

Senate Bill 520

By: Senators Cowsert of the 46th, Kirkpatrick of the 32nd, Strickland of the 17th, Hatchett of the 50th, Tillery of the 19th and others

AS PASSED

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 change and clarify provisions relating to income withholding orders; to provide for
3 definitions; to align state law terminology with that of federal law by replacing the term
4 "income deduction order" with "income withholding order"; to provide for conforming
5 changes; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
9 amended by revising subsection (b) of Code Section 19-6-30, relating to collection of child
10 support by continuing garnishment and child or spouse support subject to income deduction,
11 as follows:

12 "(b) All cases involving orders of support of a child or spouse being enforced by the entity
13 within the Department of Human Services and its contractors that are authorized to enforce
14 support orders shall ~~be subject to income deduction orders~~ utilize income withholding as
15 set forth in Code Sections 19-6-32 through 19-6-33.1."

16

SECTION 2.

17 Said title is further amended by revising Code Section 19-6-32, relating to entering income
 18 deduction order or medical support notice for award of child support, when order or notice
 19 effective, and hearing on order, as follows:

20 "19-6-32.

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

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

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

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

29 (4) 'Income withholding' means an income withholding order, an income withholding
 30 notice, or any other process directed to an obligor's employer or other payor pursuant to
 31 this Code section and Code Section 19-6-33 to withhold support from the income of the
 32 obligor.

33 (5) 'Income withholding notice' means a form approved by the United States Secretary
 34 of Health and Human Services in accordance with 42 U.S.C. Section 666(b)(A)(I) and
 35 (ii) utilized for income withholding and properly issued pursuant to 45 C.F.R. Section
 36 303.100(e)(1). Such form shall neither be signed by a judge nor filed with the court.

37 ~~(4)~~(6) 'IV-D' means Title IV-D of the federal Social Security Act.

38 ~~(5)~~(7) 'National Medical Support Notice' means a notice as prescribed under 42 U.S.C.
 39 Section 666(a)(19) or a substantially similar notice.

40 ~~(6)~~(8) 'Obligee' means the individual to whom the payment of a support obligation is
 41 owed.

42 ~~(7)~~(9) 'Obligor' means the individual owing a duty of support.

43 ~~(8)~~(10) 'Payor' means the person that provides earnings to an obligor.

44 (b)(1) Except as provided for in paragraph (1) of subsection (c) of this Code section,
45 upon the entry of a judgment or order establishing, enforcing, or modifying a child
46 support obligation or spousal support obligation through a court, a separate income
47 ~~deduction~~ withholding order, if one has not been previously entered, shall be entered. If
48 the obligee is an applicant for child support services under IV-D, the obligee shall furnish
49 copies of the support order and the income ~~deduction~~ withholding order to the child
50 support enforcement agency.

51 (2) For all child support orders, and spousal support orders enforced pursuant to
52 subsection (d) of Code Section 19-11-6, the child support enforcement agency shall be
53 authorized to issue an income ~~deduction order~~ withholding notice without need for any
54 amendment to the order involved or any further action by a court that issued it, provided
55 that an opportunity for a hearing before a court is afforded. The child support
56 enforcement agency shall also be authorized to issue a National Medical Support Notice
57 to enforce the medical support provisions of such orders, provided that an opportunity for
58 a hearing pursuant to Code Section 19-11-27 is afforded. Such ~~orders or~~ notices may be
59 issued electronically by the child support enforcement agency. The child support
60 enforcement agency shall issue an income ~~deduction order or,~~ withholding notice and,
61 when appropriate, a National Medical Support Notice within two business days after the
62 information regarding a newly hired employee is entered into the centralized employee
63 registry pursuant to Code Section 19-11-9.2 and matched with an obligor in a case being
64 enforced by the child support enforcement agency.

