

Child Support

FREQUENTLY ASKED QUESTIONS

about
CHILD SUPPORT
and
Child Support Resource List

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.

WHERE CAN I FIND INFORMATION ABOUT CHILD SUPPORT GUIDELINES?

The new Georgia Child Support Guidelines went into effect on January 1, 2007. Child support calculations must now be made using the new guidelines. To obtain the forms and instructions you need to go to:
<https://services.georgia.gov/dhr/cspp/do/public/SupportCalc>

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 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:

Child Support Enforcement
3201 Atlanta Industrial Parkway
Suite 104
Atlanta, GA 30331
(877) 423-4746 (Virtual Call Center)
(404) 657-3862 (Customer Service Unit)

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:

- verifying or locating the non-custodial parent,
- petitioning the court, if there is no prior support order OR notifying the NCP that CSE is enforcing a prior order,
- settling paternity issues,
- referring a case, if necessary, to an Enforcement Agent who will monitor the case and/or take legal action to keep payments current.

WHAT SERVICES DOES CHILD SUPPORT ENFORCEMENT PROVIDE?

Child Support Enforcement (CSE) assists the custodial parent or caretaker in obtaining child support, in addition to helping the non-custodial parent set-up child support payments. Generally, both agencies perform the following services:

- Location of the non-custodial parent for child support purposes ONLY.
- Establishment of paternity for child support purposes ONLY.
- Establishment and modification of a child support order.
- Enforcement of a child support order.
- Collection and distribution of support collected through the Family Support Registry.

WHAT IF I CANNOT LOCATE THE NON-CUSTODIAL PARENT TO SERVE HIM/HER?

For the purpose of collecting child support, the custodial parent can have the non-custodial parent served at work or at home. If you are unable to locate the non-custodial parent to collect support, you must contact Child Support Enforcement. CSE will assist in the location of absent parents within or outside the state of Georgia.

OTHER OPTIONS FOR STARTING THE APPLICATION PROCESS:

-

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:

- The parent who has been accused of abandoning his/her child, can request a probable cause hearing.
- 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 who will assist with the opening a case file.
- 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

- File a Private Action

- Family Law Information Center (FLIC)
185 Central Avenue, Suite 704
Atlanta, Georgia 30303
404-612-2789

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 download the forms from this site (see Forms).

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

- Petition for Divorce
- Petition for Separate Maintenance
- Petition for Legitimation

- 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

- Atlanta Volunteer Lawyers Foundation
235 Peachtree Street

North Tower
Suite 1750
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.

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

- 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:

- Contact CSE. If you presently have a case with CSE, contact the case manager assigned your file. CSE will help you 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.

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

- 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.

- 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. CHILD SUPPORT RESOURCE LIST Child Support Enforcement 3201 Atlanta Industrial Parkway

Suite 104
Atlanta, GA 30331
(404) 505-4907 (Virtual Call Center)
(404) 657-3862 (Customer Service Unit)

Send Payments to:

P.O. Box 1600 (Non-custodial parent)

P.O. Box 1700 (Out of state)

P.O. Box 1800 (Employer)Carrollton, GA 30112

Child Abandonment

Fulton County Solicitor's Office
160 Pryor Street, Suite 135
Atlanta, Georgia 30303
404-730-4752Family Law Information Center (FLIC)

185 Central Avenue, Suite 704
Atlanta, Georgia 30303
404-612-2789Atlanta Volunteer Lawyers

235 Peachtree Street
North Tower
Suite 1750
Atlanta, Georgia 30303
404-521-0790
Serves: Fulton County
Hours: 9:00-12:00 M,T,W,FAtlanta Legal Aid Society

151 Spring Street, NW
Atlanta, Georgia 30303
404-524-5811
Hours: 9:00-5:00 M-F
Serves: Fulton, Dekalb, Gwinnett, Cobb, and Clayton Counties