



May 6, 2019

**Child Support Program Manual Transmittal Letter (CSPMTL) No. 153**

**TO:** All Child Support Program Manual Holders

**FROM:** Kimberly Hall, Director

**SUBJECT:** Five Year Rule Review – Collection and Disbursement Rules

The Office of Child Support (OCS) has proposed the following rules as "**No Change**." The rules have been reviewed in accordance with section 106.031 of the Revised Code, which requires the review of all state agency rules within a five-year period. The effective date of these rules will remain the same as the existing rules.

Rule Number	Rule Title	Effective Date of Rule
5101:12-80-05	Collection and Disbursement  This rule describes the requirement to process and disburse support payments from a single physical location and contains definitions used in this rule and supplementary rules.  This rule is authorized by ORC sections 3121.71 and 3125.25, and amplifies ORC sections 3121.43 and 3121.48.	9/15/2013
5101:12-80-05.2	Date of Collection  This rule describes how the date of collection of a support payment is determined.  This rule is authorized by ORC sections 3121.71 and 3125.25; and amplifies sections 3121.43, and 3121.71	9/15/2013
5101:12-80-05.3	Payment Processing and Disbursement  This rule describes the processes taken to disburse funds and the timeframes required for disbursing support payments.  This rule is authorized by ORC sections 3121.71 and 3125.25, and amplifies ORC sections 3121.43, 3121.50, 3123.81 and 3125.03.	9/15/2013
5101:12-80-05.4	Exception Item Processing and Resolution  This rule describes exception items and actions the office of child support (OCS) and the child support enforcement agencies (CSEAs) are required to take in order to resolve the problems and subsequently disburse payments.  This rule is authorized by ORC sections 3121.71 and 3125.25, and amplifies ORC sections 3121.43, 3121.50, 3123.81 and 3125.03.	9/15/2013

Rule Number	Rule Title	Effective Date of Rule
5101:12-80-05.5	<p>Check Replacement</p> <p>This rule describes the actions the CSEA is required to take when a payee requests replacement of a check disbursed by child support payment central (CSPC).</p> <p>This rule is authorized by ORC sections 3121.71 and 3125.25, and amplifies ORC section 3121.43.</p>	9/15/2013
5101:12-80-05.6	<p>Recoupment</p> <p>This rule describes the purpose and process for establishing and enforcing recoupment accounts.</p> <p>This rule is authorized by ORC sections 3121.71 and 3125.25, and amplifies ORC sections 3121.43 and 3123.822.</p>	9/15/2013
5101:12-80-25	<p>Unclaimed Funds</p> <p>This rule describes the requirements of ORC section 3123.88 for OCS to report unclaimed funds from child support collections to the Ohio Department of Commerce. The statute and the rule do not require any action from the CSEA.</p> <p>This rule is authorized under ORC section 3125.25; and amplifies ORC sections 169.03 and 3125.03.</p>	11/15/2008
5101:12-1-80.4	<p>IV-D Contract Record Retention</p> <p>This rule identifies what is a IV-D record and outlines how long the CSEA and IV-D contractor will retain such records.</p> <p>This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3125.12, 3125.13, 3125.14, and 3125.17.</p>	2/15/2009

OCS has **amended** the following rule:

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-80-05.1	<p>Collection at the Child Support Enforcement Agency</p> <p>This rule describes the requirements of a CSEA that elects to collect support payments, and the requirements regarding bonding employees and following recognized accounting standards. Changes to this rule include: corrected the JFS 07739 form title and revised the effective date of the form.</p> <p>This rule is authorized by ORC sections and 3121.71 and 3125.25, and amplifies ORC sections 117.43, 329.01 and 3125.29.</p>	9/15/2013	6/1/2019

## **INSTRUCTIONS:**

When the CSPMTL is published, the CSPM will be updated as follows:

- A no change rule will continue with the same effective date.
- An amended rule will be inserted and the previous version will be moved to the OAC Archive section of the eManuals

The rules and forms in the CSPM can be accessed at:

<http://emanuals.jfs.ohio.gov/>

Forms can also be accessed on the ODJFS Forms Central InnerWeb page at:

<http://www.odjfs.state.oh.us/forms/inner.asp>

or on the ODJFS Forms Central Internet page at:

<http://www.odjfs.state.oh.us/forms/inter.asp>

## **INSTRUCTIONS for CSEA INTERNAL PROCEDURAL HANDBOOK:**

Paragraph (I)(1) of OAC rule 5101:12-1-01 states that, whenever a program change requires modification of local procedures, the CSEA is required to revise its internal procedural handbook and submit the revision to OCS within thirty days of the revision. The CSEA should carefully review the amended rules contained in this CSPMTL to determine whether they require the CSEA to update its internal procedural handbook.

5101:12-80-05

**Collection and disbursement.**

(A) The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, 110 Stat. 2105, 42 U.S.C. 654b, requires all states to operate a state disbursement unit for the purpose of collecting and disbursing support payments from a single physical location. The state disbursement unit must be integrated with a statewide automated child support system.

(B) In accordance with PRWORA and section 3121.43 of the Revised Code, a payment due under a support order shall be collected and disbursed by the support disbursement unit (SDU) in the office of child support (OCS) within the Ohio department of job and family services. SDU, which is integrated with the support enforcement tracking system (SETS), is divided into two operations:

- (1) Child support payment central (CSPC), which is responsible for collecting and disbursing payments, and
- (2) Payment analysis and account reconciliation (PAAR). PAAR has two sections:
  - (a) Payment analysis, which is responsible for completing financial corrections, establishing recoupment accounts, issuing manual checks, and processing exception items; and
  - (b) Account reconciliation, which is responsible for reconciling the accounts used by SDU in providing support enforcement program services, including return deposit items.

(C) The following definitions apply to Chapter 5101:12-80 of the Administrative Code:

- (1) "Cover the fiscal impact" means to credit the OCS master concentration account with funds from a make-whole account or from a child support enforcement agency (CSEA) in order to disburse a payment to the correct payee.
- (2) "CSEA" means a government entity providing support services to clients within a specified county or counties.
- (3) "CSPC collection accounts" mean the bank, credit union, or savings and loan association accounts that are used by CSPC for depositing collections received at CSPC.
- (4) "Exception item" means a payment that requires additional processing, as described in rule 5101:12-80-05.4 of the Administrative Code, in order to resolve a problem related to the payment.

- (5) "Make-whole accounts" mean the bank, credit union, or savings and loan association accounts that are used to reimburse the OCS master concentration account.
- (6) "OCS master concentration account" means the bank, credit union, or savings and loan association account that OCS maintains in accordance with section 3121.48 of the Revised Code for the deposit of support payments OCS receives as trustee for remittance to the persons entitled to receive the support payments.
- (7) "Post" means to enter a payment in the CSPC automated payment processing system.
- (8) "Posting identifiers" mean the five data elements used to post payments. They are the:
  - (a) SETS case number;
  - (b) Order or recoupment account number;
  - (c) Obligor's social security number;
  - (d) Obligor's name; and
  - (e) Obligee's name.
- (9) "Recoupment account" means a repayment account established by PAAR for the repayment of funds through CSPC.
- (10) "Remitter" means any entity or individual (e.g., obligor, obligee, employer, financial institution, third party) that submits a payment to CSPC or a CSEA.

(D) Payments received by CSPC shall be allocated and disbursed according to division 5101:12 of the Administrative Code.

(E) The CSEA shall establish and maintain an e-mail account to serve as the CSEA's central point of contact with SDU for payment-related issues. The CSEA shall:

- (1) Name the e-mail account in accordance with the format "county name\_financial" (e.g., franklin\_financial);
- (2) Ensure staff are available to monitor the e-mail account; and
- (3) When a response is necessary, reply within one business day of receiving the incoming e-mail from SDU.

(F) The CSEA shall respond to remitter inquiries regarding collection and disbursement. The CSEA shall only direct a remitter to CSPC when:

- (1) The remitter wants to enroll in the electronic payment process, or
- (2) The remitter has placed a stop payment on a check that has been sent to CSPC.

