

O.C.G.A. § 19-6-33.1

Current through 2024 Regular and Extraordinary Session of the General Assembly.

**Official Code of Georgia Annotated TITLE 19 Domestic Relations (Chs. 1
— 15) CHAPTER 6 Alimony and Child Support (Arts. 1 — 2) Article 1
General Provisions (§§ 19-6-1 — 19-6-36)**

19-6-33.1. Family support registry.

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

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

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

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

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

(5) "IV-D" means Title IV-D of the federal Social Security Act.

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

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

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

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

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

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

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

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

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

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

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

(e) The following procedures shall be followed:

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

(2) The child support enforcement agency shall send or cause to be sent a notice by first-class mail directing that all income subject to income withholding shall be made to the family support registry. Orders subject to this redirection include all support orders being enforced by the child support enforcement agency and all other orders not being enforced by the child support enforcement agency which are subject to income withholding. The notice shall be sent to the following persons:

(A) Any obligor who is obligated to make payments for support, child support when combined with spousal support, child support arrears or child support debt under court order or administrative order in a IV-D case when the order does not already specify paying through the family support registry; and

(B) Any payor that has been withholding income under Code Section 19-6-32.

(f) Any obligor or payor that receives a notice to redirect payments as specified in subsection (e) of this Code section that fails to make the payments to the family support registry and continues to make payments to the court or to the obligee shall be sent a second notice to redirect payments. The second notice shall be sent by certified mail, return receipt requested or by statutory overnight delivery. Such notice shall contain all the information required to be included in the first notice to redirect payments and shall further state that the obligor or payor has failed to

make the payments to the child support enforcement agency and that the obligor or payor shall redirect the payments to the family support registry at the address indicated in the notice. Failure to make payments to the family support registry after a second notice shall be grounds for contempt.

(g)

(1) Any payment required to be made to the family support registry which is received by the court, child support receiver, obligee, or child support enforcement agency shall be forwarded to the family support registry within two business days after receipt. All income deduction order payments from payors or such payments forwarded by the court, child support receiver, obligee, or child support enforcement agency shall be identified with the information specified by the family support registry, including but not limited to the court case number, social security number of the obligor, county where the case originated, and name of the obligor.

(2) Except as provided by federal law, the family support registry shall distribute all support amounts payable within two business days after receipt from the payor.

(h) The Department of Human Services shall coordinate the operation of the family support registry with the state case registry created under Code Section 19-11-39 so as to reduce if not eliminate the need for duplicate reporting and information

recording. The Department of Human Services shall be authorized to establish and collect an administrative fee from the individual owing a duty of support through the family support registry. Such administrative fee shall be the lesser of:

(1) Two dollars per payment;

(2) Five percent of the amount of each payment; or

(3) The actual cost of processing and distributing the child support from the source to the obligee.

(i) Nothing in this Code section shall allow or require any reduction of child support payments owed to any parent or guardian of a child.

History

Code 1981, § 19-6-33.1, enacted by Ga. L. 1999, p. 1237, § 3; Ga. L. 2000, p. 136, § 19; Ga. L. 2000, p. 1589, § 3; Ga. L. 2009, p. 453, § 2-2/HB 228; Ga. L. 2017, p. 646, § 1-15/SB 137; Ga. L. 2024, p. 233, § 4/SB 520, effective July 1, 2024.

▼ Annotations

Notes

Amendments.

The 2017 amendment, effective July 1, 2017, rewrote this Code section.

The 2024 amendment, effective July 1, 2024, deleted former paragraph (a) (3), which read: “Income deduction order’ means an order which is made pursuant to Code Section 19-6-32 and which becomes effective upon a delinquency which occurred on or after January 1, 1994, or which became effective immediately without a delinquency on or after January 1, 1994.”; added paragraphs (a)(3) and (a)(4); redesignated former paragraphs (a)(4) through (a)(7) as present paragraphs (a)(5) through (a)(8); substituted “in which the income of the obligor is subject to income withholding” for “which are subject to an income deduction order” at the end of subsection (b); substituted “to income withholding” for “to an income deduction order” at the end of the first sentence in subsection (c); substituted “income withholding” for “income deduction orders” in paragraph (e)(1); substituted “subject to income withholding” for “deduction order payments” in the first sentence and “to income withholding” for “to an income deduction order” in the second

sentence of paragraph (e)(2); and substituted “withholding” for “deducting” in subparagraph (e)(2)(B).

Research References & Practice Aids

U.S. Code.

Title IV-D of the federal Social Security Act, referred to in this Code section, is codified at 42 U.S.C. § 651 et seq.

Administrative rules and regulations.

Fees and collection procedures, Official Compilation of the Rules and Regulations of the State of Georgia, Office of Child Support Recovery, Recovery and Administration of Child Support, § 290-7-1-.05.

Hierarchy Notes:

O.C.G.A. Title 19

O.C.G.A. Title 19, Ch. 6

O.C.G.A. Title 19, Ch. 6, Art. 1

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