



July 7, 2023

Child Support Program Manual Transmittal Letter (CSPMTL) No. 188

TO: All Child Support Program Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Five Year Rule Review – Default, Lien, and Court Genetic Testing Rules

These rules were reviewed in accordance with sections 106.03, 106.031, and 119.04 of the Ohio Revised Code (ORC), which requires the review of all state agency rules within a five-year period.

The Office of Child Support (OCS) has filed the following rules with **no changes**. The effective dates of these rules will remain the same as the existing rules:

Rule Number	Rule Title	Effective Date of Rule
5101:12-40-25	Court Order for Genetic Testing	05/01/2014
	This rule describes the process for court ordered genetic testing. This rule is authorized by ORC section 3125.25; and amplifies ORC section 3111.09.	
5101:12-55-03	Default	04/15/2008
	This rule defines terms used in chapter 5101:12-55 of the Administrative Code to describe the default process and subsequent enforcement techniques that are available to enforce the support order. This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3121.01 and 3123.01.	

OCS has **amended** the following rules:

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amended Rule
5101:12-10-99	Chapter 5101:12-10 Forms – Child Support Program Administration	10/01/2021	08/01/2023
	This rule contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-10 of the Administrative Code. The JFS 04047 was removed from the rule and added to rule 5101:12-50-99 as it is first referenced in Chapter 5101:12-50; and the revision date of the JFS 07092 was updated.		

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amended Rule
	This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03 and 3125.25.		
Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amended Rule
5101:12-50-19	Investigation of Obligor's Source of Income or Status of Account	02/01/2016	08/01/2023
	<p>This rule describes the process a child support enforcement agency (CSEA) shall follow to investigate an obligor's employment and resources when the CSEA is notified or becomes aware of a change in the obligor's source of income or status of accounts in a financial institution. The rule reference of the JFS 04047 in paragraph (C) was updated.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3121.03 and 3121.14.</p>		
5101:12-50-90	Additional Authority to Collect Arrearages	02/01/2016	08/01/2023
	<p>This rule describes the enforcement actions the CSEA may take to collect arrears that accrued under the support order. Paragraph (B) was amended to clarify that a CSEA may take any administrative or judicial enforcement action, and the rule reference of the JFS 04047 in paragraph (B)(1) was updated.</p> <p>This rule is authorized by ORC sections 3123.823 and 3125.25; and amplifies ORC sections 3121.03, 3123.22, 3123.24, 3123.36, 3123.37, 3123.38, 3123.81, 3123.82, 3123.821, 3123.822 and 3123.823.</p>		
5101:12-50-99	Chapter 5101:12-50 Forms – Enforcement of the Support Order	10/01/2021	08/01/2023
	<p>This rule contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-50 of the Administrative Code. The JFS 04047 form was added as it is first referenced in Chapter 5101:12-50 of the Administrative Code.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03 and 3125.25.</p>		
5101:12-55-03.1	Identification of Default and Notice to Obligor of Default and Potential Action	02/01/2016	08/01/2023
	This rule describes how at the end of each month, the support enforcement tracking system (SETS), upon identifying that an obligor appears to meet the default criteria and the case meets the automatic income withholding criteria, issues a JFS 04047, "Income Withholding		

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Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amended Rule
	for Support," to the obligor's current employer and the obligor. The rule reference of the JFS 04047 in paragraph (B) was updated. This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3123.021, 3123.022, 3123.03, 3123.061, 3123.07, and 3123.21.		

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amended Rule
5101:12-55-03.2	Default Investigation	02/01/2016	08/01/2023
	This rule describes the process of how the CSEA shall conduct an investigation once an obligor has been identified to be in default. The rule reference of the JFS 04047 in paragraph (A)(6)(a) was updated. This rule is authorized by ORC section 3125.25; and amplifies ORC section 3123.02.		
5101:12-55-03.3	Administrative Mistake of Fact Hearing Process	02/11/2019	08/01/2023
	This rule describes the administrative mistake of fact hearing process when an obligor who has been found to be in default objects to the default. The last two sentences of paragraph (A) were converted to subparagraphs for clarity. This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3123.031, 3123.033, 3123.04, and 3123.21.		
5101:12-55-03.4	Final and Enforceable Determination of Default	02/11/2019	08/01/2023
	This rule describes when a final and enforceable determination of default exists. The JFS 07083, "Notice to Obligor Regarding Default and 20% Payment on Arrears," was added to paragraphs (A) and (B) to clarify that an obligor may object to the form in addition to the JFS 04049; and the rule reference of the JFS 04047 form in paragraph (B)(1) was updated. This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3123.032, 3123.04, 3123.05, and 3123.06		
5101:12-55-20	Liens Against Real and Personal Property	09/15/2013	08/01/2023
	This rule describes the procedures that a CSEA shall use when it decides to assert a lien on real or personal property that is owned by an obligor who has been determined to be in default under a support order. Paragraph (D) was consolidated into one paragraph, and the reference of the "Notice of Lien" form was changed to JFS 01132 instead of OMB 0970-0153. This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3123.66, 3123.67, 3123.70, 3123.73, 3123.74, 3123.77, 3123.78, and 3125.03.		

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Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amended Rule
5101:12-55-20.1	Lien Levy and Execution	11/01/2021	08/01/2023
	<p>This rule describes the process that the CSEA shall use when it decides to execute on a lien on personal or real property of an obligor that has been asserted by the CSEA in accordance with rule 5101:12-55-20 of the Administrative Code. The reference of the "Notice of Lien" form in paragraph (D)(6) was changed to JFS 01132 instead of OMB 0970-0152.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3123.71, 3123.72, 3123.73, 3123.74, 3123.75, 3123.76, and 3123.78.</p>		
5101:12-55-40	Insurance Claim Intercept	02/01/2016	08/01/2023
	<p>This rule describes the process the CSEA will follow upon notification of an insurance claim match. The rule reference of the JFS 04047 in paragraph (B)(1) was updated, and the language in paragraph (B)(1) was amended for clarity.</p> <p>This rule is authorized by ORC sections 3123.23 and 3125.25; and amplifies ORC sections 3121.03, 3121.21 and 3125.25.</p>		
5101:12-55-99	Chapter 5101:12-55 Forms – Enforcement of the Support Order Based on Finding of Default	11/01/2021	08/01/2023
	<p>This rule contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-55 of the Administrative Code. The JFS 01132, "Notice of Lien" form was added as it is first referenced in Chapter 5101:12-55 of the Administrative Code.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03 and 3125.25.</p>		
5101:12-70-05.11	Forms for Intergovernmental Case Processing	12/15/2021	08/01/2023
	<p>This rule lists the Uniform Interstate Family Support Act (UIFSA) mandated forms that a CSEA must use when processing an interstate case. The rule reference of the JFS 01132 in paragraph (A)(15) was updated.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3115.602, 3115.605 and 3125.03.</p>		

OCS has **rescinded** the following rule:

Rescinded Rule	Rescinded Rule Title	Prior Effective Date of Rule	Effective Date of Rescission
5101:12-70-99	Chapter 5101:12-70 Forms – Intergovernmental Actions	03/01/2018	08/01/2023
	<p>This rule contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-70 of the Administrative Code. The rule was rescinded and will not be replaced because the only form listed in the rule - the JFS 01132, "Notice of Lien" - was moved to rule 5101:12-55-99 of the Administrative Code as it is first referenced in Chapter 5101:12-55 of the Administrative Code.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3125.03 and 3125.25.</p>		

OCS has **amended** the following forms:

Form Number	Form Title	Prior Effective Date of Form	Revised Effective Date
JFS 01132	Notice of Lien	02/2018	08/01/2023
	<p>This form is used to assert and release an interstate lien on real or personal property of an obligor who has been found to be in default of a support order. The form was amended to comply with the federal version of the form, the OMB 0970-0152.</p>		
JFS 01132-I	Notice of Lien Instructions	02/2018	08/01/2023
	<p>This form is used to explain how to complete the JFS 01132, "Notice of Lien" form when asserting or releasing an interstate lien on real or personal property of an obligor who has been found to be in default of a support order. The form was amended to comply with the federal version of the form, the OMB 0970-0152.</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 Ohio Administrative Code (OAC) Archive section of the eManuals,
- A rescinded rule will be moved to the OAC Archive section of the eManuals,
- An amended form will replace the current posted 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 Intranet 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.