(G) The remitter may contact CSPC if they have questions about payments currently being processed by CSPC that cannot be resolved by the CSEA.

Five Year Review (FYR) Dates: 2/12/2019 and 02/12/2024

**CERTIFIED ELECTRONICALLY**

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**Certification**

02/12/2019

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**Date**

Promulgated Under:	119.03
Statutory Authority:	3125.25, 3121.71
Rule Amplifies:	3121.43, 3121.48
Prior Effective Dates:	10/01/1985 (Emer.), 01/01/1986 (Emer.), 04/01/1986, 11/15/1986, 12/01/1987 (Emer.), 02/29/1988, 06/10/1988, 12/20/1988, 09/01/1989 (Emer.), 11/30/1989, 08/01/1990, 01/01/1991, 04/01/1992, 06/01/1993, 12/01/1994, 06/01/1995, 07/01/1996, 01/01/1998, 04/24/2000 (Emer.), 07/10/2000, 10/15/2001, 05/08/2003, 04/03/2005, 01/15/2008, 09/15/2013

5101:12-80-05.1

**Collection at the child support enforcement agency.**

- (A) In accordance with section 3125.29 of the Revised Code, a child support enforcement agency (CSEA) may collect funds from an obligor who makes a payment in person at the CSEA. When an obligor has more than one support order, the CSEA shall ask the obligor to identify what amounts of the payment to apply to the applicable support orders.
- (B) For the purposes of this rule, the "CSEA depository account" means the bank, credit union, or savings and loan association account used for the sole purpose of transmitting to child support payment central (CSPC) the payments-in-person received by the CSEA.
- (C) A payment mailed to the CSEA by a remitter is not considered a payment-in-person but, instead, is considered a payment misdirected to the CSEA. The CSEA shall forward the misdirected payment and the envelope that contained the misdirected payment to CSPC for processing. The CSEA may mark the date received on the envelope but shall not further mark on the envelope and shall not mark on the misdirected payment.
  - (1) When an obligor fails to include posting instructions with a misdirected payment, the CSEA may attach a separate document to the misdirected payment that includes any posting identifiers known to the CSEA.
  - (2) The CSEA shall record the misdirected payment on the JFS 07739, "Child Support Payment Central (CSPC) Check Traveler" (6/2007 rev. 9/2016), and forward the JFS 07739 to CSPC with the misdirected payment.
- (D) Each CSEA shall notify the office of child support (OCS) of the CSEA's decision to accept or not accept payments-in-person at the CSEA. The notification must be in writing, signed by the CSEA director or administrator, and shall include:
  - (1) The county name;
  - (2) A declaration as to whether the CSEA will accept or not accept payments-in-person; and
  - (3) When a CSEA elects to accept payments-in-person at the CSEA, the notification shall include the:
    - (a) Name and address of the financial institution for the CSEA depository account;
    - (b) CSEA depository account number; and
    - (c) Routing/transit number of the CSEA depository account.

(E) A CSEA that elects to accept payments-in-person shall:

- (1) Maintain a CSEA depository account;
- (2) Collect and post payments using procedures in accordance with this rule and based on generally accepted business and accounting practices as authorized under section 117.43 of the Revised Code;
- (3) Place a notice in clear view in the area where payments are made that notifies an obligor making a payment that payments made in person at the CSEA after twelve noon may be identified as being made on the next business day;
- (4) Ensure adequate funds are available in the CSEA depository account to cover the previous days postings; and
- (5) Collect payments for any obligor with a child support case in Ohio regardless of the county of administrative responsibility. The CSEA will either post a payment or forward the payment to CSPC using the JFS 07739 when a payment is received for a case administered by another Ohio CSEA.

(F) Payment posting.

