

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
vs. Civil Action
Case Number _____
_____,
Defendant.

**INCOME DEDUCTION ORDER ON DEFENDANT
FOR ALIMONY ONLY**

The Court has entered an order requiring the Defendant to pay spousal support to the Plaintiff. OCGA § 19-6-32 provides for an order providing for immediate withholding from the income and earnings of the person required to pay support. This order does not include child support, and so cannot be paid through the Family Support Unit at this time.

The parties are identified as follows:

Defendant/Obligor:

Defendant's SSN: _____ DOB:

Plaintiff/Obligee:

Plaintiff's SSN: _____ DOB: _____

THEREFORE, THE COURT HEREBY ORDERS THE FOLLOWING:

1. AMOUNT OF DEDUCTION

The Defendant's employer, future employer, or any other person, private entity, or unit of government, that provides or administers income or earnings due the Defendant (whether as wages, salary, commission, bonus, workers' compensation, payments pursuant to a disability, pension or retirement program, interest, or any other periodic form of payments, regardless of source) shall deduct from all monies due and payable to

the Defendant the following amounts:

(a) Current Spousal Support: \$ _____ per month

(b) Support Arrearage Payment: \$ _____ per month

As of _____, 200__, there is an unpaid Support Arrearage under a prior order in the amount of \$ _____. The *Support Arrearage Payment* amount above shall be withheld each month until the amount of unpaid support has been paid in full.

(c) Total Amount of Deduction: \$ _____ per month.

This amount will decrease to \$ _____ per month when all the Support Arrearage has been paid in full. However, if current support ends before all past due support is paid in full, then the total amount (current support plus fees) shall continue to be deducted until all past due support has been paid in full.

Adjustment for Various Pay Cycles

The payor is not required to vary its pay cycle to be in compliance with this order. If the pay cycle is not monthly, use the following amounts to determine how much to withhold:

\$ _____ per weekly pay period

\$ _____ per bi-weekly pay period (every two weeks)

\$ _____ per semi-monthly pay period (twice a month)

2. TIME AND PLACE OF PAYMENT

The payor shall make the amounts deducted payable to the Plaintiff, and forward the payments within two (2) business days after each pay date to the address below, or such other address as shall be provided by the Plaintiff to the employer in writing:

The payor shall note the names of the parties, the case number, and the Defendant's Social Security Number on the face of the payment.

3. CONSUMER CREDIT PROTECTION ACT

The maximum amount to be deducted shall not exceed the amounts allowed under § 303(b) of the Consumer Credit Protection Act, 15 USCA § 1673(b) as amended.

4. STATEMENT OF DEFENDANT'S RIGHTS AND RESPONSIBILITIES

Under OCGA § 19-6-32(e), the Court provides the following statement to the Defendant, concerning the Defendant's rights, remedies and duties in regard to this income deduction order.

- (a) The total amount to be withheld each and every pay period is described in Paragraphs 1 and 3 above.
- (b) The income deduction applies to current and subsequent payors and periods of employment.
- (c) A copy of the income deduction order will be served on the Defendant's payor or payors, if known.
- (d) Enforcement of the income deduction order may only be contested on the ground of mistake of fact regarding the amount of support owed pursuant to a support order, the past due support, or the identity of the Defendant. The Defendant may contest enforcement of the order as provided in OCGA § 19-6-33(c).
- (e) The Defendant is required to notify the Plaintiff (and the IV-D agency, if the Plaintiff receives IV-D services) within seven days of all changes in his/her address, payors, and the addresses of payors.

5. DEFENDANT'S DUTY TO ENSURE PAYMENT

The Defendant is hereby ordered to perform all acts necessary for the proper withholding of the sums stated in this order, including delivery of the order to his/her employer, future employers and other income payors, and personally monitoring and confirming on an ongoing basis that the required payments are timely and properly deducted from his/her income and forwarded as ordered. Defendant remains responsible for any and all child support that is not deducted from his/her income and paid as child support or spousal support according to this order.

6. EFFECTIVE DATE AND DURATION OF THIS ORDER

This order shall take effect:

- Immediately,
- Upon accrual of a delinquency equal to one month's support. This Court finds that good cause was shown to delay the effective date of this order. The Plaintiff or the IV-D agency may enforce this *Income Deduction Order* by serving a "Notice of Delinquency" on the Defendant, as provided in OCGA § 19-6-32 (f),

and shall remain in effect so long as the spousal support obligation continues, or until further order of the Court. This order supersedes any prior income deduction order entered in this case.

7. SERVICE OF DOCUMENTS

This order and all further papers required to be served pursuant to OCGA § 19-6-33, shall be served upon the payor by regular first class mail and upon the Defendant in person, by certified mail or statutory overnight delivery, return receipt requested, or by regular mail.

This order was entered on _____, 200__.

JUDGE

Clayton County Superior Court