



Ohio Administrative Code

Rule 5101:12-60-70.2 Agreed entry for a waiver or compromise of permanently assigned arrears.

Effective: January 1, 2017

(A) A reduction of permanently assigned arrears is a negotiation between the child support enforcement agency (CSEA) and the obligor or obligor's representative. No obligor has a right, either explicit or implied, to require the CSEA or office of child support (OCS) to reduce permanently assigned arrears.

(B) An agreement to reduce permanently assigned arrears shall not:

(1) Alter an obligor's requirement to pay the full monthly support obligation amount owed on a support order; or

(2) Operate to stay the collection of any current obligation, other arrears or balances.

(C) An obligor or an obligor's representative shall initiate a negotiation for a reduction of permanently assigned arrears by submitting a written request to the CSEA.

(1) The CSEA shall require the obligor or the obligor's representative to submit financial records or other relevant documents to demonstrate financial hardship or other hardship, and any other information requested by the CSEA.

(2) When an obligor or obligor's representative fails to submit the required documentation, the CSEA shall deny the request. The obligor or obligor's representative has the right to submit a new request.

(3) When an obligor or obligor's representative submits a request and the arrears are assigned to another state:

(a) The CSEA shall forward the request to the other state; and

(b) The CSEA shall not reduce the permanently assigned arrears to another state when the other state



has not provided the CSEA with written authorization for the reduction of the permanently assigned arrears.

(D) Upon receipt of the written request as described in paragraph (C) of this rule, the CSEA shall initiate action to negotiate a reduction of permanently assigned arrears.

(E) When the CSEA has completed a negotiation for a reduction of permanently assigned arrears, within a reasonable time the CSEA shall:

(1) Complete the JFS 07717, "Determination Regarding Negotiation for a Reduction of Permanently Assigned Arrears" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code).

(2) Approve or deny a request for a reduction of permanently assigned arrears as described in paragraph (D) of rule 5101:12-60-70.1 of the Administrative Code; or

(3) Recommend approval, and submit to OCS, via electronic mail, scanned copies of the signed JFS 07717, and any documentation submitted by the obligor or the obligor's representative, when the requested amount, if approved, would exceed the lifetime maximum amount as described in paragraph (D)(2) of rule 5101:12-60-70.1 of the Administrative Code.

(4) Issue a notice to the obligor when the request for a reduction of permanently assigned arrears is denied by the CSEA or OCS, and provide the reason for the denial.

(F) OCS shall acknowledge receipt of the JFS 07717 in accordance with paragraph (E)(3) of this rule. If OCS does not issue a written response within ten business days of acknowledging receipt of the JFS 07717, the CSEA shall consider the pending request as approved.

(G) OCS reserves the right to deny a request from a CSEA if OCS determines there is an undue delay of submission of the request. The CSEA may work with the obligor to resubmit a current request. "Undue delay" means a delay in submission of a negotiation contained in a JFS 07717 to OCS in which the information contained in the submission is stale, outdated, or that may have led to a change in position of any participant to the negotiation.



(H) The CSEA shall maintain copies of all the documents described in this rule in the obligor's relevant case record as described in rule 5101:12-10-05 of the Administrative Code.