



Department of
Job and Family Services

Mike DeWine, Governor
Jon Husted, Lt. Governor

Matt Damschroder, Director

December 6, 2022

Child Support Program Manual Transmittal Letter (CSPMTL) No. 183

TO: All Child Support Program Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Five Year Rule Review – Lottery and Judicial Enforcement 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 **amended** the following rules:

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-50-50	Judicial Enforcement Actions	01/15/2020	01/01/2023
	This rule describes judicial enforcement actions that a CSEA with administrative responsibility is required to or may take in addition to other enforcement actions. Paragraph (C) was revised for clarity.		
	This rule is authorized by ORC section 3125.25; and amplifies ORC sections 1336.01 to 1336.11, 2117.06, 2705.031, 2919.21, 3123.14, 3123.15, 3123.182 and 3123.19.		
5101:12-55-30.1	State lottery, Casino, and Sports Gaming Data Match and Withholding	01/01/2015	01/01/2023
	This rule describes the process to identify whether a person entitled to a lottery prize award is an obligor subject to a final and enforceable determination of default. This rule is being revised to comply with House Bill 29 (134 General Assembly); the title has been updated and clarified the language to include data matching and withholding for casino and sports gaming.		
	This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3123.89 and 3123.90.		

OCS has **revised** the following forms:

Revised Form	Revised Form Title	Prior Effective Date of Form	Effective Date of Revision
JFS 01833	Notice of Availability of Unclaimed Funds	07/2017	05/2022
	This form is used to notify clients that support collection funds have been received and provides the client with a claim form to return to the child support payment center (CSPC) to prevent the funds from being reported as unclaimed funds to the Department of Commerce. The address on the form is being updated and some language is being revised for clarity.		
JFS 08021	Ohio Means Jobs Flyer	07/2021	08/2022
	This form is used to provide unemployed obligors that have been ordered to seek employment with information on how to create and register and account with Ohio Means Jobs. The instructions about account creation and activation have been updated.		

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,
- A revised form will be replaced with the amended form

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.

5101:12-50-50

Judicial enforcement actions.

(A) This rule describes judicial enforcement actions that a child support enforcement agency (CSEA) with administrative responsibility is required to or may take in addition to other enforcement actions described in division 5101:12 of the Administrative Code. The enforcement actions described in this rule require the filing of a judicial motion or complaint. The CSEA shall consult with its legal counsel regarding the proper filing of actions described in this rule.

(B) Required judicial enforcement action that the CSEA shall take.

In accordance with section 3123.19 of the Revised Code, if the CSEA determines that an obligor in default under a support order has a claim against another person or is a party in a pending judicial action, the CSEA shall immediately file either a motion to intervene or a creditor's bill with the court in which the action is pending.

(C) Discretionary judicial enforcement actions that the CSEA may take. This paragraph does not preclude a CSEA from taking any additional judicial enforcement actions that may be appropriate, but are not listed in this rule.

(1) In accordance with the provisions of section 2705.031 of the Revised Code, the CSEA may file a contempt action against an obligor for failure to pay support.

(2) In accordance with section 2117.06 of the Revised Code, a CSEA may file a claim against the estate of an obligor who is deceased for the purpose of collecting any arrears that are due under the support order. The claim is to be presented within six months after the obligor's date of death, whether or not the estate is released from administration or an executor or administrator is appointed during that six-month period.

(3) In accordance with section 3123.182 of the Revised Code, a CSEA may file an action for execution on a certified pay-off statement issued by a CSEA.

(4) In accordance with sections 1336.01 to 1336.11 of the Revised Code, the CSEA may bring an action, subject to the limitations in section 1336.08 of the Revised Code, to obtain any relief the circumstances require against an obligor who makes a fraudulent transfer of assets or enters into a fraudulent obligation to avoid paying under the support order. Relief may include invalidation of the transfer or obligation to the extent necessary to satisfy the arrearage.

(5) In accordance with the provisions of rule 65(A) of the Rules of Civil Procedure (7/1/1970) (www.supremecourt.ohio.gov), the CSEA may file a request for a temporary restraining order with the court in which an action described in division 5101:12 of the Administrative Code has been filed if it appears to the

CSEA that immediate and irreparable injury, loss or damage will result before the action can be heard.

- (6) In accordance with the provisions of Chapter 2329. of the Revised Code, the CSEA may file an action for execution against property owned by an obligor.
 - (7) The CSEA may take action against a payor who fails to comply with the requirements of an income withholding or deduction notice as described in sections 3121.371 and 3121.381 of the Revised Code.
 - (8) The CSEA may file an action requesting a court to join the CSEA as a party to an action to enforce a support order.
 - (9) The CSEA may refer a case to the county prosecutor for possible criminal non-support action under section 2919.21 of the Revised Code.
 - (10) In accordance with sections 3123.14 and 3123.15 of the Revised Code, when the child support order is terminated for any reason, the obligor is or was in default at any time under the support order, and the obligor owes arrears after the termination of the order, the obligee may submit an application to the CSEA to obtain relief. The CSEA shall commence the appropriate administrative or judicial action within twenty days after completion of such application.
- (D) When filing a contempt action in accordance with paragraph (C)(1) of this rule, the CSEA will:
- (1) Review the case for information regarding the obligor's ability to pay, or otherwise comply with the order. The review should include, but is not limited to research regarding:
 - (a) Whether 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;
 - (b) Whether there is a pending personal bankruptcy action for the obligor;
 - (c) Whether the obligor has received or is receiving income from a protected benefit, as described in rule 5101:12-50-10 of the Administrative Code, including research in the support enforcement tracking system (SETS) and the state verification exchange system/defense manpower data center (SVES/DMDC);

