



Georgia Department of Human Services
Aging Services | Child Support Services | Family & Children Services

January 7, 2026

Notice of Intended Action and Public Hearing Regarding Proposed Amendments to Chapter 290-7, entitled “Office of Child Support Recovery,” Subject 290-7-1, entitled “Recovery and Administration of Child Support,” Ga. Comp. R. & Regs. Rules 290-7-1.01 through 290-7-1-.20 of the Rules of the Georgia Department of Human Services.

To All Interested Persons and Parties:

The Georgia Department of Human Services (“Department”) proposes the adoption of rule amendments to Chapter 290-7, specifically the Rule Chapter title and Rules 290-7-1-.01 through 290-7-1-.20 of the Rules of the Georgia Department of Human Services. The Department will be accepting written comments regarding the proposed amendments from January 8, 2026 through February 7, 2026.

This notice, together with a markup of the proposed amendments and a synopsis of the proposed amendments, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, a markup of the proposed amendments, and a synopsis of the proposed amendments may be reviewed during normal business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday, except official State holidays, at the Department of Human Services, Office of General Counsel at the following address:

Office of General Counsel
Georgia Department of Human Services
47 Trinity Avenue SW
Atlanta, Georgia 30334

These documents will also be available for review on the Department’s web page at <https://dhs.georgia.gov/>.

An in-person public hearing is scheduled to begin at **1:00 p.m.** on **January 13, 2026**, at 47 Trinity Avenue SW, Room G-07A/B, Atlanta, GA 30334 (information available at <https://dhs.georgia.gov/> under “Events Schedule”) to provide the public an opportunity to comment upon and provide input into the proposed amendments. At the public hearing anyone may present data, make a statement, comment, or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical

Notice of Intended Action and Public Hearing Regarding Proposed Amendments to Chapter 290-7, Office of Child Support Recovery, Subject 290-7-1, entitled "Recovery and Administration of Child Support," Ga. Comp. R. & Regs. Rules 290-7-1.01 through 290-7-1-.20 of the Rules of the Georgia Department of Human Services.

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or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received by the Department on or before **February 7, 2026**. Written comments should be addressed to:

Regina M. Quick
General Counsel
Georgia Department of Human Services
47 Trinity Avenue SW
Atlanta, Georgia 30334

It is the intent of the Department that the proposed amendments be considered for adoption by the Board at its meeting scheduled in April 2026. Up-to-date meeting schedule information will be posted at <https://dhs.georgia.gov/>.

Comment Period and Additional Information:

The Department will be accepting written comments regarding the proposed amendments from January 8, 2026, through February 7, 2026. Please submit written comments to:

Regina M. Quick
General Counsel
Georgia Department of Human Services
47 Trinity Avenue SW
Atlanta, Georgia 30334
Telephone Number: (470) 453-5866

Interested persons may call or submit a written request to obtain a copy of the synopsis and the markup of the proposed amendments. A copy of the synopsis and the markup proposed amendments may also be downloaded from the Department's web page at <https://dhs.georgia.gov/>.

This notice is provided in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.

**RULES OF THE
GEORGIA DEPARTMENT OF HUMAN SERVICES**

**CHAPTER 290-7
OFFICE OF CHILD SUPPORT RECOVERY**

**SUBJECT 290-7-1
RECOVERY AND ADMINISTRATION OF CHILD SUPPORT**

SYNOPSIS OF PROPOSED ACTION

The Georgia Department of Human Services, Division of Child Support Services (“Department”), proposes the adoption of amendments to Chapter 290-7, entitled Office of Child Support Recovery, Subject 290-7-1, entitled “Recovery and Administration of Child Support,” of the Rules of the Georgia Department of Human Services. Proposed amendments affect Rules 290-7-1.01 through 290-7-1-.20. These proposed amendments update rule provisions and language to align with Georgia law related to the Child Support Recovery Act, Child Support Guidelines, and IV-D federal regulations. Specifically, the proposed Rule amendments reflect certain revisions to the Child Support Guidelines for low-income adjustments and parenting time adjustments effective January 1, 2026. The proposed Rule amendments also reflect revisions to terminology (“income deduction” to “income withholding”) consistent with SB 520, which was passed by the General Assembly in 2024. The intent of these revisions is to improve consistency with current state and federal law, clarify procedural provisions, and modernize terminology. The amendments reduce unnecessary regulatory burdens while maintaining legal and procedural protections for all parties involved in child support administration and enforcement.

It is not anticipated that the adoption of these amendments will impose excessive regulatory costs or create new reporting burdens on charitable organizations or service providers. The revisions are designed to clarify existing procedures, enhance administrative efficiency, and ensure compliance with state and federal child support enforcement standards.

MAIN FEATURES OF AMENDMENTS TO THE RULES: The amendments to Chapter 290-7, Subject 290-7-1, entitled Recovery and Administration of Child Support, include the following:

Chapter Title. The rule chapter entitled 'Office of Child Support Recovery' will be updated to reflect the title 'Division of Child Support Services,' the current name of the division providing child support administration and enforcement services.

Rule 290-7-1-.01 (Legal Authority)

- The statutory authority for this rule section will be updated to reflect current O.C.G.A. references and eliminate outdated language.
- The amendments were primarily editorial and formatting revisions for consistency, with no substantive procedural changes.

Rule 290-7-1-.02 (Purpose and General Provisions)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule adds a provision that the Department's authority is limited to child support matters; custody and visitation are excluded except for parenting time adjustments under O.C.G.A. § 19-6-15(i)(2)(K).
- The Rule affirms the absence of attorney-client relationship between the Department and service recipients.
- The Rule updates terminology and improves consistency in reference to state and federal law.
- The Rule adds the discretion for optional service provision where appropriate and clarifies reliance on OSAH procedures unless otherwise required by law.

Rule 290-7-1-.03 (Definitions)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule revises and expands definitions for accuracy, clarity, and alignment with state and federal standards.
- The Rule adds new definitions including the following: "Dependent Child", "Extreme Hardship", "Genetic Test", "Income Withholding" and "Parenting Time Adjustment".
- The Rule defines "Dependent Child" as an individual who: (a) has not married or otherwise become emancipated; (b) is under the age of majority and enrolled in and attending secondary school; or (c) has attained the age of majority before completing secondary school and continues to be enrolled in and attending such school, until graduation or until child support

ceases upon the child attaining 20 years of age; or (d) is otherwise defined as a dependent child under O.C.G.A. § 19-6-15.

- The Rule defines “Extreme Hardship” as an applicant for a limited driving permit cannot reasonably obtain other transportation, and therefore the applicant would be prohibited from going to his or her place of employment or performing the normal duties of his or her occupation. Other factors pursuant to O.C.G.A. § 40-5-64(g) do not apply to the child support limited driving permit process described in Rule 290-7-1-.12.
- The Rule defines “Genetic testing” or “Paternity testing” as a laboratory analysis of human DNA, genetic markers, or chromosomes for the purpose of establishing paternity. All orders requiring parties to submit to genetic testing shall be issued in conformance with O.C.G.A. §§ 19-7-43, 19-7-46, and 19-7-54. In all cases genetic testing shall be of a type reasonably relied upon by experts in the field of genetic testing and shall be conducted by a laboratory pursuant to the criteria established in O.C.G.A. § 19-7-45.
- The Rule defines “Income withholding” as an income withholding order (IWO), an income withholding notice, or any other process directed to an obligor’s employer or other payor to withhold support from the income of the obligor pursuant to O.C.G.A. §§ 19-6-32 through 19-6-33.
- The Rule defines “Parenting time adjustment” as an adjustment reducing the basic child support obligation amount owed by the obligor to account for expenses incurred during that parent’s court ordered parenting time. The adjustment authorized under O.C.G.A. § 19-6-15 accounts for the number of visitation days expressly set forth in a court order and awarded to the obligor.
- The Rule updates the definitions for “License” and “Licensing Entity” to reflect current law and relocates the terms to the Definitions section.
- The Rule defines "License" as a certificate, permit, registration, or any other authorization issued by a licensing entity that allows a person to operate a motor vehicle or to engage in a profession, business, or occupation.
- The Rule defines "Licensing entity" as any Georgia agency, department, organization, or board which issues or renews any license, certificate, permit, or registration to authorize a person to drive a motor vehicle or to engage in a profession, business, or occupation, including but not limited to those relating to: pest control; mortgage lenders and mortgage brokers; securities salespersons and investment adviser representatives; foresters; pharmacists; insurance agents, counselors, and other personnel; attorneys licensed by the State Bar of Georgia; professions and businesses under Chapter 1 of Title 43; real estate appraisers; and real estate brokers and salespersons.

- The Rule ensures consistent use of 'alleged father' in place of 'putative obligor. The term “Alleged father” means a man who has been named by an applicant or who names himself to be the possible biological father of a child.
- This Rule section will be reordered to correspond with any revisions.
- The statutory authority for this rule section will be updated.

Rule 290-7-1-.04 (Establishment of Child Support Obligation)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule provisions clarify the requirements of when paternity should be established and the procedures for genetic testing.
- The Rule provision clarifies when the Department may establish paternity as follows, “in cases in which the paternity of a child or children has not been established or in which the individual receiving services alleges that paternity rests in a person other than the previously established father, the Department shall pursue a determination of paternity as permitted by law.”
- The Rule also provides that the Department may initiate litigation before genetic testing is completed; in such cases, genetic testing shall be conducted as ordered by the court.
- The Rule updates provisions regarding consent agreements, hearings, and public assistance referrals.
- The Rule eliminates outdated terminology and ensures conformity with current statutory and federal guidance.

Rule 290-7-1-.05 (Fees and Collection Procedures)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule revisions clarify fee structures and update service costs including application, modification review, and intercept fees.
- The Rule amendments clarify that the Rule is consistent with the Deficit Reduction Act and federal fee requirements.
- The Rule provisions provide for collection mechanisms through income withholding and outlines waiver and write-off provisions.
- The Rule provisions add authority for administrative hearings associated with fee disputes.

Rule 290-7-1-.06 (Periodic Review and Modification of Child Support Obligations)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule clarifies that review requests are governed by O.C.G.A. § 19-11-12.
- The Rule amendment adds standards for reasonable-cost medical coverage (\leq 5% of gross income) by providing that pursuant to 45 CFR 303.31(a)(3), the health insurance cost is considered reasonable when the cost does not exceed 5% of his or her gross income.
- The Rule amendment adds a prohibition to retroactive modifications prior to petition filing by explaining pursuant to 42 U.S.C. § 666, the Department may not seek to retroactively modify the ordered support amount beyond the date that the notice of petition for modification was filed with the Department.

Rule 290-7-1-.07 (Eligibility for Services “Non-Intergovernmental Cases”)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule replaces the term ‘putative obligor’ with ‘alleged father’ for the Rule application provision.
- The Rule clarifies that case closure requirements for non-cooperation are subject to the Department’s determination consistent to the case closure guidelines in 45 CFR 303.11.

Rule 290-7-1-.08 (Federal and State Tax Refund Intercept Program)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule will be amended to remove unnecessary definitions.
- The Rule will be amended to add definitions and procedural timelines for notice and appeal rights.

Rule 290-7-1-.09 (Garnishment and Orders to Withhold and Deliver)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule will be amended to replace ‘FIW’ with ‘income withholding’ in this section and throughout the rule set.
- The Rule defines procedures for contested cases before OSAH.

Rule 290-7-1-.10 (Issuance of Orders for Income Withholding)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule replaces 'FIW' with 'IWO' or 'Income Withholding' to be consistent with federal regulations and state law.

Rule 290-7-1-.11 (Passport Suspension)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule revision clarifies that “only the United States Department of State is authorized to reinstate a passport.”

Rule 290-7-1-.12 (License Revocations or Suspensions and Limited Driving Permit)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule updates the title of the Rule to “License Suspensions and Limited Driving Permit.”
- The Rule updates and relocates the definitions for “License” and “Licensing entity” from this section to Rule 290-7-1-.03.
- The Rule clarifies the Limited Driving Permit program for extreme hardship cases with defined eligibility criteria, terms and conditions provisions, and review standards.
- The Rule adds authority and clarifies the process for administrative hearings related to limited driving permits.

