

FREQUENTLY ASKED QUESTIONS

1) How do I report a change of address?

The obligor can call or submit in writing a change of address.

An Obligee must submit their change of address in writing to the Agency to ensure accuracy for delivery of payments.

2) How soon will I receive child support monies from the obligor's pay check?

Wage deduction within Ohio usually takes about 2-4 weeks until the first payment is received by the agency. Out of state deductions can take up to 8 weeks. (The obligor is responsible for direct payments until the wage deduction takes effect.)

3) Who may claim the child for tax purposes?

Please review your court order and/or contact the IRS at 1-800-829-1040, www.irs.gov, or your tax preparer.

4) Can I obtain the past due support from an IRS Tax Refund?

Past due child support monies recovered from IRS Tax refunds are applied to any monies owing to the State first. Monies owing to Ohio as well as any other state would be paid first. Any refund monies left after satisfying State funds would then go to the family.

5) Why was my IRS Refund taken for child support. I always pay current support and an additional amount for the past due support.

Regardless of compliance with the payments, if there are past due monies owing and the case qualifies for Tax Offsetting, the State will intercept the IRS/State Tax Refund monies.

6) FREQUENTLY ASKED QUESTIONS REGARDING ESTABLISHING PATERNITY (Legal Fatherhood)

When is paternity establishment necessary?

Paternity should be established for all children whose parents were not married to each other when the child was born. (The Agency does not offer paternity services when there is a presumption- the man and the child's mother are or have been married to each

other, and the child is born during the marriage or is born within three hundred days after the marriage is terminated by death, annulment, divorce, or dissolution or after the man and the child's mother separate pursuant to a separation agreement.)

What are the benefits of establishing paternity?

Establishing paternity carries numerous advantages:

- Financial assistance from child support collections
- Access to medical insurance benefits and other legal entitlements such as Social Security benefits, disability benefits, inheritance and pension and veterans' benefits
- Provides the child with a sense of identity and family heritage
- Strengthens the social and psychological bonds between a father and his child.
- Completes the child's biological/medical history

Can paternity be established at the hospital?

If you are currently pregnant and unmarried, you can contact the social worker at your prospective hospital for more information concerning paternity establishment at the hospital (post delivery) through completion of the Acknowledgment of Paternity Affidavit. This is the quickest method available for paternity establishment. However, in order to go this route, the baby's father must be willing to cooperate and must sign the affidavit.

How do I request paternity establishment through the Agency?

If you are receiving Ohio Works First (OWF) benefits, the Wayne County Department of Jobs and Family Services will automatically refer your case to the Agency for paternity establishment. If you are not receiving OWF benefits and are interested in pursuing paternity establishment, you can call 330.287.5603 and ask for an appointment for paternity establishment.

How will I be notified when the Agency is ready to proceed with paternity establishment on my case?

After you complete your intake interview and are enrolled for services and the Agency determines that paternity needs to be established, you will receive a Notice and Order to Appear for genetic testing. At the genetic testing, if both parties are 100% sure that the alleged father is the biological father, then parties may request to sign The acknowledgment of Paternity Affidavit and genetic testing will not be completed. Sixty days after the signing of the affidavit, parties can no longer rescind the affidavit and it becomes final.

What happens when I arrive at the Agency on the day of my genetic testing conference?

The conference participants (that's the mother, the child and the alleged father) will be seated in a reception area until called upon by one of the Agency' paternity establishment team.

Can paternity be established at the genetic testing conference?

Yes. At this conference, the mother and the alleged father may both agree to sign the Acknowledgment of Paternity Affidavit. Once this happens, each party has 60 days to reconsider and file a notice to rescind their acknowledgment. If no written objections are received during this 60 day period, the paternity action becomes final. If the parties elect to establish paternity through acknowledgment and the birth certificate on the child has already been filed, there is a section on the paternity affidavit which may be completed to effect a name change for the child.

What happens when either party declines to sign the paternity acknowledgment affidavit?

