Ohio | Department of Job and Family Services

Mike DeWine, Governor
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Matt Damschroder, Director

December 6, 2021

Child Support Program Manual Transmittal Letter (CSPMTL) No. 178

TO: All Child Support Program Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Five Year Rule Review – Locations and Other 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 rules as **no change**. The effective date of the rules remains the same as the existing rules.

Rule Number	Rule Title	Effective Date of Rule
5101:12-1-90	Account information access agreements	12/01/2011
	This rule describes account information access agreements that are between OCS and financial institutions doing business in Ohio and financial institutions doing business in other states, for the purpose of enforcing child support orders. This rule is authorized under ORC sections 3121.78 and 3125.25, and amplifies ORC sections 3121.74, 3121.76, 3121.77, 3121.99, 3123.25, and 3123.38.	
5101:12-20-05	Location of an individual for support enforcement program purposes	6/15/2006
	This rule describes the requirements a child support enforcement agency (CSEA) must follow for the location of an individual for the purpose of providing support enforcement program services. This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03, 3125.06, and 3125.08.	
5101:12-20-10	Location for parental kidnapping, child custody, and visitation purposes	1/01/2017
	This rule describes the use of the federal parent locator service (FPLS) to locate an individual for parental kidnapping, child custody, or visitation purposes; and the procedures a CSEA shall follow upon receipt of a request to use FPLS for this purpose. This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03, 3125.06, and 3125.24.	

Rule Number	Rule Title	Effective Date of Rule
5101:12-60-45	Continuation of support obligation beyond the child's eighteenth birthday	1/01/2017
	This rule describes when the duty of support continues beyond the age of 18. The rule clarifies that the parental duty of support ends upon the child's eighteenth birthday except under three circumstances, describes the three circumstances, and identifies which two of the three circumstances require the parental duty of child support to not extend beyond the child's nineteenth birthday. This rule is authorized by ORC section 3125.25; and amplifies ORC section 3119.86.	

OCS has **amended** the following rules**:**

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-10-05	Case records	9/01/2016	12/15/2021
	This rule describes the requirement to maintain records for each child support case, and the type of records to be maintained. The rule is being revised to clarify paragraph (A) by removing the term "microfilm" and replacing it with "other format" to include any electronic format. This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3125.07 and 3125.11.		
5101:12-10-72	Continuation of services	9/01/2016	12/15/2021
	This rule informs a CSEA to provide IV-D services to a client when their public assistance has terminated unless a client provides a written request to terminate the IV-D services. The rule is being revised to clarify paragraph (A) to be consistent with the functionality of the Support Enforcement Tracking System (SETS). This rule is authorized by section 3125.25 of the Revised Code, and amplifies sections 3125.03 and 3125.11 of the Revised Code.		
5101:12-20-05.1	Location tools	7/01/2013	12/15/2021
	This rule describes that a CSEA is required to access SETS to perform all locate functions or access child support enforcement network (CSENet) when applicable to request information from another state. Changes from the existing rule include: updated the title of the federal form (OMB 0970-0085) and removed unnecessary language in paragraph (B) as all states have CSENet functionality. This rule is authorized by ORC section 3125.25; and amplifies ORC section 3125.03		
5101:12-20-05.2	State parent locator service	3/01/2012	12/15/2021
	This rule describes the automated location sources that are accessed through state parent locator service (SPLS). The rule is being revised to update the name of the office of information services (OIS). This rule is authorized by ORC section 3125.25; and amplifies ORC section 3125.03.		
5101:12-20-05.3	Federal parent locator service	1/01/2017	12/15/2021
	This rule describes the automated location sources that are accessed through the FPLS. The rule is being revised to clarify when SETS submits the location request to FPLS about an obligor. This rule is authorized by ORC sections 3125.08 and 3125.25; and amplifies ORC sections 3125.03, 3125.08, and 4141.22.		

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,

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.

