

# CHILD SUPPORT GARNISHMENT

**This packet contains forms and information on:**

## **How to Have Child Support Garnished**

Child support can be set, or modified up or down, or enforced and collected when unpaid, by using the legal services of the Office of Child Support Recovery at **1-877-423-4746** even if you are not yet divorced or are divorced or have never been married. If your child support has ever been ordered through the legal services of the Office of Child Support Recovery, the law generally requires that they be involved in any legal cases involving child support after that.

It is advisable to have an attorney when filing legal papers to be sure that your rights are protected and that all the procedures are correctly followed. **Courthouse personnel are prohibited by state law O.C.G.A. § 15-19-51 from giving legal advice.** Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations.

## **IMPORTANT**

**IF THERE IS ANY QUESTION in your mind concerning these forms, the use of these forms, or your legal rights, it is strongly recommended that the services of an attorney be obtained. If you do not know an attorney you should contact your local Bar Association.**

**If you are unable to afford the services of an attorney, you should contact the following organizations to see if you are eligible for their services:**

- **Georgia Legal Services Program, Piedmont Regional Office (404)894-7707 (Fayette and Spalding Counties)**
- **Georgia Legal Services Program, Columbus Regional Office (706)649-7493 (Pike and Upson Counties)**

**DUE TO THE CHANGING NATURE OF THE LAW, the forms and information contained in these packets may become outdated. Therefore, you should review and research statutes and rules of procedure referenced in the instructions to ensure that the forms are accurate and current.**

**IN NO EVENT will the Superior Court Clerk's Office, Judge's Chambers, County Government or ADR Office or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any indirect or consequential damages resulting from the use of the booklet.**

**USE THESE FORMS AT YOUR OWN RISK. THESE FORMS MAY OR MAY NOT BE APPROPRIATE IN YOUR PARTICULAR CASE. ANY DESIRED OUTCOME FROM THE USE OF THESE FORMS CANNOT BE PREDICTED OR GUARANTEED. IT IS STRONGLY RECOMMENDED THAT YOU SEEK LEGAL ADVICE.**

## INSTRUCTIONS FOR HAVING CHILD SUPPORT GARNISHED

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Regardless of whether you are the person who pays child support (the person paying is called the “*obligor*”) or the person who receives child support (the person receiving payment is called the “*obligee*”), either one of you may choose to have the Family Support Registry (“**FSR**”) garnish the payment from the obligor’s paycheck and forward it to the obligee. When the obligor’s employer receives the required forms, it will deduct the child support payment from the obligor’s paycheck and send it to the FSR. The FSR will then forward the payment to the obligee. Note that the **employer** will **not** send the payment **directly** to the **obligee**; rather, the payment *must* be sent to the FSR first, and the FSR will then send it to the obligee.

To have the Family Support Registry (FSR) garnish wages, you must *fully, completely, and accurately* prepare **each** of the following five forms:

1. The *FSR Registration Form*. You only need one copy, which is the original.
2. The *Income Deduction Order* (“**IDO**”). (Note: if there are past-due child support payments, which are called “arrearages,” and if the judge has signed an Order stating the amount overdue and how/when it is to be paid, you must include that past-due amount in the IDO along with the current amount due each month.) The judge will sign the IDO and then send it to the Clerk of Court to be filed. After that is done, you will need to go by the Clerk of Court’s office and get three copies of the signed, file-stamped IDO. This is the only one of the five forms in this list that must be signed by the judge and filed with the Clerk of Court
3. The *Income Withholding Order* (“**IWO**”). Do not send the IWO to the judge, and do not file it with the Clerk of Court. (Detailed instructions on filling out the IWO are available online at <http://www.georgiacourts.org/csc/iwo/>.) You only need one copy of this form, which is the original.
4. The *Statement of Rights, Remedies, and Duties*. You only need one copy of this document, which is the original.
5. The *Notice to Payor*. You only need one copy of this document, which is the original.

Once you have prepared all five documents above, the next step is to send the right documents to the right places. Below is a list of who you should send which documents to:

FAMILY SUPPORT REGISTRY – Send a copy of 1) the IDO and 2) a completed FSR Registration Form to the FSR.

The mailing address for payments being sent from the obligor's employer or attorney is Family Support Registry, P. O. Box 1800, Carrollton GA 30112-1800.

The mailing address for payments being sent directly from the obligor is Family Support Registry, P. O. Box 1600, Carrollton GA 30112-1600.

The mailing address for payments being sent from an out-of-state child support agency is Family Support Registry, P. O. Box 1700, Carrollton GA 30112-1700.

EMPLOYER OF THE OBLIGOR (THE PERSON MAKING THE PAYMENT) - Send a copy of 1) the IWO, 2) the IDO, and 3) the Notice to Payor to the obligor's employer/payor.

THE OBLIGOR (THE PERSON WHO OWES THE PAYMENT) - Send a copy of 1) the IDO and 2) the Statement of Rights, Remedies, and Duties to the obligor.

Note that if you have not filled out all the forms properly, or if you have not sent the correct forms to the correct places or people, then the garnishment will not occur until **you** correct the problem. If such a problem arises, do **not** call the judge's office or the Clerk of Court because they cannot help you. They have no way of knowing whether you completed all five forms properly or whether you sent the right forms to the right people or places. But more importantly, *Georgia law does not allow the judge's staff or clerk of court's staff to give you legal advice.* Remember that giving advice about legal **procedure** is the same thing as "giving legal advice."

**Please read all instructions and complete the forms legibly.**