- (d) Whether the obligor had received or is receiving income subject to a withholding or deduction as described in rule 5101:12-50-10.1 of the Administrative Code; and
 - (e) Any other information that would assist in the determination of the obligor's ability to pay or otherwise comply with the order.
- (2) Determine after the review of the case information, if a contempt action is appropriate, and ensure that:
 - (a) The court is provided with such information regarding the obligor's ability to pay, or otherwise comply with the order, which may assist the court in making a factual determination regarding the obligor's ability to pay the purge amount or comply with the purge conditions; and
 - (b) Clear notice is provided to the obligor that his or her ability to pay constitutes the critical question in the civil contempt action.

Effective: 1/1/2023

Five Year Review (FYR) Dates: 8/1/2022 and 01/01/2028

CERTIFIED ELECTRONICALLY

Certification

12/01/2022

Date

Promulgated Under: 119.03

Statutory Authority: 3125.25

Rule Amplifies: 1336.01 to 1336.11, 2117.06, 2705.031, 2919.21,
3123.14, 3123.15, 3123.182, 3123.19

Prior Effective Dates: 01/01/1987 (Emer.), 03/20/1987, 11/11/1988,
10/01/1996, 01/01/1998, 12/01/2001, 04/18/2003,
01/01/2006, 12/01/2006, 03/01/2012, 03/01/2017,
02/11/2019, 01/15/2020

5101:12-55-30.1 **State lottery, casino, and sports gaming data match and withholding.**

- (A) In accordance with ~~section~~sections 3123.89 and 3123.90 of the Revised Code, a real time data match program has been implemented by the office of child support (OCS) within the Ohio department of job and family services (ODJFS) and the state lottery commission, each casino operator or management company, and with each sports gaming proprietor, for the purpose of identifying whether a person entitled to a lottery prize award, casino or sports gaming winnings, is an obligor subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code.
- (B) The state lottery commission ~~shall implement~~has implemented a process to submit identifying information regarding a person whose lottery prize award, casino or sports gaming winnings meets or exceeds the reportable winnings amounts set by 26 U.S.C. 6041 (2011), or a subsequent analogous section of the Internal Revenue Code, to the data match program described in paragraph (A) of this rule.
- (C) ODJFS will determine whether the information provided by the state lottery commission, the casino operator or management company, and each sports gaming proprietor matches an obligor in default of their support obligation. Upon completion of the match process ODJFS shall:
- (1) Return to the state lottery commission, the casino operator or management company, or each sports gaming proprietor the total arrearage balance up to the amount of the winnings if the person is determined to be an obligor in default; or
 - (2) Return to the state lottery commission, the casino operator or management company, or each sports gaming proprietor a response indicating the person is not determined to be an obligor in default.
- (D) The state lottery commission, the casino operator or management company, or each sports gaming proprietor will withhold an amount sufficient to satisfy any past due support owed by an obligor from the lottery prize award, casino or sports gaming winnings owed to the obligor up to the amount of the award.
- (E) The state lottery commission shall transmit to ODJFS weekly any amount withheld from a lottery prize awarded in the previous week.
- (F) The casino operator, management company, or sports gaming proprietor will transmit to ODJFS, no later than fourteen days, any award amount withheld as a payment on the support obligation.

Effective: 1/1/2023
Five Year Review (FYR) Dates: 5/26/2025

CERTIFIED ELECTRONICALLY

Certification

12/01/2022

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3123.89, 3123.90
Prior Effective Dates: 12/01/2014

CSPC
P.O. Box 182812
Columbus, Ohio 43218-2812

740-774-8569

<Obligee_Name<CPM><CTR><SSR>>
<Obligee_Address_1>
<Obligee_Address_2>
<Obligee_City>, <Obligee_State>, <Obligee_ZIP>

Mailing Date: <Print_Date>

Ohio Department of Job and Family Services
NOTICE OF AVAILABILITY OF UNCLAIMED FUNDS

Dear <Obligee_Name<CPM><CTR><SSR>>:

According to our records, you appear to be the owner of support collection funds represented by the item(s) listed on the back page of this notice. No transaction or other activity has been noted for a significant period of time. If you have an interest in these funds and wish to prevent such funds from being reported as Unclaimed Funds to the Department of Commerce, State of Ohio, pursuant to Chapter 169 of the Ohio Revised Code, please so indicate by signing the enclosed **Claim Form** and returning it to Child Support Payment Central (CSPC). A return envelope is enclosed for your convenience.

