



June 6, 2023

Child Support Program Manual Transmittal Letter (CSPMTL) No. 187

TO: All Child Support Program Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: OCS Rule Review – Support Enforcement Program Services and IV-D Services Rules

These rules have been reviewed in accordance with sections 106.03 and 119.04 of the Revised Code, which requires the review of all state agency rules within a five-year period.

The Office of Child Support (OCS) has **rescinded** the following rules:

Rescinded Rule	Rescinded Rule Title	Prior Effective Date of Rule	Effective Date of Rescission
5101:12-10-01	Request for Services	03/01/2012	6/15/2023
This rule has been rescinded and replaced by a new rule with the same rule number and same title because more than 50% of this rule has been stricken.			

OCS has **adopted** the following rule:

Adopted Rule	Adopted Rule Title	Effective Date of Adopted Rule
5101:12-10-01	Request for Services	6/15/2023
This rule describes requests for services from a child support enforcement agency.		
Changes from the rescinded rule with the same rule number include: amended paragraph (A) for clarity, amended paragraph (B) that the definitions in rule 5101:12-1-10 apply to this rule and its supplemental rules, in paragraph (C) added language from paragraph (E) of rule 5101:12-1-10.1, and amended paragraphs (D) and (E) for clarity.		
This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3125.03, 3125.05, 3125.06, 3125.10, 3125.11, 3125.27, and 3125.36.		

OCS has **amended** the following rules:

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-1-10	<p>Definitions</p> <p>This rule provides definitions for the rules contained in division 5101:12 of the Administrative Code.</p> <p>Changes to this rule include: updated paragraph (A)(1) definition of IV-D case based on definition in the instructions to the OCSE-157 and clarified; that for caretaker cases each obligated parent is a separate IV-D case, that a IV-D case may consist of multiple Support Enforcement Tracking System (SETS) cases, and that a IV-D case includes cases where there is child and spousal support in the same order, amended in paragraph (A)(3) that "IV-D application" means the JFS 07076, clarified in paragraph (A)(4) that referrals from Medicaid are tied to the existence of an order, amended paragraphs (A)(5), (A)(6), (A)(7), and (A)(8) for clarity.</p> <p>This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3105.21, 3109.05, 3111.13, 3113.04, 3113.07, 3119.65 and 3119.70.</p>	02/11/2019	6/15/2023
5101:12-1-10.1	<p>Support Enforcement Program Services</p> <p>This rule describes the services that a child support enforcement (CSEA) agency is required to provide to IV-D cases and non-IV-D cases for which the CSEA has administrative responsibility in accordance with rules 5101:12-10-03 and 5101:12-10-04 of the Administrative Code.</p> <p>Changes to this rule include: amended paragraph (B) for clarity, clarified paragraph (C) services required to a non-IV-D case, removed language in paragraph (E) referencing the IV-D application and moving the language to rule 5101:12-10-01 paragraph (B), and added language to clarify that a CSEA represents the best interest of the State of Ohio.</p> <p>This rule is authorized by ORC section 3125.25 and amplifies ORC sections 3125.03 and 3125.36.</p>	10/01/2021	6/15/2023

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-10-01.1	IV-D Application and IV-D Referral	3/1/2012	6/15/2023
	<p>This rule describes the sources from which a child support enforcement agency (CSEA) may receive a IV-D application or IV-D referral, and the CSEA's duty to approve or deny the application or referral within twenty days of receipt.</p> <p>Changes to this rule include: under paragraph (A)(1) removed the hanging paragraph language and moved to paragraph (A)(2), removed current language in paragraph (A)(2), added language to paragraph (B)(1) for clarity, removed the hanging paragraph language under paragraph (B)(3) to paragraph (C), removed language from paragraph (D) for clarity and added paragraph (F) for reasons when a CSEA may deny services.</p> <p>This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3125.03, 3125.11, 3125.36, and 3125.37.</p>		
5101:12-10-02	Case Intake	2/1/2018	6/15/2023
	<p>This rule describes the process the child support enforcement (CSEA) agency must follow when it receives a IV-D application, IV-D referral, or an order from a court not accompanied by a IV-D application; and that the CSEA may, but is not required to conduct an interview with the applicant.</p> <p>Changes to the rule include: amended paragraph (A) for clarity, amended paragraph (B) by removing unnecessary language regarding method and purpose of conducting an interview with an applicant.</p> <p>This rule is authorized by ORC section 3125.25, and amplifies ORC sections 3125.11 and 3125.15</p>		

INSTRUCTIONS:

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

- A rescinded rule will be moved from the CSPM to the OAC Archive section of the eManuals.
- An adopted rule will be inserted.
- 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.