When one of the parties declines to sign the paternity acknowledgment affidavit, genetic testing will go forward. Genetic testing is a procedure in which tissue samples (a swab used inside the mouth) are taken from the mother, the alleged father and the child. If the genetic tests show a 99% or greater probability that the male is the biological father of the child, then the Agency hearing officer will forward the results to the Court for an order establishing paternity. The Agency will send the genetic test results to you by mail. Genetic test results will not be released to anyone over the telephone.

How is genetic testing done?

The genetic testing process is simple and painless. Sponge-like swabs are rolled across the cheek area on the inside of the mouth to collect buccal cell samples. These samples are then sent to a lab where the DNA material is analyzed. This test will show whether the man who is alleged to be the father is really the biological father of the child.

If I am ordered to undergo genetic testing, who pays for this test?

Genetic testing is paid for by the State of Ohio. The Court may issue an order requiring one of the parties to reimburse the State for the costs of the tests.

How long must I wait before finding out the results of the genetic tests?

Genetic test results are usually available within six weeks.

Will it be necessary to attend any hearing or appear in Court after the administrative paternity order becomes final?

When the order becomes final, the issue of paternity is resolved. A hearing or court appearance on this issue is no longer necessary. However, if the mother and father are not living together with the child as a family, it may be necessary to schedule a hearing so that a child support order can be issued.

When will a child support hearing be scheduled?

The support hearing will not take place until after the administrative paternity order or administrative paternity acknowledgment becomes final. Those who have elected to sign the Acknowledgment of Paternity Affidavit will be notified by mail regarding the date of their support hearing. For those who have been ordered to undergo genetic testing, support hearing notifications will be mailed out along with the results of their genetic tests.

I'm receiving public assistance. How important is it that I attend this administrative paternity conference?

As a recipient of public assistance, you are required to be present at this conference. Failure to participate in the administrative paternity process could result in an Agency imposed sanction and could lead to a reduction in your OWF benefits.

What if one of the parties fails to appear for the administrative paternity hearing?

When one of the parties fails to appear, the administrative paternity procedure will be closed. Once this happens, the only way for paternity to be established is through Court action.

What happens when the administrative paternity procedure is closed?

The file will be forwarded to the Agency's legal department to file a complaint to determine paternity with the Juvenile Court. The Court will schedule a pre-trial.

Do I have the right to appointed counsel to represent me on the complaint to determine paternity if I cannot afford legal representation?

Yes, if you are unable to afford legal representation, you have the right to request appointed counsel to represent you during the proceedings to determine paternity.

What happens at the pre-trial?

The parties may request DNA testing; the alleged father may stipulate to paternity; or the Court will set a hearing on the matter. Visitation may be established if the parties are in agreement, or the parties can request a further hearing on the issue of visitation. Additionally, the Court may set another hearing to determine the issue of child support, or the parties may be ordered to submit financial information to the Agency for an administrative determination of child support.

What happens if the alleged father fails to appear at the pre-trial?

As long as the Court was able to obtain service of process on the alleged father, the matter will be continued and the Agency will file a Motion for Default Judgment. The Court will schedule a hearing on this motion.

Do I have to attend the hearing on the Motion for Default?

Yes. If you are the mother, you will be required to testify as to the conception, birth and paternity of your child. If you are the alleged father, you could lose valuable rights if you fail to appear.

What will happen at the hearing on the Motion for Default Judgment?

- If the alleged father is present, he is given the opportunity to stipulate to paternity or request DNA tests, if such tests have not been conducted.
- If the alleged father is not present, the mother will testify as to the conception, birth and paternity of the child. The Court will then rule, based upon the evidence presented, whether or not the alleged father is the father of the child.
- If the Court finds the alleged father is the father of the child, and an order of child support is requested by the mother or the Agency, the Court may set another hearing to determine the issue of child support, or order both parties to submit financial information to the Agency for an administrative determination of child support.

7) FREQUENTLY ASKED QUESTIONS REQUESTING AN ADMINISTRATIVE MODIFICATION

Who can request an administrative modification of a child support order?

