Ohio Administrative Code

Rule 5101:12-80-10.2 Prorating support collections.
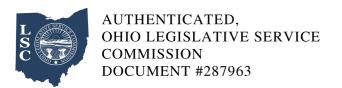
Effective: June 1, 2021

(A) When the office of child support (OCS) or a child support enforcement agency (CSEA) receives a collection for or from an obligor with more than one support order and there are no instructions included with the collection or remitter instructions cannot be obtained for apportioning the payment between the support orders, OCS or the CSEA shall identify the qualified support orders and prorate the collection. A prorated collection shall be allocated in accordance with rules 5101:12-80-10 and 5101:12-80-10.1 of the Administrative Code.

(B) For the purpose of the calculations described in this rule:

(1) A support order or a case without a support order is considered a "qualified" support order when:

(a) The collection is received as a result of a notice of proposed action having been issued to the obligor; or

(b) The obligor makes the support payment and a notice of proposed action has not been issued to the obligor.

(2) "Monthly obligation" means the sum of the current obligation and any ordered payment(s).

(C) Scenarios illustrating qualified support orders include:

(1) An obligor has three support orders and two of the support orders were submitted for and met all the criteria for a federal income tax refund offset. The two support orders that were submitted for offset would be considered qualified support orders for purposes of prorating a federal income tax refund offset; the third support order would not be considered a qualified support order and so would not receive any of the prorated federal income tax refund offset collection.

(2) An obligor has three support orders and the CSEA issued an order to the obligor's employer to

attach a lump sum payment on two of the support orders. Only the support orders that the lump sum order was issued for would be considered qualified support orders for purposes of prorating the lump sum payment.

(3) One CSEA has administrative responsibility for an obligor's two support orders and a second CSEA has administrative responsibility for the same obligor's third support order. Only the first CSEA issues income withholding notices for the two support orders to the obligor's employer. The employer subsequently sends in a support payment without posting identifiers and remitter instructions cannot be obtained. Only the two support orders from the first CSEA are considered qualified support orders for the purposes of prorating the payment received from the employer.

(D) When the collection is not a federal income tax refund offset, OCS or the CSEA shall prorate the collection using the following calculations:

(1) When the collection is not sufficient to satisfy all of the unpaid monthly obligations owed on the qualified support orders:

(a) First, add the unpaid monthly obligation for each qualified support order to determine the total unpaid monthly obligation amount;

(b) Then, for each qualified support order:

(i) Divide the unpaid monthly obligation by the total unpaid monthly obligation amount to determine the prorated percentage for the order; and

(ii) Multiply the collection by the prorated percentage to determine the amount of the collection to apply to the order.

(2) When the collection is a lump sum payment and is not sufficient to satisfy the total arrears obligations owed on the qualified support orders:

(a) First, add the arrears amount owed for each qualified support order to determine the total arrears amount;

(b) Then, for each qualified support order:

(i) Divide the arrears amount for each order by the total arrears amount to determine the prorated percentage for each order; then

(ii) Multiply the collection by the prorated percentage to determine the amount of the collection to apply to the order.

(3) When the collection equals or exceeds the unpaid monthly obligation for each qualified support order, satisfy the unpaid monthly obligations for each qualified support order.

When the monthly obligations for each qualified support order are satisfied and a balance remains from the collection that is less than the total arrears owed on the qualified support orders:

(a) For each qualified support order, add the total unpaid arrears and debts for the order to determine the outstanding amount owed on the order;

(b) Add the outstanding amounts owed on each order to determine the total outstanding amount owed;

(c) Divide the balance of the collection by the total outstanding amount owed to determine the prorated percentage; and

(d) For each qualified support order, multiply the outstanding amount owed on the order by the prorated percentage to determine the amount of the balance to apply to the order.

(4) When all of the monthly obligations, arrears, and debts are satisfied and funds remain from the collection, allocate any remaining funds to the current obligation(s) for the future month(s), for each qualified support order:

(a) First, add the monthly obligation for each qualified support order to determine the total monthly obligation amount;

(b) Then, for each qualified support order:

(i) Divide the balance of   the collection by the total monthly obligation amount to determine the prorated   percentage; and

(ii) Multiply the monthly   obligation by the prorated percentage to determine the amount of the balance to   apply to the order.

(5) When the collection is a lump sum payment, and the collection equals or exceeds the total amount of arrears owed on the qualified support orders:

(a) Satisfy all of the arrears owed on the qualified support orders, then

(b) When the arrears are satisfied, issue any remaining balance in accordance with paragraph (C)(9) of rule 5101:12-80-10.1 of the Administrative Code, unless the CSEA has negotiated an alternative allocation with the obligor.

(E) When the collection is from a federal tax refund offset, OCS or the CSEA shall prorate the collection using the following calculations:

(1) When the collection is not sufficient to satisfy all of the eligible arrears owed on the qualified support orders:

(a) For each qualified support order, add the unpaid eligible assigned arrears for the order to determine the outstanding assigned arrears amount owed on the order;

(b) Add the outstanding assigned arrears amount owed on each order to determine the total outstanding assigned arrears amount owed;

(c) Divide the collection by the total outstanding assigned arrears amount owed to determine the prorated percentage;

(d) For each qualified support order, multiply the outstanding assigned arrears amount owed on the order by the prorated percentage to determine the amount of the collection to apply to the order; and

(e) Repeat the process described in paragraphs (E)(1)(a) to (E)(1)(d) of this rule for all eligible unassigned arrears owed on the qualified support orders.

(2) When the collection equals or exceeds the total amount of eligible arrears owed on the qualified support orders:

(a) Satisfy all of the eligible arrears owed on the qualified support orders, then

(b) When the eligible arrears are satisfied, issue any remaining balance to the obligor, unless the CSEA has negotiated an alternative allocation with the obligor in accordance with rule 5101:12-80-10.1 of the Administrative Code.