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5101:12-40-25 **Court order for genetic testing.**

- (A) In accordance with section 3111.09 of the Revised Code, in any action instituted under sections 3111.01 to 3111.18 of the Revised Code, the court, upon its own motion, may order and, upon the motion of any party to the action, is required to order the child's mother, the child, the alleged father, and any other person who is a defendant in the action to submit to genetic testing.
- (B) Instead of or in addition to genetic testing ordered pursuant to section 3111.09 of the Revised Code, the court may use a deoxyribonucleic acid (DNA) record of the child's mother, the child, the alleged father, or any other defendant that is stored in the DNA database, as described in section 109.573 of the Revised Code, to determine the existence of a parent and child relationship between the child and the child's mother, the alleged father, or another defendant. When the court orders the superintendent of the bureau of criminal identification and investigation to disclose information regarding a DNA record stored in the DNA database, the superintendent is required to send the information to the child support enforcement agency (CSEA) when the CSEA is a party to the action.
- (C) When the CSEA is made a party to a judicial action instituted under sections 3111.01 to 3111.18 of the Revised Code and the court orders the CSEA to conduct genetic testing, the CSEA shall schedule the genetic testing to be conducted on a date that is no later than forty-five days after the CSEA receives the court order. The CSEA shall notify the court of the date and time of the genetic testing and the name of the laboratory that will conduct the genetic testing. If any party fails to submit to genetic testing on the scheduled date, the CSEA shall notify the court immediately of the failure.
- (D) The genetic testing is required to be made by qualified examiners who are authorized by the court or the Ohio department of job and family services (ODJFS).
- (E) When the CSEA receives the genetic testing results or a DNA record, the CSEA shall mail a copy of the report or information to the attorney of record for each party or, if a party is not represented by an attorney, to the party. The CSEA shall include a notice that the party may object to the admission into evidence of the report or DNA record by filing a written objection as described in division (D) of section 3111.12 of the Revised Code with the court that ordered the tests or ordered the disclosure of the information no later than fourteen days after the report or information was mailed to the attorney of record or to the party.
- (F) In accordance with section 3111.09 of the Revised Code, any fees charged for genetic testing shall be paid by the party that requests the genetic testing, unless the custodian of the child is represented by the CSEA in its role as the IV-D agency, is a recipient

of Ohio works first (OWF) for the benefit of the child, or the defendant in the action is found to be indigent, in which case the CSEA shall pay the costs of genetic testing.

When there is a dispute as to who shall pay the costs of genetic testing, the CSEA shall pay the costs. Neither the court nor the CSEA shall delay genetic testing due to a dispute as to who shall pay the costs.

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

CERTIFIED ELECTRONICALLY

Certification

05/01/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3111.09
Prior Effective Dates: 08/01/1982, 08/01/1990, 07/15/1992, 09/01/1993,
01/01/1997, 01/01/1998, 04/18/2003, 12/15/2006,
05/01/2014

5101:12-55-03 **Default.**

(A) The rules contained in Chapter 5101:12-55 of the Administrative Code describe the default process and subsequent enforcement techniques that are available to enforce the support order.

(B) As used in this chapter:

- (1) "Default" means, pursuant to division (B) of section 3121.01 of the Revised Code, any failure to pay under a support order that is an amount greater than or equal to the amount of support payable under the support order for one month.
- (2) "Mistake of fact" means an error in the amount of the current support obligation or the arrears or in the identity of the obligor.
- (3) "Period of default" means, pursuant to division (D) of section 3123.01 of the Revised Code, the period beginning on the date a default under a support order is identified and ending on the date the total arrearage amount owed under the order is paid.

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

CERTIFIED ELECTRONICALLY

Certification

05/01/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3121.01, 3123.01
Prior Effective Dates: 05/14/1977, 08/01/1982, 05/01/1987, 10/01/1987,
12/20/1988, 09/01/1989, 12/16/1989, 08/01/1990,
10/09/1990, 04/01/1991, 07/15/1992, 06/01/1993,
10/07/1993, 12/31/1993, 01/01/1995, 07/01/1996,
01/01/1998, 12/01/2001, 05/19/2002, 09/01/2005,
04/15/2008

5101:12-10-99 **Chapter 5101:12-10 forms - child support program administration.**

The forms in this rule are referenced within various rules contained within division 5101:12 of the Administrative Code. The effective or revised effective dates of the forms are as follows:

- (A) JFS 04008, "Request for Good Cause Waiver" (1/2008);
- (B) JFS 04009, "Approval of Good Cause Waiver" (1/2008);
- (C) JFS 04010, "Denial of Good Cause Waiver" (1/2008);
- (D) JFS 04011, "Good Cause Waiver Renewal" (1/2008);
- (E) JFS 04012, "Termination of Good Cause Waiver" (1/2008);
- ~~(F) JFS 04047, "Income Withholding for Support" (rev. 3/2021);~~
- ~~(G)~~(F) JFS 04059, "Explanation of State Hearing Procedures" (rev. 1/2015);
- ~~(H)~~(G) JFS 07012, "Explanation of State Hearing Procedures (Rights and Responsibilities of Parents Receiving Child Support Services)" (rev. 9/2001);
- ~~(I)~~(H) JFS 07046, "Pending Case Closure Notification" (rev. 6/2015);
- ~~(J)~~(I) JFS 07092, "Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA)" (rev. ~~3/2009~~4/2022);
- ~~(K)~~(J) JFS 07607, "Case Continuation Notice" (rev. 9/2016) and;
- ~~(L)~~(K) JFS 07647, "Notice of Case Status Application" (rev. 4/1996).

Effective: 8/1/2023

Five Year Review (FYR) Dates: 5/1/2023 and 08/01/2028

CERTIFIED ELECTRONICALLY

Certification

07/06/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3125.03, 3125.25
Prior Effective Dates: 09/01/2015, 09/01/2016, 10/15/2018, 10/01/2021

5101:12-50-19

Investigation of obligor's source of income or status of account.

- (A) In accordance with section 3121.14 of the Revised Code, the child support enforcement agency (CSEA) with administrative responsibility shall conduct an investigation of the obligor's employment and resources when the CSEA receives notification or becomes aware of a change in the obligor's source of income or status of accounts in a financial institution.
- (B) The CSEA, in conducting the investigation, shall determine the following information:
- (1) The obligor's address and social security number; and
 - (2) The obligor's employment status, income source, or assets; or
 - (3) Any other information necessary to enable the CSEA or the court to issue an income withholding or deduction notice or order or a seek work order or the court to issue a cash bond.
- (C) When the investigation warrants issuance of a new JFS 04047, "Income Withholding for Support" (effective or revised effective date as identified in rule ~~5101:12-10-99~~5101:12-50-99 of the Administrative Code) or a JFS 04017, "Notice to Deduct Funds for Child and Spousal Support" (effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code), the CSEA shall, within fifteen days after the obligor is located, issue one or more new notices or orders.
- (D) When the CSEA or court had previously issued one or more JFS 04047s, JFS 04017s, seek work orders, or the court had previously issued a cash bond and the CSEA determines that any JFS 04047 or JFS 04017 is no longer appropriate due to a change in the obligor's source of income or status of accounts, the CSEA shall immediately take action to cancel or have cancelled any previously issued JFS 04047 or JFS 04017. The CSEA shall send written notice of the cancellation by regular mail to the person who was required to comply with the JFS 04047, JFS 04017, or order.

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Five Year Review (FYR) Dates: 5/1/2023 and 08/01/2028

CERTIFIED ELECTRONICALLY

Certification

07/06/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3121.03, 3121.14
Prior Effective Dates: 01/01/1987 (Emer.), 03/20/1987, 12/01/1987,
03/16/1989 (Emer.), 06/01/1989, 03/18/1991,
06/01/1991, 07/15/1992, 12/31/1993, 01/01/1995,
06/21/1996, 07/01/1996, 01/01/1998, 12/01/2001,
09/01/2005, 01/01/2008, 03/01/2013, 02/01/2016

5101:12-50-90

Additional authority to collect arrearages.

