

## **Child Support Frequently Asked Questions (FAQ's)**

### **Establishing Paternity**

**Q. What are the benefits of establishing paternity?**

A. Paternity establishment can provide basic emotional, social and economic ties between a father and his child. Once paternity is legally established, a child gains legal rights and privileges. Among these may be rights to inheritance, rights to the father's medical and life insurance benefits, social security and possibly veterans' benefits. The child also has a chance to develop a relationship with the father, and to develop a sense of identity and connection to the "other half" of his or her family.

**Q. What will the caseworker need to know to try to establish paternity?**

A. The case manager needs as much information as you can possibly give about the alleged father(s) and the facts about your relationship(s), your pregnancy, and the birth of your child. We clearly understand these questions may be very personal and we apologize for prying; however, it is important that we ask them. You may need to provide birth certificates, proof of marriage, or court orders depending on the facts of your case.

**Q. What if a man denies he is the father, or he's not sure?**

A. Paternity can be determined by accurate genetic tests conducted on the man, mother and child. Genetic test results indicate a probability of paternity and can establish a legal presumption of paternity. These tests can exclude a wrongly accused man and can also indicate the likelihood of paternity if he is not excluded. All parties in a contested paternity case must submit to genetic testing at the request of either party.

**Q. What happens if I am not sure who the father is?**

A. The more information that is provided to the CSEA, the better the chances that paternity may be established. When there is more than one alleged father, each man may be required to participate in the genetic test. These tests are highly accurate, and allow to determine who the biological father is and to rule out anyone who is not.

**Q. Who is an alleged father?**

A. An alleged father is a man who is believed to be or believes himself to be the natural father of a child but a final and enforceable determination of paternity regarding that man and child does not exist.

**Q. Who can request paternity establishment services from Marion County CSEA?**

A. Either the child's mother, a man alleged or alleging himself to be the father, the child or child's legal guardian, may request the establishment of paternity through the Marion County CSEA for a child born out of wedlock for which paternity has not been determined.

**Q. How is paternity established?**

A. Paternity can be established in Ohio by completing an "Acknowledgement of Paternity Affidavit", by an Administrative Order based on genetic testing results, or by Court Order.

**Q. When and where is the paternity acknowledgement signed?**

A. When a child is born, designated hospital staff will offer to assist with completing the Paternity Acknowledgement Affidavit as long as both parents agree and are willing to sign stating that a particular man is the father of a child. The hospital will forward the Affidavit to the Central Paternity Registry, free of charge.

If anyone is presumed to be the father or if both parents are not willing to sign the document then the hospital cannot assist with the signing of the Paternity Acknowledgement Affidavit. If a man is "not" the father, he must "not" sign the Affidavit. If the man and woman are married to each other, the Affidavit must "not" be signed. Keep in mind that this is a legally binding document, signed under oath. Please read it very carefully and provide only truthful information.

**Q. Can I change my mind after the Paternity Acknowledgement is signed?**

A. Yes. Either party may change their mind and request the CSEA to "rescind" the Paternity Acknowledgement Affidavit. This can be requested but no later than 60 days after the date of the latest notarized signature and the rescission process must be completed at the Marion County CSEA. After 60 days, an Acknowledgment of Paternity Affidavit is considered to be a final and enforceable determination of paternity.

**Q. How does genetic testing work?**

A. Genetic testing is a quick and painless way to establish paternity. A trained technician will collect the DNA by using the buccal swab (a large cotton swab) method by which a genetic sample will be collected by swabbing the inner facial cheek of the mother, the mother of the

**Q. How long will it take to get the results of my genetic testing?**

A. Generally it takes two to three weeks after the last necessary party is tested for the CSEA to have access to the results. The test results will be mailed to the last known address.

**Q. What is the cost for genetic testing?**

A. If paternity has not already been established there is no cost for genetic testing. If paternity has previously been established by any method, you may be required to pay for testing. Contact the CSEA for further details of your case.

**Q. What will happen when the genetic test results come back?**

A. The state of Ohio requires a finding of 99% or higher to establish paternity. Upon receipt of a genetic test result of 99% or higher the Marion County CSEA will issue an administrative order of paternity and would likely set the case for an administrative child support hearing to establish a child support order.

If the result is returned at 0.00% the Marion County CSEA would issue an administrative order of non-paternity and then close the case for the alleged father.

## **Establishing a Child Support Order**

**Q. How does a child support get established?**

A. Generally, after establishing paternity, the issue of support is considered. A case manager will send out a Notice of an Administrative Hearing to establish a child support order. Each party will be directed to bring to the Hearing, for example, income tax returns, pay check stubs, specific insurance premium documentation, and/or day care cost documentation. A more specific list of requested information will be sent to each party before the Hearing. The Hearing Officer, while completing the Ohio Child Support Guidelines Worksheet, will use the information provided by the parties. If the information is not provided, the Hearing Officer may be required to use available outside sources to obtain employment information.

