Georgia Rules and Regulations
Administrative Bulletin for April 2026

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Final rules filed with the Georgia Secretary of State during the month of *April 2026:*

Table of Contents

Department	Rules List	Action	Filed	Effective	Page
111. RULES OF DEPARTMENT OF COMMUNITY HEALTH	111-8-7-.07	amended	Apr. 21	May 11, 2026	3
150. RULES OF GEORGIA BOARD OF DENTISTRY	150-5-.03	amended	Apr. 10	Apr. 30, 2026	4
	150-8-.05	amended	Apr. 10	Apr. 30, 2026	9
160. RULES OF GEORGIA DEPARTMENT OF EDUCATION	160-1-4-.323	submitted	Apr. 24	Apr. 24, 2026	10
189. RULES OF STATE ETHICS COMMISSION	189-3-.01	amended	Apr. 30	May 20, 2026	11
	189-5-.06	adopted	Apr. 30	May 20, 2026	15
290. RULES OF DEPARTMENT OF HUMAN SERVICES	290-7-1-.01	amended	Apr. 15	May 5, 2026	16
	290-7-1-.02 --- 290-7-1-.11	amended	Apr. 15	May 5, 2026	16
	290-7-1-.12	amended	Apr. 15	May 5, 2026	32
	290-7-1-.13 --- 290-7-1-.20	amended	Apr. 15	May 5, 2026	34
560. RULES OF DEPARTMENT OF REVENUE	560-8-7-.02	repealed	Apr. 20	May 10, 2026	44

Final rules filed with the Georgia Secretary of State that became effective *April 2026:*

Department	Rules List	Action	Filed	Effective
125. BOARD OF CORRECTIONS	125-2-1-.06	amended	Mar. 31, 2026	Apr. 20
	125-3-1-.06	amended	Mar. 31, 2026	Apr. 20
150. RULES OF GEORGIA BOARD OF DENTISTRY	150-5-.03	amended	Apr. 10, 2026	Apr. 30
	150-8-.05	amended	Apr. 10, 2026	Apr. 30
160. RULES OF GEORGIA DEPARTMENT OF EDUCATION	160-1-4-.323	submitted	Apr. 24, 2026	Apr. 24
464. GEORGIA PEACE OFFICER STANDARDS AND TRAINING COUNCIL	464-1-.02	amended	Mar. 24, 2026	Apr. 13
	464-1-.06	amended	Mar. 24, 2026	Apr. 13
	464-1-.07	amended	Mar. 24, 2026	Apr. 13
	464-13-.19	amended	Mar. 24, 2026	Apr. 13
505. PROFESSIONAL STANDARDS COMMISSION	505-3-.44, 505-3-.45	amended	Mar. 25, 2026	Apr. 15
	505-3-.46, 505-3-.50	adopted	Mar. 25, 2026	Apr. 15
	505-3-.78, 505-3-.79	amended	Mar. 25, 2026	Apr. 15
560. RULES OF DEPARTMENT OF REVENUE	560-11-6-.09	amended	Mar. 16, 2026	Apr. 5
	560-11-11-.12	amended	Mar. 16, 2026	Apr. 5
620. RULES OF GEORGIA STRUCTURAL PEST CONTROL COMMISSION	620-2-.01	amended	Mar. 19, 2026	Apr. 8
	620-3-.01 --- 620-3-.04	amended	Mar. 19, 2026	Apr. 8
	620-6-.01 --- 620-6-.05, 620-6-.07	amended	Mar. 19, 2026	Apr. 8
	620-7-.02	amended	Mar. 19, 2026	Apr. 8
	620-9-.01 --- 620-9-.03	amended	Mar. 19, 2026	Apr. 8

Department 111. RULES OF DEPARTMENT OF COMMUNITY HEALTH

Chapter 111-8. HEALTHCARE FACILITY REGULATION

Subject 111-8-7. RULES AND REGULATIONS FOR BIRTH CENTERS

111-8-7-.07 Transfer and Transport Capability

(1) Each birth center shall have a written hospital affiliation agreement with an acute care hospital with at least Level III perinatal services within a reasonable distance from the birth center or the medical staff at the birth center shall have admitting privileges or other acceptable documented arrangements with such acute care hospital to ensure the necessary backup for the birth center for medical complications.

(2) Each birth center shall have a written agreement with the acute care hospital for acceptance and examination of laboratory specimens to expedite treatment, prior to formal admission procedures.

(3) The center shall have the capability to transfer and transport the adult and/or newborn patients immediately to the acute care hospital within a reasonable distance from the birth center. Documentation of each transfer shall be maintained by the center to substantiate to the Department that it has met this requirement.

(4) The center shall have a written contract with a licensed ambulance service which will assure timely response.

Cite as Ga. Comp. R. & Regs. R. 111-8-7-.07

AUTHORITY: O.C.G.A. §§ 31-2-4**,** 31-7-1**, Chapter 31-7, Article 1.**

HISTORY: Original Rule entitled "Transfer and Transport Capability" adopted. F. Oct. 9, 2020; eff. Oct. 29, 2020.

Amended: F. Apr. 21, 2026; eff. May 11, 2026.

Department 150. RULES OF GEORGIA BOARD OF DENTISTRY

Chapter 150-5. DENTAL HYGIENE

150-5-.03 Supervision of Dental Hygienists

(1) Definitions.

(a) "Authorizing dentist" shall mean a dentist licensed to practice in Georgia who permits a dental hygienist to practice under general supervision.

(b) "Dental hygiene duties" and "dental hygiene services" shall mean those tasks which a dental hygienist may lawfully perform under O.C.G.A. § 43-11-74 and this Rule

(c) "Dental hygienist" shall mean an individual licensed to practice dental hygiene in Georgia.

(d) "Dental screening" shall mean a visual assessment of the oral cavity without the use of x-rays, laboratory tests, or diagnostic models to determine if it appears that a more thorough clinical examination and diagnosis should be conducted by a licensed dentist.

(e) "Dentist" shall mean an individual licensed to practice dentistry in Georgia.

(f) "Direct supervision" shall mean that a licensed dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedure and remains in the dental office or treatment facility while the procedure is being performed by the dental hygienist, and before dismissal of the patient, examines the patient.

(g) "General supervision" shall mean that a licensed dentist has authorized the delegable duties of a dental hygienist but does not require that a licensed dentist be present when such duties are performed.

(2) No dentist shall be required to authorize a dental hygienist to perform dental hygiene duties under general supervision, and no part of this Rule shall be construed as to establish independent dental hygiene practice.