Rule 290-7-1-.13 (Intergovernmental Child Support Proceedings “UIFSA”)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule updates terminology and clarifies the Department’s role under UIFSA 2008.

Rule 290-7-1-.14 (Collection and Disbursement of Payments)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule restricts credit for direct payments outside the Family Support Registry unless verified.
- The Rule provides transactional evidence to be considered for credit for payments.

Rule 290-7-1-.15 (Allocation and Redirection of Payments)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule will be updated and reorganized to more accurately reflect allocation and redirection procedures. The Rule adds a redirection provision allowing redirection of excess or misapplied payments to be applied to arrears or new custodial arrangements.
- The Rule clarifies allocation among multiple obligees to be consistent with federal regulations.
- The Rule requires an administrative hearing if parties dispute redirection.

Rule 290-7-1-.16 (Confidentiality of Department Records and Information)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule clarifies that any request for certified payment histories may be subject to fees equivalent to fees charged for open records requests.
- The Rule updates statutory authority for this rule to include O.C.G.A. § 50-18-70 et seq.

Rule 290-7-1-.17 (Liens and Levies)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule clarifies the Department's authority to issue liens and levies on real and personal property when arrears exist.

Rule 290-7-1-.18 (Remedies Not Exclusive)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule clarifies authority in that the term "Act" refers to the Child Support Recovery Act.

Rule 290-7-1-.19 (Administrative Hearing Procedures)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule clarifies that a tax refund intercept appeal must be filed in the court that issued or registered the underlying child support order.
- The Rule updates statutory authority.

Rule 290-7-1-.20 (Waiver of Payment of Unreimbursed Public Assistance)

- The Rule will be reformatted and renumbered in accordance with Secretary of State rules.
- The Rule clarifies that the Commissioner of Human Services vests the Director of the Department and designees with the authority to waive, reduce, or negotiate the payment of unreimbursed public assistance.
- The Rule clarifies that the Department shall determine the obligor's current ability to pay a child support debt and the regularity of payments.

**RULES OF THE
GEORGIA DEPARTMENT OF HUMAN SERVICES**

**CHAPTER 290-7
OFFICE OF CHILD SUPPORT RECOVERY
DIVISION OF CHILD SUPPORT SERVICES**

**SUBJECT 290-7-1
RECOVERY AND ADMINISTRATION OF CHILD SUPPORT**

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Rule 290-7-1-.01 Legal Authority ~~and Table of Contents~~

These Rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) sections 19-6-15, 19-6-15.1, 19-6-17, 19-6-28.1, 19-6-30 through 19-6-33.1, 19-7-40, 19-7-43, 19-7-46.1, 19-7-52, 19-11-1 through 19-11-379, 19-11-100 through 19-11-1902, and 50-13-1 through 50-13-11.

- ~~290-7-1-.02 Purpose and General Provisions~~
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- ~~290-7-1-.17 Liens and Levies~~
- ~~290-7-1-.18 Remedies Not Exclusive~~
- ~~290-7-1-.19 Administrative Hearing Procedures~~
- ~~290-7-1-.20 Waiver of Payment of Unreimbursed Public Assistance~~

Authority: O.C.G.A. ~~Sees. §§~~ 19-6-15, 19-6-15.1, 19-6-17, 19-6-28.1, 19-6-30 through 19-6-33.1, 19-7-40, 19-7-43, 19-7-46.1, 19-7-52, 19-11-1 through 19-11-379, 19-11-100 through 19-11-1902, and 50-13-1 through 50-13-11.

Rule 290-7-1-.02. Purpose and General Provisions

- (1) ~~(a)~~ The purpose of these Rules is to specify procedures for the establishment and enforcement of child support obligations as authorized and required by certain laws of Georgia, including but not limited to, the "Child Support Recovery Act" ("CSRA"), codified at ~~sections~~ O.C.G.A. §§ 19-11-1 through 19-11-39 and the "Uniform Interstate Family Support Act," (UIFSA) codified at O.C.G.A. sections §§ 19-11-100 through 19-11-194.
- (2) ~~(b)~~ In compliance with ~~S~~state and ~~F~~federal ~~L~~aws, the Department of Human Services ~~hereby~~ operates a program for locating parents or ~~putative alleged~~ parents, establishing paternity, establishing or modifying support obligations, enforcing support obligations, and collecting child support. The program shall operate in accordance with the requirements of Title IV-D of the Social Security Act, applicable requirements of Title IV-A and Title IV-E of the Social Security Act, and applicable ~~S~~state law. The program will cooperate with other states by providing assistance in carrying out program functions.
- (3) ~~(c)~~ When carrying out its child support responsibilities, the Department proceeds on behalf of the child or children involved. Neither the Department nor its attorneys (including Assistant District Attorneys and Special Assistant Attorneys General) represent any recipient of child support enforcement services nor any person who has applied for services. The submission of an application for services does not create a contractual relationship between the Department and any person or persons.
- (4) ~~(d)~~ The Department will provide services or activities required to be provided and described in Title 45 of the Code of Federal Regulations, ~~Chapter III,~~ Part 302 and Part 303. In the Department's sole discretion, ~~A~~any optional services or activities specified in Part 302 or Part 303 may be provided ~~where, in the Department's sole discretion,~~ on a case-by-case basis, where its application is determined to further the goals of the child support program. The aforementioned federal regulations are ~~hereby~~ adopted by these ~~R~~rules by specific reference.
- (5) ~~(e)~~ Pursuant to ~~section O.C.G.A. § 19-11-24 of the Official Code of Georgia Annotated,~~ conformity with federal law is required and the Department is specifically authorized by Georgia law to "adopt regulations necessary to prevent conflict with federal law or the loss of federal funds."

(6) (f) The Department is categorically unauthorized to address issues of custody or visitation. Thus, in any action initiated by the Department pursuant to the CSRA or the ~~Uniform Interstate Family Support Act ("UIFSA")~~, the action shall be limited solely to the issue of support and shall exclude issues of visitation, custody, property settlement, or other similar matters otherwise joinable by the parties. A court proceeding under UIFSA may not condition the payment of a support order upon compliance by a party with provisions for visitation. The sole exception to this provision shall be in an action involving the enforcement or modification of a child support order containing a "parenting time" ~~deviation adjustment~~ entered under O.C.G.A. § 19-6-15(i)(2)(K). The Department is only authorized to include parenting time that has been previously ordered by the court in child support calculations. The Department is authorized to use any court order of visitation that sets forth the specific number of days, or designation of days, of intended visitation in calculating any parenting time adjustment.

(7) (g) The "~~c~~Child ~~s~~Support ~~g~~Guidelines" of Georgia are established by the General Assembly and ~~are~~ published at ~~section O.C.G.A. § 19-6-15_ of the Official Code of Georgia Annotated and~~ The guidelines must be considered by all courts and administrative tribunals in any proceeding involving child support.

(8) (h) In any administrative hearing held pursuant to these Rules, the procedural rules of the Office of State Administrative Hearings apply, except where an applicable federal or state law or a federal regulation ~~would~~ requires that a different procedure be applied.

Authority: O.C.G.A. ~~Secs. §§~~ 19-11-1 through 19-11-39, 19-11-100 through 19-11-1912, 50-13-1 through 50-13-11; 42 U.S.C. ~~Secs., §~~ 651 et seq., 663; 45 C.F.R. ~~Secs.-§~~ 205-235, 301-306.

Rule 290-7-1-.03. Definitions

In these Rules, unless the context requires otherwise, words and phrases shall mean the following:

- (1) ~~(a)~~ "Administrative ~~H~~hearing" means the evidentiary hearing conducted by an administrative law judge (~~"ALJ"~~) appointed by the Office of State Administrative Hearings (~~"OSAH"~~) in accordance with these Rules, any rules promulgated by OSAH, and the statutory provisions of the Georgia Administrative Procedure Act.
- (2) ~~(b)~~ "Administrative Procedure Act" means that law codified at ~~Official Code of Georgia sections O.C.G.A. §§~~ 50-13-1 through 50-13-23.
- (3) "Alleged father" means a man who has been named by an applicant or who names himself to be the possible biological father of a child.
- (4) ~~(c)~~ "Arrearage" means an amount of money calculated by the Department or a court representing the total amount of support owed less the actual amount of support paid by an obligor. An obligor who is "in arrears" is subject to any administrative or civil enforcement action allowed by law.
- (5) ~~(d)~~ "Child support" means any periodic or lump-sum payment of cash as well as the duty to provide health insurance (private or public) on behalf of a child or to pay for uninsured medical expenses of a child or any other obligation imposed or imposable under Georgia's ~~e~~Child ~~s~~Support ~~g~~Guidelines (~~see pursuant to~~ O.C.G.A. § 19-6-15).
- (6) "Child Support Guidelines" means the guidelines established by the Georgia General Assembly that are published at O.C.G.A. § 19-6-15, and consistent with federal regulations published by the federal Office of Child Support Enforcement (OCSE).
- (7) ~~(e)~~ "Child support obligation" means any obligation of support imposed ~~or imposable~~ by law, court or administrative order, decree or judgment or administrative decision.
- (8) ~~(f)~~ "Consent agreement" means an agreement entered into between the Department and one or more obligors setting forth the obligor's child support obligation.
- (9) ~~(g)~~ "Consent order" means ~~the~~ an order issued by ~~the~~ an administrative law judge or superior court judge based on a signed consent agreement.

- (10) "Court order" means any order for child support issued by a court or administrative court of this state, another state, or a foreign jurisdiction. An order may be issued in a criminal proceeding which results in the payment of child support as a condition of probation or otherwise. Such an order shall be deemed a IV-D order when any of the following occur:
- (a) Either party submits a copy of the order for support, along with a signed application to the Department for IV-D services;
 - (b) The right to child support has been assigned to the Department pursuant to O.C.G.A. § 19-11-6(a); or
 - (c) The order is registered as a foreign order pursuant to Article 3 of Chapter 19.
- (11) ~~(h)~~ "CSRA" refers to Georgia's "Child Support Recovery Act," codified at sections O.C.G.A. §§ 19-11-1 through 19-11-39 ~~of the Official Code of Georgia Annotated. The CSRA is the enabling legislation of the Department.~~
- (12) ~~(j)~~ "Department" means the division within the Georgia Department of Human Services which provides and administers child support services under ~~the Title IV-D of the Social Security Act program.~~
- (13) "Dependent child" means an individual who:
- (a) has not married or otherwise become emancipated;
 - (b) is under the age of majority and enrolled in and attending secondary school;
or
 - (c) has attained the age of majority before completing secondary school and continues to be enrolled in and attending such school, until graduation or until child support ceases upon the child attaining 20 years of age; or
 - (d) is otherwise defined as a dependent child under O.C.G.A. § 19-6-15.
- (14) ~~(j)~~ "Enforcement" refers to ~~the entire array of any~~ administrative or civil actions available to the Department to collect child support or an arrearage from one or more obligors.
- (15) ~~(k)~~ "Enforcement deferral" is a non-contractual writing between the Department and the obligor providing that the Department shall voluntarily refrain from taking specified enforcement actions so long as the obligor is making payments or otherwise complying with terms and conditions in accordance with the schedule specified in the document.

