

Administrative Enforcement Tools

A GUIDE TO ADDRESSING FREQUENTLY ASKED QUESTIONS



Elliot Kolkovich
Prosecuting Attorney
Summit County, Ohio

Special Points of Interest:

What tools are available to help the CSEA locate delinquent parents when they have failed to provide address and/or employment information to the Agency?

- ✓ New Hire reporting
- ✓ Credit Bureau inquires
- ✓ Bureau of Motor Vehicles
- ✓ Anonymous Tips
- ✓ Postal Verifications
- ✓ Employment Verifications
- ✓ Internet and Database
- ✓ Subpoenas

Mailing Address

P.O. Box 80598
Akron, Ohio 44308-0598

Street Address

175 S. Main Street,
Akron, Ohio 44308

Hours of Operation

8:00 a.m. – 4:30 p.m.
(Monday – Friday)

Telephone

(330) 643-2765
Toll Free (800) 726-2765

Fax

(330) 643-2745

Website

<http://www.co.summit.oh.us/prosecutor/childsupp.htm>

When can an order be enforced?

Pursuant to Ohio law and regulations declared by the Ohio Department of Job and Family Services (ODJFS), a CSEA can take action to enforce a support order when an obligation is one month or more in default. Governor Taft signed House Bill 657 on December 13, 2002. The legislation became effective on that same date, enacting Ohio Revised Code Sections 3119.29-3119.56 and amending other sections of the code. To be in "default," an obligor, or person owing a duty of support, must have an arrearage greater than or equal to one month's court ordered support obligation. Support orders are, by law, administered on a monthly basis.

What administrative enforcement measures can CSEA take?

If a non-residential parent does not make payments as ordered in his/her support order and is in default, CSEA may attempt to enforce and collect unpaid child support. After the default notice is sent to the obligor, CSEA then utilizes a number of administrative enforcement tools to ensure parents pay their court ordered child support. Such enforcement tools include:

- Withholding child support from wages/earnings, unemployment benefits, workers' compensation benefits, social security benefits, disability benefits, bank accounts, pensions and lottery winnings
- Intercepting federal and state tax refunds
- Reporting the delinquent parent to credit bureaus
- Suspending driver's, recreational and professional licenses
- Featuring delinquent parents on wanted posters and billboards
- Freezing and seizing assets held in a financial institution through the Financial Institution Data Match Program (FIDM)
- Placing liens on certain property
- Issuing an order to require the payor to seek work

***In addition to administrative enforcement tools, CSEA may also take judicial action through civil contempt charges or criminal non-support.



What is the most common enforcement tool?

Income or Wage Withholding (IW) accounts for 75% of all collections of support in the State of Ohio. There are many different ways that the CSEA can issue an IW. These include but are not limited to:

- Issuing an IW directly to the employer if the obligor is employed. The employer will deduct the payments from the Obligor's wages and send them directly to Child Support Payment Central.
- Issuing an IW if the obligor is receiving benefits from Ohio Bureau of Workers Compensation, Ohio Bureau of Employment Services, and certain Social Security benefits.
- Issuing an IW to a bank to have support payments deducted from a bank account.
- * *NOTE: An additional 2% fee will be added onto the Obligor's support obligation. The fee will be paid after the full monthly obligation is fulfilled. Some months these fees will not be paid, depending on the frequency of payments.*
- * *CSEA can legally only withhold up to 65% of the Obligor's disposable income (50% if the Obligor has other children to support).*

When can an obligor's driver's license be suspended?

For a case to qualify for driver's license suspension, the following criteria must be met:

- There must be an ongoing current Support Order.
- There must be three (3) months of no payment or under certain circumstances less than full payment of the current monthly obligation.
- No active income withholding order.
- Advance Notice of Default and Potential Action has been sent.

Once an Obligor's driver's license has been suspended or blocked, the following criteria has been established in Summit County for reinstatement:

- A lump sum payment in an amount to be determined by CSEA, AND
- An attachable income source such as an employer, financial institution or benefits being received.