65 (c)(1)(A) All child support orders which are initially issued in this state on or after
66 January 1, 1994, and are not at the time of issuance being enforced by the child support
67 enforcement agency shall provide for the immediate withholding of such support from
68 the earnings of the individual required by that order to furnish support unless:

69 (i) A court issuing the order finds there is good cause not to require such immediate
70 withholding; or

71 (ii) A written agreement is reached between both parties which provides for an
72 alternative arrangement.

73 (B) For purposes of this subsection, any finding that there is good cause not to require
74 withholding from earnings shall be based on at least a written determination that
75 implementing such withholding would not be in the best interest of the child and proof
76 of timely payment of previously ordered support in cases involving modification of
77 support orders.

78 (2) All child support orders which are not described in subsection (b) of this Code
79 section or in paragraph (1) of this subsection shall, upon petition of either party to revise
80 such order under Code Section 19-6-19 or to enforce such order under Code Section
81 19-6-28, be revised to include provisions for withholding such support from the earnings
82 of the individual required by the order to furnish such support if arrearages equal to one
83 month's support accrue but without the necessity of filing application for services under
84 Code Section 19-11-6.

85 (3) Copies of income ~~deduction~~ withholding orders issued under this subsection shall be
86 provided by the obligee to the obligor, payor, and the family support registry established
87 pursuant to Code Section 19-6-33.1. An income withholding notice must be provided to
88 the payor to initiate income withholding.

89 (d) An income ~~deduction~~ withholding order shall:

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

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

94 (3) Direct a payor not to ~~deduct~~ withhold in excess of the amounts allowed under Section
95 303(b) of the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673(b); and

96 (4) Direct the payor to send income ~~deduction~~ withholding order payments, including
97 administrative fees authorized by law, to the family support registry established pursuant
98 to Code Section 19-6-33.1.

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

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

105 (g) When an income ~~deduction~~ withholding order shall be effective immediately, the
106 obligee or child support enforcement agency, as applicable, shall furnish to the obligor a
107 statement of his or her rights, remedies, and duties in regard to the income ~~deduction~~
108 withholding order. The statement shall state:

109 (1) All fees or interest which shall be imposed;

110 (2) The total amount of earnings to be ~~deducted~~ withheld for each pay period until the
111 arrearage, if any, is paid in full and the total amount of earnings to be ~~deducted~~ withheld
112 for each pay period thereafter. The amounts ~~deducted~~ withheld shall not be in excess of
113 that allowed under Section 303(b) of the federal Consumer Credit Protection Act, 15
114 U.S.C. Section 1673(b);

115 (3) When the withholding will commence;

116 (4) That the income ~~deduction~~ withholding order shall apply to current and subsequent
117 payors and periods of employment;

118 (5) That a copy of the income ~~deduction~~ withholding order shall be provided to the
119 payors;

120 (6) That the enforcement of the income ~~deduction~~ withholding order may only be
121 contested on the ground of mistake of fact regarding the amount of support owed
122 pursuant to a support order, the arrearages, or the identity of the obligor;

- 123 (7) How to contest the withholding; and
- 124 (8) That the obligor is required to notify the obligee and, when the obligee is receiving
125 IV-D services, the child support enforcement agency, within seven days of changes in the
126 obligor's address and payors and the addresses of his or her payors.
- 127 (h) When an income ~~deduction~~ withholding order is effective upon a delinquency in an
128 amount equal to one month's support, or when an order for spousal or child support was in
129 effect prior to July 1, 1989, the obligee or child support enforcement agency, as applicable,
130 may enforce the income ~~deduction~~ withholding order by providing a notice of delinquency
131 to the obligor. A notice of delinquency shall state:
- 132 (1) The terms of the support order;
- 133 (2) The period of delinquency and the total amount of the delinquency as of the date the
134 notice is mailed;
- 135 (3) All fees or interest which may be imposed;
- 136 (4) The total amount of earnings to be ~~deducted~~ withheld for each pay period until the
137 arrearage and all applicable fees and interest are paid in full and the total amount of
138 earnings to be ~~deducted~~ withheld for each pay period thereafter. The amounts ~~deducted~~
139 withheld shall not be in excess of that allowed under Section 303(b) of the federal
140 Consumer Credit Protection Act, 15 U.S.C. Section 1673(b);
- 141 (5) That a copy of the notice of delinquency shall be provided to the payors, together
142 with a copy of the income ~~deduction~~ withholding order and income withholding notice.
143 The obligor may apply to a court to contest enforcement of the order once the notice of
144 delinquency has been received. The application shall not affect the enforcement of the
145 income ~~deduction~~ withholding order until a court enters an order granting relief to the
146 obligor;
- 147 (6) That the enforcement of the income ~~deduction~~ withholding order may only be
148 contested on the ground of mistake of fact regarding the amount of support owed
149 pursuant to a support order, the arrearages, or the identity of the obligor; and

