



Georgia Department of Human Services

Aging Services | Child Support Services | Family & Children Services

February 27, 2024

Notice of Intended Action and Public Hearing Regarding Proposed Amendments to Chapter 290-7, Office of Child Support Recovery, Ga. Comp. R. & Regs. Rule 290-7-1-.12, entitled License Revocation or Suspensions, 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 Rule 290-7-1-.12 of the Rules of the Georgia Department of Human Services. The Department will be accepting written comments regarding the proposed amendments from March 1, 2024, through March 30, 2024.

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 **10:00 a.m.**, on **March 22, 2024**, 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 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

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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 **March 30, 2024**. 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 May 2024, location to be determined. 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 **March 1, 2024, through March 30, 2024**. 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 given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.



Georgia Department of Human Services
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**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 rule amendments to Subject 290-7-1, entitled “Recovery and Administration of Child Support,” of the Rules of the Georgia Department of Human Services. Proposed amendments affect Rule 290-7-1-.12, License Revocation or Suspensions set forth in Chapter 290-7, Office of Child Support Recovery; Subject 290-7-1, Recovery and Administration of Child Support. The proposed revisions were drafted by the Department with the goal of adding new provisions related to the limited driving permit process for child support obligors and to comply with amendments to O.C.G.A. §40-5-64 concerning limited driving permits and standards for the issuance of such that became effective January 1, 2024. In addition, rules have been updated for clarity, grammatical correctness, and to comply with Georgia law.

It is not anticipated that the adoption of these rule amendments will impose excessive regulatory costs on persons or entities providing services under these rules. It is not foreseeable that any cost to comply with the proposed rule amendments can be reduced by a less expensive alternative that fully accomplishes the duties required of the Department.

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

290-7-1-.12 License Revocation or Suspensions. The rule has been amended to include new provisions for a child support obligor to obtain a limited driving permit in circumstances where locating employment is an extreme hardship due to license suspension for failure to pay child support. In addition, the rule has been updated to provide that an ALJ’s decision issued under this Rule is a final agency decision.

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

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

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Rule 290-7-1-.12 License Revocation or Suspensions

Rule 290-7-1-.12 License Revocation or Suspensions

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.

- (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 ~~being enforced~~able 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 notification shall include the applicant's or licensee's last known mailing address on file with the licensing entity.
- (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 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.

 - (1) 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).
 - (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.

- (c) 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.
- (d) 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. If an agreement cannot be reached within that time or the obligor does not respond within those 20 days, the agency will send notice to the licensing entity requesting that the license be suspended or the licensure application be denied.
- (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.
- (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.
- (g) In an administrative hearing under this Rule timely requested by an obligor, the only issues at the hearing will be the following:

 - (1) Whether there is an order for child support being enforced by the Department pursuant to the Act;
 - (2) Whether the licensee or applicant is the obligor covered by that order;
 - (3) Whether the support obligor is or is not in compliance with the order for child support;
 - (4) Whether the obligor shall be entitled to pay past due child support in periodic payments; and,
 - (5) Whether the support obligor has been able and willing to comply with such order for support.
- (h) The 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.

- (i) ~~The initial decision of the ALJ may be affirmed, modified, or reversed by the Department within 30 days of issuance of the initial decision. If the Department declines to commence a review of the initial decision within 30 days, the ALJ's initial decision shall become the final agency decision.~~
- (j) The final agency decision shall be subject to appeal and judicial review pursuant to Article 2 of Chapter 13 of Title 50 but only as to those issues referred to in this Rule.
- (k) The right to an administrative hearing under this Rule 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.

(l) Limited Driving Permit

- (1) 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.
- (2) The obligor must maintain documentation of their employment search.
- (3) The Department may alert the Department of Driver Services (DDS) if the obligor fails to comply with the terms of the agreement or their child support obligation and notify DDS to revoke the limited driving permit.

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.