- (1) When a payment-in-person is received by twelve noon, the CSEA shall post and approve the payment-in-person by two p.m. on the same business day.
- (2) When a payment-in-person is received after twelve noon and by two p.m., the CSEA may post and approve the payment-in-person by two p.m. on the same business day or shall post and approve the payment-in-person by two p.m. on the next business day.
- (3) When a payment-in-person is received after two p.m., the CSEA shall post and approve the payment-in-person by two p.m. on the next business day.

(G) The CSEA employee that collects the payment-in-person or posts the payment-in-person shall not be the CSEA employee that approves the payment-in-person for release to CSPC, unless a waiver has been granted by the office of child support enforcement (OCSE).

To obtain the waiver, the CSEA shall submit a waiver request to OCS. OCS will forward the request to the OCSE regional office and notify the CSEA whether OCSE has granted the waiver.

(H) The CSEA shall ensure that every CSEA employee that has access to or control of payments-in-person collected at the CSEA is covered by a bond against loss

of payments from employee dishonesty. In accordance with section 329.01 of the Revised Code, each bond shall be for an amount determined by the board of county commissioners, with a surety or bonding company authorized to do business in this state, and deposited with and retained by the county treasurer.

Effective: 6/1/2019

Five Year Review (FYR) Dates: 2/13/2019 and 06/01/2024

**CERTIFIED ELECTRONICALLY**

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**Certification**

04/24/2019

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**Date**

Promulgated Under: 119.03  
Statutory Authority: 3125.25, 3121.71  
Rule Amplifies: 117.43, 3125.29, 329.01  
Prior Effective Dates: 10/01/1985 (Emer.), 01/01/1986 (Emer.), 04/01/1986,  
11/15/1986, 12/01/1987 (Emer.), 02/29/1988,  
06/10/1988, 12/20/1988, 09/01/1989 (Emer.),  
11/30/1989, 08/01/1990, 01/01/1991, 04/01/1992,  
06/01/1993, 12/01/1994, 06/01/1995, 07/01/1996,  
01/01/1998, 04/24/2000 (Emer.), 07/10/2000,  
10/15/2001, 05/08/2003, 04/03/2005, 01/15/2008,  
09/15/2013

5101:12-80-05.2

**Date of collection.**

- (A) When a payment is received at the child support enforcement agency, the date of collection is the date the payment is posted and approved in the child support payment central (CSPC) automated payment processing system.
- (B) The date of collection for internal revenue service (IRS) and Ohio department of taxation (ODT) payments is the date the office of child support (OCS) receives the tax offset file from the federal office of child support enforcement (OCSE) or ODT.
- (C) A payment received by CSPC after the financial processing is completed for the day is considered to be received on the next business day.

Five Year Review (FYR) Dates: 2/12/2019 and 02/12/2024

**CERTIFIED ELECTRONICALLY**

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**Certification**

02/12/2019

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**Date**

Promulgated Under:	119.03
Statutory Authority:	3125.25, 3121.71
Rule Amplifies:	3121.43, 3121.71
Prior Effective Dates:	10/01/1985 (Emer.), 01/01/1986 (Emer.), 04/01/1986, 11/15/1986, 12/01/1987 (Emer.), 02/29/1988, 06/10/1988, 12/20/1988, 09/01/1989 (Emer.), 11/30/1989, 08/01/1990, 01/01/1991, 04/01/1992, 06/01/1993, 12/01/1994, 06/01/1995, 07/01/1996, 01/01/1998, 04/24/2000 (Emer.), 07/10/2000, 10/15/2001, 05/08/2003, 04/03/2005, 01/15/2008, 09/15/2013

5101:12-80-05.3

**Payment processing and disbursement.**

(A) Payment processing involves five steps:

- (1) A payment is deposited in a child support payment central (CSPC) collection account and transferred to the office of child support master concentration account.
- (2) The payment is posted when the payment contains at least two of the five posting identifiers, as defined in paragraph (C) of rule 5101:12-80-05 of the Administrative Code.
- (3) The payment is transferred via electronic file from the CSPC automated payment processing system to the support enforcement tracking system (SETS).
- (4) The payment is credited to the corresponding case/order combination or recoupment account in SETS.
- (5) The payment is disbursed.

