



Ohio Administrative Code Rule 5101:12-65-05.1 Deceased obligee.

Effective: [May 1, 2024](#)

(A) This rule describes procedures for processing a case when an obligee is deceased.

(B) Current support order.

(1) When there is a current support order, the child support enforcement agency (CSEA) will complete a termination investigation in accordance with rule 5101:12-60-50.1 of the Administrative Code, using the obligee's date of death.

(2) When a termination order is final, the CSEA will disburse any impounded funds pursuant to the termination entry.

(a) When the CSEA is aware that an action has been commenced to probate the estate of the obligee, payments will be disbursed to the administrator or the executor of the estate or as directed by an order from the probate court.

(b) When the CSEA is unable to identify that an action has been commenced to probate the estate of the obligee, the CSEA will:

(i) Maintain a record in the support enforcement tracking system (SETS) of any unassigned arrears;

(ii) Apply any impounded funds first to assigned arrears, then to processing fee arrears, except that when the collection is from unemployment compensation or a federal or state income tax refund offset, the collection will not be applied to processing fee arrears;

(iii) Maintain or issue any withholding order until all of the assigned arrears and processing fee arrears are paid in full;

(iv) Issue any remaining funds to the obligor after assigned arrears and processing fee arrears are



paid in full; and

(v) Terminate any withholding order and close the case in accordance with rule 5101:12-10-70 of the Administrative Code when all of the assigned arrears and processing fee arrears are paid in full and an action was not commenced within six months of the obligee's date of death to probate the estate of the obligee.

(3) Terminating the support order due to the death of the obligee does not terminate the obligor's parental duty of support pursuant to section 3103.031 of the Revised Code.

(4) An administrator or executor may complete a IV-D application to request that payments under the terminated support order be disbursed to the administrator, executor, or to the probate estate of the deceased obligee.

(5) In accordance with section 3125.36 of the Revised Code, a CSEA will make available a IV-D application to any person requesting the CSEA's assistance to establish a support order for the support of a minor child under the terminated support order.

(C) When there is no current support order, the CSEA will:

(1) When there are no arrears, close the case in accordance with rule 5101:12-10-70 of the Administrative Code; or

(2) When there are arrears, investigate whether an action has been commenced to probate the estate of the obligee.

(a) When the CSEA identifies that an action has been commenced to probate the estate of the obligee, the CSEA will disburse any impounded funds pursuant to the termination entry to the administrator or executor of the estate or as directed by an order from the probate court.

(b) When the CSEA is unable to identify that an action has been commenced to probate the estate of the obligee, the CSEA will:



- (i) Maintain a record in SETS of any unassigned arrears;

- (ii) Apply any funds, first to assigned arrears, then to processing fee arrears, then to unassigned arrears;

- (iii) Maintain or issue any withholding order until all of the assigned arrears and processing fee arrears are paid in full;

- (iv) Issue any remaining funds to the obligor after assigned arrears and processing fee arrears are paid in full; and

- (v) Terminate any withholding order and close the case in accordance with rule 5101:12-10-70 of the Administrative Code when all of the assigned arrears and processing fee arrears are paid in full and an action was not commenced within six months of the obligee's date of death to probate the estate of the obligee.