

Judicial Enforcement Tools

A GUIDE TO ADDRESSING FREQUENTLY ASKED QUESTIONS



Sherri Bevan Walsh
Prosecuting Attorney
Summit County, Ohio

Commonly Asked Questions

How long will it take for judicial services if we work with another state?

This varies depending on what action is necessary. If a request is made to another state for enforcement of an order, it may take several months up to a year to get this case into court, if legal action is required. Your local CSEA will closely monitor the status of their request for action to assure timely action is taken.

How will a bankruptcy filing affect the enforcement of my order?

Although the Obligor may file bankruptcy, this does not excuse his/her child support obligation including arrears. Enforcement can begin once the bankruptcy action has been discharged through the court.

*Children deserve the
love and support of
both parents.*

What judicial enforcement tools are available to enforce my court order?

Judicial Enforcement Tools

- Motion to Show Cause / Contempt
- Misdemeanor Criminal Non-Support
- Felony Non-Support
- Liens, Attachments, Executions
- Lump Sum Actions



There are both administrative and judicial enforcement tools available to CSEA staff. Agency attorneys and staff initiate and conduct the above referenced actions. In addition, 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. The CSEA Attorney represents the state of Ohio; therefore no attorney-client relationship exists between the attorney and any individual party.

What is a Motion to Show Cause?

A Motion to Show Cause is a contempt charge filed in court when an Obligor fails to pay their monthly obligation for child support.

Basic Requirements:

Obligor must be at least 60 days in default (must owe at least two month's obligation) and CSEA is unable to locate any valid employment or attachable income source for the Obligor.

Process:

- Obligees requests enforcement on his/her case.
- CSEA begins enforcement process by attempting to locate employment and sending Obligor a warning letter.
- Positive address verification of the obligor is a requirement for the Motion process to be completed.
- Obligees completes a Contempt Questionnaire.
- Amount due on Support Order is calculated.
- Motion packet is completed and forwarded to Prosecutor for filing in court.
- Obligees is notified via mail of hearing date, time and location.

The process is relatively the same in both Domestic and Juvenile Courts. The time frame varies depending on the availability of the court dockets.

What happens after the Motion to Show Cause Hearing?

If the Obligor was found in contempt during the Motion to Show Cause hearing, the case is monitored by CSEA to see if the Obligor has fulfilled the requirements set by the court. The Obligor must be in compliance at the time the case is reviewed by the court. If the Obligor is still not in compliance, an arrest warrant may be issued for the Obligor or if the obligor appears at the purge hearing the suspended sentence may be imposed.

Criminal Non-Support

Summit County Prosecutor Sherri Bevan Walsh takes the enforcement of child support very seriously. Since 2001, through indictments and mediation, Summit County CSEA's Criminal Non-Support (CNS) Unit has collected over \$13 million. The CNS Program is a proven means of collecting child support arrearages.

Indictment Criteria

To be considered for possible indictment on criminal non support charges, an absent parent (AP) must meet the following criteria:

- Application for services on file for custodial parent (CP);
- CSEA has exhausted other enforcement tools (advance notice of default, income withholding, lien, driver's license suspension, tax offset, bank account attachment and contempt of court citation) unless special circumstances exist;
- Absent Parent has (26) weeks, or more, of non-payment within a (104) week period;
- Custodial Parent has completed a Criminal Non-Support Questionnaire;
- Absent Parent has a legal obligation to support the child;
- Child Support Arrears total \$5000.00 or more, unless special circumstances exist.

If the case meets the above criteria, then it is prepared for the Grand Jury. Upon presentation of the case, it will be either accepted or rejected. If accepted, an arraignment will then be scheduled, usually within three weeks in Common Pleas Court and the hearing process will take place.

Most Wanted Listing

Summit County CSEA now has two Most Wanted databases, one represents individuals who have active felony non support warrants issued by Common Pleas Court and the other with active capiases issued by Domestic Relations Court. To access the online databases, visit our website at <http://www.co.summit.oh.us/prosecutor/crimnonsupp.htm>.

Child Support's Most Wanted

Summit County CSEA and the Ohio Department of Jobs and Family Services each publish Most Wanted Posters on a regular basis. The publishing of Child Support "Most Wanted" Posters was through an initiative established by Senate Bill 10. The goal of the poster is to locate non-residential parents whose whereabouts are unknown and who are seriously negligent in paying child support. Past posters may be viewed by clicking on the appropriate link at <http://www.co.summit.oh.us/prosecutor/crimnonsupp.htm>.