Either party may request that their case be reviewed for modification in the amount of the child support obligation. However, in order to be eligible for this review, you must be enrolled for Title IV-D services and your support order must be at least three years old. If your last support order is less than three years old, we can only perform a review of your case if one of the following criteria has been met (appropriate documentation will be required):

- If either party to the case has experienced a 30% change in income and that change is expected to last or has lasted for at least six months;
- If the obligor was under-employed or unemployed at the time the order was set and now has a full time job;
- If either party has been non-voluntarily unemployed for a period of at least six months;
- If the obligor is permanently disabled and he/she provides medical verification of the disabling condition;
- If the current support award is a deviation from the Child Support Guidelines and the reason for the deviation no longer exists;

- If one or more of the children need to be removed from the order because of emancipation or other reasons;
- If a party has obtained medical insurance pursuant to a court order and the costs of such were not factored into the support level.

What specific situations would make my case ineligible for a modification review?

Any of the following circumstances would make a case ineligible for an modification review:

- Modification of child support is pending before the Court;
- In non IV-D cases when the requester refuses to sign the required IV-D application;
- When the location of the obligor is unknown;
- The child support order was not issued in Wayne County; however, the Agency will assist in obtaining a modification by forwarding the request to the appropriate agency;
- In cases where neither party is a current resident of the State of Ohio.

How do I go about initiating a modification review?

In most situations, administrative modification reviews are initiated upon the request of either party to the case. You may call the Agency and request that the Modification Request Affidavit be sent to you or click on this link to download the REQUEST FOR REVIEW FOR ADJUSTMENT. PLEASE READ THIS FORM VERY CAREFULLY. ONCE YOU UNDERSTAND THE FORM, PLEASE SIGN THE FORM AND HAVE YOUR SIGNATURE NOTARIZED. ALSO, INCLUDE THE PAST 6 MONTHS OF INCOME VERIFICATION FOR THE PERSON THAT HAS HAD THE CHANGE OF INCOME.

Which party does the agency represent during the administrative modification review process?

The hearing officer conducting the review neither represents nor advocates on behalf of either party. The hearing officer' job during this review is simply to recalculate the support amount in accordance with the State' s current childsupport guidelines. It is also important to note here that the hearing officer conducting the review does not have the authority to deviate from Ohio's child support guidelines. If you believe that you have a reason to deviate from the child support guidelines, you must submit your request to the Court.

What are the possible outcomes of the modification review process?

There are three possible outcomes to the modification review process. Your child support order may either increase; decrease; or remain the same. Your Agency hearing officer

will not be able to determine what the outcome of this process will be without first having in hand the required financial information from both parties. Results of the modification review process will not be given out over the telephone to anyone. Both parties to the case will receive written notification of the outcome of this process by mail. Agency recommendations are effective the following month of the review. If there is a need for the effective date to be the same as the change of income date, the Court must be petitioned directly.

Can I stop the process once I've requested a modification review?

Once the request is made, the Agency has no choice but to complete the process.

Do I need to be present at the review?

No. The review is not conducted in the presence of either party. This is actually an independent desk review performed by your Agency hearing officer in the most objective manner possible.

What happens once a modification review is initiated?

The following chain of events is set in motion upon initiation of a modification review:

Both parties to the case will receive information in the mail informing them of the review date. They will be given 45 days to return their financial information to the Agency.

If either of the parties fail to provide the requested information, the Agency can subpoena an employer for wage verification or exercise its option to make a reasonable assumption as to that party's income. The Agency can deny the administrative modification review request if the requesting party does not provide all required documentation.

Once the review has been completed, the Agency's recommendation is sent out to each party. If you disagree with the Agency's findings, you will have 17 days from the date of the findings to object to the recommendation. If the Agency does not receive objections from either party, an entry will be filed with the Court pursuant to the findings and recommendation.

