



## Ohio Administrative Code

### Rule 5101:12-50-12 Lump sum payments.

Effective: February 11, 2019

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(A) This rule describes the responsibilities of a payor and a child support enforcement agency (CSEA) regarding lump sum payments to be made to an obligor by a payor when the obligor is subject to income withholding pursuant to section 3121.03 of the Revised Code.

(B) The following definitions are applicable to this rule:

(1) "Cash out of vacation pay" means income disbursed to an employee in lieu of actual vacation or leave taken. When a payor notifies a CSEA of a lump sum payment that is for a cash out of vacation pay, the CSEA shall proceed in accordance with this rule.

(2) "Lump sum payment" means a supplemental payment that an obligor is receiving or is eligible to receive from a payor who has received an income withholding notice regarding the obligor.

(3) "Obligor" has the same meaning as in rule 5101:12-10-30 of the Administrative Code.

(4) "Payor" has the same meaning as in rule 5101:12-50-10 of the Administrative Code.

(C) In accordance with division (A)(11) of section 3121.037 of the Revised Code, a payor is required to do all of the following:

(1) Notify the CSEA of any lump sum payment of any kind of one hundred fifty dollars or more that is to be made to an obligor for whom the payor has received an income withholding notice regarding the obligor. The payor must notify the CSEA of the lump sum payment:

(a) No later than forty-five days before the lump sum payment is to be made; or

(b) On the date that the payor determines the lump sum payment is due the obligor when that date is less than forty-five days before the payment is to be made.



(2) Hold the lump sum payment for thirty days after the date on which the lump sum payment would otherwise have been paid to the obligor.

(3) Upon receipt of an order from the court or CSEA that issued the support order, pay all or a specified amount of the lump sum payment to the child support payment central (CSPC) within the office of child support.

(a) If the lump sum payment is earnings as defined in section 302(a) of the "Consumer Credit Protection Act," (CCPA), 15 U.S.C. 1672(a)(5/1968), the sum of the amount to be withheld and any fee withheld by the payor as a charge for its services may not exceed the maximum amounts permitted under section 303(b) of the CCPA, 15 U.S.C. 1673(b)(11/1978).

(b) If the lump sum payment is other than earnings, the amount to be withheld is not subject to these limits.

(D) The CSEA shall, upon notification by a payor that a lump sum payment of one hundred fifty dollars or more is to be made to the obligor, determine whether the obligor has any arrears or is in default under the support order.

When an obligor had no existing arrears before the issuance of an income withholding or deduction notice and collections are received as a result of the income withholding or deduction notice in the amount required, the CSEA shall not consider the obligor as having arrears for the purpose of lump sum attachment when periodic temporary arrears are created due to a discrepancy between the payment schedule and the monthly obligation.

(1) When the CSEA determines that the obligor is not in default or has no arrears, the CSEA shall issue the JFS 07726, "Administrative Order for Release or Transmittal of Lump Sum Payment" (effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code) or JFS 07727, "Administrative Order For Release Of Lump Sum Payment" (effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code) requiring the immediate release of the full amount of the lump sum payment to the obligor.



(2) When the CSEA determines that the obligor has arrears or is in default, the CSEA shall issue the JFS 07726 to the payor and issue a copy of the JFS 07726 to the obligor. The CSEA shall require the payor to transmit the least of:

(a) The total arrears;

(b) The amounts allowed by section 303(b) of the CCPA, 15 U.S.C. 1673(b), if applicable; or

(c) The amounts allowed by applicable state or tribal law.

(E) Should the CSEA receive a notice from a payor that a lump sum payment of less than one hundred fifty dollars is to be paid to an obligor who is subject to a court or administrative child support order, the CSEA may take action pursuant to paragraph (D) of this rule.

The CSEA shall document in its handbook of internal procedures when the CSEA will use the optional enforcement technique pertaining to lump sum payments of less than one hundred fifty dollars.

(F) In accordance with section 3121.0311 of the Revised Code, for workers' compensation claims pending or filed on or after June 30, 2006, the administrator of the bureau of workers' compensation or a self-insuring employer is responsible for the deduction of attorney's fees and necessary expenses before notifying the CSEA of the lump sum.

The administrator of the bureau or self-insuring employer is not required to notify the CSEA of the lump sum when, following the deduction of attorney's fees and necessary expenses, the balance is less than one hundred fifty dollars.