5101:12-1-10 **Definitions.**

(A) The following definitions apply to the rules contained in division 5101:12 of the Administrative Code:

(1) "Case" ~~refers to~~ means a matter involving ~~the~~ an individual who is or may become obligated by a support order and the beneficiary of that support order.

(a) "IV-D case" means a case ~~that has been approved for IV-D services by a child support enforcement agency (CSEA) in accordance with rule 5101:12-10-01.1 of the Administrative Code~~ with a parent or alleged parent who is now or eventually may be obligated under a support order for the support of a child or children receiving IV-D services, based on a IV-D application or referral that has been approved by a child support enforcement agency (CSEA).

(i) When both parents are obligated under a support order or eventually may become obligated under a support order for support of a child or children in the care or custody of a person other than a parent who is receiving IV-D services, each parent is considered a separate IV-D case; and

(ii) A IV-D case may consist of multiple case numbers within the support enforcement tracking system (SETS); and

(iii) A IV-D case may include a case with provisions for both child support and spousal support in the same support order.

(b) "Non-IV-D case" means a case that has not been approved for IV-D services or a case for which IV-D services have been terminated.

(2) "Issued," when used in reference to notices, decisions, and other documents, means the date listed on the document unless it is otherwise indicated in the case record that the document was sent by U.S. mail or hand-delivered on a date later than the date stated on the document.

(3) "IV-D application" means the JFS 07076 "Application for Child Support Services Non-Public Assistance Applicant/Recipient" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code).

(4) "IV-D referral" means a request for services from:

(a) A county department of job and family services (CDJFS) as a result of an application for medicaid benefits when there is an existing support order for the child or as a result of an application for Ohio works first (OWF);

(b) A Title IV-E agency that resulted from a determination of eligibility for foster care maintenance (FCM) benefits; or

(c) The Ohio interstate central registry as a result of the receipt of a Uniform Interstate Family Support Act interstate petition in accordance with 42 U.S.C. 666(f) (12/14/1999) for a IV-D Case.

~~(3)~~(5) "IV-D services" means services provided ~~pursuant to a IV-D case under~~ title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 (8/22/1996). IV-D services include:

~~(a) All support enforcement program services~~Case intake of a IV-D application or referral;

~~(b) Federal income tax refund offset submittals for the collection of support arrears~~Location of persons for purposes of providing IV-D services;

~~(c) Withholding of unemployment compensation for the payment of support~~Establishment of parentage;

~~(d) Requests to the internal revenue service for the disclosure of taxpayer information for use in establishing and collecting support obligations~~Establishment of child support and medical support orders;

~~(e) Requests to the U.S. department of treasury for the administrative offset of certain federal payments other than federal income tax refund offset for the collection of delinquent support; and~~Enforcement of child support and medical support orders, including:

(i) Federal income tax refund offset and passport denial submittal for the collection of support arrears;

(ii) Withholding of unemployment compensation for the payment of support; and

(iii) Requests to the internal revenue service for the disclosure of taxpayer information for use in establishing and collecting support obligations.

~~(f) Requests for certification to the U.S. district court when another state has failed to act on an Ohio support order.~~Modification or termination of child support and medical support orders;

(g) Collection and disbursement of support payments; and

(h) Any other actions appropriate to child support enforcement.

(6) "Non-IV-D Services" means:

(a) Any services provided to a non-IV-D case; or

(b) Services provided to a IV-D case that are not eligible for federal financial participation (FFP).

(7) "Recipient of IV-D services" means:

(a) The person who signed an approved IV-D application with a CSEA; or

(b) The person for whom the CSEA received and approved a IV-D referral.

~~(4)~~(8) "Support enforcement program services" include: means IV-D and non-IV-D services authorized by law to be provided by a CSEA.

~~(a) Location services as described in Chapter 5101:12-20 of the Administrative Code;~~

~~(b) Establishment of parentage as described in Chapters 5101:12-40 and 5101:12-70 of the Administrative Code;~~

~~(c) Establishment and modification of child support orders and medical support orders as described in Chapters 5101:12-45, 5101:12-60, and 5101:12-70 of the Administrative Code;~~

~~(d) Enforcement of support orders as described in Chapters 5101:12-50 and 5101:12-70 of the Administrative Code;~~

~~(e) Collection of support obligations as described in Chapter 5101:12-80 of the Administrative Code; and~~

~~(f) Any other actions appropriate to child support enforcement.~~

~~(5)~~(9) "Support order" means:

(a) Pursuant to 42 U.S.C. 653(p) (9/29/2014), and as used in Title IV-D of the Social Security Act, a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or of the parent with whom the child is living, that provides for monetary support, health care, arrearages, or reimbursement,

and that may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief; and

(b) In accordance with division (B)(5) of section 3119.01 of the Revised Code and as used in Chapters 3119., 3121., 3123., and 3125. of the Revised Code, either an administrative child support order or a court support order.

