



## Ohio Administrative Code

### Rule 5101:12-55-20 Liens against real and personal property.

Effective: August 1, 2023

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(A) This rule describes the procedures that a child support enforcement agency (CSEA) shall use when it decides to assert a lien on real or personal property that is owned by an obligor who has been determined to be in default under a support order. Obtaining a lien does not affect any other legal remedies available against obligors or their property by persons entitled to receive support that is in arrears.

(B) A lien can be attached to real property (real estate) that must be paid off before a subsequent purchaser can take the property free of the creditor's claim. Sections 3123.66 and 3123.67 of the Revised Code provide for the assertion of a lien against real and personal property by the CSEA. Section 3123.73 of the Revised Code provides that a CSEA is entitled to have real and personal property subject to the lien sold in accordance with section 3123.74 of the Revised Code. Chapter 2329. of the Revised Code provides for securing a lien against real property. Chapter 2715. and section 4505.13 of the Revised Code provide for the attachment of personal property that includes, but is not limited to, items such as motor vehicles, guns, electronic equipment, jewelry, and musical instruments.

(C) CSEA assertion of a lien on real or personal property located in Ohio.

(1) Pursuant to section 3123.66 of the Revised Code, when a court or CSEA has issued a final and enforceable determination that an obligor is in default, the CSEA may assert a lien on any or all of the obligor's real and personal property that is located in Ohio.

(2) When the CSEA asserts a lien, the lien shall include the amount of the arrears determined to be in default and any amounts due for current support that are in arrears after the date of the default determination.

(3) When the CSEA asserts a lien on real or personal property, it may file the lien with the county recorder in each Ohio county in which the CSEA knows that the obligor's real or personal property



that is subject to the lien is located. If requested by the county recorder, the CSEA shall include any additional documentation or a self-addressed, stamped envelope for the return of the filed lien.

(a) A CSEA may enter into a contract with the county recorder using procedures described in rules 5101:12-1-80 to 5101:12-1-80.4 of the Administrative Code for the purpose of reimbursing the recorder for the cost of filing liens.

(b) After the CSEA files a lien, the lien shall apply to after acquired property as well.

(4) In accordance with section 3123.69 of the Revised Code, a CSEA shall, no later than ten days after filing a lien, serve a copy of the lien by regular mail on both the obligor whose real or personal property is subject to the lien and the person or state agency in possession or control of any real or personal property of the obligor.

(5) Pursuant to section 3123.70 of the Revised Code, a lien shall:

(a) Have priority over liens, mortgages, security interests, or other types of encumbrances that are associated with the property that arise after the date the lien is filed; and

(b) Not have priority over liens, mortgages, security interests, or other types of encumbrances associated with the property that arose on or before the date the lien was filed.

(6) After service of process as described in paragraph (C)(4) of this rule has occurred, any person or state agency that releases, sells, transfers, or conveys real or personal property subject to the lien to or for the benefit of the obligor or any other person, or fails or refuses to surrender property for the execution sale shall be liable for the support arrears that are the basis of the lien. This liability includes costs, interest, and reasonable attorney's fees of the opposing party pursuant to section 3123.77 of the Revised Code.

(D) The CSEA may assert a lien on real or personal property located in another state. When a CSEA determines that an obligor owns or may own real or titled personal property located in a state other than Ohio, the CSEA may send the JFS 01132, "Notice of Lien" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code) to the state in which the property is



located. The CSEA may contact the interstate central registry in the state where the property is located to determine the appropriate location where the JFS 01132 should be sent.

(E) Responding to a lien issued by another state.

(1) When the office of child support (OCS) within the Ohio department of job and family services (ODJFS) receives a copy of a lien filed in another state, a copy of the child support order, and a copy of the court or administrative determination finding the obligor to be in default under the child support order, OCS shall examine the lien and other documents and determine whether the lien is in compliance with federal child support law and regulations.

(2) When OCS determines that the lien is in compliance with federal child support law and regulations based on the documentation received, OCS shall determine in which Ohio county or counties the obligor's real or personal property that may be subject to the lien is located.

(3) On making the determination, OCS shall send a copy of the lien to the CSEA in each county in which the property is located.

(4) Upon receipt of the lien from OCS, the CSEA shall assert the lien in accordance with paragraph (C) of this rule.

(5) In accordance with section 3123.68 of the Revised Code, OCS and each court and CSEA shall give full faith and credit to a lien that is similar to a lien described in section 3123.67 of the Revised Code that was established by an authorized agency of another state.