

SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

_____,  Plaintiff,  vs.  _____,  Defendant.	Civil Action  Case Number _____
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**INCOME DEDUCTION ORDER ON PLAINTIFF  
FOR ALIMONY ONLY**

The Court has entered an order requiring the Plaintiff to pay spousal support to the Defendant. 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:

Plaintiff/Obligor: \_\_\_\_\_

Plaintiff's SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

Defendant/Obligee: \_\_\_\_\_

Defendant's SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

THEREFORE, THE COURT HEREBY ORDERS THE FOLLOWING:

**1. AMOUNT OF DEDUCTION**

The Plaintiff's employer, future employer, or any other person, private entity, or unit of government, that provides or administers income or earnings due the Plaintiff (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 Plaintiff 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 Defendant, 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 Defendant to the employer in writing:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The payor shall note the names of the parties, the case number, and the Plaintiff’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 PLAINTIFF'S RIGHTS AND RESPONSIBILITIES**

Under OCGA § 19-6-32(e), the Court provides the following statement to the Plaintiff, concerning the Plaintiff'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 Plaintiff'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 Plaintiff. The Plaintiff may contest enforcement of the order as provided in OCGA § 19-6-33(c).
- (e) The Plaintiff is required to notify the Defendant (and the IV-D agency, if the Defendant receives IV-D services) within seven days of all changes in his/her address, payors, and the addresses of payors.

### **5. PLAINTIFF'S DUTY TO ENSURE PAYMENT**

The Plaintiff 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. Plaintiff 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 Defendant or the IV-D agency may enforce this *Income Deduction Order* by serving a "Notice of Delinquency" on the Plaintiff, 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 Plaintiff in person, by certified mail or statutory overnight delivery, return receipt requested, or by regular mail.

This order was entered on \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_  
JUDGE \_\_\_\_\_  
Superior Court of Gwinnett County