

CHILD SUPPORT

FREQUENTLY ASKED
QUESTIONS AND
ANSWERS

CHILD SUPPORT

WHAT IS CHILD SUPPORT?

Child support is assistance (usually financial), which is owed by parents to and for the benefit of a child. It is the public policy of the state of Georgia to require parents to provide adequate support for their minor children. Parents cannot waive a child's right to receive child support.

WHAT ARE THE CHILD SUPPORT GUIDELINES?

CHILDREN

% OF GROSS INCOME

1	17-23%
2	23-28%
3	25-32%
4	29-35%
5 or more	31-37%

IF I PAY CHILD SUPPORT, DO I AUTOMATICALLY GET TO VISIT MY CHILD?

Unfortunately, no. Making child support payments does not automatically give a non-custodial parent visitation rights. The non-custodial parent must petition the court for Visitation Rights.

IF I AM NOT CURRENTLY RECEIVING CHILD SUPPORT, WHERE CAN I GO TO BEGIN THE PROCESS?

Child support services are available to Georgia parents who need assistance, whether or not the parties were married. Any custodial parent or caretaker of a child can collect regular child support from a parent who should contribute. Upon completing the application process, Child Support Enforcement or Maximus will assist anyone who has legal custody of a child and needs help obtaining initial child support payments, or in the collection of back payments. In addition, both agencies will assist non-custodial parents who wish to initiate child support payments on their own. The duty to support continues until the child:

- reaches the age of 18*
- dies
- marries, or
- is emancipated

* The court can however direct support to continue for a child in high school over the age of 18, but not over the age of 20.

If you are a custodial parent or caretaker trying to obtain a child support, and you do not have a court order, you can start the application process at one of the following agencies which services your county, or proceed with one of the following actions:

1. Child Support Enforcement
1718 Peachtree Street
Suite 385
Atlanta, Georgia
404-206-5362

For TANF (Temporary Assistance for Needy Families) recipients, child support cases will be opened through the case manager, with out an application fee.

2. Maximus
34 Peachtree Street
Atlanta, GA
404-588-2180

For those who are non-TANF recipients, a file can be opened at Maximus for a \$25* application fee.

*Application fee subject to change.

HOW LONG WILL IT TAKE TO PROCESS MY APPLICATION FOR SUPPORT?

The length of time it takes to process each case is different based on a number of factors, such as whether there is already an Order for Support, whether we know the location of the parent, whether the non-custodial parent (NCP) is working, etc. All cases must go through a similar process of:

Family Support Registry

Hotline Numbers:

TANF Recipients: 404-657-2780
800-227-7993

Non-TANF Recipients: 404-371-7329

OTHER OPTIONS FOR STARTING THE APPLICATION PROCESS:

1. Criminal Non-Support (Abandonment Warrant)

Child abandonment is a misdemeanor offense in Georgia with a penalty of a \$1,000 fine or up to 12 months in prison, when a parent has failed to provide sufficient food clothing, or shelter for the needs of the child for 30 days. (O.C.G.A. sec. 19-10-1).

A warrant is applied for by the custodial parent or caretaker of the minor child through the warrant office in their county. Once the warrant is applied for, a hearing is scheduled. A judge will determine whether or not the abandonment occurred. At the hearing, the accused has the following options:

- 1) The parent who has been accused of abandoning his/her child, can request a probable cause hearing.
- 2) The accused parent can choose at the time of the hearing to pay child support. Upon deciding to do so, the parent is immediately paired with a caseworker for CSE or Maximus who will assist with the opening a case file.
- 3) If the question of parentage arises, the accused father may request a paternity DNA test. He must agree and arrange to pay for the test.

Abandonment Application cases are heard every 2nd and 4th Tuesday of each month, however, the Magistrate Court of Fulton County hears daily, abandonment warrant cases. For further information, please contact:

Child Abandonment
Fulton County Solicitor's Office
160 Pryor Street, Suite 135
Atlanta, Georgia 30303
404-730-4800

2. File a Private Action

1) Family Law Information Center (FLIC)

185 Central Avenue, Suite 704
Atlanta, Georgia 30303
404-335-2789
www.fultonfamilydivision.com

If you are interested in filing these actions on your own, you may either purchase the forms and complete instructions from FLIC for \$2.00, or you can print the packets from the Family Division web-site.

