support orders not being enforced by the child support enforcement  
593 agency which are subject to an income deduction order ~~as defined by paragraph (3) of~~  
594 ~~subsection (a) of this Code section.~~ These support. Such payments for support orders

595 being paid to a court ~~or, child support~~ receiver, or private party by ~~an employer a payor~~  
 596 shall be redirected to the family support registry.

597 ~~(e)(d)~~ In implementing the family support registry, the child support enforcement agency  
 598 ~~is~~ shall be authorized to:

599 (1) Receive, process, and disburse payments for child support, child support when  
 600 combined with spousal support, child support arrears, or child support debt for any court  
 601 or administrative order;

602 (2) Maintain records of any payments collected, processed, and disbursed through the  
 603 family support registry;

604 (3) Establish and maintain a separate record for payments made through the family  
 605 support registry as a result of a judgment remedy;

606 (4) Answer inquiries from any parent concerning payments processed through the family  
 607 support registry; and

608 (5) Collect a fee for the processing of insufficient funds checks and issue a notice to the  
 609 originator of any insufficient funds check that no further checks ~~will~~ shall be accepted  
 610 from such person and that future payments shall be required to be paid by cash or  
 611 certified funds.

612 ~~(f) On or after April 1, 1999, the child support enforcement agency shall begin~~  
 613 ~~implementing the family support registry. The commissioner of the department or the~~  
 614 ~~commissioner's designee shall notify the court administrator and the chief judge of each~~  
 615 ~~judicial circuit when new income deduction orders are to be directed to the family support~~  
 616 ~~registry.~~

617 ~~(g)(e) The~~ Upon implementation of the family support registry in any county or judicial  
 618 ~~circuit, the~~ following procedures shall be followed in such county or circuit:

619 (1) All administrative orders and all court orders entered or modified which provide for  
 620 income deduction orders for support payments for child support, child support when  
 621 combined with spousal support, child support arrears, or child support debt shall require  
 622 that such payments be made through the family support registry; and

623 (2) The child support enforcement agency shall send or cause to be sent a notice by  
 624 first-class mail directing that all income deduction order payments shall be made to the  
 625 family support registry. Orders subject to this redirection include: all support orders  
 626 being enforced by the child support enforcement agency and all other orders not being  
 627 enforced by the child support enforcement agency which are subject to an income  
 628 deduction order ~~as defined in paragraph (3) of subsection (a) of this Code section.~~ The  
 629 notice shall be sent to the following persons:

630 (A) Any obligor who is obligated to make payments for support, child support when  
 631 combined with spousal support, child support arrears; or child support debt under court

632 order or administrative order in a IV-D case ~~where~~ when the order does not already  
 633 specify paying through the family support registry; and

634 (B) Any ~~employer or other payor of funds who~~ payor that has been deducting income  
 635 under Code Section 19-6-32.

636 ~~(h)~~(f) Any obligor or ~~employer who~~ payor that receives a notice to redirect payments as  
 637 specified in subsection ~~(g)~~ (e) of this Code section ~~who~~ that fails to make the payments to  
 638 the family support registry and ~~who~~ continues to make payments to the court or to the ~~IV-D~~  
 639 ~~agency obligee~~ shall be sent a second notice to redirect payments. The second notice shall  
 640 be sent by certified mail ~~or statutory overnight delivery~~, return receipt requested ~~or by~~  
 641 ~~statutory overnight delivery~~. Such notice shall contain all the information required to be  
 642 included in the first notice to redirect payments and shall further state that the obligor or  
 643 ~~employer payor~~ has failed to make the payments to the ~~correct~~ child support enforcement  
 644 agency and that the ~~payor or~~ obligor or payor shall redirect the payments to the family  
 645 support registry at the address indicated in the notice. Failure to make payments to the  
 646 family support registry after a second notice shall be grounds for contempt.

647 ~~(i)~~(g)(1) Any payment required to be made to the family support registry which is  
 648 received by the court, child support receiver, obligee, or child support enforcement  
 649 agency shall be forwarded to the family support registry within two business days after  
 650 receipt. All income deduction order payments from ~~employers payors~~ or such payments  
 651 forwarded by the court, child support receiver, obligee, or child support enforcement  
 652 agency shall be identified with the information specified by the family support registry,  
 653 including but not limited to the court case number, social security number of the obligor,  
 654 ~~the~~ county where the case originated, and ~~the~~ name of the obligor. ~~A copy of the notice~~  
 655 ~~to redirect payments described in subsection (g) of this Code section shall be mailed to~~  
 656 ~~the obligee and the court.~~

657 (2) Except as provided by federal law, the family support registry shall distribute all  
 658 support amounts payable within two business days after receipt from the ~~employer or~~  
 659 ~~other payment source~~ payor.

660 ~~(j)~~(h) The ~~department~~ Department of Human Services shall coordinate the operation of the  
 661 family support registry with the state case registry created under Code Section 19-11-39  
 662 so as to reduce if not eliminate the need for duplicate reporting and information recording.  
 663 ~~The department is authorized to enter into cooperative agreements with the courts of the~~  
 664 ~~judicial circuits in order to implement the family support registry.~~ The department  
 665 Department of Human Services shall be authorized to establish and collect an  
 666 administrative fee from the ~~income deduction order obligor or other obligor paying~~  
 667 individual owing a duty of support through the family support registry ~~an administrative~~  
 668 ~~fee. The fee shall not exceed \$2.00. Such administrative fee shall be the lesser of:~~

- 669 (1) Two dollars per payment ~~or 5;~~  
 670 (2) Five percent of the amount of each payment; or  
 671 (3) The ~~the~~ actual cost of processing and distributing the child support from the source  
 672 to the obligee, ~~whichever is the lesser.~~  
 673 ~~(k)(i)~~ (i) Nothing in this Code section shall allow or require any reduction of child support  
 674 payments ~~paid~~ owed to any parent or guardian of a ~~minor~~ child."

