



## **Terminate Income Withholding When Children Age Out of the Order**

Georgia's Child Support Guidelines statute at O.C.G.A. § 19-6-15(e) defines the duration of child support responsibility for minor children. Please see the last page of this document for that language. A private or Non-IV-D child support obligation being collected through an Income Withholding Order is not managed by the Division of Child Support Services (DCSS) or the Family Support Registry (FSR). You or your attorney must take steps to notify an employer when the Income Withholding Order is to be discontinued because all child support owed under the order has been paid in full. Below are three suggestions and processes that may be helpful when communicating with an employer to state that the child support obligation has been fully met pursuant to the court order, and that the employer must stop the withholding of child support. If you need legal advice or representation, please seek the services of an attorney. Do not ask the DCSS or FSR to assist you with this process since they cannot legally do so.

***You must also include a federal Income Withholding Notice form that you or your attorney will complete and sign as the issuing official. Do not have a judge sign the Income Withholding Notice. At the top of the form, check the box for "Termination of IWO," and complete enough information on the form making it clear to the employer that you are asking the employer to stop the withholding.***

1. Send a copy of your child's birth certificate and proof of graduation from high school to the employer's payroll department, together with a copy of your child support order, showing (and perhaps even highlighting) the duration of child support responsibility language. If your employer has a separate legal department, send a copy there as well.

OR

2. Use a "Consent Order to Terminate Income Withholding." This form is **ONLY** for use by parties who **agree** that the noncustodial parent has paid the child support obligation in full.

Attach a copy of your child's birth certificate and proof of graduation from high school. When you file the motion with the clerk, send a cover letter and include the consent order. Ask the clerk to forward the consent order to the judge for signing and ask that once the consent order is signed, that the judge's office have the consent order filed with the clerk and send a copy to you. Include a self-addressed, postage stamped envelope so they can send you the signed consent order. It is *your* responsibility to get the consent order to your employer.



The PDF Fillable form may be completed on-line, and then printed **OR** you may print the form and complete.

**Forms: Motion and Consent Order – click a link to download each form:**

- [Motion to Terminate Current Support Withholding](#)
- [Consent order terminating withholding](#)

OR

3. If the custodial parent will not sign the Motion and Consent Order, and the employer requires a court order to stop the withholding of child support, contact an attorney for further assistance. Unfortunately, not all employers will stop the withholding or at least stop the current support withholding and instead will request a court order telling them to stop the withholding. There is no Georgia statute that requires this order, but an employer may still make this request.

Below is an excerpt from the Child Support Guidelines Statute, **O.C.G.A. § 19-6-15(e)**, concerning the “Duration of Child Support Responsibility” (emancipation of children) and when current child support payments are to end. Note: Secondary school is high school.

**(e) Duration of child support responsibility.** *The duty to provide support for a minor child shall continue until the child reaches the age of majority, dies, marries, or becomes emancipated, whichever first occurs; provided, however, that, in any temporary, final, or modified order for child support with respect to any proceeding for divorce, separate maintenance, legitimacy, or paternity entered on or after July 1, 1992, the court, in the exercise of sound discretion, may direct either or both parents to provide financial assistance to a child who has not previously married or become emancipated, who is enrolled in and attending a secondary school, and who has attained the age of majority before completing his or her secondary school education, provided that such financial assistance shall not be required after a child attains 20 years of age. The provisions for child support provided in this subsection may be enforced by either parent, by any nonparent custodian, by a guardian appointed to receive child support for the child for whose benefit the child support is ordered, or by the child for whose benefit the child support is ordered.*