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

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