(3) A dental hygienist shall perform duties only under the direct supervision of a duly licensed dentist who is licensed to practice in the State of Georgia, except where otherwise provided in O.C.G.A. § 43-11-74 and this rule.

(4) The requirement of direct supervision shall not apply to:

(a) The educational training of dental hygiene students at an institution approved by the Board and the Commission on Dental Accreditation of the American Dental Association, or its successor agency.

(b) The performance of dental hygiene duties at approved dental facilities of the Department of Public Health, county boards of health, or the Department of Corrections, or the performance of dental hygiene duties by personnel of the Department of Public Health or county boards of health at approved off-site locations.

(c) The performance of dental hygienists providing dental screenings in settings which include: schools; hospitals; clinics; state, county, local, and federal public health programs; federally qualified health centers; volunteer community health settings; senior centers; family violence shelters, as defined in O.C.G.A. § 19-13-20; and free health clinics, as defined in O.C.G.A. § 51-1-29.4. Other health fair settings must be pre-approved by the board.

1. School settings.

(i) School settings shall include only schools that are Title I schools under the federal Elementary and Secondary Education Act, schools in which at least 65% of the student population is eligible for free or reduced price lunch under federal guidelines, Head Start programs, and Georgia's Pre-K Program.

(ii) Dental hygienists may apply topical fluoride and perform the application of sealants and oral prophylaxis under general supervision, with written permission of the student's parent or guardian. A dental hygienist may also, without prior written permission of the student's parent or guardian, provide oral hygiene instruction and counseling.

(iii) A dental hygienist and the authorizing dentist shall maintain the confidentiality of any records related to services provided to a student under subparagraph (4)(c) in compliance with laws including without limitation the federal Family Education Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g.

2. Hospitals; nursing homes; long-term care facilities; rural health clinics; federally qualified health centers, health facilities operated by federal, state, county or local governments; hospices; family violence shelters, as defined in O.C.G.A. § 19-13-20; and free health clinics, as defined in O.C.G.A. § 51-1-29.4.

(i) Dental hygienists may apply topical fluoride, perform the application of sealants and oral prophylaxis, periodontal maintenance, and assessment under general supervision.

3. A dental hygienist performing duties under subparagraphs (4)(c)(1.) or (4)(c)(2.) shall:

(i) Not perform any dental hygiene services on a patient that has dental pain or clearly visible evidence of widespread dental disease. The dental hygienist shall immediately refer such patient to the authorizing dentist for clinical examination and treatment. The dental hygienist shall notate such patient's file, and the patient shall not be eligible to receive dental hygiene services under subparagraphs (4)(c)(1.) or (4)(c)(2.) until a dentist provides written authorization that such services may be performed on the patient.

(ii) Prior to providing any dental hygiene services, obtain, study, and comprehend the school's or facility's protocols and procedures regarding medical emergencies and implement and comply with such protocols and procedures if a medical emergency arises during the provision of dental hygiene services; and

(iii) Provide to each patient receiving such services written notice containing:

(I) The name and license number of the dental hygienist and the authorizing dentist;

(II) Any dental hygiene issues that the dental hygienist identified during the performance of dental hygiene duties. If dental hygiene services are not performed on a patient under subparagraph (4)(c)(3.)(i), the written notice shall include a statement that the patient is not eligible to receive dental hygiene services until a clinical examination is performed by a dentist, and a dentist provides written authorization that services may be performed;

(III) A statement advising each patient who receives dental hygiene services to seek a more thorough clinical examination by a dentist within 90 days, unless the authorizing dentist performed a clinical examination of the patient.

(iv) Make all reasonable efforts to provide such written notice as required in subparagraph (4)(c)(3.)(iii) to parents or legal guardians of minors or incapacitated adults who receive dental hygiene services and to the long-term care facility or nursing home for residents of such facilities who receive dental hygiene services, as applicable.

(v) Not charge a fee for a dental screening provided under subparagraph (4)(c), except where provided by an employee of the Department of Public Health or county boards of health. However, these fees must be paid directly to the Department of Public Health or that county board of health and not to the dental hygienist who performed the screening.

(vi) Not require a school or facility receiving dental hygiene services under subparagraphs (4)(c)(1.) and (4)(c)(2.) to purchase any equipment.

(5) General Supervision in a Private Office Setting.

(a) A dental hygienist may perform only the following functions under general supervision:

1. Application of sealants, oral prophylaxis, periodontal maintenance, and assessment;

2. Fluoride treatment;

3. Oral hygiene instruction and education; and

4. Exposure and processing of radiographs if provided for by specific, individualized standing orders of the authorizing dentist, including any protocols regarding urgent dental issues that arise.

(b) A dentist in a private dental office setting may authorize general supervision of a dental hygienist only upon meeting the following criteria:

1. A new patient of record must be clinically examined by the authorizing dentist during the initial visit;

2. A patient must be examined by the authorizing dentist at a minimum of twelve-month intervals; and

3. A patient must be notified in advance of the appointment that the patient will be treated by the dental hygienist under general supervision without the authorizing dentist being present or being examined by the authorizing dentist.

(6) A dental hygienist performing dental hygiene services under general supervision shall have at least two (2) years of experience in the practice of dental hygiene, shall be in compliance with the continuing education requirements under O.C.G.A. § 43-11-73.1 and the cardiopulmonary resuscitation certification requirements under O.C.G.A. § 43-11-73, shall be licensed in good standing, and shall maintain coverage under a professional liability occurrence or claims insurance policy with a policy limit minimum of $1,000,000.

(a) "Experience" means a minimum of 1000 hours of hands-on treatment of patients within the twenty-four (24) month period immediately post-graduation from an accredited dental hygiene program.

(7) In schools; hospitals; clinics; state, county, local, and federal public health programs; federally qualified health centers; volunteer community health settings; senior centers; family violence shelters, as defined in O.C.G.A. § 19-13-20; and free health clinics, as defined in O.C.G.A. § 51-1-29.4, it shall be in the sole discretion of the authorizing dentist as to whether to require an initial examination of the patient prior to the performance by a dental hygienist of dental hygiene services under general supervision.

(8) A dentist may only authorize up to four dental hygienists total to provide dental hygiene services in any setting or number of settings at any one time. A dentist authorizing one or more dental hygienists to provide dental hygiene services under (4)(c)(1.) and (4)(c)(2.) shall practice dentistry and treat patients in a physical and operational dental office located in this State within 50 miles of the setting in which the dental hygiene services are to be provided under general supervision.

(9) Dental hygiene services provided by dental hygienists in mobile dental vans shall always be provided under direct supervision.