(B) A payment that is not an exception item shall be disbursed:

- (1) In accordance with rules 5101:12-50-32 to 5101:12-50-32.10 of the Administrative Code, when the payment is a federal income tax refund offset payment;
- (2) Within fifteen days after the end of the month of collection, when the payment is assigned under a Title IV-E foster care maintenance assignment;
- (3) Within two business days after the end of the month of collection, when the payment was assigned pursuant to an Ohio works first assignment during the month of collection, the payment is for the amount of funds retained by the state that exceeds the amount of cash assistance paid to the family, and the payment is disbursed to the family; or
- (4) Within two business days of the date of collection, for any other payment.

Five Year Review (FYR) Dates: 2/12/2019 and 02/12/2024

**CERTIFIED ELECTRONICALLY**

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**Certification**

02/12/2019

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**Date**

Promulgated Under:	119.03
Statutory Authority:	3125.25, 3121.71
Rule Amplifies:	3121.43, 3125.03, 3123.81, 3121.50
Prior Effective Dates:	10/01/1985 (Emer.), 01/01/1986 (Emer.), 04/01/1986, 11/15/1986, 12/01/1987 (Emer.), 02/29/1988, 06/10/1988, 12/20/1988, 09/01/1989 (Emer.), 11/30/1989, 08/01/1990, 01/01/1991, 04/01/1992, 06/01/1993, 12/01/1994, 06/01/1995, 07/01/1996, 01/01/1998, 04/24/2000 (Emer.), 07/10/2000, 10/15/2001, 05/08/2003, 04/03/2005, 01/15/2008, 09/15/2013

5101:12-80-05.4

**Exception item processing and resolution.**

(A) The purpose of this rule is to identify the responsibilities of the office of child support (OCS) and the child support enforcement agency (CSEA) to process an exception item in order to disburse the payment.

(B) Unprocessable payment.

(1) An unprocessable payment is a payment that child support payment central (CSPC) is unable to deposit. An unprocessable payment includes, but is not limited to, a check that is not addressed to CSPC, a mutilated check, and a payment made payable to an entity or individual other than CSPC.

(2) CSPC will research an unprocessable payment for up to three business days. When the payment remains unprocessable after three business days, CSPC will mark "void" on the payment and return the payment to the remitter.

(C) Suspense payment.

(1) A suspense payment is a payment that is deposited by CSPC but is not posted. A suspense payment includes, but is not limited to, funds that are to be refunded to the remitter, a payment that does not contain at least two posting identifiers, and/or a balance remains after the obligations have been correctly posted.

(2) CSPC shall or the CSEA may research a suspense payment. When a payment remains in suspense following CSPC research, CSPC will forward the payment to payment analysis and account reconciliation (PAAR) for continued research and resolution.

(a) When the payment is resolved, the payment is posted.

(b) When the payment remains in suspense after four months and is not a return deposit item, PAAR will return the payment to the remitter. When the remitter is unknown, the payment will be held in suspense indefinitely as a permanently unresolved payment.

(D) Unidentified payment.

(1) An unidentified payment is a payment that has been deposited by CSPC and posted but, because of missing or invalid information, cannot be applied to the correct case/order combination or recoupment account. An unidentified payment will display on the unidentified payment list in the support enforcement tracking system (SETS).

(2) The CSEA shall review the unidentified payment list in SETS each business day in order to research and resolve an unidentified payment. Once an unidentified payment is resolved, the CSEA shall apply the payment to the correct case/order combination or recoupment account in SETS.

(E) Misapplied payment.

(1) A misapplied payment is a payment or a portion of a payment that has been deposited by CSPC, posted, and applied to the wrong case/order combination or recoupment account in SETS. A misapplied payment is the result of:

- (a) A support disbursement unit (SDU) error, which results from a technical processing error or when the payment posted differs from the instructions provided. .
- (b) A CSEA error, which results from a case setup error, a case update delay, an incorrect balance caused by a manual balance adjustment, or when the CSEA provides incorrect posting instructions.

A misapplied payment does not include a remitter error.