150 (7) That the obligor is required to notify the obligee of the obligor's current address and
151 current payors and the address of current payors. All changes shall be reported by the
152 obligor within seven days of the change occurring. If the child support enforcement
153 agency is enforcing such order, the obligor shall make these notifications to the child
154 support enforcement agency instead of to the obligee.

155 (i) The failure of the obligor to receive the notice of delinquency provided for in
156 subsection (h) of this Code section shall not preclude the income ~~deduction~~ withholding
157 order and the income withholding notice from being subsequently provided to the payor.
158 A notice of delinquency which fails to state an arrearage shall not mean that an arrearage
159 is not owed.

160 (j) At any time, any party, including the child support enforcement agency, may apply to
161 a court to:

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

164 (2) Modify the amount of earnings being withheld when the arrearage has been paid."

165 **SECTION 3.**

166 Said title is further amended by revising subsections (a) through (g) of Code Section 19-6-33,
167 relating to notice and service of income deduction order, hearing on enforcement of order,
168 discharge of obligor, and penalties, as follows:

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

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

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

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

177 (4) 'Income withholding' shall have the same meaning as set forth in Code Section
178 19-6-32.

179 (5) 'Income withholding notice' shall have the same meaning as set forth in Code Section
180 19-6-32.

181 ~~(4)~~(5) 'IV-D' means Title IV-D of the federal Social Security Act.

182 ~~(5)~~(6) 'Obligee' means the individual to whom the payment of a support obligation is
183 owed.

184 ~~(6)~~(7) 'Obligor' means the individual owing a duty of support.

185 ~~(7)~~(8) 'Payor' means the person that provides earnings to an obligor.

186 (b) The obligee shall provide an income ~~deduction~~ withholding order, an income
187 withholding notice, and in the case of a delinquency, a notice of delinquency, to the payor.
188 The obligee or child support enforcement agency, as applicable, shall provide the notice
189 to payor as set forth in subsection (f) of this Code section.

190 (c) Service of the initial income ~~deduction~~ withholding order by or upon any person who
191 is a party to a proceeding under this Code section shall be by personal service, by certified
192 mail, return receipt requested, by statutory overnight delivery, or by first-class mail; such
193 order may be served electronically if permitted under Code Section 9-11-5. Service upon
194 a payor or successor payor under this Code section shall be by first-class mail, or such
195 order may be served electronically if permitted under Code Section 9-11-5.

196 (d)(1) When an income ~~deduction~~ withholding order is effective upon a delinquency in
197 an amount equal to one month's support, the obligor may apply to a court to contest the
198 enforcement of the income ~~deduction~~ withholding order on the ground of mistake of fact
199 regarding the amount of support owed pursuant to a support order, the amount of
200 arrearage of support, or the identity of the obligor. The obligor shall send a copy of his

201 or her pleading to the obligee and, if the obligee is receiving IV-D services, to the child
202 support enforcement agency. The filing of such pleading shall not affect the enforcement
203 of an income ~~deduction~~ withholding order unless a court enters an order granting relief
204 to the obligor. The payment of delinquent support by an obligor upon entry of an income
205 ~~deduction~~ withholding order shall not preclude the income ~~deduction~~ withholding order
206 and income withholding notice from being provided to the payor.

