

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,)
Plaintiff,)
)
v.) **CIVIL ACTION**
) **FILE No. _____**
)
_____,)
Defendant.)

INCOME WITHHOLDING ORDER

This Court having entered an order establishing, modifying, or enforcing a child support obligation owed by the (check one) Plaintiff Defendant, and the Court having determined that an Income Withholding Order (“IWO”) should be entered in accordance with Official Code of Georgia Annotated (“OCGA”) § 19-6-30 et seq., it is ORDERED AND ADJUDGED:

1. Identification of Parties

Name of Person Paying Support (“Obligor”): _____

Address of Obligor: _____

Name of Person Receiving Support (“Obligee”): _____

Child(ren):

Name: _____ Year of Birth: _____

Name: _____ Year of Birth: _____

Name: _____ Year of Birth: _____

Check here if a page is attached naming additional children.

2. Service

The Obligee shall initiate wage withholding by completing and transmitting all documents and notices required by OCGA § 19-6-30 et seq.; 42 USC § 666 (b) (6) (A) (ii); and the Georgia Family Support Registry. Additionally, the Obligee shall serve upon the Obligor a copy of this order and all other documents required to be served pursuant to OCGA § 19-6-30 et seq. Service on the Obligor shall be made by personal service, certified mail, statutory overnight delivery with

return receipt requested, or by regular mail in accordance with the alternative service provisions of OCGA §§ 9-11-4 (j) and 19-6-33 (c). The Obligee shall also mail a copy of this order to:

Family Support Registry
P.O. Box 1800
Carrollton, Georgia 30112-1800

3. Effective Date of this Order

The effective date of this order shall be as follows:

- Immediately.
- Upon a delinquency equal to one month's support. This Court finds that good cause was shown to delay the effective date of this order. The Obligee or the IV-D agency* may enforce this IWO by serving a "Notice of Delinquency" on the Obligor as provided in OCGA § 19-6-32 (h).

* A "IV-D agency" is a state agency that runs a child support enforcement program under Title IV-D of the federal Social Security Act.

4. Duration of this Order

This order hereby supersedes any previous IWO; and it shall remain in force so long as the order of support upon which it is based is effective or arrearages remain upon payment due under such order, or until further order of this Court. Thus, this order shall continue until (check one): the last child of the parties for whom the Obligor has a duty to support reaches the age of majority; the last child of the parties for whom the Obligor has a duty of support graduates from high school and reaches the age of majority, or reaches the age of 20 years, whichever shall first occur. See OCGA § 19-6-15 (e).

5. Income Withholding

The Obligor's employer, future employer, or any other person, private entity, federal or state government, or any unit of local government providing or administering any periodic form of payment due to the Obligor, regardless of source, including without limitation wages, salary, commissions, bonuses, workers' compensation, disability, payments from a pension or retirement program, personal injury awards or settlements, and interest, shall withhold from all monies due the Obligor the amounts specified in paragraphs 6 and 7.

6. Amount of Withholding

The amount withheld pursuant to this order shall be calculated as follows:

- (a) Current Support: \$ _____ per month.
- (b) Alimony: \$ _____ per month.
- (c) Past Due Support: \$ _____ per month.
- (d) Family Support Registry ("FSR") Fee: \$ _____ **per withholding payment per OCGA § 19-6-33.1 (h).

** Such administrative fee shall be the lesser of \$2 per payment, five percent of the amount of each payment, or the actual cost of processing and distributing the child support from the source to the Obligee, which the Family Support Registry has determined to be \$1.50.

7. Past Due Support

The Obligor named above owes past due support in the amount of \$ _____ as of _____, 20____. The Obligee shall have the right to any additional arrearage that may accrue through the date of the first withholding of income and for all other periods of non-payment.

8. Payment Address

The total amount withheld shall be forwarded by the Obligor's employer ("Payor") within two business days after each payment date to:

Family Support Registry
P.O. Box 1800
Carrollton, Georgia 30112-1800

9. Payment Instructions

(a) If Payor is withholding child support for more than one IWO, Payor must, upon future modification by Child Support Services or court order, withhold the FSR Fee for each IWO. If the amount Payor is withholding for any one case is \$30 or more, the FSR Fee for that IWO is \$1.50. If the withholding is less than \$30, the FSR Fee is five percent of the amount withheld.

(b) The total amount of the Child Support Withholding will decrease, if applicable, after all past due support is paid in full; at that point the amount withheld will be the amount of current support plus the FSR Fee.

10. Consumer Credit Protection Act

The maximum amount to be withheld by a Payor shall not exceed the amount allowable under Section 303 (b) of the federal Consumer Credit Protection Act (Pub. L. 90-321), 15 USC § 1673 (a), as amended.

11. Duty of Obligor to Ensure Compliance

The Obligor is hereby ordered to perform all acts necessary for the proper withholding of the sums stated in this IWO, including delivery of the IWO to his or her employer and future employers, and to personally monitor and confirm on an ongoing basis that the payments withheld are timely and properly withheld from his or her income and forwarded as ordered, correctly

identified with the above case. Failure of the employer to perform under this order does not relieve the Obligor of his or her obligation to ensure that payment is made.

12. Wrongful Discharge

No Payor shall discharge an Obligor by reason of the fact that income has been subjected to an IWO under OCGA § 19-6-32. A Payor who violates this paragraph is subject to a civil penalty not to exceed \$250 for the first violation or \$500 for any subsequent violation. Penalties shall be paid to the Obligee or the Division of Child Support Services, whichever is enforcing the IWO, if any support is due and payable. If no support is due and payable, the penalty shall be paid to the Obligor.

SO ORDERED this _____ day of _____, 20_____.

_____, Judge
Superior Court of _____ County

Prepared and presented by:

