



November 2, 2022

Child Support Program Manual Transmittal Letter (CSPMTL) No. 182

TO: All Child Support Program Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: Five Year Rule Review – Poster Program, Monthly Administration, and Lottery Intercept Rules

The Office of Child Support (OCS) has conducted 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
5101:12-45-25	Monthly Administration of Orders	03/01/2017
	<p>This rule describes the requirement and process for the child support enforcement agency (CSEA) to administer support orders on a monthly basis.</p> <p>This rule is authorized by the Ohio Revised Code (ORC) section 3125.25; and amplifies ORC sections 3121.28, 3121.51, 3121.52, 3121.53 and 3121.54.</p>	
5101:12-50-65	Office of Child Support Poster Program	03/01/2017
	<p>This rule describes the requirement OCS has to establish a poster program and the requirements within the program.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3123.95, 3123.951, 3123.952, 3123.953, 3123.954, 3123.955, 3123.956, 3123.957 and 3123.958.</p>	
5101:12-50-65.1	Child Support Enforcement Agency Poster Program	03/01/2017
	<p>This rule describes a poster program that the CSEA may establish and the requirements of the program if they choose to establish one.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3123.96 to 3123.962.</p>	

Rule Number	Rule Title	Effective Date of Rule
5101:12-55-30	<p data-bbox="375 233 1258 275">State Lottery Prize Award Intercept</p> <p data-bbox="375 275 1258 426">This rule describes the process used by a CSEA to issue an intercept directive to the Ohio Lottery Commission (OLC) to transmit an amount from the proceeds of a specified lottery prize award to OCS, when the prize winner is an obligor who is subject to a final and enforceable determination of default.</p> <p data-bbox="375 464 1258 531">This rule is authorized under ORC section 3125.25 and amplifies ORC sections 3123.89 and 3770.071.</p>	02/01/2016

INSTRUCTIONS:

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

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

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:

<https://innerapp.odjfs.state.oh.us/forms/>

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.

5101:12-45-25 **Monthly administration of support orders.**

- (A) In accordance with section 3121.51 of the Revised Code, regardless of what timeframes or payments are associated with a court or administrative order, the child support enforcement agency (CSEA) shall administer the order on a monthly basis. In accordance with section 3121.53 of the Revised Code, the monthly administration of the support order does not affect the frequency or the amount of the support payments to be made under the order.
- (B) In accordance with section 3121.28 of the Revised Code, whenever the CSEA issues or modifies a support order, the CSEA shall include in the order, along with any provision required by the Revised Code, all of the following:
- (1) A requirement that the CSEA administer the order on a monthly basis, regardless of the frequency or the amount of the support payments to be made under the order;
 - (2) The monthly amount due under the support order for purposes of its monthly administration; and
 - (3) A statement that payments under the order are to be made in the manner ordered by the CSEA or court, and that if the payments are to be made other than on a monthly basis, the required monthly administration by the CSEA does not affect the frequency or the amount of the support payments to be made under the order.
- (C) In accordance with section 3121.52 of the Revised Code, when payments are ordered on a non-monthly basis, the CSEA shall calculate the monthly amount due under the order, for purposes of monthly administration, in the following manner:
- (1) For weekly support order payments, multiply the weekly amount due by fifty-two and divide the resulting annual amount by twelve;
 - (2) For biweekly support order payments, multiply the biweekly amount due by twenty-six and divide the resulting annual amount by twelve; and
 - (3) For periodic support order payments that are not weekly, biweekly, or monthly, multiply the periodic amount due by an appropriate number to obtain the annual amount due and divide that amount by twelve.
- (D) If the support order requires payments to begin on a day other than the first day of the month or terminate on a day other than the last day of the month, the CSEA, for purposes of monthly administration, shall compute the pro rated obligation amount due that month in the following manner:

- (1) Determine an annual amount in accordance with paragraph (C) of this rule.
- (2) Divide the annual amount by one of the following to obtain the daily rate:
 - (a) Three hundred sixty-six if support payments begin or end in a leap year; or
 - (b) Three hundred sixty-five if support payments begin or end in a year that is not a leap year.
- (3) Multiply the daily rate by the number of days the order is in effect in the month, including the date the support payment begins and the last day of the first month.

