



September 19, 2023

**Cash Assistance Manual Transmittal Letter No. 195**

**TO:** All Cash Assistance Manual Holders  
**FROM:** Matt Damschroder, Director  
**SUBJECT:** **Five Year Rule Review: Ohio Works First: Child Support Requirement.**

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date, and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The Office of Family Assistance (OFA) has completed a review of the following rule and the rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 11/01/2023.

**Chapter 2000**

**5101:1-3-10 "Ohio Works First: Child Support Requirement."**

This rule describes the assignment of child support to the Ohio department of job and family services for participation in the Ohio works first program. OFA amended this rule. Changes to the rule include:

- Removed form revision dates as a result of Senate Bill 221 of the 132<sup>nd</sup> General Assembly that amended incorporation by reference requirements contained in section 121.71 to 121.75 of the Ohio Revised Code;
- Minor language changes were made to improve clarity.

5101:1-3-10

**Ohio works first: child support requirement.****(A) What is an assignment of support?**

In accordance with section 5107.20 of the Revised Code, participation in Ohio works first (OWF) constitutes an assignment to the Ohio department of job and family services (ODJFS) of any rights that members of an assistance group have to support from any other person, not exceeding the total amount of assistance paid to the assistance group that accrue or have accrued as of and including the date that the OWF cash assistance is terminated. This assignment excludes medical support assigned pursuant to section 5160.38 of the Revised Code. The rights to support assigned to ODJFS pursuant to this rule constitutes an obligation to ODJFS for the amount of cash assistance paid to the assistance group. The child support enforcement agency (CSEA) is responsible for the collection and distribution of support payments owed to OWF participants whether assigned to ODJFS or unassigned.

**(1) The assignment of support rights includes:**

(a) The rights to support that the assistance group has on its own behalf or on the behalf of any other member of the assistance group applying for or in receipt of OWF. This includes ongoing monthly child support, spousal support and support for a spouse or former spouse, whether included or not in the child support order.

(b) The assignment gives ODJFS the right to claim any support collected for the assistance group not exceeding the total amount of cash assistance paid to the assistance group. For child support enforcement collection purposes, the total amount of "cash assistance" paid to the assistance group has the same meaning described in ~~paragraph (B)~~ of rule 5101:1-1-01 of the Administrative Code. This includes all forms of cash assistance as defined in rule 5101:1-23-01 of the Administrative Code, including support services paid to families who are unemployed, unless such payments meet the definition of nonrecurrent short-term benefits. As provided in rule 5101:1-23-01 of the Administrative Code, nonrecurrent, short-term benefits and support services provided to employed families are not considered to be cash assistance; and are not subject to reimbursement.

(2) The assignment of support rights is effective the first of the month following the date of approval for OWF cash assistance and continues until the assistance group is no longer participating in OWF cash assistance. The ODJFS shall notify the CSEA when the effective date of the assignment is determined. This notification shall be transmitted to the CSEA within two working days of authorization of OWF cash assistance.

- (3) In the following situations, the assignment is interrupted for a specific month, and child support for that month is treated in accordance with the provisions set forth in rule 5101:12-80-14 of the Administrative Code. However, the interruption in the assignment ends beginning with the first day of the month that cash assistance resumes.
- (a) When an assistance group received OWF cash assistance in the form of a warrant, check, voucher, electronic funds transfer or electronic payment card for a month, but returned the uncashed check, warrant or voucher to the county agency, or returned the full amount of the benefit paid to the assistance group, the assistance group is not considered to have received cash assistance in accordance with rule 5101:1-23-01 of the Administrative Code, and child support for that same month is treated in accordance with rule 5101:12-80-14.1 of the Administrative Code.
  - (b) When an assistance group's OWF is reduced to zero dollars to repay an OWF overpayment, the assistance group is not considered to have received cash assistance in accordance with rule 5101:1-23-01 of the Administrative Code, and child support for that same month is treated in accordance with rule 5101:12-80-14.1 of the Administrative Code.
  - (c) When an erroneous OWF payment occurs because the assistance group was not eligible to receive assistance for a month, and the assistance group repays that erroneous payment in full, the assistance group is not considered to have received cash assistance in the month for which the overpayment occurred as described in rule 5101:1-23-01 of the Administrative Code, and child support for that same month is treated in accordance with rule 5101:12-80-14.1 of the Administrative Code.
- (4) When an individual is added to an existing assistance group, the assignment of support rights is effective the first day of the month following the date the county agency adds the individual to the assistance group.
- (5) Any direct payments received by an assistance group prior to the effective date of the support assignment are budgeted as unearned income in accordance with rule 5101:1-23-20 of the Administrative Code.
- (6) Once the assignment of support is effective, any direct payment (including voluntary payments) by the absent parent shall be evaluated in accordance with paragraph (N) of rule 5101:1-23-70 of the Administrative Code in determining when an erroneous payment has occurred, and if so, whether the payment is a cash assistance (IV-A) or a child support enforcement (IV-D) overpayment.

