



October 1, 2020

Child Support Program Manual Transmittal Letter (CSPMTL) No. 167

TO: All Child Support Program Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Five Year Rule Review – Termination of Services Rule

The Office of Child Support (OCS) has **amended** the following rule. The rule has been reviewed in accordance with section 106.03 of the Revised Code, which requires the review of all state agency rules within a five-year period.

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-10-70	Termination of Services	02/01/2018	10/15/2020
	<p>This rule describes the conditions that must exist and the process a child support enforcement agency (CSEA) shall use to terminate IV-D services or to terminate support enforcement program services.</p> <p>Changes to the rule include added language in paragraph (D)(13) to provide examples of when it may be inappropriate to establish a support order when the child support enforcement agency has received a referral from another assistance program including Title IV-A, Title IV-E, Supplemental Nutrition Assistance Program (SNAP) or Medicaid.</p> <p>This rule is authorized under ORC sections 3123.121, 3125.25 and amplifies ORC sections 3121.441, 3123.12, 3125.11.</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.

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

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 rule contained in this CSPMTL to determine whether they require the CSEA to update its internal procedural handbook.

5101:12-10-70 **Termination of services.**

(A) This rule describes the conditions that must exist and the process a child support enforcement agency (CSEA) shall use to terminate IV-D services or to terminate support enforcement program services (i.e., case closure).

(B) Terms used in this rule.

- (1) "Alleged father," as used in this rule, means a man who alleges or is alleged to be the father of a child.
- (2) "Caretaker," as used in this rule, means the custodial parent, individual, or agency that is or may become the beneficiary of a support order.
- (3) "Case closure" means the termination of support enforcement program services.
- (4) "Duty to provide support enforcement program services" means the responsibility, imposed pursuant to section 3125.11 of the Revised Code, to enforce support orders in the county the CSEA services.
- (5) "IV-D case" is defined in rule 5101:12-1-10 of the Administrative Code.
- (6) "IV-D services" are identified in rule 5101:12-10-01 of the Administrative Code and also include support enforcement program services.
- (7) "Non-custodial parent" or "NCP" means an individual who is or may become obligated to pay support.
- (8) "Non IV-D case" is defined in rule 5101:12-1-10 of the Administrative Code.
- (9) "Non-public assistance case" or "NPA case," for the purposes of this rule, is a IV-D case in which:
 - (a) The CSEA approved a IV-D application;
 - (b) The CSEA received a IV-D referral but the Ohio works first (OWF), medicaid, or Title IV-E foster care maintenance (FCM) benefits have terminated. There may or may not be assigned arrears; or
 - (c) The CSEA received a IV-D referral and the child is currently receiving medicaid benefits and one of the following exists:
 - (i) The caretaker with whom the child resides is not receiving medicaid benefits; or

- (ii) The caretaker with whom the child resides is receiving medicaid benefits and the caretaker meets one of the exceptions to cooperation in accordance with paragraph (D) of rule 5101:12-10-31 of the Administrative Code.
 - (10) "Public assistance case" or "PA case," for the purposes of this rule, means a IV-D case in which the CSEA received a IV-D referral and:
 - (a) The child is currently receiving OWF or FCM benefits; or
 - (b) The child is currently receiving medicaid benefits, the caretaker with whom the child resides is receiving medicaid benefits, and the caretaker is required to cooperate with the CSEA in accordance with paragraph (D) of rule 5101:12-10-31 of the Administrative Code.
 - (11) "Recipient of IV-D services," for the purposes of this rule, means:
 - (a) The individual who signed the approved IV-D application; or
 - (b) The caretaker in a IV-D referral.
 - (12) "Support enforcement program services" are identified in rule 5101:12-10-01 of the Administrative Code.
- (C) When the phrase "terminate services" is used in this rule, it refers to the decision made by the CSEA to either terminate all services or to terminate IV-D services but continue to provide support enforcement program services. The decision made by the CSEA must be made based on one of the criteria described in paragraph (D) of this rule. To further clarify, when the CSEA elects to terminate services, then:
- (1) In a IV-D case:
 - (a) IV-D services terminate but the CSEA shall continue to provide support enforcement program services when the CSEA has a duty to provide support enforcement program services. The case is then considered a non-IV-D case.
 - (b) Case closure shall occur when IV-D services have been terminated and the CSEA has no duty to provide support enforcement program services.
 - (2) In a non-IV-D case, case closure shall occur when the CSEA has no duty to provide support enforcement program services.

