



April 13, 2021

Child Support Program Manual Transmittal Letter (CSPMTL) No. 169

TO: All Child Support Program Manual Holders

FROM: Matt Damschroder, Interim Director

SUBJECT: Five Year Rule Review – Assigned Medical Support Collections Incentives and Requirement to Cooperate with the CSEA

The Office of Child Support (OCS) has **amended** the following rules. These rules have been reviewed in accordance with section 106.03 of the Revised Code, which requires the review of all state agency rules within a five-year period.

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-01-56	Assigned Medical Support Collections Incentives	06/01/2015	06/01/2021
This rule describes the distribution of assigned medical support collections.			
Changes to the rule include revised the language in paragraph (C)(2) that the remainder is distributed to the Ohio Department of Medicaid (ODM).			
This rule is authorized under ORC section 3125.25 and amplifies ORC sections 3125.03 and 3125.25.			
5101:12-10-31	Requirement to Cooperate with the Child Support Enforcement Agency	06/01/2015	06/01/2021
This rule describes the requirements for an applicant or recipient of Ohio works first (OWF), medicaid, or Title IV-E foster care maintenance (FCM) benefits to cooperate with the child support enforcement agency (CSEA) in establishing paternity or in establishing, modifying, or enforcing a support order.			
Changes to the rule include added language to paragraph (D)(1)(b)(i) for clarification that cooperation is not required unless the caretaker is in the same assistance group as the child.			
This rule is authorized under ORC sections 3125.25, 5107.22, 5160.37, 5160.43 and amplifies ORC sections 5107.20, 5107.22, 5160.37 and 5160.38.			

INSTRUCTIONS:

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

- 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.odjfs.state.oh.us/emanuals>.

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.

5101:12-1-56

Assigned medical support collections incentives.

(A) The following definitions apply to this rule:

- (1) "Assigned medical support" means the medicaid applicant, recipient, or participant has assigned the right to collect and retain medical support from an obligor or medical reimbursement from a third party to the Ohio department of job and family services (ODJFS).
- (2) "Third party" means any private medical insurer, individual, entity, or public or private medical program that is or may be liable to pay all or part of the cost of injury, disease, or disability on behalf of a medicaid applicant, recipient, or participant.

(B) When the child support enforcement agency (CSEA) is made aware of an accident or injury involving the medicaid applicant, recipient, or participant, the CSEA shall complete the ODM 06613, "Accident/Injury Insurance Information" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code), send it to the Ohio department of medicaid (ODM), and send a copy to the county department of job and family services (CDJFS).

(C) When assigned medical support and assigned third party collections are received:

- (1) The CSEA is entitled to have fifteen per cent of the total collection; and
- (2) ~~ODJFS is entitled to have eighty-five per cent of the total collection.~~ The remainder is distributed to ODM, subject to the applicable federal medical assistance percentage (FMAP) that is calculated annually by the federal government.

Effective: 6/1/2021

Five Year Review (FYR) Dates: 1/28/2021 and 06/01/2026

CERTIFIED ELECTRONICALLY

Certification

04/09/2021

Date

Promulgated Under: 119.03

Statutory Authority: 3125.25

Rule Amplifies: 3125.03, 3125.25

Prior Effective Dates: 01/07/1985, 08/01/1986, 12/01/1987, 12/20/1988,
09/01/1989, 08/01/1990, 06/01/1991, 11/01/1991,
07/15/1992, 04/01/1993, 01/01/1998, 12/20/1998,
07/01/2002, 10/02/2003, 01/01/2007, 05/01/2012,
06/01/2015

5101:12-10-31 **Requirement to cooperate with the child support enforcement agency.**

(A) This rule describes the requirement for an applicant for or a recipient of Ohio works first (OWF), medicaid, or Title IV-E foster care maintenance (FCM) benefits to cooperate with the child support enforcement agency (CSEA) in establishing paternity or in establishing, modifying, or enforcing a support order.

(B) The following definitions and terms apply to this rule:

(1) "Caretaker" means:

- (a) The parent, adult, or minor head of household with whom a child who receives OWF or medicaid resides; or
- (b) The Title IV-E agency that has custody of a child who receives FCM benefits.

(2) "Charter county" means a county that has, pursuant to Section 3 of Article X of the Ohio Constitution (11/5/1957), adopted a charter that permits the county to provide a different form of government from that which is required under Ohio law for counties in general.

(3) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency.

(C) Cooperation requirements for OWF recipients.

(1) In accordance with rule 5101:1-3-10 of the Administrative Code, a caretaker who is a member of the OWF assistance group of a child who receives OWF benefits shall cooperate with the CSEA, unless the CSEA approves a good cause waiver of cooperation. OWF assistance group means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of OWF benefits.