207 (2) When an obligor requests a hearing to contest enforcement of an income ~~deduction~~
208 withholding order, a court, after due notice to all parties and the child support
209 enforcement agency, if the obligee is receiving IV-D services, shall hear the matter within
210 30 days after the application is filed and shall not extend the time for hearing unless good
211 cause for a later date is found by a court, in which event the time for a hearing may be
212 extended for up to 30 days. A court shall enter an order resolving the matter within ten
213 days after the hearing and provide such order to the parties and the child support
214 enforcement agency, if the obligee is receiving IV-D services.

215 (3) In cases involving IV-D child support withholding through an income withholding
216 notice, any objections shall be placed on the calendar for a hearing before an
217 administrative law judge of the Office of State Administrative Hearings. The income
218 withholding notice shall remain in effect until the objection is heard and a decision is
219 rendered.

220 (e) When a court determines that an income ~~deduction~~ withholding order is proper
221 pursuant to subsection (d) of this Code section, the obligee shall cause a copy of the income
222 ~~deduction~~ withholding order, the income withholding notice, and in the case of a
223 delinquency, a notice of delinquency, to be provided to the payor. The obligee or child
224 support enforcement agency, as applicable, shall provide the notice to payor as set forth in
225 subsection (f) of this Code section. A copy of the notice to payor, and in the case of a
226 delinquency, a notice of delinquency, shall also be provided to the obligor by the obligee
227 or child support enforcement agency, as applicable.

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

231 (1) Require the payor to ~~deduct~~ withhold from the obligor's earnings the amount
232 specified in the income ~~deduction~~ withholding order, and in the case of a delinquency the
233 amount specified in the notice of delinquency, and to pay such amount to the family
234 support registry established pursuant to Code Section 19-6-33.1. The amount actually
235 ~~deducted~~ withheld plus all administrative charges shall not be in excess of the amount
236 allowed under Section 303(b) of the federal Consumer Credit Protection Act, 15 U.S.C.
237 Section 1673(b);

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

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

245 (4) Specify that if a payor willfully fails to ~~deduct~~ withhold the proper amount from the
246 obligor's earnings, the payor shall be liable for the amount the payor should have
247 ~~deducted~~ withheld, plus costs, interest, and reasonable attorney's fees;

248 (5) Provide that the payor may collect up to \$25.00 against the obligor's earnings to
249 reimburse the payor for administrative costs for the first payment of an income ~~deduction~~
250 withholding order and up to \$3.00 for each subsequent payment. The payor shall not
251 ~~deduct~~ withhold a fee for complying with any order or notice for enrollment in a health
252 benefit plan;

253 (6) State that the income ~~deduction~~ withholding order and the notice to payor, and in the
254 case of a delinquency, the notice of delinquency, are binding on the payor until:

- 255 (A) Further notice by the obligee, child support agency, or court; or
- 256 (B) The payor no longer provides earnings to the obligor;
- 257 (7) Instruct the payor that, when the payor no longer provides earnings to the obligor, the
- 258 payor shall notify the obligee and shall also provide the obligor's last known address and
- 259 the name and address of the obligor's new payor, if known, and that, if the payor willfully
- 260 violates this paragraph, the payor shall be subject to a civil penalty not to exceed \$250.00
- 261 for the first violation and \$500.00 for any subsequent violation. If the child support
- 262 enforcement agency is enforcing the income ~~deduction~~ withholding order, the payor shall
- 263 make such notifications to the child support enforcement agency instead of to the obligee.
- 264 Penalties shall be paid to the obligee or the child support enforcement agency, whichever
- 265 is enforcing the income ~~deduction~~ withholding order;
- 266 (8) State that no payor may discharge an obligor by reason of the fact that earnings have
- 267 been subjected to an income ~~deduction~~ withholding order under Code Section 19-6-32
- 268 and that a violation of this paragraph shall subject the payor to a civil penalty not to
- 269 exceed \$250.00 for the first violation and \$500.00 for any subsequent violation. Penalties
- 270 shall be paid to the obligee or the child support enforcement agency, whichever is
- 271 enforcing the income ~~deduction~~ withholding order, if any support is owing. If no support
- 272 is owing, the penalty shall be paid to the obligor;
- 273 (9) Inform the payor that the income ~~deduction~~ withholding order has priority over all
- 274 other legal processes under state law pertaining to the same earnings and that payment,
- 275 as required by the income ~~deduction~~ withholding order, is a complete defense by the
- 276 payor against any claims of the obligor or his or her creditors as to the sum paid;
- 277 (10) Inform the payor that if the payor receives income ~~deduction~~ withholding orders
- 278 requiring that the earnings of two or more obligors be ~~deducted~~ withheld and sent to the
- 279 same depository, the payor may combine the amounts paid to the depository in a single
- 280 payment so long as the payor identifies that portion of the payment attributable to each
- 281 obligor; and

