

# WAIVER AND COMPROMISE OF CHILD SUPPORT

A GUIDE TO ADDRESSING FREQUENTLY ASKED QUESTIONS

## What is the Waiver and Compromise of Arrearage and How is it Beneficial to Me?

### DEFINITIONS

#### **Permanently Assigned**

**Arrears:** child support, spousal support, past care or medical support arrears that are permanently assigned to the Ohio Department of Job and Family Services, pursuant to an OWF, Medicaid or Title IV-E foster care maintenance assignment.

**Compromise:** a written agreement between a non-custodial parent and a CSEA to reduce permanently assigned arrears by an amount, in exchange for payment(s).

- Lump sum compromise: a non-custodial parent makes a lump sum payment of a specified amount in exchange for CSEA reducing the permanently assigned arrears by a specified amount.
- Installment plan compromise: a non-custodial parent pays a monthly support amount for a specific time period, and in exchange, CSEA reduces the permanently assigned arrears by a specified amount.

**Waiver:** a written agreement between a non-custodial parent and a CSEA to reduce permanently assigned arrears to an amount certain, including zero dollars, without requiring a payment in exchange by the non-custodial parent. Waiver of permanently assigned arrears is not available to a non-custodial parent with a current obligation on the case.

The purpose of the Arrears Waiver and Compromise is to encourage and promote regular child support payments. Often times, non-custodial parents can become overwhelmed by the amount of child support arrears they owe and feel there is no chance for success in paying off this debt.

When an Arrears Waiver or Compromise agreement is entered into, non-custodial parents are given an opportunity to have a portion of their arrears adjusted. The non-custodial parent benefits by seeing a reduction in the amount they owe. In compromise agreements, the custodi-

al parent benefits by seeing consistent and timely child support payments. Often times, excessive child support arrears may keep a non-custodial parent from maintaining a father-child relationship. When regular payments are received, statistics show that this relationship improves. In the end, everyone benefits.

## What Arrears Can be Waived or Compromised?

Child support arrears owed to a custodial parent may be waived or compromised by that parent. Similarly, spousal support arrears owed to a former spouse may also be waived or compromised by the ex-spouse.

Permanently assigned arrears may be waived or compromised by a child support enforcement agency and the Ohio Department of Job and Family Services. Permanently assigned arrears include child support, spousal sup-

port and medical support assigned to the State of Ohio or another state, based on an assignment of support.

To determine what type of arrears you owe, please contact your CSEA.

## What is the Process for Waiver and Compromise?

When a non-custodial parent submits a written request for waiver or compromise to the CSEA, the CSEA will complete a "Determination Regarding Notification for a Waiver or Compromise of Permanently Assigned Arrears". CSEA will review any documentation provided by the non-custodial parent. If the pending negotiation is for a waiver

or compromise of \$5,000 or more, CSEA is required to forward this request to the State Office of Child Support for determination.

Once the determination is made, the non-custodial parent will be notified, in writing, of the decision. If the non-custodial parent's request is denied, the CSEA will

issue a notice to the non-custodial parent of the denial and the reason for the denial. If the request is approved, it will be journalized in an Agreed Entry, including the terms and conditions of the waiver or compromise and the amount(s).



## **Is a Waiver or Compromise Final?**

Yes, unless a non-custodial parent fails to comply with the terms and conditions in the Agreed Entry; is believed to have acted with intent to defraud the CSEA by furnishing false information or con-

cealing assets; or there is a mutual mistake of material fact. If any of these situations occur, the Agreed Entry may be set aside and the arrears reinstated.



## **Is the Waiver or Compromise of Permanently Assigned Arrears Mandatory?**

Pursuant to OAC 5101:12-60-70, a child support enforcement agency (CSEA) may elect to establish a procedure for negotiating the waiver or compromise of perma-

nently assigned arrears. CSEAs are not required to have this procedure in place.

If a CSEA chooses to have a procedure for waiver or

compromise, this does not guarantee that a waiver or compromise will be approved on any particular case.

## **Is the Custodial Parent's Approval Required?**

If the waiver or compromise involves permanently assigned arrears, the custodial parent's approval is not required. Permanently assigned arrears are child support, spousal

support, past care or medical support that are permanently assigned to the State of Ohio, due to receipt of certain types of state assistance. A custodial parent

would have to approve the waiver or compromise of any arrears that are due to them.

## **How Can I Initiate a Request for the Waiver or Compromise of Support?**

A non-custodial parent may initiate a request for waiver or compromise of permanently assigned arrears by submitting a written request to the CSEA. A CSEA may require

that the non-custodial parent provide financial records or other relevant documents to demonstrate past, present and/or future financial hard-

ship. No non-custodial parent has a right, either explicit or implied, to require a CSEA or ODJFS to waive or compromise permanently assigned arrears.

### **IMPORTANT**

- Not every county agency has a Waiver and Compromise procedure in place at this time. You should contact your county CSEA to see if this is available.
- Ohio does not have the authority to negotiate a waiver or compromise on arrears assigned to another state without first receiving authorization from the state to whom the arrears are owed.
- The CSEA is permitted to allow only one waiver per case. There is no limit to the number of compromises that can be made on a case.
- If a request for waiver or compromise is denied, the decision is final. The non-custodial parent does not have appeal rights with regard to the denial.
- Time frames may vary county to county for the waiver and compromise process. Please contact your CSEA for more information.