Along with the new entry, the Agency will prepare a notice to the income provider to have the adjusted amount withheld from the obligor's pay, if appropriate. The obligee can expect to see the adjusted amount reflected in his/her child support check approximately four weeks from the filing date on the entry.

If the Agency receives an objection to the recommendation within the 17-day period, an administrative review hearing will be scheduled. Both parties will be notified by mail of this hearing date.

Following this administrative review hearing, the parties have 14 days from the date the written hearing decision is mailed to object to the administrative review hearing officer's findings and recommendations and to request a Court hearing.

If either party requests a Court hearing, the Agency file will be forwarded to the

Court so that a trial date can be set. The Court will notify the parties of the hearing date. The parties will present their evidence to the Court, and the Court will issue a final order.

Can I request an administrative modification review in order to modify my alimony/spousal support order?

The Agency has no authority to modify a spousal support order; temporary orders, nor is the administrative modification review the correct forum to address past-due support payment amounts. The enforcement investigator should be contacted regarding any requests for changes in the past-due support payment amounts.

Parties to a support order may petition the Court directly for a modification of their order.

8) Frequently Asked Legal Questions:

When is my case referred to the legal department?

A case is referred to the legal department when administrative remedies have failed, and the obligor (the person ordered to pay support) fails to comply with a court order. The legal department considers various legal remedies including filing contempt motions, motions to impose, and a charge of felonious non-support of dependants. A case may also be referred to the legal department if a person ordered to repay money received in error, called a recoupment, fails to make payments. The legal department may also initiate proceedings against a payer, such as an employer, if it fails to comply with a withholding order.

If the legal department decides to file a court action, when will I receive a court date?

Court dates are determined by a variety of factors. In certain types of cases, a court will not set a date until obtaining service of process. In other types of cases, the court will set a date when the action is filed. Then, if service of process fails, the case may be continued to allow time to obtain service. a service of process officially notifies the person alleged to have done something wrong that they are being charged with specific conduct, and of the pending court action. The service must furnish reasonable notice to the person of proceedings to give him or her opportunity to appear and be heard. All court dates are set as time is available on the court calendar.

What is a motion?

A motion is a legal document filed with the court for purpose of obtaining a rule or order directing some act to be done.

What is a contempt motion?

When a court has ordered a person to perform some act, and that person fails to comply with the court' order, that person is said to be in contempt of court. A contempt motion sets out the alleged misconduct and requests the court to determine if a person is in

contempt. For example, if a person has been ordered to pay child support, and he or she fails to comply, the Agency may file a motion asking the court to find that person in contempt of the court's order.

What is a motion to impose?

Often, when a person is found to be in contempt of court, the court issues a jail sentence which is suspended upon condition that the person complies with certain requirements. When a person fails to comply with those requirements, the Agency may file a motion to impose, requesting the court to order the person to serve the jail sentence.

What is felonious non-support of dependants? (R.C. ' 299.21)

Felonious non-support of dependants is a criminal action filed against a parent who has abandoned or failed to provide adequate support to a child or children whom he or she is legally obligated to support. If a parent has abandoned or failed to provide adequate support to a child for an accumulated 26 weeks out of 104 consecutive weeks, whether or not the 26 weeks were consecutive, the person is guilty of a fifth degree felony, punishable by a maximum of 12 months in prison and a \$2,500.00 fine for the first offense. If the offender previously has been convicted of or pleaded guilty to a felony violation, a subsequent violation is a felony of the fourth degree, punishable by a maximum of 18 months in prison and a \$5,000.00 fine.

If a motion for contempt or a motion to impose has been filed against me, do I have to appear at the hearing scheduled by the court?

Yes, you must appear, or the court may issue a warrant for your arrest for your failure to appear.

If a motion for contempt or a motion to impose has been filed against me, do I have the right to be represented by counsel?

