

Georgia Child Support Commission Involuntary Loss of Income

The Georgia Child Support Guidelines statute at O.C.G.A. §19-6-15(j) provides a method for modification of child support orders when cases meet certain criteria for the *Involuntary Loss of Income* of the Noncustodial Parent. Below is an excerpt of this subsection from the statute:

O.C.G.A. §19-6-15(j) *Involuntary loss of income.*

- (1) *In the event a parent suffers an involuntary termination of employment, has an extended involuntary loss of average weekly hours, is involved in an organized strike, incurs a loss of health, or similar involuntary adversity resulting in a loss of income of 25 percent or more, then the portion of child support attributable to lost income shall not accrue from the date of the service of the petition for modification, provided that service is made on the other parent. It shall not be considered an involuntary termination of employment if the parent has left the employer without good cause in connection with the parent's most recent work.*
- (2) *In the event a modification action is filed pursuant to this subsection, the court shall make every effort to expedite hearing such action.*
- (3) *The court may, at its discretion, phase in the new child support award over a period of up to one year with the phasing in being largely evenly distributed with at least an initial immediate adjustment of not less than 25 percent of the difference and at least one intermediate adjustment prior to the final adjustment at the end of the phase-in period.*

What does the statute require for me to qualify to use this provision?

- Involuntary job loss or reduction of income by 25% or more caused by no fault of your own.
- The reduction of child support must still be in the best interest of the child(ren) in the case.

What must I do if I want to use this provision of the statute?

- The noncustodial parent must file and serve a complaint for modification on the custodial parent receiving the child support.

What may happen when my modification petition goes to court?

- An expedited hearing before the court is provided.
- Modification, if awarded under this circumstance, could result in the reduction of the child support back to the date of service of the complaint on the custodial parent.
- At the discretion of the court, the reduction of the child support may be phased in over time, if the decrease is more than a 25% reduction in the child support obligation.

What is the benefit of this provision in the statute?

- Helps to limit the accrual of past due child support when the noncustodial has experienced an involuntary loss of income beyond his or her control.

What if I filed for a previous modification within the last two years?

- The Child Support Guidelines under the modification subsection (§19-6-15(k)) allows the noncustodial parent to file at any time and as an exception to the two year modification restriction, if the situation is an involuntary loss of income, as defined by the statute (§19-6-15 (j)).

Where can I go or who can I contact about filing a modification complaint under this provision?

- a) You can contact and retain a private attorney to represent you in the action; or
- b) You can contact the Division of Child Support Services (DCSS-the state's IV-D agency) to open a new case (apply for services) and request this type of modification in the new case or in an existing active case. Visit this web site: <https://services.georgia.gov/dhr/cspp/do/public/Welcome>.