(10) In addition to routine duties and the procedures of any of the operations or procedures authorized in O.C.G.A. § 43-11-74, the following activities may be performed by a dental hygienist working under the direct supervision of a dentist:

(a) All the duties that are usually performed by a dental assistant pursuant to Title 43, Chapter 11, Article 4 of the Official Code of Georgia Annotated and Chapter 150-9 of the Rules of the Georgia Board of Dentistry, under the limitations and stipulations set forth in Title 43, Chapter 11, Article 3 of the Official Code of Georgia Annotated and Chapter 150-5 of the Rules of the Georgia Board of Dentistry.

(b) Take and mount oral x-rays;

(c) Apply medications and/or solutions approved by the Board and prescribed by the dentist that can be applied by methods approved by the Board, be that by irrigation, tray, or insertion of bioresorbable materials;

(d) Remove calcareous deposits, secretions, and stains from the surfaces of teeth. Ultrasonic technologies are authorized for use by dental hygienists;

(e) Utilize techniques and materials necessary for the application of sealant(s) to pits of and fissures of teeth;

(f) Perform root planning and curettage with hand instruments; and

(g) Perform periodontal probing.

(11) Nothing in these rules shall be construed as authorizing dental hygienists to utilize other techniques in the course of the performance of their duties, otherwise authorized by these rules. Only dentists licensed by the Georgia Board of Dentistry shall be authorized to perform procedures involving laser technology which alters tissue, creates thermal effect, or is intended to cut, coagulate, photocoagulate, vaporize, or ablate essentially any soft or hard tissues of the body. Additionally, only dentists licensed by the Board shall be authorized to perform procedures utilizing air abrasive technology, which is normally intended for cavity preparation or enamel removal. This is to be distinguished from "micro etching" and "air polishing" technologies which are intended for stain removal and roughening the surfaces of enamel to enhance bonding, similar to acid etching, (i.e., Micro etching and air polishing are technologies authorized for use by dental hygienists).

Cite as Ga. Comp. R. & Regs. R. 150-5-.03

AUTHORITY: O.C.G.A. §§ 43-11-1**,** 43-11-7**,** 43-11-9**,** 43-11-17**,** 43-11-74**.**

HISTORY: Original Rule entitled "Supervision of Dental Hygienists" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of the same title adopted. F. June 26, 1973; eff. July 16, 1973.

Amended: F. May 5, 1982; eff. May 25, 1982.

Amended: F. July 2, 1985; eff. July 22, 1985.

Amended: F. Sept. 15, 1993; eff. Oct. 5, 1993.

Amended: F. Nov. 7, 1994; eff. Nov. 27, 1994.

Repealed: New Rule of same title adopted. F. Feb. 1, 1999; eff. Feb. 21, 1999.

Amended: F. Jan. 10, 2002; eff. Jan. 30, 2002.

Repealed: New Rule of same title adopted. F. Jan. 31, 2003; eff. Feb. 20, 2003.

Repealed: New Rule of same title adopted. F. July 28, 2003; eff. August 17, 2003.

Repealed: New Rule of same title adopted. F. Sept. 14, 2005; eff. Oct. 4, 2005.

Repealed: New Rule of same title adopted. F. Jan. 25, 2007; eff. Feb. 14, 2007.

Repealed: New Rule of same title adopted. F. Mar. 27, 2012; eff. Apr. 16, 2012.

Amended: F. Mar. 2, 2018; eff. Mar. 22, 2018.

Amended: F. Dec. 14, 2021; eff. Jan. 3, 2022.

Amended: F. Apr. 10, 2026; eff. Apr. 30, 2026.

Department 150. RULES OF GEORGIA BOARD OF DENTISTRY

Chapter 150-8. UNPROFESSIONAL CONDUCT

150-8-.05 Dental Unit Water Quality

(1) A licensed dentist shall use water for nonsurgical procedures that meets United States Environmental Protection Agency regulatory standards for drinking water of five hundred or less colony-forming units or CFUs/mL.

(2) A licensed dentist shall be responsible that staff are following dental equipment manufacturer's instructions for use when testing the water delivery system for acceptable water quality. If manufacturer's instructions for use are unavailable, a licensed dentist shall be responsible to ensure that the water delivery system is at acceptable water quality quarterly. A licensed dentist shall be responsible for testing the water delivery system within 30 days of repair or changes to plumbing.

(a) Effective January 1, 2025, all dental unit water lines must be tested quarterly.

1. All water lines for each operatory or dental unit can be pooled as one single sample.

(i) A pooled sample must use an equal amount of water from each water line.

(ii) A pooled sample can have up to ten water lines included.

(iii) The number of water lines pooled into one sample must be documented.

2. All water lines for each operatory or dental unit can be tested individually.

(b) In the event of an unacceptable level of colony-forming units or CFUs, a licensed dentist shall take immediate remedial action. For the purposes of this section, remedial action means any action necessary to reduce the CFUs to five hundred or a lesser number currently recognized by the United States Environmental Protection Agency as acceptable for drinking water.

(c) A licensed dentist shall be responsible for recording the water delivery system testing and maintenance in the form of a log reflecting dates and person or persons conducting the test and/or reports from an independent testing entity. A licensed dentist shall maintain this documentation for a period of five years.

Cite as Ga. Comp. R. & Regs. R. 150-8-.05

AUTHORITY: O.C.G.A. §§ 43-1-19**,** 43-11-7**,** 43-11-47**,** 43-11-72**.**

HISTORY: Original Rule entitled "Dental Unit Water Quality" adopted. F. June 30, 2025; eff. July 20, 2025.

Amended: F. Apr. 10, 2026; eff. Apr. 30, 2026.

Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

Chapter 160-1.

Subject 160-1-4. GRANT PROGRAMS

160-1-4-.323 Rural Teaching Apprenticeship Grant

1. **Purpose of Grant Program**. The purpose of the Rural Teaching Apprenticeship Grant is to support the development and expansion of registered teaching apprenticeships and pre-apprenticeships in rural Georgia by providing funding for the instruction, mentorship, and supportive services needed to create and sustain a registered teaching apprenticeship program. The creation of registered teaching apprenticeship programs will address educator shortages by filling teacher pipelines through a new pathway to become an educator.