(B) What is the "county agency/CSEA interface"?

- (1) The "county agency/CSEA interface" refers to the cross-program relationship between the IV-A and IV-D programs.
- (2) The county agency shall make use of the interview in the application or reapplication process to gain timely, complete and accurate information concerning absent parent(s) attached to the assistance group.
- (3) Referrals are sent automatically through the interface. A referral from the county agency to the CSEA is not required when the assistance group contains only a pregnant woman with no eligible child.
- (4) At the point of authorization for cash assistance, the county agency shall send copies of relevant information collected during the application process, such as birth certificates, court orders and paternity acknowledgments to the CSEA.
- (5) The county agency shall collect all relevant information so that the CSEA will not routinely be required to schedule an interview with the assistance group to establish and develop the IV-D case record.
- (6) The county agency is responsible for reporting relevant changes to the CSEA, including information concerning new members added to an existing assistance group. Most routine changes are automatically transmitted through the two statewide automated systems. However, copies of relevant documentation received by the county agency are to be sent within two working days of receipt to the CSEA.
- (7) The county agency shall not delay the processing of an application because of the assistance group's failure to provide information needed solely by the CSEA.
- (8) Even when an application for cash assistance is denied, when an applicant has requested child support services, the county agency shall send a referral to the CSEA.

(C) What is cooperation with child support and who shall cooperate with child support?

- (1) Cooperation with child support includes establishing the child's paternity, and establishing, modifying and enforcing a support order for the child. Cooperation with child support is required unless there is good cause for the failure or refusal to cooperate as determined by the CSEA.

- (2) All applicant and recipient adults and minor heads of household shall sign a self sufficiency contract that includes a requirement to ensure that caretaker members of the assistance group cooperate with child support.
- (3) Caretakers, as defined in section 5107.22 of the Revised Code, who are members of the OWF assistance group, shall cooperate with child support. In a three-generation assistance group that includes a grandparent, a minor parent and a minor child of the minor parent, there are two caretakers:
  - (a) The grandparent shall cooperate with child support for his or her minor child(ren), including the minor parent; and
  - (b) The minor parent shall cooperate with child support for his or her minor child(ren).
- (4) When a caretaker signs the JFS 07092, "Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA)" (~~rev. 03/2009~~) indicating that the individual wants to claim good cause for refusal to cooperate in securing support, the county agency shall forward the JFS 07092 to the CSEA. When the request for good cause for refusal to cooperate with child support is documented on the JFS 03803, "Ohio Works First (OWF) & Food Assistance: Domestic Violence Waiver Request and Verification" (~~rev. 10/2016~~), the county agency shall also have the individual sign the JFS 07092. The CSEA is responsible for determining good cause and cooperation in accordance with rule 5101:12-10-32 of the Administrative Code.

This determination includes waiving the cooperation with child support requirement when the CSEA determines that the individual has been subjected to domestic violence as defined in section 5107.02 of the Revised Code, and requiring cooperation would not be in the best interest of the child, or would make it more difficult for the individual or child to escape domestic violence.

- (5) The county agency shall not deny, delay, or discontinue cash assistance pending a determination by the CSEA concerning good cause for refusal to cooperate.
- (D) What are the consequences when an individual fails to cooperate with the child support requirement?
- (1) Adults or minor heads of households who fail to cooperate with the child support requirement in the self sufficiency contract without good cause as determined by the CSEA, are subject to the imposition of the three-tier sanction in accordance with section 5107.16 of the Revised Code.

- (2) Assistance groups that do not contain a member required to sign a self sufficiency contract as defined in rule 5101:1-3-11 of the Administrative Code, are not subject to the sanction set forth in section 5107.16 of the Revised Code for non-cooperation with the CSEA.
- (3) When a request for a state hearing on the issue of cooperation has been made, both the county agency and the CSEA shall participate in the hearing.

Effective: 11/1/2023  
Five Year Review (FYR) Dates: 7/14/2023 and 11/01/2028

CERTIFIED ELECTRONICALLY

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Certification

09/18/2023

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Date

Promulgated Under: 119.03  
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Rule Amplifies: 5107.71, 5107.711, 5107.712, 5107.713, 5107.05,  
5107.14, 5107.16, 5107.20, 5107.22, 5107.714,  
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