

Administrative Enforcement Tools

A GUIDE TO ADDRESSING FREQUENTLY ASKED QUESTIONS

WHEN CAN AN ORDER BE ENFORCED?

Pursuant to Ohio law and regulations promulgated 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.



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 inquiries
- Bureau of Motor Vehicles
- Tips received from consumers
- Postal verifications
- Employment verifications
- Internet and Databases
- Subpoenas

WHAT ADMINISTRATIVE ENFORCEMENT MEASURES CAN THE CSEA TAKE?

If a non-residential parent does not make payments as ordered in his/her support order, a child support enforcement agency may attempt to enforce and collect unpaid child support. CSEAs utilize 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 - including stimulus payments.
- Reporting the delinquent parent to credit bureaus
- Suspending drivers, recreational and professional licenses
- Featuring delinquent parents on wanted posters
- 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 payer to seek work
- Passport denial when past due support is at least \$2500

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

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 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 to help in the location of delinquent obligors.

WHAT IS THE MOST COMMON ADMINISTRATIVE ENFORCEMENT TOOL?

Income or Wage Withholding accounts for approximately 75% of all collections of support in the state of Ohio. Withholding of various types of income helps

secure deductions of the non-residential parent's income for current and back support. Income includes all types of wages and unearned income,

such as unemployment or workers' compensation. Income withholding is mandatory, with few exceptions, if a source of income is available.



WHAT IF A PARENT IS REQUIRED TO PROVIDE MEDICAL INSURANCE AND IS NOT DOING SO?

The CSEA will generally take enforcement action on your behalf. It usually must be shown that the party has access to medical insurance at a reasonable rate but has

declined or refused to obtain it. The employer of the party ordered to carry insurance will receive a National Medical Support Notice (NMSN) which

will require the employer to take action to enroll the children in private health insurance without the cooperation of the employee. See the NMSN Fact Sheet for additional information.



WHEN CAN AN OBLIGOR'S LICENSE BE SUSPENDED?

Ohio Senate Bill 180 provided child support enforcement agencies with the opportunity to select drivers license suspension as an enforcement measure against a delinquent obligor. If a court or CSEA make a final enforceable determination under Sections 3123.02 to 3123.071 of the Ohio Revised Code, the CSEA may send a notice via SETS to the Bureau of Motor Vehicles

(BMV) that the obligor is in default or has failed to comply with a warrant or subpoena. The BMV is authorized to do the following:

- Not to renew or issue any driver license to the obligor
- Suspend any license currently held by the obligor
- Not to reinstate any license until notified by the CSEA

An obligor must be at least one month in arrears and have received a Notice of Default before a CSEA can suspend their license. CSEA staff receive names for possible suspension through the default list on SETS.

An Administrative Mistake of Fact Hearing Rights accompany the Notice of Default if the obligor chooses to dispute the information contained in the notice.

What Party Does the CSEA Attorney Represent?

The CSEA attorney represents the state of Ohio. No attorney-client relationship exists between the CSEA attorney and any individual party. The CSEA attorneys have the responsibility to review cases for litigation, recommend appropriate legal proceedings, conduct pre-trial negotiation and collection activities, and finalize proceedings and appropriate court orders.

WHAT IS TAX OFFSET?

Federal and state laws allow Ohio to intercept state and federal tax refunds if the person receiving the refund is behind in court ordered child support payments. The tax refund is forwarded to the obligee, which could be the state of Ohio if public assistance reimbursement is owed.

Revenue Service (IRS) and/or the Ohio Department of Taxation (ODOT) will forward intercepted funds to the state where it will be processed for payment to the appropriate party. Amounts received in excess of the arrearage will be returned to the obligor.

The IRS or ODOT will send the obligor a letter as notification of the offset. The letter will identify the arrearage for the case at the time of submission to the

program. The letter will also identify the agency to contact with questions about the arrearage. The credit to the case will appear on the payment history once the funds are received and applied. The entire process may take up to six months. If an obligor is married and filing jointly, the refund is generally held for a period of six months to allow the current spouse time to file a claim to receive his/her portion of the refund.

When certain criteria are met, eligible cases will automatically be submitted for tax offset. The Internal

HOW CAN AN ORDER BE ENFORCED IF THE OTHER PARENT NOW RESIDES IN ANOTHER STATE?

Support and related matters can still be pursued if the non-residential parent resides in another state. The most likely means of pursuing these items is through the

interstate process known as UIFSA (Uniform Interstate Family Support Act). In more general terms, a UIFSA is a request for the other state to enforce the court order.

Likewise, another state can request Ohio to enforce their order if the NRP resides here. See the Interstate Fact Sheet for more information.