As long as the parties agree with the results, the Administrative Hearing Officer will prepare the appropriate court documents for your signature and filing.

If the parties disagree with the recommendations, the case will be set for court, at no expense to either party.

NOTE: The CSEA does not have the authority to deviate from the Ohio Child Support Guidelines, to issue any orders with respect to parenting time, visitation or to reallocate the tax exemption for the minor child(ren). You must petition the court for this relief.

**Q. How is the amount of support determined?**

A. The law requires all orders for support to be calculated using the Ohio Child Support Guidelines. The Ohio Child Support Guidelines Worksheet can be found in Ohio Revised Code

3119.01. The Guidelines Worksheet takes into consideration the combined income of both parties, in addition to other variables which would be explained in more detail at the Hearing. The Ohio Child Support Guidelines also have a built-in table, if you will, to determine what the appropriate child support obligation of both parents should be once all the factors are taken into consideration.

**Q. Does the Guidelines Worksheet factor in bills such as rent, mortgage, credit cards, clothing, expenses, etc.?**

A. No, these items are not permitted as deductions on the Ohio Child Support Guidelines Worksheet. Generally, the courts have a greater discretion in deviating from the Ohio Child Support Guidelines, although the Court typically fully supports the Guidelines.

**Enforcing the Support Order**

**Q. What does it mean to be in default of a Child Support Order?**

A. If you owe (or are behind) more than one month's child support, you are in default of your support order. A default Notice will be sent to your last known address. Upon receipt of this notice, if you find that you do not agree with the notice, you may request an administrative hearing, within seven days. If you do not request a Hearing on the matter, a final and enforceable determination of default will be determined with severe consequences. Please read the Default Notice very carefully.

**Q. What Administrative Enforcement measures can the Marion County CSEA take?**

A. If a final and enforceable determination of default has occurred on a case, the Marion County CSEA may utilize any or all of the following administrative enforcement techniques to collect the delinquent support:

- Issuance of a Revised Income Withholding Order (IWO) to your employer to deduct an additional payment toward the arrears at the rate of 20% of the current support amount
- Interception of Federal and State tax refunds, including joint returns
- Reporting delinquent accounts to the Credit Bureau
- Suspending drivers, recreational and professional licenses
- Wanted Posters
- Freezing and seizing bank accounts held in a financial institution through the Financial Data Match Program (FIDM)
- issuing an order to seek work

In addition to these administrative enforcement tools the CSEA may also take judicial action through civil contempt charges or criminal non-support w/ a warrant issued.

**Q. My child is over 18 and the other parent owes me \$15,000 in arrearages or back due support. Will the Marion County CSEA collect this money for me?**

A. Yes, our agency will make various attempts to collect all back child support until paid in full. Different rules apply to court orders from other states. Please contact the CSEA for additional information.

**Q. What if the other party is collecting unemployment compensation. Can child support payments be deducted and sent to me?**

A. Yes, Unemployment compensation benefits can be withheld for child support.

## **Child Support Payments**

**Q. Why is the amount of my last check of the month different or less than usual?**

A. Typically, once an obligor's "current" monthly obligations are met, remaining funds will begin to allocate to administrative fee arrears. Often this means that the custodial parent will get a smaller check at the end of the month when processing fees are deducted.

**Q. As a child support obligor, where do I send my payment?**

A. Obligor's must send their payments to Ohio Child Support Payment Central, PO Box 182372, Columbus, OH 43218.

**Q. Can I still make my payments at the CSEA?**

A. We strongly encourage that you mail your payment to OCSPC (above) to avoid any delay in payment processing.

**Q. Where do I call regarding whether my payments have posted?**

A. Please call the Ohio Office of Child Support voice response unit (VRU) at 1-800-860-2555.

**Q. What if I mistakenly mail my payment to the CSEA instead of Ohio Child Support Payment Central (OCSPC)?**

A. The Marion County CSEA will forward the payment to OCSPC for you. This will cause a delay in the amount of time it takes for your payment to process. If this becomes a regular occurrence our agency will contact you to correct the situation.

**Q. How long does it take for payments to begin once an income withholding order is sent to my employer?**

A. Typically, the process takes 3-4 weeks; however, depends on your employer's payroll schedule. Your employer has 2 weeks to fit the order into their payroll schedule. Once the employer withholds the payment, the employer has 7 days to send the payment to OCSPC. However, most employers will send the money to OCSPC immediately after withholding.

your case, you must pay on your own and send your obligation into OCSPC until you see the money withheld from your check. This will also prevent an ordered payment to arrears and any Tax Offset potential.

