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In January 2001, the Summit County Prosecutor's Office embarked on an extremely aggressive approach for the enforcement of child support orders by utilizing Ohio Revised Code section 2919.21 as the ultimate child support enforcement tool. Prosecutor Sherri Bevan Walsh dramatically strengthened the existing Criminal Non-Support (CNS) Unit with the appointment of two full-time prosecutors. These two prosecutors are responsible for the prosecution of all the Summit County Child Support Enforcement Agency's (CSEA) criminal non-support cases throughout all phases of the criminal justice process.

The Criminal Non-Support Unit is responsible for enforcing ORC section 2919.21(A)(2) and (B). According to this section, it is a criminal offense to either "fail to provide adequate support to [one's] child who is under age eighteen, or a mentally or physically handicapped child who is under age twenty-one," or to "fail to provide support as established by a court order to another person whom, by court order or decree, the person is legally obligated to support." Under this law, failure to provide support "for a total accumulated period of twenty-six weeks out of one hundred four consecutive weeks, whether or not the twenty-six weeks were consecutive...is a felony of the fifth degree."

The CNS Unit indicts parents not paying support as a last resort based on the following criteria:

- There must be an active application for child support services on file;
- CSEA must exhaust all 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;

- The Absent Parent has not paid for 26 weeks or more within a 104 week period;
- The Custodial Parent must complete a Criminal Non-Support Questionnaire;
- The Absent Parent has a legal obligation to support the child;
- Past due child support totals \$5,000 or more, unless special circumstances exist.

The CNS Unit has a legal research analyst, two caseworkers and a victim's advocate who assist the prosecutors in identifying and preparing non-support cases for criminal prosecution, monitor payments of individuals on probation for criminal non-support and assist victims in understanding the legal process. Additionally, the CNS Unit has two full-time investigators who assist prosecutors in trial preparation and the arrest of individuals with outstanding felony warrants for criminal non-support.

### **CNS 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 must be on file.
- AP cannot currently be incarcerated.
- AP has 26 weeks or more of non-payment of child support within a 104 week period.
- At least one child must be unemancipated.
- Summit County order (or other state's registered order).
- Child support arrears totaling \$5,000 or more, unless special circumstances exist.

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The results of Prosecutor Walsh's aggressive approach to the indictment and apprehension of Absent Parents who do not pay their child support has led to the indictment of over 2,900 individuals and the collection of over \$20 million since 2001. The aggressive prosecution of parents not paying support has also increased the likelihood that an Absent Parent will begin paying to avoid a felony indictment for criminal non-support and to avoid going to jail or possibly prison.