



Ohio Administrative Code

Rule 5101:12-80-10 Allocation hierarchy for support collections.

Effective: February 1, 2016

(A) All support collections shall allocate according to the standard hierarchy described in this rule except as follows:

(1) When a support collection is received from unemployment compensation, the collection shall not allocate to spousal support, processing charges, or debt.

(2) When a support collection is received from a state income tax refund offset, the collection shall not allocate to processing charges or debt.

(3) When a support collection is received from a federal income tax refund offset, the collection shall allocate in accordance with rule 5101:12-80-10.1 of the Administrative Code.

(B) Unless otherwise noted, the following definitions are applicable to all rules in Chapter 5101:12-80 of the Administrative Code:

(1) "Accrue" means to add the unpaid portion of the current obligation to any previously accumulated arrears.

(2) "Arrears" means the cumulative amount of any unpaid current obligation, unpaid processing charges, and any other debt owed by the obligor.

(3) "Assigned arrears" means:

(a) Child, past care, or spousal support arrears that are assigned to the Ohio department of job and family services (ODJFS) pursuant to a public assistance assignment.

(b) Child support arrears that are assigned to ODJFS pursuant to a Title IV-E foster care maintenance (FCM) assignment.



(c) Medical support arrears that are assigned to ODJFS pursuant to a medicaid assignment.

(4) "Conditionally assigned arrears" means child, past care, or spousal support arrears that accrued before the child or family received public assistance when the assignment was entered into before October 1, 2009.

(a) "Assigned conditionally assigned arrears" means arrears that accrued before the child or family received public assistance and are temporarily assigned to ODJFS while the child or family currently receives public assistance.

(b) "Unassigned conditionally assigned arrears" means the child or family no longer receives public assistance so the arrears are unassigned unless the collection is from a federal tax refund offset. When the collection is from a federal tax refund offset, the arrears are assigned to ODJFS.

(5) "Current obligation" means the amount the obligor is ordered to pay each month for any of the following:

(a) Current child support.

(b) Current spousal support.

(c) Current cash medical support.

(d) Current ongoing medical support.

Current obligation does not include arrears, debt, processing charges, or other charges.

(6) "Debt," for the purposes of this rule and its supplemental rules, means an amount owed by the obligor for any of the following:

(a) Attorney fees.



(b) Court costs.

(c) Filing fees.

(d) Genetic testing costs.

(e) Interest.

(f) Other fees.

(7) "Determination," for the purposes of this rule and its supplemental rules, means the amount of arrears or other debt has been established by the default process as described in Chapter 5101:12-55 of the Administrative Code, court order(s), or other legally-binding process.

A determination is also referred to as an "adjudication."

(8) "Futures" means support collections received that exceed the current obligation and all ordered payments, arrears, debts and balances.

(a) "Assigned futures" means futures that accrue while the family or child receive public assistance or the child receives FCM benefits.

(b) "Unassigned futures" means futures that accrue while the family is not receiving public assistance and the child is not receiving public assistance or FCM benefits.

(9) "Never assigned arrears" means:

(a) Child, past care, or spousal support arrears that accrue while the child or family does not receive public assistance.

(b) Child support arrears that accrue while the child does not receive FCM benefits.

(c) Unassigned pre-assistance arrears.



(10) "Ordered payment" means a monthly payment obligation based upon a determination.

(11) "Past care support" means an amount a court orders pursuant to division (F) of section 3111.13 of the Revised Code for the obligor to pay for the support of a child for the period of time before the establishment of a child support order.

"Past care support" does not include child support arrears that accrue because of failure to pay or because a support order has an effective date that is before the date the support order is journalized.

(12) "Permanently assigned arrears" means:

(a) Child, past care, or spousal support arrears that accrued before or while the child or family received public assistance, when the public assistance assignment was entered into before October 1, 1997.

(b) Child, past care, or spousal support arrears that accrue while the child or family receives public assistance, when the public assistance assignment is entered into on or after October 1, 1997.

(c) In an FCM case:

(i) Child support arrears that accrue while the child receives FCM benefits; and

(ii) Child support arrears that accrued before the child was receiving FCM benefits that are assignable, as described in rule 5101:12-80-14.2 of the Administrative Code.

(13) "Public assistance," means Ohio works first and aid to families with dependent children benefits.

(14) "Unassigned arrears" means arrears that are not assigned pursuant to a public assistance, FCM, or medicaid assignment.

(a) "Unassigned during assistance arrears" means the amount of permanently assigned arrears that



exceed the URA amount when the child or family stops receiving public assistance.

Unassigned during assistance arrears do not accrue.

