



Ohio Administrative Code

Rule 5101:12-60-70.1 Negotiation for a waiver or compromise of permanently assigned arrears.

Effective: January 1, 2017

(A) A child support enforcement agency (CSEA) may elect to establish a procedure for a reduction of permanently assigned arrears that is consistent with rule 5101:12-60-70 of the Administrative Code and its supplemental rules. When a CSEA elects to establish such a procedure, the CSEA shall submit the procedure to the office of child support (OCS) prior to negotiating any agreements for a reduction of permanently assigned arrears.

(B) The CSEA shall submit its procedure for a reduction of permanently assigned arrears to OCS for approval when the CSEA:

(1) Elects to establish a procedure for a reduction of permanently assigned arrears and does not already have such a procedure; or

(2) Amends an approved procedure; or

(3) Has an approved procedure which is inconsistent with the requirements in rule 5101:12-60-70 of the Administrative Code and its supplemental rules; or

(4) Elects to establish or utilize a family support program that will result in a reduction of permanently assigned arrears in excess of the lifetime maximum amount.

(C) A family support program as described in paragraph (B)(4) of this rule, shall include the following:

(1) The name of the program;

(2) The goal(s) of the program;

(3) The obligor's responsibilities in the program;



(4) The frequency the CSEA will reduce the permanently assigned arrears on the support enforcement tracking system (SETS) case;

(5) The amount that may be reduced from the permanently assigned arrears; and

(6) Any other program description requested by OCS.

(D) When the CSEA has an approved procedure that is in accordance with paragraph (A) of this rule:

(1) The CSEA has the authority to deny any request to reduce permanently assigned arrears.

(2) The CSEA director or administrator is authorized to approve, per SETS case, a reduction of permanently assigned arrears up to the lifetime maximum amount of four thousand nine hundred ninety-nine dollars and ninety-nine cents.

(a) The calculation of the lifetime maximum amount includes the total of all agreements previously entered into on a case.

(b) When a CSEA has a family support program approved by OCS, as described in paragraph (B)(4) of this rule, the CSEA is authorized to exceed the requirement of paragraph (D)(2) of this rule.

(E) Any payments collected on a SETS case prior to a CSEA receiving a written request for a reduction of permanently assigned arrears from an obligor or obligor's representative shall not be considered to satisfy any of the terms or conditions of the agreement.

(F) The CSEA shall consult with the agency's legal advisor regarding the reduction of any obligation owed to the CSEA.

(G) When a SETS case has a current obligation, the permanently assigned arrears owed are not eligible for a waiver.

(H) During the period when the obligee is receiving Ohio works first (OWF) benefits, the amount of



permanently assigned IV-A arrears that may be reduced shall not exceed the amount of unreimbursed assistance (URA) on the SETS case.

(I) The CSEA shall only issue one waiver agreement per SETS case.

(J) There is no limit on the number of compromise agreements or family support program agreements a CSEA may issue per SETS case.

(1) If any agreement exceeds the lifetime maximum amount as calculated pursuant to paragraph (D)(2) of this rule, the CSEA shall submit the request to OCS as described in paragraph (E)(3) of rule 5101:12-60-70.2 of the Administrative Code.

(2) The CSEA and the obligor must satisfy the terms and conditions of the agreement before another agreement can be initiated.

(K) The CSEA shall intervene in any known legal action for a reduction of permanently assigned arrears when the CSEA has not been made a party to the action and the action is pending or the appeal period has not lapsed.

(L) When the CSEA receives a court order for a reduction of conditionally assigned arrears:

(1) The CSEA shall comply with the order unless the CSEA has been notified that the obligor's federal income tax refund offset has been applied to all or part of the conditionally assigned arrears identified in the court order, in accordance with paragraph (D) of rule 5101:12-50-32.6 of the Administrative Code.

(2) The CSEA shall immediately take action to preserve for the state the amount of conditionally assigned arrears that are satisfied by the federal income tax refund, when the CSEA has been notified that the obligor's federal income tax refund offset has been applied to the conditionally assigned arrears and the appeal period for the court order has not lapsed.