282 (11) Inform the payor that the payor may receive more than one income ~~deduction~~
283 withholding order against the same obligor and shall give priority to current child support
284 obligations up to the limits imposed under Section 303(b) of the federal Consumer Credit
285 Protection Act, 15 U.S.C. Section 1673(b).

286 (g) At any time an income ~~deduction~~ withholding order is being enforced, the obligor may
287 apply to a court for a hearing to contest the continued enforcement of the income ~~deduction~~
288 withholding order on the same grounds set out in subsection (d) of this Code section, and
289 provide a copy of the pleading requesting such hearing to the obligee and, in IV-D cases,
290 to the child support enforcement agency. Such application shall not affect the continued
291 enforcement of the income ~~deduction~~ withholding order until a court enters an order
292 granting relief to the obligor. The obligee may be liable for improper receipt of moneys
293 pursuant to an income ~~deduction~~ withholding order."

294

SECTION 4.

295 Said title is further amended by revising subsections (a) through (e) of Code Section
296 19-6-33.1, relating to family support registry, as follows:

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

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

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

303 ~~(3) 'Income deduction order' means an order which is made pursuant to Code Section~~
304 ~~19-6-32 and which becomes effective upon a delinquency which occurred on or after~~
305 ~~January 1, 1994, or which became effective immediately without a delinquency on or~~
306 ~~after January 1, 1994.~~

307 (3) 'Income withholding' shall have the same meaning as set forth in Code Section
308 19-6-32.

309 (4) 'Income withholding notice' shall have the same meaning as set forth in Code Section
310 19-6-32.

311 ~~(4)~~(5) 'IV-D' means Title IV-D of the federal Social Security Act.

312 ~~(5)~~(6) 'Obligee' means the individual to whom the payment of a support obligation is
313 owed.

314 ~~(6)~~(7) 'Obligor' means the individual owing a duty of support.

315 ~~(7)~~(8) 'Payor' means the person that provides earnings to an obligor.

316 (b) There shall be established and operated a family support registry pursuant to IV-D
317 regulations, and authority and funding shall be provided to the child support enforcement
318 agency for the operation of such registry. The child support enforcement agency shall be
319 authorized to establish and maintain or contract for the establishment and maintenance of
320 the family support registry. The family support registry shall be used for the collection and
321 processing of payments for support orders in all cases which are enforced by the child
322 support enforcement agency and for all other support orders not being enforced by the child
323 support enforcement agency in which are subject to an income deduction order the income
324 of the obligor is subject to income withholding.

325 (c) The child support enforcement agency shall, as required by federal law, redirect
326 payments for support orders in all cases being enforced by the child support enforcement
327 agency and for all other support orders not being enforced by the child support enforcement
328 agency which are subject to ~~an income deduction order~~ withholding. Such payments for
329 support orders being paid to a court, child support receiver, or private party by a payor shall
330 be redirected to the family support registry.

