



April 10, 2023

Child Support Program Manual Transmittal Letter (CSPMTL) No. 184

TO: All Child Support Program Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: Five Year Rule Review – License Suspension 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 filed the following rule as **no change**. The effective date of the rule remains the same as the existing rule.

Rule Number	Rule Title	Effective Date of Rule
5101:12-55-25.2	Driver’s License Abstract	08/01/2017
	This rule describes the process and criterion a child support enforcement agency (CSEA) shall use to direct the registrar of motor vehicles to eliminate from the abstract maintained by the bureau of motor vehicles any reference of a previous license suspension.	
	This rule is authorized by ORC sections 3123.63, 3125.25; and amplifies ORC section 3123.63.	

OCS has **amended** the following rules:

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-55-25	License Suspension	08/01/2017	5/01/2023
	This rule describes when a CSEA may, as an enforcement technique, submit an obligor to a licensing entity to suspend, refuse or deny to renew a professional, driver’s, or recreational license. Changes from the existing rule include: added language in paragraphs (A) and (C) to clarify that license suspension applies only to child support cases; and rephrased the last sentence in paragraph (A) for clarity.		
	This rule is authorized by ORC sections 3123.63, 3125.25; and amplifies ORC sections 3123.41 to 3123.50, 3123.53 to 3123.60, 3123.62, 3123.63.		

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-55-25.1	License Reinstatement	08/01/2017	5/01/2023
	<p>This rule describes the process a CSEA shall use to reinstate a professional, recreational, or driver's license that has been suspended. In paragraph (D), replaced the term "obligor" with "individual" for clarity.</p> <p>This rule is authorized by ORC sections 3123.63, 3125.25; and amplifies ORC sections 3123.41 to 3123.50, 3123.53 to 3123.60, 3123.62, 3123.63.</p>		
5101:12-55-26	Suspension and Reinstatement of License to Practice Law	08/01/2017	5/01/2023
	<p>This rule describes when a CSEA may submit an obligor to the Ohio supreme court to suspend, refuse, or deny to renew, or reinstate a license to practice law. Clarified in paragraph (A) that license suspension applies only to child support cases.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03, 4705.021.</p>		

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.

5101:12-55-25 **License suspension.**

(A) This rule describes when a child support enforcement agency (CSEA) may, as an enforcement technique, submit an obligor under a child support order to a licensing entity to suspend, refuse, or deny to renew a professional, driver's, or recreational license. Suspension and reinstatement procedures ~~for Ohio attorneys can be found~~ of license to practice law are described in rule 5101:12-55-26 of the Administrative Code.

(B) The following definitions apply to this rule and its supplemental rules:

(1) A "license" means:

- (a) A license, certificate, permit, registration, or other authorization to engage in an occupation or profession, other than attorney, that is issued by a board or entity that has the authority pursuant to Title XLVII (47) of the Revised Code;
- (b) A driver's or commercial driver's license, motorcycle operator's license or endorsement, temporary instruction permit, or commercial driver's temporary instruction permit issued by the registrar of motor vehicles or a deputy registrar; or
- (c) A recreational license issued by the department of natural resources (DNR) that includes any license, permit, or stamp issued pursuant to section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the Revised Code.

(2) A "licensing entity" means any entity that has authority to issue a license to an individual and includes any of the following:

- (a) Any board or entity that has the authority pursuant to Title XLVII (47) of the Revised Code to issue a license and any other agency of this state, other than the supreme court, that has the authority to issue a license that authorizes an individual to engage in an occupation or profession. This includes an administrative officer that has authority to issue a license that authorizes an individual to engage in an occupation or profession;
- (b) The bureau of motor vehicles (BMV) or the registrar or deputy registrar of motor vehicles; and
- (c) The department of natural resources (DNR).

(C) The CSEA shall submit an obligor under a child support order to a licensing entity to suspend, refuse, or deny to renew a license only when:

- (1) A court or agency has determined that an individual has failed to comply with a warrant or subpoena issued by a court or agency with respect to a proceeding to enforce a child support order, and the CSEA has issued a pre-suspension notice as outlined in paragraph (D) of this rule at least ten days prior to submission of an obligor to a licensing entity; or
 - (2) At least a ninety-day period has elapsed since a final and enforceable determination of default has been made and a JFS 04049, "Notice to Obligor of Default and Potential Action" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), has been issued to the obligor. Unless the obligor files a mistake of fact objection to the JFS 04049, the CSEA shall count at least ninety days from the most recent issuance of the JFS 04049. If the obligor objects, default is considered final and enforceable on the date established in a CSEA mistake of fact determination under section 3123.04 of the Revised Code or the court mistake of fact determination under section 3123.05 of the Revised Code. If the agency or court mistake of fact determination is silent as to the date of default, the CSEA shall use the date of issuance of the JFS 04049. Additionally, the CSEA shall have issued a pre-suspension notice as outlined in paragraph (D) of this rule at least ten days prior to submission of an obligor to a licensing entity.
- (D) The CSEA shall only send a pre-suspension notice when the CSEA determines that in the ninety-day period preceding a decision to issue a pre-suspension notice, the obligor has paid less than fifty per cent of the total monthly ordered obligation due for that ninety-day period, excluding any state or federal tax offset amounts received during that ninety-day period. A "ninety-day period" includes the three full months preceding the month in which the CSEA is considering sending the pre-suspension notice.

