



SUBJECT: Collection Process for Child Support Orders Against Inmates	PAGE <u> 1 </u> OF <u> 5 </u>
	NUMBER: 24-CAS-06
RULE/CODE REFERENCE: ORC 3121.03; 3123.87	SUPERSEDES: 24-CAS-06 dated 11/23/12
RELATED ACA STANDARDS:	EFFECTIVE DATE: November 22, 2016
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish a standard practice to take deductions from the account of an inmate to pay a court or administrative order for child support including public assistance.

III. APPLICABILITY

This policy applies to inmates who are identified by the Ohio Department of Job and Family Services (DJFS) and/or County Child Support Enforcement Agency (CSEA) as an obligor in default under a child support order and/or who has a dependent child receiving Ohio Works First assistance.

IV. DEFINITIONS

County Agency - A County Child Support Enforcement Agency (CSEA) established under ORC Chapter 3125.

Inmate Earnings - Any inmate compensation received as calculated by the Ohio Penal Industries (OPI) or the Department Offender Tracking System (DOTS) payroll systems or commissions.

Notice - The Order/Notice to Withhold Obligor Income for Child Support form (JFS 04047) issued by a CSEA to deduct inmate income for child support.

Obligee - The person who is entitled to receive the support payments under a support order.

Obligor - Any inmate who is required to pay support under a support order.

Public Assistance - Financial assistance administered by the DJFS or CSEA including Temporary Assistance for Needy Families and Ohio Works First assistance.

Support Order - Any court or administrative order requiring payment of support issued pursuant to ORC Chapters 2151, 3105, 3109, 3111, 3115, 3119, 3121, or 3123.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to facilitate the enforcement of a court or administrative order requiring child support to be deducted from inmate earnings in accordance with Ohio Revised Code sections 3121.08 and 3123.87. The specific deduction requirements will be communicated by a notice (JFS04047). The notice is final and enforceable by the Court.

VI. PROCEDURES

- A. Pursuant to ORC sections 3121.08 and 3123.87, upon the receipt of a court or administrative order requiring child support, DRC shall deduct 25% of an obligor-inmate's earnings for current and/or past-due support of a dependent child, including public assistance obligations (hereinafter referred to as support), and disburse payment to the Ohio Child Support Payment Central (CSPC).
- B. DRC has entered into an agreement with DJFS to facilitate the enforcement of support orders for individuals who are under the custody or supervision of DRC. DRC shall regularly provide DJFS access to information regarding the identity and location of individuals who are under the custody or supervision of DRC.
 1. The county agency (CSEA) shall utilize the offender search capability in DOTS Portal to determine if an inmate-obligor is incarcerated in a DRC facility and shall send the notice directly to the institution in which the inmate-obligor is incarcerated.
 2. If the CSEA cannot determine in which institution an inmate-obligor is incarcerated, the notice shall be sent to the revenue coordinator at the DRC Operation Support Center, Division of Business Administration ("Revenue Coordinator").
- C. The revenue coordinator is responsible for the following tasks:
 1. Receiving notices from CSEA for child support when the CSEA is unable to determine the institution in which the inmate-obligor is incarcerated.
 2. Determining the institution in which the inmate-obligor is incarcerated.
 3. Forwarding notices to the cashier's office at the institution in which the inmate-obligor is incarcerated.
- D. After receiving the notice, the cashier's office shall initiate the deduction of money from the inmate's earnings to pay the child support obligation.

The cashier shall not be responsible for providing the inmate with a copy of the Notice since the CSEA has already provided him/her with a copy. No additional administrative process is required prior to DRC complying with the notice sent by the CSEA since the inmate has been given notice and an opportunity for a hearing in accordance with ORC chapters 3111 and 3121.

E. The cashier's office shall be responsible for the following tasks:

1. Establishing individual ledger accounts for each notice.
2. Making deductions from the inmate's account, on a monthly basis, after earnings have been posted to the cashier system. Deductions for support orders shall be twenty-five percent (25%) of an inmate's earnings or the amount due each month as listed on the notice, whichever is less.
 - a. All amounts remitted to the Ohio Child Support Payment Central (CSPC), P. O. Box 182394, Columbus, OH 43218, shall include the inmate's name, support enforcement tracking system (SETS) case number, social security number, and payment amount.
 - b. One (1) payment may be sent for all inmates paying child support due in Ohio. Payments for child support due outside Ohio should be sent to the appropriate authority.
3. An entry shall be made in the ledger that documents the date, amount, and accumulating total. At any time, an inmate may request a free copy of the ledger (not to exceed three copies per year).
4. Continuing deductions of money from the inmate's account to pay child support until receiving a Notice to Income Provider to Terminate the Withholding of Obligor Income/Assets (JFS 04043) or similar notice from a court. Receipt of that notice immediately terminates deductions from the inmate's account.

