



December 3, 2021

Child Support Program Manual Transmittal Letter (CSPMTL) No. 173-A

TO: All Child Support Program Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Five Year Rule Review – FIDM Rules

The Office of Child Support (OCS) is conducting a rule review in accordance with section 106.031 of the Revised Code, which requires the review of all state agency rules within a five-year period.

OCS has proposed the following rule as **no change**. The effective date of the rule remains the same as the existing rule.

Rule Number	Rule Title	Effective Date of Rule
5101:12-55-10.2	Administrative and court hearings for ownership interest in an account	2/11/2019
	This rule describes the administrative hearing procedures that the child support enforcement agency (CSEA) is required to follow as well as the court process when the joint account owner requests an administrative or court hearing.	
	This rule is authorized by ORC section 3125.25 and amplifies ORC sections 3123.29, 3123.30, 3123.31, 3123.32, 3123.33, 3123.34, 3123.35, and 3123.36.	

OCS has **amended** the following rules:

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-55-10.1	Investigation of an account, imposing an access restriction, and releasing an access restriction	2/11/2019	12/15/2021
	<b>This rule has been refiled with JCARR; this action is needed to remove reference to JFS 04018, which is being obsoleted.</b>		
	This rule describes the procedures that the CSEA is required to follow when it investigates an account, imposes an access restriction, or releases an access restriction. Changes from the existing include: clarified the language in paragraphs (D) and (E), and removed the reference to JFS 04018 from the rule as it is no longer needed.		
	This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3123.25, 3123.26, and 3123.27.		

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-55-10.3	Issuing a withdrawal directive	2/11/2019	11/01/2021
	<p>This rule describes the procedures that the CSEA is required to follow when it issues a withdrawal directive to a financial institution. Changes from the existing rule include: added new language in paragraphs (B) and (C) requiring the CSEA to issue the JFS 04046; gives directions for the CSEAs to collaborate when the obligor has multiple cases with multiple CSEAs, and specify the responsibility of each CSEA.</p> <p>This rule is authorized by ORC section 3125.25 and amplifies ORC sections 3123.28, 3123.32, 3123.36, and 3123.37.</p>		
5101:12-55-20.1	Lien levy and execution	2/11/2019	11/01/2021
	<p>This rule describes the process that the CSEA shall use when it decides to execute on a lien on personal or real property of an obligor that has been asserted by the CSEA in accordance with rule 5101:12-55-20 of the Administrative Code. Changes from the existing rule include: corrected the reference to federal form (OMB 0970-0152), and removed the link to the federal form as it's not needed.</p> <p>This rule is authorized by ORC section 3125.25 and amplifies ORC sections 3123.71, 3123.72, 3123.73, 3123.74, 3123.75, 3123.76, and 3123.78.</p>		
5101:12-55-99	Chapter 5101:12-55 forms - enforcement of the support order based on finding of default	2/11/2019	11/01/2021
	<p>This rule contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-55 of the Administrative Code. The rule is being revised to list a new required form JFS 04046.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03 and 3125.25.</p>		

OCS is **adopting** the following form:

Form	Form Title	Effective Date
JFS 04046	Financial Institution Account Withdrawal Directive For Obligor's With Multiple Cases	11/2021
	<p>This is a new form that was created to address the circumstance when an obligor has multiple cases with multiple CSEAs. The CSEA is required to issue to the financial institution and to the obligor when it intends to withdraw from the obligor's account. The form gives instructions and specifies the amount to withdraw and where to forward the funds to.</p>	

OCS is **obsoleting** the following form:

Form	Form Title	Effective Date
JFS 04018	Notice of Right to Garnish Federal Benefits	11/2021
	<p>The form is being obsolete as it is no longer needed.</p>	

## INSTRUCTIONS:

When the CSPMTL is published, the CSPM will be updated as follows:

- A no change rule will continue with the same effective date,

- An amended rule will be inserted, and the previous version will be moved to the OAC Archive section of the eManuals,
- A new form will be posted,
- An obsolete form will be removed from Forms Central

The rules and forms in the CSPM can be accessed at: <http://emanuals.jfs.ohio.gov/>

Forms can also be accessed on the ODJFS Forms Central InnerWeb page at:  
<http://www.odjfs.state.oh.us/forms/inner.asp>

or on the ODJFS Forms Central Internet page at:  
<http://www.odjfs.state.oh.us/forms/inter.asp>

**INSTRUCTIONS for CSEA INTERNAL PROCEDURAL HANDBOOK:**

Paragraph (I)(1) of OAC rule 5101:12-1-01 states that, whenever a program change requires modification of local procedures, the CSEA is required to revise its internal procedural handbook and submit the revision to OCS within thirty days of the revision. The CSEA should carefully review the amended rules contained in this CSPMTL to determine whether they require the CSEA to update its internal procedural handbook.