Provisions for child support can be arranged in the following petitions:

- Petition for divorce
- Petition for Separate Maintenance
- Petition for Legitimation

2) Atlanta Legal Aid Society

151 Spring Street, NW
Atlanta, Georgia 30303
404-524-5811

Hours: 9:00-5:00 M-F

Counties Served: Fulton, Dekalb, Gwinnett, Cobb, and Clayton

3) Atlanta Volunteer Lawyers Foundation

225 Peachtree Street
Suite 1105, South Tower
Atlanta, Georgia 30303
404-521-0790

Hours: 9:00-12:00 M-F
Counties Served: Fulton County

PLEASE NOTE: FOR BOTH ATLANTA LEGAL AID AND ATLANTA VOLUNTEER LAWYERS FOUNDATION, THERE ARE INCOME ELIGIBILITY REQUIREMENTS, WHICH MUST BE MET.

- 4) Atlanta Bar Association Lawyer Referral Service
Contact 404-521-0777 to arrange a 30-minute consultation with an attorney, for a \$35.00 fee.
- 5) Contact a private attorney.

WHAT CAN I DO IF I HAVE A CHILD SUPPORT ORDER, BUT I HAVE NOT RECEIVED ANY PAYMENTS, OR IF THE PAYMENTS ARE BEHIND?

If you have already obtained a court order to receive child support, and the non-custodial parent is not making payments, or if the person ordered to pay is behind in making those payments, one of the following actions may assist you in the collection of the ordered support:

1. Contact CSE or Maximus. If you presently have a case with CSE or Maximus, contact the case manager assigned your file. Both agencies will help with the enforcement of a child support order. Be sure to have a copy of the original order when attempting to enforce an existing order. You can obtain a copy of your order at the Clerk of Court's office in the county where your order was obtained.

WHAT HAPPENS IF THE NON-CUSTODIAL PARENT IS NOT MAKING HIS/HER PAYMENTS TIMELY OR EVEN AT ALL?

In order to help in the collection of support, CSE and Maximus will carefully review each case, and decide on the appropriate action to take, should a non-custodial parent fail to make support payments. They have the ability to:

- Withhold child support from a paycheck, or from unemployment benefits.
- Intercept federal and or state income tax refunds to pay child support arrears.

- Garnish worker's compensation benefits.
 - Suspend or revoke the driver's, professional, or occupational license of parents who are over 60 days behind in payment.
 - Filing liens and levies on tangible property.
 - File contempt of court actions, which could result in a jail sentence.
 - Make compliance with child support orders a condition of parole.
2. **File a Petition for Citation of Contempt.** If you have a court order to receive support and that support has not been paid or payments are behind, you can file a contempt action with the court that ordered payment. If granted, the non-custodial parent is ordered to perform the action in the original order. If the non-paying parent is found to be in contempt of court, in addition to carrying out the original order, he/she may be subject to sanctions, such as jail time or fines, at the judge's discretion.
 3. **Petition the Court for an Income Deduction Order.** An (IDO) is an order from a Court requiring a person's employer to deduct money directly from an employee's paycheck who owes child support. The employer will send thy payments to the Family Support Registry (FSR) and FSR will send the payments directly to you.

WHAT IF THE NON-CUSTODIAL PARENT DOES NOT HAVE A JOB?

As a part of welfare reform, legislation was passed requiring all employers in the state of Georgia to report the hiring of new employees to FSR within 10 days of their date of hire. If you are registered with CSE, parents who are behind in their payments can be brought into compliance quickly when they become employed.

CAN I CHANGE THE AMOUNT OF CHILD SUPPORT I RECEIVE (OR PAY)?

If you are collecting child support and are interested in increasing the amount of child support you receive, under certain circumstances, you may be able to petition the court for a Modification in Child Support. Likewise, if you are paying child support and are trying to reduce the amount you pay,

you may also petition the court for a modification. Generally, you can only file a Modification of Child Support if it has been two years since a judge signed an order for child support, unless your original support order has never been modified.

WHAT IF I AM A FATHER WHO CANNOT PAY CHILD SUPPORT?

The Fatherhood Program, created by Child Support Enforcement, works with non-custodial parents who have a case with CSE and are unable to pay their child support. The program offers job placement, training, counseling and is free to all participants. For more information, contact your local CSE office or call 1-888-4FATHER to obtain further information.