

**INSTRUCTIONS FOR INCOME WITHHOLDING
ORDER: NOTICE OF DELINQUENCY**

PART I - Statute: O.C.G.A. §19-6-32

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(h) When an income withholding order is effective upon a delinquency in an amount equal to one month's support, or when an order for spousal or child support was in effect prior to July 1, 1989, the obligee or child support enforcement agency, as applicable, may enforce the income withholding order by providing a notice of delinquency to the obligor. A notice of delinquency shall state:

- (1) The terms of the support order;**
- (2) The period of delinquency and the total amount of the delinquency as of the date the notice is mailed;**
- (3) All fees or interest which may be imposed;**
- (4) The total amount of earnings to be withheld for each pay period until the arrearage and all applicable fees and interest are paid in full and the total amount of earnings to be withheld for each pay period thereafter. The amounts withheld shall not be in excess of that allowed under Section 303(b) of the federal Consumer Credit Protection Act, 15 U.S.C. Section 1673(b);**
- (5) That a copy of the notice of delinquency shall be provided to the payors, together with a copy of the income withholding order and income withholding notice. The obligor may apply to a court to contest enforcement of the order once the notice of delinquency has been received. The application shall not affect the enforcement of the income withholding order until a court enters an order granting relief to the obligor;**
- (6) That the enforcement of the income withholding order may only be contested on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearages, or the identity of the obligor; and**
- (7) That the obligor is required to notify the obligee of the obligor's current address and current payors and the address of current payors. All changes shall be reported by the obligor within seven days of the change occurring. If the child support enforcement agency is enforcing such order, the obligor shall make these notifications to the child support enforcement agency instead of to the obligee.**

PART II - Instructions for the Custodial Parent/Obligee/Payee:

When an Income Withholding Order (IWO) is effective *upon a delinquency*, and there is an arrear in an amount equal to one month's support:

- The Custodial Parent/Obligee/Payee may enforce the Income Withholding Order by providing a Notice of Delinquency to the Noncustodial Parent/Obligor/Payor.
- A copy of the Notice of Delinquency shall also be provided to the employer(s)/payor(s), together with a copy of the Income Withholding Order.
- The Custodial Parent/Obligee/Payee will follow the instructions at steps 1, 2, and 3, as outlined on the IWO website, <https://georgiacourts.gov/iwo/>, and as provided below.

- A copy of this handout is to be included with the Notice of Delinquency issued to the Noncustodial Parent/Obligor/Payor.

PART III - Forms and Process for placing Income Withholding with a Notice of Delinquency

To download forms, go to <https://georgiacourts.gov/iwo/>.

Step 1- Prepare and send these documents to the Family Support Registry:

1. FSR Registration Form
2. A copy of your Income Withholding Order

While not required, it is helpful if you also send a copy of your **Child Support Order**.

Important!

Fax documents to 770-836-2701, OR mail documents to the Family Support Registry, P. O. Box 1800, Carrollton, GA 30112-1800. Under Georgia law, all payments made by income withholding must be paid to the Family Support Registry (FSR), a state agency administered by the Division of Child Support Services (DCSS). A record is made of each payment and it is forwarded to the custodial parent.

Exception: Alimony only payments are paid directly to the ex-spouse by the employer.

Step 2 □ Prepare and send these documents to the employer/payor:

1. A copy of your Income Withholding Order
2. A copy of the Notice of Delinquency
3. Notice to Payor
4. Income Withholding Notice form

Important!

DO NOT have the Income Withholding Notice form signed by a judge or file it with the Superior Court Clerk's office because it includes the Social Security Number (SSN) of the Noncustodial Parent. Filing the document with the clerk will violate Georgia law.

Step 3 □ Prepare and send these documents to the Noncustodial Parent (NCP)

1. A copy of your Income Withholding Order
2. A copy of the Notice of Delinquency
3. Statement of Rights, Remedies, and Duties