675 **SECTION 1-16.**

676 Said title is further amended by revising Code Section 19-11-3, relating to definitions relative  
 677 to the "Child Support Recovery Act," as follows:

678 "19-11-3.

679 As used in this article, the term:

680 (1) 'Account' means a demand deposit account, checking or negotiable order of  
 681 withdrawal account, savings account, time deposit account, or a money market mutual  
 682 fund account.

683 (2) 'Child support enforcement agency' means the entity within the department and its  
 684 contractors that are authorized to enforce a duty of support.

685 ~~(2)(3)~~ (3) 'Court order for child support' means any order for child support issued by a court  
 686 or administrative or quasi-judicial entity of this state or another state, including an order  
 687 in a criminal proceeding which results in the payment of child support as a condition of  
 688 probation or otherwise. Such order shall be deemed to be a IV-D order for purposes of  
 689 this article when either party to the order submits a copy of the order for support and a  
 690 signed application to the department for IV-D services, when the right to child support  
 691 has been assigned to the department pursuant to subsection (a) of Code Section 19-11-6,  
 692 or upon registration of a foreign order pursuant to Article 3 of this chapter.

693 ~~(3)(4)~~ (4) 'Department' means the Department of Human Services.

694 ~~(4)(5)~~ (5) 'Dependent child' means any ~~person~~ individual under the age of 18 who is not  
 695 otherwise emancipated, self-supporting, married, or a member of the armed forces of the  
 696 United States.

697 ~~(5)(6)~~ (6) 'Duty of support' means any duty of support imposed or imposable by law or by  
 698 court order, decree, or judgment.

699 ~~(6)(7)~~ (7) 'Financial institution' means every federal or state chartered commercial or savings  
 700 bank, including savings and loan associations and cooperative banks, federal or state  
 701 chartered credit unions, benefit associations, insurance companies, safe-deposit  
 702 companies, trust companies, and any money market mutual fund.

703 ~~(7)(8)~~ (8) 'IV-D' means Title IV-D of the federal Social Security Act.

- 704 ~~(8) 'IV-D agency' means the Child Support Enforcement Agency of the Department of~~  
 705 ~~Human Services and its contractors.~~
- 706 (9) 'Medical insurance obligee' means any person to whom a duty of medical support is  
 707 owed.
- 708 (10) 'Medical insurance obligor' means any person owing a duty of medical support.
- 709 (11) 'Money market mutual fund' means every regulated investment company within the  
 710 meaning of Section 851(a) of the Internal Revenue Code which seeks to maintain a  
 711 constant net asset value of \$1.00 in accordance with 17 C.F.R. Section 270.2A-7.
- 712 (12) 'Obligee' means the individual to whom the payment of a support obligation is  
 713 owed.
- 714 (13) 'Obligor' means the individual owing a duty of support.
- 715 ~~(12)~~(14) 'Parent' means the natural or adoptive parents of a child and includes the father  
 716 of a child born out of wedlock if his paternity has been established in a judicial  
 717 proceeding or if he has acknowledged paternity under oath either in open court, in an  
 718 administrative hearing, or by verified writing.
- 719 ~~(13)~~(15) 'TANF' means temporary assistance for needy families."

720 **SECTION 1-17.**

721 Said title is further amended by revising subsections (f) and (g) of Code Section 19-11-6,  
 722 relating to enforcement of child support payments and alimony for public assistance  
 723 recipients, as follows:

- 724 "(f) The department shall be authorized to charge the ~~obligee a federal Deficit Reduction~~  
 725 ~~Act of 2005 fee of \$12.00 to be paid at the rate of \$1.00 per month after the IV-D agency~~  
 726 ~~has collected \$500.00 of child support annually for each case. The department shall retain~~  
 727 ~~such fee and deduct such fee from child support collections before disbursement to the~~  
 728 ~~obligee. Such fee shall only apply to an obligee who has never received public assistance~~  
 729 ~~payments pursuant to Title IV-A or Title IV-E of the federal Social Security Act.~~
- 730 ~~(g) The department shall be authorized to charge the obligor a federal Deficit Reduction~~  
 731 ~~Act of 2005 fee of \$13.00 \$25.00 to be paid in 12 monthly installments after the IV-D~~  
 732 ~~agency has collected \$500.00 of child support annually for each case. Such fee shall only~~  
 733 ~~apply to an obligor when the obligee has never received public assistance payments~~  
 734 ~~pursuant to Title IV-A or Title IV-E of the federal Social Security Act. The department~~  
 735 ~~shall retain such fee and collect such fee through income withholding, as well as by any~~  
 736 ~~other enforcement remedy available to the IV-D agency responsible for child entity within~~  
 737 ~~the department authorized to enforce a duty of support enforcement.~~"

738 **SECTION 1-18.**

739 Said title is further amended by revising subsections (e) and (f) of Code Section 19-11-8,  
 740 relating to the department's duty to enforce support of abandoned minor public assistance  
 741 recipient, as follows:

742 "~~(e) The department shall be authorized to charge the obligee a federal Deficit Reduction~~  
 743 ~~Act of 2005 fee of \$12.00 to be paid at the rate of \$1.00 per month after the IV-D agency~~  
 744 ~~has collected \$500.00 of child support annually for each case. The department shall retain~~  
 745 ~~such fee and deduct such fee from child support collections before disbursement to the~~  
 746 ~~obligee. Such fee shall only apply to an obligee who has never received public assistance~~  
 747 ~~payments pursuant to Title IV-A or Title IV-E of the federal Social Security Act.~~

748 ~~(f) The department shall be authorized to charge the obligor a federal Deficit Reduction~~  
 749 ~~Act of 2005 fee of \$13.00 \$25.00 to be paid in 12 monthly installments after the IV-D~~  
 750 ~~agency has collected \$500.00 of child support annually for each case. Such fee shall only~~  
 751 ~~apply to an obligor when the obligee has never received public assistance payments~~  
 752 ~~pursuant to Title IV-A or Title IV-E of the federal Social Security Act. The department~~  
 753 ~~shall retain such fee and collect such fee through income withholding, as well as by any~~  
 754 ~~other enforcement remedy available to the IV-D agency responsible for child entity within~~  
 755 ~~the department authorized to enforce a duty of support enforcement."~~

756 **SECTION 1-19.**

757 Said title is further amended by revising Code Section 19-11-9.3, relating to suspension or  
 758 denial of license for noncompliance with child support order, as follows:

759 "19-11-9.3.

760 (a) As used in this Code section, the term:

761 (1) 'Agency' means the ~~agency~~ entity within the Department of Human Services which  
 762 is responsible for enforcing orders for child support pursuant to this article.

763 (2) 'Applicant' means any ~~person~~ individual applying for issuance or renewal of a license.

764 (3) 'Certified list' means a list ~~provided by the agency~~ of the names of ~~support delinquent~~  
 765 ~~obligors found to be not in compliance with an order for child support~~ in a case being  
 766 enforced under this article.

767 (4) 'Compliance with an order for child support' means, as set forth in a court order,  
 768 administrative order, or contempt order for child support, the obligor is not more than 60  
 769 calendar days in arrears in making payments in full for current support, periodic  
 770 payments on a support arrearage, or periodic payments on a reimbursement for public  
 771 assistance.

772 (5) 'Delinquent obligor' means any ~~obligor~~ individual owing a duty of support who is not  
 773 in compliance with an order for child support ~~and who appears on the agency's certified~~  
 774 ~~list.~~

775 (6) 'Department' means the Department of Human Services.

776 (7) 'License' means a certificate, permit, registration, or any other authorization issued  
 777 by any licensing entity that allows a ~~person~~ an individual to operate a motor vehicle or  
 778 to engage in a profession, business, or occupation.

779 (8) 'Licensee' means any ~~person~~ individual holding a license.

780 (9) 'Licensing entity' means any ~~state~~ agency, department, or board of this state which  
 781 issues or renews any license, ~~certificate, permit, or registration to authorize a person to~~  
 782 ~~drive a motor vehicle, or to engage in a profession, business, or occupation including~~  
 783 ~~those under Article 3 of Chapter 7 of Title 2, the 'Georgia Pesticide Use and Application~~  
 784 ~~Act of 1976'; Article 13 of Chapter 1 of Title 7, relating to mortgage lenders and~~  
 785 ~~mortgage brokers; Chapter 5 of Title 10, the 'Georgia Uniform Securities Act of 2008,'~~  
 786 ~~relating to securities salespersons and investment adviser representatives; Part 2 of~~  
 787 ~~Article 1 of Chapter 6 of Title 12, relating to foresters; Chapter 4 of Title 26, relating to~~  
 788 ~~pharmacists; Chapter 23 of Title 33, relating to insurance agents, counselors, and other~~  
 789 ~~personnel; Chapter 1 of Title 43, relating to professions and businesses; Chapter 39A of~~  
 790 ~~Title 43, relating to real estate appraisers; or Chapter 40 of Title 43, relating to real estate~~  
 791 ~~brokers and salespersons.~~

792 (b) The agency shall maintain a state-wide certified list ~~of those persons included in any~~  
 793 ~~case enforced under this article~~ for whom an order for child support has been rendered and  
 794 who are not in compliance with ~~that~~ such order. ~~Such~~ The certified list must be updated  
 795 ~~on a monthly basis~~ shall be regularly updated. The agency shall submit to each licensing  
 796 entity a certified list with the name, social security number, if known, date of birth, and last  
 797 known address of each ~~person~~ individual on the list.

798 (c) ~~On or before January 1, 1997, all~~ All licensing entities shall implement procedures to  
 799 accept and process the certified list ~~provided by the agency in accordance with this Code~~  
 800 ~~section.~~

801 (d) Promptly after receiving the certified list from the agency, all licensing entities shall  
 802 determine whether an applicant or licensee is on the most recent certified list. If an  
 803 applicant or licensee is on the certified list, the licensing entity shall immediately notify the  
 804 agency. ~~Such~~ That notification shall include the applicant's or licensee's last known  
 805 mailing address ~~on file with the licensing entity.~~

806 (e) After receiving notice from a licensing entity of applicants or licensees who are on the  
 807 certified list, the agency shall immediately notify those individuals as specified in

808 subsection (f) of this Code section of the agency's intent to request that all pertinent  
809 licensing entities suspend all licenses or withhold issuance or renewal of any license.

