



April 22, 2024

Child Support Program Manual Transmittal Letter (CSPMTL) No. 194

TO: All Child Support Program Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: Five Year Rule Review - Rules and Forms Regarding Deceased Child Support Participants

The Office of Child Support (OCS) is conducting a rule review in accordance with section 106.031 of the Revised Code, which requires the review of all state agency rules within a five-year period.

OCS has **amended** the following rules:

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-60-50	Termination of Support	02/11/2019	5/01/2024
	<p>This rule describes how the Child Support Enforcement Agency (CSEA) with administrative responsibility for a child support order administratively terminates the current child support obligation and the medical support provisions when a required or optional administrative termination reason exists.</p> <p>Changes to the rule include: corrected a typo in paragraph (A), removed language in existing paragraph (C) as it is no longer needed; added new language to paragraph (C)(9) to clarify the term "legal custody" of a child and updated references in paragraph (F).</p> <p>This rule is authorized by ORC sections 3119.94 and 3125.25, and amplifies ORC sections 3119.87 and 3119.88.</p>		
5101:12-60-50.1	Administrative Termination Investigation, Findings and Recommendations, and Impounding Support	02/11/2019	5/01/2024
	<p>This rule describes the process that the CSEA shall follow to complete an administrative termination investigation, issuing findings and recommendations as a result of that investigation, and the process for impounding support; and provides a formula for calculating cash medical support when the CSEA terminates a child from an order and determines that there are other minor children subject to the child support order.</p> <p>Changes to the rule include: added Public Children Services Agency (PCSA) throughout the rule; updating references in (A)(1), and removed existing language in (A)(1)(b) as it is no longer needed; and amended language for clarity in paragraphs (A) through (D) to assist the CSEAs in their administrative termination investigation.</p> <p>This rule is authorized by ORC sections 3119.94 and 3125.25, and amplifies ORC sections 3119.89 and 3119.90.</p>		

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-60-50.2	Administrative Termination Hearing, Court Hearing, Administrative Termination Order, and Disbursement of Impound Funds	02/11/2019	5/01/2024
<p>This rule describes the process for the CSEA to conduct an administrative termination hearing, to issue an administrative termination order, and the process of disbursing impounded funds once an order has been terminated. This rule also describes the ability for the parties of the order to request a court hearing when an administrative termination request is either denied or the parties object to the outcome, and also replaced the term "obligor and obligee" with "party" throughout the rule to include other representatives of the obligor or obligee.</p> <p>Changes to the rule include: amended language in paragraph (A) to specify what the obligor or obligee may be able to present at the administrative hearing, and added new language in paragraph (E) instructing CSEA to terminate the income withholding (JFS 04047) when the obligor does not owe any arrears or to issue a new JFS 04047 for any remaining balance.</p> <p>This rule is authorized by ORC sections 3119.94 and 3125.25, and amplifies ORC sections 3119.91, 3119.92, and 3119.93.</p>			

OCS has **adopted** the following rules:

Adopted Rule	Adopted Rule Title	Effective Date
5101:12-65-05	Scope and Definitions	5/01/2024
<p>This rule provides definitions for the rules contained in chapter 5101:12-65. This rule and its supplemental rules describe procedures for processing a case when an obligee or obligor to a child support case for which the CSEA has administrative responsibility is deceased. This rule has been adopted to implement section 3119.88 of ORC when the obligee or obligor is deceased in order for the CSEA to initiate a termination investigation.</p> <p>This rule is authorized by ORC sections 3119.94 and 3125.25, and amplifies ORC sections 3125.03 and 3125.11.</p>		
5101:12-65-05.1	Deceased Obligee	5/01/2024
<p>This rule describes procedures for processing a case when an obligee is deceased. This rule has been adopted to implement section 3119.88 of ORC when the obligee is deceased in order for the CSEA to initiate a termination investigation.</p> <p>This rule is authorized by ORC sections 3119.94, 3121.07, 3121.43, 3121.71, 3123.823, and amplifies ORC sections 3119.27, 3119.89, 3119.90, 3121.07, 3121.43, 3121.56, 3121.58, 3123.821, 3125.03, 3125.07, 5107.20, and 5160.38.</p>		
5101:12-65-05.2	Deceased Obligor	5/01/2024
<p>This rule describes procedures for processing a case when an obligor is deceased. This rule has been adopted to implement section 3119.88 of ORC when the obligor is deceased in order for the CSEA to initiate a termination investigation.</p> <p>This rule is authorized by ORC sections 3119.94, 3125.25, and amplifies ORC Sections 2117.06, 3119.88, 3119.89, 3119.90, 3121.43, 3121.58, and 3125.03.</p>		

INSTRUCTIONS:

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

- An Amended rule will be inserted, and the previous version will be moved to the OAC Archive section of the eManuals.
- An Adopted rule will be inserted.