- (A) Termination of a support order does not prevent a child support enforcement agency (CSEA) from enforcing any arrears that accrued under the support order.
- (B) In accordance with section 3123.22 of the Revised Code, when an obligor is paying off an arrearage owed under a support order, the CSEA administering the support order may take any administrative or judicial enforcement actions to collect any arrearage amount that has not yet been collected. These enforcement actions include, but are not limited to:
- (1) The issuance of one or more JFS 04047, "Income Withholding for Support" (effective or revised effective date as identified in rule ~~5101:12-10-99~~5101:12-50-99 of the Administrative Code);
 - (2) The issuance of one or more JFS 04017, "Notice to Deduct Funds for Child and Spousal Support" (effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code);
 - (3) The attachment of a lump sum payment owed to the obligor;
 - (4) The offset of any federal or state income tax refund owed to the obligor; or
 - (5) The issuance of a financial institution withdrawal directive in accordance with rule 5101:12-55-10.3 of the Administrative Code.
- (C) When the obligee and obligor have agreed in a writing signed by the obligee and obligor that is approved by the court by journal entry that the additional actions should be limited to the offset of any federal or state income tax refund owed to the obligor, the CSEA shall limit its enforcement actions to offset of any federal or state income tax refund owed to the obligor.

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Certification

07/06/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3123.823, 3125.25
Rule Amplifies: 3121.03, 3123.22, 3123.24, 3123.36, 3123.37,
3123.38, 3123.81, 3123.82, 3123.821, 3123.822,
3123.823
Prior Effective Dates: 01/01/1987 (Emer.), 03/20/1987, 12/01/1987,
03/16/1989 (Emer.), 06/01/1989, 03/18/1991,
06/01/1991, 07/15/1992, 12/31/1993, 01/01/1995,
06/21/1996, 07/01/1996, 01/01/1998, 12/01/2001,
09/01/2005, 01/01/2008, 03/01/2013, 02/01/2016

5101:12-50-99 **Chapter 5101:12-50 forms - enforcement of the support order.**

The forms identified in this rule are referenced within various rules contained within division 5101:12 of the Administrative Code. The effective or revised effective dates of the forms are as follows:

- (A) JFS 01834, "Notice of Ohio Income Tax Refund Offset for Child Support Overpayment" (12/2004);
- (B) JFS 01835, "Notice of Ohio Income Tax Refund Offset for Overdue Support" (rev. 8/2005);
- (C) JFS 01850, "Notice of Scheduled Income Tax Refund Offset Review" (rev. 1/2016);
- (D) JFS 01851, "Notice of Denial of Request for Income Tax Refund Offset Review" (rev. 2/2019);
- (E) JFS 01852, "Decision on Request for Collection of Child Support Overpayment" (12/2004);
- (F) JFS 01853, "Notice Regarding Request to Reschedule Income Tax Refund Offset Review" (rev. 2/2019);
- (G) JFS 01854, "Request for Collection of a Child Support Overpayment" (rev. 12/2004);
- (H) JFS 04017, "Notice to Deduct Funds for Child and Spousal Support" (11/2021);
- (I) JFS 04043, "Notice to Payor/Office of Unemployment Compensation/Financial Institution to Terminate the Withholding from Obligor's Income/Assets" (rev. 12/2005);
- (J) JFS 04047, "Income Withholding for Support" (rev. 3/2021);
- ~~(K)~~ JFS 04048, "Addendum to a Withholding Order" (rev. 11/2009);
- ~~(L)~~ JFS 07017 "Update of IRS Tax Refund Offset Submittal" (rev. 6/2021);
- ~~(M)~~ JFS 07021, "Authorization to Include Delinquent Obligor on Poster" (04/92);
- ~~(N)~~ JFS 07022, "Notice to Obligor: Inclusion on Poster" (04/92);
- ~~(O)~~ JFS 07023, "Selection for 'Most Wanted List'" (04/92);
- ~~(P)~~ JFS 07024, "'Most Wanted List' Fact Sheet" (04/92);

~~(P)~~(Q) JFS 07544, "Administrative Review for Income Tax Refund Offset Review Results" (rev. 1/2016);

~~(Q)~~(R) JFS 07650, "Scheduling Notice for Administrative Review of Income Tax Refund Offset" (rev. 7/2005);

~~(R)~~(S) JFS 07726, "Administrative Order for Release or Transmittal of Lump Sum Payment" (rev. 2/2019); and

~~(S)~~(T) JFS 07727, "Administrative Order for Release of Lump Sum Payment" (2/2019).

Effective: 8/1/2023
Five Year Review (FYR) Dates: 5/1/2023 and 08/01/2028

CERTIFIED ELECTRONICALLY

Certification

07/06/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3125.03, 3125.25
Prior Effective Dates: 02/01/2014, 01/01/2016, 04/01/2018, 02/11/2019,
06/01/2021, 10/01/2021

5101:12-55-03.1 **Identification of default and notice to obligor of default and potential action.**

- (A) At the end of each month, the support enforcement tracking system (SETS) identifies every obligor who appears to meet the default criteria.
- (B) Upon identifying that an obligor appears to meet the default criteria and the case meets the automatic income withholding criteria, SETS will issue a JFS 04047, "Income Withholding for Support" (effective or revised effective date as identified in rule ~~5101:12-10-99~~5101:12-50-99 of the Administrative Code), to the obligor's current employer and the obligor.
- (1) When a JFS 04047 is to be issued and a payment on arrears does not already exist, SETS will add a payment on arrears to the support order in an amount that represents twenty per cent of the current support obligation in accordance with section 3123.21 of the Revised Code.
- (2) When a JFS 04047 is to be issued and a payment on arrears is added to the support order, SETS will issue a JFS 07083, "Notice to Obligor Regarding Default and 20% Payment on Arrears" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the obligor.
- (C) In accordance with section 3123.022 of the Revised Code:
- (1) A JFS 04047 that is issued in accordance with this rule does not affect the obligor's right to request an administrative mistake of fact hearing; and
- (2) The CSEA shall not alter or terminate a JFS 04047 that had been issued upon the identification of default should the obligor timely file a request for an administrative mistake of fact hearing.
- (D) Approximately fifteen days after SETS identifies that an obligor meets the default criteria, the office of child support (OCS) within the Ohio department of job and family services will issue 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), to the last known address of the obligor. In accordance with section 3123.07 of the Revised Code, the failure of OCS to issue the JFS 04049 does not affect the ability of any CSEA to issue any notice or order for the payment of support, does not provide any defense to any notice or order for the payment of support, and does not affect any obligation to pay support.

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5101:12-55-03.2 **Default investigation.**

(A) After an obligor is identified as appearing to meet the default criteria and before the 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), is issued, the child support enforcement agency (CSEA) shall conduct an investigation to determine:

- (1) Whether the obligor is in default;
- (2) The amount of any arrears;
- (3) The employment status of the obligor;
- (4) The obligor's social security number;
- (5) The name and business address of the obligor's employer or other source of income; and
- (6) Any other information necessary for the CSEA to:
 - (a) Issue a JFS 04047, "Income Withholding for Support" (effective or revised effective date as identified in rule ~~5101:12-10-99~~5101:12-50-99 of the Administrative Code);
 - (b) Issue a JFS 04017, "Notice to Deduct Funds for Child and Spousal Support" (effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code);
 - (c) Recommend that the court issue a cash bond order in accordance with rule 5101:12-50-15 of the Administrative Code; or
 - (d) Issue or recommend that the court issue a seek work order in accordance with rule 5101:12-50-17 of the Administrative Code.

(B) During the investigation the CSEA may also secure any other information necessary to enforce the support order including whether the obligor:

- (1) Owns any real or personal property;
- (2) Has any funds in a financial institution account as indicated on the financial institution data match report; or
- (3) Holds any professional, recreational, and/or driver's license.

- (C) When the CSEA concludes the investigation and determines that no default exists, the CSEA shall terminate the default proceedings. If a JFS 04047 or JFS 04017 was issued upon the identification of default, the CSEA shall revise the JFS 04047 or JFS 04017 to collect the support owed under the support order.