(i) ~~Pursuant to division (B)(1) of section 3119.01 of the Revised Code, "administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001~~ "Administrative child support order" has the same meaning as in section 3119.01 of the Revised Code.

(ii) ~~In accordance with division (C)(3) of section 3119.01 of the Revised Code, "court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code~~ "Court support order" has the same meaning as in section 3119.01 of the Revised Code.

(B) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that, when the last day falls on Sunday or a legal holiday, the act may be done on the next succeeding day that is not Sunday or a legal holiday. When a public office in which an act, required by law, is to be performed is closed to the public for the entire day that constitutes the last day for doing the act or before its usual closing time on that day, the act may be performed on the next succeeding day that is not a Sunday or a legal holiday as defined in section 1.14 of the Revised Code.

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Five Year Review (FYR) Dates: 3/27/2023 and 06/15/2028

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Certification

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07/01/2002, 06/15/2006, 03/01/2012, 02/11/2019

5101:12-1-10.1 **Support enforcement program services.**

- (A) This rule describes the services that a child support enforcement agency (CSEA) is required to provide to IV-D cases and non-IV-D cases for which the CSEA has administrative responsibility in accordance with rule 5101:12-10-03 or 5101:12-10-04 of the Administrative Code.
- (B) The CSEA shall provide all ~~support enforcement program~~ appropriate IV-D services; ~~described in rule 5101:12-1-10 of the Administrative Code;~~ to IV-D cases.
- (C) The CSEA ~~shall~~ is to provide the following support enforcement program services all appropriate non-IV-D services to non-IV-D cases, including:
- ~~(1)~~ (2) Case intake;
 - ~~(1)(2)~~ Location services as described in Chapter 5101:12-20 of the Administrative Code of an obligee to disburse a collection;
 - ~~(2)(3)~~ Enforcement of support orders as described in Chapters 5101:12-50 and 5101:12-70 of the Administrative Code; and
 - ~~(3)(4)~~ Collection and disbursement of support obligations as described in Chapter 5101:12-80 of the Administrative Code.
- (D) Due to restrictions in federal law, the following IV-D services ~~shall~~ will only be provided to ~~an individual who has been approved for IV-D services.~~ cases:
- (1) Federal income tax refund offset ~~submittals~~ and passport denial submittal for the collection of support arrears;
 - (2) Withholding of unemployment compensation for the payment of support; and
 - (3) Requests to the internal revenue service for the disclosure of taxpayer information for use in establishing and collecting support obligations.
- (E) In providing support enforcement services, the CSEA and its contracted agents (e.g. prosecutors, attorneys, administrative officers) represent the best interests of the state of Ohio and not the recipient of services or the recipient's personal interest, when that interest is contrary to the interest of the state of Ohio.
- ~~(E) In accordance with section 3125.36 of the Revised Code, a CSEA shall make available a IV-D application to any person requesting a CSEA's assistance to locate the non-eustodial parent, establish a paternity or support order, or enforce or modify a support order. An individual is eligible for IV-D services when the individual:~~

- ~~(1) Is a recipient of Ohio works first (OWF), medicaid, or Title IV-E foster care maintenance (FCM) benefits for whom an assignment is still in effect;~~
- ~~(2) Is a former recipient of OWF, medicaid, or FCM in whose case there are assigned arrears;~~
- ~~(3) Is a former recipient of OWF, medicaid, or FCM in whose case there are no assigned arrears and IV-D services have not been terminated; and~~
- ~~(4) Has signed an application for IV-D services that has been filed and approved by a CSEA and IV-D services have not since been terminated.~~

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07/15/1988, 12/29/1988, 04/01/1989, 06/02/1989,
09/01/1989, 12/01/1989, 04/01/1990, 08/01/1990,
10/01/1990, 04/01/1991, 11/01/1991, 04/01/1992,
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07/01/2002, 04/18/2003, 06/15/2006, 03/01/2012,
02/11/2019, 10/01/2021

5101:12-10-01.1 **IV-D application and IV-D referral.**

(A) IV-D application.