(2) The CSEA shall submit through SETS a request to PAAR for a financial correction to resolve a misapplied payment.

(3) PAAR shall complete a financial correction to resolve a misapplied payment when PAAR determines that a financial correction is necessary, either upon receipt of a financial correction request from the CSEA or as a result of research conducted by PAAR. When PAAR denies a financial correction request, PAAR will notify the CSEA of the reason for denial.

(F) Incorrect disbursement.

- (1) An incorrect disbursement occurs when a misapplied payment is disbursed.
- (2) When an incorrect disbursement is identified, funds shall be transferred from a make-whole account to the OCS master concentration account and a payment shall subsequently be disbursed to the correct payee.

If an incorrect disbursement occurs because of a CSEA error the CSEA shall cover the fiscal impact.

(3) When there is an incorrect disbursement due to a CSEA error, the CSEA shall, within one business day of becoming aware of the error, initiate steps to make funds available to reimburse the make-whole account.

- (a) The CSEA shall notify PAAR via e-mail that the process to correct the error has been initiated.
- (b) Within thirty days of the date funds are transferred from the make-whole account to the OCS master concentration account, the CSEA shall reimburse the make-whole account by an amount equal to the amount of funds transferred from the make-whole account. Should the CSEA fail to reimburse the make-whole account within the thirty days, OCS will withhold from the monthly summary accounting report check an amount equal to the amount of funds transferred from the make-whole account.

(G) Return deposit item.

- (1) A return deposit item (RDI) is a payment that has been deposited and is returned unpaid by the payor's financial institution as a result of situations including, but not limited to, a non-sufficient funds check, a check that lacks endorsement, or a check issued from a closed account.
- (2) When CSPC deposits a payment that is subsequently returned unpaid by the remitter's financial institution, CPSC may take action to prevent receiving another RDI from the same remitter. These actions include, but are not limited to, labeling the remitter's account number as a derogatory item, no longer accepting personal or business checks from the remitter, requiring the remitter to make subsequent payments in the form of certified check, money order, or cashiers check, and sending the RDI to the attorney general or a collection agency for recovery.
- (3) When the CSEA has knowledge that the remitter has requested or may request a stop payment on a check issued to CSPC the CSEA shall notify CSPC. If the CSEA fails to notify CSPC of a known stop payment the CSEA shall cover the fiscal impact of the RDI.

Five Year Review (FYR) Dates: 2/12/2019 and 02/12/2024

**CERTIFIED ELECTRONICALLY**

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**Certification**

02/12/2019

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**Date**

Promulgated Under:	119.03
Statutory Authority:	3125.25, 3121.71
Rule Amplifies:	3121.43, 3125.03, 3123.81, 3121.50
Prior Effective Dates:	10/01/1985 (Emer.), 01/01/1986 (Emer.), 04/01/1986, 11/15/1986, 12/01/1987 (Emer.), 02/29/1988, 06/10/1988, 12/20/1988, 09/01/1989 (Emer.), 11/30/1989, 08/01/1990, 01/01/1991, 04/01/1992, 06/01/1993, 12/01/1994, 06/01/1995, 07/01/1996, 01/01/1998, 04/24/2000 (Emer.), 07/10/2000, 10/15/2001, 05/08/2003, 04/03/2005, 01/15/2008, 09/15/2013

5101:12-80-05.5

**Check replacement.**

- (A) This rule describes the process to replace a check issued by child support payment central (CSPC) when the check is lost, stolen, destroyed, or mutilated.
- (B) When the payee requests a replacement check because the original check was mutilated and the payee submits the mutilated check with the request, the child support enforcement agency (CSEA) shall mark "void" on the mutilated check and fax a copy of the JFS 07741, "Child Support Payment Central (CSPC) Check Void Request" (rev. 11/2010) and the mutilated check to CSPC.
- (C) When the payee requests a replacement check because the original check was lost, stolen, or destroyed and the payee does not have the original check, the CSEA shall verify whether the original check has been redeemed. The CSEA shall complete the verification no earlier than fourteen days after the date that the original check was issued.
  - (1) When the original check is not redeemed, the CSEA shall have the payee complete the JFS 04021, "Affidavit for stop payment" (rev. 12/2002), and the JFS 07749, "Child Support Payment Central (CSPC) Stop Payment Request" (rev. 11/2010). The payee shall have the JFS 04021 notarized and shall return the documents to the CSEA and the CSEA shall submit the documents to CSPC.
  - (2) When the original check is redeemed, the CSEA shall notify the payee that the original check has been redeemed and is not eligible for replacement.

