

COLLECTING CHILD SUPPORT

A Guide for Parents



Your child has a right to be supported. By law, parents must support their child until the child either:

- ❖ reaches the age of 18 (if in high school, up to age 20),
- ❖ marries, or
- ❖ becomes emancipated.

The parent who takes care of the child is called the custodial parent. The custodial parent can get financial support from the non-custodial parent through a legal action.

Be aware that abusers sometimes withhold money to try to keep control in a relationship. If you feel that the other parent is using money to control you or force you to return to an abusive relationship, you can call the Domestic Violence Hotline At 1-800-33HAVEN for additional help.

How can I get child support started?

There are different actions you can take.

❖ **Contact the Office of Child Support Services (OCSS) in your county.** OCSS is the agency that helps the custodial parent find the absent non-custodial parent.

OCSS can:

- ❖ get the absent parent to pay child support whether he or she lives in Georgia or another state;
- ❖ help you get a court order;
- ❖ help you collect child support.

Child Support Services Hotline
From area codes (404), (678), (770):
404-463-8800
From (229), (478), (706), (912):
1-800-227-7993

If you receive Temporary Assistance for Needy Families (TANF) or Medicaid, there is no charge. If you do not receive TANF or Medicaid, the cost of OCSS services is \$25.

❖ **Go to court for Child Support.** Child Support should be granted in:

- ❖ divorce or separate maintenance cases;
- ❖ paternity cases;
- ❖ family violence cases; (TPO's)
- ❖ custody cases.

❖ **File a Criminal Abandonment Warrant.** If the other parent does not pay any support for more than 30 days, he or she can be charged with abandonment. Contact the Clerk of Courts in your county to find out how to file these charges. If the other parent is found guilty, he or she may be placed in jail.

What if I have a court order for support, but the other parent is not paying?

There are a number of legal actions you can consider.

❖ **Get an Income Deduction Order.** An Income Deduction Order is the most effective way to collect child support. This orders the non-custodial parent's employer to withhold the amount of child support from his or her paycheck. If you already have a child support order and it does not contain income deduction, it can be changed if the other parent is behind for more than the amount of one month's support.

❖ **File a "contempt" action.** A parent who is behind in child support is in contempt. He or she can be ordered to pay what is owed and to cover your legal costs. You can contact Georgia Legal Services for a referral to an attorney who may help you file this action.

❖ **Contact the Office of Child Support Services.** OCSS can help get the court order enforced. OCSS can also help you get a portion of the other parent's tax refund if you request it by August of each year.

❖ **Get a lien.** If you know the other parent owns real estate or personal property, talk to an attorney about making a claim against that property.

❖ **File a garnishment.** If the absent parent is at least 30 days behind in the amount of support he or she owes, you can file a garnishment. Georgia Legal Services Program can give you a packet with instructions for filing Continuing Garnishment for Support. You can also garnish bank accounts, Social Security benefits and tax refunds. SSI and TANF cannot be garnished.

❖ **Ask that a court deny or suspend the other parent's license.** If the parent is 60 days behind on child support but has the ability to pay, the court can deny or suspend his or her driver's license, professional license, hunting or fishing license.

What if I receive public assistance?

When you accept public assistance through TANF, you give the Georgia Department of Human Resources (DHR) the right to start a child support action and recover payments from the non-custodial parent.

If you are on TANF and the Office of Child Support Services has not recovered child support for you, you may have a right to collect child support on your own. If you do, you **must** report to OCSS the amount of child support you collect as income. You must also report this to your Department of Family and Children Services (DFCS) caseworker. If you do not, you could be charged with an overpayment or fraud.

Must I tell who the other parent is?

If you have **good cause** not to name the other parent, you should still be able to get TANF. If you have been abused by the other parent, you may have good cause. **DFCS can waive any TANF rule if it would put you at further risk of family violence.** If you have questions about whether you can refuse to help OCSS, contact Georgia Legal Services. See the back panel of this brochure for the address and phone number of the office nearest you.

Child Support Guidelines

Calculating Child Support

The incomes of both parents are used to figure out how much child support should be paid. For more information, see our brochure called “Child Support in Georgia”. To get copies of the financial documents you must submit in a child support case, go to <http://services.georgia.gov/dhr/cspp/do/public/SupportCalc>.

THIS BROCHURE GIVES YOU INFORMATION ONLY AND NOT LEGAL ADVICE. Act immediately if you have received any legal papers or other papers with deadlines. Please see a lawyer to discuss the facts in your case. For more information about child support or other family law issues, go to <http://www.legalaid-GA.org>.

Call 1-800-498-9469 for the Georgia Legal Services Program office nearest you. Our central office is located at:

104 Marietta Street, N.W.
Suite 250
Atlanta, Georgia 30303
(404) 206-5175
TDD Line: 1-800-255-0056

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