2. **Terms and Conditions**. Eligible local education agencies (LEA) and regional educational service agencies (RESA) interested in this competitive grant must submit an application. Grant funds must be used to develop or expand rural Georgia pre-apprenticeship programs or registered teaching apprenticeship programs under the Georgia Department of Education's (GaDOE) Registered Teaching Apprenticeship Program. To that end, grant funds must be used for costs associated with designing and implementing a registered teaching apprenticeship program, costs associated with pre-apprenticeship programs, or extraordinary costs of on-the-job training. Grant funds must also be used to support the expansion of Teaching as a Profession and Early Childhood Care & Education pathways in rural high schools. Additionally, grant recipients have reporting requirements. Grant recipients must register the number of apprentices for which grant funding was awarded by submitting a Form 671, annually submit the Apprenticeship Attestation form, provide on a quarterly basis programmatic data, submit the Completion Report in GaDOE's Grants Accounting Online Reimbursement System, and annually provide a report that details the expenditures per apprentice.

3. **Eligible Recipients**. LEAs that are an approved employer under GaDOE's Teaching Apprenticeship Program and are located in a county that has a total population of less than 35,000 are eligible to apply. Additionally, RESAs that serve as fiscal agents for Georgia Network for Educational and Therapeutic Support programs that serve GaDOE-identified rural districts and are an approved employer under GaDOE's Teaching Apprenticeship Program are eligible to apply.

4. **Criteria for Award**. Applications will be reviewed and scored by GaDOE. The amount of funding awarded to each LEA will be based on the number of pre-apprentices and apprentices that the successful applicants will support, demonstrated needs, and alignment to the purpose of this grant.

5. **Directions and Deadlines for Applying**. Eligible applicants must complete and submit the electronic application located online on the GaDOE Grant Opportunities webpage. Information regarding the deadline will also be on the GaDOE Grant Opportunities webpage. All additional requests for information should be made to gartap@doe.k12.ga.us.

Cite as Ga. Comp. R. & Regs. R. 160-1-4-.323

AUTHORITY: O.C.G.A. § 20-2-240.

HISTORY: Original grant description entitled "Rural Teaching Apprenticeship Grant" submitted Mar. 27, 2025.

Amended: Submitted Apr. 24, 2026.

Department 189. RULES OF STATE ETHICS COMMISSION

Chapter 189-3. DISCLOSURE REPORTS

189-3-.01 Campaign Contribution Disclosure Reports

(1) Contributions. Contributions of more than $100.00, including contributions of lesser amounts when the aggregate amount from a contributor is more than $100.00 for the calendar year in which the report is filed, shall be listed on each report as follows:

(a) For contributions by any individual list:

1. the individual's name in alphabetical order by last name;

2. the individual's occupation;

3. the complete mailing address of the individual;

4. the amount of the contribution;

5. the date of receipt of the contribution,

6. the individual's employer; and,

7. the election for which the contribution has been accepted and allocated.

(b) For contributions by any corporation, labor union, political action committee, or other organization or entity list:

1. the contributor's name in alphabetical order;

2. the contributor's complete mailing address;

3. the corporate, labor union, or other affiliation of any political action committee if applicable;

4. the amount of the contribution,

5. the date of receipt of the contribution; and,

6. the election for which the contribution has been accepted and allocated.

(c) When a contribution consists of a loan, advance, or other extension of credit, the report shall also list:

1. The name of the lending institution or party making the loan, advance, or extension of credit;

2. The names, mailing addresses, occupations, and places of employment of all persons having any liability for the repayment of the loan, advance, or extension of credit; and,

3. The fiduciary relationship, any such person has with the lending institution or party making the loan, advance, or extension of credit.

(2) Common Source Contributions $100.00 or Less.

(a) Unless otherwise reported individually, separate contributions of $100.00 or less which are knowingly received from a common source (members of the same family, firm, or partnership, or employees of the same company, firm, corporation or other association or group are considered a common source) must be aggregated and listed on campaign contribution disclosure reports.

(b) The purchase of tickets for not more than $25.00 each and for attendance at a fundraising event by members of the same family, firm, or partnership or employees of the same person shall not be considered to be contributions from a common source except to the extent that tickets are purchased as a block.

(3) Expenditures. Expenditures of more than $100.00, including expenditures of lesser amounts when the aggregate amount to a recipient is more than $100.00 for the calendar year in which the report is filed, shall be listed on each report as follows:

(a) the name of each recipient in alphabetical order by last name or by company name;

(b) the complete mailing address of the recipient;

(c) if recipient is an individual, list the occupation and place of employment;

(d) the amount of the expenditure;

(e) the general purpose of the expenditure with such detail as shows the expenditure is for a purpose lawfully authorized for campaign funds; and,

(f) the date of the expenditure.

(4) Campaign Contribution Disclosure Reports by Candidates who file a Declaration of Intention to Accept Campaign Contributions but do not qualify to run for office. If a person files a declaration of intention to accept campaign contributions but does not qualify to run for office, the following campaign contribution disclosure reports are required:

(a) Persons who would have been in a primary or general election must file: supplemental campaign contribution disclosure reports on January 31, April 30, July 31, and October 20 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33.

(b) Persons who would have been in a special election must file:

(1) the fifteen days before special election report and supplemental campaign contribution disclosure reports on January 31, April 30, July 31, and October 20 of each year until such contributions are expended in a campaign for elective office or used as provided for in subsection (b) of Code Section 21-5-33.

Candidates who file a declaration of intention to accept campaign contributions and an Exemption Affidavit, but who do not qualify to run for office may file a Final Report and Termination Statement within 10 days of the dissolution of their campaign.

(5) Campaign Contribution Disclosure Reports by Candidates who file an Exemption Affidavit. A candidate who files an Exemption Affidavit but exceeds the $2,500 contribution threshold for either contributions or expenditures during the election cycle must file the next regularly scheduled Campaign Contribution Disclosure Report. Such a candidate must report all contributions and expenditures from January 1 to the date of the report.

(6) Campaign Contribution Disclosure Reports by Candidates with contributions or expenditures greater than $2,500 but less than $5,000. Candidates with contributions or expenditures greater than $2,500 but less than $5,000 must file an amendment to their October 25 Campaign Contribution Disclosure Report which reports all contributions and expenditures made between the October 25 report and December 31.

(7) Campaign Contribution Disclosure Reports by Local Candidates with contributions or expenditures greater than $2,500 but less than $5,000 in special or run-off election or in non-election year. Local candidates with contributions or expenditures greater than $2,500 but less than $5,000 are only required to file the June 30 and October 25 reports required by O.C.G.A. § 21-5-34(c)(2). Such candidates are not required to file the reports required by O.C.G.A. § 21-5-34(c)(1),(c)(3), or (c)(4).

(8) Campaign Contribution Disclosure Reports by Candidates in Special Elections. Except as provided above, candidates in special elections must file a December 31 Campaign Contribution Disclosure Report.

(9) Campaign Contribution Disclosure Reports by Non-Candidate Campaign Committees.