The rules and forms in the CSPM can be accessed at: <http://emanuals.jfs.ohio.gov/>

INSTRUCTIONS for CSEA INTERNAL PROCEDURAL HANDBOOK:

Paragraph (J)(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.

5101:12-60-50 **Termination of support.**

(A) This rule and its supplemental rules describe how the child support enforcement agency (CSEA) with administrative responsibility for a child support order administratively terminates the current child support obligation and the medical support provisions when a required or optional administrative termination reason ~~exists~~exists. The CSEA ~~shall~~will proceed in accordance with this rule and its supplemental rules when a IV-D application as described in paragraph (A) of rule 5101:12-10-01.1 of the Administrative Code or a IV-D referral as described in paragraph (B) of rule 5101:12-10-01.1 of the Administrative Code has been completed and filed with the CSEA.

(B) Definitions.

The following definitions, unless otherwise noted, apply to rules in division 5101:12 of the Administrative Code:

- (1) "Age of majority" has the same meaning as in section 3109.01 of the Revised Code.
- (2) "Child support order" has the same meaning as in section 3119.01 of the Revised Code. For the purposes of this rule and its supplemental rules, "child support order" includes medical support provisions contained in the child support order.
- (3) "Overpaid child support" has the same meaning as in rule 5101:12-50-20 of the Administrative Code.

~~(C) In accordance with section 3119.87 of the Revised Code, the parent who is the residential parent and legal custodian of a child for whom a child support order is issued or the person who otherwise has custody of a child for whom a child support order is issued immediately shall notify, and the obligor under a child support order may notify, the CSEA administering the child support order of any reason for which the child support order should terminate. Nothing in this paragraph shall preclude a person from notifying the agency that a reason for which a child support order should terminate is imminent. With respect to a court child support order, a willful failure to notify the CSEA as required by section 3119.87 of the Revised Code is contempt of court.~~

~~(D)~~(C) The CSEA ~~shall~~will initiate an administrative termination investigation to determine whether the child support order should terminate when there is ~~a required~~ an administrative termination reason. ~~A required~~An administrative termination reason includes all of the following:

- (1) The child attains the age of majority if the child no longer attends an accredited high school on a full-time basis and the child support order requires support to continue past the age of majority only if the child continuously attends a high school after attaining that age;
- (2) The child ceases to attend an accredited high school on a full-time basis after attaining the age of majority, if the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age;
- (3) A termination condition specified in the court child support order has been met for a child who reaches nineteen years of age;
- (4) The child's death;
- (5) The child's marriage;
- (6) The child's emancipation;
- (7) The child's enlistment in the armed services when the child no longer attends an accredited high school on a full-time basis;
- (8) The child's deportation;
- (9) A change of legal custody of the child, which includes but is not limited to ~~the granting of permanent custody of the child to a public children services agency or the termination of parental rights of the obligor through another court action;~~
 - (a) The granting of permanent custody of the child to a public children services agency (PCSA); and
 - (b) The termination of parental rights of the obligor through another court action; and
 - (c) The obligee's death, unless pursuant to section 3119.955 of the Revised Code the CSEA has determined that any reason exists for which the child support order should be redirected to a caretaker.
- (10) The child's adoption;
- (11) The obligor's death;
- (12) The grandparent to whom support is being paid or a grandparent who is paying support reports that the grandparent's support order should terminate as a result

of one of the events described in division (D) of section 3109.19 of the Revised Code; or

(13) Marriage of the obligor under a child support order to the obligee, if the obligor and obligee reside together with the child.

~~(E)~~(D) Pursuant to division (B) of section 3119.88 of the Revised Code a court may also terminate an order for any other appropriate reasons brought to the attention of the court, unless otherwise prohibited by law.

~~(F)~~(E) The CSEA may elect to initiate an administrative termination investigation to determine whether the child support order should terminate when:

- (1) There is an administrative child support order and a court child support order has been issued that involves the same parties and child; or
- (2) A court makes a controlling order determination and the controlling order is not the administrative child support order or court support order that the CSEA is responsible for enforcing.