- (16) ~~(f)~~ "Establishment" means the process, whether administrative or civil, of the determination of paternity and the duty of a parent or parents to pay child support.
- (17) "Extreme hardship" means that an applicant for a limited driving permit cannot reasonably obtain other transportation, and therefore the applicant would be prohibited from going to his or her place of employment or performing the normal duties of his or her occupation. Other factors pursuant to O.C.G.A. § 40-5-64(g) do not apply to the child support limited driving permit process described in Rule 290-7-1-.12.
- ~~(m) "FIW" means either an income deduction withholding order or notice issued by a court pursuant to O.C.G.A. §§ 19-6-30 et seq. or an administrative order for income withholding issued by the Department pursuant to section 19-6-32. FIW is also an acronym for the federally-issued "Federal Income Withholding" "Income Withholding for Support" form (OMB Form # 0970-0154) which must be utilized by all IV-D agencies.~~
- (18) ~~(n)~~ "Foreign order" means an order issued by a court or an administrative entity located in a jurisdiction other than Georgia, including other countries if the United States government or Georgia has a reciprocity agreement with said country.
- (19) "Genetic testing" or "Paternity testing" means a laboratory analysis of human DNA, genetic markers, or chromosomes for the purpose of establishing paternity. All orders requiring parties to submit to genetic testing shall be issued in conformance with O.C.G.A. §§ 19-7-43, 19-7-46, and 19-7-54. In all cases genetic testing shall be of a type reasonably relied upon by experts in the field of genetic testing and shall be conducted by a laboratory pursuant to the criteria established in O.C.G.A. § 19-7-45.
- (20) "Income withholding" means an income withholding order (IWO), an income withholding notice, or any other process directed to an obligor's employer or other payor to withhold support from the income of the obligor pursuant to O.C.G.A. §§ 19-6-32 through 19-6-33.
- (21) ~~(e)~~ "IV-D order" means any order or judgment of a court of this state, any order or judgment of a court of another state or any administrative decision of this state issued under O.C.G.A. § 50-13-1 et seq., or any final administrative decision or order of another state setting forth an obligation to pay child support, where:
- (a) ~~if a proper~~ A party or any other person with standing who has ~~either~~ applied for services through ~~from~~ the Department; or
- (b) has received public assistance that triggers a mandatory referral for Title IV-D child support services under federal or state law.

(c) Such orders are established or enforced pursuant to Title IV-D of the Social Security Act and may involve services including, but not limited to, establishment of paternity, the establishment or modification of support orders, medical support, and enforcement or collection of support obligations.

(22) "License" means a certificate, permit, registration, or any other authorization issued by a licensing entity that allows a person to operate a motor vehicle or to engage in a profession, business, or occupation.

(23) "Licensing entity" means any Georgia agency, department, organization, or board which issues or renews any license, certificate, permit, or registration to authorize a person to drive a motor vehicle or to engage in a profession, business, or occupation, including but not limited to those relating to: pest control; mortgage lenders and mortgage brokers; securities salespersons and investment adviser representatives; foresters; pharmacists; insurance agents, counselors, and other personnel; attorneys licensed by the State Bar of Georgia; professions and businesses under Chapter 1 of Title 43; real estate appraisers; and real estate brokers and salespersons.

(24) (p)"Modification" refers to either the administrative or civil process of reviewing a child support order and then seeking a court order adjusting the original child support order. Modification is triggered when a support order:

(a) (1)provides for a support amount which is no longer consistent with the provisions of O.C.G.A. § 19-6-15; or,

(b) (2)contains a legal defect of any sort which the Department deems necessary to correct to make an order fully enforceable under the laws of this state; or,

(c) (3)requires the inclusion of medical support when available at reasonable cost. Review and modification may also be triggered by the mere passage of time if the obligee or child is receiving public assistance.

(25) (q)"Nonparent custodian" means, in accordance with O.C.G.A. § 19-6-15, an individual who has been granted legal custody of a child, or an individual who has a legal right to seek, modify, or enforce a child support order (such as a guardian or guardian ad litem). Nonparent custodians are usually, but not always, a relative of the child such as a grandparent.

(26) "Notice to payor" means a notice that contains only information necessary for the employer and/or payor to comply with an income withholding order and complies with all requirements contained in O.C.G.A. § 19-6-33(f).

~~(r)"O.C.G.A." refers to the Official Code of Georgia Annotated. The specific references to sections of O.C.G.A. in these rules are to those laws in effect at the~~

~~time these rules were promulgated. If, at some later date, the O.C.G.A. is revised, then these rules are to be construed in accordance with current law. If O.C.G.A. section numbers are changed, the O.C.G.A. references herein shall refer to the then-applicable law.~~

~~(27) (s)~~"Obligee" means the person to whom a child support obligation is owed under any court order or administrative order for child support.

~~(28) (t)~~"Obligor" means the person who is responsible for paying a child support obligation under any court order or administrative order for child support.

~~(29) "Parenting time adjustment" means an adjustment reducing the basic child support obligation amount owed by the obligor to account for expenses incurred during that parent's court ordered parenting time. The adjustment authorized under O.C.G.A. § 19-6-15 accounts for the number of visitation days expressly set forth in a court order and awarded to the obligor.~~

~~(u)"Putative obligor" means any person who is alleged to owe a duty to support a child or children.~~

~~(30) (v)"UIFSA" refers to the "Uniform Interstate Family Support Act," codified at sections O.C.G.A. §§ 19-11-100 through 19-11-194~~2~~ of the Official Code of Georgia Annotated.~~

~~(31) (w)"Underemployed" means either a complete failure to seek employment or the acceptance of employment at a level of compensation which does not reasonably reflect a person's earning potential or a refusal without good cause to accept employment which is otherwise reasonably available.~~

Authority: O.C.G.A. §§ ~~19-6-15, 19-6-15.1, 19-6-30, 19-6-31, 19-6-32, through~~ 19-6-33, 19-11-4, ~~19-11-6, 19-11-24, 19-11-100 through 19-11-192,~~ 49-5-1, ~~40-5-64, 50-13-~~ 1 et seq.

Rule 290-7-1-.04. Establishment of Child Support Obligation

(1) (a) Initial Investigation.

In cases in which no child support order ~~already~~ exists, ~~or the Department has reason to believe no such child support order exists,~~ the Department may conduct an investigation in accordance with O.C.G.A. § 19-11-10 to determine the ability of an ~~an putative obligor~~ alleged parent to support his/her child(ren).

(a) As a result of the investigation, ~~T~~the Department will calculate the amount of the support award based on the standards set forth at O.C.G.A. § 19-6-15.

(b) If paternity is contested, ~~In cases in which the paternity of a child or children has not been established or in which the individual receiving services alleges that paternity rests in a person other than the previously established father,~~ the Department shall pursue a determination of paternity as permitted by law.

(2) (b) Genetic Testing.

~~(1) In accordance with Georgia law as amended in 2015, g~~ Genetic testing will be required in any case in which paternity is at issue and paternity has not previously been established. In such instances, the Department will issue an order for genetic testing, which will be provided to ~~both putative parents~~ the mother and the alleged father of the child at issue. The order shall specify the time and place for genetic samples to be obtained.

(a) An applicant for services who fails to comply with the order for genetic testing is failing to cooperate with the Department, and his/her case is subject to administrative closure. An application will not be deemed complete unless accompanied by an applicant's sworn statement alleging or denying paternity. The sworn statement is required by law; pursuant to O.C.G.A. § 19-7-43.

(b) A defendant in a paternity case who fails to comply with the ~~departmental~~ Department's genetic testing order on two or more occasions shall be held to have waived any right to genetic testing in the case or in any proceedings involving the Department.

(c) ~~The Department may initiate litigation prior to the completion of genetic testing, in which case the testing shall take place as ordered by the court. The Department may initiate litigation before genetic testing is completed; in such cases, genetic testing shall be conducted as ordered by the court.~~

(d) Genetic testing will not be pursued in cases involving adoption or the use of reproductive assistance techniques which would negate biological relations (such as embryo donation, egg donation, sperm donation, etc.).

(e) The cost of genetic testing shall be ~~cast upon~~ borne by the defendant in a paternity case if the results show that the defendant is the biological parent of the child.

(f) ~~(2)~~ Any genetic material collected for a paternity test shall be destroyed by ~~the Department and~~ any contractor, vendor, or laboratory authorized to do testing for the Department no earlier than one year but no later than two years from the date that the result of such test is transmitted to the Department. The Department may extend this period of time if needed due to a continuing court action or legal dispute by notice to the contractor, vendor, or laboratory. Neither the Department nor any contractor, vendor, or laboratory authorized to do testing for the Department may share the genetic material with any other person or agency, or use the genetic material for any purpose other than the determination of paternity. The contractor, vendor, or laboratory must agree to comply with terms and conditions set forth within a contract for services with the ~~e~~Department, including but not limited to, liquidated damages due to the improper release, use, or failure to destroy information or materials associated with paternity testing services.

(g) ~~Any documentation resulting from paternity testing shall be kept and maintained by the contractor, vendor, or laboratory for a minimum of seven years from the date of the results.~~

(3) ~~(c)~~ Consent ~~a~~Agreement.

When ~~the an~~ investigation to determine the ability of an alleged parent to support his/her child(ren) is complete, the Department ~~will~~ may request that the putative obligor enter into a consent agreement to provide child support (including medical support) and to provide medical insurance when available to the putative obligor at reasonable cost, in accordance with 45 CFR § 303.31(a)(3) and O.C.G.A. § 19-11-26. Subsequently, the Department will submit a signed consent agreement to OSAH or superior court for the issuance of a support order and will issue an FIW-income withholding order (IWO) after entry of the consent order if the obligor is employed.

(4) ~~(d)~~ Establishment at Hearing.

If the Department is unable to secure a consent agreement from the putative obligor, the Department will file a request for hearing before an administrative law judge appointed by OSAH or a superior court judge to determine the duty of and ability of the putative obligor to provide child support. The amount of the support shall be determined in accordance with O.C.G.A. § 19-6-15 and shall include medical insurance for his/her children when available pursuant to O.C.G.A. § 19-6-15(h)(2)(B)(iii) or available at reasonable cost pursuant to O.C.G.A. § 19-11-26. An administrative hearing and any appeal therefrom under this Rule shall be in accordance with the procedures set forth at Rule 290-7-1-.19 and O.C.G.A. § 50-13-40 et seq.

(5) (e) If a nonparent custodian is the party seeking establishment, the Department may proceed against all natural or adoptive parents of the child in the same proceeding unless jurisdictional defects require separate proceedings. Although a nonparent custodian applying for services may seek establishment against only one parent, the Department in its sole discretion may choose to proceed against both parents of the child(ren).

(6) (f) As required by federal law, when TANF, Medicaid, Parent/Caretaker Medicaid, or other public assistance is paid by the State of Georgia on behalf of a child, a referral is automatically made to the Department for establishment services. In such public assistance cases, the Department may proceed without an application for services in order to collect a public debt owed to the State of Georgia. In such public assistance cases only, the Department may ~~seek to establish a support obligation even though the custodian of the child does not have legal custody~~ pursue the establishment of a support obligation notwithstanding that the individual with physical custody of the child lacks legal custody.

(7) (g) The Department may, in its sole discretion, elect to proceed in superior court to establish any child support obligation rather than proceed through OSAH.

Authority: O.C.G.A. §§ 19-6-15, 19-6-17, 19-7-43, 19-7-45, 19-11-8, 19-11-10, 19-11-15, 19-11-26, 50-13-40.

Rule 290-7-1-.05. Fees and Collection Procedures

(1) (a) Application Fees:

aAll persons applying for services from the Department are required to pay a \$25 application fee, or other amount as federally required, unless the applicant is currently receiving TANF or some other form of public assistance that does not require an application fee.

(2) (b) Family Support Registry (FSR) Fees:

Pursuant to O.C.G.A. § 19-6-33.1, The Department controloversees the "family support registry," FSR, a central registry which operates on behalf of the dDepartment to receive, process, disburse, and maintain a record of all child support payments paid to the Department or paid pursuant to an (income deduction withholding order)(IWO).

(a)(1)The Department shall collect a fee of up to \$30.00 for processing of insufficient funds checks.

(b)(2)The Department shall collect an administrative fee, whichever is the lesser of the following:

1. up to \$2.00 per payment, or

2. 5 percent of each payment, or

3. the actual cost of processing and distributing the payment whichever is the lesser.

(3) (c) Deficit Reduction Act (DRA) Fees:

The Department is required by the federal Deficit Reduction Act DRA and state law to collect an annual fee from obligors. Such fee shall only apply to the obligor when no individual in the case has received assistance under a State TANF program, former State AFDC program and Tribal TANF program of the federal Social Security Act. The annual fee is \$35.00 for each case. The Department shall retain and collect this fee through income withholding or any other enforcement remedy available to the Department.

(4) (d) Other Fees:

(a) (1)For any person not currently receiving TANF or Family Medicaid Parent/Caretaker Medicaid assistance, or whose gross monthly income is not less than an amount determined by the Department and set by policy based upon the current minimum wage, a non-refundable fee of up to \$100.00 is

required for review and modification pursuant to code section 19-11-12, payable upon completion of the review process, except in cases proceeding under the Uniform Interstate Family Support Act (UIFSA).

