



Ohio Administrative Code

Rule 5101:12-50-10.2 CSEA's responsibility for income withholding and income deduction.

Effective: October 15, 2018

(A) When the child support enforcement agency (CSEA) determines that the obligor is receiving income from a payor, the CSEA shall issue a JFS 04047, "Income Withholding for Support" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code), within fifteen days of:

- (1) Issuing or modifying an administrative support order;
- (2) Receiving notice of a change in the obligor's source of income or the CSEA otherwise determining that there has been a change in the source of the obligor's income;
- (3) Determining that a modified JFS 04047 is required as the result of an investigation concerning the termination of a support order; or
- (4) Locating an obligor following the issuance or modification of the support order.

(B) When the CSEA determines that the obligor has funds on deposit in a financial institution, the CSEA shall conduct an investigation to determine whether any amount of funds in the account represent a protected benefit, as described in rule 5101:12-50-10 of the Administrative Code.

- (1) The investigation shall:
 - (a) Identify whether the obligor is receiving or has received income from a protected benefit;
 - (b) Include, but is not limited to, research in the support enforcement tracking system (SETS) and the state verification exchange system/defense manpower data center (SVES/DMDC); and
 - (c) Be documented in the case record.



(2) When the CSEA determines that any of the funds in the account are from a protected benefit source, the CSEA shall not issue the 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).

(3) When the CSEA determines that the funds in the account are not from a protected benefit source, the CSEA may issue the JFS 04017.

(C) The CSEA shall return to the obligor any funds deducted from the account that are later identified as funds from a protected benefit source, within two business days of the CSEAs determination. The CSEA shall issue a refund from the administrative fund described in rule 5101:9-6-83 of the Administrative Code, including any bank fees charged to the obligor when the withdrawal resulted in the account having insufficient funds.

(D) When a CSEA issues a JFS 04047 to a payor or a JFS 04017 to a financial institution, the CSEA shall simultaneously issue a copy of the JFS 04047 or the JFS 04017 and the JFS 04048, "Addendum to a Withholding Order" (effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code) to the obligor.

(E) To the extent possible, the CSEA shall issue a sufficient number of JFS 04047s and JFS 04017s to provide that the aggregate amount withheld or deducted satisfies the amount ordered for support plus any arrears that may be owed by the obligor under any prior orders that pertain to the same child and obligee.

(F) The CSEA may but is not required to supplement the JFS 04047 or JFS 04017 and JFS 04048 with additional notices or court orders as long as the time requirements of paragraphs (A) and (B) of this rule are met and no additional court hearings are required.