



Ohio Administrative Code

Rule 5101:12-50-10 Income withholding or income deduction.

Effective: [October 15, 2018](#)

(A) This rule and its supplemental rules describe the requirements for a child support enforcement agency (CSEA) to implement income withholding or income deduction.

(B) The following definitions apply to this rule and other rules in Chapters 5101:12-50 and 5101:12-55 of the Administrative Code:

(1) "Income" means, pursuant to section 3121.01 of the Revised Code, any form of monetary payment, including personal earnings; workers' compensation payments; unemployment compensation benefits to the extent permitted by, and in accordance with, sections 3121.07 and 4141.284 of the Revised Code, and federal law governing the Ohio department of job and family services; pensions; annuities; allowances; private or governmental retirement benefits; disability or sick pay; insurance proceeds; lottery prize awards; federal, state, or local government benefits to the extent that the benefits can be withheld or deducted under the law governing the benefits; any form of trust fund or endowment; lump sum payments, including a one-time pay supplement of one hundred fifty dollars or more paid under section 124.183 of the Revised Code; and any other payment in money.

(2) "Financial institution" means a bank, savings and loan association, or credit union, or a regulated investment company or mutual fund.

(3) "Payor" means, pursuant to section 3121.01 of the Revised Code, any person or entity that pays or distributes income to an obligor, including an obligor if the obligor is self-employed; an employer; an employer paying an obligor's workers' compensation benefits; the public employees retirement board; the governing entity of a municipal retirement system; the board of trustees of the Ohio police and fire pension fund; the state teachers retirement board; the school employees retirement board; the state highway patrol retirement board; a provider, as defined in section 3305.01 of the Revised Code; the bureau of workers' compensation; or any other person or entity other than the Ohio department of job and family services with respect to unemployment compensation benefits paid pursuant to



Chapter 4141. of the Revised Code.

(4) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

(5) "Protected benefit" means the certain federal benefit payments which are exempt from garnishment from a financial institution account. This includes:

(a) Social security administration benefit payments protected under 42 U.S.C. 407 (10/21/1998) and 42 U.S.C. 1383(d)(1) (11/2/2015);

(b) Veterans affairs benefit payments protected under 38 U.S.C. 5301(a) (12/16/2003);

(c) Railroad retirement board benefit payments protected under 45 U.S.C. 231m(a) (12/29/1995) and 45 U.S.C. 352(e) (1/2/2013); and

(d) Office of personnel management benefit payments protected under 5 U.S.C. 8346 and 5 U.S.C. 8470 (10/13/1978).

(6) "Willfully" means an action taken voluntarily and intentionally with a specific intent to take an action or fail to take an action.

(C) The CSEA shall use the JFS 04047, "Income Withholding for Support" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code), to implement income withholding to collect current support and arrears from a payor.

(D) The CSEA shall use 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), to deduct funds from an account in a financial institution.

(E) The responsibilities of a payor or financial institution in receipt of a JFS 04047 or JFS 04017 can be found in Chapter 3121. of the Revised Code.



(F) When a payor or financial institution fails to comply with any requirement of a JFS 04047 or JFS 04017 issued by a CSEA, the CSEA shall bring an action under section 3121.371 of the Revised Code requesting the court to order the payor or financial institution to comply with the JFS 04047 or JFS 04017. If the payor or financial institution fails to comply with the court's order, such failure is contempt of court.