Yes, because there is the possibility of jail time, you have the right to be represented by counsel. You may hire an attorney, or if you believe that you are indigent, and qualify for appointed counsel, you may request that the court appointed counsel for you. If you believe that you qualify for appointed counsel, you must apply for a public defender or other court-appointed counsel within three business days after receipt of the summons at the Wayne County Court of Common Pleas, in either the domestic relations division or the juvenile division. You may also request that counsel be appointed at the first hearing scheduled on the matter, however, if you have failed to make a good faith effort to contact the court within 3 days as directed, the court may refuse to grant a continuance of the first hearing for the purpose of obtaining counsel.

If I receive notification that a motion has been filed against the other party, do I have to appear at the hearing scheduled by the court?

It is not required that you appear. For example, if you are the obligee (the person who receives the child support payments) and the Agency has filed a contempt motion against obligor (the person ordered to pay support), you do not have to appear. However, you

do have the right to be present, and your testimony may be critical to the case.

The obligor (the person ordered to pay child support) is not complying with the order. Doesn't that prove that he or she is in contempt?

The non-payment of support will certainly be evidence supporting that claim. However, the obligor is not in contempt until the court rules on the contempt motion.

The obligor has already been found in contempt of court in this matter, and he or she still is not paying. Why can't he or she just be arrested and put in jail?

Our judicial system gives the other party the right to present evidence on his or her own behalf. The court will schedule a hearing, and will decide whether or not to impose a jail sentence.

If the court decides that a person is in contempt of court, what are the maximum sentences?

The first contempt is punishable by a jail sentence not to exceed 30 days, a fine of up to \$250.00, or both.

The second contempt is punishable by a jail sentence not to exceed 60 days, a fine of up to \$500.00, or both.

The third contempt is punishable by a jail sentence not to exceed 90 days, a fine of up to \$1,000.00, or both.

If the obligor (the parent ordered to pay child support) is not paying, may the residential parent deny that parent visitation?

No. If there is a court order for visitation, the residential parent may be in contempt of court for denying visitation. Issues of child support and visitation are separate, and denying visitation rights is not a remedy for collecting child support. The Agency does not have the authority to address visitation issues.

If the residential parent denies visitation, may the obligor (the parent ordered to pay child support) stop paying child support?

No. If there is a court order for child support, the obligor may be in contempt of court for failing to pay child support. The law provides remedies if visitation is denied, but the obligor may not withhold the child support payments. The Agency does not have the authority to address visitation issues.



9.) What is the NATIONAL MEDICAL SUPPORT NOTICE (NMSN)?

New federal and state laws have created the National medical Support Notice (NMSN) to help obtain health insurance for child support children.

DEFINITIONS:

Health Plan Administrator is the person at the health insurance agency responsible for processing the National Medical Support Notice (NMSN).

Medical Insurance (MI) Obligee is the party that is not responsible for providing health insurance.

Medical Insurance (MI) obligor is the party that is required to provide health insurance under a medical insurance order.

Medical Insurance (MI) Order is the requirement within a child support order for one or both of the parties to provide health insurance.

HOW IS THE NMSN USED?

The Child Support Enforcement Agency (CSEA) sends the NMSN to the employer of the medical insurance obligor when new or changed employment occurs. The employer must send the NMSN to the health plan administrator within 20 business days, unless the employer does not provide insurance. The health plan administrator will enroll the children 20 business days after receiving the NMSN, unless there is a waiting period or there is more than one health insurance plan option. In those cases, enrollment takes place when the waiting period ends or the plan option is selected.

The NMSN requires the employer to enroll the children in any medical insurance it has available and withhold the premiums from the obligor' paycheck.

When the employer gets the NMSN, they will have to determine whether the amount of

the child support order and the amount of the medical insurance premium, added together, will be more than the percent they are allowed to withhold under the federal Consumer Credit Protection Act. If the insurance and the child support together equal more than this amount your employer will not enroll your child(wren) in medical insurance.

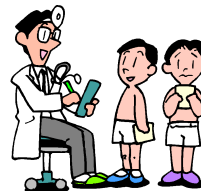
The NMSN will be sent to the employer even if the child(wren) are covered by the MI obligor's current spouse's insurance.

How does the MI obligee receive plan information?