~~(G)~~(E) When the obligor or obligee requests the CSEA to terminate the child support order and the reason for terminating the child support order is not one of the administrative termination reasons listed in paragraph ~~(D)~~(C) of this rule or a termination reason utilized by the CSEA in paragraph ~~(F)~~(E) of this rule, the CSEA ~~shall~~will not administratively terminate the child support order. Instead, the CSEA:

- (1) ~~Shall~~Will issue a JFS 07521, "Results of Support Order Termination Investigation" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to the last known address of the person who requested the termination of the child support order.
- (2) May elect but is not required to assist the person with filing the action to terminate the child support order with the appropriate court.

~~(H)~~(G) In accordance with section 3119.89 of the Revised Code, the CSEA ~~shall~~will not conduct an administrative review and adjustment of the child support order for any other children subject to the child support order until a final administrative or judicial order has been issued regarding the administrative termination investigation's findings and recommendations.

Effective: 5/1/2024
Five Year Review (FYR) Dates: 2/12/2024 and 05/01/2029

CERTIFIED ELECTRONICALLY

Certification

04/18/2024

Date

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Statutory Authority: 3119.94, 3125.25
Rule Amplifies: 3119.87, 3119.88
Prior Effective Dates: 08/01/1990, 04/01/1992, 09/01/1993, 12/31/1993,
01/01/1995, 01/01/1998, 08/01/1998, 12/01/1998,
08/01/2003, 10/30/2003, 09/03/2005, 01/01/2006,
11/15/2008, 08/01/2014, 09/01/2016, 02/11/2019

5101:12-60-50.1 **Administrative termination investigation, findings and recommendations, and impounding support.**

(A) Administrative termination investigation.

(1) The child support enforcement agency (CSEA) ~~shall~~will complete an administrative termination investigation and issue findings and recommendations regarding whether the child support order should terminate within twenty days of the date the CSEA is notified by either the obligee or obligor or becomes aware that:

(a) ~~An required~~ administrative termination reason as described in paragraph ~~(D)(1), (D)(2), or (D)(3)(C)~~ of rule 5101:12-60-50 of the Administrative Code has occurred or is expected to occur on a certain date;

~~(b) A required administrative termination reason as described in paragraphs (D)(4) to (D)(13) of rule 5101:12-60-50 of the Administrative Code has occurred; or~~

~~(e)~~(b) An administrative termination reason described in paragraph ~~(F)~~(E) of rule 5101:12-60-50 of the Administrative Code exists and the CSEA elects to proceed with the administrative termination process.

(2) During the administrative termination investigation, the CSEA ~~shall~~will determine:

(a) Whether any administrative termination reason exists.

When the CSEA investigation results indicate that any of the administrative termination reasons do not exist, the CSEA ~~shall~~will issue a JFS 07521, "Results of Support Order Termination Investigation" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to the last known address of the person who requested the termination of the child support order.

(b) Whether there are other minor children subject to the child support order.

When the CSEA determines that there are other minor children subject to the child support order, the CSEA ~~shall~~will calculate a revised amount of child support and cash medical support for the other minor children as follows:

(i) When the child support order is computed using a sole residential parent or shared parenting computation worksheet, divide the child support and the cash medical support due annually or monthly

under the order by the number of children who are the subject of the order; then, subtract the amount due for the child for whom the order should be terminated from the total child support and cash medical support amount due annually or monthly.

(ii) When the child support order is computed using a split parental rights computation worksheet:

(a) The CSEA ~~shall~~will divide the annual or monthly obligation for the non-residential parent of the child for whom support is being terminated by the number of children in the other party's custody contained on the existing child support guidelines worksheet. Next, subtract the amount due for the child for whom the order should be terminated from the total child support amount due annually or monthly under a revised child support payment order. This revised amount of support ~~will~~must then be offset against the other party's support obligation to calculate the revised child support for inclusion in the order. The calculation may result in a new obligor for payment of the child support order.

(b) If the calculation in paragraph (A)(2)(b)(ii)(a) of this rule results in a new child support obligor this individual also becomes the cash medical obligor: if the obligor has not changed this paragraph still refers to the existing cash medical obligor. When cash medical support has been ordered the CSEA ~~shall~~will compare the cash medical obligor's cash medical support maximum from the existing child support guidelines worksheet with the current United States department of agriculture (USDA) table for the number of children in the other party's custody. The CSEA ~~shall~~will use the lesser amount as the obligation for cash medical support.