Five Year Review (FYR) Dates: 2/12/2019 and 02/12/2024

**CERTIFIED ELECTRONICALLY**

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**Certification**

02/12/2019

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**Date**

Promulgated Under:	119.03
Statutory Authority:	3121.71, 3125.25
Rule Amplifies:	3121.43
Prior Effective Dates:	10/01/1985 (Emer.), 01/01/1986 (Emer.), 04/01/1986, 11/15/1986, 12/01/1987 (Emer.), 02/29/1988, 06/10/1988, 12/20/1988, 09/01/1989 (Emer.), 11/30/1989, 08/01/1990, 01/01/1991, 04/01/1992, 06/01/1993, 12/01/1994, 06/01/1995, 07/01/1996, 01/01/1998, 04/24/2000 (Emer.), 07/10/2000, 10/15/2001, 05/08/2003, 04/03/2005, 01/15/2008, 09/15/2013

5101:12-80-05.6

**Recoupment.**

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

- (1) Refund an erroneous payment to the correct payee. An erroneous payment is a payment or a portion of a payment that was issued in error.
- (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.

(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 that an obligee received due to an incorrect disbursement in order to issue the funds 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 erroneous payment or a remitter error, the CSEA shall retain the recovered funds for reimbursement.

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

- (1) Shall submit the JFS 07031, "Recoupment Account Creation Request" (12/2007), to payment analysis and account reconciliation (PAAR).
- (2) Shall issue the JFS 04090, "Notice of Erroneous Payment" (rev. 04/2007), 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" (12/2007), 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.

When a person consents on the JFS 04090 to apply current support payments due to the person as an obligee in a case/order combination towards repayment on a recoupment account, the payments must first allocate to the case/order combination before disbursing to the recoupment account.

(J) 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.

Five Year Review (FYR) Dates: 2/12/2019 and 02/12/2024

**CERTIFIED ELECTRONICALLY**

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**Certification**

02/12/2019

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**Date**

Promulgated Under:	119.03
Statutory Authority:	3121.71, 3125.25
Rule Amplifies:	3121.43, 3123.822
Prior Effective Dates:	10/01/1985 (Emer.), 01/01/1986 (Emer.), 04/01/1986, 11/15/1986, 12/01/1987 (Emer.), 02/29/1988, 06/10/1988, 12/20/1988, 09/01/1989 (Emer.), 11/30/1989, 08/01/1990, 01/01/1991, 04/01/1992, 06/01/1993, 12/01/1994, 06/01/1995, 07/01/1996, 01/01/1998, 04/24/2000 (Emer.), 07/10/2000, 10/15/2001, 05/08/2003, 04/03/2005, 01/15/2008

5101:12-1-80.4

**IV-D contract record retention.**

(A) The child support enforcement agency (CSEA) and contractor shall retain all IV-D contract records:

- (1) For a period of three years after the final payment is made to the contractor and all matters relating to the IV-D contract are concluded; or
- (2) In accordance with the county records commission in the county in which the CSEA serves, when the county records commission requires a retention period of more than three years.