~~(b) (2)~~ A maximum fee of \$25.00 shall be retained and deducted from any intercept of federal tax refunds, as required by federal law.

~~(c) (3)~~ A fee of \$12.00 shall be retained and deducted from any intercept of state tax refunds.

~~(d) (4)~~ Genetic testing will often be utilized as required by law to establish ~~a putative parent's~~ an alleged father's biological relationship to a child. The genetic testing fee will be based on the contracted rate at the time the test is administered. If the ~~putative obligor~~ alleged father is confirmed as a biological parent and paternity is established, the obligor is responsible for paying the genetic testing fee at the time the court or administrative tribunal enters an order. If the ~~putative~~ alleged father is excluded as a possible parent, then the person who named the ~~putative~~ alleged father shall be liable to the ~~d~~Department for reimbursement of the paternity testing fee. However, if the parent determined to be responsible for paying the testing fee is receiving public assistance at the time the paternity is established, that individual shall not bear the cost for reimbursement.

~~(e) (5)~~ The Department of Vital Records shall charge a fee of up to \$10.00 for each certification regarding entries on the ~~p~~Putative ~~f~~Father ~~r~~Registry (see O.C.G.A. § 19-11-9(f)). The Department of Vital Records may waive the fee provided for in this subsection upon presentation of an affidavit of the petitioner's indigency.

~~(5) (e)~~ ~~An applicant for services from t~~The Department is not permitted to close ~~his/her~~ an applicant's case if any fees required by this Rule remain unpaid.

~~(6) (f)~~ ~~An applicant for services who closes his/her case after a civil action has been initiated by the Department shall be responsible for reimbursing the Department for any court costs or service fees arising from said civil action for which the Department was required by law to pay. The applicant must reimburse the Department for any court costs or service fees the Department was legally required to pay, if an applicant closes a case after the Department initiates a civil action.~~

~~(7) (g)~~ In any enforcement proceeding brought by the Department, should it prevail, the court may award the Department, upon application, its reasonable attorney's fees and actual court costs.

(8) ~~(h)~~ In the collection of overdue fees, the Department may utilize any collection mechanism existing within Title 19 of the Georgia Code, from either the obligee or the obligor. The Department is authorized to add an amount to any order for income withholding as needed to offset the total amount of fees owed under this Rule.

(9) ~~(i)~~ In compliance with O.C.G.A. § 50-16-18, the Department has limited authority to "write off" any fees otherwise due under this Rule and zero out a fee account if, upon review by accounting personnel or by counsel, and subsequent certification by the Commissioner, the Department concludes that the account receivable is no more than \$100 and that the account is uncollectible or that the cost of collecting on the fee account would likely equal or exceed the fee amount owed. Amounts over \$100 deemed to be uncollectible by State Accounting Office (SAO) policies may be written off at the discretion of the Department.

(10) ~~(j)~~ Any person aggrieved by an effort of the Department to collect a fee under this Rule shall be entitled to an administrative hearing. An administrative hearing and any appeal therefrom under this Rule shall be in accordance with the procedures set forth at Rule 290-7-1-.19 and O.C.G.A. § 50-13-40 et seq.

Authority: O.C.G.A. §§ 19-6-33.1, 19-7-43, 19-11-6, 19-11-9.3, 19-11-12, 50-13-40, 50-16-18 et seq.

Rule 290-7-1-.06. Periodic Review and Modification of Child Support Obligations

- (1) ~~(a)~~ This Rule applies to periodic redeterminations of support requested pursuant to O.C.G.A. §§ under sections 19-11-16 and 19-11-17 of the Georgia Code as well as review and modification under section pursuant to O.C.G.A. § 19-11-12-of the Georgia Code.
- (2) ~~(b)~~ The Department may conduct periodic redeterminations and reinvestigations of the ability of the parent to furnish support upon the receipt of an application for services from an obligor or obligee. An application for modification shall not be deemed to be received until the applicant submits all information required by the Department in the application packet. If either party requests redetermination under section pursuant to O.C.G.A. § 19-11-17, the party shall be informed that Georgia law has changed since section 19-11-17 was enacted and that, now, all redeterminations must proceed under section pursuant to O.C.G.A. § 19-11-12 and this Rule.
- (3) ~~(c)~~ The Department shall notify the obligor and obligee of the opportunity for a review of their IV-D order at least once every three years in accordance with the provisions of O.C.G.A. § 19-11-12 and these regulations. The Department, either parent, or a nonparent custodian may request a review of the IV-D order for potential modification at that time by submitting an application for review and modification. If no review is applied for, no action need be taken by the Department prior to the expiration of the next applicable review period unless the case involves the receipt of TANF benefits - such orders shall, as mandated by federal law, be subject to mandatory review every three years without request, as mandated by federal law.
- (4) ~~(d)~~ Where a child is born to an obligee and obligor who are already subject to a child support order being enforced by the Department, the procedures of this Rule may be utilized to add the child to the order by consent. If the obligor and obligee do not consent to adding the child to the order, the Department shall initiate a new civil action in superior court seeking to establish support for the new child and to modifying the original order to add that child as a dependent covered by the order.
- (5) ~~(e)~~ When Upon receipt of an review application is received for review, the Department shall notify the obligee and the obligor(s) at least 30 days before the commencement of the review prior to of the local office undertaking the beginning its review unless notice is waived by the obligee and obligor(s). However, both the obligee and obligor(s) may be asked to submit necessary information during the aforementioned 30-day period. At the review, the cChild sSupport gGuidelines codified at O.C.G.A. § 19-6-15 shall be used to determine the appropriate amount of the child support obligation under based on the facts existing at the time of review. In determining whether a change in circumstances exists necessitating modification of a IV-D order, the Department shall consider the following:

~~(a)~~ ~~(4)~~ The Department may seek an upward modification if the calculated support award is a 15% or greater increase than the current support award with a minimum \$25 per month increase. The Department may consider evidence that the obligor is underemployed or otherwise artificially suppressing income.

~~(b)~~ ~~(2)~~ The Department may seek a downward modification if the obligor is not underemployed and if the calculated support award would result in a 15% or greater decrease of the current support award with a minimum \$25 per month decrease. The Department may consider evidence that the:

~~1.~~ ~~(4)~~ obligor is medically certified disabled to work, and such condition is expected to continue one year or longer; or

~~2.~~ ~~(2)~~ the obligor has experienced an involuntary loss of income in accordance with O.C.G.A. § 19-6-15(j); or

~~3.~~ ~~(3)~~ the obligor has subsequently incurred an additional child support obligation.

~~(c)~~ ~~(3)~~ The Department may seek a modification requiring any obligor to procure health insurance for his/her child(ren) if health insurance is reasonably available to the obligor at reasonable cost. Pursuant to 45 CFR 303.31(a)(3), the health insurance cost is considered reasonable when the cost does not exceed 5% of his or her gross income. If the IV-D order does not provide for the payment of uninsured medical expenses, modification will be sought to provide for medical support payments as appropriate under the circumstances of the case.

~~(d)~~ ~~(4)~~ The Department may provide notice to seek a modification if, upon sentencing, the obligor will be incarcerated for more than 180 calendar days.

~~(6)~~ ~~(f)~~ After a review is conducted, the agency recommendation will be sent by first-class mail to the obligor and obligee at their last known addresses of a proposed adjustment or a determination that there should be no change in the child support award amount.

~~(7)~~ ~~(g)~~ In the case of an administrative support order, the Department shall file the agency recommendation with OSAH. If neither the obligor nor obligee objects in writing to the agency recommendation in-writing sent to the Department within 33 days of mailing of the agency recommendation, the ALJ shall, after being notified by the Department of the lack of objection, enter an order adopting the agency recommendation. If a written objection is received within the 33-day period following mailing of the agency recommendation, the ALJ shall schedule a hearing. The parties may, at any time following the filing, enter into a consent agreement to modify the support order.

~~(8)~~ ~~(h)~~ In the case of a judicial order, the Department shall file a petition with the court to adopt the agency recommendation contemporaneously with the mailing of the agency recommendation under paragraph ~~(f)~~ 6. The petition shall be served upon

the obligor and obligee in accordance with O.C.G.A. § 9-11-4. If no party files an objection with the clerk of court within 30 days from the date of service of the petition, the court shall issue an order adopting the agency recommendation. If any party files an objection within 30 days of having been served, the court shall schedule a de novo hearing. The parties may, at any time following filing of the petition, enter into a consent agreement to modify the support order.

(9) ~~(f)~~ Any order, whether administrative or judicial, modified under this Rule shall also provide that medical insurance must be provided in accordance with O.C.G.A. § 19-6-15(h)(2)(B)(iii) and O.C.G.A. § 19-11-26.

(10) ~~(f)~~ If arrears are owed by the obligor at the time of the review, the Department shall seek to have the amount of arrears established by the tribunal, along with a repay amount to be added as needed to pay off the arrearage. ~~The repay amount is limited to a maximum of 20% of the support amount as modified. The repay amount is determined by the obligor's ability to pay. Pursuant to 42 U.S.C. § 666, the Department may not seek to retroactively modify the ordered support amount beyond the date that the notice of petition for modification was filed with the Department.~~

(11) ~~(k)~~ If the Department is hindered in its review of a IV-D order because it is unable to secure sufficient financial or other information necessary to complete the review from the applicant seeking modification, the Department may terminate the review due to lack of cooperation, and no further action need be taken by the Department prior to the expiration of the next applicable review period. If any necessary party, who is not the applicant for services, fails or refuses to timely ~~supply provide the~~ requested information, an administrative subpoena may be issued in accordance with O.C.G.A. §§ 19-11-11 and 31-5-4. In its discretion, the Department may temporarily halt the review and seek judicial enforcement of the administrative subpoena by the appropriate superior court.

(12) ~~(f)~~ An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19 ~~and~~ O.C.G.A. §§ 50-13-40 et seq.

Authority: 42 U.S.C. § 666, O.C.G.A. §§ 19-6-15, 19-11-11, 19-11-12, 19-11-26, 31-5-4, 50-13-13, 50-13-40 et seq.

Rule 290-7-1-.07. Eligibility for Services (Non-intergovernmental Cases)

- (1) ~~(a)~~ The Department is authorized by law to accept applications for services only in circumstances where a dependent child is involved. If there is no dependent child involved, the Department is not authorized to accept a new application for services. For example, if all children owed support under an order have emancipated, married, or turned 18 years of age and only arrears are owed, the Department cannot accept a new application for services. However, if the Department is already providing services under the Child Support Recovery Act (CSRA) when the child or children emancipate(s), the Department may continue to provide any services allowed by law.
- (2) ~~(b)~~ The Department may accept applications for services from any parent (i.e. natural or adoptive) of a child residing in Georgia ~~(meaning the natural or adoptive parents of a child who resides in Georgia).~~
- (3) ~~(c)~~ The Department is authorized to accept an application for establishment services from a father of a child born out of wedlock only if his paternity of the child has been established in a judicial proceeding or if he has acknowledged paternity under oath either in open court, in an administrative hearing, by signing an acknowledgement of paternity ~~as defined~~ in accordance with O.C.G.A. § 19-7-46.1, or in a notarized affidavit attached to an application for services.
- (4) ~~(d)~~ The Department is authorized to accept an application for services from a nonparent custodian of a child or children residing in Georgia.
- (5) ~~(e)~~ The Department is authorized to accept any application for services from a parent or nonparent custodian of a child residing anywhere if the ~~putative obligor~~ alleged father is located within the boundaries of the State of Georgia.
- (6) ~~(f)~~ The Department will not accept an application for services ~~submitted~~ completed by any individual or entity on behalf of someone else unless the individual or entity submitting the application is a legal guardian of the obligee or a private collection agency duly registered and authorized under Georgia law.
- (7) ~~(g)~~ The Department is authorized to accept an application for any and all services available under the CSRA from an obligee or an obligor, including applications for review and modification of a support order.
- (8) ~~(h)~~ The Department is authorized to dictate the form and substance of its application for services and shall accept only those applications made on approved forms or through the Department's web portal.

