

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

GEORGIA DEPARTMENT
OF HUMAN SERVICES,
ex rel.
QUINTON SIMON
ZAYNE WHARTON
Plaintiff

v.
LEILANI SIMON
Defendant

§ CIVIL ACTION NUMBER
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§ CS22-0118-J3
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DEFAULT ORDER FOR PATERNITY AND CHILD SUPPORT

The above and foregoing action having come before the Court on the 21ST day of SEPTEMBER, 2022; and LEILANI SIMON , DEFENDANT having been lawfully served, and having NOT appeared; and, the Court having reviewed the pleadings:

- a) Defendant shall notify the IV-D Agency, the Georgia Department of Human Services, Division of Child Support Services (hereinafter DCSS) within seven (7) days of any change of address, change of employment, receipt of unemployment or workers' compensation payments, and receipt of any income from any source (including but not limited to personal injury or other lawsuit proceeds, severance pay, retirement or pension payments, lottery or other winnings);
- b) Defendant is notified that DCSS will collect support and any arrears or fees owed by any and all lawful means including: Administrative remedies, including but not limited to, suspension of any and all licenses issued by the State and held by the Defendant, including driver's licenses; seizure of any and all financial assets held by various sources; issuance of income deduction orders for collection of any amounts owed to the child(ren) or the State of Georgia; seizure of state or federal income tax refunds.
- c) All payments received shall be applied to any current support obligations, then to all other amounts owed by the Defendant and collected by DCSS in such manner as set forth by the Code of Federal Regulations and as deemed appropriate by DCSS. Any amount owed that is not either current support or a cost assessed for the processing of a payment shall be deemed to be arrears. If the Defendant owes any arrears at the time current support ends for a child or children, by either emancipation or custody change, then the Total Amount of Deduction listed in the income deduction order (IDO) shall continue unreduced until all arrears are paid in full.
- d) Defendant shall pay any applicable Family Support Registry (FSR) fee for each payment pursuant to O.C.G.A. §19-6-33.1(j) as well as any other fees owed to the State by IDO, including but not limited to those fees due under Ga. law or applicable DHS Rules and Regulations pursuant to Rule 290-7-1.05.
- e) This order is subject to the right to request in writing a review and modification by completing an application for review and modification through the local child support office, subject to the terms of O.C.G.A. §19-11-12, once every 36 months, or if less than 36 months providing proof of a substantial change in circumstance as required by the statute.
- f) Defendant is notified that, notwithstanding any provision in this order pertaining to the payment or collection of arrears, Plaintiff retains the right under the law to intercept Defendant's state and federal income tax refunds if any arrears or interest are owed.
- g) Whenever, in violation of the terms of this Order, there shall have been a failure to make the support payments due hereunder so that the amount unpaid is equal to or greater than the amount payable for one month, the payments required to be made may be collected by the process of continuing garnishment for

support.

h) All missed payments of support shall be subject to interest pursuant to O.C.G.A. §7-4-12.1, but will be collected by DCSS only when authorized by O.C.G.A. §19-11-7.

It is further ordered that:

Service and Appearance of Defendant:

- The Defendant was served with/and or waived process and appeared, or
- The Defendant was served with process and/or waived process and failed to appear, or
- The Defendant waives service and consents to the jurisdiction and venue of this Court

1. Paternity and Testing:

- Genetic testing is not required in this case as:
 - Paternity has been previously established;
 - The parents are married and no one has rebutted the presumption;
 - The named father signed an Acknowledgement of Paternity and does not wish to undergo testing;
 - Testing would not result in disclosure of the person(s) liable for support, (Adoption/A.I.)
 - The Defendant is the biological mother of the child(ren)

Paternity testing was conducted resulting in a probability of paternity of greater than 99% for the minor child(ren) named in Plaintiff's complaint and listed below:

Defendant has been excluded as the parent of the minor child(ren) named in Plaintiff's complaint and listed below:

Defendant is the (mother) [father] of the minor child(ren) named in Plaintiff's complaint and listed below:

CHILD(REN)'S NAME	CHILD(REN)'S D.O.B.
QUINTON SIMON	XX-XX-2021
ZAYNE WHARTON	XX-XX-2019

2. Income and Guidelines: This Order incorporates by specific reference the Court's own worksheets and schedules, along with any and all findings of fact made on them, as if they were fully set forth herein. Worksheets and schedules were submitted by the following:(check all that apply)

- Mother of child(ren)
- Non Parent Custodian
- Father of child(ren)
- DCSS

Income was imputed for the following persons (check where applicable):

- Father
- Mother

The Court finds that the above person(s) is/are capable of earning at least minimum wage.

The Court finds that the monthly gross income of the Father is \$ 1257.00 and the monthly gross income of the Mother is \$ 1257.00.

3. Reasons for Deviation from the Guidelines:

Unless otherwise noted below all reasons for deviation are listed in the attached worksheets and schedules

- The Court did not deviate from the presumptive child support amount, **OR**
- The Court found that a deviation from the presumptive child support amount of \$

is reasonable. In addition to those listed on its own worksheet and schedules the Court found the following reasons, for deviating from the child support table, to wit: N/A

The final support amount after applying the deviation is \$ — per month.

According to the Court calculation the Father shall be responsible for 50 % of any unreimbursed medical expenses, and other items listed within O.C.G.A. §19-6-15.

According to the Court calculation the Mother shall be responsible for 50 % of any unreimbursed medical expenses, and other items listed within O.C.G.A. §19-6-15.

4. Amount of Current Support:

Defendant shall pay \$ 150.00 per month as current support for 2 child(ren), starting on November 1, 20 22, and continuing until the child or each respective child attains age 18, dies, marries or becomes emancipated; provided that said support shall continue, without further order and without interruption, for any child who, on reaching age 18, is enrolled in and attending secondary school and is not married or emancipated, until such child completes secondary school or reaches age 20, whichever occurs first. Current child support shall pro-rate through the last full day that current support was due.

5. Emancipation. Child support has been determined for 2 child(ren) in this case. When the number of children for whom child support is owed decreases, the amount of child support shall decrease as follows:

When there is/are only 1 child(ren) for whom child support is owed, the Defendant shall pay \$ 100.00 per month beginning on the due date of the next child support payment.

When there is/are only — child(ren) for whom child support is owed, the Defendant shall pay \$ — per month beginning on the due date of the next child support payment.

When there is/are only — child(ren) for whom child support is owed, the Defendant shall pay \$ — per month beginning on the due date of the next child support payment.

6. Redirection:

This order is being set for more than one child. Should any of the children leave the home of their current custodian, the amount of support for each said child shall be redirected pursuant to DHS Rule 290-7-1-15. Should the Defendant gain custody of one or more of the subject children the amount of current support may be reduced in an amount to represent that child's share of the total amount of support, unless the Defendant owes arrears in which case the same amount of current support should be collected, with the amount for the child returned to the Defendant, being paid on any outstanding arrears amount, until those arrears are paid in full.

7. Accident and Sickness and/or Health Insurance:

The obligation to have accident and sickness and/or health insurance will remain in effect until such time as no current monetary support is due or until one of the following are checked:

N/A until the child(ren) reaches 18 or

until the child(ren) graduate's high school but in no case more than age 20.

The Court finds the children are covered by public or private medical insurance.

— The Court finds the children are not covered by public or private insurance.