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01/01/1998, 12/01/2001, 05/19/2002, 09/01/2005,
04/15/2008, 03/01/2013, 02/01/2016

5101:12-55-03.3 **Administrative mistake of fact hearing process.**

(A) The JFS 07083, "Notice to Obligor Regarding Default and 20% Payment on Arrears" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), and the 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), inform the obligor of the obligor's right to contest the default and any new payment on arrears by requesting an administrative mistake of fact hearing. ~~The obligor must file the request for an administrative mistake of fact hearing with the child support enforcement agency (CSEA) within fourteen days of the date the JFS 07083 or JFS 04049 was issued. When an obligor submits a request for an administrative mistake of fact hearing within fourteen days of the date the JFS 07083 was issued and a second request for an administrative mistake of fact hearing within fourteen days of the date the JFS 04049 was issued, the CSEA shall combine both requests into one administrative mistake of fact hearing.~~

(1) The obligor is to file the request for an administrative mistake of fact hearing with the child support enforcement agency (CSEA) within fourteen days of the date the JFS 07083 or JFS 04049 was issued.

(2) When an obligor submits a request for an administrative mistake of fact hearing within fourteen days of the date the JFS 07083 was issued and a second request for an administrative mistake of fact hearing within fourteen days of the date the JFS 04049 was issued, the CSEA will combine both requests into one administrative mistake of fact hearing.

(B) When an obligor files a timely request for an administrative mistake of fact hearing with the CSEA, the CSEA shall:

(1) Schedule the administrative mistake of fact hearing to be held on a date no later than ten days after the date that the obligor files the administrative mistake of fact hearing request; and

(2) Issue a JFS 07052, "Notice of Administrative Mistake of Fact Hearing" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the last known addresses of the obligor and obligee no later than five days before the date on which the administrative mistake of fact hearing is scheduled to be conducted.

(C) The CSEA may deny a request for an administrative mistake of fact hearing if the request is not timely filed.

(D) At the administrative mistake of fact hearing, the CSEA shall:

- (1) Consider testimony and evidence regarding an obligor's assertion that a mistake of fact exists on the JFS 04049 or the JFS 07083;
- (2) Determine whether a mistake of fact exists on the JFS 04049 or the JFS 07083;
- (3) When the obligor disputes the new arrears payment, consider any evidence the obligor presents regarding household expenditures, income variables, extraordinary health care issues, and other reasons for a deviation from the presumed minimum payment on arrears, pursuant to section 3123.21 of the Revised Code, and determine whether to deviate from the presumed payment on arrears;
- (4) Issue the administrative determination to the obligor within five business days of the date the administrative mistake of fact hearing is held;
- (5) Record the results of the administrative mistake of fact hearing in the support enforcement tracking system (SETS); and
- (6) Make any necessary changes in SETS based on the administrative mistake of fact hearing determination.

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01/01/1998, 12/01/2001, 05/19/2002, 09/01/2005,
04/15/2008, 07/15/2013, 02/01/2016, 02/11/2019

5101:12-55-03.4 **Final and enforceable determination of default.**

(A) A final and enforceable determination of default and of the amount of arrears owed exists when:

(1) The office of child support (OCS) within the Ohio department of job and family services issues 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), to the obligor and the obligor does not request an administrative mistake of fact hearing within fourteen days of the date the JFS 04049 was issued. The amount of arrears owed pursuant to the determination of default is the amount indicated on the JFS 04049.

(2) The obligor requests an administrative mistake of fact hearing on the JFS 04049 or the JFS 07083, "Notice to Obligor Regarding Default and 20% Payment on Arrears" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code) but does not request a court hearing within fourteen days of the date of the administrative mistake of fact hearing determination was issued. The amount of arrears owed pursuant to the determination of default is the amount indicated on the administrative mistake of fact hearing determination.

(3) The obligor requests a court hearing on the administrative mistake of fact hearing determination and the court issues a determination. The amount of arrears owed pursuant to the determination of default is the amount indicated on the court determination.

(B) Within fifteen days of the date that a ~~JFS 04049 becomes a~~ final and enforceable determination of default occurs, the child support enforcement agency (CSEA) shall:

(1) When a JFS 04047, "Income Withholding for Support" (effective or revised effective date as identified in rule ~~5101:12-10-99~~5101:12-50-99 of the Administrative Code), or JFS 04017, "Notice to Deduct Funds for Child and Spousal Support" (effective or revised effective date as identified in rule 5101:12-50-99 of the Administrative Code), was not issued upon identification of default, issue a JFS 04047 or JFS 04017 to any available income or source of funds.

(2) When a JFS 04047 or JFS 04017 was issued and the final and enforceable determination of default altered the arrears payment amount stated in the JFS 04049 or JFS 07083, issue a revised JFS 04047 or JFS 04017, when necessary.

- (3) When a JFS 04047 or JFS 04017 was issued and the final and enforceable determination of default did not alter the arrears payment amount stated in the JFS 04049 or JFS 07083, permit the JFS 04047 or JFS 04017 to remain in effect.
- (C) When an obligor is subject to a final and enforceable determination of default, the CSEA shall enforce the support order using all required enforcement techniques, and may use any additional appropriate enforcement techniques, described in Chapters 5101:12-50 and 5101:12-55 of the Administrative Code.

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10/07/1993, 12/31/1993, 01/01/1995, 07/01/1996,
01/01/1998, 12/01/2001, 05/19/2002, 09/01/2005,
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5101:12-55-20 **Liens against real and personal property.**

- (A) This rule describes the procedures that a child support enforcement agency (CSEA) shall use when it decides to assert a lien on real or personal property that is owned by an obligor who has been determined to be in default under a support order. Obtaining a lien does not affect any other legal remedies available against obligors or their property by persons entitled to receive support that is in arrears.
- (B) A lien can be attached to real property (real estate) that must be paid off before a subsequent purchaser can take the property free of the creditor's claim. Sections 3123.66 and 3123.67 of the Revised Code provide for the assertion of a lien against real and personal property by the CSEA. Section 3123.73 of the Revised Code provides that a CSEA is entitled to have real and personal property subject to the lien sold in accordance with section 3123.74 of the Revised Code. Chapter 2329. of the Revised Code provides for securing a lien against real property. Chapter 2715. and section 4505.13 of the Revised Code provide for the attachment of personal property that includes, but is not limited to, items such as motor vehicles, guns, electronic equipment, jewelry, and musical instruments.
- (C) CSEA assertion of a lien on real or personal property located in Ohio.
- (1) Pursuant to section 3123.66 of the Revised Code, when a court or CSEA has issued a final and enforceable determination that an obligor is in default, the CSEA may assert a lien on any or all of the obligor's real and personal property that is located in Ohio.
 - (2) When the CSEA asserts a lien, the lien shall include the amount of the arrears determined to be in default and any amounts due for current support that are in arrears after the date of the default determination.
 - (3) When the CSEA asserts a lien on real or personal property, it may file the lien with the county recorder in each Ohio county in which the CSEA knows that the obligor's real or personal property that is subject to the lien is located. If requested by the county recorder, the CSEA shall include any additional documentation or a self-addressed, stamped envelope for the return of the filed lien.
 - (a) A CSEA may enter into a contract with the county recorder using procedures described in rules 5101:12-1-80 to 5101:12-1-80.4 of the Administrative Code for the purpose of reimbursing the recorder for the cost of filing liens.
 - (b) After the CSEA files a lien, the lien shall apply to after acquired property as well.