**Q. Is there a limit to the amount of money that can be taken from my paycheck for child support?**

A. The amount that can be withheld from an employee's disposable wages is limited by the Federal Consumer Credit Protection Act. The employer may withhold 50% of your disposable income if an obligated parent has a second family and 60% if there is no second family. These limits are each increased by 5% percent (to 55% and 65%) if payments are in arrears for a period equal to 12 weeks or more. This does not relieve you from being responsible for paying your entire child support order. Disposable earnings are typically your gross income minus any mandatory taxes (federal, social security, state, local)

**Q. If I am self-employed, how can I have my payments withheld?**

A. Marion County CSEA can assist with the setup of a direct withdrawal from your bank account.

**Q. How long will it take the payment to process?**

A. OCSPC reports that payments will be processed within 48 hours. Holidays and Month-End processing may cause further delay.

## **Modification (Review & Adjustment) of Child Support**

**Q. When and why should I ask for a review/modification?**

A. A review is typically requested due to the fact that one party may wish for the support order to decrease where the other party may wish for the support order to increase. If you wish to request a review, complete and submit the form, JFS 01849, from our website.

A review may be requested every 36 months from the date the previous order was filed. The State Office of Child Support (OCS) will send notification via mail that your case qualifies for the 36 month review.

You may also request a review prior to the 36 month timeframe when one or more of the fourteen (14) criteria are met that is listed on the JFS 01849.

If a request for a review is made prior to the 36 month timeframe and Marion County CSEA does not receive sufficient evidence supporting the request, the CSEA may deny the request.

**Q. How soon will I know if my request has been approved?**

A. Marion County CSEA will respond within the allotted 15 days from the date that we receive the request. ( The CSEA must respond in three (3) business days when members of the military request a temporary adjustment as a result of being called to active duty )

The CSEA will send notification of the date of the scheduled desk review or a denial notice if the case does not meet the criteria. Each party will be given 45 days to submit the necessary documentation to complete the review. Upon completion, the caseworker will send to both parties the Administrative Review Recommendation.

**Q. Do I need to be present for the Administrative Review?**

A. No. The Administrative Review is a non-oral hearing and will be conducted by the case manager without either party present.

**Q. Do I need to send original documents?**

A. Please return the original Affidavit (JFS 07606); however, you may provide copies of supporting documents.

## Termination of Child Support

**Q. When should my child support order terminate?**

A. Current state law generally provides that child support continues until a child reaches the age of 18 and graduates, whichever occurs last but not to exceed the 19<sup>th</sup> birthday, unless otherwise addressed differently in a Divorce or other Court entry. The support order will also remain in effect beyond age 18 as long as the child is attending an accredited high school on a full-time basis.

**Q. What are other reasons a child support order could terminate?**

A.

- Death of the child
- Marriage of the child
- Deportation of the child
- Emancipation of the child from his/her parents through a Court of Law
- A change in the physical or legal custody of the child
- Child's enlistment in the armed forces

Other appropriate circumstances may exist as approved by the Court.

**Q. How does the CSEA know when to terminate support for the child?**

A. According to Ohio Revised Code 3119.87, the residential parent is required to notify the Marion County CSEA of any reason a child support order should terminate and the non-residential parent may report the change. It is often advantageous for either parent to report the change to avoid any potential overpayment to the other. The termination can be reported by completing the Emancipation Affidavit found on the Marion County CSEA's

The Marion County CSEA also reviews a report each year in an attempt to identify as many cases as we possibly can that may require termination. If a child is graduating from high school, it is recommended that a parent to report it to the CSEA at least two months in advance to help ensure that the case is terminated timely.



**Q. How will I know if a termination is occurring on my case?**

A. Upon notice that a child support order may terminate for a particular child, the CSEA will conduct an investigation. Upon completion of the investigation the CSEA will send both parties an Administrative Termination Recommendation or a Notice of Continuation depending on the results of the investigation. This will be mailed to the last known address.

Parents are encouraged to respond to the Termination Notice or to the Notice of Continuance, issued by the CSEA as soon as possible, if, indeed, either party disagrees with either notice.

**Q. How long does this process take?**

A. Unfortunately, due to the time frames built into the procedure, the termination process can take up to 90 days to complete. The process is complete when the final order is filed with the appropriate court.

**Q. What if the child is adopted?**

A. Provide the Marion County CSEA with any documentation providing proof of adoption. If you do not have access to the documentation, provide as many details of the adoption as you possibly can in order for the CSEA to assist further. Adoption cases are extremely private and not considered public records. The CSEA may not be able to obtain records from the courts due to confidentiality.

