



CHILD SUPPORT IN GEORGIA

Georgia's new child support guidelines began January 1, 2007. Under the old law, courts used just the income of the parent the child was not living with to decide how much child support should be paid. Under the new law, courts will consider the income of both parents. The court will also look at the best interest of the children.

INCOME

Courts will first look at the income of both parents. Sometimes a person's income is not clear. There are rules for certain situations, such as:

- When a parent is self-employed.
- When a parent's income changes due to tips, bonuses, overtime, or commission.
- When a parent receives money from social security retirement or disability income, workers compensation or unemployment income.

Certain types of income are not considered. Child support, TANF, SSI, food stamps, and Medicaid benefits are not counted when figuring out the income a parent has.

Parents must bring the court proof of their incomes. When there is no reliable proof, it is up to the court to decide the parent's income. Courts may also ask questions to see why a parent chooses not to work or does not work enough. If this happens, the court can set child support based on the parent's earning ability.

SUPPORTING OTHER CHILDREN

There are special rules about lowering available income when a parent is paying for the support of other children who are not part of the court case.

- If a parent pays child support for other children under a prior court order, a court will subtract that amount from that parent's income.
- The court may (but does not have to) lower a parent's income if the parent supports another child who is living with him or her. The parent must be legally responsible to support the child. (A step-parent does not qualify.)

EACH PARENT'S BASIC SHARE OF SUPPORT

After the court decides how much income each parent has, it adds the two incomes. Then the court looks at a table to see how much of that income should be spent on the child(ren) each month. Each parent is responsible for a part of that amount. The exact amount each parent must pay depends on what part of the total income that parent makes. For instance, if the parents make the same amount of money, then they are each expected to provide half of the money the child needs. If a father makes 2/3 of the total income and the mother makes 1/3, then the father is expected to provide 2/3 of the support the child needs and the mother is expected to pay 1/3 of the child support.

HEALTH INSURANCE AND CHILD CARE

Some families have health insurance costs or work- or education-related child care costs.

Others do not. For those who do, the court divides these costs between the parents based on their percentage of the total income and adds it to the amount of child support the parent should pay.

PAYING AND RECEIVING CHILD SUPPORT

Except in certain circumstances (see "Other Expenses" section), this number is the amount of money each parent is expected to pay to support the children. The parent with whom the children lives ("custodial parent") pays his/her amount by providing things the child needs; the other parent ("non-custodial parent") pays his/her amount by making payments to the custodial parent. These payments can be made through the child support registry, by having the money taken from their paychecks, or in any way the court orders.

OTHER EXPENSES

Courts can change the amount of child support listed on the child support table if the child(ren) have certain special expenses. These changes are called "deviations" and can only be made if the court decides that the standard amount would not be fair or appropriate, and that the change would be in the children's best interests. Courts can not make a deviation if the new amount would hurt the custodial parent's ability to provide for the basic needs of the children.

Courts may (but are not required to) use these factors to either increase or decrease the amount of child support ordered. The court may ask if a parent:

- Has low income (\$1850 per month or less)?
- Has vision or dental insurance?
- Has substantial travel expenses for visiting the children?
- Makes mortgage payments for the other parent?
- Pays for things s/he needs in order to have a child returned from foster care?
- Has high medical expenses for him or herself or any of his/her children or parents?
- Takes a deduction for the children on his/her taxes?
- Has equal custody of the children or has the children for long periods of visitation?

This brochure gives you general information only. Contact a lawyer for individual legal advice in your case. Act immediately if you have court papers. Time is important.

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HELP ON THE INTERNET

To assist you in doing your own child support numbers you can look at the self-guided child support website. Go to <https://services.georgia.gov/dhr/cspp/do/public/SupportCalc> and click on the Guided Worksheet. You can find more information about child support at www.LegalAid-GA.org. Look under the Family Law and Domestic Violence section.

If you have questions about Child Support, contact your local Office of Child Support Services or call Georgia Legal Services Program (GLSP) at 1-800-498-9469 to find the closest office to you. GLSP does not have enough lawyers to handle all child support cases. If we can't help you, we can give you helpful information or refer you to a private attorney. Be sure to call GLSP if your case involves violence or abuse.

Georgia Legal Services Program

Toll Free: 1-800-489-9469

Tel.: (404) 206-5175

Fax: (404) 463-1623

TDD 1-800-255-0056

Visit our website at: www.glsp.org

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