- (4) In accordance with section 3123.69 of the Revised Code, a CSEA shall, no later than ten days after filing a lien, serve a copy of the lien by regular mail on both the obligor whose real or personal property is subject to the lien and the person or state agency in possession or control of any real or personal property of the obligor.
- (5) Pursuant to section 3123.70 of the Revised Code, a lien shall:
- (a) Have priority over liens, mortgages, security interests, or other types of encumbrances that are associated with the property that arise after the date the lien is filed; and
 - (b) Not have priority over liens, mortgages, security interests, or other types of encumbrances associated with the property that arose on or before the date the lien was filed.
- (6) After service of process as described in paragraph (C)(4) of this rule has occurred, any person or state agency that releases, sells, transfers, or conveys real or personal property subject to the lien to or for the benefit of the obligor or any other person, or fails or refuses to surrender property for the execution sale shall be liable for the support arrears that are the basis of the lien. This liability includes costs, interest, and reasonable attorney's fees of the opposing party pursuant to section 3123.77 of the Revised Code.
- (D) The CSEA may assert or assert a lien on real or personal property located in another state. When a CSEA determines that an obligor owns or may own real or titled personal property located in a state other than Ohio, the CSEA may send the JFS 01132, "Notice of Lien" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code) to the state in which the property is located. The CSEA may contact the interstate central registry in the state where the property is located to determine the appropriate location where the JFS 01132 should be sent.
- ~~(1) When a CSEA determines that an obligor owns or may own real or titled personal property located in a state other than Ohio, the CSEA may send an OMB 0970-0153, "Notice of Lien," to the state in which the property is located. The CSEA may contact the interstate central registry in the state where the property is located to determine the appropriate location where the OMB 0970-0153 should be sent. This form may be accessed on the internet at the following website address: <http://www.acf.hhs.gov/programs/ess/resource/notice-of-lien-form-instructions>.~~
- (E) Responding to a lien issued by another state.

- (1) When the office of child support (OCS) within the Ohio department of job and family services (ODJFS) receives a copy of a lien filed in another state, a copy of the child support order, and a copy of the court or administrative determination finding the obligor to be in default under the child support order, OCS shall examine the lien and other documents and determine whether the lien is in compliance with federal child support law and regulations.
- (2) When OCS determines that the lien is in compliance with federal child support law and regulations based on the documentation received, OCS shall determine in which Ohio county or counties the obligor's real or personal property that may be subject to the lien is located.
- (3) On making the determination, OCS shall send a copy of the lien to the CSEA in each county in which the property is located.
- (4) Upon receipt of the lien from OCS, the CSEA shall assert the lien in accordance with paragraph (C) of this rule.
- (5) In accordance with section 3123.68 of the Revised Code, OCS and each court and CSEA shall give full faith and credit to a lien that is similar to a lien described in section 3123.67 of the Revised Code that was established by an authorized agency of another state.

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5101:12-55-20.1 **Lien levy and execution.**

- (A) This rule describes the process that a child support enforcement agency (CSEA) shall use when it decides to execute on a lien on personal or real property of an obligor that has been asserted by the CSEA in accordance with rule 5101:12-55-20 of the Administrative Code.
- (B) For purposes of this rule, "execution" means a process issued by a court which directs the sheriff of a county to sell either real or personal property owned by a particular obligor upon which a CSEA has placed a lien. Execution on liens shall be done in accordance with Chapter 2329. of the Revised Code.
- (C) Because an execution is a complex and expensive procedure involving advertising and publication costs, court fees, filing fees, auctioneer's fees, possible storage fees, bonds, title transfer costs, appraisal costs, title search fees, and service of process, the CSEA should carefully consider each of the following factors before making a decision to execute on a lien:
- (1) The existence of prior liens or secured creditors. Prior liens and security interests can be determined by checking title record and other public records;
 - (2) The obligor's right to claim an exemption in the property to be seized and the amount of the exemption allowable in accordance with section 2329.66 of the Revised Code;
 - (3) Whether there are co-owners of the property who may have an interest in the property;
 - (4) The value of the obligor's equity interest in the property relative to the value of any mortgages, loans, other liens, or encumbrances which may be attached to the property;
 - (5) The estimated current market value and potential sale price of the property relative to the obligor's equity interest in that property;
 - (6) The storage cost of the property, if any, and the speed with which it must be sold to minimize the cost and not jeopardize the property;
 - (7) The execution notice and sale costs;
 - (8) Whether the estimated sale proceeds will produce a significant payment on the arrears;
 - (9) The need for immediate execution if bankruptcy is a strong possibility; and

- (10) The position the obligor will be in after the property is sold and whether the seizure of the property will decrease the obligor's ability to earn a living or result in long term indigence.

(D) Execution of a lien.

- (1) To execute on a lien, the CSEA shall file a complaint in the appropriate court of the county where the property is located in accordance with section 3123.74 of the Revised Code. The complaint shall be filed:
 - (a) In the court in the county where the support order was issued if the property is located in that county; or
 - (b) In the court of common pleas in the county where the property is located if the support order was issued in a state other than Ohio or if the child support order was issued by a county other than the one in which the property is located.
- (2) The complaint shall contain all of the following in accordance with the requirements of section 3123.74 of the Revised Code:
 - (a) A statement that the CSEA has obtained a lien on real and personal property of the obligor that is located in the county;
 - (b) A statement that the CSEA is entitled to have the property sold and have the proceeds of the sale applied to the child support arrearage in the case; and
 - (c) A request that the court issue an order for the property to be sold by an execution sale in accordance with Chapter 2329. of the Revised Code.
- (3) On receipt of a complaint, the court will conduct a hearing to determine whether the court has jurisdiction and whether the CSEA has obtained a lien pursuant to section 3123.74 of the Revised Code.
- (4) The court will issue an order requiring the property to be sold by execution sale in accordance with Chapter 2329. of the Revised Code, if it determines that the court has jurisdiction and that the CSEA has obtained a lien in accordance with section 3123.74 of the Revised Code.
- (5) If a CSEA has sent a Uniform Interstate Family Support Act (2008) petition to a child support agency in a responding state requesting enforcement of a support order, as described in rule 5101:12-70-05.5 of the Administrative Code, and the child support agency in the responding state has placed a lien on personal or real property owned by the obligor, the CSEA may request that the child

support agency in the responding state execute on the lien using the applicable laws of the responding state.

- (6) If a CSEA has sent ~~an OMB 0970-0152, "Notice of Lien,"~~ the JFS 01132, "Notice of Lien" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code) to another state and the other state has placed a lien on personal or real property owned by the obligor, the CSEA may request that the other state execute on the lien using the applicable laws of that state.

A sale of real or personal property extinguishes the lien associated with the property pursuant to section 3123.75 of the Revised Code.

(E) Discharge of a lien imposed by a CSEA.

- (1) A lien filed with the county recorder shall be effective until the county recorder discharges the lien.
- (2) A county recorder shall discharge the lien within five days after the CSEA files a JFS 07006, "Discharge of lien" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), requesting that the lien be discharged.
- (3) The CSEA shall file the JFS 07006 requesting that the county recorder discharge the lien if one of the following applies:
 - (a) The lien is satisfied by an execution sale pursuant to Chapter 2329. of the Revised Code;
 - (b) The obligor makes full payment of the arrears to the office of child support, child support payment central;
 - (c) The CSEA requests the discharge of the lien in accordance with paragraph (E)(4) of this rule.
- (4) At any time a CSEA may request the discharge of a lien on all or part of the property of the obligor or return seized property without liability in accordance with section 3123.76 of the Revised Code if:
 - (a) Assurance of payments is deemed adequate by the CSEA; or
 - (b) The discharge will facilitate the collection of the arrears for which the lien was imposed.

The discharge of a lien or the return of property does not prevent further action by the CSEA to collect arrears on the case.

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5101:12-55-40 **Insurance claim intercept.**

- (A) This rule describes the insurance claim intercept program that a child support enforcement agency (CSEA) shall use to intercept insurance claims, settlements, or awards to be paid to an obligor on a IV-D case by an insurer, in accordance with sections 3123.23 and 3121.03 of the Revised Code.
- (B) Claim, settlement, or award notification.
- (1) Upon ~~notification through the office of child support or by the insurance match vendor~~ notice or discovery of the existence of an insurance claim, settlement, or award for an obligor in default in accordance with section 3123.06 of the Revised Code, the CSEA shall issue to the insurer a JFS 04047, "Income Withholding for Support" (effective or revised effective date as identified in rule ~~5101:12-10-99~~ 5101:12-50-99 of the Administrative Code), in accordance with section 3121.03 of the Revised Code.
- (2) In the event that an insurer notifies the CSEA of the existence of a lump sum payment as described in the JFS 04047 the CSEA shall proceed in accordance with rule 5101:12-50-12 of the Administrative Code.
- (C) The CSEA shall document case actions to pursue collections, or determinations not to pursue collections, in accordance with rule 5101:12-10-05 of the Administrative Code. In addition to documentation in the case record, the CSEA shall also document on the insurance match vendor's secure website the issuance of a JFS 04047 and if applicable the issuance of a lump sum order.
- (D) Insurer immunity.
- (1) Pursuant to section 3123.23 of the Revised Code, any insurer and any director, agent, or employee authorized to act on behalf of an insurer, that releases information or makes a disclosure in accordance with this rule, shall be immune from liability in a civil action for harm resulting from the disclosure.
- (2) In accordance with section 3121.21 of the Revised Code, a payor shall not be subject to criminal or civil liability for compliance with a withholding or deduction notice.

