

## Arrearages: What are they?

A GUIDE TO ADDRESSING FREQUENTLY ASKED QUESTIONS

### SPECIAL POINTS OF INTEREST

What other fact sheets are available from the Ohio CSEA Directors Association?

- Governor's Executive Order, Senate Bill 170
- House Bill 657—Default Determination and the National Medical Support Notice
- Child Support General Information
- Child Support Guidelines
- Paternity Establishment
- Administrative Enforcement Tools
- e-Disbursement
- CSEA Works
- Income Provider
- Terminations

To obtain a copy of a fact sheet or for more information about child support, please contact your local Child Support Enforcement Agency or visit the OCDA website, [www.ocda.us](http://www.ocda.us)

A directory of all county agencies can be found at

[www.jfs.ohio.gov/county/countydir.stm](http://www.jfs.ohio.gov/county/countydir.stm)

### WHILE CHILD SUPPORT COLLECTIONS IN THE STATE OF OHIO ARE AT RECORD LEVELS, THE WORK OF THE CHILD SUPPORT PROGRAM CONTINUES. WHAT IS A CHILD SUPPORT ARREARAGE?

An arrearage is delinquent or past due monies owed for support. It is calculated at the end of the month by comparing the amount of child support that was owed during the month with the amount paid for the month. Any excess payments are applied against previously accumulated arrears or applied to the future. Any shortage is added to any existing arrearages.

An analysis of Ohio cases with child support arrears shows that as of April of 2003, the state of Ohio has about \$2.6 Billion of support arrearages. The national figure is \$70.7 Billion.

Sometimes, arrearages are accumulated due to a retroactive nature of an order. Most times, arrears are accumulated by a failure to pay. If the arrearage is equal or greater than one month

of support obligation, the case is delinquent and many enforcement remedies may be triggered upon issuance of a default notice to the Obligor.



### WHAT IS THE CURRENT COLLECTION ACTIVITY FOR THE STATE OF OHIO?

As reported by the Federal Office of Child Support for FFY2005:

- Total Child Support Collections were just over \$2 billion.
- Ohio has a caseload of over

one million, ranking 3rd in the nation affecting over one million children in Ohio.

- Ohio ranks 2nd in the nation in overall collections disbursed.
- Ohio is 1st in the nation in collections on non-Ohio Works

First cases.

- Tax offsets accounted for over \$114 million in collections.
- More than one million children are served by Ohio's child support program.

### WHY IS AN ANALYSIS OF ARREARAGES IMPORTANT TO CONSIDER?

The statistics point to the importance of the economy and other socioeconomic factors that influence the child support program. The importance of enforcement strategies that include employment assistance is implied. The statistics also suggest the importance of setting child support orders at reason-

able amounts, especially when income is being imputed.

In addition, the statistics suggest the need to consider arrears forgiveness programs for arrearages owed to the government when an obligor is making current support payments or when other conditions are met.

Traditional and punitive measures of enforcement will always be important, but such measures must be accompanied by good policy, customer service and public education

efforts.

The Ohio CSEA Directors' Association supports continued analysis of arrearages in Ohio's child support cases. The analysis is necessary to gain insight into the composition of the child support debt, develop strategies to collect child support and to continue to make use of the tools available for enforcement. It is also important for state policies and practices to help prevent the accumulation of large amounts of debt and to help get the debt paid.





**WHAT IS KNOWN ABOUT THE AMOUNT OF ARREARAGES OWED TO THE GOVERNMENT, AS OPPOSED TO ARREARAGES OWED TO A PARENT OR CARETAKER?**

Of all arrearages in Ohio, 46% is due to the state of Ohio, rather than to families.

Nationally, the government is owed nearly half of all arrearages.

When there is an

arrearage owed to the government, the obligee has participated in a public assistance program.



**WHAT STATISTICS ARE KNOWN ABOUT CHILD SUPPORT ARREARS AND WHAT EFFORTS ARE BEING CONSIDERED TO PREVENT THEM?**

CSEAs and Courts should work to put in place reasonable orders based on realistic incomes and the obligors ability to pay.

CSEAs should work in conjunction with other employment and educational components of ODJFS to assist

obligors in obtaining necessary education and work opportunities to allow them the ability to begin or return to the traditional work force.

Currently, Ohio law does not permit for a child support order to be reduced or suspended automatically upon an

obligors incarceration. Often times, obligors are faced with large arrearages upon release and find it difficult to find employment. These factors contribute towards them entering the underground economy and possibly re-entering the prison system.

**WHAT IS MEANT BY THE PAYMENT HIERARCHY IN THE SUPPORT ENFORCEMENT TRACKING SYSTEM (SETS)?**

SETS adheres to a payment hierarchy, applying payments from the obligor in a specific order. The hierarchy is as follows:

1. Current Support
2. Arrearages owed to a parent or caretaker
3. Arrearages owed to the state

4. Processing charge, the statutorily provided fee of 2% of the monthly order

It is important to keep in mind that the processing charge is paid by the obligor. It sometimes does not appear this way in the eyes of the obligee, as the payments will vary based on the hierarchy, even if

regular payments are made by the obligor. Questions sometimes do arise when the regular weekly amount varies due to processing charge that is being paid.

Obligors who do not report any income through traditional employment owe about 39% of Ohio's arrearages.

**What Party Does the CSEA Attorney Represent?**

The CSEA attorney represents the state of Ohio. No attorney-client relationship exists between the CSEA attorney and any individual party. The CSEA attorneys have the responsibility to review cases for litigation, recommend appropriate legal proceedings, conduct pre-trial negotiation and collection activities, and finalize proceedings and appropriate court orders.

**HOW DO I CONTACT THE OHIO CSEA DIRECTORS ASSOCIATION?**

The OCDA Office can provide you with information on how to contact your county agency, pending legislation and answer general child support questions.

Website  
[www.ocda.us](http://www.ocda.us)

Telephone and Fax Information

Phone: (614) 228-5551  
Fax: (614) 228-5554

Hours of Operation

8:00 a.m. - 4:30 p.m.  
(Monday - Friday)

Mailing Address

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Ohio CSEA Directors Association

Revised 3/07