(D) A CSEA may terminate services when the case record contains verification that the case meets one of the following criteria:

(1) There is no current support obligation owed to the caretaker and one of the following applies:

(a) The child is no longer in the home of the caretaker and there is no support order or no arrears are owed under a terminated support order.

Use of this criterion shall result in case closure.

(b) There is no duty of support, as described in section 3103.03 of the Revised Code, owed to the caretaker, and paternity establishment is not required.

Use of this criterion shall result in case closure.

(c) The court or administrative support order has been terminated and there are no arrears or the total of all arrears is less than five hundred dollars and a payment has not been received on the case within the preceding six months.

Use of this criterion shall result in a non-IV-D case when there are arrears or case closure when there are no arrears.

(d) The court or administrative support order has been terminated, the arrears are unenforceable under state law, and a payment has not been received on the case within the preceding six months.

Use of this criterion shall result in a non-IV-D case.

(e) The child has reached the age of majority, the NCP is entering or has entered long-term care arrangements (such as a residential care facility or home health care), and the NCP has no available income or assets above the subsistence level that could be levied or attached for support.

Use of this criterion shall result in a non IV-D case when there are arrears, or case closure when there are no arrears.

(2) The NCP has died and no further support enforcement program services, including a levy against the estate, can be provided.

Use of this criterion shall result in case closure.

(3) The CSEA cannot establish paternity because:

- (a) The child is twenty-three years of age or older and the action to establish paternity is barred by statute of limitations as specified in section 3111.05 of the Revised Code;
- (b) Genetic testing has excluded the alleged father;
- (c) There is a final and enforceable determination of paternity that determines that the alleged father is not the father of the child or that another man is the father of the child;
- (d) The CSEA has determined that it would not be in the best interest of the child to establish paternity in a case involving incest or forcible rape or where legal proceedings for adoption are pending; or
- (e) The identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one interview by the CSEA with the recipient of IV-D services.

Use of this criterion shall result in case closure.

- (4) The NCP's location is unknown, the CSEA has made diligent efforts to locate the NCP using multiple sources, as described in rules 5101:12-20-05 to 5101:12-20-05.3 of the Administrative Code, and all efforts have been unsuccessful over a period of:
 - (a) Two years when there is sufficient information to initiate an automatic locate effort;
 - (b) One year when there is sufficient information to initiate an automatic locate effort, but locate interfaces are unable to verify a social security number; or
 - (c) Six months when there is not sufficient information to initiate an automatic locate effort.

Use of this criterion shall result in a non-IV-D case when there is a support order or arrears, or in case closure when there is no support order or arrears.

- (5) The NCP has no available income or assets above the subsistence level that could be levied or attached for support and cannot pay support for the duration of the child's minority, or after the child has reached the age of majority because:
 - (a) The NCP is institutionalized in a psychiatric facility;

(b) The NCP is incarcerated; or

(c) The NCP has a medically verified total and permanent disability with no evidence of support potential.

Use of this criterion shall result in a non-IV-D case when there is a support order or arrears, or in case closure when there is no support order or arrears.

(6) The NCP's sole income is from supplemental security income (SSI) payments, and paternity has been established.

Use of this criteria shall result in a non-IV-D case when there is a support order or arrears, or in case closure when there is no support order or arrears.

(7) The NCP is a citizen of and lives in a foreign country and:

(a) Does not work for the federal government or a company with headquarters or offices in the United States;

(b) Has no reachable domestic income or assets; and

(c) There is no federal or state treaty or reciprocity with that country.