(9) (i) Any applicant who fails to provide information requested by the Department as needed to accurately calculate an amount of child support under Georgia's eChild sSupport gGuidelines shall be deemed ~~to be~~ non-cooperative and ~~the application shall be~~ subject to rejection case closure at the Department's sole discretion, pursuant to the case closure guidelines in 45 CFR 303.11.

(10) (i) The applicant must pay all fees required under these rRules at the time the application for services is submitted unless federal law provides otherwise.

Authority: O.C.G.A. §§ 19-11-3, 19-11-6, 19-11-7, 19-11-8, 19-11-12, 50-13-1 et seq.

Rule 290-7-1-.08. Federal and State Tax Refund Intercept Program

~~(a) As used in this Rule, the following terms shall have the following meaning:~~

~~(1) "tax refund intercept program" also known as "tax offset program"; the program through which tax refunds are intercepted to satisfy support obligations that are in arrears.~~

~~(2) "tax offset processing year" the year that tax refunds are actually sent to the taxpayer. For example, a name certified for tax offset in September 2009 is certified for the 2010 "tax offset processing year."~~

~~(3) "legitimately in dispute" used to denote that the obligor has presented cancelled checks, copies of money orders, court records, court orders, etc., which appear to refute the claim by the obligee that support payments have been missed. The obligor's "word" that he or she has made the payments is not sufficient evidence that support payments have been made. The term is not intended to convey the settlement of the dispute. Ultimately, the court issuing the child support order will have to determine what is actually owed.~~

~~(4) "federal tax offset fee" a fee of \$15.00 will be deducted each time a federal tax offset payment is received.~~

~~(5) "TANF arrearage" past due support debts which accrued during the time an obligee or child receives TANF assistance (including foster care); except that if the obligee or child no longer receives TANF, the past due support certified as a "TANF arrearage" must be limited to the debt owed to the State of Georgia.~~

~~(6) "non-TANF arrearage" past due support owed to obligees or nonparent custodians of qualified children or a qualified child and the parent with whom the child is living if the same support order includes support for the child and the parent. A qualified child is a child who is a minor and for whom an order is in force.~~

~~(7) "state tax offset fee" a fee of \$12.00 will be deducted each time a state tax offset payment is received.~~

(1) (b) Eligible Cases.

Intercept enforcement remedies may be used for cases which involve a delinquent court or administrative ordered amount of child support, and the State has an assignment of rights to support as a result of the receipt of TANF public assistance, or the non-TANF recipient of services has made application for or is otherwise receiving IV-D enforcement services. Requirements for the various programs are provided below:

(a) (A) TANF (including Foster Care) Tax Offset Certification Requirements:

1. ~~(i)~~ The support obligation must have been established by court order or an administrative order from a IV-D agency of competent jurisdiction.

2. ~~(ii)~~ The TANF arrearages must be at least \$150.00 for tax offset.

3. ~~(iii)~~ The arrearages must be at least \$500.00 for state tax offset regardless of case type.

4. ~~(iv)~~ Before submittal, the Department or the ~~Department~~ Division of Family and Children Services has verified the accuracy of the obligor's name and social security number and the amount of past-due support for which there is a TANF assignment in effect.

5. ~~(v)~~ The Department has a copy of the payment record.

6. ~~(vi)~~ The validity of the debt is not legitimately in dispute.

7. ~~(vii)~~ In intergovernmental cases, the federal certification can only be made by the state which has the TANF assignment. Any enforcing state must be advised that the obligor's name is being certified for federal refund offset. It may also be necessary to communicate with the enforcing state for purposes of verification of arrears, obtaining a copy of the payment record, etc.

(b) ~~(B)~~ Non-TANF (including Foster Care) Tax Offset Certification Requirements:

1. ~~(i)~~ The obligee (including a nonparent custodian) must have applied for ~~the~~ child support services. The support obligation must have been established by court order or an administrative order from a IV-D agency of competent jurisdiction.

2. ~~(ii)~~ The non-TANF arrearages must be at least \$500.00 for Federal and State certification. ~~(NOTE: If the obligee currently receives TANF, all arrearages are certified under the TANF category. If the obligee previously received TANF, but does not currently receive it, the debt due the Department must be certified under the TANF category. Any remaining arrearages due the obligee would be certified under the non-TANF category.)~~

3. ~~(iii)~~ The validity of the arrearage is not legitimately in dispute.

4. ~~(iv)~~ In intergovernmental cases, the federal certification can only be made by the state where the obligee resides or has made application for child support services. Any enforcing state must be advised that the obligor's name is being certified for federal refund offset. It may also be necessary to communicate with the enforcing state for purposes of, including but not limited to, verification of arrears, and obtaining a copy of the payment record, etc.

5. ~~(v)~~ Before submittal, the Department has verified the accuracy of the obligor's name and SSN Social Security Number and the amount of delinquent support.

6. ~~(vi)~~ The Department has a copy of the order and any modifications and has a copy of the payment record.

7. ~~(vii)~~ TANF and foster care records have been checked to see determine if there is an arrearage amount owed to the State of Georgia.

8. ~~(viii)~~ The dDepartment has the obligee's current address.

(2) ~~(e)~~ Notice and aAppeal rRights.

(a) ~~(1)~~ Prior to certifying a tax intercept to either the Internal Revenue Service or the Georgia Department of Revenue, written notice must be provided to the obligor. An obligor notified of a planned tax intercept who wishes to contest the certification of the intercept must request an administrative hearing within 30 days of the date of the written notice. If no written request for a hearing is received by the Department within 30 days of the date of the written notice, the Department will not stop the tax intercept.

(b) ~~(2)~~ If an obligor timely seeks administrative review of the planned tax certification, the Department shall, within 21 days of receipt of the written request, initiate an administrative hearing before OSAH ~~(see in accordance with~~ Rule 290-7-1-.19).

(c) ~~(3)~~ Federal regulations require the Department to initiate a pre-offset hearing if timely requested by an obligor. ~~See in accordance with~~ 45 C.F.R. §§ 303.102, 303.72.

(d) ~~(4)~~ Upon receipt of notice that a federal or state refund has been offset, the obligor may contest the offset by requesting an administrative hearing. The request must be received by the Department within 30 days of the mailing of the notice.

(3) ~~(d)~~ Under no circumstances shall any tribunal hearing a tax intercept appeal retroactively reduce or modify child support arrears.

(4) ~~(e)~~ If an obligor in a case being enforced by the Department relocates without notifying the Department of his or her new address, the obligor shall be deemed to have waived his or her right to any written notices otherwise required by this Rule.

(5) ~~(f)~~ An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19 and O.C.G.A. § 50-13-40 et seq.

Authority: O.C.G.A. §§ 19-6-32, 19-11-12, 19-11-18, 19-11-24; 42 U.S.C. § 664.

Rule 290-7-1-.09. Garnishment and Orders to Withhold and Deliver

- (1) ~~(a)~~ If any Georgia court has issued a final order adjudicating an amount of child support arrears owed by an obligor, the Department shall be entitled to commence a garnishment proceeding or to issue an FIW-income withholding order (IWO) to an obligor's employer in accordance with these Rules, or shall be entitled to issue an "Orders to Withhold and Deliver" to any employer of the obligor without further notice or proceedings.
- (2) ~~(b)~~ If an amount of arrears has not been previously adjudicated by a Georgia court or a foreign court, the Department shall be entitled to commence a garnishment proceeding or to issue an order to withhold and deliver if:
- (a) ~~(1)~~ the obligor has received notice of a final administrative decision of his/her support obligation; or
- (b) ~~(2)~~ the obligor has entered into a written agreement with the Department to provide child support; and
- (c) ~~(3)~~ The following has occurred:
1. the obligor fails to make support payments within thirty days of the due date specified in the civil order, administrative decision or written agreement; and
 2. the Department has mailed a written notice to the obligor notifying obligor of its intent to withhold funds; and
 3. the obligor fails to send a written notice contesting the amount of arrears within 15 days of mailing of a notice by the Department.
- (3) ~~(c)~~ If an obligor whose arrears have not been judicially adjudicated contests the amount of the garnishment or the Orders to Withhold and Deliver in a timely manner in accordance with this Rule, the Department shall initiate an administrative hearing before OSAH.
- (4) ~~(d)~~ An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19 and O.C.G.A. §§ 50-13-40 et seq.

Authority: O.C.G.A. ~~Secs.~~ §§ 19-6-32, 19-6-33, 19-11-19.

Rule 290-7-1-.10. Issuance of Orders for Income Withholding

- (1) ~~(a)~~ The Department is authorized by law to issue an ~~order for~~ income ~~deduction withholding order (IWO)~~ without need for any amendment to the order involved or any further action by the court or entity that entered the order. The Department shall utilize the ~~FIW-IWO or Office of Management and Budget (OMB) approved form or Federal Income Withholding form~~ when issuing such an order for income ~~deduction withholding~~, as required by federal ~~regulations law~~. The ~~FIW IWO~~ shall be issued immediately after entry of a child support order in any case wherein the obligor is currently employed. The obligor is responsible for direct payment of support (to the Department's family support registry) between the effective date of the order and the issuance of the ~~FIW IWO~~. The Department may adjust the starting date of an order to coincide with the issuance of the ~~FIW IWO~~ at its discretion. For example, if the ~~putative obligor~~ and the obligee both consent to a support order on June 1, the Department may make the support obligation effective on July 1 in order to ensure that the ~~FIW IWO~~ is implemented prior to the first support payment coming due.
- (2) ~~(b)~~ Copies of the support orders, which include a provision for income ~~deduction withholding~~, issued by the Department shall be mailed to the obligee and obligor. All obligees and obligors are required to notify the Department of any change of residential address; ~~e~~Obligors must also inform the Department of any change in employment. The failure by an obligor or obligee to notify the Department of a change of address will be deemed ~~to waive to have waived~~ the notice requirement of this Rule with regard to that person.
- (3) ~~(c)~~ The enforcement of ~~the an~~ order for income ~~deduction withholding~~ may only be contested on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the amount of the arrearages, or the identity of the obligor.
- (4) ~~(d)~~ A person wishing to contest the enforcement of an income withholding by the Department on one of the grounds listed above must request an administrative hearing within 14 days of the mailing date of the notice of income ~~deduction withholding~~. The request for hearing must be mailed to the ~~Division of Child Support Services (DCSS)~~ office that issued the ~~FIW-IWO~~. The request for a hearing does not ~~stay stop the~~ enforcement of the withholding unless ~~the an~~ administrative law judge enters an order granting relief for good cause shown.
- (5) ~~(e)~~ An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19.
- (6) ~~(f)~~ The Department is authorized to add arrears repayment amounts ~~when:~~
- ~~(a)~~ ordered by a superior court or OSAH;~~i~~

(b) the payor enters into lawful agreements adopted by the superior court or OSAH; or

(c) the payor enters into written agreements between the Department and the parties; and

(d) as well as amounts sufficient to cover any fees are owed by the obligor under these Rules.

(7) (g) Employers.

(a) (1) An employer receiving an FIW-IWO may collect an initial fee up to \$25 against the obligor's income to reimburse the employer for administrative costs for the first income deduction withholding and up to \$3.00 for each deduction withholding thereafter. The employer may not impose or deduct any other fee for complying with the FIW-IWO.

(b) (2) Any payor-employer subject to an FIW-IWO or Order to Withhold and Deliver may not discharge or terminate an obligor by reason of the fact that income has been subjected to income withholding. The Department is authorized to impose civil penalties against any payor-employer who violates this provision.

(c) (3) Employers are hereby informed that an FIW-IWO has priority over all other legal processes under state law pertaining to the same income. Payment as required by the FIW-IWO is a complete defense by the payor-employer against any claims of the obligor or his the creditors of the obligor as to the sum paid, in accordance with. See O.C.G.A. § 19-6-33(e)(9).

(d) (4) The Department may issue the-an FIW-IWO electronically to these employers which-who have implemented electronic income withholding through the U.S. Department of Health & Human Services Office of Child Support Enforcement. Receipt of the-an electronic income withholding order constitutes receipt of all notices to payors required by code section O.C.G.A. § 19-6-33.

Authority: O.C.G.A. Sees. §§ 19-6-30 through 19-6-33.