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5101:12-55-99 **Chapter 5101:12-55 forms - enforcement of the support order based on finding of default.**

The forms identified in this rule are referenced within various rules contained within division 5101:12 of the Administrative Code. The effective or revised effective dates of the forms are as follows:

(A) ~~(A)~~ JFS 01132, "Notice of Lien" (rev. 8/2023);

~~(A)~~(B) JFS 04016, "Notice to Expunge a Driver's Abstract" (rev. 8/2017);

~~(B)~~(C) JFS 04024, "Advance Notice to Suspend Professional, Recreational, and/or Driver's License" (3/2012);

~~(C)~~(D) JFS 04038, "Notice of Correction of a License Suspension" (rev. 12/2007);

~~(D)~~(E) JFS 04041, "Notice to Suspend Professional, Motor Vehicle Operator and Recreational License" (rev. 1/2005);

~~(E)~~(F) JFS 04042, "Notice to Reinstate/Reissue a License" (rev. 6/2008);

~~(F)~~(G) JFS 04046, "Financial Institution Account Withdrawal Directive For Obligors With Multiple Cases" (11/2021);

~~(G)~~(H) JFS 04049, "Notice to Obligor of Default and Potential Action" (rev. 2/2019);

~~(H)~~(I) JFS 04050, "Financial Institution Account Access Restriction" (rev. 9/2006);

~~(I)~~(J) JFS 04051, "Financial Institution Account Full or Partial Release of Access Restriction" (rev. 9/2006);

~~(J)~~(K) JFS 04052, "Notice to Person, Other than Child Support Obligor, Having Ownership Interest in an Account" (rev. 2/2019);

~~(K)~~(L) JFS 04053, "Notice of Administrative Hearing in Regard to Account Ownership" (rev. 9/2006);

~~(L)~~(M) JFS 04054, "Notice of Determination on Amount of Ownership" (rev. 2/2019);

~~(M)~~(N) JFS 04055, "Financial Institution Account Withdrawal Directive" (rev. 9/2006);

~~(N)~~(O) JFS 07006, "Discharge of Lien" (rev. 12/2005);

~~(O)~~(P) JFS 07052, "Notice of Administrative Mistake of Fact Hearing" (rev. 2/2005);

~~(P)~~(Q) JFS 07070, "Notice to Terminate the State Lottery Prize Award Intercept Directive" (rev. 8/2017);

~~(Q)~~(R) JFS 07071, "State Lottery Prize Award Intercept Directive" (rev. 8/2017);

~~(R)~~(S) JFS 07083, "Notice to Obligor Regarding Default and 20% Payment on Arrears" (rev. 2/2019); and

~~(S)~~(T) JFS 07230, "Advance Notice to Suspend License to Practice Law" (3/2012).

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5101:12-70-05.11 **Forms for intergovernmental case processing.**

(A) The following forms shall be used in processing interstate cases under the Uniform Interstate Family Support Act (UIFSA)(2008). To the greatest extent practical, the child support enforcement agency (CSEA) shall transmit requests for information and provide requested information through the child support enforcement network (CSENet) or electronic document exchange (EDE). When transmitting information electronically, the CSEA shall provide paper documents if requested by the responding agency.

- (1) The OMB 0970-0085 "Child Support Agency Confidential Information Form" shall be used to safeguard the privacy of individuals by providing a means to record personal information on a separate document that is not served on the parties or filed with a tribunal.
- (2) The OMB 0970-0085 "Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA § 319" shall be used by a CSEA to make a request to the state that issued the support order to change the payment location of the order.
- (3) The OMB 0970-0085 "Child Support Enforcement Transmittal #1 - Initial Request Acknowledgment" shall be used to inform the initiating jurisdiction of the responding jurisdiction's receipt of a "Child Support Enforcement Transmittal #1 - Initial Request" and to request any additional information or documentation needed to take further action on the request.
- (4) The OMB 0970-0085 "Child Support Enforcement Transmittal #1 - Initial Request" shall be used as a cover letter to refer an interstate case to a responding state's interstate central registry (ICR).
- (5) The OMB 0970-0085 "Child Support Enforcement Transmittal #2 - Subsequent Actions" shall be used to request or provide additional information or documents in previously referred cases. The CSEA shall not use the "Child Support Enforcement Transmittal #2-Subsequent Actions" to make an initial referral, only for subsequent communication. This form shall only be used when CSENet functionality is not available with the other agency.
- (6) The OMB 0970-0085 "Child Support Enforcement Transmittal #3 - Request for Assistance/Discovery" shall be used to obtain limited assistance with activities such as service of process, discovery, or genetic testing in cases where a tribunal or CSEA of this state may exercise personal jurisdiction over a nonresident. A CSEA that receives a "Child Support Enforcement Transmittal #3 - Request for Assistance/Discovery" requesting limited assistance from another state shall not open a case.

- (7) The OMB 0970-0085 "Child Support Locate Request" shall be used to request locate information regarding the parent, employer, wages, or assets of a putative father or obligor. The CSEA shall not send a "Child Support Locate Request" to a state with which Ohio has CSENet quick locate capability. If Ohio has CSENet quick locate capability with a state, the CSEA shall send a CSENet transaction for quick locate to that state as described in rule 5101:12-70-05.10 of the Administrative Code. This form may also be used to request locate information on an obligee since CSENet cannot be used to obtain locate information on obligees.
- (8) The OMB 0970-0085 "Declaration in Support of Establishing Parentage" shall be used to supplement the "Uniform Support Petition" to summarize the evidence available to establish parentage. A separate "Declaration in Support of Establishing Parentage" is required for each child for whom parentage is at issue.
- (9) The OMB 0970-0085 "General Testimony" shall be used to provide detailed information and evidence available to support the action requested in the "Child Support Enforcement Transmittal #1 - Initial Request."
- (10) The OMB 0970-0085 "Letter of Transmittal Requesting Registration" shall be used to request registration of an existing order for enforcement and/or modification. The purpose of the form is to provide specific order information to the responding state. A separate "Letter of Transmittal Requesting Registration" shall be prepared for each order for which registration is being requested.
- (11) The OMB 0970-0085 "Notice of Determination of Controlling Order" shall be used to notify the child support agencies and tribunals in other states of a determination of controlling order that has been made by a court in Ohio.
- (12) The OMB 0970-0085 "Personal Information Form for UIFSA § 311" shall be used to safeguard the privacy of individuals by providing a means to record personal information on a separate document that may be filed with a tribunal, but should not be filed in a public access file.
- (13) The OMB 0970-0085 "Uniform Support Petition" shall be used as a legal pleading to provide the petitioner with a means to request specific action or relief, show enough facts to notify the respondent of the claim being made, and to assert that the responding tribunal has jurisdiction.