If only one health plan option is or becomes available, the MI obligee will be notified by the health plan administrator of coverage availability. The health plan administrator will furnish the MI obligee with a description and effective date of the plan's coverage, any forms or information necessary to put that coverage into effect, and information on submitting claims for benefits.

If more than one health plan is available, the plan administrator will provide the CSEA with descriptions of all plan options including any additional conditions for coverage and any service area limits. The CSEA will then provide the information to the MI obligee. The MI obligee must notify the CSEA of their plan choice promptly or the child(ren) could be automatically enrolled in a default option. If there is no default option available, the CSEA may make the plan option selection.

NMSEA



NATIONAL MEDICAL SUPPORT ENFORCEMENT ACTIVITY

The Notice of Medical Support Enforcement Activity (NMSEA) is sent to the MI obligor notifying them that the NMSN has been sent to the employer.

OBJECTING TO THE NMSEA

The MI obligor has the right to object to the NMSEA and request an administrative mistake of fact hearing if he/she believes that they are not the person named on the Notice, or if he/she has not been ordered to provide medical insurance. An objection

form is attached to the NMSEA which must be received by the CSEA within 7 business days of the date of the notice.

The CSEA will conduct an administrative mistake of fact hearing. The MI obligor has the right to object to the administrative mistake of fact hearing decision and request a court hearing. An objection form is attached to the administrative mistake of fact hearing decision which must be received by the CSEA within 7 business days of the date of the notice.

10.) How do I find out about payments?

The Payment Information Line-Interactive Voice Response System (IVR) (formerly VRU)

Users call 1-800-860-2555 (toll free) or 1-800-860-0019 (TDD) specifically for IVR. When the connection is made, a brief message will come on explaining the system. The system prompts the caller to select a language (English or Spanish). The user can then either select to hear total balance due information or obtain their county Child Support Enforcement Agency's phone number and address (which they can do at anytime by pressing <8>). To obtain balance information, users must enter their Social Security Number. If the user already has established a PIN, they would be prompted to enter their PIN. If they have not established a PIN, they will be prompted to do so. If the SSN and PIN are found in the system, the user can either proceed to hear balance information, reset a PIN, or exit the system. If the user chooses to hear balance information, a message will be given that tells the caller the county(ies) and the case number(s) linked to that SSN and PIN (the message will repeat once). The caller will then be given the following menu options:

- * Last Payment Information
- * Total Balance Due
- * Select a Different Order

The system has TTY/TDD capability so that hearing impaired persons can easily access their case information.

NOTE: If the users forget or lose their PIN, they can only request a PIN reset by mail or by fax. Phone requests will not be accepted. The request must be signed, dated and accompanied by a copy of both a photo ID and official documentation of the requester's

social security number. A copy of a drivers license can be used if it contains both items. It takes two days from the day the request was received to process the change.

Requests may be Faxed to: Office of Child Support
ATTN: PIN Reset
@ 614-995-7159 or 614-728-5070

Requests by mail need to be addressed as follows:
Ohio Department of Job and Family Services
Office of Child Support
Attn: IVR PIN Reset
30 East Broad Street
Columbus, Ohio 43215

11.) How do I get a lost/destroyed check reissued?

Procedures for Stop Payments/ Reissuing a Lost/or Destroyed Check

1. Payment must be 10 calendar days late from the date of issuance.
2. Contact case worker for an Affidavit of Stop Payment.
3. Return the affidavit signed and notarized to the case worker.
4. The CSEA will contact Columbus to process the Stop Payment.
5. Checks are reissued 2 business days after the stop payment is placed.
(Please note that the cut off time for each business day is 3:00 PM)

If the original check is obtained in the future, the client is to return it to the CSEA. Each CSEA is required to have the Affidavit for Stop Payment completed by any individual requesting a Stop Payment and /or replacement check prior to processing the request. In addition, the affidavit gives the CSEA the authority to retain future child and/or spousal support payments from the client in the event of the redemption of the original check after a replacement check has been issued.