(a) Contributions made to political parties or political action committees must be disclosed on campaign contribution disclosure reports the same as if those contributions had been made directly to candidates.

(b) There are three instances in which a contributor is not required to file campaign contribution disclosure reports: (1) if the contributor's total contributions and expenditures to or on behalf of all candidates for the calendar year does not exceed $25,000 in the aggregate; or, (2) if, regardless of the dollar amount involved, the contributor makes contributions to only one candidate during the calendar year, or (3) if the contributor is an individual who makes aggregate contributions of $25,000.00 or less directly to candidates or the candidates' campaign committees in one calendar year.

(c) A Recall Committee which supports or opposes a recall election shall files campaign contribution disclosure reports as prescribed by O.C.G.A. § 21-5-34(g).

(d) A Committee which supports or opposes a proposed constitutional amendment or state-wide referendum shall files campaign contribution disclosure reports if any contributions are received or any expenditures are made and shall register with the Commission and file campaign contribution disclosure reports as prescribed by O.C.G.A. § 21-5-34(h).

(e) Any Campaign Committee which accepts contributions which total more than $500 or makes expenditures which total more than $500 designed to bring about the approval or rejection by the voters of any proposed question which is to appear on the ballot in a county or municipal election, shall register and file campaign contribution disclosure reports with the same officials as prescribed by O.C.G.A. § 21-5-34(a)(3) or O.C.G.A. § 21-5-34(a)(2)(A).

(f) Campaign contribution limits on contributions to candidates do not apply to independent expenditures made to influence candidate elections. An independent expenditure is an expenditure for a communication which expressly advocates the election or defeat of a clearly identified candidate but which is made independently of any candidate's campaign. However, an expenditure is "independent" only if it meets certain conditions. It must not be made with the cooperation or consent of, or in consultation with, or at the request or suggestion of any candidate or any of his or her agents or authorized committees. An expenditure which does not meet the above criteria for independence is considered a contribution which is subject to limits.

Cite as Ga. Comp. R. & Regs. R. 189-3-.01

AUTHORITY: O.C.G.A. §§ 21-5-6(a)(7), 21-5-30, 21-5-33, 21-5-34(c), 21-5-34(i).

HISTORY: Original Rule entitled "Deferred Payment of Expenses" was filed on August 5, 1988; effective August 25, 1988.

Repealed: New Rule entitled "Campaign Contribution Disclosure Reports" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.

Amended: F. July 19, 2001; eff. August 8, 2001.

Repealed: New Rule of same title adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Amended: F. Apr. 30, 2026; eff. May 20, 2026.

Department 189. RULES OF STATE ETHICS COMMISSION

Chapter 189-5. DISPOSITION OF CONTRIBUTIONS

189-5-.06 Definition of Controlling Interest

For the purposes of O.C.G.A. § 21-5-33(b)(2)(E), a person shall be deemed to have a controlling interest in a nonprofit corporation if he or she possesses 10% or more of the voting rights of the organization or if the person possesses, directly or indirectly, the power or authority to direct or cause the direction of management or policies of the organization.

Cite as Ga. Comp. R. & Regs. R. 189-5-.06

AUTHORITY: O.C.G.A. §§ 21-5-6**,** 21-5-7**.**

HISTORY: Original Rule entitled "Specifying the Election for Which a Contribution Is Accepted" adopted. F. July 19, 2001; eff. August 8, 2001.

Repealed: F. Feb. 4, 2008; eff. Feb. 24, 2008.

Adopted: F. Apr. 30, 2026; eff. May 20, 2026.

Department 290. RULES OF DEPARTMENT OF HUMAN SERVICES

Chapter 290-7. DIVISION OF CHILD SUPPORT SERVICES

Subject 290-7-1. RECOVERY AND ADMINISTRATION OF CHILD SUPPORT

290-7-1-.01 Legal Authority

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 19-11-39, 19-11-100 through 19-11-192, and 50-13-1 through 50-13-11.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.01

AUTHORITY: O.C.G.A. §§ 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** 19-11-39**,** 19-11-100 **through** 19-11-192**, and** 50-13-1 **through** 50-13-11**.**

HISTORY: Original Rule entitled "Legal Authority" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Legal Authority and Table of Contents" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: New title, "Legal Authority." F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) 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 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. §§ 19-11-100 through 19-11-192.

(2) In compliance with state and federal laws, the Department of Human Services operates a program for locating parents or 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 state law. The program will cooperate with other states by providing assistance in carrying out program functions.

(3) 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) The Department will provide services or activities required to be provided and described in Title 45 of the Code of Federal Regulations, Part 302 and Part 303. In the Department's sole discretion, any optional services or activities specified in Part 302 or Part 303 may be provided 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 rules by specific reference.

(5) Pursuant to O.C.G.A. § 19-11-24, 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) 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 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 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) The Child Support Guidelines of Georgia are established by the General Assembly and published at O.C.G.A. § 19-6-15. The guidelines must be considered by all courts and administrative tribunals in any proceeding involving child support.

(8) 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 requires that a different procedure be applied.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.02

AUTHORITY: O.C.G.A. §§ 19-11-1 through 19-11-39, 19-11-100 through 19-11-192, 50-13-1 through 50-13-11; 42 U.S.C. § 651 et seq., 663; 45 C.F.R. § 205-235, 301-306.

HISTORY: Original Rule entitled "Title and Purpose" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Purpose and General Provisions" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

290-7-1-.03 Definitions

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

(1) "Administrative 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) "Administrative Procedure Act" means that law codified at 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) "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) "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 Child Support Guidelines 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) "Child support obligation" means any obligation of support imposed by law, court or administrative order, decree or judgment or administrative decision.

(8) "Consent agreement" means an agreement entered into between the Department and one or more obligors setting forth the obligor's child support obligation.

(9) "Consent order" means an order issued by 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) "CSRA" refers to Georgia's "Child Support Recovery Act," codified at O.C.G.A. §§ 19-11-1 through 19-11-39.

(12) "Department" means the division within the Georgia Department of Human Services which provides and administers child support services under Title IV-D of the Social Security Act.

(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) "Enforcement" refers to any administrative or civil actions available to the Department to collect child support or an arrearage from one or more obligors.

(15) "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) "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.

(18) "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) "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) A party or any other person with standing who has applied for services through 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) "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) provides for a support amount which is no longer consistent with the provisions of O.C.G.A. § 19-6-15, or

(b) 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) 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) "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).

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

(28) "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.

(30) "UIFSA" refers to the "Uniform Interstate Family Support Act" codified at O.C.G.A. §§ 19-11-100 through 19-11-192.