331 (d) In implementing the family support registry, the child support enforcement agency
332 shall be authorized to:

- 333 (1) Receive, process, and disburse payments for child support, child support when
334 combined with spousal support, child support arrears, or child support debt for any court
335 or administrative order;
- 336 (2) Maintain records of any payments collected, processed, and disbursed through the
337 family support registry;
- 338 (3) Establish and maintain a separate record for payments made through the family
339 support registry as a result of a judgment remedy;
- 340 (4) Answer inquiries from any parent concerning payments processed through the family
341 support registry; and
- 342 (5) Collect a fee for the processing of insufficient funds checks and issue a notice to the
343 originator of any insufficient funds check that no further checks shall be accepted from
344 such person and that future payments shall be required to be paid by cash or certified
345 funds.
- 346 (e) The following procedures shall be followed:
- 347 (1) All administrative orders and all court orders entered or modified which provide for
348 income ~~deduction orders~~ withholding for support payments for child support, child
349 support when combined with spousal support, child support arrears, or child support debt
350 shall require that such payments be made through the family support registry; and
- 351 (2) The child support enforcement agency shall send or cause to be sent a notice by
352 first-class mail directing that all income ~~deduction order payments~~ subject to income
353 withholding shall be made to the family support registry. Orders subject to this
354 redirection include all support orders being enforced by the child support enforcement
355 agency and all other orders not being enforced by the child support enforcement agency
356 which are subject to ~~an income deduction order~~ withholding. The notice shall be sent to
357 the following persons:
- 358 (A) Any obligor who is obligated to make payments for support, child support when
359 combined with spousal support, child support arrears or child support debt under court

360 order or administrative order in a IV-D case when the order does not already specify
361 paying through the family support registry; and
362 (B) Any payor that has been ~~deducting~~ withholding income under Code Section
363 19-6-32."

364 **SECTION 5.**

365 Said title is further amended by revising paragraph (4) of subsection (d) of Code Section
366 19-11-12, relating to review of orders for child support, review procedures, order adjusting
367 support award amount, and no release from liability due to subsequent financial obligation,
368 as follows:

369 "(4)(A) In the case of an administrative order, the child support enforcement agency
370 shall request the administrative law judge to increase or decrease the amount in the
371 existing order in accordance with such agency recommendation. If either the obligor
372 or the obligee files with the child support enforcement agency written objections to
373 such agency's proposed child support order adjustment or determination of no change
374 to the child support order within 33 days of the mailed notice, the matter shall be
375 scheduled for an administrative hearing within the Office of State Administrative
376 Hearings. The administrative order adjusting the child support award amount which
377 results from a hearing or the failure to object to the child support enforcement agency's
378 proposed adjustment or determination of no change shall, upon filing with the local
379 clerk of the court, have the full effect of a modification of the original order or decree
380 of support. ~~As part of the order adjusting the child support award the administrative~~
381 ~~law judge shall issue an income deduction order which shall also be filed with the court~~
382 ~~pursuant to Code Sections 19-6-30 through 19-6-33.1.~~

383 (B) In the case of a judicial order, the child support enforcement agency shall file a
384 petition asking the court to adopt such agency's proposed adjustment or determination
385 of no change to the child support order which shall be filed contemporaneously with

386 such agency's mailed notice and shall serve such petition upon the obligor and obligee
387 in the manner provided in subsection (e) of Code Section 9-11-4. Upon the filing of a
388 written objection to the child support enforcement agency's proposed adjustment or
389 determination of no change with the clerk of the superior court and with such agency,
390 a de novo proceeding shall be scheduled with the court on the matter. If neither party
391 files an objection within 30 days from the service of the petition, the court shall issue
392 an order adopting the recommendation of the child support enforcement agency. As
393 part of the order adjusting the child support award, the court shall address the issue of
394 an income ~~deduction~~ withholding order pursuant to Code Sections 19-6-30 through
395 19-6-33.1."

396

SECTION 6.