- (1) The child support enforcement agency (CSEA) shall make IV-D applications readily accessible to the public. The CSEA shall provide a IV-D application to an individual requesting services on the day the individual makes a request in person or send a IV-D application to the individual within five working days of a written or telephone request.

~~The CSEA shall not require an individual who is a recipient of IV-D services in another state to sign a IV-D application. The CSEA shall not require an individual for whom it has received a IV-D referral to sign a IV-D application unless, after receipt of the IV-D referral, IV-D services were terminated in accordance with rule 5101:12-10-70 of the Administrative Code.~~

- (2) The CSEA will not mandate an application, other request for services, or an application fee from any individual who is eligible to receive IV-D services as a result of a referral described in paragraph (B) of this rule, unless, after receipt of the IV-D referral, IV-D services were terminated in accordance with rule 5101:12-10-70 of the Administrative Code.

- ~~(2) The IV-D application may be filed by an applicant who is not receiving Ohio works first (OWF), medicaid, or Title IV-E foster care maintenance (FCM) benefits and for whom one of the following conditions applies:~~

~~(a) The applicant resides in the same county as the CSEA;~~

~~(b) The applicant is either the obligee or obligor in a support order for which the CSEA has administrative responsibility; or~~

~~(c) The applicant resides in a state other than Ohio or in a foreign country and is not a recipient of IV-D services in his or her state or country of residence.~~

- (3) The CSEA shall charge a one dollar IV-D application fee when an individual files a IV-D application. The CSEA may require the applicant to pay the IV-D application fee or may absorb the IV-D application fee.
- (4) The CSEA shall accept a completed and signed IV-D application as filed on the day the IV-D application was received by the CSEA and the application fee was received or absorbed by the CSEA.
- (5) When IV-D services were previously terminated, the individual must file a new IV-D application and be charged an application fee unless:

- (a) The CSEA receives a IV-D referral; or
- (b) The CSEA is required to reopen the IV-D case for administrative reasons.

(B) A IV-D referral may be received from:

- (1) A county department of job and family services (CDJFS) as a result of an application for medicaid benefits when there is an existing support order for the child or as a result of an application for Ohio works first ~~OWF(OWF)~~ or medicaid benefits;
- (2) A Title IV-E agency that resulted from a determination of eligibility for FCM benefits; or
- (3) The Ohio interstate central registry as a result of the receipt of a Uniform Interstate Family Support Act interstate petition in accordance with 42 U.S.C. 666(f) (12/14/1999) for a IV-D case.

~~When IV-D services were previously terminated and the CSEA receives a new IV-D referral from a CDJFS, medicaid, or Title IV-E agency, the CSEA shall conduct a thorough investigation, which may include a face-to-face interview, phone contact with the recipient of services, or other form of investigation, within the twenty day time frame. If the facts underlying the termination of IV-D services have not changed and are documented in the case record and no new information is available to help provide IV-D services, then the case does not need to be reopened.~~

(C) When IV-D services were previously terminated and the CSEA receives a new IV-D referral from a CDJFS, medicaid, or Title IV-E agency, the CSEA will conduct a thorough investigation, which may include a face-to-face interview, phone contact with the recipient of services, or other form of investigation, within the twenty day time frame. If the facts underlying the termination of IV-D services have not changed and are documented in the case record and no new information is available to help provide IV-D services, then the case does not need to be reopened.

~~(D)~~ (D) The CSEA shall approve a completed and signed IV-D application or a IV-D referral for IV-D services unless the IV-D application or IV-D referral meets a denial criteria described in paragraph (D) of this rule. ~~The CSEA shall provide all appropriate support enforcement program services to a case in which IV-D services were denied.~~

~~(D)~~ (E) The CSEA shall deny IV-D services to a IV-D application or a IV-D referral when:

- (1) The non-custodial parent is seeking to locate a child;

- (2) The parent who has been granted custody of a child is seeking to locate and recover that child who may have been removed by the non-custodial parent (in this circumstance the CSEA should refer to rule 5101:12-20-10 of the Administrative Code concerning location services for parental kidnapping and child custody cases);
 - (3) An adult child is seeking to locate a parent;
 - (4) A child is attempting to reunite with a sibling;
 - (5) The applicant is requesting reimbursement for medical costs that have not been reduced to a dollar amount in a court order;
 - (6) The applicant requests services that are not available from the CSEA (in this circumstance, the CSEA is responsible for determining, based on the facts and circumstances of the application, whether the requested service is or is not available);
 - (7) The referral is for a pregnant woman with no other child;
 - (8) The case has already been approved for IV-D services; or
 - (9) The child has attained the age of majority unless:
 - (a) The child is attending an accredited high school on a full-time basis and has not attained the age of nineteen;
 - (b) A court order has made special provisions that would extend the duty of support beyond the child's minority;
 - (c) IV-D services are requested to establish paternity and the child has not attained the age of twenty-three; or
 - (d) IV-D services are requested to collect arrears.
- (F) The CSEA may deny IV-D services to a IV-D application when the application does not provide minimum information necessary to attempt location efforts: names of the participants and either dates of birth or social security numbers of the participants; and the CSEA has made diligent efforts to obtain the information necessary to attempt location.

