



Ohio Administrative Code

Rule 5101:12-60-50.1 Administrative termination investigation, findings and recommendations, and impounding support.

Effective: February 11, 2019

(A) Administrative termination investigation.

(1) The child support enforcement agency (CSEA) shall complete an administrative termination investigation and issue findings and recommendations regarding whether the child support order should terminate within twenty days of the date the CSEA is notified by either the obligee or obligor or becomes aware that:

(a) A required administrative termination reason as described in paragraph (D)(1), (D)(2), or (D)(3) of rule 5101:12-60-50 of the Administrative Code has occurred or is expected to occur;

(b) A required administrative termination reason as described in paragraphs (D)(4) to (D)(13) of rule 5101:12-60-50 of the Administrative Code has occurred; or

(c) An administrative termination reason described in paragraph (F) of rule 5101:12-60-50 of the Administrative Code exists and the CSEA elects to proceed with the administrative termination process.

(2) During the administrative termination investigation, the CSEA shall determine:

(a) Whether any administrative termination reason exists.

When the CSEA investigation results indicate that any of the administrative termination reasons do not exist, the CSEA shall issue a JFS 07521, "Results of Support Order Termination Investigation" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to the last known address of the person who requested the termination of the child support order.

(b) Whether there are other minor children subject to the child support order.



When the CSEA determines that there are other minor children subject to the child support order, the CSEA shall calculate a revised amount of child support and cash medical support for the other minor children as follows:

- (i) When the child support order is computed using a sole residential parent or shared parenting computation worksheet, divide the child support and the cash medical support due annually or monthly under the order by the number of children who are the subject of the order; then, subtract the amount due for the child for whom the order should be terminated from the total child support and cash medical support amount due annually or monthly.
- (ii) When the child support order is computed using a split parental rights computation worksheet:
 - (a) The CSEA shall divide the annual or monthly obligation for the non-residential parent of the child for whom support is being terminated by the number of children in the other party's custody contained on the existing child support guidelines worksheet. Next, subtract the amount due for the child for whom the order should be terminated from the total child support amount due annually or monthly under a revised child support payment order. This revised amount of support must then be offset against the other party's support obligation to calculate the revised child support for inclusion in the order. The calculation may result in a new obligor for payment of the child support order.
 - (b) If the calculation in paragraph (A)(2)(b)(ii)(a) of this rule results in a new child support obligor this individual also becomes the cash medical obligor: if the obligor has not changed this paragraph still refers to the existing cash medical obligor. When cash medical support has been ordered the CSEA shall compare the cash medical obligor's cash medical support maximum from the existing child support guidelines worksheet with the current United States department of agriculture (USDA) table for the number of children in the other party's custody. The CSEA shall use the lesser amount as the obligation for cash medical support.
 - (c) Whether the obligor owes any arrears or other balances.
 - (d) Whether the CSEA believes it is necessary to continue income withholding or income deduction for the other minor children or arrears payment.



(e) Whether amounts paid pursuant to the child support order being investigated should be impounded because the continued receipt and disbursement would lead to an overpayment by the obligor to the obligee.

(f) Whether an overpayment has been made to the obligee or the Ohio department of job and family services (ODJFS).

(B) Findings and recommendations for an administrative child support order.

(1) When the child support order is an administrative child support order and the administrative termination investigation results indicate that an administrative termination reason exists, the CSEA shall prepare the JFS 07522, "Findings and Recommendations to Terminate the Administrative Child Support Order"(effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), file the JFS 07522 with the administrative child support record, and issue copies of the JFS 07522 to the obligor and obligee at their last known addresses.

(2) When the CSEA determines that the support has been assigned to ODJFS pursuant to an Ohio works first (OWF) or medicaid assignment and that ODJFS has been or will be overpaid by the obligor, the CSEA shall recommend that the amount overpaid be disbursed in accordance with rules 5101:12-80-10 and 5101:12-80-10.1 of the Administrative Code.

(C) Findings and recommendations for a court child support order.

(1) When the child support order is a court support order and the administrative termination investigation results indicate that an administrative termination reason exists, the CSEA shall:

(a) Compile findings and recommendations and issue or request the clerk of courts to issue copies of the findings and recommendations to the obligor and obligee at their last known addresses.