(c) Whether the obligor owes any arrears or other balances.

(d) Whether the CSEA believes it is necessary to continue income withholding or income deduction for the other minor children or arrears payment.

(e) Whether amounts paid pursuant to the child support order being investigated should be impounded because the continued receipt and disbursement would lead to an overpayment by the obligor to the obligee.

- (f) Whether an overpayment has been made to the obligee, ~~or~~ the Ohio department of job and family services (ODJFS), the Ohio department of medicaid (ODM), a public children services agency (PCSA), or the CSEA.

(B) Findings and recommendations for an administrative child support order.

- (1) When the child support order is an administrative child support order and the administrative termination investigation results indicate that an administrative termination reason exists, the CSEA ~~shall prepare the JFS 07522, "Findings and Recommendations to Terminate the Administrative Child Support Order"(effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), file the JFS 07522 with the administrative child support record, and issue copies of the JFS 07522 to the obligor and obligee at their last known addresses.~~will:

(a) Prepare the JFS 07522, "Findings and Recommendations to Terminate the Administrative Child Support Order" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code);

(b) File the JFS 07522 with the administrative child support record;

(c) Issue copies of the JFS 07522 to the obligee and obligor at their last known addresses; and

(d) When the obligee or obligor are deceased and the CSEA has identified that an action has been commenced to probate the estate of the decedent, issue a copy of the JFS 07522 to the administrator or executor of the estate.

- (2) When the CSEA determines that ~~the support has been assigned to ODJFS pursuant to an Ohio works first (OWF) or medicaid assignment and that ODJFS, ODM, a PCSA, or the CSEA~~ has been or will be overpaid by the obligor, the CSEA ~~shall~~will recommend that the amount overpaid be disbursed ~~in accordance with rules 5101:12-80-10 and 5101:12-80-10.1 of the Administrative Code~~to the appropriate person.

(C) Findings and recommendations for a court child support order.

- (1) When the child support order is a court support order and the administrative termination investigation results indicate that an administrative termination reason exists, the CSEA ~~shall~~will:

- (a) Compile findings and recommendations ~~and issue or request the clerk of courts to issue copies of the findings and recommendations to the obligor and obligee at their last known addresses.~~
- (b) Issue or request the clerk of courts to issue copies of the findings and recommendations to the obligor and obligee at their last known addresses; and
- (c) When the obligee or obligor are deceased and the CSEA has identified that an action has been commenced to probate the estate of the decedent, issue a copy of the findings and recommendations to the administrator or executor of the estate.
- ~~(b)(2)~~ Include in the findings and recommendations a finding that states the reason for which the child support order and medical support provisions should terminate, a recommendation that the child support order and medical support provisions be terminated, and the effective date of the termination of the child support order and medical support provisions. In addition, the CSEA ~~shall~~will include in the findings and recommendations the following:
- ~~(i)(a)~~ When there are other minor children subject to the order:
- ~~(a)(i)~~ A finding of whether the child support order should continue for other minor children subject to the order; and
- ~~(b)(ii)~~ When the CSEA finds that the child support order should continue, a recommendation that the child support order should continue for the other minor children and, in accordance with paragraph (A)(2) (b) of this rule, the amount of child support that should be paid for the other minor children.
- ~~(ii)(b)~~ When continued payment and disbursement of payments paid pursuant to the child support order that will be terminated will likely result in an overpayment or an increase in an existing overpayment:
- ~~(a)(i)~~ A finding that continued payment and disbursement of payments will likely result in an overpayment or increase an existing overpayment; and
- ~~(b)(ii)~~ A recommendation that the support be impounded and that all impounded funds be disbursed to the appropriate person by the CSEA after the child support order has been terminated.

~~When the CSEA determines that the support has been assigned to ODJFS pursuant to an OWF or medicaid assignment and that ODJFS has been or will be overpaid by the obligor, recommend that the amount overpaid be disbursed in accordance with rules 5101:12-80-10 and 5101:12-80-10.1 of the Administrative Code.~~

(iii) When the CSEA determines that ODJFS, ODM, a PCSA, or the CSEA has been overpaid, the CSEA will recommend that the amount overpaid be disbursed to the appropriate person.