The Court orders that all child(ren) covered by monetary support also be covered by accident and sickness insurance. It shall be the duty of the Defendant herein to purchase the same at all times that the children are not covered by any other public or private insurance, so long as the cost of such policy does not exceed a reasonable cost as defined by 45 CFR 303.31. The Defendant shall provide proof of such insurance to the IV-D Agency by

sending a copy of the insurance card within 10 days of purchase. Failure to provide such coverage may result in direct enforcement of the Order in accordance with OCGA Section 19-11-27. The said named Defendant or the IV-D Agency (DCSS) shall, upon request, provide information to the insurer necessary to meet the ERISA requirements, 29 USC Section 1169, defining a qualified medical support order. If the children are covered by insurance purchased by the Custodial Parent who received an adjustment in the amount of child support, then the Defendant shall have the right to have a review and modification if the insurance coverage purchased by the Custodian ends for whatever reason.

8. Past Due Child Support:

Defendant has an arrearage in the amount of \$ _____ as of _____, of which \$ _____ is principal and \$ _____ is interest. Defendant is ordered to pay \$ _____ per month in addition to current child support, to go towards the arrearage beginning _____, and continuing until the arrearage, including interest, is paid in full.

9. Payment:

All payments of support and arrears shall be paid through DCSS at such address as said DCSS shall direct. Payments shall be by means of a mandatory income deduction order issued by DCSS. Until such time as Defendant's employer/payor deducts payments, Defendant is responsible for making all payments by money order, certified check, cashier's check or personal check directly to DCSS.

10. Income Deduction Order (IDO):

The Court orders the IV-D Agency (DCSS) to issue an Income Deduction Order (Federal Form OMB:0970-0154, Income Withholding Notice) to the employer/payor of Defendant and all subsequent employers/payors.

This Income Deduction Order should be made effective:

(XX) Immediately.

(----) Upon 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 IV-D Agency (DCSS) may issue its IDO, by serving a "Notice of Delinquency" on Defendant as provided in O.C.G.A. §19-6-32(f).

AMOUNT: The IV-D Agency shall issue the IDO for the amount of current support due under this order. The IV-D Agency may add to this amount an additional amount for repayment if the Obligor becomes more than 30 days delinquent on his current support or fee accounts. Further, if the Obligor becomes more than 30 days delinquent for support or for fees owed to DCSS, including but not limited to past due genetic test fees and file maintenance fees, pursuant to O.C.G.A. §19-6-32, DCSS may add an amount to be applied towards any amount owed for such past due support or fees. The IV-D Agency shall notify the obligor by first class mail at the obligor's last known address, of its intent to add this extra amount and if the obligor makes a written objection to the amount of the repayment, a hearing shall be held to hear said objection.

DURATION: The IV-D Agency (DCSS) IDO shall supercede any IDO which may have been previously entered in this case. This IDO shall remain in full force and effect until modified, suspended or terminated by further order of this Court or until such time as the Custodial Parent terminates the assignment of rights to the IV-D Agency (DCSS) and there are no funds being collected on behalf of a debt owed to the State.

The IV-D Agency (DCSS) IDO and all further papers required to be served pursuant to O.C.G.A. §19-6-30 et seq., shall be served upon the Defendant by regular mail in accordance with the alternative service provisions of O.C.G.A. §9-11-4(i).

When all past due amounts are paid, the IV-D Agency shall issue a new IDO for collection of current support only.

DUTY TO INSURE COMPLIANCE: Defendant is hereby ordered to perform all acts necessary for the proper withholding of the sums stated in this IDO, including delivery of the same to his employer/payor and future employers/payors, and to personally monitor and confirm on an ongoing basis that the payments withheld are timely and properly deducted from his/her income and forwarded as ordered, correctly identified with the


above case. Failure of the employer/payor to perform under this order does not relieve the Defendant of the obligation to insure that payment is made.

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 U.S.C. §1673 (b) as amended.

10. Other Matters:

N/A DEFENDANT is to appear before this court on _____ at _____ am/pm, for further disposition.

SO ORDERED, this 28th day of September, 2022.



JUDGE OF SUPERIOR COURT
EASTERN JUDICIAL CIRCUIT
STATE OF GEORGIA

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