(31) "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.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.03

AUTHORITY: O.C.G.A. §§ 19-6-15, 19-6-15.1, 19-6-30 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.

HISTORY: Original Rule entitled "Definitions" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule of the same title adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Sep. 10, 2015; eff. Sept. 30, 2015.

Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) Initial Investigation.

In cases in which no child support order 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 alleged parent to support his/her child(ren).

(a) As a result of the investigation, 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) 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) Genetic Testing.

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 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 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 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 borne by the defendant in a paternity case if the results show that the defendant is the biological parent of the child.

(f) Any genetic material collected for a paternity test shall be destroyed by 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 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) Consent Agreement.

When an investigation to determine the ability of an alleged parent to support his/her child(ren) is complete, the Department 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 income withholding order (IWO) after entry of the consent order if the obligor is employed.

(4) 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) 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) 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 pursue the establishment of a support obligation notwithstanding that the individual with physical custody of the child lacks legal custody.

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

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.04

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.

HISTORY: Original Rule entitled "Administrative Establishment of Child Support Obligation" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Establishment of Child Support Obligation" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Dec. 17, 2015; eff. Jan. 6, 2016.

Note: Correction of non-substantive typographical error in History,"**Amended:** F. Dec. 7, 2015; eff. Jan. 6, 2016." corrected to "**Amended:** F. Dec. 17, 2015; eff. Jan. 6, 2016." Effective Dec. 29, 2016.

Amended: F. Dec. 9, 2016; eff. Dec. 29, 2016.

Note: Error correction, Agency discovered omitted text in 290-7-1-.04(b)(1) on SOS Rules and Regulations website and requested correction Feb. 8, 2017. Text was deleted in error when Rule F. Dec. 17, 2015; eff. Jan. 6, 2016 was posted on website. Underlined text added: "A defendant in a paternity case who fails to comply with the departmental genetic testing order shall be held to have waived any right to genetic testing in the case or in any proceedings involving the Department. 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." Effective February 8, 2017.

Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) 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 that does not require an application fee.

(2) Family Support Registry (FSR) Fees.

Pursuant to O.C.G.A. § 19-6-33.1, the Department oversees the FSR, 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 withholding order (IWO).

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

(b) 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.

(3) Deficit Reduction Act (DRA) Fees.

The Department is required by the federal 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) Other Fees.

(a) For any person not currently receiving TANF or 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) A maximum fee of $25.00 shall be retained and deducted from any intercept of federal tax refunds, as required by federal law.

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

(d) Genetic testing will often be utilized as required by law to establish 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 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 alleged father is excluded as a possible parent, then the person who named the alleged father shall be liable to the 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) The Department of Vital Records 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)). 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) The Department is not permitted to close an applicant's case if any fees required by this Rule remain unpaid.

(6) 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) 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) 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) 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) 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.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.05

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.

HISTORY: Original Rule entitled "Redetermination at the Request of AP" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Fees and Collection Procedures" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Dec. 17, 2015; eff. Jan. 6, 2016.

Amended: F. Feb. 23, 2018; eff. Mar. 15, 2018.

Amended: F. May 25, 2018; eff. June 14, 2018.

Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) This Rule applies to periodic redeterminations of support requested pursuant to O.C.G.A. §§ 19-11-16 and 19-11-17, as well as review and modification pursuant to O.C.G.A. § 19-11-12.

(2) 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 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 pursuant to O.C.G.A. § 19-11-12 and this Rule.

(3) 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 be subject to mandatory review every three years without request, as mandated by federal law.

(4) 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 to establish support for the new child and to modify the original order to add that child as a dependent covered by the order.

(5) Upon receipt of an application for review, the Department shall notify the obligee and the obligor(s) at least 30 days prior to the local office 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 30-day period. At the

review, the Child Support Guidelines codified at O.C.G.A. § 19-6-15 shall be used to determine the appropriate amount of the child support obligation 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) 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) 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. obligor is medically certified disabled to work, and such condition is expected to continue one year or longer; or

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

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

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

(6) 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) 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 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) 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 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) 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) 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 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) 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 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) 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.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.06

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.**

HISTORY: Original Rule entitled "Periodic Review of Child Support Obligation" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Periodic Review and Modification of Child Support Obligations" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Sep. 10, 2015; eff. Sept. 30, 2015.

Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) 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) The Department may accept applications for services from any parent (i.e., natural or adoptive) of a child residing in Georgia.

(3) 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 in accordance with O.C.G.A. § 19-7-46.1, or in a notarized affidavit attached to an application for services.

(4) The Department is authorized to accept an application for services from a nonparent custodian of a child or children residing in Georgia.

(5) The Department is authorized to accept any application for services from a parent or nonparent custodian of a child residing anywhere if the alleged father is located within the boundaries of the State of Georgia.

(6) The Department will not accept an application for services 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) 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) 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) Any applicant who fails to provide information requested by the Department as needed to accurately calculate an amount of child support under Georgia's Child Support Guidelines shall be deemed non-cooperative and subject to case closure at the Department's sole discretion, pursuant to the case closure guidelines in 45 CFR 303.11.

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

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.07

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.

HISTORY: Original Rule entitled "Modification of Child Support Obligation Established by Administrative Order" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Eligibility for Services (Non-intergovernmental Cases)" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) 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) TANF (including Foster Care) Tax Offset Certification Requirements:

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

2. The TANF arrearages must be at least $150.00 for tax offset.

3. The arrearages must be at least $500.00 for state tax offset regardless of case type.

4. Before submittal, the Department or the 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. The Department has a copy of the payment record.

6. The validity of the debt is not legitimately in dispute.

7. 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) Non-TANF (including Foster Care) Tax Offset Certification Requirements:

1. The obligee (including a nonparent custodian) must have applied for 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. The non-TANF arrearages must be at least $500.00 for Federal and State certification. 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. The validity of the arrearage is not legitimately in dispute.

4. 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.

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

6. The Department has a copy of the order and any modifications and has a copy of the payment record.

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

8. The Department has the obligee's current address.

(2) Notice and Appeal Rights.

(a) 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) 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 in accordance with Rule 290-7-1-.19.

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

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

(4) 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) 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.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.08

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

HISTORY: Original Rule entitled "Modification of Child Support Obligation Established by Judicial Order" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Federal and State Tax Refund Intercept Program" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Dec. 9, 2016; eff. Dec. 29, 2016.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) 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 income withholding order (IWO) to an obligor's employer in accordance with these rules or shall be entitled to issue an order to withhold and deliver to any employer of the obligor without further notice or proceedings.