~~(iii)(c)~~ (c) When the obligor owes arrears or other balances:

~~(a)(i)~~ (i) A finding of the amount of arrears or other balances owed by the obligor and the date of the calculation; and

~~(b)(ii)~~ (ii) A recommendation that the obligor be found to owe the arrears and other balances and be ordered to pay a monthly arrears payment amount that is compliant with sections 3121.36 and 3123.14 of the Revised Code ordered to pay a monthly arrears payment amount that is compliant with sections 3121.36 and 3123.14 of the Revised Code, unless the obligor is deceased.

~~(iv)(d)~~ (d) When amounts are owed for other minor children or for a payment on arrears, other balances, or other obligations:

~~(a)(i)~~ (i) A finding ~~to initiate or continue income withholding or deduction~~ that amounts are owed for other minor children or for a payment on arrears, other balances, or other obligations; and

~~(b)(ii)~~ (ii) A recommendation to initiate or continue income withholding or deduction, unless the obligor is deceased.

~~(v)(e)~~ (e) When amounts are not owed for other minor children or for a payment on arrears, other balances, or other obligations; or the obligor is deceased:

~~(a)(i)~~ (i) A finding ~~to terminate income withholding or deduction~~ that amounts are not owed for other minor children or for a payment on arrears, other balances, or other obligations; or the obligor is deceased; and

~~(b)(ii)~~ (ii) A recommendation to terminate income withholding or deduction.

~~(vi)(f)~~ (f) When the obligee was overpaid:

~~(a)~~(i) A finding that the obligee was overpaid, the amount the obligee was overpaid, and the date through which the overpayment was calculated; and

~~(b)~~(ii) ~~A recommendation that the obligee be found to have been overpaid and the amount the obligee was overpaid.~~ The CSEA may elect to include a recommendation that the obligee repay the amount the obligee was overpaid.

~~(vii)~~(g) The following statements:

~~(a)~~(i) Both the obligor and obligee have the right to request an administrative hearing to object to the findings and recommendations contained in this notice. To request an administrative hearing, submit a written request for an administrative hearing to the CSEA. The obligor and obligee have fourteen days after the issuance of the notice containing the findings and recommendations to submit the written request for an administrative hearing to the CSEA. When the obligor or obligee requests an administrative hearing within fourteen days of the issuance of this notice, which contains the findings and recommendations, no revised court child support order will be issued.

~~(b)~~(ii) When neither the obligor nor the obligee requests an administrative hearing to object to the findings and recommendations, the findings and recommendations will be submitted to the court for inclusion into a revised or terminated court child support order with no further court hearing.

~~(2) When the obligee was overpaid, the CSEA may elect to include in the findings and recommendations a recommendation that the obligee repay the obligor the amount the obligee was overpaid.~~

(D) Impounding support.

(1) When the CSEA is aware that support is or may be overpaid or that the obligee or obligor is deceased, the CSEA ~~shall~~ will impound within the support enforcement tracking system support paid pursuant to the child support order. ~~When the support order is an administrative child support order, the CSEA shall use the JFS 07523, "Administrative Order to Impound Support" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative~~

Code). ~~When the support order is a court support order, the CSEA shall prepare an impound order and include in the impound order the following:~~

~~(a) The reason the support is being impounded; and~~

~~(b) The amount of support that is to be impounded.~~

(2) When the support order is an administrative child support order, the CSEA will use the JFS 07523, "Administrative Order to Impound Support"(effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code).

(3) When the support order is a court support order, the CSEA will prepare an impound order and include in the impound order the following:

(a) The reason the support is being impounded; and

(b) The amount of support that is to be impounded.

~~(2)(4) The CSEA shall will have copies of the impound order, or JFS 07523, as applicable, issued to the last known addresses of the obligor and obligee.;~~

(a) The last known addresses of the obligee and obligor.

(b) The administrator or executor of the decedent's estate when the obligee or obligor is deceased and the CSEA has identified that an action has been commenced to probate the estate of the decedent.

~~(3) When the CSEA or court had previously issued a JFS 04047, "Income Withholding for Support"(effective or revised effective date as identified in rule 5101:12-10-99 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), the CSEA shall immediately take action to cancel any previously issued JFS 04047 or JFS 04017. The CSEA shall issue written notice of the cancellation by ordinary mail to the person who was required to comply with the JFS 04047 or JFS 04017.~~

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08/01/2003, 10/30/2003, 09/03/2005, 01/01/2006,
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09/01/2016, 02/11/2019

5101:12-60-50.2 **Administrative termination hearing, court hearing, administrative termination order, and disbursement of impounded funds.**

(A) Administrative termination hearing.