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

400 "(a) When the department has completed its investigation, has determined the ability of the
401 absent parent to support his or her child or children in accordance with guidelines
402 prescribed in Code Section 19-6-15, and believes that the absent parent is able to furnish
403 a certain amount of support, the department may, as an exception to Code Section 9-12-18,
404 request the absent parent to enter into a proposed consent order ~~and income deduction order~~
405 subject to income withholding to provide the support amount and accident and sickness
406 insurance coverage consistent with Code Section 19-11-26 prior to the filing of an action
407 with the superior court. The orders may not be set aside on the grounds that the parties
408 consented thereto prior to the filing of the action. Income withholding ~~An income~~
409 ~~deduction order~~ shall issue consistent with Code Sections 19-6-30 through 19-6-33.1. If
410 the department is unable to secure a proposed consent order from the parent, the

411 department may file an action in superior court or may initiate an administrative action
412 pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

413 "(c) The determination of the administrative law judge regarding the ability to provide
414 support and the ability to provide accident and sickness insurance coverage shall be
415 delivered to the absent parent personally or shall be sent by first-class mail. The final order
416 shall include ~~an income deduction order~~ a provision for immediate income withholding
417 consistent with Code Sections 19-6-30 through 19-6-33.1, and shall inform the absent
418 parent in plain language:

419 (1) That failure to support may result in the foreclosure of liens on his or her personal or
420 real property, in garnishment of his or her earnings or other personalty, or in other
421 collection actions; and

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

423 **SECTION 7.**

424 Said title is further amended by revising subsection (c) of Code Section 19-11-161, relating
425 to requirements for registration of orders issued by another state or foreign country and other
426 filings, as follows:

427 "(c) A petition, motion, or comparable filing seeking a remedy that must be affirmatively
428 sought under other laws of this state, and discovery incident thereto, may be filed at the
429 same time as the request for registration or later. The pleading, motion, or other filing must
430 specify the grounds for the remedy sought. For purposes of this subsection, remedies
431 sought may include, but are not limited to, a rule for contempt or a petition for ~~entry of an~~
432 ~~income deduction order~~ income withholding."

433 **SECTION 8.**

434 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
435 amended by replacing "income deduction order" and "income deduction orders" with

436 "income withholding order" and "income withholding orders", respectively, wherever such
437 phrases occur in:

- 438 (1) Code Section 19-5-12, relating to form of judgment and decree of divorce; and
- 439 (2) Subsections (f) through (l) of Code Section 19-6-33, relating to notice and service of
440 income deduction order, hearing on enforcement of order, discharge of obligor, and
441 penalties.

442 **SECTION 9.**

443 Said title is further amended by replacing "income-withholding" with "income withholding"
444 wherever such phrase occurs in:

- 445 (1) Code Section 19-6-33, relating to notice and service of income deduction order,
446 hearing on enforcement of order, discharge of obligor, and penalties;
- 447 (2) Code Section 19-11-101, relating to definitions relative to the Uniform Interstate
448 Family Support Act;
- 449 (3) Code Section 19-11-150, relating to issuance of income-withholding orders;
- 450 (4) Code Section 19-11-151, relating to obligation of employer upon receipt of
451 income-withholding order;
- 452 (5) Code Section 19-11-152, relating to receipt of two or more income-withholding orders;
- 453 (6) Code Section 19-11-153, relating to employer's civil liability;
- 454 (7) Code Section 19-11-154, relating to penalties for employer's noncompliance;
- 455 (8) Code Section 19-11-155, relating to contesting of order from another tribunal;
- 456 (9) Code Section 19-11-156, relating to enforcement of orders issued by another state or
457 foreign country;
- 458 (10) Code Section 19-11-160, relating to registration of orders issued by another state or
459 foreign country;
- 460 (11) Code Section 19-11-161, relating to requirements for registration of orders issued by
461 another state or foreign country and other filings;

- 462 (12) Code Section 19-11-162, relating to filing in Georgia tribunal required for
463 registration, enforcement, and modification; and
464 (13) Code Section 19-11-164, relating to notification to nonregistering party and obligor's
465 employer.

466

SECTION 10.

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