810 (f) Notice for purposes of this Code section shall be initiated by the department. Notice  
811 to the delinquent obligor shall include the address and telephone number of the agency and  
812 shall inform the delinquent obligor of the agency's intent to submit the delinquent obligor's  
813 name to relevant licensing entities and to request that the licensing entities withhold  
814 issuance or renewal of the license, or suspend the license. Notice shall be sent by  
815 first-class mail and receipt by the delinquent obligor may be presumed if the mailing is not  
816 returned to the department within 30 days from the date of mailing. The notice ~~must~~ shall  
817 also inform the delinquent obligor ~~of the following that~~:

818 (1) The delinquent obligor has 20 days from the date of mailing to come into compliance  
819 with the order or to reach an agreement to pay the delinquency with the agency. If an  
820 agreement cannot be reached within that time or if the delinquent obligor does not  
821 respond within that time, the agency ~~will~~ shall send notice to the licensing entities  
822 requesting that the licenses be suspended or the licensure applications be denied;

823 (2) The delinquent obligor may request an administrative hearing and judicial review of  
824 that hearing under subsection (g) of this Code section. A request for a hearing ~~must~~ shall  
825 be made in writing and ~~must~~ shall be received by the agency within 20 days of service  
826 of notice; and

827 (3) If the delinquent obligor requests a hearing within 20 days of service, the department  
828 shall stay all action pending the hearing and any appeals.

829 (g) If no response is received from the delinquent obligor by the department within 30  
830 days from the date of mailing of the notice and the delinquent obligor is still shown as  
831 delinquent on the next month's certified list ~~prepared pursuant to subsection (b) of this~~  
832 ~~Code section~~, the department shall request one or more licensing entities to deny or  
833 suspend a license of the delinquent obligor. Each licensing entity shall notify the  
834 delinquent obligor by certified mail or statutory overnight delivery of the date that the  
835 license has been denied or suspended.

836 (h)(1) All delinquent obligors subject to the sanctions imposed in this Code section shall  
837 have the right to a hearing before an administrative law judge of the Office of State  
838 Administrative Hearings pursuant to Article 2 of Chapter 13 of Title 50. A delinquent  
839 obligor who requests a hearing within the time prescribed in subsection (f) of this Code  
840 section shall have the right to a hearing. The hearing shall be conducted as provided in  
841 Article 2 of Chapter 13 of Title 50 within 45 days after such demand is received. The  
842 only issues at the hearing ~~will be the following~~ shall be:

843 ~~(A)~~(A) Whether there is an order for child support being enforced pursuant to this  
844 article;



- 845       ~~(2)(B)~~ Whether the licensee or applicant is the obligor covered by that order;
- 846       ~~(3)(C)~~ Whether the ~~support~~ obligor is or is not in compliance with the order for child  
847       support;
- 848       ~~(4)(D)~~ Whether the ~~support~~ obligor shall be entitled to pay past due child support in  
849       periodic payments; and
- 850       ~~(5)(E)~~ Whether the ~~support~~ obligor has been able and willing to comply with such  
851       order for support.
- 852       (2) With respect to the issues listed in paragraph (1) of this subsection, evidence relating  
853       to the ability and willingness of an obligor to comply with such order for support shall  
854       be considered in making the decision to either suspend a license or deny the issuance or  
855       renewal of a license under this Code section. The administrative law judge shall be  
856       authorized to enter into an agreement or enter an order requiring such periodic payments  
857       and, in each event, the administrative law judge shall be authorized to issue a release for  
858       the obligor to obtain each license or licenses. Such an agreement ~~will~~ shall not act to  
859       modify an existing child support order, but rather shall affect only ~~affects~~ the payment  
860       of the arrearage.
- 861       (i) The decision at the hearing shall be subject to appeal and judicial review pursuant to  
862       Article 2 of Chapter 13 of Title 50 but only as to those issues referred to in subsection (h)  
863       of this Code section. Notwithstanding any hearing requirements for suspension and denials  
864       within each licensing entity, the hearing and appeal procedures outlined in this Code  
865       section shall be the only hearing required to suspend a license or deny the issuance or  
866       renewal of a license under this Code section.
- 867       (j) The department shall prescribe release forms for use by the agency. When the obligor  
868       is determined to be in compliance with an order for child support or is determined to be not  
869       in compliance with such order but has been determined in a hearing pursuant to subsection  
870       (h) of this Code section to be unable to comply with the order or to be not willfully out of  
871       compliance with such order, the agency shall mail to the delinquent obligor and the  
872       appropriate licensing entity a notice of release stating such determination. The receipt of  
873       a notice of release shall serve to notify the delinquent obligor and the licensing entity that,  
874       for the purpose of this Code section, he or she is in compliance with an order for child  
875       support, and the licensing entity shall promptly thereafter issue or reinstate the license,  
876       unless the agency, pursuant to subsection (b) of this Code section, certifies subsequent to  
877       the issuance of a notice of release that the ~~delinquent~~ obligor is once again not in  
878       compliance with an order for child support.
- 879       (k) Any payments received by the department on behalf of a child support recipient under  
880       this Code section shall be forwarded to such recipient within 15 days after any such  
881       payment is received by the department.