Five Year Review (FYR) Dates: 8/1/2022 and 08/01/2027

CERTIFIED ELECTRONICALLY

Certification

08/01/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3121.28, 3121.51, 3121.52, 3121.53, 3121.54
Prior Effective Dates: 07/15/2002, 02/01/2005, 06/15/2006, 03/01/2017

5101:12-50-65.1 **Child support enforcement agency poster program.**

- (A) Pursuant to section 3123.96 of the Revised Code, a child support enforcement agency (CSEA) may establish a program to increase child support collections by publishing and distributing a series of posters displaying child support obligors who are delinquent in their support payments. CSEA posters may be printed and displayed electronically.
- (B) When a CSEA chooses to establish a CSEA poster program, each CSEA poster shall include:
- (1) Photographs of and information about ten obligors who meet the submittal criteria outlined in paragraph (C)(1) of rule 5101:12-50-65 of the Administrative Code as confirmed by the CSEA;
 - (2) The CSEA's toll-free telephone number that the public may use to report information regarding the whereabouts of any of the obligors displayed on the CSEA poster; and
 - (3) Any other information that the CSEA considers appropriate.
- (C) The CSEA shall send a notice to each obligor who is being considered for display on a CSEA poster by ordinary, first class mail to the obligor's last known address. The CSEA may use the JFS 07022, "Notice to Obligor: Inclusion on Poster" (effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code) for this purpose. The notice shall state that the obligor may avoid being included on the poster by doing all of the following within ninety days after receipt of the notice:
- (1) Make a payment that is at least equal to the monthly support obligation;
 - (2) Provide the CSEA with a current address;
 - (3) Provide the CSEA with evidence from each current employer of current wages, salary, and other compensation; and
 - (4) Provide the CSEA with evidence that arrangements have been made for withholding from the obligor's wages, salary, or other compensation to pay support and arrears.

Five Year Review (FYR) Dates: 8/1/2022 and 08/01/2027

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Statutory Authority: 3125.25
Rule Amplifies: 3123.96 to 3123.962
Prior Effective Dates: 01/01/2006, 12/01/2006, 03/01/2017

5101:12-50-65 **Office of child support poster program.**

(A) In accordance with section 3123.95 of the Revised Code, the office of child support (OCS), in the Ohio department of job and family services (ODJFS), shall establish a program to increase child support collections by publishing and distributing a series of posters displaying child support obligors who are delinquent in their support payments. OCS shall use funds appropriated by the general assembly for child support administration to conduct an OCS poster program. OCS may publish and distribute OCS posters annually.

(B) Each OCS poster shall include:

- (1) Photographs of and information about ten obligors who meet the submittal criteria outlined in paragraph (C)(1) of this rule as confirmed by the child support enforcement agency (CSEA);
- (2) A toll-free telephone number for OCS that the public may use to report information regarding the whereabouts of any of the obligors displayed on an OCS poster; and
- (3) Any other information that OCS considers appropriate.

(C) In accordance with sections 3123.951 and 3123.952 of the Revised Code, any CSEA that chooses to participate in the OCS poster program shall:

(1) Confirm all of the following:

- (a) That the obligor is subject to a support order being administered by an Ohio CSEA that has attempted to enforce the order via a public notice, wage withholding order, financial institution deduction order, assertion of a lien, or other court-ordered procedures;
- (b) That the obligor's whereabouts are unknown or unable to be confirmed;
- (c) That the obligor is not a participant in or recipient of Ohio works first (OWF); the prevention, retention, and contingency (PRC) program; disability financial assistance (DFA); supplemental security income (SSI); or supplemental nutrition assistance program benefits (SNAP);
- (d) That the obligor has not filed for protection under federal bankruptcy codes;
- (e) That written authorization was obtained from the obligee via the JFS 07021, "Authorization to Include Delinquent Obligor on Poster" (effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code), to display the obligor on an OCS poster; and

- (f) That a legal representative and an administrator of the CSEA have reviewed the case.
- (2) Complete the JFS 07024, "'Most Wanted List' Fact Sheet" (effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code), and submit it along with a photograph and statement of possible locations of the obligor to OCS.
- (D) The CSEA shall not submit the address of or any other personal information about the obligee when the CSEA submits the name of the obligor to OCS.
- (E) OCS shall select obligors to be displayed from the names submitted by CSEAs, review the obligor's records, and confirm the CSEA's finding that the obligor meets the criteria for display on an OCS poster.
- (F) In accordance with section 3123.956 of the Revised Code, OCS shall send a notice to each obligor whose name was submitted to be displayed on the OCS poster via the JFS 07022, "Notice to Obligor: Inclusion on Poster" (effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code), by ordinary, first class mail to the obligor's last known address. The JFS 07022 shall state that the obligor may avoid being included on the OCS poster by doing all of the following within ninety days after receipt of the JFS 07022:
- (1) Make a payment that is at least equal to the monthly obligation;
 - (2) Provide the CSEA with a current address;
 - (3) Provide the CSEA with evidence from each current employer of current wages, salary, and other compensation; and
 - (4) Provide the CSEA with evidence that arrangements have been made for withholding from the obligor's wages, salary, or other compensation to pay support and arrears.
- (G) When the CSEA determines that any obligor who was submitted to be displayed on an OCS poster has met the provisions in paragraph (F) of this rule, the CSEA shall immediately notify OCS of the determination by contacting the poster program coordinator in OCS by email, regular mail, or telephone. OCS shall remove the obligor from the list of names submitted before making the final selection.
- (H) OCS will notify the CSEA when an obligor is selected for inclusion on the OCS poster.
- (I) The CSEA shall notify the obligee of the obligor's selection via the JFS 07023, "Selection for 'Most Wanted List'" (effective or revised effective date as identified in rule

5101:12-50-99 of the Administrative Code) and request the obligee to verify the information contained in the JFS 07023. If the information has changed, the CSEA shall provide updated information to OCS.

