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RULES OF THE GEORGIA DEPARTMENT OF HUMAN SERVICES

CHAPTER 290-7-1

RULES AND REGULATIONS FOR RECOVERY AND ADMINISTRATION OF CHILD SUPPORT

SYNOPSIS OF PROPOSED RULE CHANGES

The Georgia Department of Human Services, Division of Child Support Services (the Department) proposes amendments to Chapter 290-7-1 of the Rules of the Georgia Department of Human Services related to recovery and administration of child support. Proposed amendments affect chapter sections: 290-7-1-.03, 290-7-1-.04, 290-7-1-.05, 290-7-1-.06, and 290-7-1-.10. Adoption of these amendments will assist the Department in providing enforcement services. First, amendments to 290-7-1-.05, 290-7-1-.06, and 290-7-1-.10 will set out procedural changes concerning review and modifications and electronic submission of Federal Income Withholding (FIW) documents. Secondly, amendments to 290-7-1-.03, 290-7-1-.04, and 290-7-1-.05 will enable the Department to comply with HB 568 by instituting procedures that assist with the requirement of genetic testing prior to establishment of child support cases.

Administrative and procedural changes in 290-7-1-.05 and 290-7-1-.06 will affect how reviews and modifications are completed. In reviewing and modifying child support obligations, two major changes will be seen with the implementation of these amendments. 290-7-1-.05(d) will be modified to allow the Department to waive fees associated with reviews and modifications for individuals whose monthly gross income falls below \$1,300. Previously, these fees were waived for individuals with gross

monthly income below \$1,000. This change will allow for a waiver of fees for individuals earning at or less than minimum wage.

Furthermore section 290-7-1-.06 will require that a completed application be submitted to the Department before a request for review and modification will be initiated. This will allow the Department to have all necessary information before proceeding with a review and modification.

An additional administrative change will be seen in 290-7-1-.10. Employers who have elected may receive the FIW electronically. Additionally, by electing to receive the FIW electronically, 290-7-1-.10 provides that receipt of the electronic income withholding order constitutes receipt of all notices to payors required by code section 19-6-33.

The passing of HB 568 requires the Department to establish procedures to ensure that genetic testing is completed prior to the establishment of a child support case.

Amendments to 290-7-1-.03 and 290-7-1-.04 set out the requirement for genetic testing in cases where paternity is at issue or has not been previously established as a pre-requisite for establishment of a child support case. 290-7-1-.04 will now require a sworn statement alleging or denying paternity as a part of the application for enforcement services, and will include a provision that the costs of such testing be borne by the proven parent or the mistaken declarant. Additionally, 290-7-1-.04 requires the destruction of genetic material 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.

It is not anticipated that the adoption of these rule amendments would impose excessive regulatory cost on any client and it is not foreseeable that any cost to comply with the proposed amendments can be reduced by a less expensive alternative that fully accomplishes the duties required of the Department of Human Services, Division of Child Support Services.

MAIN FEATURES OF THE PROPOSED AMENDMENT:

The amendment to 290-7-1 will include the following features:

- Administrative and Procedural Changes:
 - Allows waivers of the fee related to reviews and modification for low income customers.
 - Requires a completed application, rather than a written request, prior to commencement of a review and modification in child support case.
 - Allows for electronic issuance of the FIW to employers who have implemented electronic withholding through the US Department of Human Services Office of Child Support Enforcement.
- Changes related to HB 568 and Genetic Testing
 - Ensures that paternity is established in cases where it is in question or has not been established.
 - Sets time sensitive standards for destroying genetic material collected for paternity testing.
 - Obligates the parent who named an incorrect putative obligor to reimburse the Department for the paternity testing fee.