882 (l) The department may enter into interagency agreements with state agencies that have  
 883 responsibility for the administration of licensing entities as necessary to implement this  
 884 Code section. Those agreements shall provide for the receipt by other state agencies and  
 885 boards of federal funds to cover that portion of costs allowable under federal law and  
 886 regulation and incurred by state agencies and boards in implementing this Code section.

887 ~~(m) In furtherance of the public policy of increasing child support enforcement and~~  
 888 ~~collections, on or before January 1, 1998, the department shall make a report to the General~~  
 889 ~~Assembly and the Governor based on data collected by the boards and the department in~~  
 890 ~~a format prescribed by the department. The report shall contain all of the following:~~

891 ~~(1) The number of delinquent obligors certified by the agency under this Code section;~~

892 ~~(2) The number of delinquent obligors who also were applicants for issuance or renewal~~  
 893 ~~of a license or licensees subject to this Code section;~~

894 ~~(3) The number of new licenses and renewals that were denied subject to this Code~~  
 895 ~~section and the number of new licenses issued and renewals granted following a licensing~~  
 896 ~~entity's receipt of releases;~~

897 ~~(4) The number of licenses suspended subject to this Code section, and the number of~~  
 898 ~~licenses reissued following the licensing entity's receipt of releases; and~~

899 ~~(5) The amount of revenue collected by the department after sending notices pursuant~~  
 900 ~~to this Code section.~~

901 ~~(n)(m)~~ Any licensing entity receiving an inquiry as to the license status of an applicant  
 902 who has had an application for issuance or renewal of a license denied under this Code  
 903 section shall respond only that the license was suspended or the licensure application was  
 904 denied pursuant to this Code section.

905 ~~(o) The department shall, and the licensing entities as appropriate may, adopt regulations~~  
 906 ~~necessary to implement this Code section.~~

907 ~~(p)(n)~~ The department shall inform delinquent obligors of resources available which may  
 908 remedy such delinquent obligor's license suspension.

909 ~~(o) The department shall, and the licensing entities as appropriate may, adopt regulations~~  
 910 ~~necessary to implement this Code section."~~

911 **SECTION 1-20.**

912 Said title is further amended by revising paragraph (4) of subsection (d) of Code Section  
 913 19-11-12, relating to review of orders for child support, as follows:

914 "(4)(A) In the case of an administrative order, the child support enforcement agency  
 915 shall request the administrative law judge to increase or decrease the amount in the  
 916 existing order in accordance with ~~the~~ such agency recommendation. If either the  
 917 obligor or the obligee files with the child support enforcement agency written

918 objections to ~~the~~ such agency's proposed child support order adjustment or  
 919 determination of no change to the child support order within 33 days of the mailed  
 920 notice, the matter shall be scheduled for an administrative hearing within the Office of  
 921 State Administrative Hearings. The administrative order adjusting the child support  
 922 award amount which results from a hearing or the failure to object to the child support  
 923 enforcement agency's proposed adjustment or determination of no change shall, upon  
 924 filing with the local clerk of the court, have the full effect of a modification of the  
 925 original order or decree of support. As part of the order adjusting the child support  
 926 award the administrative law judge shall issue an income ~~and earnings~~ deduction order  
 927 which shall also be filed with the court pursuant to Code Sections 19-6-30 through  
 928 ~~19-6-33~~ 19-6-33.1.

929 (B) In the case of a judicial order, the child support enforcement agency shall file a  
 930 petition asking the court to adopt ~~the~~ such agency's proposed adjustment or  
 931 determination of no change to the child support order which shall be filed  
 932 contemporaneously with ~~the~~ such agency's mailed notice and shall serve such petition  
 933 upon the obligor and obligee in the manner provided in subsection (e) of Code Section  
 934 9-11-4. Upon the filing of a written objection to the child support enforcement agency's  
 935 proposed adjustment or determination of no change with the clerk of the superior court  
 936 and with ~~the~~ such agency, a de novo proceeding shall be scheduled with the court on  
 937 the matter. If neither party files an objection within 30 days from the service of the  
 938 petition, the court shall issue an order adopting the recommendation of the ~~H-D~~ child  
 939 support enforcement agency. As part of the order adjusting the child support award, the  
 940 court shall issue an income ~~and earnings~~ deduction order pursuant to Code Sections  
 941 19-6-30 through ~~19-6-33~~ 19-6-33.1."

942 **SECTION 1-21.**

943 Said title is further amended by revising subsections (a) and (c) of Code Section 19-11-15,  
 944 relating to voluntary support agreement, notice, and hearing, as follows:

945 "(a) When the department has completed its investigation, has determined the ability of the  
 946 absent parent to support his or her child or children in accordance with guidelines  
 947 prescribed in Code Section 19-6-15, and believes that the absent parent is able to furnish  
 948 a certain amount of support, the department may, as an exception to Code Section 9-12-18,  
 949 request the absent parent to enter into a proposed consent order and income deduction order  
 950 to provide the support amount and accident and sickness insurance coverage consistent  
 951 with Code Section 19-11-26 prior to the filing of an action with the superior court. The  
 952 orders may not be set aside on the grounds that the parties consented thereto prior to the  
 953 filing of the action. An income deduction order shall issue consistent with Code Sections

954 19-6-30 through ~~19-6-34~~ 19-6-33.1. If the department is unable to secure a proposed  
 955 consent order from the parent, the department may file an action in superior court or may  
 956 initiate an administrative action pursuant to Chapter 13 of Title 50, the 'Georgia  
 957 Administrative Procedure Act.'"