- (1) ~~The obligor and obligee to the child support order parties~~ have the right to object to the administrative termination investigation findings and recommendations within fourteen days after issuance of the findings and recommendations. ~~The child support enforcement agency (CSEA) shall presume that the obligor and obligee received the findings and recommendations three business days after the date the findings and recommendations were issued.~~
- (2) When ~~an obligor or obligee~~ a party timely requests an administrative termination hearing, the child support enforcement agency (CSEA) ~~shall~~will schedule an administrative termination hearing and issue a JFS 07525, "Notice of Administrative Termination Hearing"(effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to the ~~obligor and obligee~~ parties at their last known addresses.
 - (a) At the administrative termination hearing, the ~~obligor and obligee~~ parties may ~~present testimony and evidence to prove whether a mistake of fact is contained in the findings and recommendations. "Evidence" has the same meaning as in rule 5101:12-60-05 of the Administrative Code. The obligee and obligor may bring a legal or personal representative to the hearing. The CSEA may exclude any individual who is determined by the CSEA not to have a valid interest in the proceedings.:~~
 - (i) Present testimony and evidence regarding the findings and recommendations; and
 - (ii) Bring a legal or personal representative to the hearing. The CSEA may exclude any individual who is determined by the CSEA not to have a valid interest in the proceedings.
 - (b) Within fifteen days of the conclusion of the administrative termination hearing, the CSEA ~~shall~~will:
 - (i) When the child support order is an administrative child support order, prepare a JFS 07526, "Administrative Termination Hearing Decision"(effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), file the JFS 07526 with the administrative child support file, and issue copies of the JFS 07526 to the last known addresses of the ~~obligor and obligee~~ parties.

- (ii) When the child support order is a court support order, prepare an administrative hearing decision and issue copies of the administrative hearing decision to the ~~obligor and obligee~~parties.
 - (3) The CSEA may deny an administrative termination hearing request when the request was not received by the CSEA within fourteen days of the date the JFS 07522, "Findings and Recommendations to Terminate the Administrative Support Order"(effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code) is issued.
 - (a) The CSEA ~~shall~~will deny an administrative termination hearing request when:
 - (i) The person requesting the administrative termination hearing was not ~~the obligor or the obligee~~a party or the party's representative ~~of the obligor or obligee~~; or
 - (ii) The reason the ~~obligor or obligee~~party requested the administrative termination hearing was not related to the findings and recommendations contained in the JFS 07522.
 - (b) When the CSEA denies an administrative termination hearing request, the CSEA ~~shall~~will issue the JFS 07524, "Denial of Administrative Termination Hearing Request"(effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to the address of the person who requested the administrative termination hearing within five days of the receipt of the request.
- (B) Court hearing.
- (1) The ~~obligor and obligee~~parties have the right to object to the JFS 07526, when the child support order is an administrative child support order, or the administrative hearing decision, when the child support order is a court child support order, within fourteen days of the date the JFS 07526 or administrative hearing decision is issued, as applicable, by filing an action in one of the following courts:
 - (a) With respect to an administrative child support order, the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the CSEA that issued the order is located.
 - (b) With respect to a court child support order, in the court that issued the order or that otherwise has jurisdiction over the order.

- (2) When ~~the obligor or obligee~~ a party timely requests a court hearing, the CSEA ~~shall~~ will submit a copy of the findings and recommendations and the JFS 07526 or administrative hearing decision, as applicable, to the court within five days of becoming aware of the request for the court hearing.

(C) Administrative termination order.

- (1) When ~~neither the obligor nor obligee~~ no party timely objects to the JFS 07522 or findings and recommendations, the CSEA ~~shall~~ will:

(a) When the child support order is an administrative child support order, prepare a JFS 07527, "Administrative Order to Terminate the Administrative Child Support Order" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), file the JFS 07527 with the administrative child support record, and issue a copy of the JFS 07527 to the ~~obligor and obligee~~ parties at their last known addresses.

(b) When the child support order is a court support order, prepare an order that incorporates the CSEA's findings and recommendations and file the order and the findings and recommendations with the court.