Use of this criterion shall result in a non-IV-D case when there is a support order or arrears, or in case closure when there is no support order or arrears.

(8) The case was opened for location services only, location services have been completed, and a final location response has been sent to the caretaker.

This criterion shall only be used in an NPA case or a Title IV-E, non-FCM case when the case was opened as a result of a request for location services only. Use of this criterion shall result in a non-IV-D case when there is a support order or arrears, or in case closure when there is no support order or arrears.

(9) The recipient of IV-D services requests that the CSEA terminate IV-D services.

(a) This criterion shall only be used in a case when there are no assigned arrears and the CSEA:

(i) Approved a IV-D application; or

(ii) Received a IV-D referral but the OWF, medicaid, or FCM benefits have terminated.

- (b) Use of this criterion shall result in a non-IV-D case when there is a support order or arrears, or in case closure when there is no support order or arrears.

(10) The CSEA has:

- (a) Approved a good cause waiver or determined other exceptions to cooperation; and
- (b) Determined that no support enforcement services may be provided without risk of harm to the child or caretaker.

This criterion shall only be used in a PA case. Use of this criterion shall result in case closure.

- (11) The CSEA is unable to contact the recipient of IV-D services despite a good faith effort made through at least two different methods, one of which shall be a letter sent by first class mail to the last known address. Other methods may include attempted contact by: email, telephone, the state services portal (SSP), or other method. The two methods of contact shall be documented in the case record.

This criterion shall only be used in an NPA case when there are no assigned arrears. Use of this criterion shall result in a non-IV-D case when there is a support order or arrears, or in case closure when there is no support order or arrears.

- (12) The CSEA documents the circumstances of non-cooperation by the recipient of IV-D services and an action by the recipient of IV-D services is essential for the next step in providing services.

This criterion shall only be used in an NPA case when there are no assigned arrears. Use of this criterion shall result in a non-IV-D case when there is a support order or arrears, or in case closure when there is no support order or arrears.

- (13) Another assistance program, including Title IV-A, Title IV-E, supplemental nutrition assistance program (SNAP), and medicaid, has referred a case to the CSEA that the CSEA determines is inappropriate to establish a child support order, ~~enforce a child support order, or continue to enforce a child support order,~~ and the caretaker or NCP has not applied for IV-D services; Circumstances where it may be inappropriate to establish a child support order include, but are not limited to when:

- (a) The child is living in the home of an intact two parent household; ~~or~~

(b) The caretaker is ~~no longer not~~ receiving ~~services~~ benefits from an assistance program that requires the caretaker's cooperation with the CSEA;

(c) A married parent has applied for Title IV-A, SNAP, or medicaid benefits for the child while the other parent has temporarily left the area to find work;

(d) The family is receiving a non-recurring, short-term benefit that does not fall within the definition of "assistance" under 45 C.F.R. 260.31(10/01/2010);
or

(e) The child is expected to be in foster care for only a short time before being reunited with their family or before adoption proceedings are finalized.

This criterion may only be used prior to the establishment of a support order. The CSEA shall make reasonable efforts to establish paternity prior to use of this criterion.

Use of this criterion shall result in a ~~non-IV-D case when there is a support order or arrears, or in case closure when there is no support order or arrears.~~

- (14) The CSEA documents that the initiating state has failed to take an action after repeated requests from the CSEA for additional information or documents, that is essential for the CSEA to take the next step in providing services.

Use of this criterion shall result in case closure if there is no Ohio controlling order on the case, or there are no assigned arrears owed to Ohio. If there is an Ohio controlling order, or if there are assigned arrears owed to Ohio, the use of this criterion shall result in a non-IV-D case.

- (15) The initiating agency has notified the CSEA that the initiating state has closed its case. The CSEA shall close the case within ten business days of receiving the notification.