5101:12-55-10.1      **Investigation of an account, imposing an access restriction, and releasing an access restriction.**

- (A) Child support enforcement agency (CSEA) investigation upon notice or discovery of an account in a financial institution.

In accordance with sections 3123.25 and 3123.27 of the Revised Code, when the CSEA elects to utilize the financial institution data match (FIDM) program to enforce a support order, the CSEA shall:

- (1) Verify that a final and enforceable determination of default has been made against the obligor, as described in rules 5101:12-55-03 to 5101:12-55-03.4 of the Administrative Code. For purposes of the FIDM program, a JFS 04049, "Notice to Obligor of Default and Potential Action" (rev. 08/1999, 10/2001, 04/2003, 05/2005, ~~08/2010~~, or 2019), must have been issued on or after August 17, 1999;
- (2) Verify that the obligor has not filed for bankruptcy protection. When the CSEA determines that the obligor has filed for bankruptcy protection, the CSEA shall not use the FIDM program to enforce a support order unless the bankruptcy has been discharged or other relief from bankruptcy protection has been secured by the CSEA;
- (3) Identify whether the obligor is receiving or has received income from a protected benefit, as described in rule 5101:12-50-10 of the Administrative Code, including, but not limited to, research in the support enforcement tracking system (SETS) and the state verification exchange system/defense manpower data center (SVES/DMDC);
  - (a) When the CSEA determines that any of the funds in the account are from a protected benefit source, the CSEA shall not issue the JFS 04050, "Financial Institution Account Access Restriction" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code);
  - (b) When the CSEA determines that the funds in the account are not from a protected benefit source, the CSEA shall proceed in accordance with paragraphs (B) to (H) of this rule;
- (4) Determine whether the obligor's account is with a financial institution that conducts business in Ohio; and

- (a) When the CSEA determines that the account is with a financial institution that conducts business in Ohio, the CSEA shall follow the procedures described in paragraph (B) of this rule.
  - (b) When the CSEA determines that the account is with a financial institution that does not conduct business in Ohio, the CSEA shall follow the procedures described in paragraph (D) of this rule.
- (5) Document the results of the investigation in the case record.
- (B) Imposing an access restriction on an account when the account is with a financial institution that conducts business in Ohio.

The CSEA shall issue:

- (1) The JFS 04050, ~~and as an attachment, the JFS 04018, "Notice of Right to Garnish Federal Benefits" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code)~~ by first class mail to the financial institution in which the obligor's account is maintained; and
  - (2) A copy of the JFS 04050 by first class mail to the obligor.
- (C) For purposes of paragraphs (D), (E) and (F) of this rule, the following definitions apply:
- (1) "Assisting state" refers to the state that assists the requesting state in imposing an access restriction on an account and issuing a withdrawal directive.
  - (2) "Requesting state" refers to the state that requests assistance from the assisting state in imposing an access restriction on an account and issuing a withdrawal directive.
- (D) Imposing an access restriction on an account when the account is with a financial institution that does not conduct business in Ohio.
- (1) The CSEA shall assume the role of the requesting state, and request assistance from the state in which the financial institution conducts business.
  - (2) The state in which the financial institution conducts business will assume the role of the assisting state.
  - (3) The case shall not be considered an interstate case.
  - ~~(4) The CSEA shall issue to the obligor the JFS 04049, unless the CSEA has already issued the JFS 04049 to the obligor for the current period of default.~~

~~(5)~~(4) The CSEA shall determine the requirements of the assisting state with regard to imposing an access restriction on the account and issuing a withdrawal directive. State-specific data is provided on ~~the innerweb for the office of child support (OCS) within the Ohio department of job and family services (ODJFS) and~~ the website for the federal office of child support enforcement (OCSE).

~~(6)~~(5) The CSEA shall request that the assisting state impose an access restriction on the account and issue a withdrawal directive.