- (2) When ~~neither the obligor nor obligee~~ no party timely files a motion to object to the administrative hearing decision or JFS 07526, the CSEA ~~shall~~ will:

(a) When the child support order is an administrative child support order, prepare a JFS 07527, file the JFS 07527 with the administrative child support record, and issue a copy of the JFS 07527 to the ~~obligor and obligee~~ parties at their last known addresses.

(b) When the child support order is a court support order, prepare an order that incorporates the administrative hearing decision; file the order, the findings and recommendations, and the administrative hearing decision with the court; and issue or have issued copies of the order that incorporates the administrative hearing decision to the ~~obligor and obligee~~ parties at their last known addresses.

(D) Disbursement of impounded funds.

~~The CSEA shall disburse all~~ All funds that have been ~~impounded or overpaid to ODJFS~~ the Ohio department of job and family services, the Ohio department of medicaid, a public children services agency, or the CSEA; and all funds that have been impounded in accordance with the court order or rules 5101:12-80-10 and 5101:12-80-10.1 of the Administrative Code, will be disbursed within ten days of:

- (1) The date the CSEA issues an administrative order terminating the child support order or receives a journalized court order terminating the child support order; or
- (2) The effective date of the child support termination, whichever occurs later.

(E) Income withholding or deduction.

- (1) When the obligor is deceased or does not owe any amounts for other minor children, arrears, other balances, or other obligations, the CSEA will terminate any previously issued JFS 04047, "Income Withholding for Support" (effective or revised effective date as identified in rule 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), and issue written notice of the termination by ordinary mail to the payor or financial institution that was mandated to comply with the JFS 04047 or JFS 04017.
- (2) When the obligor owes any amounts for other minor children, arrears, other balances, or other obligations, the CSEA will continue any existing withholding or deduction notice or issue any new withholding or deduction notice pursuant to the entry, unless the obligor is deceased.

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Certification

04/18/2024

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11/15/2008, 08/01/2014, 02/11/2019

5101:12-65-05 **Scope and definitions.**

(A) This rule and its supplemental rules describe procedures for processing cases when an obligee or obligor to the child support order for which a child support enforcement agency (CSEA) has administrative responsibility is deceased.

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

(1) "Administrator" means a person granted authority pursuant to section 2113.06 of the Revised Code or analogous laws of another state.

(2) "Assigned arrears" has the same meaning as in rule 5101:12-80-10 of the Administrative Code.

(3) "Decedent" means an individual who is deceased.

(4) "Executor" means a person granted authority pursuant to section 2113.05 of the Revised Code or analogous laws of another state.

(5) "Obligee" has the same meaning as in section 3119.01 of the Revised Code.

(6) "Obligor" has the same meaning as in section 3119.01 of the Revised Code.

(7) "Probate" means to bring a matter before a court with jurisdiction pursuant to section 2101.24 of the Revised Code or analogous laws of another state.

(8) "Unassigned arrears" has the same meaning as in rule 5101:12-80-10 of the Administrative Code.

(C) When an obligee or obligor is deceased, CSEA will:

(1) Verify the date of death and update the support enforcement tracking system (SETS) accordingly;

(2) Impound support in accordance with rule 5101:12-60-50.1 of the Administrative Code;

(3) Investigate whether an action has been commenced to probate the estate of the obligee or obligor; and

(4) Determine whether there is a current support order.

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5101:12-65-05.1 **Deceased obligee.**

(A) This rule describes procedures for processing a case when an obligee is deceased.

(B) Current support order.

(1) When there is a current support order, the child support enforcement agency (CSEA) will complete a termination investigation in accordance with rule 5101:12-60-50.1 of the Administrative Code, using the obligee's date of death.

(2) When a termination order is final, the CSEA will disburse any impounded funds pursuant to the termination entry.

(a) When the CSEA is aware that an action has been commenced to probate the estate of the obligee, payments will be disbursed to the administrator or the executor of the estate or as directed by an order from the probate court.