Driver's license reinstatement will not be completed until CSEA is able to verify that a payment has been made. Payment for driver's license reinstatement can be made in the following manner:

- Cash, money order or cashier's check brought to CSEA.
- Mailed payment to the Ohio Child Support Payment Central (OCSPC), P.O. Box 182372, Columbus, OH 43218-2372.
- All payments should include Obligor's name, Social Security Number, SETS case number, and order number.

Once the driver's license reinstatement criteria has been satisfied, the Obligor will be provided with a reinstatement form. The Obligor will need to take this form to an Ohio Bureau of Motor Vehicles (OBMV) reinstatement center. The OBMV will charge a fee for reinstatement.

What is New Hire Reporting?

Most employers are required to report to the Ohio Department of Job and Family Services regarding the hiring, rehiring or return to work of an employee to whom the employer anticipates paying compensation. The New Hire Reporting Program was developed to facilitate the rapid location of the employment of individuals who are or who may become parties to a support order. Child support employees have access to the New Hire Program through the statewide computer system to help in the location of delinquent obligors.

Credit Reporting

Per Ohio Revised Code section 3123.92, if a court or CSEA makes a final and enforceable determination that an Obligor is in default, they can be submitted to a Credit Reporting Agency. The State of Ohio maintains a contract with at least one credit reporting agency and the SETS system electronically submits the Obligor if they have been notified that they are in default via a Notice to Obligor of Default and Potential Action and have remained in default for a period of two consecutive months. A Credit Reporting submittal can only be blocked if an Obligor responds within 7 days from the issuance of the Default Notice and requests an Administrative Mistake of Fact hearing or an Obligor has filed for bankruptcy.

What is tax offset?

One of the Case's enforcement techniques is the tax refund intercept program for the Internal Revenue Service (IRS) and the Ohio Department of Taxation (ODT) that is done automatically through our statewide computer system, SETS. The social security number of the Obligor is submitted to the IRS or ODT when there are arrears, even if there is an unpaid balance upon which the Court has ordered monthly payments. An Obligor's tax refund may be intercepted even if he/she is currently paying in order to reduce arrears balance. Your case must meet the following criteria:

- A valid court order or an administrative order for support is needed.
- Obligor must file and be eligible for a tax refund and not owe any other government agency.
- A verified Social Security Number for the Obligor is necessary.
- An Application for Services signed by the Obligor must be on file.
- State of Ohio tax returns are intercepted if there is a total of \$150 or more owed on ALL cases combined (not each separately).
- Federal tax returns are intercepted on non-public assistance cases if there is a total of \$500 or greater owed on ALL cases combined, not each separately.
- Federal tax returns are intercepted for public assistance cases if there is a total of \$150 or greater owed on ALL cases combined (not each separately).
- Public assistance obligations and arrears get paid first before the Obligor on a Federal tax return.
- An Obligor's arrears are paid first on a State of Ohio tax return prior to public assistance arrears.
- The State of Ohio will not intercept refunds on cases that are spousal support only.
- Payments from joint tax return refunds are held for six (6) months prior to being released to the obligee.

What is FIDM?

FIDM is an enforcement tool used in the collection of arrears. Financial accounts that belong to delinquent Obligor are identified by CSEA. CSEA freezes and seizes these accounts. The following criteria is considered when the FIDM process is initiated:

- Financial institution name and account number are needed.
- Support Order must be at least six (6) months old.
- There must be a minimum arrearage of more than one month's obligation.
- CSEA can still process FIDM even if the Obligor is currently paying to reduce the arrears balance.
- The Advance Notice of Default and Potential Action notice must have been sent to Obligor.
- The Obligor cannot be in bankruptcy, but CSEA can proceed once bankruptcy action has been resolved (bankruptcy does not excuse the child support obligation, including arrears).
- There cannot be pending court action; however CSEA can proceed once the court action has been resolved.