



Ohio Administrative Code

Rule 5101:12-50-50 Judicial enforcement actions.

Effective: January 1, 2023

(A) This rule describes judicial enforcement actions that a child support enforcement agency (CSEA) with administrative responsibility is required to or may take in addition to other enforcement actions described in division 5101:12 of the Administrative Code. The enforcement actions described in this rule require the filing of a judicial motion or complaint. The CSEA shall consult with its legal counsel regarding the proper filing of actions described in this rule.

(B) Required judicial enforcement action that the CSEA shall take.

In accordance with section 3123.19 of the Revised Code, if the CSEA determines that an obligor in default under a support order has a claim against another person or is a party in a pending judicial action, the CSEA shall immediately file either a motion to intervene or a creditor's bill with the court in which the action is pending.

(C) Discretionary judicial enforcement actions that the CSEA may take. This paragraph does not preclude a CSEA from taking any additional judicial enforcement actions that may be appropriate, but are not listed in this rule.

(1) In accordance with the provisions of section 2705.031 of the Revised Code, the CSEA may file a contempt action against an obligor for failure to pay support.

(2) In accordance with section 2117.06 of the Revised Code, a CSEA may file a claim against the estate of an obligor who is deceased for the purpose of collecting any arrears that are due under the support order. The claim is to be presented within six months after the obligor's date of death, whether or not the estate is released from administration or an executor or administrator is appointed during that six-month period.

(3) In accordance with section 3123.182 of the Revised Code, a CSEA may file an action for execution on a certified pay-off statement issued by a CSEA.



(4) In accordance with sections 1336.01 to 1336.11 of the Revised Code, the CSEA may bring an action, subject to the limitations in section 1336.08 of the Revised Code, to obtain any relief the circumstances require against an obligor who makes a fraudulent transfer of assets or enters into a fraudulent obligation to avoid paying under the support order. Relief may include invalidation of the transfer or obligation to the extent necessary to satisfy the arrearage.

(5) In accordance with the provisions of rule 65(A) of the Rules of Civil Procedure (7/1/1970) (www.supremecourt.ohio.gov), the CSEA may file a request for a temporary restraining order with the court in which an action described in division 5101:12 of the Administrative Code has been filed if it appears to the CSEA that immediate and irreparable injury, loss or damage will result before the action can be heard.

(6) In accordance with the provisions of Chapter 2329. of the Revised Code, the CSEA may file an action for execution against property owned by an obligor.

(7) The CSEA may take action against a payor who fails to comply with the requirements of an income withholding or deduction notice as described in sections 3121.371 and 3121.381 of the Revised Code.

(8) The CSEA may file an action requesting a court to join the CSEA as a party to an action to enforce a support order.

(9) The CSEA may refer a case to the county prosecutor for possible criminal non-support action under section 2919.21 of the Revised Code.

(10) In accordance with sections 3123.14 and 3123.15 of the Revised Code, when the child support order is terminated for any reason, the obligor is or was in default at any time under the support order, and the obligor owes arrears after the termination of the order, the obligee may submit an application to the CSEA to obtain relief. The CSEA shall commence the appropriate administrative or judicial action within twenty days after completion of such application.

(D) When filing a contempt action in accordance with paragraph (C)(1) of this rule, the CSEA will:



(1) Review the case for information regarding the obligor's ability to pay, or otherwise comply with the order. The review should include, but is not limited to research regarding:

(a) Whether a final and enforceable determination of default has been made against the obligor, as described in rules 5101:12-55-03 to 5101:12-55-03.4 of the Administrative Code;

(b) Whether there is a pending personal bankruptcy action for the obligor;

(c) Whether the obligor has received or is receiving income from a protected benefit, as described in rule 5101:12-50-10 of the Administrative Code, including research in the support enforcement tracking system (SETS) and the state verification exchange system/defense manpower data center (SVES/DMDC);

(d) Whether the obligor had received or is receiving income subject to a withholding or deduction as described in rule 5101:12-50-10.1 of the Administrative Code; and

(e) Any other information that would assist in the determination of the obligor's ability to pay or otherwise comply with the order.

(2) Determine after the review of the case information, if a contempt action is appropriate, and ensure that:

(a) The court is provided with such information regarding the obligor's ability to pay, or otherwise comply with the order, which may assist the court in making a factual determination regarding the obligor's ability to pay the purge amount or comply with the purge conditions; and

(b) Clear notice is provided to the obligor that his or her ability to pay constitutes the critical question in the civil contempt action.