

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

22AP1557

STANDING ORDER GOVERNING INCARCERATION OF
CHILD SUPPORT CONTEMNOR IN CIVIL CONTEMPT PROCEEDINGS

Whereas the purpose of civil contempt is to coerce compliance with a court order rather than to punish for disobedience of a court order. See *Ensley v. Ensley*, 238 S.E. 2d 920, 921-22 (Ga. 1977);

Whereas the Supreme Court of Georgia has recognized that the purpose of the civil contempt is not served when the contemnor is unable to pay his purge fee. See *Hughes v. Department of Human Resources*, 502 S.E. 2d 233, 234 (Ga. 1988);

Whereas the Supreme Court of Georgia has held that a court may not continue a parent's incarceration for civil contempt for a child support order "when the [parent] lacks the ability to purge himself [or herself]." *Hughes*, 502 S.E.2d at 234;

Whereas this Court sees fit to implement measures to ensure appropriate judicial review of such cases;

It is hereby **ORDERED** that **within twenty-four (24) hours** of arresting a party for civil contempt of a child support order, the DeKalb County Sheriff's Office shall provide notice of the arrest to the judge who issued the contempt order and the Department of Human Services, Division of Child Support Services (DCSS).

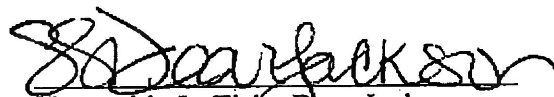
It is further **ORDERED** that **within forty-five (45) days** of arrest, the arrested party must be brought back before the court that issued the contempt order for a review hearing. The purpose of the hearing will be to determine if the purge amount should be lowered, or release of the contemnor should be ordered.

If the contemnor is returned to jail after the first review hearing, the Court shall subsequently schedule and hold a review hearing **every thirty (30) days** to determine if the purge amount should be lowered or release of the contemnor should be ordered. DCSS is hereby ordered to take all necessary steps to ensure that child support obligors are placed on the court calendars as contemplated in this Order.

This Order applies in all civil cases in which a child support obligor is incarcerated and will remain a standing order until further action of this Court.

IT IS SO ORDERED.

This 1st day of January, 2023.



Honorable LaTisha Dear Jackson
Chief and Administrative Judge
DeKalb County Superior Court
Stone Mountain Judicial Circuit