

4.

Petitioner states that he has not made payments recently because he is in dire economic circumstances. He has agreed to comply with the Fatherhood Program in order to secure assistance in obtaining employment. *Testimony of Petitioner.*

III. Conclusions of Law

1.

Respondent has the burden of proof. Ga. Comp. R. & Regs. 616-1-2-.07(1). The standard of proof is preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21(4).

2.

"Delinquent obligor" means any obligor who is not in compliance with an order for child support and who appears on the agency's certified list. O.C.G.A. § 19-11-9.3(a)(5). "License" means a certificate, permit, registration, or any other authorization issued by any licensing entity that allows a person to operate a motor vehicle or to engage in a profession, business, or occupation. O.C.G.A. § 19-11-9.3(a)(7). While an obligor may request a hearing regarding a proposed suspension, the only issues at the hearing will be the following:

- (1) Whether there is an order for child support being enforced pursuant to this article;
- (2) Whether the licensee or applicant is the obligor covered by that order;
- (3) Whether the support obligor is or is not in compliance with the order for child support;
- (4) Whether the support obligor shall be entitled to pay past due child support in periodic payments; and
- (5) Whether the support obligor has been able and willing to comply with such order for support. O.C.G.A. § 19-11-9.3(h).

An Administrative Law Judge (ALJ) may consider evidence relating to a delinquent obligor's ability and willingness to comply with such order for support in making the decision to either suspend a license or deny the issuance or renewal of a license under this code section. Further, an ALJ is authorized to enter an order requiring such periodic payments and issue a release for the obligor to obtain each license or licenses; however, such an agreement will not act to modify an existing child support order, but rather only affects the payment of arrears which have accrued subsequent to any prior order. Id.

IV. Decision

For the reasons stated, the undersigned **AFFIRMS** Respondent's action subject to the following condition: Respondent may suspend Petitioner's license for non-payment of child support arrears **unless** Petitioner makes two separate arrears payments of \$50.00 each, the first by October 18, 2013, and the second by November 18, 2013. Petitioner must also participate in the Fatherhood Program as directed by Respondent. Beginning the month of December 2013, Petitioner must also continue to make his monthly child support payments, and any arrearage payments in a

timely manner. Should Petitioner fail to make the aforementioned payments, the Department is authorized to suspend his license.

SO ORDERED, this _____ day of _____, 20__.

RONIT WALKER, ALJ