5101:12-1-90 **Account information access agreements.**

(A) The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105 (1996), 42 U.S.C. 666(a)(17) January 1, 1998, enacted in Ohio as sections 3121.74 to 3121.78 and 3123.24 to 3123.38 of the Revised Code, requires that states enter into agreements with financial institutions doing business in the state to conduct quarterly matches of obligors who owe past-due support with funds on deposit in the financial institution.

(B) The office of child support (OCS) in the Ohio department of job and family services (ODJFS) is authorized to enter into account information access agreements with financial institutions doing business in this state and with financial institutions doing business in other states.

OCS has joined an alliance of states for the purpose of participating in the financial institution data match (FIDM) program with financial institutions doing business in Ohio. The alliance facilitates the use of the FIDM program with a single state financial institution (SSFI) that does business in Ohio and with SSFIs in other states that do business only within the state in which they are located. A "single state financial institution" is a financial institution conducting business in only one state.

Five Year Review (FYR) Dates: 9/20/2021 and 09/20/2026

CERTIFIED ELECTRONICALLY

Certification

09/20/2021

Date

Promulgated Under:	119.03
Statutory Authority:	3121.78, 3125.25
Rule Amplifies:	3121.74, 3121.76, 3121.77, 3121.99, 3123.25, 3123.38
Prior Effective Dates:	08/17/1999, 10/01/2001, 10/02/2006, 12/01/2011

5101:12-10-05 **Case records.**

(A) The child support enforcement agency (CSEA) shall maintain a case record for each case for which it has administrative responsibility. The case record shall principally be maintained in the support enforcement tracking system (SETS), in accordance with rule 5101:12-1-15 of the Administrative Code, and as necessary on paper, ~~microfilm or other~~ electronic, or other format, or a combination thereof.

(B) The case record shall contain any document or information that pertains to the case. A summary notation in the physical or electronic record, regardless of whether the notation is entered by the CSEA worker or generated automatically by an automated system, meets the case records requirement. Information required to be in the case record includes but is not limited to:

(1) The referral from the county department of job and family services (CDJFS) in a case in which an individual receives Ohio works first (OWF) or medicaid, or the referral from a public children services agency (PCSA), or a county agency that is administering a Title IV-B or Title IV-E program, when applicable.

(2) The signed application for IV-D services, when applicable.

(3) A copy of the support order, when applicable. The support order may be summarized as long as the summary notation indicates where the support order is maintained.

(4) Data regarding the non-custodial parent or alleged father including but not limited to:

(a) First, middle, and last name;

(b) Social security number;

(c) Date of birth;

(d) Place of birth;

(e) Mother's full name, including her maiden name;

(f) Father's full name;

(g) Current or last known residential and mailing address; and

(h) Current or last known employer.

(5) A record of the date of, reason for, and results of any contacts with any individual in the case.

(6) A narrative that chronologically traces support enforcement program activities.

(7) A record of efforts to utilize local locate resources and the dates and the results of those efforts, when applicable.

(8) A record of any actions taken to establish paternity or support obligations and to enforce or modify support obligations, including the dates and results of such actions, when applicable.

(9) A record of communications with a CDJFS, the Ohio department of job and family services, office of child support, or any other state child support agency concerning support enforcement program services.

(10) A record of accrued arrears, when applicable.

(11) A record of the collection and disbursement of support payments, when applicable.

(12) A record of all case status changes including case referral, case opening, application for and approval of IV-D services, termination of IV-D services, case closure and, when appropriate, the reason for the change in case status.

(13) When a CSEA receives a referral but does not initiate a case, a record that summarizes the referral information and the reason the case was not initiated.

(14) When an individual received a support payment from the obligor, court, or child support agency while receiving OWF benefits and did not forward the support payment to the CSEA, a record of the following:

(a) Facts that led to the discovery of the retained payment;

(b) Documentation, such as a cancelled check, from the obligor, court, or child support agency that such payment was actually made to the obligee;

(c) Documentation of the date and amount of every retained payment; and

(d) When applicable, documentation that the obligee does not have the ability to pay the retained payment to the CSEA.

(C) When a case has been closed and support enforcement program services have been terminated in accordance with rule 5101:12-10-70 of the Administrative Code, and

the records retention period has expired in accordance with rule 5101:12-1-25 of the Administrative Code but a balance remains on the case, the CSEA may destroy any non-essential case records that are not maintained by SETS. The CSEA shall maintain any case records that are essential in reopening the case in the future. Records of the case that are essential include but are not limited to:

(1) Genetic testing records;

(2) IV-D application;

(3) Copy of the order terminating the support obligation;

(4) Summary of records regarding the collections and disbursement of support; and

(5) Any other record that the CSEA determines to be essential.

All case records shall be maintained in the format described in paragraph (A) of this rule.

(D) The CSEA shall follow the procedures of retention, disposal, and destruction of case records in accordance with rule 5101:12-1-25 of the Administrative Code.

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Statutory Authority: 3125.25
Rule Amplifies: 3125.07, 3125.11
Prior Effective Dates: 08/01/1982, 11/11/1982, 07/01/1983, 01/01/1984, 12/01/1987, 07/15/1988, 06/02/1989, 09/01/1989, 04/01/1992, 07/01/1996, 02/22/2002, 06/15/2006, 05/01/2011, 09/01/2016

5101:12-10-72 **Continuation of services.**

(A) Within five business days of being notified that a family is no longer eligible for Ohio works first~~;~~ and medicaid, or Title IV-E foster care maintenance benefits, the support enforcement tracking system will issue a JFS 07607, "Case Continuation Notice" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code), to the last known address of the custodial parent or caretaker.

(B) The child support enforcement agency shall continue to provide IV-D services and support enforcement program services until such time as the case meets one of the criteria to terminate IV-D services described in rule 5101:12-10-70 of the Administrative Code.

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Statutory Authority: 3125.25
Rule Amplifies: 3125.02, 3125.11
Prior Effective Dates: 09/01/1976, 08/01/1982, 11/01/1983, 01/07/1985, 01/09/1986, 01/01/1987 (Emer.), 03/20/1987, 12/01/1987, 06/10/1988, 12/29/1988, 04/01/1989, 12/01/1989, 04/01/1990, 08/01/1990, 04/01/1991, 11/01/1991, 10/01/1996, 12/30/1997, 04/18/2003, 06/15/2006, 09/01/2016

5101:12-20-05 **Location of an individual for support enforcement program purposes.**

(A) This rule and its supplemental rules describe the requirements that shall be followed by a child support enforcement agency (CSEA) for the location of an individual for the purpose of providing support enforcement program services and the location sources that are available for this purpose.

(B) The CSEA shall provide location services when:

(1) The residential address or employment of an individual is unknown; or

(2) A request for location-only services is received.

(C) The CSEA shall accept a request for location-only services when filed by a resident parent, legal guardian, attorney, or agent of a child who is not a recipient of Ohio works first, medicaid, or Title IV-E foster care maintenance benefits.

(D) The CSEA shall access all appropriate location sources within seventy-five days of determining that location is necessary. The CSEA shall access, validate, and utilize the information received from every appropriate location source to take the next step required to provide support enforcement program services.

(E) When information received from the location source is deemed unreliable, or when otherwise appropriate, the CSEA shall verify the information.

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Statutory Authority:	3125.25
Rule Amplifies:	3125.03, 3125.06, 3125.08
Prior Effective Dates:	09/01/1976, 12/01/1978, 08/01/1982, 11/11/1988, 08/01/1990, 05/22/1992 (Emer.), 08/01/1992, 12/21/1992, 04/01/1993, 06/02/2001, 06/15/2006

5101:12-20-05.1 **Location tools.**

(A) The child support enforcement agency (CSEA) shall interact with the support enforcement tracking system (SETS) to perform all location functions when those location functions are available in SETS.