Rule 290-7-1-.11. Passport Suspension

- (1) ~~(a)~~ In accordance with Section 42 U.S.C. § 454654(31) of the Social Security Act, ~~makes~~ participation in the Passport Denial program is a IV-D State plan requirement. ~~All States~~ The Department are-is required to have in effect a procedure to certify to the "Federal Office of Child Support Enforcement" ("OCSE") individuals who owe child support arrears in excess of \$2,500. The ~~States~~ Department are-is also required to provide notice to individuals and give them an opportunity to contest the Department's determination of the arrears amount. When ~~a State~~ the Department submits a case to OCSE with arrears in excess of \$2,500 (or the ~~State~~ the Department submits an increase to an existing case that causes the arrears to exceed \$2,500), OCSE automatically forwards the case to the United States Department of State for passport denial.
- (2) ~~(b)~~ The passport of an obligor may be denied, revoked, or restricted through the Federal Passport Program, if the child support debt is in excess of \$2,500.
- (3) ~~(c)~~ In an intergovernmental case, only the certifying state has the authority to ~~delete~~ release ~~an noncustodial parent obligor~~ from the passport denial, revocation, or restriction process.
- (4) ~~(d)~~ The Department periodically issues letters setting forth the amount of arrears owed. An obligor who wishes to contest the determination of arrears must send a letter to the Division of Child Support Services (DCSS) office that certified the case to OCSE requesting an administrative hearing. If an obligor receives a notice stating that the arrears amount is in excess of \$2,500 and fails to ~~seek~~ request a hearing within 30 days of mailing of the notice, the obligor's passport may be suspended by federal authorities without further notice or opportunity for hearing. If a hearing is timely requested, the issue at hearing is strictly limited to the amount of arrears or misidentification of the obligor. ~~Neither the Department nor an administrative law judge ("ALJ") is authorized to reinstate a passport, only the federal government can do that.~~ Only the United States Department of State is authorized to reinstate a passport. The Department is authorized only to certify the amount of arrears owed. In order to be removed from the certified list, an obligor must pay the arrears either in full or in an amount sufficient to bring the arrearage amount below the \$2,500 threshold.
- (5) ~~(e)~~ The Department is authorized to remove an obligor from the certified list only upon payment of the arrears or upon receipt of a decision from ~~the~~ an ALJ finding that the obligor is not in arrears or has been misidentified. However, the Department may, in its sole discretion, ~~"exempt"~~ an obligor from the certified list if:

(a) ~~(1)~~ The Department is convinced that the passport is necessary and indispensable to the obligor for the purpose of generating income needed to pay current support or arrears; and,

(b) ~~(2)~~ The obligor posts bond or some other form of surety payable to the Department for the full amount of the arrears owed; and,

(c) ~~(3)~~ The obligor enters into a written Enforcement Deferral with the Department setting forth the schedule for repayment of the arrears amount in addition to current support, if applicable. Failure by the obligor to adhere in full with the Enforcement Deferral shall result in forfeiture of the bond or surety posted by the obligor.

(6) ~~(f)~~ An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19.

Authority: O.C.G.A. ~~Sees~~ §§ 19-6-30 et seq., 19-11-12, 19-11-15, 19-11-17, 19-11-19, 19-11-24.

Rule 290-7-1-.12. License ~~Revocations or Suspensions~~ and Limited Driving Permit

- (1) Provision is made to withhold, restrict the use of, suspend, or revoke licenses for failure to pay child support and to establish criteria for reissuing the licenses. ~~"License" means a certificate, permit, registration, or any other authorization issued by a licensing entity that allows a person to operate a motor vehicle or to engage in a profession, business, or occupation. "Licensing entity" means any Georgia agency, department, or board which issues or renews any license, certificate, permit, or registration to authorize a person to drive a motor vehicle or to engage in a profession, business, or occupation, including but not limited to those relating to: pest control; mortgage lenders and mortgage brokers; securities salespersons and investment adviser representatives; foresters; pharmacists; insurance agents, counselors, and other personnel; professions and businesses under Chapter 1 of Title 43; real estate appraisers; and real estate brokers and salespersons.~~
- (2) (a) The Department shall maintain a state-wide certified list, updated on a monthly basis, of all obligors who are not in compliance with a child support order enforceable by the Department. All licensing entities shall review the certified list and notify the Department if any applicant or licensee of the licensing entity is on the certified list. ~~That~~ The notification shall include the applicant's or licensee's last known mailing address on file with the licensing entity.
- (3) (b) When an obligor accumulates an arrearage equal to or greater than 60 days' worth of support (which does not have to accumulate in consecutive months), the Department may seek to have the obligor's license withheld, restricted, suspended or subsequently revoked by the licensing entity. This ~~r~~Rule applies to support ordered by a court of this or any other state, territory, or district of the United States, including support ordered by any administrative agency having the authority to issue a support order.
- (a) (4) The arrearage which determines qualification for withholding, restricted use, suspension, or revocation of a license is based upon current support obligations due (including child, spousal, medical support and interest when applicable).
- (b) (2) Withholding, restriction, suspension and revocation does not apply to an obligor who is paying child support and arrearages according to the terms of a court order.
- (4) (e) Any obligor subject to this Rule shall be mailed a notice of delinquency via first class mail and receipt by the delinquent obligor shall be presumed if the mailing is not returned to the Department within 30 days from the date of mailing.
- (5) (d) The notice mailed to the obligor shall include the following elements and requirements:

- (a) The obligor has 20 days from the date of mailing to come into compliance with the order or to reach an agreement with the Department to pay the delinquency.
- (b) If an agreement cannot be reached within that time or the obligor does not respond within those 20 days, the ~~agency~~ Department will send notice to the licensing entity requesting that the license be suspended or the licensure application be denied.
- (6) ~~(e)~~ The obligor has 20 days from the date of mailing of the delinquency notice to request, in writing, an administrative hearing before OSAH. If a written request for a hearing is not received within 20 days of mailing of the delinquency notice, the obligor is not entitled to a hearing.
- (7) ~~(f)~~ The licensing entity issuing the license shall notify the delinquent obligor by certified mail or statutory overnight delivery of the date that the license has been denied or suspended.
- (8) ~~(g)~~ In an administrative hearing held under this Rule, and timely requested by an obligor, the only issues to be determined at the hearing will be the following:
- (a) ~~1.~~ Whether there is an order for child support being enforced by the Department pursuant to the Act;
- (b) ~~2.~~ Whether the licensee or applicant is the obligor covered by ~~that~~ the order;
- (c) ~~3.~~ Whether the ~~support~~ obligor is or is not in compliance with the order for child support;
- (d) ~~4.~~ Whether the obligor ~~shall be~~ is entitled to pay past due child support in periodic payments; and,
- (e) ~~5.~~ Whether the support obligor has been able and willing to comply with such order for support.
- (9) ~~(h)~~ The An administrative law judge ("ALJ") shall consider evidence relating to the ability and willingness of an obligor to comply with such order for support in making the decision to either suspend a license or deny the issuance or renewal of a license under this Rule. The ALJ shall be authorized to enter an order or a consent agreement requiring periodic payments or to issue a release for the obligor to obtain each license or licenses. Any such order or agreement shall not act to modify an existing child support order, but rather only affects the payment of the arrearage.
- (10) ~~(i)~~ The ALJ's decision shall be the final agency decision.

(11) ~~(j)~~ The final agency decision shall be subject to appeal and judicial review pursuant to Article 2 of Chapter 13 of Title 50 Rule 290-7-1-.19 and O.C.G.A. 50-13-2 but only as to those issues referred to in this Rule.

(12) ~~(k)~~ The right to an administrative hearing under this Rule license suspension section of Rule 290-7-1-.12 shall be the only hearing required to suspend a license or to deny the issuance of a license notwithstanding any hearing requirements otherwise applicable within the licensing entity involved.

(13) ~~(l)~~ Limited Driving Permit.

4. The Department can enter into an agreement to allow an obligor to apply for a limited driving permit if the suspension of a driver's license has caused extreme hardship in locating employment. The Department will review an obligor's eligibility for a child support limited driving permit and determine if the driver license suspension creates an extreme hardship specific to being able to seek and maintain employment.

(a) Eligibility.

The eligibility for permits being issued shall be on a case-by-case basis and be at the sole discretion of the Department. The review for eligibility will include, but is not limited to:

1. The obligor's past payment history;
2. Driver license suspension history;
3. The Department Outreach program enrollment history; and
4. Any other facts deemed relevant by the Department to the obligor's case history.

(b) Terms and Conditions.

If determined to be eligible for a limited permit, the obligor shall agree to the terms and conditions of eligibility, which include:

1. Continuing to pay full support payments as defined by the support order; and
2. Obtaining employment income.
- 3.-2. The obligor must maintain documentation of their employment search.
4. Failure to agree to the terms and conditions will result in the Department denying the request for a limited driving permit.

- (c) 3-Eligibility approval from the Department for the limited driving permit does not guarantee the licensing entity will issue the permit. The Department may alert the licensing entity if the obligor fails to comply with the terms of the agreement or their child support obligation and notify the licensing entity to revoke the limited driving permit.
- (d) Limited driving permits are valid for one year from the date of issuance unless the permit is revoked by the licensing entity for non-compliance.
- (e) In the event the obligor fails to comply with the terms and conditions of the limited driving permit agreement set by the Department, then the Department shall issue a notice of noncompliance to the licensing entity. Upon receipt of such notice from the Department, the licensing entity shall inform the obligor and proceed to revoke the limited driving permit.
- (f) An administrative hearing and any appeal therefrom under this Limited Driving Permit section of this Rule shall be held in accordance with the provisions set forth at O.C.G.A. § 40-5-64(h).

Authority: O.C.G.A. §§ 19-6-30 et. seq., 19-11-9.3, 19-11-12, 19-11-15, 19-11-16, 19-11-19, 40-5-64, 50-13-1 et. seq.

Rule 290-7-1-.13. Intergovernmental Child Support Proceedings (UIFSA)

- (1) ~~(a)~~ The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) ~~(Public Law 104-193)~~ mandated that all states adopt the 1993 Uniform Interstate Family Support Act ("UIFSA") ~~Model Act~~, and the 1996 amendments adopted by the National Conference of Commissioners on Uniform State Laws. The UIFSA was duly enacted by the General Assembly and is codified at sections O.C.G.A. §§ 19-11-100 through 19-11-1902 of the Georgia Code. The UIFSA was created to force uniformity in procedures and law with regard to intergovernmental establishment, enforcement, and modification of child support orders. The most recent updates to UIFSA were made in 2008.
- (2) ~~(b)~~ The Department is the support enforcement agency in Georgia for all UIFSA actions.
- (3) ~~(c)~~ Upon request from another state, the Department, as the receiving tribunal, will provide the following services in an UIFSA proceeding:

 - ~~(a) (1)~~ Take all steps necessary to enable an appropriate court in this state or a tribunal of another state to obtain jurisdiction over the respondent;
 - ~~(b) (2)~~ Request an appropriate tribunal to set a date, time, and place for a hearing;
 - ~~(c) (3)~~ Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;
 - ~~(d) (4)~~ Within seven days after receipt of a written notice from an initiating, responding, or registering court, send a copy of the notice to the petitioner;
 - ~~(e) (5)~~ Within seven days after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and
 - ~~(f) (6)~~ Notify the petitioner if jurisdiction over the respondent cannot be obtained.
- (4) ~~(d)~~ Participation in UIFSA does not create:

 - (a) relationship of attorney and client; or
 - (b) ~~other a~~ fiduciary relationship between a support enforcement agency (or the attorney for the agency) and the individual being assisted by the agency, nor between the attorney and the referring state.
- (5) ~~(e)~~ Under UIFSA, the Department proceeds on behalf of the referring state, which in turn may be proceeding on behalf of an individual child or obligee.

