

## NOTICE TO EMPLOYER

Date: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee: \_\_\_\_\_

S.S. #: \_\_\_\_\_

Dear Sir/Madam:

Attached you will find an Income Deduction Order concerning your Employee, \_\_\_\_\_. Please read this letter and the Income Deduction Order carefully and follow their instructions as written. This letter is your notice under O.C.G.A. ' 19-6-33(e), explaining your duties, penalties and rights concerning the Income Deduction Order.

**Definitions** - Some of the terms used in the Income Deduction Order and this notice may be confusing. Here is a list of who is meant by some of the terms:

**Employee:** \_\_\_\_\_

**Recipient:** \_\_\_\_\_

**Employer:** \_\_\_\_\_

**Basic Requirement and Penalty** - Employers are required by law to deduct from an Employee's income the amount specified by the court in the Income Deduction Order. Income includes wages, salary, bonuses, commissions, compensation as an independent contractor, worker's compensation, disability benefits, annuity and retirement benefits, pensions, dividends, royalties, or any other payments to an Employee. **IF AN EMPLOYER WILLFULLY FAILS TO DEDUCT THE PROPER AMOUNT, THE EMPLOYER IS LIABLE FOR THE AMOUNT THAT SHOULD HAVE BEEN DEDUCTED PLUS COSTS, INTEREST, AND REASONABLE ATTORNEY FEES.**

**Deadlines** - You must implement the court's Income Deduction Order within 14 days or no later than the first pay period following the postmark of this notice. You are required to **forward the deducted amount within 2 days after each pay date**, to **Child Support Enforcement, FSR, P.O. Box 105730, Atlanta, GA 30348-5730**. With the deduction, you are also required to send a statement about whether the amount you are sending totally or partially satisfies the periodic amount specified in the Income Deduction Order.

**Priority Over Other Collection Processes** - The **Income Deduction Order has priority** over all other legal processes under Georgia law pertaining to the same income, and the payment required by the Income Deduction Order is a complete defense against any claims of the Employee or the Employee's creditors as to the sum paid.

**Maximum Deduction Amount** - The amount actually deducted plus all administrative charges shall not be in excess of the amount allowed under Section 303(b) of the federal Consumer Credit Protection Act, 15 U.S.C.A. §1673(b).

**If you require materials in alternate format, please notify the Family Law Information Center as soon as possible.**

**Conflicting Orders** - If you get more than one Income Deduction Order against the same Employee, you should seek legal advice from your attorney regarding the proper procedure for informing the \_\_\_\_\_ County Superior Court of the conflicting orders pursuant to O.C.G.A. ' 19-6-33(e).

**Continuing Duty** - Employers must **continue to deduct and send** the child support amounts specified by the Income Deduction Order until the original support order upon which the Income Deduction Order is based no longer requires payment, is modified, suspended or terminated by order of the court.

**Prohibition Against Firing Employee** - Employers may not discharge an Employee by reason of the entry of an Income Deduction Order. If an Employee is discharged because of this reason, a penalty of not more than \$250.00 for the first violation or \$500.00 for a subsequent violation will be imposed against the Employer. Penalties shall be paid to the Recipient or whomever is enforcing the Income Deduction Order, if any support is owing. If no support is owing, the penalty shall be paid to the Employee.

**When Employee Leaves** - When the Employer no longer provides income to the Employee, the Employer is required to notify the Recipient within 7 days and provide the Employee's last known address and the name and address of the Employee's new Employer if known. If the Employer willfully fails to make notification, the Employer may be subject to a civil penalty not to exceed \$250.00 for the first violation or \$500.00 for a subsequent violation. Penalties shall be paid to the Recipient or whomever is enforcing the Income Deduction Order.

**Combining Payment on Multiple Orders** - If you get Income Deduction Orders requiring you to deduct income of 2 or more Employees to pay to the same depository, you may combine the amounts paid in a single payment, as long as you identify the amount attributable to each Recipient.

Sincerely,

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