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DOMESTIC RELATIONS

Collection of Child Support Payments: Remove from Probation Department

CODE SECTIONS: O.C.G.A. §§ 19-11-65 (amended), 19-11-80
(amended), 42-8-32 (amended)

BILL NUMBER: SB 63

ACT NUMBER: 409

SUMMARY: The Act amends the Uniform Reciprocal
Enforcement of Support Act by
transferring the responsibility of collecting
certain child support payments from the
probation department of the court to the
Office of Child Support Recovery or to a
county agency designated as the child
support receiver. Further, the Act amends
the Code to provide that probation
supervisors no longer are authorized to
collect child support payments.

EFFECTIVE DATE: July 1, 1989

History

The primary function of the probation department is to administer the release of prisoners.¹ This department has been burdened by the additional responsibility of collecting child support payments. This may require administration for as long as the first eighteen years of a child's life.² SB 63 was introduced to shift the burden of collecting child support payments to agencies familiar with the administration of such payments; these agencies are the Office of Child Support Recovery, and the county agency designated as the child support receiver.³

SB 63

The Act amends the Uniform Reciprocal Enforcement of Support Act⁴ by making the Office of Child Support Recovery or a county agency

1. Telephone interview with Robert Swain, Deputy Director, Office of Child Support Recovery, State of Georgia (Mar. 21, 1989) [hereinafter Swain Interview].

2. *Id.*

3. *Id.*

4. O.C.G.A. §§ 19-11-2 to -81 (1982 & Supp. 1989).

designated as child support receiver responsible for insuring compliance with court orders for payment of child support.⁵ The Act shifts the administrative burden of collecting child support payments from the probation department, which is concerned primarily with the administration of released prisoners, to offices which regularly administer child support settlements and payments.⁶ Presently, most counties have an Office of Child Support Recovery to monitor compliance with orders for child support.⁷ The few counties which do not have such an agency collect and distribute child support payments through a designated child support receiver.⁸

As introduced, the bill sought to redirect the collection of payments from the probation department to the "Office of Receiver of Child Support."⁹ The bill's language was changed to clarify that payments were to be made either to the Office of Child Support Recovery or to "any county agency designated by the court," including a county's child support receiver.¹⁰

Additionally, the Act amends O.C.G.A. § 42-8-32 by removing probation officers' authority to collect funds pursuant to the Uniform Reciprocal Enforcement of Support Act.¹¹ This amendment was necessary because the responsibility for collecting child support payments had been transferred from the probation department.¹²

The Act redirects the payment of child support from the court probation department to offices familiar with child support settlements and payments.¹³ The Act thereby effectively consolidates the administration of child support cases.¹⁴

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5. O.C.G.A. § 19-11-65(2) (Supp. 1989).

6. Swain Interview, *supra* note 1.

7. *Id.*

8. *Id.*

9. SB 63, as introduced, 1989 Ga. Gen. Assem.

10. Swain Interview, *supra* note 1. See O.C.G.A. § 19-11-65 (Supp. 1989).

11. O.C.G.A. § 42-8-32 (1989).

12. O.C.G.A. § 19-11-65 (Supp. 1989).

13. *Id.*

14. Swain Interview, *supra* note 1.