When the CSEA elects to issue a pre-suspension notice to the obligor, the CSEA shall use the JFS 04024, "Advance Notice to Suspend Professional, Recreational, and/or Driver's License" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code) as its pre-suspension notice. The notice shall be issued to the obligor's last known address by ordinary, first class mail. When more than ninety days have elapsed since the issuance of the JFS 04024, a new pre-suspension notice shall be sent to the obligor if the CSEA still intends to submit an obligor to a licensing entity referenced in the notice.

- (E) License suspension procedures.

When the CSEA elects to submit an obligor to a licensing entity to suspend a specific license, the CSEA shall:

- (1) Ensure that at least ten days, but no more than ninety days have elapsed since the issuance of the pre-suspension notice as described in paragraph (D) of this rule; and
 - (2) Send an electronic notice through the support enforcement tracking system (SETS) or, when an electronic notice is not available, a JFS 04041, "Notice to Suspend Professional, Motor Vehicle Operator and Recreational License" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the licensing entity that has authority to issue or has issued the obligor that specific license.
- (F) The CSEA shall describe the procedures used to submit an obligor to a licensing entity to suspend, refuse, or deny to renew a license and to reinstate a license in the CSEA's procedural manual.

Effective: 5/1/2023
Five Year Review (FYR) Dates: 1/18/2023 and 05/01/2028

CERTIFIED ELECTRONICALLY

Certification

04/06/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3123.63, 3125.25
Rule Amplifies: 3123.41 to 3123.50, 3123.53 to 3123.60, 3123.62, 3123.63
Prior Effective Dates: 10/01/1996, 01/01/1998, 06/02/2001, 10/14/2001, 01/01/2006, 06/15/2008, 05/01/2012, 02/01/2016, 08/01/2017

5101:12-55-25.1 **License reinstatement.**

(A) This rule describes the process a child support enforcement agency (CSEA) shall use to reinstate a professional, recreational, or driver's license that has been suspended.

(B) A CSEA shall send an electronic notice through the support enforcement tracking system (SETS) or, when an electronic notice is not available, a JFS 04042, "Notice to Reinstate/Reissue a License" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the licensing entity to which it sent a JFS 04041, "Notice to Suspend Professional, Motor Vehicle Operator and Recreational License" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), within seven days of one of the following:

(1) There has been a determination that the obligor is no longer in default; or

(2) The court or CSEA that issued a warrant or subpoena removes the warrant or determines that the obligor has complied with the subpoena in accordance with section 3123.46 of the Revised Code; or

(3) The following occurs:

(a) The obligor pays the full arrears balance owed as of the date of the payment;
or

(b) When paragraph (B)(3)(a) of this rule is not possible, the obligor presents evidence of employment or a financial institution account and the agency has confirmed said employment or financial institution account as described in paragraph (C) of this rule; or

(c) When paragraphs (B)(3)(a) and (B)(3)(b) of this rule are not possible, the obligor presents evidence that the obligor is unable to work due to circumstances beyond the obligor's control and it is accepted as such by the agency; or

(d) When paragraphs (B)(3)(a) to (B)(3)(c) of this rule are not possible, the obligor complies with a written agreement to complete a family support program administered or approved by the agency, or a program that will establish compliance with a seek work order; or

(e) When paragraphs (B)(3)(a) to (B)(3)(d) of this rule are not possible, the obligor pays the balance of the total monthly obligation due for the ninety-day period preceding the date the agency sent the pre-suspension notice.

(C) Confirming employment status or financial institution account information.

When the obligor requests reinstatement of a license based upon paragraph (B)(3)(b) of this rule, the CSEA shall proceed as follows:

- (1) Upon receipt of evidence from the obligor of employment or of an account at a financial institution, the CSEA shall confirm the information provided and reinstate the obligor's license as described in paragraph (B) of this rule after an income withholding has been issued to that employer or financial institution.
 - (2) When information previously provided by the obligor, which resulted in a reinstatement under paragraph (B)(3)(b) of this rule did not result in a payment being received from that payor, any subsequent reinstatement requests based upon paragraph (B)(3)(b) of this rule shall only be granted once a payment has been received via withholding from the payor.
 - (3) When the CSEA determines that an obligor has a history of frequently changing employment or financial institution accounts, a reinstatement request based upon paragraph (B)(3)(b) of this rule shall only be granted once one full month's obligation has been received via withholding from the provided payor.
- (D) When the CSEA submits an ~~obligor~~ individual in error to a licensing entity for the suspension or refusal of or denial to renew a license, the CSEA shall immediately issue an electronic notice through SETS or, when an electronic notice is not available, a JFS 04038, "Notice of Correction of a License Suspension" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the licensing entity to which it sent the JFS 04041.