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Prior Effective Dates: 07/15/1992, 07/01/2002, 01/01/2006, 12/01/2006,
03/01/2012, 02/01/2014, 03/01/2017

5101:12-55-30 **State lottery prize award intercept.**

- (A) In accordance with section 3770.071 of the Revised Code, the Ohio lottery commission (OLC) is required to stipulate that each person entitled to a lottery prize award with a value of six hundred dollars or more must affirm in writing and under oath whether or not the person is in default under a support order. OLC may take any additional steps to determine if the person entitled to the prize award is in default under a support order.
- (B) When the person is in default under a support order and is entitled to a prize award with a value of six hundred dollars or more, OLC will:
- (1) Temporarily withhold payment of the prize award; and
 - (2) Notify the office of child support (OCS) within the Ohio department of job and family services of the following:
 - (a) The name of the person entitled to the prize award;
 - (b) The address and social security number of the person entitled to the prize award;
 - (c) The amount of the prize award; and
 - (d) When the prize award is to be paid in annual installments, the number of installments.
- (C) Upon receipt of the information from OLC, OCS will determine whether the person is an obligor that has arrears under a support order being administered by a child support enforcement agency (CSEA).
- (1) When the person is not an obligor that has arrears under a support order being administered by a CSEA, OCS will notify OLC that the prize award should be released to the person.
 - (2) When the person is an obligor that has arrears under one or more support orders being administered by a single CSEA, OCS will provide that CSEA with the information received from OLC and the date OCS received the information from OLC. When the person is an obligor who has more than one support order and those support orders are administered by more than one CSEA, OCS will provide each CSEA with the information received from OLC.

OCS will provide the CSEA with the notification described in paragraph (C) (2) of this rule within five days of the date OCS receives the information from OLC.

(D) When a CSEA receives the information from OCS, the CSEA shall conduct an investigation to determine whether the person entitled to the lottery prize award is an obligor subject to a final and enforceable determination of default.

(1) When the person is not an obligor subject to a final and enforceable determination of default, the CSEA shall notify OLC within fifteen days of the date that OLC sent the notice of the prize award that the person is not subject to a final and enforceable determination of default.

(2) When the person is an obligor subject to a final and enforceable determination of default, the CSEA shall issue a JFS 07071, "State Lottery Prize Award Intercept Directive" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to OLC and issue a copy of the JFS 07071 to the obligor. The CSEA shall issue the JFS 07071 within thirty days of the date that OLC sent the notice of the prize award.

The CSEA shall issue a separate JFS 07071 for each support order under which the obligor is subject to a final and enforceable determination of default.

(E) Upon receiving the JFS 07071 from the CSEA, OLC will:

(1) For one-time prize awards, pay the amount of intercept specified in the JFS 07071 or the prize award, whichever is less, to child support payment central (CSPC) in OCS within thirty days of the date of the JFS 07071.

(2) For prize awards paid in annual installments, pay the amount of intercept specified on the JFS 07071 or the amount of the annual installment, whichever is less, to CSPC on the date the next annual installment is due. When the annual installment does not satisfy the amount specified on the JFS 07071, OLC will pay subsequent annual installments to CSPC until the amount of intercept specified on the JFS 07071 has been paid in full.

(F) For prize awards paid in annual installments:

(1) The CSEA may modify the amount of intercept specified on the original JFS 07071 by issuing an amended JFS 07071 to OLC before the date the next annual installment is due. When the CSEA issues an amended JFS 07071 to OLC, the CSEA shall send a copy of the amended JFS 07071 to the obligor.

(2) Within thirty days of determining that the obligor is no longer in default, the CSEA shall issue a JFS 07070, "Notice to Terminate the State Lottery Prize Award Intercept Directive" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to OLC and issue a copy of the JFS 07070 to the obligor.

- (3) When OLC notifies OCS of the pending sale of a prize award by a person to a private entity, OCS shall notify each CSEA with administrative responsibility of the support order. The CSEA may then initiate additional enforcement techniques in accordance with division 5101:12 of the Administrative Code.

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