- (6) ~~(f)~~ Through the concept of continuing exclusive jurisdiction (CEJ), ~~The underlying goals the intent~~ of UIFSA ~~are is~~ to avoid duplicate actions proceeding at the same time in more than one state and to ensure that there is only one controlling order for child support in existence at any time. ~~through the concept of "continuing exclusive jurisdiction" ("CEJ").~~ No state can modify an order in which Georgia has CEJ, and Georgia cannot modify an order of another state which itself has CEJ.
- (7) ~~(g)~~ Except as otherwise provided within UIFSA, Georgia substantive and procedural law shall be applied. ~~However, there are unless~~ exceptions apply, such as the following; ~~notably~~:
- (a) ~~(1)~~ the law of the issuing state governs the nature, extent, amount, and duration of current support payments and other obligations of support under the order; and,
- (b) ~~(2)~~ in a proceeding to collect arrears, the statute of limitation under the laws of Georgia or the issuing state applies, whichever is longer.
- (8) ~~(h)~~ A Georgia court cannot condition the payment of a foreign support order upon compliance with visitation provisions.
- (9) ~~(i)~~ The filing of a UIFSA proceeding does not create personal jurisdiction over the individual whose interests are being served. ~~further, i~~ if that the individual is physically present in Georgia to participate in a UIFSA proceeding, he or she is not amenable subject to service of process. The petitioner's physical presence is not required, and he or she may testify or be deposed by telephone or other electronic means.
- (10) ~~(j)~~ The defense of non-parentage is disallowed if parentage has previously been determined by another tribunal by or pursuant to law.
- (11) ~~(k)~~ A party seeking to enforce a support order or an order for income deduction withholding may send it directly to the Department. ~~and t~~ The Department may use any administrative enforcement procedure available to it under Georgia law without registering the foreign order. ~~however, i~~ if the obligor contests the administrative action, the Department must register the order under section O.C.G.A. § 19-11-161 of the Georgia Code. Registration is required in order for the Department to pursue any civil action based upon the foreign order, including a petition for contempt.
- (12) ~~(l)~~ The Department shall notify the "non-registering party" ~~(almost always the obligor)~~ of the registration of the foreign order by first class U.S. mail. The non-registering party has 20 days from receipt of the notice to request a hearing on

the registration. If no request for a hearing is made within ~~those~~ the 20 days period, then the foreign order is confirmed by operation of law.

Authority: O.C.G.A. §§ 19-11-15, 19-11-100 through 19-11-19~~4~~2, 50-13-1 et seq.

Rule 290-7-1-.14. Collection and Disbursement of Child Support Payments

- (1) ~~(a)~~ The payment of public assistance to or on behalf of a child creates a debt due and owing to the State of Georgia by the parent(s) ~~or parents~~ responsible for the support of the child. By law, accepting such assistance on behalf of a child, the recipient assigns ~~by law the Department~~ the right to receive any child support owed ~~for the child to the Department~~. In accordance with the laws of Georgia, the Department's assignment shall be subrogated to the right of the child ~~(ren)~~ ~~or children~~ or the person having custody to initiate any support action ~~existing under the laws of Georgia~~ and to recover any payments ordered by the courts of this or any other state.
- (2) ~~(b)~~ In the absence of any such public assistance, the submission of an application to the Department for child support services shall constitute an assignment of the right to the Department to receive any and all child support payments owed.
- (3) ~~(c)~~ Any collections received by the Department under the Child Support Recovery Act (CSRA) shall be distributed and deposited by the Department in conformity with state and federal law.
- (4) ~~(d)~~ Distribution of any child support being held by the Department shall be paid to the obligee within two days from receipt of same unless the obligor is entitled to an appeal under these ~~R~~rules or state law and has exercised his or her right to appeal. In such instances, the Department is required to retain the collected amount until all appeals have been resolved.
- (5) ~~(e)~~ The Department is authorized to seek statutory interest:
 - (a) only upon child support orders it was a party to, whether through establishment or modification, or;
 - (b) in intergovernmental cases, as permitted by the laws of a referring state or foreign jurisdiction, as calculated by the referring state or foreign jurisdiction.
 - (c) The Department may collect interest charges awarded by a court and reduced to a judgment by any means permitted by law.
- (6) ~~(f)~~ Any child support collection received directly by an obligee who has received public assistance or applied for services from the Department must be turned over to the Department and be disbursed through the Family Support Registry. Any ~~obligor making~~ payments made directly to the obligee through ~~any~~ means other than the Family Support Registry after the Department ~~is assigned the right of support is running a grave risk of having those payments not credited as received~~ has mailed notice of the assignment of rights of support may not be credited, unless transactional evidence is approved by the Department or the Court. Any obligor wishing to receive credit for such payments is required to

submit transactional evidence including money order receipts, cancelled checks or other verifiable evidence of having made such payments directly to the obligee; otherwise, the Department will proceed as if the support amount went unpaid.

(7) ~~(g)~~ Payments made pursuant to the Uniform Interstate Family Support Act (UIFSA), when collected on behalf of a foreign jurisdiction, shall be forwarded to the appropriate collection agent in the foreign jurisdiction.

(8) ~~(h)~~ ~~An erroneous payment may be the result of an agency error.~~ The Department has the responsibility to collect all erroneous payments, including erroneous payments due to agency error. Collection methods which may be utilized to recover the payments are through voluntary repayment plans, income tax offset, recoupment from future support payments, referral to a collection agency and/or through legal action. Repayment may be accepted in a lump sum or in negotiated payments. These payments may be in the form of cash, personal check, income tax intercepts, or money orders. The use of tax intercept for cases involving agency error will be done as permitted under in accordance with these ~~R~~ rules for collection of debts owed to the Department.

(9) ~~(i)~~ The date of collection for support is the date of receipt by the Family Support Registry.

(10) ~~(j)~~ Disbursement may be made to a private collection agency acting on behalf of the obligee only if the private collection agency is duly registered with the Governor's Office of Consumer Affairs and authorized under Georgia law to operate within this state. Additionally, no disbursements shall be made to a private collection agency of any funds collected solely through the Department's efforts.

Authority: O.C.G.A. §§ 19-6-33.1, 19-11-4 through 19-11-8, 19-11-18, 19-11-21, 19-11-30.1, 19-11-30.10, 19-11-32, 19-11-100, 50-13-1 et seq.

Rule 290-7-1-.15. Allocation and Redirection of Current Child Support Payments

- ~~(a) Allocation: When an obligor has more than one IV-D case being enforced by the Department or a Non IV-D case and does not make payment sufficient to cover all active cases, the Family Support Registry may split the payment to all active cases involving that obligor. Cases involving current support have priority over arrearages (i.e., if one case involves current support and the other case involves only an arrearage, the case having current support shall be paid first). If all active cases involve current support, the amount received shall be allocated among the cases based on the percentage of current support owed on each case. For example, if obligor is required to pay \$60 on Case 1 and \$40 on Case 2 but pays only \$70 instead of the aggregate \$100 required, the payment will be allocated proportionately between Case 1 (60% of the payment, \$42) and Case 2 (40% of the payment, \$28). The obligor shall not be permitted to dictate a different allocation between the active cases.~~
- ~~(b) Redirection: The purpose of the CSRA is to ensure the support of a child or children, not the custodial parent/obligee. Therefore, it is the policy of the Department that the money shall follow the child(ren). If the Department has a good faith belief that a child is in the physical custody of a relative or other caretaker other than the obligee, the Department is authorized to redirect support payments to that caretaker of the child until such time as the child returns to the physical custody of the obligee.~~
- ~~(1) In a case where a child is in the physical custody of an obligor, the Department may refrain from enforcement of the current support amount. Any arrears owed to the obligee or to the state may continue to be collected.~~
- ~~(2) In a case involving multiple children, the Department may redirect a proportion of the payment received to the caretaker. For example, if a support order involving three children requires a monthly payment of \$300 and one child is proved to be in the physical custody of a caretaker other than the obligee, the Department may redirect one-third (\$100) to that caretaker.~~
- ~~(3) An obligee wishing to contest this redirection is entitled to an administrative hearing if he or she requests same within 30 days of notice of the redirection. The sole issue at such hearing shall be the physical custody of the child. The Department must retain evidence supporting the Department's belief that there was a change in physical custody. Examples of such evidence include school records, day care records, medical records, statements signed under penalty of perjury, public assistance grant information, guardianship records, or a court order.~~
- ~~(c) An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19.~~

(1) Allocation of Support:

(a) Application of Collections.

Collections received under an income withholding order (IWO) shall be applied to the case(s) for which the IWO was issued. If only one IV-D case exists; the collection shall be applied solely to that IV-D case.

(b) Federal Allocation Requirement.

Pursuant to 45 C.F.R. § 303.100(a)(5), allocation of support among families applies only when multiple withholding notices are in effect against a single obligor.

(c) Immediate Withholding in Non-IV-D Cases.

Immediate income withholding is required in non-IV-D cases under 42 U.S.C. § 666(a)(8)(B)(i), unless:

1. A court or administrative process finds good cause not to require immediate withholding; or
2. The parties have executed a written agreement providing for an alternative arrangement.

(d) Allocation Across Multiple Cases.

When an obligor has more than one active case (e.g., multiple IV-D cases, or a combination of IV-D and non-IV-D cases) and a payment is received that is insufficient to satisfy all obligations, the Family Support Registry shall allocate the payment as follows:

1. Cases involving current support shall have priority over arrearages. If one case involves current support, and another involves only arrears, the case with current support shall be paid first.
2. If all active cases involve current support, the payment shall be allocated proportionately based on the percentage of current support owed in each case. For example, if an obligor is required to pay \$60 on Case 1 and \$40 on Case 2, but the employer remits only \$70 instead of the full \$100, the payment shall be allocated as follows: Case 1 (60% of \$70 = \$42) and Case 2 (40% of \$70 = \$28).
3. The obligor shall not dictate or alter the allocation among active cases.

(2) Redirection of Support.

The purpose of the Child Support Recovery Act (CSRA) is to ensure the support of a child or children, not the custodial parent/obligee. Therefore, it is the policy of the Department that the money shall follow the child(ren). If the Department has a good faith belief that a child is in the physical custody of a relative or other caretaker rather than the obligee, the Department may redirect support payments to that caretaker of the child until the child returns to the obligee's physical custody.

(3) Child in Obligor's Custody.

If a child is in the physical custody of an obligor (as primary caregiver or in an intact two-parent household), the Department may refrain from enforcing the current support obligation or may close the case in accordance with 45 C.F.R. § 303.11, if the Department determines services are no longer appropriate. Any child support arrears owed to the obligee or to the State may continue to be collected. The Department shall maintain evidence supporting its belief that physical custody has changed, which such evidence may include, but is not limited to: school, daycare, or medical records; sworn statements; public assistance records; police reports; documentation from other agencies; guardianship records; or a court order.

(4) Multiple-Child Cases.

When an order covers multiple children, the Department may redirect a proportionate share of the payment to a caretaker. For example, if an order for three children requires a payment of \$300 monthly and one child is in the custody of a caretaker other than the obligee, the Department may redirect one-third (\$100) of the payment to the caretaker.

(5) Redirecting and Reallocating Support.

In multiple-child cases, the Department may redirect a portion of payments toward arrears and/or the support of the remaining children. Any amount not applied to current support or payment-processing costs shall be applied to arrears. If arrears exist when current support ends for one or more children due to emancipation or custody change, the full IWO amount shall continue to be collected. The portion previously allocated to an emancipated child, or to a child residing with the obligor, may be withheld and applied to arrears until satisfied.

(6) Right to Contest.

An obligee may contest a redirection of child support payments by requesting an administrative hearing within 30 days of notice of redirection action. The sole issue at the hearing shall be whether the evidence of the change in physical

custody is sufficient to support the redirection of payments. A superior court judge or administrative law judge shall consider the totality of the evidence in determining whether a change in physical custody has occurred.

(7) An administrative hearing and any appeal therefrom under this Rule shall be held in accordance with the procedures set forth at Rule 290-7-1-.19.

Authority: O.C.G.A. §§ 19-6-17, 19-6-33.1, 19-11-4 through 19-11-8, 19-11-18, 19-11-21, 19-11-24, 19-11-30.1, 19-11-30.10, 19-11-32, 19-11-100, 50-13-1 et seq.

