

## Ways to Enforce Child Support

There are a number of legal actions you can consider if the parent that does not have custody is not paying the child support that the court ordered, including:

### **File a "Contempt Action" in Court.**

A parent who is behind in child support is in contempt of the court order. He or she can be ordered to pay what is owed (including the legal costs you have to pay to file the contempt action). The contempt action must be filed in the court that ordered the child support to be paid.

### **Get an Income Deduction Order.**

An Income Deduction Order is the most effective way to collect child support. This orders the non-custodial parent's employer to withhold the amount of child support from that parent's paycheck. If you already have a child support order and it does not contain a paragraph about income deduction, you can go back to court and get the language in the court order changed if the other parent is behind in child support payments for more than the amount of one month's support.

### **Contact Child Support Enforcement.**

The Georgia Department of Human Resources has a Child Support Enforcement Division ("CSE"). CSE can help you get the court order enforced. CSE can also help you get a portion of the non-custodial parent's tax refund if you request it by August of each year.

If the absent parent is receiving workers' compensation benefits, CSE can contact the Workers' Compensation Board, get information about the case and pursue collection of child support through garnishment of that parent's Workers Compensation benefits. CSE can also collect child support from the absent parent's unemployment compensation. O.C.G.A. § 34-8-198.

### **Get a lien.**

If you know the absent parent owns real or personal property, talk to an attorney about getting a lien on the land and the house or about levying on personal property.

A lien is a claim you have on someone's personal property (car, boat, T.V., etc.) or real property (house or land) for payment of a debt (such as child support). When a lien is placed on real or personal property, the lien must be satisfied (paid off) before the absent parent can sell the property.

To levy is to seize (take) personal property in satisfaction (payment) of a legal claim.

**File a Writ of Fieri Facias (Fi Fa) Where the Non-custodial Parent has Property.** Another way to enforce an order for support is to get a fi. fa. (a writ of fieri facias). You can get a fi. fa. form from the clerk of the court who issued the order. You can then file the fi. fa. and record it on the general execution docket of the superior court of any county in the state in which you have reason to believe that the absent parent may own real estate (house and/or land). A recorded fi. fa. is used to place a lien on property (real estate or automobile) and allows the proper law enforcement officer to levy on other personal property. However, these procedures are complicated, and you should contact a private attorney for assistance.

**File a Garnishment.**

If the absent parent is at least 30 days behind in the amount of support he or she owes, you can file a garnishment. You can garnish bank accounts, Social Security benefits and tax refunds. If you know the name of the employer of the absent parent and the approximate date of any work injury of the absent parent, you can call the Workers Compensation Board (404) 656-3692 and get the name and address of the insurance company. You can then file a garnishment against the insurance company. SSI and TANF cannot be garnished.

**Request that a Court Deny or Suspend the Other Parent's License.**

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

**What Are Income Deduction Orders?**

As of January 1, 1994, ALL child support orders MUST include a provision for wage withholding (taking child support from the non-custodial parent's paycheck) unless there is a written agreement between the parents that provides for another arrangement.

Orders that don't contain this provision can be modified to include a wage withholding provision. You can ask the court for this change in a regular modification proceeding or in a contempt proceeding. To do this, the non-custodial parent must be behind in child support payments for more than the amount of one month's support. Copies of the income deduction order must be served by mail on the non-custodial parent and his or her employer.