



Ohio Administrative Code Rule 5101:12-80-05.6 Recoupment.

Effective: February 15, 2020

(A) Recoupment is a process that is used to:

- (1) Recover an incorrect disbursement in order to reimburse an entity that covered the fiscal impact of a misapplied payment;
- (2) Refund overpaid child support to an obligor upon termination of a support order, in response to a request from an obligor for the refund or pursuant to an order. "Overpaid child support" has the same meaning as in rule 5101:12-50-20 of the Administrative Code; or
- (3) Recover an internal revenue service (IRS) adjustment in accordance with rule 5101:12-50-32.9 of the Administrative Code.

(B) The child support enforcement agency (CSEA) shall not use the recoupment process to:

- (1) Return to the obligor a payment that allocates to future monthly obligations when there is an ongoing support obligation.
- (2) Recover funds from an obligee that were received due to an incorrect disbursement in order to issue the funds directly to the correct obligee.

(C) When an erroneous payment is the result of a remitter error, the remitter is responsible for resolving the error. When the CSEA elects to assist a remitter, via the recoupment process, in recovering a payment issued as a result of a remitter error, the CSEA shall cover the fiscal impact of the remitter error.

(D) When a CSEA covered the fiscal impact of an incorrect disbursement or a remitter error and funds are recovered, the recovered funds will be issued to the CSEA.



(E) Upon determining that a recoupment is necessary, the CSEA:

(1) Shall submit the JFS 07031, "Recoupment Account Creation Request" (effective or revised effective date as identified in rule 5101:12-80-99 of the Administrative Code), to payment analysis and account reconciliation (PAAR).

(2) Shall issue the JFS 04090, "Notice of Erroneous Payment" (effective or revised effective date as identified in rule 5101:12-80-99 of the Administrative Code), to the person who received the funds, when there is no order requiring the repayment of funds. When a person fails to complete the JFS 04090, the CSEA may recover the funds by filing an action with a court requesting an order for repayment of the amount due.

(3) May issue the JFS 04090 to the obligee when the recoupment is to recover overpaid child support in accordance with rule 5101:12-50-20 of the Administrative Code.

(F) PAAR shall establish a recoupment account when PAAR determines that such an account is necessary, either in response to receiving a JFS 07031 from a CSEA or through PAAR's own research. Upon establishing the recoupment account, PAAR will notify the CSEA that the recoupment account has been established.

(G) A recoupment account shall not be satisfied through the deduction of child support payments unless the obligee has consented to the action via the JFS 04090 or the court has ordered the action.

(H) The CSEA is responsible for the enforcement of the recoupment account. When a person wants to change the terms of an existing JFS 04090, the CSEA shall:

(1) Issue a new JFS 04090 to the person; and

(2) Upon receipt of the new JFS 04090 that has been signed by the person, submit the JFS 07026, "Recoupment Account Maintenance Request" (effective or revised effective date as identified in rule 5101:12-80-99 of the Administrative Code), to PAAR.

(I) Financial corrections shall not be utilized to redirect funds from a case/order combination to a



recoupment account unless there is a misapplied payment.

(J) When a person consents on the JFS 04090 to apply support payments due to the person as an obligee in a case/order combination towards repayment on a recoupment account, the payments will first allocate to the case/order combination before being applied to the recoupment account.

(K) The CSEA shall not use administrative techniques authorized for the purpose of collecting support payments (e.g., income withholding, case establishment in SETS, monetary sub-orders) to enforce a recoupment account.

(L) The CSEA will use the JFS 07026, "Recoupment Account Maintenance Request" (effective or revised effective date as identified in rule 5101:12-80-99 of the Administrative Code), to request that PAAR modify, close, or delete a recoupment account. A recoupment account may only be deleted when the request is received the same day that the recoupment account was established.