Rule 290-7-1-.16. Confidentiality of Department Records and Information

- (1) ~~(a)~~ Georgia law provides that any information or records obtained by the Department pursuant to its duties under the Child Support Recovery Act (CSRA) or Uniform Interstate Family Support Act (UIFSA) shall be deemed confidential. Any information maintained by the Department shall be released only by written permission of the party or parties named in the information or records, by order of a court, or for purposes specifically authorized by the CSRA. ~~These~~ Such purposes are limited to:
- ~~(a)~~ ~~(1)~~ The Department's administration of any plan or program approved under Parts A, B, C or D of Title IV of the Social Security Act or under Titles II, X, XIV, XVI, XIX or XX of the Act or the supplemental security income program established under Title XVI of the Act;
 - ~~(b)~~ ~~(2)~~ Any investigations, prosecution or criminal or civil proceeding conducted in connection with the administration of such plan or program; or
 - ~~(c)~~ ~~(3)~~ The administration of any other federally assisted program (such as the food stamp program) which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need.
- (2) ~~(b)~~ ~~Due to this confidentiality, t~~The Department will resist challenge, through its attorneys, any non-party discovery requests or subpoenas seeking information held by the Department under this program, excepting subpoenas issued by law enforcement officers or entities pursuant to a criminal investigation which appears to be related to the Department's operation of this program (~~for example,~~ e.g., potential fraud related to the receipt of disbursements of child support).
- (3) ~~(c)~~ The Department may disclose to ~~the~~ an applicant or recipient of services any support-related information which may be contained in his or her child support record when disclosed for the purpose of assisting them in making or enforcing a child support order, but only such information as relates to the individual himself or herself (e.g., the obligor may request information pertaining to him or her, but not information pertaining to the obligee). ~~Moreover, i~~ information obtained directly through the state or federal tax offset program shall retain its confidentiality and shall only be used in pursuit of the Department's debt collection duties and practices. Federal tax return information can only be used in establishing appropriate agency records (or in defense of any litigation or administrative procedure ensuing resulting from a reduction or intercept of the obligor's tax refund).

~~(4) (d)~~ If there is a family violence indicator ("FVI") present on a file that is the subject of a request for disclosure, the Department shall refuse to release any records or information associated with ~~that the~~ file without a court order, issued in ~~conformance~~ accordance with O.C.G.A. § 9-10-2, ~~and~~ directings such release of records or information.

~~(5) (e)~~ ~~The public is reminded~~ The Department advises that it is not necessary ~~(nor desirable)~~ to subpoena information about payment histories maintained by the Department. Payment histories are available upon request to all obligors and obligees. ~~Further, c~~ Certified copies of payment records maintained by the Department "shall, without further proof, be admitted into evidence in any legal proceeding in this state." ~~O.C.G.A. § 19-6-33(i)~~. Any party or person wishing to obtain a certified copy of payment records maintained by the Department may send a written request setting forth the agency case number and a return-addressed envelope with first-class postage to the Division of Child Support Services (DCSS) office that maintains the case. Any request for certified payment histories may be subject to fees equivalent to fees charged for open records requests ~~under Department of Human Services Personnel Policy # 602 in accordance with the Georgia Open Records Act.~~

~~(6) (f)~~ The Department shall not release any information in its possession where such release would conflict with federal law or federal regulations.

Authority: O.C.G.A. ~~Secs. §§~~ §§ 19-6-33(i), 19-11-24, 50-13-1 et seq., 50-18-70 et seq.

Rule 290-7-1-.17. Liens and Levies

- (1) ~~(a)~~ The Department is authorized to file a notice of lien against the real and personal property of any obligor who resides in or owns property in the state and owes past-due child support. Liens against personal property, other than personal property subject to a certificate of title, shall be filed with the office of the Secretary of State. Upon the filing of the notice, a lien arises by operation of law.
- (2) ~~(b)~~ The Department has the authority to levy and seize a deposit or account (meaning but not limited to a demand deposit account, checking or negotiable order of withdrawal account, savings account, time deposit account, or a money market mutual fund account) of any obligor who is in arrears in an amount equal to at least the support payment for one month from any financial institution (meaning but not limited to every federal or state-chartered commercial or savings bank, including savings and loan associations and cooperative banks, federal or state-chartered credit unions, benefit associations, insurance companies, safe-deposit companies, trust companies, and any money market mutual fund).
- (3) ~~(c)~~ If ~~the a~~ child support order contains notice that ~~the an~~ obligor is subject to the provisions of O.C.G.A. §§ 19-11-32 through 19-11-39, or the Department has previously sent ~~the obligor~~ a notice by regular mail to the last known address of the obligor referencing these ~~same~~ code sections, further notice is not required prior to levying on the deposit or account.
- (4) ~~(d)~~ At the time ~~the a~~ notice of levy is sent to ~~the a~~ financial institution, the Department must notify the obligor and any obligee via a written notice of the impending levy ~~via a writing~~ containing ~~the warnings~~ all information required by O.C.G.A. § 19-11-36.
- (5) ~~(e)~~ An obligor or an account holder of interest wishing to contest ~~the a~~ levy must send the Department a written challenge within ten business days of the date of the notice to the obligor. The obligor or any account holder of interest who makes a timely challenge to the levy under this Rule is entitled to a hearing in the superior court in which the underlying support order was entered or registered.
- (6) ~~(f)~~ The Department may reverse ~~the a~~ levy prior to such hearing if its internal review following receipt of the challenge indicates that a mistake in identity has occurred or the obligor is not delinquent in an amount equal to the payment for one month.
- (7) ~~(g)~~ The Department is ~~also~~ authorized to assert liens against any tangible and intangible property, whether real or personal, and any interest in property, whether legal or equitable, belonging to ~~the an~~ obligor. Any property acquired by the obligor after the child support lien arises shall also be subject to such lien.

The Department is further authorized to offset against worker's compensation awards and lottery winnings.

(8) ~~(h)~~A state IV-D agency of another state may determine that an ~~noncustodial parent obligor~~ parent obligor holds assets in a financial institution doing business in the ~~S~~S state of Georgia. Full faith and credit shall be given to liens arising from any judicial or administrative action in another state or foreign jurisdiction. ~~That~~The state IV-D agency may send ~~the a~~ a levy directly to the financial institution in Georgia ~~asking and request~~ that it surrender the funds directly to ~~that the~~ the state IV-D agency. If the financial institution refuses to do so, the state IV-D agency may ~~then~~ send a UIFSA enforcement transmittal to the Department for enforcement.

(9) ~~(i)~~ If it is determined that ~~the noncustodial parent an obligor~~ an obligor in a Georgia case holds assets in a financial institution outside of Georgia, the Department may send ~~the a~~ a levy directly to the financial institution doing business in that state or foreign jurisdiction. A request shall be made that the funds be surrendered to the Department. ~~However, if~~ the financial institution refuses to remit the ~~money~~ funds or the obligor does not reside within Georgia and wishes to challenge the intergovernmental levy, the Department shall release the levy and send an Uniform Interstate Family Support Act (UIFSA) enforcement transmittal to the IV-D agency of the state or foreign jurisdiction where the obligor resides.

Authority: O.C.G.A. §§ 19-11-18, 19-11-30.2 through 19-11-379.

Rule 290-7-1-.18. Remedies Not Exclusive

(1) ~~(a)~~ The procedures, actions, and remedies provided in these ~~R~~Rules shall in no way be exclusive, but shall be in addition to, and not in substitution of, any other proceedings provided by law. Both obligees and obligors have the right under Georgia law to pursue any legal rights either in concert with or independently of the Department. The exercise of such rights shall not serve as a basis of a finding of noncooperation unless the applicant for services neglects to keep the Department informed of any other related proceedings which would impact its enforcement efforts under the Child Support Recovery Act (CSRA).

(2) ~~(b)~~ In light of this non-exclusivity, ~~it is not uncommon for~~ a superior court ~~to~~ may issue a civil order containing provisions for child support (~~for example, e.g.~~ in a divorce proceeding) subsequent to the existence of an administrative support order. Once a superior court issues an order, ~~that~~ the order becomes the controlling order in the case and shall become the IV-D order being enforced by the Department.

Authority: O.C.G.A. ~~Sees.~~ §§ 19-11-01 et seq, 19-11-22, 19-11-24.

Rule 290-7-1-.19. Administrative Hearing Procedures

- (1) ~~(a)~~ Under these Rules, administrative hearings before the Office of State Administrative Hearings (OSAH) are available with regards to certain enforcement actions taken by or decisions made by the Department. The availability of an administrative hearing and the deadlines for seeking an administrative hearing are controlled by the specific ~~R~~rule addressing the action in question.
- (2) ~~(b)~~ If an administrative hearing is available and is timely requested in accordance with the applicable ~~R~~rule, the Department shall initiate an administrative hearing before OSAH by filing an "OSAH 1" form.
- (3) ~~(c)~~ An administrative law judge ("ALJ") shall be assigned by OSAH in accordance with OSAH rules or operating procedures.
- (4) ~~(d)~~ Any issue, procedure, process, or other matter related to administrative hearings that is not explicitly addressed in these Rules shall be controlled by the rules of OSAH.
- (5) ~~(e)~~ After ~~the an~~ an ALJ hears the evidence at a hearing, the ALJ shall issue an administrative decision. The decision shall be deemed entered when it is filed with the ~~C~~lerk of OSAH, and shall be mailed to all parties immediately upon entry.
- (6) ~~(f)~~ If no party or the Department seeks review of the decision, it becomes final 30 days after entry of the decision.
- (7) ~~(g)~~ If a party or the Department is aggrieved by ~~the an~~ an administrative decision and has exhausted his or her administrative remedies, the aggrieved party or the Department may file a petition for judicial review under O.C.G.A. § 50-13-19 in either the superior court of his/ or her county of residence or in the Superior Court of Fulton County, within 30 days of the entry of a decision by the ALJ.
 - (a) ~~(1)NOTE: the procedure is slightly different for appealing an administrative decision affirming a tax refund intercept based upon an existing civil support order, an appeal of that type of action. A tax refund intercept appeal~~ must be filed in the court that issued or registered the underlying child support order. See in accordance with O.C.G.A. § 19-11-18(e).
- (8) ~~(h)~~ The A petition for judicial review must be served personally on the Commissioner or a person designated by the Commissioner to serve as agent for the acceptance of service of process in accordance with O.C.G.A. § 49-2-15, or service shall be deemed defective and the petition for judicial review may be subject to dismissal by the court.

~~(9) (i)~~ As required by Pursuant to O.C.G.A. § 50-13-19, judicial review shall be conducted by the court without a jury and shall be confined to the record made before the agency in accordance with the Georgia Administrative Procedure Act. The Commissioner or ~~his~~ designee shall file the administrative record with the court within 30 days of the Commissioner being served with the petition for judicial review personally by second original as required by law. The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.

~~(10) (j)~~ Any appeal of the administrative decision shall be limited solely to the issue of child support and shall exclude issues of visitation, custody, property settlement or other similar matters otherwise joinable by the parties.

~~(11) (k)~~ Neither an ALJ nor a superior court may retroactively modify a child support order nor eliminate arrearages accrued under a valid child support order.

Authority: O.C.G.A. §§ 19-11-9.3(o), 19-11-24, 19-11-18, 50-13-40 through 50-13-44.

**Rule 290-7-1-.20. Waiver of Payment of Unreimbursed Public Assistance
Administrative Orders Only**

(1) ~~(a)~~ Pursuant to O.C.G.A. § 19-11-5(b), the Commissioner of the Department of Human Services ~~hereby~~ vests the director of the Department and ~~his or her designees~~ with the authority to waive, reduce, or negotiate the payment of unreimbursed public assistance. This authority is limited to administrative child support orders (not judicial orders) that create a debt owed to the state. In making a recommendation and determination regarding ~~the a~~ waiver, reduction or negotiation of a debt owed under ~~code section~~ O.C.G.A. § 19-11-5(b), the Department shall consider the following factors ~~shall be considered~~:

~~(a) (1) The Department shall determine~~ whether good cause existed for the nonpayment of the unreimbursed public assistance;

~~(b) (2) The Department shall determine~~ whether repayment of this debt would result in substantial and unreasonable hardship for the parent owing the debt; and

~~(c) (3) The Department shall determine~~ the obligor's current ability to pay the debt, ~~to include the consideration of and~~ the regularity of payments. ~~made for the current support of those dependents for whom support is owed.~~

(2) ~~(b)~~ Any determinations to waive, reduce or negotiate a settlement of the unreimbursed public assistance made pursuant to this ~~r~~Rule must be put into in writing and approved by the director or designee. These records shall be available for review and subject to audit.

Authority: O.C.G.A. § 19-11-5.