

HOW TO FILE A GARNISHMENT FOR SUPPORT - CHILD AND ALIMONY

PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE FILLING OUT ANY FORMS!!!

PLEASE PRINT LEGIBLY!!!

1. You are acting as your own attorney, and the Court Clerks **cannot** give you legal advice concerning garnishments. If you have any questions not answered by this sheet, or need help in filling out the forms, you must consult an attorney.
2. You may file a garnishment for support based on a final divorce decree, order signed by a judge, or administrative order.
3. If the defendant does not make **minimum wage**, you cannot file a garnishment.
4. A certified copy of the divorce decree, or order **must** be attached to your affidavit.
5. If the garnishment is for child support, you must put the date the child(ren) will reach majority on the affidavit.
6. You will need to figure out how much the person you are garnishing is in arrears as of the date of filing.
7. The individual has to be in arrears an amount totaling one month's support before you can file.
8. For current cost of filing a support garnishment, call the Fulton County State Court Cashier's office at 404-730-5010.
9. The individual that you are garnishing has to be **employed** by a company in **Fulton County**, or the company has to have an agent for service in Fulton County. To find out if there is an agent, you can call the **Secretary of State's** office at **404-656-2817**, and give them the name of the company. You may also garnish individuals working for any branch of the government through this court. If you do this, you must serve the employer yourself, by certified mail.
10. You must furnish a **complete and correct** street address for the employer of the person you are garnishing. **NO refunds** will be given because of incorrect information or dismissal of case!!
11. All costs paid by you for the garnishment will be recovered from the Defendant, if we are successful in collecting money for you. Be aware that if you are using a Paupers Affidavit, the Court will take its costs out first from any monies received.
12. If you do not have us serve the Defendant with their copy of the garnishment, you must send it to them by **certified mail**, return receipt requested. This should be done as soon as you receive it back in the mail from us. The Court must have a copy of the **signed green card** before any monies can be released to you. If the certified mail is refused, or unclaimed, make a copy of the **front of the envelope** and send it to us.
12. Please attach a **self-addressed stamped envelope** to the green Service Sheet. This is so you can receive your copy and also the defendant's summons(to be mailed to them). It will also give you the garnishment case number, including Judges code, and the date the employer was served. **Service information is not given over the phone.** It can take up to **sixty days** from the date of service for the employer to respond to the Court. If the defendant is still employed, we will receive **50%** of the take home pay until the case is paid down to a 0 balance, you release it, or the Defendant changes jobs.
13. The Court **will not contact** you if no payments are received. If, after sixty days from the date the employer was served, you have not received a check from us, and no answer has been filed, you will need to **contact an attorney** to be advised of your legal rights.
14. The Court cannot guarantee that you will collect any money when you file a garnishment. But if we do collect funds, they will be processed and **mailed** to you. Please allow one month between checks. As we process a very large number of checks, **none can be picked up.**
15. You may contact the Garnishment Office at 730-5030 for general information about your case. Remember, it can take up to sixty days before we may have any information for you.
16. All correspondence should be addressed to: **GARNISHMENT DIVISION, State Court of Fulton County, TG900 Justice Center Tower, 185 Central Ave SW, Atlanta GA 30303**
17. This information is only a general summary. There are exceptions to these rules. Because the law is complicated, you may wish to consult an attorney to determine your exact legal rights.