958 "(c) The determination of the administrative law judge regarding the ability to provide  
 959 support and the ability to provide accident and sickness insurance coverage shall be  
 960 delivered to the absent parent personally or shall be sent by ~~regular~~ first-class mail. The  
 961 final order shall include an ~~order for income deduction~~ order consistent with Code Sections  
 962 19-6-30 through ~~19-6-34~~ 19-6-33.1, and shall inform the absent parent in plain language:

963 (1) That failure to support may result in the foreclosure of liens on his or her personal or  
 964 real property, in garnishment of his or her ~~wages~~ earnings or other personalty, or in other  
 965 collection actions; and

966 (2) That the absent parent has the right to appeal the determination within 30 days."

967 **SECTION 1-22.**

968 Said title is further amended by revising subsections (a) and (f) of Code Section 19-11-18,  
 969 relating to collection procedures, as follows:

970 "(a) The ~~IV-D~~ child support enforcement agency, in accordance with ~~Title IV, Part D of~~  
 971 ~~the federal Social Security Act, is~~ IV-D, shall be authorized to institute collection  
 972 procedures for all arrearages which have accrued against child support payments owed  
 973 pursuant to a judgment or support order of a court ~~or an order from a IV-D agency of~~  
 974 competent jurisdiction. ~~Such~~ These collection procedures shall include, but shall not be  
 975 limited to, notification of employers that a wage assignment is in effect and not suspended;  
 976 notification of obligors; demand letters; use of state and federal income tax refund intercept  
 977 programs; initiation of contempt proceedings; the use of liens, levies, and seizures as  
 978 provided in subsections (b) and (c) of this Code section; the use of the services of any  
 979 person providing collection services to the department; seeking warrants in appropriate  
 980 situations; attachment or lien against property; civil actions to reach and apply; and any  
 981 other civil or administrative remedy available for the enforcement of judgments or for the  
 982 enforcement of support or custody orders."

983 "(f) Unless otherwise provided by federal law, and notwithstanding ~~Notwithstanding~~ any  
 984 other provision of this title to the contrary, any child support being held by the ~~Child~~  
 985 ~~Support Enforcement Agency of the department~~ child support enforcement agency shall  
 986 be paid to the custodial parent, legal guardian, or caretaker ~~relative~~ having custody of or  
 987 responsibility for a child within two days from receipt ~~of same by the enforcement agency~~  
 988 by the child support enforcement agency of such child support."

989 **SECTION 1-23.**

990 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section  
991 19-11-30, relating to confidentiality of information and records, as follows:

992 "(2) The department shall provide to an attorney representing an obligor, to an attorney  
993 representing an obligee, or to a private child support collector, as defined in Code Section  
994 10-1-392, and hired by an obligee and acting pursuant to a power of attorney signed by  
995 such obligee, any documents which such obligor or obligee would be entitled to request  
996 and receive from the ~~Child Support Enforcement Agency of the department~~ child support  
997 enforcement agency."

998 **SECTION 1-24.**

999 Said title is further amended by revising subsections (a) and (b) of Code Section 19-11-32,  
1000 relating to the process to collect delinquent support accounts, as follows:

1001 "(a) Notwithstanding other statutory provisions which provide for the execution,  
1002 attachment, or levy against accounts, the ~~IV-D agency, including its authorized contractors,~~  
1003 child support enforcement agency may utilize the process established in this Code section  
1004 and Code Sections 19-11-33 through 19-11-39 to collect delinquent support payments,  
1005 provided that any exemptions or exceptions which specifically apply to enforcement of  
1006 support obligations pursuant to ~~other statutory provisions~~ Code Section 18-4-6 shall also  
1007 apply.

1008 (b) An obligor is subject to the provisions of this Code section and Code Sections  
1009 19-11-33 through 19-11-39 if the obligor's support obligation is being enforced by the ~~IV-D~~  
1010 child support enforcement agency and if the support payments ordered pursuant to Georgia  
1011 law or under a comparable statute of a foreign jurisdiction, as certified to the ~~IV-D~~ child  
1012 support enforcement agency, are delinquent in an amount equal to the support payment for  
1013 one month."

1014 **SECTION 1-25.**

1015 Said title is further amended by revising paragraph (1) of subsection (d) and subsections (k)  
1016 and (l) of Code Section 19-11-37, relating to challenges to levy and procedure, as follows:

1017 "(1) If a mistake in identity has occurred or the obligor is not delinquent in an amount  
1018 equal to the payment for one month, the ~~IV-D~~ child support enforcement agency shall  
1019 notify the financial institution that the administrative levy has been released. The ~~IV-D~~  
1020 child support enforcement agency shall provide a copy of the notice of release to the  
1021 support obligor by regular first-class mail; or"

1022 "(k) An order entered under this Code section for a levy against an account of a ~~support~~  
 1023 an obligor has priority over a levy for a purpose other than the support of the dependents  
 1024 in the order being enforced.

1025 (l) The ~~support~~ obligor may withdraw the request for challenge by submitting a written  
 1026 withdrawal to the ~~person~~ individual identified as the contact for the ~~IV-D~~ child support  
 1027 enforcement agency in the notice, or the ~~IV-D~~ child support enforcement agency may  
 1028 withdraw the administrative levy at any time prior to the court hearing and provide notice  
 1029 of the withdrawal to the obligor and any account holder of interest and to the financial  
 1030 institution by ~~regular~~ first-class mail."