This action may very well result in the termination of the current support obligation; however, it does not automatically erase any arrears that may be owed prior to the adoption.

**Q. What if the child support obligor dies?**

A. If the party that pays support (obligor) dies and once the CSEA is made aware and is verified, the current support obligation will terminate upon the date of death. Any delinquent payments may be collected from the obligor's estate, if the CSEA is notified that an estate exists. The person obligated to receive support (obligee) may also want to explore any Social Security death benefits that may be available for the child of the deceased.

**Q. What happens when I still owe money or when I have overpaid my case?**

A. The Administrative Termination Recommendation will address both issues. If arrearages are still owed and the current support order is terminating an arrearage repayment amount will be included within the recommendation and will be ordered to be paid until the arrearage balance is paid in full. Likewise, if the amount of child support has been overpaid, the amount of the overpayment will be included within the recommendation. The obligor would need to contact the CSEA he/she was interested in having the money repaid.

**Q. I received an Order to Escrow, what does this mean?**

A. The Marion County CSEA may utilize the escrow entry, when appropriate. Receipt of an Escrow entry indicates that during the CSEA's initial termination investigation, it was determined that in order to prohibit an overpayment on the case or to prohibit further overpayment on the case.

**Q. What if I do not agree with Administrative Termination Recommendation or the Notice of Continuation?**

A. Both parties have the right to object to the Administrative Termination Recommendation or the Notice of Continuation by submitting to the agency, in writing, within 30 days from the date the Notice was mailed, the reason for requesting the hearing. Upon receipt of such a timely request, the Marion County CSEA will typically schedule an Administrative Hearing. If circumstances of the hearing request is determined to be beyond the scope of the CSEA, your request for Hearing could be scheduled with the Court.

**Q. What happens at the Administrative Hearing?**

A. The Administrative Hearing will be conducted, very informally, by the Marion County Administrative Hearing Officer. Each party will be given an opportunity to speak to their concerns. Each party should bring any evidence to the hearing that they feel may be relevant to the case. The Administrative Hearing Officer will then make a decision and the results will be mailed to both parties within 10 working days.

**Q. What if I do not agree with the Administrative Hearing Decision?**

A. Each party has the right to object to the Administrative Hearing Decision. The objection must be submitted to the Marion County CSEA within 7 days after the latest notice was mailed. Upon receipt of the objection, your case will then be scheduled for a court hearing.

**Q. What happens if the non-requesting party does not return their documentation for the Administrative Review?**

A. Marion County CSEA may be able to obtain income information from governmental data bases so that a fair determination can be made.

**Q. What happens if the requesting party does not return their documentation for the Administrative Review?**

A. Their request for a review will be denied for failing to cooperate.

**Q. What if I do not agree with the Administrative recommendation?**

A. Each party has a right to object to the Administrative recommendation by submitting their objection in writing to their Case Manager within 14 days of receiving the recommendation.

**Q. What should I bring to the Administrative Hearing?**

A. Each party will be given an opportunity to testify to each item on the Child Support Worksheet. Bring any additional information you wish to present to the Hearing Officer. All documents previously submitted will be available also. The Hearing Officer will review all of the evidence and issue a decision, to be sent to both parties.

**Q. What if I do not agree with the Administrative Hearing Decision?**

A. If either party has an objection to the Administrative Hearing Decision, they have the right to request a Court Hearing on the matter. This must be done in writing to the CSEA Hearing Officer.

**Q. How do I know when the Modification is complete?**

A. The Modification is complete when the final order has been filed with the appropriate court. The paperwork you receive during this process will alert you to the various time frames.

**Q. Whose income is considered when calculating child support?**

A. Only the income of the parents is considered when calculating child support. The only exception to this is when both parents are minors, in which the incomes of the grandparents *may* be considered.

**Q. What if one or both of the parties are unemployed at the time the order is being established?**

A. It is likely that if one or both of the parents are unemployed, not receiving unemployment benefits and it is reasonable to believe that both parents are able to work, income may be imputed depending on the facts of the case, for example, the CSEA may use minimum wage income for a 40-hour work week to both parents.

It is also possible that if one or both of the parents are receiving unemployment benefits, the CSEA would use the benefits amount in addition to possibly imputing up to minimum wage.

**Q. Will the Administrative Hearing Officer retroactively order (back date) child support?**

A. Not necessarily. The effective date of an order will either be the first of the month following the month the Motion or Complaint for Child Support was filed or when an existing order is modified from \$0.00, the effective date will be the first of the month following the date certain during an administrative review process.