- (14) The OMB 0970-0152 "Administrative Subpoena" shall be used to subpoena any financial or other information needed to establish, modify, or enforce a support order.
- (15) The JFS 01132, "Notice of Lien" (effective or revised effective date as identified in rule ~~5101:12-70-99~~5101:12-55-99 of the Administrative Code) shall be used to request that a lien be placed on property owned by an obligor in a state other than Ohio.
- (B) The initiating CSEA shall prepare and send UIFSA petitions consisting of forms described in paragraph (A) of this rule in the combinations listed in paragraphs (B)(1) to (B)(6) of this rule, to the ICR in the responding state for the purpose of requesting child support program actions as follows:
- (1) To request the establishment of paternity and support, the initiating CSEA shall send:
- (a) The "Child Support Agency Confidential Information Form";
 - (b) The "Personal Information Form for UIFSA § 311";
 - (c) The "Child Support Enforcement Transmittal #1 - Initial Request";
 - (d) The "Uniform Support Petition";
 - (e) The "Declaration in Support of Establishing Parentage"; and
 - (f) The "General Testimony."
- (2) To request the establishment of a support order, the initiating CSEA shall send:
- (a) The "Child Support Agency Confidential Information Form";
 - (b) The "Personal Information Form for UIFSA § 311";
 - (c) The "Child Support Enforcement Transmittal #1 - Initial Request";
 - (d) The "Uniform Support Petition"; and
 - (e) The "General Testimony."
- (3) To request the modification of a controlling order that was issued in a state where the obligee or obligor resides, the initiating CSEA shall send:
- (a) The "Child Support Enforcement Transmittal #1 - Initial Request";

- (b) The "Uniform Support Petition"; and
 - (c) The "General Testimony."
- (4) To request the registration for modification or the registration for modification and enforcement of a controlling order that was issued in a state other than the state where the obligee or obligor resides, the initiating CSEA shall send:
 - (a) The "Child Support Agency Confidential Information Form";
 - (b) The "Personal Information Form for UIFSA § 311";
 - (c) The "Child Support Enforcement Transmittal #1 - Initial Request";
 - (d) The "Uniform Support Petition";
 - (e) The "General Testimony"; and
 - (f) The "Letter of Transmittal Requesting Registration."
- (5) To request the enforcement of a controlling order that was issued in a state where the obligor resides, the initiating CSEA shall send the "Child Support Enforcement Transmittal #1 - Initial Request."
- (6) To request the registration for enforcement of a controlling order that was issued in a state other than the state where the obligor resides, the initiating CSEA shall send:
 - (a) The "Child Support Agency Confidential Information Form";
 - (b) The "Personal Information Form for UIFSA § 311";
 - (c) The "Child Support Enforcement Transmittal #1 - Initial Request"; and
 - (d) The "Letter of Transmittal Requesting Registration."
- (C) In addition to the forms described in paragraph (B) of this rule, child support agencies in responding states may require that other documents be included in a UIFSA petition. The CSEA may contact the ICR in the state where the UIFSA petition will be sent to determine whether any additional documents are required.
- (D) Forms are available at the office of child support enforcement (OCSE) website under the international resources section, for cases with countries for whom the convention on the international recovery of child support and other forms of family maintenance, concluded at "The Hague" on November 23, 2007, is in effect.

(E) Forms for cases with countries that are "Federal Reciprocating Countries" (FRC) with the United States are available at the OCSE website under the international resources section.

Effective: 8/1/2023

Five Year Review (FYR) Dates: 9/22/2026

CERTIFIED ELECTRONICALLY

Certification

07/06/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3115.602, 3115.605, 3125.03
Prior Effective Dates: 01/01/1998, 11/01/2000, 03/01/2003, 09/01/2005,
11/01/2011, 07/01/2016, 03/01/2018, 12/15/2021

TO BE RESCINDED

5101:12-70-99 **Chapter 5101:12-70 forms - intergovernmental actions.**

The form identified in this rule is referenced within various rules contained within division 5101:12 of the Administrative Code. The effective or revised effective date of the form is as follows:

JFS 01132, "Notice of Lien" (rev. 2/2018).

Effective: 8/1/2023

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

CERTIFIED ELECTRONICALLY

Certification

07/06/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3125.03, 3125.25
Prior Effective Dates: 07/01/2016, 03/01/2018

Ohio Department of Job and Family Services
NOTICE OF LIEN

The information on this form may be disclosed as authorized by law.
If you are not the intended recipient, you are hereby notified that any use, disclosure, distribution, or copying of this form or its contents is strictly prohibited.

To: <Recorder or Asset Holder Name>
<Recorder or Asset Holder Address>
<City>, <State> <ZIP>

File Stamp

Obligor: **Legal Name** <First Name> <Middle Name> <Last Name> <Suffix>
Alias Name(s) <Obligor Alias Name(s)>
Address <Obligor Address>
<City>, <State> <ZIP>
Date of Birth <Obligor DOB>
Social Security Number <Obligor SSN>

From: (Agency or name of obligee and/or his or her private attorney or entity acting on behalf of the obligee, address, telephone, e-mail address, fax)
<CSEA or Entity Name> Phone: <CSEA or Entity Phone>
<CSEA or Entity Address> E-mail: <CSEA or Entity E-mail>
<City>, <State> <ZIP> Fax: <CSEA or Entity Fax>

Obligee Name(s): <Obligee 1 First Name> <Obligee 1 Middle Name> <Obligee 1 Last Name>
<Obligee 2 First Name (if applicable)> <Obligee 2 Middle Name (if applicable)> <Obligee 2 Last Name (if applicable)>
<Obligee 3 First Name (if applicable)> <Obligee 3 Middle Name (if applicable)> <Obligee 3 Last Name (if applicable)>

Section I. Case Identifier

1.	IV-D Case Number or Non-IV-D Docket Number: <Case Number>
	Remittance ID or other payment identifier (optional): <Remittance ID>
2.	IV-D Case Number or Non-IV-D Docket Number: <Case Number>
	Remittance ID or other payment identifier (optional): <Remittance ID>
3.	IV-D Case Number or Non-IV-D Docket Number: <Case Number>
	Remittance ID or other payment identifier (optional): <Remittance ID>

Section II. Lien Notice:

This lien results, by operation of law, from a child support order, entered on <Date> by <Tribunal Name> in <State/County> tribunal number <Order Number>.

As of <Date>, the obligor owes unpaid support in the amount of \$<Lien Amount>.

This judgment may be subject to interest, penalties, fees, surcharge, or other related amounts. (See Section 466(a)(4) of the Social Security Act regarding Full Faith and Credit.)

Prospective amounts of child support, not paid when due, are judgments that are added to the lien amount. Contact the child support agency or the obligee and/or his or her private attorney or entity acting on behalf of the obligee according to the contact information located in the heading to obtain the current lien amount.

This lien attaches to all nonexempt: real property or personal property or real and personal property of the above-named obligor, which is located or existing within the state/county where it may be filed, if required under state law. This includes any property specifically described on the next page.

Barcode

[Barcode area]

The Paperwork Reduction Act of 1995 (Pub. L. 104-13): STATEMENT OF PUBLIC BURDEN: The purpose of this information collection is to provide uniformity and standardization in the transmission of interstate liens. Public reporting burden for this collection of information is estimated to average .50 hours per form, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. This collection of information is required for interstate cases (section 454(9)(E) of the Social Security Act). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995, unless it displays a currently valid OMB control number. The OMB # is 0970-0152 and the expiration date is 06/30/2024. If you have any comments on this collection of information, please contact OCSE by email at OCSE.DPT@acf.hhs.gov.

NOTICE OF LIEN, PAGE 2

Section III. Property Description:

<Description of Property or Properties Subject to Lien>

Continued on attached sheet(s), incorporated by reference

All aspects of this lien, including its priority and enforcement, are governed by the law of the state where the property is located. An obligor must follow the laws and procedures of the state where the property is located or recorded. An obligor may also contact the entity sending the lien. This lien remains in effect until released or withdrawn by the issuer or in accordance with the laws of the state where the property is located.

Note to Lien Recorder: Please provide the sender with a copy of the filed lien, containing the recording information, at the address provided above.

Section IV. Remit Payment:

To remit payment, include the case ID, docket number, remittance ID or other payment identifier with the payment and, if necessary, use this locator code: <Locator Code>

Remit payment to: <Name> SDU Obligee Obligee representative

At this address: <Address>

Section V. Submission Entity:

Check either "A" or "B" below. The option that does not apply may be omitted from the form. If "B" is checked, the form must be notarized.

A. Submitted by a IV-D agency/office on behalf of the named obligee.

As an authorized agent of the state or tribal agency (or subdivision of such) responsible for implementing the child support enforcement program set forth in Title IV, Part D, of the Social Security Act (section 451 et seq.), I have authority to file this child support lien in any state. For additional information regarding this lien, including the pay-off amount, please contact the authorized agency listed in the heading and reference its case number, listed in Section I.