(2) 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) the obligor has received notice of a final administrative decision of his/her support obligation; or

(b) the obligor has entered into a written agreement with the Department to provide child support; and

(c) 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) If an obligor whose arrears have not been adjudicated contests the amount of the garnishment or the order to withhold and deliver in a timely manner in accordance with this Rule, the Department shall initiate an administrative hearing before OSAH.

(4) 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.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.09

AUTHORITY: O.C.G.A. §§ 19-6-32, 19-6-33, 19-11-19.

HISTORY: Original Rule entitled "Garnishment and Orders to Withhold and Deliver" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Garnishment and Orders to Withhold and Deliver" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) The Department is authorized by law to issue an income 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 IWO or Office of Management and Budget (OMB) approved form when issuing such an order for income withholding, as required by federal law. The 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 IWO. The Department may adjust the starting date of an order to coincide with the issuance of the IWO at its discretion. For example, if the 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 IWO is implemented prior to the first support payment coming due.

(2) Copies of the support orders, which include a provision for income 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. 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 have waived the notice requirement of this Rule with regard to that person.

(3) The enforcement of an order for income 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) 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 withholding. The request for hearing must be mailed to the Division of Child Support Services (DCSS) office that issued the IWO. The request for a hearing does not stop the enforcement of the withholding unless an administrative law judge enters an order granting relief for good cause shown.

(5) 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) The Department is authorized to add arrears repayment amounts when:

(a) ordered by a superior court or OSAH;

(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) fees are owed by the obligor under these Rules.

(7) Employers.

(a) An employer receiving an 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 withholding and up to $3.00 for each withholding thereafter. The employer may not impose or deduct any other fee for complying with the IWO.

(b) Any employer subject to an 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 employer who violates this provision.

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

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

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.10

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

HISTORY: Original Rule entitled "Income Deduction Orders (IDOs)" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Issuance of Orders for Income Withholding" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Sep. 10, 2015; eff. Sept. 30, 2015.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

290-7-1-.11 Passport Suspension

(1) In accordance with 42 U.S.C. § 654(31), participation in the Passport Denial program is a IV-D State plan requirement. The Department 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 Department is also required to provide notice to individuals and give them an opportunity to contest the Department's determination of the arrears amount. When the Department submits a case to OCSE with arrears in excess of $2,500 (or 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) 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) In an intergovernmental case, only the certifying state has the authority to release an obligor from the passport denial, revocation, or restriction process.

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

(c) 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) 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.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.11

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

HISTORY: Original Rule entitled "Access to Fair Hearing Review Process" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Passport Suspension" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

290-7-1-.12 License 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.

(2) 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. The notification shall include the applicant's or licensee's last known mailing address on file with the licensing entity.

(3) 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.

(a) 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) 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) 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) 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 Department will send notice to the licensing entity requesting that the license be suspended or the licensure application be denied.

(6) 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) 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) 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) Whether there is an order for child support being enforced by the Department pursuant to the Act;

(b) Whether the licensee or applicant is the obligor covered by the order;

(c) Whether the obligor is or is not in compliance with the order for child support;

(d) Whether the obligor is entitled to pay past due child support in periodic payments; and

(e) Whether the support obligor has been able and willing to comply with such order for support.

(9) 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) The ALJ's decision shall be the final agency decision.

(11) The final agency decision shall be subject to appeal and judicial review pursuant to 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) The right to an administrative hearing under this 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) Limited Driving Permit.

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. 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) 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).

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.12

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.

HISTORY: Original Rule entitled "Time Limits for Requesting a Fair Hearing" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "License Revocations or Suspensions" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. June 10, 2024; eff. July 1, 2024, as specified by the Agency.

Amended: New title, "License Suspensions and Limited Driving Permit." F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) mandated that all states adopt the 1993 Uniform Interstate Family Support Act (UIFSA), 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 O.C.G.A. §§ 19-11-100 through 19-11-192. 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) The Department is the support enforcement agency in Georgia for all UIFSA actions.

(3) Upon request from another state, the Department, as the receiving tribunal, will provide the following services in an UIFSA proceeding:

(a) 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) Request an appropriate tribunal to set a date, time, and place for a hearing;

(c) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(d) 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) 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) Notify the petitioner if jurisdiction over the respondent cannot be obtained.

(4) Participation in UIFSA does not create:

(a) relationship of attorney and client; or

(b) 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) 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) Through the concept of continuing exclusive jurisdiction (CEJ), the intent of UIFSA 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. 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) Except as otherwise provided within UIFSA, Georgia substantive and procedural law shall be applied unless exceptions apply, such as the following:

(a) 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) in a proceeding to collect arrears, the statute of limitation under the laws of Georgia or the issuing state applies, whichever is longer.

(8) A Georgia court cannot condition the payment of a foreign support order upon compliance with visitation provisions.

(9) The filing of a UIFSA proceeding does not create personal jurisdiction over the individual whose interests are being served. If the individual is physically present in Georgia to participate in a UIFSA proceeding, he or she is not 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) The defense of non-parentage is disallowed if parentage has previously been determined by another tribunal by or pursuant to law.

(11) A party seeking to enforce a support order or an order for income withholding may send it directly to the Department. The Department may use any administrative enforcement procedure available to it under Georgia law without registering the foreign order. If the obligor contests the administrative action, the Department must register the order under O.C.G.A. § 19-11-161. Registration is required in order for the Department to pursue any civil action based upon the foreign order, including a petition for contempt.

(12) The Department shall notify the non-registering party 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 the 20 day period, then the foreign order is confirmed by operation of law.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.13

AUTHORITY: O.C.G.A. §§ 19-11-15, 19-11-100 through 19-11-192, 50-13-1 et seq.

HISTORY: Original Rule entitled "Fair Hearing Notice Procedure" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Intergovernmental Child Support Proceedings (UIFSA)" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Dec. 9, 2016; eff. Dec. 29, 2016.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) 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) responsible for the support of the child. By law, accepting such assistance on behalf of a child, the recipient assigns the right to receive any child support owed 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 the person having custody to initiate any support action and to recover any payments ordered by the courts of this or any other state.

(2) 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) 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) 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 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) 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) 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 payments made directly to the obligee through means other than the Family Support Registry after the Department 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) 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) 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 in accordance with these rules for collection of debts owed to the Department.

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

(10) 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.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.14

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.**

HISTORY: Original Rule entitled "Hearing Decision" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Collection and Disbursement of Child Support Payments" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Dec. 9, 2016; eff. Dec. 29, 2016.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

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

(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.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.15

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.