Please use the enclosed self-addressed stamped envelope to submit the **Claim Form** to CSPC within 30 days of the mailing date of this notice. If a response is not received within 30 days after the mailing date of this notice, these funds will be reported as unclaimed funds and transferred to the Ohio Department of Commerce, to whom all further claims regarding these funds must be directed. This notice is pursuant to ORC 169.03(D). **After the funds are transferred to the Department of Commerce, a 5% administrative fee is assessed (ORC 169.08(D)) for the recovery of these funds, regardless of the amount.**

(Please retain this statement for your records.)

(Please retain this statement for your records.)

Disbursement Number	Date	Amount	County	Order Number	Case Number
<CUF_Disb_No>	<CUF_Payment_Date>	<CUF_Payment_Amt>	<County_Name>	<Order_No>	<Case_No>

CSPC
P.O. Box 182812
Columbus, Ohio 43218-2812

740-774-8569

Ohio Department of Job and Family Services
CLAIM FORM

I am returning this form in order to claim the support collection funds listed on the back page.

My current mailing address and social security number are listed below:

<i>Social Security Number:</i>	-	-	
<i>Daytime telephone number:</i>	()	-
<i>Name:</i>			
<i>Address:</i>			
<i>City:</i>		<i>State:</i>	<i>Zip:</i>
<i>Signature:</i>		<i>Date:</i>	

To the claimant:

Please use the enclosed self-addressed stamped envelope to submit this form to Child Support Payment Central (CPSC) within 30 days of the mailing date of this notice. **If CSPC does not receive this form by<CUF_Return_Date>, the funds will be transferred to the Department of Commerce and you will need to contact them to collect these unclaimed funds.**

You must return this form to claim these child support funds.

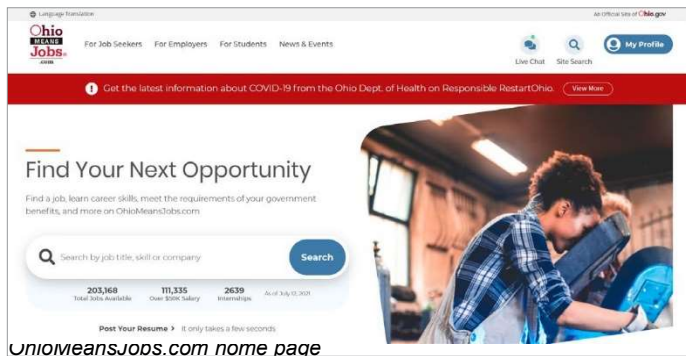
You must return this form to claim these child support funds.

Disbursement Number	Date	Amount	County	Order Number	Case Number
<CUF_Disb_No>	<CUF_Payment_Date>	<CUF_Payment_Amt>	<County_Name>	<Order_No>	<Case_No>

A Requirement for Unemployed Parents Who Owe Child Support

State Law

If you owe child support, are unemployed and recently were ordered to seek work, a state law requires you to register with **OhioMeansJobs.com**, Ohio's free, premier online career and employment center. **OhioMeansJobs.com** can make your job search faster, easier and more successful.



At **OhioMeansJobs.com**, you can:

- Create and post a resume for employers to see
- View more than 100,000 job openings
- Apply for jobs
- Get interviewing tips
- Take skill and interest tests
- Determine the salary you'll need to support your family and lifestyle
- Take online tutorials and practice assessments

Register on OhioMeansJobs.com

If you have been ordered to seek work as part of a new or modified child support order, you will receive a notification in the mail that an account has been created for you in Ohio Means Jobs. You must follow the steps in the letter to activate your account.

If you do not receive the letter timely, you must follow these steps:

- 1) Visit **OhioMeansJobs.com**.
- 2) Click on **"For Job Seekers"** tab
- 3) Click on **"Learn About Benefits"** tab
- 4) Scroll down until you see **"Child Support Work Requirements"** Tab (toward middle of the screen)
- 5) Click **"Launch"** to sign-in or to create an Ohio Means Job (OMJ) account. **You must have a valid email address to complete this step!**

After Registration

After you register, follow the requirements of your seek-work order. You may be required to:

- Create or upload your resume.
- Begin applying for jobs and tracking your job searches. Follow the directions on the website or visit your nearest OhioMeansJobs center for assistance.

To find your nearest OhioMeansJobs center: speak with your child support caseworker, call 1-(888) 296-7541, or visit <https://jfs.ohio.gov/owd/wioa/map.stm>

If you are legally prohibited from using a computer, contact your nearest OhioMeansJobs center to schedule an in-person appointment.

Mike DeWine, Governor
State of Ohio

Matt Damschroder, Director
Ohio Department of Job and Family Services

JFS 08021 (Rev. 08/2022)

This institution is an equal opportunity provider and employer.
A proud partner of the American Job Center network.