<u><Date></u> Date	<u>Authorized agent signature</u>	<u><Agent Printed Name></u> Authorized agent printed name
<u><Email Address></u> E-mail	<u><Direct Telephone Number></u> Direct telephone number	<u><Fax Number></u> Fax

NOTICE OF LIEN, PAGE 3

Section V. Submission Entity (Continued):

B. Submitted by an obligee or a private (non-IV-D) attorney or entity on behalf of an obligee

I am (choose one)

the obligee of the above referenced order.

an attorney or entity representing the above named obligee.

I certify under penalty of perjury that the information contained in this notice is true and accurate and that this lien is submitted in accordance with the laws of the state of <State>. For additional information regarding this lien, including the pay-off amount, please contact the obligee or attorney/entity listed in the heading.

_____ <Date> Date	_____ Signature	_____ <Printed Name> Printed Name
_____ <Email Address> E-mail	_____ <Direct Telephone Number> Direct telephone number	_____ <Fax Number> Fax

Notary state

County

I certify that _____ appeared before me and is known to me as the individual who signed the above.

_____ Date	_____ Notary public	_____ Appointment expiration
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Section VI. Release of Lien:

This lien remains in effect, until released by the issuer: _____
Printed name of issuer

As of _____, this lien has been satisfied or otherwise discharged and it is hereby effectively released.
Date

_____ Date	_____ Authorized agent signature	_____ Authorized agent printed name
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Encryption Requirements:

When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to e-mails, may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

Ohio Department of Job and Family Services
INSTRUCTIONS FOR THE JFS 01132, NOTICE OF LIEN

PURPOSE OF THE FORM:

The Social Security Act section 454(9)(E) requires all IV-D programs to use the Notice of Lien form in interstate cases. IV-D programs may also use the form to impose liens in intrastate cases. This form may also be used for non-IV-D orders by an obligee or his or her private attorney. This form may be used to assert liens on assets discovered through the Financial Institution Data Match process.

Please note that the expiration date on this form is the Office of Management and Budget expiration date, not the expiration date of the lien itself.

Laws that apply:

All aspects of this lien, including its priority and enforcement, are governed by the law of the state where the property is located. Issue the lien to secure debts for past-due support upon identifying, in another state, nonexempt real or personal property belonging to the obligor. The laws and procedures of the state where the property is located or recorded determine the appropriate office or entity in that state to receive the lien for filing. The agency/office or private attorney issuing the lien is responsible for filing it with the appropriate entity.

Release of lien:

To release a previously-filed lien (for example, upon receipt of full payment, or partial payment with an acceptable agreement to repay remaining balance) the original issuing state may use its existing local release of lien form. Alternatively, the issuer may use section VI of this form to release the lien. Provide a copy of the release of lien to the obligor. Identify the lien to be released by including the information provided by the office or entity that filed the lien (Lien Recorder). The laws and procedures of the state where the lien is filed control the release of the lien.

Italicized text that appears within a "box" refers to policy or provides additional information.

HEADING/CAPTION:

- The initiating jurisdiction/issuer determines the heading.
- In the "**To**" field place the name and address of the recorder (for example County Auditor, Clerk of Court, or DMV) or asset holder (for example Financial Institution, Estate Executor, or Trustee) to which you are sending the lien.

The procedures of the state where the property is located determine which person or entity in that state is the appropriate one to receive the lien for filing. It is the responsibility of the person/entity/agency submitting the lien to file/serve it correctly.

- In the "**Obligor**" field place the obligor's full name, alias name(s) address, date of birth (if known) and Social Security Number (if known). Include known aliases or multiple Social Security Numbers used by the obligor.
- In the "**From**" field insert the issuer information, such as, the IV-D Agency name or name of the obligee and/or his or her private attorney or entity acting on behalf of the obligee, address, telephone number, e-mail address and fax number of the person or entity that is submitting this lien.
- In the "**Obligee Name**" field insert the obligee's full name. Multiple names can be listed. Note that the obligee may be the individual obligee, a public IV-D agency, or a private attorney, person or entity with a proper assignment from the individual obligee.

Section I. Case Identifier:

- In the space following "**IV-D Case Number or Non-IV-D Docket Number**", for a IV-D case, enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase.
- For a non-IV-D case, enter the NON-IV-D tribunal docket, or jacket number or file number of the support order that is used to determine the amount of the lien.

- The Remittance ID is an option field, (in some instances, this number may be the same as the IV-D case number or non-IV-D Docket number) and can be used when there is another identifier for payment remittance. However, the remittance ID is needed when the issuer is providing information in section IV.

Section II. Lien Notice:

- In the space following "**entered on**", insert the date of entry of the order that is the basis for the lien. Verify that you are entering the correct date for the order that is being used to determine the amount of the lien.
- In the space following "**by**", identify the tribunal that issued the support order determining the amount of the lien. A tribunal is a court, administrative agency or quasi-judicial entity that has the authority to establish, enforce, and modify child support obligations.
- In the space following "**in**", identify the location (state/county) of the tribunal that issued the support order that is the basis of the lien.
- In the space following "**tribunal number**", identify the tribunal docket, jacket or file number of the support order that is the basis of the lien.
- In the space following "**As of**", insert the date of the debt calculation that is used to determine the amount of the lien.
- In the space following "**amount of \$**", insert the lien amount (the amount of the past-due support obligation owed when the lien is prepared). You may include interest or other related amounts in the lien amount.
- Choose the appropriate check box to indicate the type of property the lien will be attached to: "**real property**" or "**personal property**" or "**real and personal property**".

If a notice of interstate lien for one obligor is being submitted on behalf of multiple obligees, repeat the information in Section II as needed and also include the cumulative arrears for all cases.

Barcode:

- If available, entities using imaging technology can use this area to add a barcode to the document.

Section III. Property description:

- In the space following "**Property description**", identify any specific property that you want the lien to attach to.
- Use the legal description of real property. When the target of the lien is personal property, provide the most specific identifying information available, including the location of the property, if known. (For example, include the make/model/year/appropriate registration numbers, rather than generic terms such as "farm equipment").
- For Financial accounts, list the account numbers.

Note to Lien Recorder: Please provide the sender with a copy of the filed lien, containing the recording information, at the address provided in the heading.

- Since all liens are not recorded and returned to the sender, only follow this instruction if applicable.

Section IV. Remit Payment:

- In the appropriate space, enter the locator code if necessary.
- In the space marked "**Remit payment to:**" list the name and select whether it represents an SDU, Obligee, or Obligee Representative.

- Add the address (street, PO Box, city, state, and zip code) of where payments are sent.

Section V. Submission Entity:

- Check "A" if the lien is submitted by a IV-D agency and check "B" if the lien is submitted by an obligee or his or her private attorney.
- If "A" is selected, provide the date the lien is signed by the child support authorized agent on the line provided.
- If "A" is selected, the appropriate individual should sign the lien on the line above "**Authorized Agent**". Type or print the name of the agent signing the lien beside their signature. Include the agent's e-mail address (if available), direct telephone number and fax number. If "A" is checked, the form does not need to be notarized.
- Send a copy of the lien to the obligor at his/her last known address.

In IV-D cases, the pay-off amount will be available only from the IV-D agency.

- If "B" is selected, the appropriate individual should select the appropriate box next to "**choose one**". Type or print the name of the person signing the lien next to their signature. Include the person's e-mail address (if available) direct telephone number, and fax number.
- If "B" is selected, the signature of the party signing the lien must be notarized.
- Include the "**Notary state**" and "**County**", insert the name of the state and county (if applicable) where the notary is commissioned.
- Enter the date, notary public name, and appointment expiration.
- Send a copy of the lien to the obligor at his/her last known address.

Section VI. Release of Lien:

The Lien must be released by the IV-D Agency or the obligee and/or his or her private attorney or entity acting on behalf of the obligee who issued the lien.

- In the "**Printed Name of Issuer**" field, enter the IV-D Agency name or name of the obligee and/or his or her private attorney or entity acting on behalf of the obligee.
- In the space following "**As of**", enter the effective date of the release of the lien.
- Place the date the Notice of Lien Released is signed in the "**Date**" field.
- The person issuing the Notice of Lien Release signs in the "**Authorized Agent Signature**" field and prints their name in the "**Authorized Agent Printed Name**" field.

Encryption Requirements:

When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of child Support Enforcement. Other electronic means, such as encrypted attachments to e-mails may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).