If you recognize someone on the posters, please contact the Summit County CSEA at (800) 726-2765 or, for a possible reward, contact Crimestoppers at (330) 434-2677 or <http://www.summitcrimestoppers.org>.

What is a Lump Sum?

A lump sum payment is any payment to an employee in excess of \$150 that is not part of regularly scheduled wages. Examples of lump sum payments include employee buyout packages, profit-sharing payments, or incentives and bonuses. Lump sum payments may also include unpaid leave at the end of an employee's tenure at work.

Ohio law requires an employer to notify the county CSEA 45 days prior to the date payment is made, or as soon as the decision is made to make the payments, should that be less than 45 days. The employer should then hold the payment for 30 days after the intended payment date. This allows CSEA adequate time to determine if any portion of that lump sum payment should be applied to the child support order. Once a determination is made, CSEA or the court will issue an order for the amount that is owed as child support. The ordered payment amount is then sent to CSPC. All lump sum payments should include the words "lump sum" on the remittance document to ensure that the payment is applied to the case properly. If remitting payments electronically, the employer should contact CSPC at (888) 965-2676 or CSPCEFT@acs-inc.com and provide the list of lump sum payments prior to remittance.

SUMMIT COUNTY PROSECUTOR'S OFFICE CHILD SUPPORT ENFORCEMENT AGENCY CRIMINAL NON-SUPPORT PROGRAM 2001 - 2007	
	TOTAL
INDICTMENTS	2,351
CONVICTIONS	1,940
DISMISSALS	204
ARRESTS	2,220
WARRANTS	1,394
SUPPORT OWED	\$44,761,651.32
SUPPORT COLLECTED	\$12,846,195.70

WANTED

For Failure to Pay CHILD SUPPORT in Summit County

<p>Darnell Brown Owes his child \$23,241.00</p> <p><small>Last Known Address: 717 Longview Akron, OH 44307</small></p>	<p>Richard Carter Owes his children \$25,359.02</p> <p><small>Last Known Address: 6561 Towline Drive Canal Fulton, OH 44614</small></p>	<p>Denise Dowdy Owes her children \$12,768.35</p> <p><small>Last Known Address: 1279 Brittain Rd. Akron, OH 44310</small></p>	<p>Roy Murphy Owes his child \$9,741.61</p> <p><small>Last Known Address: 900 Lawton Akron, OH 44320</small></p>
<p>Scott Brown Owes his children \$15,324.64</p> <p><small>Last Known Address: 5920 Wells Court Mullins, SC 29574</small></p>	<p>Amos Coleman Owes his children \$47,796.80</p> <p><small>Last Known Address: 1071 Pine St. NE, Apt 105 Coryors, GA 30012</small></p>	<p>Christian Gionti Owes his child \$11,335.49</p> <p><small>Last Known Address: 279 Merriman Rd. Akron, OH 44303</small></p>	<p>Sam Strickler Owes his children \$24,086.90</p> <p><small>Last Known Address: 26 S. Huron Columbus, OH 43204</small></p>
<p>David Calihan Owes his child \$51,061.42</p> <p><small>Last Known Address: 1252 Stratford St. Barberton, OH 44203</small></p>	<p>Kitty Davenport Owes her children \$8,177.46</p> <p><small>Last Known Address: 15553 Portage St. Doylestown, OH 44230</small></p>	<p>David Kennedy Owes his child \$19,349.87</p> <p><small>Last Known Address: 7025 Mooncrest Drive Cleveland, OH 44129</small></p>	<p>Sara Smith Owes her children \$16,281.76</p> <p><small>Last Known Address: 19 Young Ave. Medina, OH 44256</small></p>

REPORT A CRIME
RECEIVE A REWARD
REMAIN ANONYMOUS

CALL (330) 434-2677

Summit County Crimestoppers Inc. www.summitcrimestoppers.org

These parents have felony Criminal Non-Support warrants on file. If you can assist in locating any of these individuals, call the office of:
Sherri Bevan Walsh, Summit County Prosecutor
1-800-726-2765

Visit the Summit County Prosecutor's Office/Child Support Enforcement Agency online at <http://www.co.summit.oh.us/prosecutor/childsupp.htm>