Effective: 5/1/2023
Five Year Review (FYR) Dates: 1/18/2023 and 05/01/2028

CERTIFIED ELECTRONICALLY

Certification

04/06/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3123.63, 3125.25
Rule Amplifies: 3123.41 to 3123.50, 3123.53 to 3123.60, 3123.62, 3123.63
Prior Effective Dates: 10/01/1996, 01/01/1998, 06/02/2001, 10/14/2001, 01/01/2006, 06/15/2008, 05/01/2012, 02/01/2016, 08/01/2017

5101:12-55-25.2 **Driver's license abstract.**

- (A) This rule describes the process and criterion a child support enforcement agency (CSEA) shall use to direct the registrar of motor vehicles to eliminate from the abstract maintained by the bureau of motor vehicles (BMV) any reference of a previous license suspension.
- (B) When the CSEA receives a request from an obligor whose license has been reinstated to have a child support related license suspension reference expunged from the obligor's drivers abstract, the CSEA shall determine the obligor's eligibility. For an obligor to be eligible to have the license abstract expunged the following must apply:
- (1) The obligor has provided the CSEA with a current copy of the individualized, computer system generated BMV 2006, "Notification/Reinstatement Requirement", and the notice does not list any outstanding reinstatement balance due for the associated child support suspension(s); and
 - (2) The obligor meets one of the following criterion:
 - (a) The child support order has been terminated, and the obligor has paid the case to a zero balance; or
 - (b) The obligor is in compliance with the child support obligation, and obligor has made full payments for at least six months prior to the month in which the obligor requests expungement; or
 - (c) The obligor is making full ordered montly child support obligation payments and has provided the CSEA with evidence that the license suspension referenced on the abstract has limited or hindered the obligor's employability.
- (C) When the CSEA has determined that an obligor has met the criteria to have the abstract expunged, the CSEA shall send an electronic notice through the support enforcement tracking system (SETS) or, when an electronic notice is not available, a JFS 04016, "Notice to Expunge a Driver's Abstract" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the BMV within seven days.

Five Year Review (FYR) Dates: 1/18/2023 and 01/18/2028

CERTIFIED ELECTRONICALLY

Certification

01/18/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3123.63, 3125.25
Rule Amplifies: 3123.63
Prior Effective Dates: 05/01/2012, 02/01/2016, 08/01/2017

5101:12-55-26

Suspension and reinstatement of license to practice law.

- (A) In accordance with division (B) of section 4705.021 of the Revised Code, a child support enforcement agency (CSEA) may, as an enforcement technique, refer an obligor under a child support order who is licensed to practice law in the state of Ohio to the Ohio supreme court for suspension of a license to practice law.
- (B) The CSEA may elect to submit an obligor to the Ohio supreme court to suspend, refuse, or deny to renew a license to practice law when:
- (1) A court or agency has determined that an individual has failed to comply with a warrant or subpoena issued by a court or agency with respect to a proceeding to enforce a child support order, and the CSEA has issued a pre-suspension notice as outlined in paragraph (C) of this rule at least ten days prior to submission of an obligor to a licensing entity; or
 - (2) At least a ninety-day period has elapsed since a final and enforceable determination of default has been made and a JFS 04049, "Notice to Obligor of Default and Potential Action" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), has been issued to the obligor. Unless the obligor files a mistake of fact objection to the JFS 04049, the CSEA shall count at least ninety days from the most recent issuance of the JFS 04049. If the obligor objects, default is considered final and enforceable on the date established in a CSEA mistake of fact determination under section 3123.04 of the Revised Code or the court mistake of fact determination under section 3123.05 of the Revised Code. If the agency or court mistake of fact determination is silent as to the date of default, the CSEA shall use the date of issuance of the JFS 04049. Additionally, the CSEA shall have issued a pre-suspension notice as outlined in paragraph (C) of this rule at least ten days prior to submission of an obligor to a licensing entity.
- (C) The CSEA shall only send a pre-suspension notice when the CSEA determines that in the ninety-day period preceding a decision to issue a pre-suspension notice, the obligor has paid less than fifty per cent of the total monthly ordered obligation due for that ninety-day period, excluding any state or federal tax offset amounts received during that ninety-day period. A "ninety-day period" includes the three full months preceding the month in which the CSEA is considering sending the pre-suspension notice.