#### 1031 SECTION 1-26.

1032 Said title is further amended by revising subsection (a) of Code Section 19-11-39, relating  
 1033 to computerized central case registry for support orders, as follows:

1034 "(a) The department shall create by contract, cooperative agreement, or otherwise a  
 1035 computerized central case registry for all support orders entered by any court or  
 1036 administrative tribunal of this state. All ~~IV-D agency orders~~ support orders obtained by the  
 1037 child support enforcement agency as well as those support orders not within the ~~IV-D~~ child  
 1038 support enforcement agency shall be registered in ~~this~~ such data base. The department may  
 1039 enter into a cooperative agreement with the Administrative Office of the Courts so as to  
 1040 obtain information needed to create and maintain the state registry of support orders as  
 1041 required by federal law."

#### 1042 SECTION 1-27.

1043 Said title is further amended by revising paragraph (10) of Code Section 19-11-101, relating  
 1044 to definitions for the "Uniform Interstate Family Support Act," as follows:

1045 "(10) 'Income-withholding order' means an order or other legal process directed to an  
 1046 obligor's employer or other debtor, pursuant to Code Sections ~~19-6-31 through~~ 19-6-32  
 1047 and 19-6-33, to withhold support from the income of the obligor."

#### 1048 SECTION 1-28.

1049 Said title is further amended by revising Code Section 19-11-150, relating to issuance of  
 1050 income-withholding orders, as follows:

1051 "19-11-150.

1052 An income-withholding order issued in another state may be sent by or on behalf of the  
 1053 obligee, or by the support enforcement agency, to the person defined as the obligor's  
 1054 employer pursuant to Code Sections ~~19-6-31~~ 19-6-32 through ~~19-6-33~~ 19-6-33.1 without

1055 first filing a petition or comparable pleading or registering the order with a tribunal of this  
1056 state."

1057 **SECTION 1-29.**

1058 Said title is further amended by revising subsection (d) of Code Section 19-11-164, relating  
1059 to notification to nonregistering party and obligor's employer, as follows:

1060 "(d) Upon registration of an income-withholding order for enforcement, the child support  
1061 enforcement agency or the registering tribunal shall notify the obligor's employer pursuant  
1062 to Code Sections ~~19-6-31~~ 19-6-32 through ~~19-6-33~~ 19-6-33.1."

1063 **PART II**

1064 **SECTION 2-1.**

1065 Code Section 7-4-12.1 of the Official Code of Georgia Annotated, relating to interest on  
1066 arrearage on child support, is amended by revising subsection (b) as follows:

1067 "(b) Subsection (a) of this Code section shall not be construed to abrogate the authority of  
1068 ~~a IV-D agency~~ the Department of Human Services to waive, reduce, or negotiate a  
1069 settlement of unreimbursed public assistance in accordance with subsection (b) of Code  
1070 Section 19-11-5."

1071 **SECTION 2-2.**

1072 Code Section 10-1-393.10 of the Official Code of Georgia Annotated, relating to filing of  
1073 contracts for collections, as follows:

1074 "(f) Upon the request of an obligee, the ~~Child Support Enforcement Agency of~~ entity  
1075 within the department authorized to enforce support orders shall forward child support  
1076 payments made payable to the obligee to any private child support collector that is in  
1077 compliance with the provisions of this Code section and Code Section 10-1-393.9."

1078 **SECTION 2-3.**

1079 Said title is further amended by replacing "IV-D agency" with "child support enforcement  
1080 agency" wherever such term appears in:

- 1081 (1) Code Section 19-11-9.1, relating to duty to furnish information about obligor to  
1082 department, use of information obtained, and penalty for noncompliance;
- 1083 (2) Code Section 19-11-12, relating to review of orders for child support, review procedures,  
1084 order adjusting support award amount, and no release from liability due to subsequent  
1085 financial obligation;

- 1086 (3) Code Section 19-11-15.1, relating to information required to be given to individuals  
 1087 receiving services;
- 1088 (4) Code Section 19-11-18, relating to collection procedures, notice, and judicial review;
- 1089 (5) Code Section 19-11-27, relating to accident and sickness insurance coverage for  
 1090 children, National Medical Support Notice or other notice of enrollment, and establishment  
 1091 of coverage;
- 1092 (6) Code Section 19-11-30.1, relating to computer based registry;
- 1093 (7) Code Section 19-11-30.2, relating to information from financial institutions;
- 1094 (8) Code Section 19-11-30.3, relating to responsibility of Department of Human Services  
 1095 Bank Match Registry;
- 1096 (9) Code Section 19-11-30.6, relating to reciprocal agreements with other states;
- 1097 (10) Code Section 19-11-30.10, relating to authority to levy and seize deposit;
- 1098 (11) Code Section 19-11-33, relating to notice;
- 1099 (12) Code Section 19-11-34, relating to verification and immunity from liability;
- 1100 (13) Code Section 19-11-35, relating to initiation of administrative action for levy and  
 1101 required information in notice to financial institution;
- 1102 (14) Code Section 19-11-36, relating to required information in notice to obligor;
- 1103 (15) Code Section 19-11-37, relating to challenges to levy, mistakes, procedures, and  
 1104 reimbursement;
- 1105 (16) Code Section 19-11-38, relating to required financial institution action; and
- 1106 (17) Code Section 19-11-39, relating to computerized central case registry for support  
 1107 orders.