(b) "Unassigned pre-assistance arrears" means the amount of previously assigned arrears that accrued before the family or child received public assistance or before the child received FCM benefits and that exceed the URA amount when:

(i) The child or family stops receiving public assistance; or

(ii) The child stops receiving FCM benefits, in accordance with paragraph (D) of rule 5101:12-80-14.2 of the Administrative Code.

Unassigned pre-assistance arrears are converted to never assigned arrears when public assistance or FCM benefits stop.

(15) "Unreimbursed assistance" has the same meaning as in rule 5101:12-80-09 of the Administrative Code.

(C) In accordance with paragraph (A) of this rule, support collections shall allocate:

(1) First to the current obligation in the following order:

(a) Child support;

(b) Spousal support;

(c) Cash medical support;

(d) Ongoing medical support;

(2) Then to ordered payments in the following order:



- (a) Child support arrears;
 - (b) Past care support;
 - (c) Spousal support arrears;
 - (d) Cash medical support arrears;
 - (e) Ongoing medical support arrears;
 - (f) Reimbursement for birth costs ordered to be paid to ODJFS;
 - (g) Reimbursement for medical expenses other than birth costs ordered to be paid to ODJFS;
 - (h) Reimbursement for medical expenses ordered to be paid to an individual other than ODJFS;
- (3) Then to processing charges for the current obligation when the case has an active income withholding notice.
- (4) Then according to the following hierarchy:
- (a) For a case not currently receiving public assistance or FCM benefits:
 - (i) First to never assigned arrears in the following order:
 - (a) Child support;
 - (b) Past care support;
 - (c) Spousal support;
 - (ii) Then to unassigned conditionally assigned arrears in the following order:



(a) Child support;

(b) Past care support;

(c) Spousal support;

(iii) Then to permanently assigned arrears in the following order:

(a) Child support;

(b) Past care support;

(c) Spousal support;

(iv) Then to assigned medical support arrears in the following order:

(a) Cash medical support;

(b) Ongoing medical support;

(c) Reimbursement for birth costs ordered to be paid to ODJFS;

(d) Reimbursement for medical expenses other than birth costs ordered to be paid to ODJFS;

(v) Then to unassigned during assistance arrears in the following order:

(a) Child support;

(b) Past care support;

(c) Spousal support;

(vi) Then to unassigned medical support arrears in the following order:



- (a) Cash medical support;
- (b) Ongoing medical support;
- (c) Reimbursement for medical expenses ordered to be paid to an individual other than ODJFS;
- (b) For a case currently receiving public assistance or FCM benefits:
 - (i) First to permanently assigned arrears in the following order:
 - (a) Child support;
 - (b) Past care support;
 - (c) Spousal support;
 - (ii) Then to assigned conditionally assigned arrears in the following order:
 - (a) Child support;
 - (b) Past care support;
 - (c) Spousal support;
 - (iii) Then to unassigned conditionally assigned arrears in the following order:
 - (a) Child support;
 - (b) Past care support;
 - (c) Spousal support;



(iv) Then to never assigned arrears in the following order:

(a) Child support;

(b) Past care support;

(c) Spousal support;

(v) Then to assigned medical support arrears in the following order:

(a) Cash medical support;

(b) Ongoing medical support;

(c) Reimbursement for birth costs ordered to be paid to ODJFS;

(d) Reimbursement for medical expenses other than birth costs ordered to be paid to ODJFS;

(vi) Then to unassigned during assistance arrears in the following order:

(a) Child support;

(b) Past care support;

(c) Spousal support;

(vii) Then to unassigned medical support arrears in the following order:

(a) Cash medical support;

(b) Ongoing medical support;

(c) Reimbursement for medical expenses ordered to be paid to an individual other than ODJFS;



(5) Then to processing charges for the current obligation when the case does not have an active income withholding notice;

(6) Then to ordered payments on debt in the following order:

(a) Genetic testing fees;

(b) Court costs;

(c) Filing fees;

(d) Attorney fees;

(e) Other fees;

(f) Interest on unassigned arrears;

(g) Interest on assigned arrears;

(h) Interstate processing fees;

(7) Then to processing charge arrears;

(8) Then to debt in the following order:

(a) Genetic testing fees;

(b) Court costs;

(c) Filing fees;

(d) Attorney fees;



- (e) Other fees;
- (f) Interest on unassigned arrears;
- (g) Interest on assigned arrears;
- (h) Interstate processing fees;
- (9) Then any remaining funds shall:
 - (a) Allocate to the current obligation(s) for the future month(s); or
 - (b) Be issued to the obligor when:
 - (i) The current obligation has been terminated or the current obligation is zero but collections continue to be received;
 - (ii) The collection is from an Ohio state income tax refund offset;
 - (iii) The collection is from unemployment compensation; or
 - (iv) The collection is appropriately identified as a lump sum payment.