When the CSEA elects to refer an obligor for the suspension of a license to practice law, the CSEA shall send to the obligor's last known address by ordinary, first class mail a JFS 07230, "Advance Notice to Suspend License to Practice Law" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code).

(D) When the CSEA elects to proceed with the referral for suspension, the CSEA shall:

- (1) Ensure that at least ten days, but no more than ninety days have elapsed since the issuance of the pre-suspension notice as described in paragraph (C) of this rule. When more than ninety days have elapsed, a new notice shall be sent to the obligor if the CSEA still intends to submit an obligor for suspension; and
- (2) Send to the secretary of the board of commissioners on grievances and discipline of the supreme court and to either the disciplinary counsel or the president, secretary, and chairperson of each certified grievance committee the following:
 - (a) A notice listing the name and social security number or other identification number of the obligor and requesting the suspension of the obligor's license to practice law; and
 - (b) A certified copy of the court or agency determination of default.

(E) License reinstatement

- (1) The CSEA shall send a JFS 04042, "Notice to Reinstate/Reissue a License" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the secretary of the board of commissioners on grievances and discipline of the supreme court and to either the disciplinary counsel or the president, secretary, and chairperson of each certified grievance committee to which it sent a notice described in paragraph (C) of this rule, within seven days of one of the following:
 - (a) There has been a determination that the obligor is no longer in default; or
 - (b) The court or CSEA that issued a warrant or subpoena removes the warrant or determines that the obligor has complied with the subpoena in accordance with section 3123.46 of the Revised Code; or
 - (c) The following occurs:
 - (i) The obligor pays the full arrears balance owed as of the date of the payment; or
 - (ii) When paragraph (E)(1)(c)(i) of this rule is not possible, the obligor presents evidence of employment or a financial institution account and the agency has confirmed said employment or financial institution account as described in paragraph (E)(2) of this rule; or

- (iii) When paragraphs (E)(1)(c)(i) and (E)(1)(c)(ii) of this rule are not possible, the obligor presents evidence that the obligor is unable to work due to circumstances beyond the obligor's control and it is accepted as such by the agency; or
- (iv) When paragraphs (E)(1)(c)(i) to (E)(1)(c)(iii) of this rule are not possible, the obligor complies with a written agreement to complete a family support program administered or approved by the agency, or a program that will establish compliance with a seek work order; or
- (v) When paragraphs (E)(1)(c)(i) to (E)(1)(c)(iv) of this rule are not possible, the individual pays the balance of the total monthly obligation due for the ninety-day period preceding the date the agency sent the pre-suspension notice.

When the court made the determination of default, the CSEA shall include with the electronic notice or JFS 04042 a certified copy of the judgment entry reversing the determination of default.

(2) Confirming employment status or financial institution account information.

When the obligor requests reinstatement of a license based upon paragraph (E)(1)(c)(ii) of this rule, the CSEA shall proceed as follows:

- (a) Upon receipt of evidence from the obligor of employment or of an account at a financial institution, the CSEA shall confirm the information provided and reinstate the obligor's license as described in paragraph (E) of this rule after an income withholding has been issued to that employer or financial institution.
- (b) When information previously provided by the obligor, which resulted in a reinstatement under paragraph (E)(1)(c)(ii) of this rule did not result in a payment being received from that payor, any subsequent reinstatement requests based upon paragraph (E)(1)(c)(ii) of this rule shall only be granted once a payment has been received via withholding from the payor.
- (c) When the CSEA determines that an obligor has a history of frequently changing employment or financial institution accounts, a reinstatement request based upon paragraph (E)(1)(c)(ii) of this rule shall only be granted once one full month's obligation has been received via withholding from the provided payor.

- (3) When the CSEA determines that the referral for the suspension of a license to practice law was issued in error, the CSEA shall immediately issue a JFS 04038, "Notice of Correction of a License Suspension" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the secretary of the board of commissioners on grievances and discipline of the supreme court and to either the disciplinary counsel or the president, secretary, and chairperson of each certified grievance committee.
- (F) The CSEA shall describe the procedures used to submit an obligor to the Ohio supreme court to suspend, refuse, or deny to renew a license to practice law and to reinstate a license to practice law in the CSEA's procedural manual.

Effective: 5/1/2023

Five Year Review (FYR) Dates: 1/18/2023 and 05/01/2028

CERTIFIED ELECTRONICALLY

Certification

04/06/2023

Date

Promulgated Under: 119.03

Statutory Authority: 3125.25

Rule Amplifies: 3125.03, 4705.021

Prior Effective Dates: 01/01/2006, 06/15/2008, 05/01/2012, 02/01/2016,
08/01/2017