(B) A CSEA shall use appropriate child support enforcement network (CSENet) transactions to request information about an individual who is believed to reside or be employed in a state other than Ohio when that state has quick locate capability with Ohio.

When ~~the state in which the individual is believed to reside or be employed does not have CSENet capability with Ohio and~~ the individual for whom the information is being sought is a custodial parent, the CSEA shall use the OMB-0970-0085, "~~Locate data sheet~~Child Support Locate Request" in accordance with paragraph (A)(7) of rule 5101:12-70-05.11 of the Administrative Code.

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Rule Amplifies:	3125.03
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5101:12-20-05.2 **State parent locator service.**

(A) The office of child support within the Ohio department of job and family services maintains a state parent locator service (SPLS) to collect location information about individuals. SPLS is accessed through the support enforcement tracking system (SETS).

(B) When the location of an individual is unknown, SETS automatically accesses SPLS in order to determine the location or employment of the individual.

(C) SPLS will receive location information from the following sources:

(1) The Ohio bureau of motor vehicles;

(2) The Ohio new hire registry; and

(3) Other information that is available through data exchange between various entities and the office of ~~management~~ information services within the Ohio department of job and family services. When a child support enforcement agency (CSEA) receives location information through the data exchange, and the information is federal tax information (FTI) as described in rule 5101:12-1-20 of the Administrative Code and its supplemental rules, the CSEA shall separately verify the FTI prior to its use.

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Statutory Authority: 3125.25
Rule Amplifies: 3125.03
Prior Effective Dates: 09/01/1976, 12/01/1978, 08/01/1982, 11/11/1988, 08/01/1990, 05/22/1992 (Emer.), 08/01/1992, 12/21/1992, 04/01/1993, 06/02/2001, 06/15/2006, 03/01/2012

5101:12-20-05.3 **Federal parent locator service.**

(A) The federal parent locator service (FPLS) is a national location system operated by the federal office of child support enforcement to assist states in locating individuals for the purpose of providing support enforcement program services. FPLS is accessed through the support enforcement tracking system (SETS).

(B) When no ~~location~~ valid address information or no employment information regarding ~~an individual~~a non-custodial parent is ~~obtained from the state parent locator service after sixty days~~recorded, SETS automatically submits the individual to FPLS.

(C) FPLS accesses multiple location sources including but not limited to:

(1) The national directory of new hire;

(2) The social security administration;

(3) The internal revenue service;

(4) The department of defense;

(5) The federal bureau of investigation; and

(6) The department of veterans affairs.

(D) FPLS continues to access these location sources every sixty days until the location and employment of the individual are verified.

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Rule Amplifies:	3125.03, 3125.08, 4141.22
Prior Effective Dates:	09/01/1976, 12/01/1978, 08/01/1982, 11/11/1988, 08/01/1990, 05/22/1992 (Emer.), 08/01/1992, 12/21/1992, 04/01/1993, 06/02/2001, 06/15/2006, 01/01/2017

5101:12-20-10 **Location for parental kidnapping, child custody, and visitation purposes.**

(A) This rule describes the use of the federal parent locator service (FPLS) to locate an individual for parental kidnapping, child custody, or visitation purposes, pursuant to 45 C.F.R. 303.15, effective October 1, 2010, which may be viewed at: www.ecfr.gov. This rule also describes the procedures a child support enforcement agency (CSEA) shall follow upon receipt of a request to use FPLS for this purpose.

(B) The following definitions apply to this rule:

(1) "Authorized person" means:

(a) Any agent or attorney of any state who has the authority or duty to enforce child custody or visitation orders;

(b) Any court or agent of a court with jurisdiction to make or enforce child custody or visitation determination; or

(c) Any agent or attorney of the United States or of a state who has the authority to investigate, enforce, or prosecute the unlawful taking or restraint of a child.

(2) "Authorized purpose" means:

(a) To enforce any state or federal law with respect to the unlawful taking or restraint of a child; or

(b) To determine the whereabouts of a parent or child to make or enforce a custody or visitation determination.