~~(7)~~(6) The CSEA shall provide the assisting state with the following information:

(a) The account number and the name and address of the financial institution;

(b) The amount to be withdrawn;

(c) A copy of the JFS 04049 that was issued to the obligor ~~to verify to the assisting state the amount of the obligor's arrears and that due process under Ohio law has been completed; and;~~

(d) The name and payment address for Ohio child support payment central; and

~~(e)~~(e) Any other necessary information that the assisting state requires from the CSEA.

(E) Imposing an access restriction on an account when the case is in a requesting state and the financial institution does not conduct business in the requesting state but conducts business in Ohio.

The requesting state will make its request through the ODJFS interstate central registry, which will forward the request to the CSEA located in the same Ohio county as the financial institution.

(1) The CSEA shall assume the role of the assisting state.

(2) The other state will assume the role of the requesting state, and request that the CSEA impose an access restriction on the account and issue a withdrawal directive.

(3) The CSEA shall not open a case in SETS.

(4) The case shall not be considered an interstate case.

(5) The requesting state will provide the CSEA with the following information:

(a) The account number and the name and address of the financial institution;

- (b) The amount to be withdrawn;
  - (c) The amount of the arrears and certification that due process under the requesting state's laws has been completed;
  - (d) Whether the account is a "sole" or "joint account"; ~~and~~
  - (e) The name and payment address for the state disbursement unit in the requesting state; and
  - ~~(e)~~(f) Any other necessary information that the CSEA requires from the requesting state.
- (6) The CSEA shall issue:
- (a) The JFS 04050 ~~and as an attachment, the JFS 04018~~ by first class mail to the financial institution; and
  - (b) A copy of the JFS 04050 by first class mail to the obligor.
- (F) After the CSEA issues a JFS 04050 or the assisting state imposes an access restriction on the account, the CSEA shall determine whether a person other than the obligor has an ownership interest in the account.
- (1) When the CSEA determines that another person has an ownership interest in the account, the CSEA shall proceed with the administrative hearing process, in accordance with rule 5101:12-55-10.2 of the Administrative Code.
  - (2) When the CSEA determines that the obligor is the only person having ownership interest in the account, the CSEA shall issue the JFS 04055, "Financial Institution Account Withdrawal Directive" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), ~~and as an attachment, the JFS 04018 in accordance with rule 5101:12-55-10.3 of the Administrative Code.~~ by first class mail to the financial institution in which the obligor's account is maintained.
- (G) In accordance with section 3123.26 of the Revised Code, after the financial institution receives the JFS 04050 ~~and the JFS 04018~~ from a CSEA or an access restriction notice from another state, the financial institution is required to promptly place an access restriction on the account. The access restriction remains in effect until:
- (1) The financial institution complies with a JFS 04055 from a CSEA;
  - (2) The financial institution complies with a withdrawal directive from a court; or

(3) A CSEA or a court orders the financial institution to release the access restriction.

(H) Release of an access restriction from an account.

(1) When the obligor is no longer in default, the CSEA shall issue:

(a) The JFS 04051, "Financial Institution Account Full or Partial Release of Access Restriction" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), by first class mail to the financial institution in which the obligor's account is maintained, for a release on the total amount of funds in the account; and

(b) A copy of the JFS 04051 by first class mail to the obligor.

If the obligor is determined to be in default at a later date, the CSEA may again consider utilizing the FIDM program.

(2) When, after the CSEA has imposed an access restriction on the account, the CSEA becomes aware of an amount of funds in the account that represents protected benefits, the CSEA shall issue:

(a) The JFS 04051 by first class mail to the financial institution in which the obligor's account is maintained, for a release on the amount of funds in the account that represent protected benefits; and

(b) A copy of the JFS 04051 by first class mail to the obligor.

(3) When the CSEA determines that a legal restriction exists on the account that prevents the obligor from withdrawing the funds, the CSEA shall issue:

(a) The JFS 04051 by first class mail to the financial institution in which the obligor's account is maintained, for a release on the amount of funds in the account that is legally restricted; and

(b) A copy of the JFS 04051 by first class mail to the obligor.

Effective: 12/15/2021  
Five Year Review (FYR) Dates: 7/15/2021 and 07/15/2026

CERTIFIED ELECTRONICALLY

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Certification

11/30/2021

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Date

Promulgated Under: 119.03  
Statutory Authority: 3125.25  
Rule Amplifies: 3123.25, 3123.26, 3123.27  
Prior Effective Dates: 08/17/1999, 10/01/2001, 10/02/2006, 12/01/2011,  
02/01/2016, 02/11/2019