1108 **SECTION 2-4.**

- 1109 Code Section 31-10-9.1 of the Official Code of Georgia Annotated, relating to social security  
 1110 account information of parents, is amended by revising subsections (b) and (c) as follows:
- 1111 "(b) The state registrar shall make available the records of ~~parent~~ an individual's name and  
 1112 social security number to the ~~Child Support Enforcement Agency of~~ entity within the  
 1113 Department of Human Services authorized to enforce support orders for its use in the  
 1114 establishment of paternity or the enforcement of child support orders.
- 1115 (c) Information obtained pursuant to this Code section by the ~~Child Support Enforcement~~  
 1116 ~~Agency of~~ entity within the Department of Human Services ~~pursuant to this Code section~~  
 1117 authorized to enforce support orders may be used in an action or proceeding before any  
 1118 court, administrative tribunal, or other body for the purpose of establishing a child support  
 1119 obligation, collecting child support, or locating individuals owing the obligation."



**SECTION 2-5.**

1120  
1121 Article 5 of Chapter 3 of Title 42 of the Official Code of Georgia Annotated, relating to  
1122 diversion center and program for violation of alimony and child support orders, is amended  
1123 by revising Code Section 42-3-90, relating to establishment of diversion center, as follows:

1124 "42-3-90.

1125 A county shall be authorized to establish a diversion center under the direction of the  
1126 sheriff of the county in which the diversion center is located and a diversion program for  
1127 the confinement of certain ~~persons~~ individuals who have been found in contempt of court  
1128 for violation of orders granting temporary or permanent alimony or child support and  
1129 sentenced pursuant to subsection (c) of Code Section 15-1-4. While in such diversion  
1130 program, the respondent shall be authorized to travel to and from his or her place of  
1131 employment and to continue his or her occupation. The official in charge of the diversion  
1132 program or his or her designee shall prescribe the routes, manner of travel, and periods of  
1133 travel to be used by the respondent in attending to his or her occupation. If the respondent's  
1134 occupation requires the respondent to travel away from his or her place of employment, the  
1135 amount and conditions of such travel shall be approved by the official in charge of the  
1136 diversion center or his or her designee. When the respondent is not traveling to or from his  
1137 or her place of employment or engaging in his or her occupation, such ~~person~~ respondent  
1138 shall be confined in the diversion center during the term of the sentence. With the approval  
1139 of the sheriff or his or her designee, the respondent may participate in educational or  
1140 counseling programs offered at the diversion center. While participating in the diversion  
1141 program, ~~the~~ such respondent shall be liable for alimony or child support as previously  
1142 ordered, including arrears, and his or her income shall be subject to the provisions of Code  
1143 Sections 19-6-30 through ~~19-6-33~~ 19-6-33.1 and Chapter 11 of Title 19. In addition,  
1144 should any funds remain after payment of child support or alimony, ~~the~~ such respondent  
1145 may be charged ~~and~~ a fee payable to the county operating the diversion program to cover  
1146 the costs of his or her incarceration and the administration of the diversion program which  
1147 fee shall be not more than \$30.00 per day or the actual per diem cost of maintaining the  
1148 respondent, whichever is less, for the entire period of time ~~the person~~ such respondent is  
1149 confined to the diversion center and participating in the diversion program. If ~~the~~ such  
1150 respondent fails to comply with any of the requirements imposed upon him or her in  
1151 accordance with this Code section, nothing shall prevent the sentencing judge from  
1152 revoking such assignment to a such diversion program and providing for alternative  
1153 methods of incarceration."

1154 **SECTION 2-6.**

1155 Article 2 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to  
1156 setoff of debt collection against lottery prizes, is amended by revising Code Section  
1157 50-27-55, relating to the article's applicability to prizes of \$5,000.00 or more, as follows:

1158 "50-27-55.

1159 The provisions of this article shall only apply to prizes of \$5,000.00 or more and shall not  
1160 apply to any retailers authorized by the board to pay prizes of up to \$5,000.00 after  
1161 deducting the price of the ticket or share; excepting that a claim for delinquent child  
1162 support filed by the ~~Child Support Enforcement Agency of~~ entity within the Department  
1163 of Human Services authorized to enforce support orders shall apply to all prizes of  
1164 \$2,500.00 or more."

1165 **PART III**

1166 **SECTION 3-1.**

1167 Code Section 19-6-15, relating to child support in final verdict or decree, is amended by  
1168 revising subparagraph (h)(1)(F) of as follows:

1169 "(F)(i) The total amount of work related child care costs shall be divided between the  
1170 parents pro rata to determine the presumptive amount of child support and shall be  
1171 included in the worksheet and ~~written order of the court~~ the final child support order.

1172 (ii) In situations in which work related child care costs may be variable, the court or  
1173 jury may, in its discretion, remove work related child care costs from the calculation  
1174 of support, and divide the work related child care costs pro rata, to be paid within a  
1175 time specified in the final child support order. If a parent or nonparent custodian fails  
1176 to comply with the final child support order:

1177 (I) The other parent or nonparent custodian may enforce payment of the work  
1178 related child care costs by any means permitted by law; or

1179 (II) Child support services shall pursue enforcement when such unpaid costs have  
1180 been reduced to a judgment in a sum certain."

1181 **PART IV**

1182 **SECTION 4-1.**

1183 Sections 1-17 and 1-18 of this Act shall become effective on October 1, 2017. All other  
1184 Sections of this Act shall become effective on July 1, 2017.

1185

**SECTION 4-2.**

1186 All laws and parts of laws in conflict with this Act are repealed.