(b) When the CSEA is unable to identify that an action has been commenced to probate the estate of the obligee, the CSEA will:

(i) Maintain a record in the support enforcement tracking system (SETS) of any unassigned arrears;

(ii) Apply any impounded funds first to assigned arrears, then to processing fee arrears, except that when the collection is from unemployment compensation or a federal or state income tax refund offset, the collection will not be applied to processing fee arrears;

(iii) Maintain or issue any withholding order until all of the assigned arrears and processing fee arrears are paid in full;

(iv) Issue any remaining funds to the obligor after assigned arrears and processing fee arrears are paid in full; and

(v) Terminate any withholding order and close the case in accordance with rule 5101:12-10-70 of the Administrative Code when all of the assigned arrears and processing fee arrears are paid in full and an action was not commenced within six months of the obligee's date of death to probate the estate of the obligee.

(3) Terminating the support order due to the death of the obligee does not terminate the obligor's parental duty of support pursuant to section 3103.031 of the Revised Code.

(4) An administrator or executor may complete a IV-D application to request that payments under the terminated support order be disbursed to the administrator, executor, or to the probate estate of the deceased obligee.

(5) In accordance with section 3125.36 of the Revised Code, a CSEA will make available a IV-D application to any person requesting the CSEA's assistance to establish a support order for the support of a minor child under the terminated support order.

(C) When there is no current support order, the CSEA will:

(1) When there are no arrearages, close the case in accordance with rule 5101:12-10-70 of the Administrative Code; or

(2) When there are arrearages, investigate whether an action has been commenced to probate the estate of the obligee.

(a) When the CSEA identifies that an action has been commenced to probate the estate of the obligee, the CSEA will disburse any impounded funds pursuant to the termination entry to the administrator or executor of the estate or as directed by an order from the probate court.

(b) When the CSEA is unable to identify that an action has been commenced to probate the estate of the obligee, the CSEA will:

(i) Maintain a record in SETS of any unassigned arrearages;

(ii) Apply any funds, first to assigned arrearages, then to processing fee arrearages, then to unassigned arrearages;

(iii) Maintain or issue any withholding order until all of the assigned arrearages and processing fee arrearages are paid in full;

(iv) Issue any remaining funds to the obligor after assigned arrearages and processing fee arrearages are paid in full; and

(v) Terminate any withholding order and close the case in accordance with rule 5101:12-10-70 of the Administrative Code when all of the assigned arrearages and processing fee arrearages are paid in full and an action was not commenced within six months of the obligee's date of death to probate the estate of the obligee.

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3125.07, 5107.20, 5160.38

5101:12-65-05.2 **Deceased obligor.**

(A) This rule describes procedures for processing a case when an obligor is deceased.

(B) Current support order.

(1) When there is a current support order, the child support enforcement agency (CSEA) will complete a termination investigation in accordance with rule 5101:12-60-50.1 of the Administrative Code, using the obligor's date of death.

(2) When a termination entry is final, the CSEA will disburse any impounded funds pursuant to the entry.

(a) When the CSEA is aware that an action has been commenced to probate the estate of the obligor, payments otherwise owed to the obligor will be disbursed to the administrator or executor of the estate.

(b) When the CSEA is unable to identify that an action has been commenced to probate the estate of the obligor, payments otherwise owed to the obligor will be disbursed in the obligor's name to the last known address for the obligor.

(c) When there are no arrears, the CSEA will close the case in accordance with rule 5101:12-10-70 of the Administrative Code.

(d) When there are arrears, the CSEA will investigate whether an action has been commenced to probate the estate of the obligor.

(i) When the CSEA identifies that an action has been commenced to probate the estate of the obligor, in accordance with rule 5101:12-50-50 of the Administrative Code, the CSEA may file a claim against the estate of the obligor, within six months after the obligor's death, for the purpose of collecting any arrears that are due under the support order; or

(ii) When the CSEA is unable to identify that an action has been commenced to probate the estate of the obligor within six months of the date of the obligor's death, the CSEA may close the case in accordance with rule 5101:12-10-70 of the Administrative Code.

(C) When there is no current support order, the CSEA will:

(1) When there are no arrears, close the case in accordance with rule 5101:12-10-70 of the Administrative Code; or

(2) When there are arrears, investigate whether an action has been commenced to probate the estate of the obligor.

(a) When the CSEA identifies that an action has been commenced to probate the estate of the obligor, in accordance with rule 5101:12-50-50 of the Administrative Code, the CSEA may file a claim against the estate of the obligor within six months after the obligor's death, for the purpose of collecting any arrears that are due under the support order; or

(b) When the CSEA is unable to identify that an action has been commenced to probate the estate of the obligor, the CSEA may close the case in accordance with rule 5101:12-10-70 of the Administrative Code.

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