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5101:12-10-01 **Request for services.**

- (A) This rule describes requests for services from a child support enforcement agency (CSEA).
- (B) Definitions found in rule 5101:12-1-10 of the Administrative Code apply to this rule and its supplemental rules.
- (C) In accordance with section 3125.36 of the Revised Code, a CSEA will make available a IV-D application to all persons requesting a CSEA's assistance in an action under sections 3111.01 to 3111.18 of the Revised Code or in an administrative proceeding brought to establish a parent and child relationship, to establish or modify an administrative support order, or to establish or modify an order to provide health insurance coverage for the children subject to a support order.
- (D) A request for services is initiated when a CSEA receives:
- (1) A referral of a support order from a court;
 - (2) A signed IV-D application; or
 - (3) A IV-D referral.

Replaces: 5101:12-10-01
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06/10/1988, 07/15/1988, 12/29/1988, 04/01/1989,
06/02/1989, 09/01/1989, 12/01/1989, 04/01/1990,
08/01/1990, 04/01/1991, 11/01/1991, 04/01/1992,
07/01/1996, 10/01/1996, 12/30/1997, 01/01/1998,
02/22/2002, 04/18/2003, 06/15/2006, 03/01/2012

5101:12-10-02 **Case intake.**

(A) Within twenty days of receipt of a request for services, as described in rule 5101:12-10-01 of the Administrative Code, the child support enforcement agency (CSEA) shall:

~~(1) Initiate a IV-D case, in response to the receipt of a IV-D application or IV-D referral, or a non-IV-D case, in response to a request initiated under:~~

~~(a) Paragraph (C)(1) of rule 5101:12-10-01 of the Administrative Code when no IV-D application is received by the CSEA; or~~

~~(b) Paragraph (C)(5) of rule 5101:12-10-01 of the Administrative Code when the interstate petition indicates that it is for a non-IV-D case;~~

~~(2)~~(1) Establish a case record, as described in rule 5101:12-10-05 of the Administrative Code;

~~(3) Assess the referral or application for completeness and accuracy and determine the appropriate support enforcement program service to be provided;~~

~~(4)~~(2) Determine if there is enough location information to proceed with the case and, if not, request additional information or refer the case for additional location attempts;

~~(5)~~(3) Issue the following forms to the applicant for services:

(a) JFS 07647, "Notice of Case Status Application" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code);

(b) JFS 07012, "Explanation of State Hearing Procedures (Rights and Responsibilities of Parents Receiving Child Support Services)" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code); and

(c) JFS 04059, "Explanation of State Hearing Procedures" (rev. 01/2015); and

~~(6)~~(4) Determine which county has administrative responsibility for the case in accordance with rules 5101:12-10-03 and 5101:12-10-04 of the Administrative Code and, if appropriate, transfer the case to the CSEA with administrative responsibility.

(B) The CSEA may, but is not required to, conduct an interview with the applicant for services ~~in order~~ to obtain information necessary for the establishment or enforcement of a support order. ~~The interview may be a face-to-face or group interview or by telephone. When an interview is conducted, the following items may be covered, as appropriate:~~

- ~~(1) An explanation of the support enforcement program including rights to a state hearing;~~
- ~~(2) A review of the information contained in the IV-D referral or IV-D application for accuracy and completeness;~~
- ~~(3) The responsibilities of the individual receiving services and any action that would be taken as a result of the individual's failure to carry out those responsibilities;~~
- ~~(4) The right to claim good cause as a reason for refusing to cooperate when the applicant is a recipient of Ohio works first, medicaid, or Title IV-E foster care maintenance benefits; and~~
- ~~(5) A review of any legal documents the caretaker may possess which establishes paternity or the support obligation. These must be supplied to the CSEA. The CSEA shall secure copies of the documents for the CSEA record.~~

Effective: 6/15/2023
Five Year Review (FYR) Dates: 3/27/2023 and 06/15/2028

CERTIFIED ELECTRONICALLY

Certification

06/01/2023

Date

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