



Georgia Department of Human Services

Aging Services | Child Support Services | Family & Children Services

Date: December 1, 2017

ACTION: Notice of Public Hearing to Amend Ga. Comp. R. & Regs. 290-7-1-.05:
Recovery and Administration of Child Support, Fees and Collection Procedures

To All Interested Persons and Parties:

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, Recovery and Administration of Child Support. Proposed amendments affect rule: 290-7-1-.05, Fees and Collection Procedures. The Department will be accepting written comments from December 1, 2017, to close of business (4:30 p.m. EDT) on December 30, 2017.

This notice, together with an exact copy of the proposed rule 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, an exact copy 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 and the address is as follows:

Office of General Counsel
Georgia Department of Human Services
2 Peachtree Street NW, Suite 29-201
Atlanta, Georgia 30303



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These documents will also be available for review on the Division of Child Support Services' web page at <https://childsupport.georgia.gov>.

A public hearing is scheduled to begin at 10:00 a.m. on January 10, 2018, at the Board Room on the 29th floor of 2 Peachtree Street NW in Atlanta, Georgia to provide the public an opportunity to comment upon and provide input into the proposed rule 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 person. Additional comments should be presented in writing. Written comments are welcome. To ensure their consideration, written comments must be received on or before December 30, 2017. Written comments should be addressed to Daphne M. Walker, Chief Deputy General Counsel, 2 Peachtree Street NW, Suite 29-201, Atlanta, Georgia 30303. FAX: 404-657-1123.

The proposed rule amendments will be considered for adoption by the Board at its meeting scheduled to begin at 11:00 a.m. on February 14, 2018, at 2 Peachtree Street NW, Suite 29-250, Atlanta, Georgia 30303.



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Comment Period and Additional Information:

The Department will be accepting written comments from December 1, 2017, to close of business (4:30 p.m. EDT) on December 30, 2017. Please submit written comments to:

Daphne M. Walker
Chief Deputy General Counsel
Office of General Counsel
Georgia Department of Human Services
2 Peachtree Street NW, Suite 29-201
Atlanta, Georgia 30303
Telephone Number: (404) 463-0590
FAX Number: (404) 657-1123

Interested persons may call or submit a written request to obtain a copy of the proposed rule(s). A copy of the synopsis and the proposed rule(s) may be downloaded from the Georgia Department of Human Services, Division of Child Support Services website at <https://childsupport.georgia.gov>.

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



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**RULES OF
DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHILD SUPPORT RECOVERY**

**CHAPTER 290-7-1
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 rule: 290-7-1-.05.

Adoption of the amendments to 290-7-1-.05 will assist the Department in providing enforcement services. Specifically, the proposed amendments will bring the rule in compliance with Georgia Senate Bill 137 by instituting procedures that assist with the requirement of the obligor to pay the full fee required by the Federal Deficit Reduction Act of 2005. The proposed amendments will relieve custodial parents of the burden of paying the fee required by the Federal Deficit Reduction Act of 2005. This will allow for a larger percentage of the received child support to go directly to the children.

It is not anticipated that the adoption of these rule amendments will 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.

RULES
OF
DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHILD SUPPORT RECOVERY
CHAPTER 290-7-1
RECOVERY AND ADMINISTRATION OF CHILD SUPPORT

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

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

- (a) Application Fees: all 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.
- (b) FSR Fees: The Department controls the "family support registry," a central registry which operates on behalf of the department to receive, process, disburse, and maintain a record of all child support payments paid to the Department or paid pursuant to an income deduction order.
 - (1) The Department shall collect a fee of up to \$30.00 for processing of insufficient funds checks.
 - (2) The Department shall collect an administrative fee of up to \$2.00 per payment or 5 percent of each payment, whichever is the lesser.
- (c) DRA Fees: The Department is required by the federal Deficit Reduction Act and state law to collect ~~certain~~ an annual fees from ~~both obligors and obligees who have never received public assistance in any case in which \$500 or more has been collected.~~ 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 \$25.00 for each case. The Department shall retain and collect this fee through income withholding or any other enforcement remedy available to the Department.
 - (1) ~~Obligees: The annual fee is \$12.00, collectible at the rate of \$1.00 per month. This fee is deducted and retained from child support collections before disbursement to the obligee.~~
 - (2) ~~Obligors: The annual fee is \$13.00, to be paid in 12 monthly installments. The department shall retain and collect this fee through income withholding or any other enforcement remedy available to the Department.~~
- (d) Other Fees

- (1) For any person not currently receiving TANF or Family 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 UIFSA.
 - (2) A fee of \$15.00 shall be retained and deducted from any intercept of federal tax refunds, as required by federal law.
 - (3) A fee of \$12.00 shall be retained and deducted from any intercept of state tax refunds.
 - (4) Genetic testing will often be utilized as required by law to establish a putative parent'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 is confirmed as a 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 father is excluded as a possible parent then the person who named the putative father shall be liable to the department for reimbursement of the paternity testing fee.
 - (5) The Department shall charge a fee of up to \$10.00 for each certification regarding entries on the putative father registry (see O.C.G.A. § [19-11-9\(f\)](#)).
- (e) An applicant for services from the Department is not permitted to close his/her case if any fees required by this Rule remain unpaid.
- (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.
- (g) In any enforcement proceeding brought by the Department, should it prevail, the court may award the Department its reasonable attorney's fees and actual court costs.
- (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.
- (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.
- (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.

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