(2) A caretaker is considered cooperative when the caretaker:

(a) Provides any available information, through reasonable and diligent efforts, that is sufficient to identify or locate a parent of a child who receives OWF. Information may include but is not limited to the following about the child's mother or father or each man alleged to be the child's father:

(i) Name;

(ii) Past or present address;

- (iii) Telephone number;
 - (iv) Date of birth;
 - (v) Social security number;
 - (vi) Past or present place of employment;
 - (vii) Past or present schools attended;
 - (viii) Names, addresses, and telephone numbers of family and friends;
and
 - (ix) Other information determined necessary by the CSEA.
 - (b) Submits to or has the child submit to genetic tests ordered by a CSEA or court to determine the existence or non-existence of a father and child relationship.
 - (c) Appears at a scheduled appointment or hearing to:
 - (i) Locate or identify a parent of a child who receives OWF;
 - (ii) Establish the existence or non-existence of a father and child relationship; or
 - (iii) Establish or modify a child support order, including medical support provisions contained in the child support order, or to enforce a support order.
- (3) A caretaker is considered non-cooperative when the caretaker has been notified to comply with paragraph (C)(2) of this rule on two or more separate occasions by the CSEA in a county other than a charter county and fails to comply on two or more consecutive occasions. After the first instance of a determination of non-cooperation, the CSEA shall consider a caretaker non-cooperative when the caretaker fails to comply with paragraph (C)(2) of this rule on one occasion.
- The CSEA in a charter county shall consider a caretaker non-cooperative when the caretaker fails to:
- (a) Comply with paragraph (C)(2) of this rule; or
 - (b) Attend any court or administrative hearing to determine the existence or non-existence of a father and child relationship or to establish or modify

a child support order, including medical support provisions contained in the child support order, or to enforce a support order.

(D) Cooperation requirements for medicaid recipients.

(1) The caretaker of a child who receives medicaid benefits shall cooperate with the CSEA unless:

(a) The CSEA approves a good cause waiver of cooperation; or

(b) The caretaker meets one of the following exceptions to cooperation:

(i) The child receives medicaid benefits and is not receiving OWF or FCM benefits and the caretaker is not receiving OWF or medicaid benefits in the same assistance group as the child.

(ii) The caretaker is pregnant or is no more than sixty days post-partum and receives medicaid benefits.

(iii) The caretaker is receiving transitional medicaid benefits.

(2) A child will not lose medicaid benefits when the caretaker does not cooperate with the CSEA.

(3) A caretaker is considered cooperative when the caretaker:

(a) Provides any available information, through reasonable and diligent efforts, that is sufficient to identify or locate a parent of a child who receives medicaid. Information may include but is not limited to the following about the child's mother or father or each man alleged to be the child's father:

(i) Name;

(ii) Past or present address;

(iii) Telephone number;

(iv) Date of birth;

(v) Social security number;

(vi) Past or present place of employment;

(vii) Past or present schools attended;

- (viii) Names, addresses, and telephone numbers of family and friends;
and
 - (ix) Other information determined necessary by the CSEA.
 - (b) Submits to or has the child submit to genetic tests ordered by a CSEA or court to determine the existence or non-existence of a father and child relationship.
 - (c) Appears at a scheduled appointment or hearing to:
 - (i) Locate or identify a parent of a child who receives medicaid;
 - (ii) Establish the existence or non-existence of a father and child relationship; or
 - (iii) Establish, modify or enforce the medical support provisions contained in a child support order.
 - (d) Completes an ODM 06613, "Accident/Injury Insurance Information" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code), when required by the CSEA.
 - (e) Fully discloses any health insurance coverage or third party coverage that the medicaid recipient has or for which the medicaid recipient may be eligible.
 - (f) Provides any available information that is necessary for identification and collection of potential third party payments.
- (4) The CSEA shall consider a caretaker non-cooperative when the caretaker fails to comply with paragraph (D)(3) of this rule on two or more consecutive occasions. After the first instance of a determination of non-cooperation, the CSEA shall consider a caretaker non-cooperative when the caretaker fails to comply with paragraph (D)(3) of this rule on one occasion.
- (E) Cooperation between the CSEA and a Title IV-E agency.
- A Title IV-E agency that has custody of a child who receives FCM benefits shall request services from the CSEA in accordance with rule 5101:2-47-08 of the Administrative Code. When such a request for services has been made, the Title IV-E agency has a requirement to cooperate with the CSEA unless the CSEA approves a good cause waiver of cooperation. Cooperation from the Title IV-E agency includes:

- (1) Sending the CSEA any court order that pertains to the child in the custody of the Title IV-E agency, such as initial custody of the child, termination of parental rights, or termination of custody.
 - (2) Notifying the CSEA upon verification of changes in the circumstances of the child or the child's parent.
 - (3) Submitting the child to genetic tests ordered by a CSEA or court to determine the existence or non-existence of a father and child relationship.
 - (4) Appearing at a scheduled appointment or hearing to:
 - (a) Locate or identify a parent of a child for whom the CSEA receives a referral;
 - (b) Establish the existence or non-existence of a father and child relationship; or
 - (c) Establish or modify a child support order, including medical support provisions contained in the child support order, or to enforce a support order.
- (F) Notification to the county department of job and family services (CDJFS) regarding cooperation.
- (1) When a caretaker who has an OWF or a medicaid cooperation requirement does not cooperate with the CSEA, the CSEA shall notify the CDJFS via the support enforcement tracking system (SETS) within five days of the caretaker not cooperating. The CDJFS will determine whether or not to terminate benefits.
 - (2) When a caretaker who previously did not cooperate with the CSEA begins to cooperate, the CSEA shall notify the CDJFS via SETS within five days of the caretaker cooperating. The CDJFS will determine whether or not to reinstate benefits.

Effective: 6/1/2021

Five Year Review (FYR) Dates: 1/28/2021 and 06/01/2026

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Certification

04/09/2021

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Promulgated Under: 119.03
Statutory Authority: 3125.25, 5107.05, 5160.43
Rule Amplifies: 5107.20, 5107.22, 5160.37, 5160.38
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04/01/1989, 08/01/1990, 04/11/1991 (Emer.),
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12/30/1997, 04/18/2003, 02/01/2005, 12/01/2008,
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