(3) "Custody or visitation determination" means a judgment, decree, or other order of a court providing for custody or visitation of a child and includes initial, permanent, and temporary orders and modifications.

(4) "Individual" means:

(a) A parent; or

(b) A child.

(C) An authorized person may petition a court to use FPLS to obtain the current residential address or name and location of employment of an individual when the information requested will be used for an authorized purpose. When the court determines that the

authorized purpose is valid, it will send to the CSEA in the county where the court is located a court order that requests access to FPLS for this purpose.

(D) A law enforcement agency may submit a direct request document for the use of FPLS to the CSEA.

(E) The court order or direct request document should contain the following:

(1) The full name of the individual;

(2) The birth date of the individual;

(3) The social security number of the individual; and

(4) The signature of the judge or other official authorizing the request.

(F) Upon receipt of a court order or direct request document, the CSEA shall forward the court order or request document to the office of child support (OCS).

The CSEA shall not create a case as a result of the receipt of a court order or direct request document.

(G) The court order or direct request document shall constitute the basis for OCS to access FPLS for this purpose and shall be the only record maintained by OCS.

(H) The following is the information that OCS may disclose about the parent or child:

(1) Address;

(2) Employer's name; and

(3) Employer's address.

(I) Any information OCS receives from FPLS will be sent to the CSEA. The CSEA shall submit the information to the court or law enforcement agency that made the request. Upon submission of the information to the court or law enforcement agency, the CSEA shall destroy all records and information related to the request and the CSEA's involvement shall be considered concluded.

(J) Restrictions on information disclosure:

(1) Information regarding federal tax information (FTI) shall not be disclosed.

(2) Information regarding multistate financial institution data match (MSFIDM) or single state financial institution data match (SSFIDM) shall not be disclosed.

(3) Information shall not be disclosed when there is reasonable evidence of domestic violence or child abuse and the disclosure of such information could be harmful to the custodial parent or child as described in rule 5101:12-10-20 of the Administrative Code.

(4) Information shall not be disclosed when the disclosure of such information would contravene the national policy or security interests of the United States or the confidentiality of census data.

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Statutory Authority:	3125.25
Rule Amplifies:	3125.03, 3125.06, 3125.24
Prior Effective Dates:	06/01/1986, 06/02/1989, 08/01/1990, 05/22/1992 (Emer.), 08/01/1992, 04/01/1993, 04/01/1995, 06/02/2001, 06/15/2006, 03/01/2012, 01/01/2017

5101:12-60-45 **Continuation of support obligation beyond the child's eighteenth birthday.**

(A) Administrative child support orders.

In accordance with section 3119.86 of the Revised Code, support imposed by an administrative child support order shall be continued beyond the child's eighteenth birthday only when the child continuously attends a recognized and accredited high school on a full time basis on and after the child's eighteenth birthday. An administrative child support order shall not remain in effect after the child reaches age nineteen.

(B) Court child support orders.

(1) In accordance with section 3119.86 of the Revised Code, support imposed by a court child support order shall continue beyond the child's eighteenth birthday only when:

(a) The court has determined that the child is mentally or physically disabled and is incapable of supporting or maintaining himself or herself;

(b) The child's parents have agreed to continue support beyond the child's eighteenth birthday pursuant to a separation agreement that was incorporated into a decree of divorce or dissolution; or

(c) The child continuously attends a recognized and accredited high school on a full time basis on and after the child's eighteenth birthday.

(2) In accordance with section 3119.86 of the Revised Code, a court child support order shall not remain in effect after the child reaches nineteen years of age unless the order provides that the duty of support continues after the child reaches age nineteen under the circumstances described in paragraph (B)(1)(a) or (B)(1)(b) of this rule.

(3) In accordance with section 3119.86 of the Revised Code, when a court incorporates a separation agreement described in paragraph (B)(1)(b) of this rule into a decree of divorce or dissolution, the court may not require the duty of support to continue beyond the date the child's parents have agreed support should terminate.

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