Refunds may occur if an inmate has overpaid due to a payment made prior to or after receipt of that notice to terminate. If a check is returned for overpayment, then the amount of the refund shall be posted to the Cashier System as a credit with notification being forwarded to the inmate.

5. Two (2) or more notices to withhold income from an inmate, for the support of different obligees, with monthly payment amounts greater than \$6.00, shall be calculated in the following manner:
 - a. Calculate monthly earnings and multiply by 25% to determine the total deduction. (Total available for support.)
 - b. Determine total amount of each order. (Total orders.)
 - c. Calculate prorating factor. (Total available for support divided by total orders.)
 - d. Multiply each order by the prorating factor. Each order multiplied by the prorating factor is the amount due for that SETS case number. The total amount of all orders should equal the amount in step (a) above.
 - e. Enter the prorated amounts for the appropriate accounts into Cashier System.

The following example illustrates the above calculation when DRC receives two (2) notices from different CSEAs. CSEA (A) forwards a notice to deduct \$50 a month from an inmate's account and CSEA (B) forwards a notice for \$75 a month. The inmate-obligor earns state pay of \$20 a month.

Calculation (a) above will determine the total available for deduction.

$$\text{\$20 multiplied by 25\%} = \text{\$5}$$

Calculation (b) above gives the sum of all orders.

$$\text{\$50} + \text{\$75} = \text{\$125}$$

Calculation (c) above gives the prorating factor.

$$\text{5 divided by 125} = \text{.04}$$

Calculation (d) above gives the individual order disbursement amounts.

$$\text{\$50 multiplied by .04} = \text{\$2}$$

$$\text{\$75 multiplied by .04} = \text{\$3}$$

Thus, CSPC will receive a check for \$5.00 with the breakdown by SETS case number of \$2.00 for CSEA (A) and \$3.00 for CSEA (B).

6. Two (2) or more notices to withhold income from an inmate, for the support of different obligees, with a fixed monthly payment amount less than \$6.00 for one (1) or more notices, shall be calculated and paid in the following manner:
 - a. The notice with the lowest fixed monthly payment amount less than \$6.00 shall be scheduled to be paid first. Additional notices with fixed monthly payment amounts less than \$6.00 shall be scheduled to be paid in order of increasing fixed monthly amounts.
 - b. Notices with fixed monthly payment amounts greater than \$6.00 shall be scheduled to be paid after notices with fixed monthly amounts less than \$6.00.
 - c. If there are notices for the support of two or more different obligees, with fixed monthly payment amounts greater than \$6.00, the amounts shall be pro-rated and paid according to the formula in VI.5 above.
7. If the inmate for whom support deductions are being made is transferred to another institution or facility within the DRC, then the cashier office shall forward the notice to the new institution. The file containing the notice and any related documents shall be maintained in the cashier's office in accordance with the DRC records retention schedule.
8. If the inmate for whom support deductions are being made is released from the custody of the DRC, then the cashier office shall send a notice to the appropriate CSEA advising of the inmate's release and the inmate's last forwarding address, if known. A copy of this notice shall be given to the Division of Parole and Community Services if the offender is released under supervision.

- F. If a Child Support Order is received from an out-of-state enforcement agency, the institution cashier's office or the revenue coordinator shall forward the order to the Interstate Central Registry either by mail to:

Ohio Department of Job and Family Services
Office of Child Support
Interstate Central Registry
P.O. Box 182709
Columbus, Ohio 43218-2709

Or by email to: OHCENREG@ODJFS.STATE.OH.US

- G. If the cashier's office or revenue coordinator receives notice or determines that the inmate-obligor's social security number (SSN) in DOTS Portal does not match the SSN on the Notice, the central record office shall be contacted to determine the cause of the mismatch.
1. If the mismatch is due to an entry error in DOTS Portal from the commitment papers, the central record office shall make the correction in DOTS Portal, and support deductions shall continue.
 2. If the mismatch is not due to an entry error in DOTS Portal from the commitment papers, the central record office shall verify the expected inmate-obligor's date of birth against the Notice and shall also attempt to verify that the dependent child on the notice is on the inmate's visiting list. If the good-faith efforts by the central record office show that the expected inmate-obligor is the obligor on the notice, support deductions shall continue unless the expected inmate-obligor can prove he or she is not the correct obligor.
- H. If any funds are received from a child/spousal support agency, payable to an inmate, those funds shall be posted to the inmate's account as funds exempt from collection for other debts.