HISTORY: Original Rule entitled "Dismissal of Requests for Fair Hearing" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Allocation and Redirection of Current Child Support Payments" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Dec. 9, 2016; eff. Dec. 29, 2016.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) 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. Such purposes are limited to:

(a) 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) Any investigations, prosecution or criminal or civil proceeding conducted in connection with the administration of such plan or program; or

(c) 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) The Department will 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 (e.g., potential fraud related to the receipt of disbursements of child support).

(3) The Department may disclose to 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 (e.g., the obligor may request information pertaining to him or her, but not information pertaining to the obligee). 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 resulting from a reduction or intercept of the obligor's tax refund).

(4) 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 the file without a court order, issued in accordance with O.C.G.A. § 9-10-2, and directs such release of records or information.

(5) The Department advises that it is not necessary to subpoena information about payment histories maintained by the Department. Payment histories are available upon request to all obligors and obligees. Certified copies of payment records maintained by the Department shall, without further proof, be admitted into evidence in any legal proceeding in this state. 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 in accordance with the Georgia Open Records Act.

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

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.16

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

HISTORY: Original Rule entitled "Appeal Rights Following Fair Hearing" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Confidentiality of Department Records and Information" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

290-7-1-.17 Liens and Levies

(1) 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) 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) If a child support order contains notice that 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 a notice by regular mail to the last known address of the obligor referencing these code sections, further notice is not required prior to levying on the deposit or account.

(4) At the time a notice of levy is sent to a financial institution, the Department must notify the obligor and any obligee via a written notice of the impending levy containing all information required by O.C.G.A. § 19-11-36.

(5) An obligor or an account holder of interest wishing to contest 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) The Department may reverse 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) The Department is 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 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 workers' compensation awards and lottery winnings.

(8) A state IV-D agency of another state may determine that an obligor holds assets in a financial institution doing business in the 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. The state IV-D agency may send a levy directly to the financial institution in Georgia and request that it surrender the funds directly to the state IV-D agency. If the financial institution refuses to do so, the state IV-D agency may send a UIFSA enforcement transmittal to the Department for enforcement.

(9) If it is determined that an obligor in a Georgia case holds assets in a financial institution outside of Georgia, the Department may send 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. If the financial institution refuses to remit the 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.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.17

AUTHORITY: O.C.G.A. §§ 19-11-18, 19-11-30.2 through 19-11-39.

HISTORY: Original Rule entitled "Recovery of Fees" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule of same title adopted. F. July 23, 2004; eff. August 12, 2004.

Repealed: New Rule entitled "Liens and Levies" adopted. F. June 15, 2011; eff. July 5, 2011.

Note: Correction of typographical error in paragraph (b) on SOS Rules and Regulations website only. In accordance with the Official Compilation Rules and Regulations of the State of Georgia (effective July 5, 2011), "The Department has the to levy and seize a deposit or account." corrected to "The Department has the authority to levy and seize a deposit or account.", as requested by the Agency. Effective February 24, 2020.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

290-7-1-.18 Remedies Not Exclusive

(1) The procedures, actions, and remedies provided in these 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) In light of this non-exclusivity, a superior court may issue a civil order containing provisions for child support (e.g. in a divorce proceeding) subsequent to the existence of an administrative support order. Once a superior court issues an order, the order becomes the controlling order in the case and shall become the IV-D order being enforced by the Department.

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.18

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

HISTORY: Original Rule entitled "Other Judicial and Administrative Remedies" adopted. F. Oct. 17, 1991; eff. Nov. 6, 1991.

Repealed: New Rule entitled "Remedies not Exclusive" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

290-7-1-.19 Administrative Hearing Procedures

(1) 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 rule addressing the action in question.

(2) If an administrative hearing is available and is timely requested in accordance with the applicable rule, the Department shall initiate an administrative hearing before OSAH by filing an OSAH 1 form.

(3) An administrative law judge (ALJ) shall be assigned by OSAH in accordance with OSAH rules or operating procedures.

(4) 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) After 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 clerk of OSAH and shall be mailed to all parties immediately upon entry.

(6) If no party nor the Department seeks review of the decision, it becomes final 30 days after entry of the decision.

(7) If a party or the Department is aggrieved by 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) A tax refund intercept appeal must be filed in the court that issued or registered the underlying child support order in accordance with O.C.G.A. § 19-11-18(e).

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

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.19

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

HISTORY: Original Rule entitled "Suspension or Denial of Licenses" adopted. F. Nov. 21, 1996; eff. Dec. 11, 1996.

Repealed: New Rule entitled "Administrative Hearing Procedures" adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. Sep. 11, 2018; eff. Oct. 1, 2018.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

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

(1) Pursuant to O.C.G.A. § 19-11-5(b), the Commissioner of the Department 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. 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 a waiver, reduction or negotiation of a debt owed under O.C.G.A. § 19-11-5(b), the Department shall consider the following factors:

(a) whether good cause existed for the nonpayment of the unreimbursed public assistance;

(b) whether repayment of this debt would result in substantial and unreasonable hardship for the parent owing the debt; and

(c) the obligor's current ability to pay the debt, and the regularity of payments.

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

Cite as Ga. Comp. R. & Regs. R. 290-7-1-.20

AUTHORITY: O.C.G.A. § 19-11-5

HISTORY: Original Rule entitled "Waiver of Payment of Unreimbursed Public Assistance - Administrative Orders Only" adopted. F. Nov. 2, 2005; eff. Nov. 22, 2005.

Repealed: New Rule of the same title adopted. F. June 15, 2011; eff. July 5, 2011.

Amended: F. June 4, 2021; eff. June 24, 2021.

Amended: F. Apr. 15, 2026; eff. May 5, 2026.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-8. ALCOHOL AND TOBACCO DIVISION (TOBACCO)

Subject 560-8-7. Repealed

560-8-7-.02 Repealed

Cite as Ga. Comp. R. & Regs. R. 560-8-7-.02

AUTHORITY: O.C.G.A. § 48-2-12**.**

HISTORY: Original Rule entitled "Minimum Wholesale Price" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Registration of Representatives" adopted. F. Sept. 1, 1977; eff. Sept. 21, 1977.

Repealed: F. May 5, 1982; eff. May 25, 1982.

Amended: New Rule entitled "Reporting - Administrative Forms" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

Amended: ER. 560-8-7-0.29-.02 adopted. F. and eff. June 27, 2008, the date of adoption.

Amended: Permanent Rule adopted. F. Aug. 1, 2008; eff. Aug. 21, 2008.

Amended: F. May 20, 2013; eff. June 9, 2013.

Repealed: F. Apr. 20, 2026; eff. May 10, 2026.