(B) IV-D contract records include but are not limited to:

- (1) Documents generated as a result of the procurement process, when applicable, including proof of formal advertising and the selection of the contractor;
- (2) A list of potential contractors contacted when the total IV-D contract cost is for an amount that is less than twenty-five thousand dollars or, when the county in which the CSEA serves has a contract threshold requirement that is less than twenty-five thousand dollars, the total IV-D contract cost is for an amount that is less than the local contract threshold requirement;
- (3) All IV-D contract documents;
- (4) Documentation of any attempt to enter into a IV-D contract with the court or law enforcement official;
- (5) Any documentation that the sheriff is unable to provide the resources necessary for service of process in a timely manner when the CSEA attempts to enter into a IV-D contract with a sheriff;
- (6) Any documentation from the sheriff that the sheriff charges other agencies service of process fees;
- (7) Financial records;
- (8) Statistical records;
- (9) Any documents or correspondence, including electronic correspondence, from the office of child support (OCS) or the federal office of child support enforcement regarding the IV-D contract; and
- (10) All other records regarding delivery of services under the IV-D contract.

- (C) When an audit, litigation, or other action involving the IV-D contract is started before the end of the retention period, the CSEA and contractor shall retain the IV-D contract records until all issues are resolved.
- (D) The CSEA and contractor shall make the IV-D contract records available to any authorized governmental representative during reasonable times. A governmental representative includes but is not limited to a representative from the:
  - (1) United States department of health and human services;
  - (2) Comptroller general of the United States;
  - (3) State of Ohio;
  - (4) County auditor; and
  - (5) CSEA.
- (E) The CSEA shall obtain approval from the county records commission before destroying the IV-D contract records.

Five Year Review (FYR) Dates: 2/12/2019 and 02/12/2024

**CERTIFIED ELECTRONICALLY**

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**Certification**

02/12/2019

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**Date**

Promulgated Under:	119.03
Statutory Authority:	3125.25
Rule Amplifies:	3125.12, 3125.13, 3125.14, 3125.17
Prior Effective Dates:	08/01/1975, 08/01/1982, 07/01/1987, 07/01/1987 (Emer.), 08/03/1987, 12/01/1987, 12/01/1987 (Emer.), 02/29/1988, 11/27/1989 (Emer.), 02/19/1990, 04/10/1992, 07/15/1992, 11/01/1993, 07/01/1996, 02/01/1997, 07/01/2002, 01/01/2004, 12/02/2004, 02/15/2009

5101:12-80-25

**Unclaimed funds.**

(A) Support payments collected and distributable by the Ohio department of job and family services office of child support that meet the requirements of this rule shall be reported and remitted to the Ohio department of commerce division of unclaimed funds in accordance with the procedures set forth in section 169.03 of the Revised Code.

(B) For the purposes of this rule, the following assumptions are made:

- (1) In accordance with section 3125.02 of the Revised Code, the office of child support is a person formed under the laws of the state of Ohio.
- (2) In accordance with section 3121.48 of the Revised Code, the office of child support is a holder of money as trustee for remittance of support payments it receives to the person entitled to receive the support payment.
- (3) As trustee pursuant to section 3121.48 of the Revised Code, the office of child support is a fiduciary for the benefit of the person entitled to receive a support payment.
- (4) The person entitled to receive a support payment in accordance with Chapter 3121 of the Revised Code is the owner of the support payment and shall be referred to in this rule and any supplemental rule(s) as the "obligee," as that term is defined in division (B)(3) of section 3119.01 of the Revised Code.

(C) A support payment shown by the records of the office of child support to have been distributable to the obligee shall be considered unclaimed funds three years from the date payable or distributable pursuant to either division (J) or (K) of section 169.02 of the Revised Code.

(D) The division of unclaimed funds in the Ohio department of commerce, and the office of child support in the Ohio department of job and family services shall treat the funds described in paragraph (C) of this rule as unclaimed funds, and in accordance with the provisions of Chapter 169. of the Revised Code.

Five Year Review (FYR) Dates: 2/12/2019 and 02/12/2024

**CERTIFIED ELECTRONICALLY**

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Certification

02/12/2019

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Date

Promulgated Under:	119.03
Statutory Authority:	3125.25
Rule Amplifies:	169.03, 3125.03
Prior Effective Dates:	09/01/1989, 04/01/1992, 12/01/1994, 06/01/1995, 04/24/2000 (Emer.), 07/10/2000, 10/15/2001, 11/08/2004, 11/15/2008