(b) Include in the findings and recommendations a finding that states the reason for which the child support order and medical support provisions should terminate, a recommendation that the child support order and medical support provisions be terminated, and the effective date of the termination of the child support order and medical support provisions. In addition, the CSEA shall include in the



findings and recommendations the following:

(i) When there are other minor children subject to the order:

(a) A finding of whether the child support order should continue for other minor children subject to the order; and

(b) When the CSEA finds that the child support order should continue, a recommendation that the child support order should continue for the other minor children and, in accordance with paragraph (A)(2)(b) of this rule, the amount of child support that should be paid for the other minor children.

(ii) When continued payment and disbursement of payments paid pursuant to the child support order that will be terminated will likely result in an overpayment or an increase in an existing overpayment:

(a) A finding that continued payment and disbursement of payments will likely result in an overpayment or increase an existing overpayment; and

(b) A recommendation that the support be impounded and that all impounded funds be disbursed to the appropriate person by the CSEA after the child support order has been terminated.

When the CSEA determines that the support has been assigned to ODJFS pursuant to an OWF or medicaid assignment and that ODJFS has been or will be overpaid by the obligor, recommend that the amount overpaid be disbursed in accordance with rules 5101:12-80-10 and 5101:12-80-10.1 of the Administrative Code.

(iii) When the obligor owes arrears or other balances:

(a) A finding of the amount of arrears or other balances owed by the obligor and the date of the calculation; and

(b) A recommendation that the obligor be found to owe the arrears and other balances and be ordered to pay a monthly arrears payment amount that is compliant with sections 3121.36 and 3123.14 of the



Revised Code.

(iv) When amounts are owed for other minor children or for a payment on arrears, other balances, or other obligations:

(a) A finding to initiate or continue income withholding or deduction; and

(b) A recommendation to initiate or continue income withholding or deduction.

(v) When amounts are not owed for other minor children or for a payment on arrears, other balances, or other obligations:

(a) A finding to terminate income withholding or deduction; and

(b) A recommendation to terminate income withholding or deduction.

(vi) When the obligee was overpaid:

(a) A finding that the obligee was overpaid, the amount the obligee was overpaid, and the date through which the overpayment was calculated; and

(b) A recommendation that the obligee be found to have been overpaid and the amount the obligee was overpaid.

(vii) The following statements:

(a) Both the obligor and obligee have the right to request an administrative hearing to object to the findings and recommendations contained in this notice. To request an administrative hearing, submit a written request for an administrative hearing to the CSEA. The obligor and obligee have fourteen days after the issuance of the notice containing the findings and recommendations to submit the written request for an administrative hearing to the CSEA. When the obligor or obligee requests an administrative hearing within fourteen days of the issuance of this notice, which contains the findings and recommendations, no revised court child support order will be issued.



(b) When neither the obligor nor the obligee requests an administrative hearing to object to the findings and recommendations, the findings and recommendations will be submitted to the court for inclusion into a revised or terminated court child support order with no further court hearing.

(2) When the obligee was overpaid, the CSEA may elect to include in the findings and recommendations a recommendation that the obligee repay the obligor the amount the obligee was overpaid.

(D) Impounding support.

(1) When the CSEA is aware that support is or may be overpaid, the CSEA shall impound support paid pursuant to the child support order. When the support order is an administrative child support order, the CSEA shall use the JFS 07523, "Administrative Order to Impound Support"(effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code). When the support order is a court support order, the CSEA shall prepare an impound order and include in the impound order the following:

(a) The reason the support is being impounded; and

(b) The amount of support that is to be impounded.

(2) The CSEA shall have copies of the impound order, or JFS 07523, as applicable, issued to the last known addresses of the obligor and obligee.

(3) When the CSEA or court had previously issued a JFS 04047, "Income Withholding for Support"(effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code), or JFS 04017, "Notice to Deduct Funds for Child and Spousal Support"(effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code), the CSEA shall immediately take action to cancel any previously issued JFS 04047 or JFS 04017. The CSEA shall issue written notice of the cancellation by ordinary mail to the person who was required to comply with the JFS 04047 or JFS 04017.