Use of this criterion shall result in case closure if there is no Ohio controlling order on the case, or there are no assigned arrears owed to Ohio. If there is an Ohio controlling order, or if there are assigned arrears owed to Ohio, the use of this criterion shall result in a non-IV-D case.

- (16) The initiating agency has notified the CSEA that the CSEA's intergovernmental services are no longer needed. The CSEA shall close the case within ten business days of receiving the notification.

Use of this criterion shall result in case closure if there is no Ohio controlling order on the case, or there are no assigned arrears owed to Ohio. If there is an

Ohio controlling order, or if there are assigned arrears owed to Ohio, the use of this criterion shall result in a non-IV-D case.

- (17) The case has been transferred to a tribal IV-D agency and the CSEA has complied with the following before transferring and closing the case with Ohio:
- (a) The recipient of services has requested the CSEA to transfer the case to the tribal IV-D agency and close their case with Ohio;
 - (b) The CSEA has notified the recipient of services of its intent to transfer the case to the tribal IV-D agency and close their case with Ohio, and the recipient did not respond to the notice; or
 - (c) The tribal IV-D agency has a state-tribal agreement approved by the federal office of child support enforcement (OCSE) to transfer and close cases, with the consent from the recipient of services.

Use of this criterion shall result in case closure.

- (18) In a non-IV-D case, a court has, in accordance with section 3121.441 of the Revised Code, permitted the obligor to make spousal support payments directly to the obligee instead of to the office of child support when:
- (a) The obligee and obligor have no minor children born as a result of their marriage; and
 - (b) The obligee has not assigned the spousal support amounts to the Ohio department of job and family services.

This criterion shall only be used in a non-IV-D case. Use of this criterion shall result in case closure.

- (19) The case was opened in error or another administrative reason exists to close the case.

Use of this criterion shall result in case closure.

(E) In a IV-D case, the CSEA shall make reasonable efforts to establish paternity or a child support order, when appropriate, prior to terminating IV-D services.

(F) A CSEA shall terminate services when the case record contains verification that the case meets the following criteria:

- (1) The child is eligible for health care services from the Indian health service (IHS);
and
- (2) The case was opened because of a medicaid referral based solely upon health care services, including the purchased/referred care program, provided through an IHS.

Use of this criterion shall result in case closure.

(G) Notice of termination of services.

- (1) Sixty days prior to terminating services, the CSEA shall issue a JFS 07046, "Pending Case Closure Notice" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code), to:
 - (a) The recipient of IV-D services when services are proposed for termination pursuant to paragraphs (D)(1) to (D)(7), (D)(11), or (D)(12) of this rule.
 - (b) The initiating state in an interstate case when services are proposed for termination pursuant to paragraph (D)(14) of this rule.
- (2) The IV-D case must remain open if, during the sixty day period:
 - (a) Contact is reestablished with the recipient of IV-D services and the case was proposed for termination pursuant to paragraph (D)(11) of this rule;
 - (b) In response to the JFS 07046, the recipient of IV-D services or the initiating state supplies information that could lead to any of the following:
 - (i) Establishment of paternity;
 - (ii) Establishment of a child support order; or
 - (iii) Enforcement of a child support order.

(H) Termination of support enforcement program services in a non-IV-D case with an existing arrears balance.

- (1) The CSEA may terminate support enforcement program services and close a non-IV-D case when the support order has been terminated and:
 - (a) The total of all arrears is less than one hundred fifty dollars; or

- (b) There has been no collection received on the case during the past three years and all manual and automated location or enforcement methods have been unsuccessful.
- (2) When the CSEA proposes to terminate support enforcement program services and close a non-IV-D case, the CSEA shall issue a notice to the last known address of the parties to the support order that contains the following information:
 - (a) The arrears balances, when applicable;
 - (b) Either party to the support order may request that the CSEA continue providing support enforcement program services by contacting the CSEA in writing within sixty days of the date on the notice;
 - (c) After the case has been closed, either party to the support order may contact the CSEA at any time and request that the CSEA resume providing support enforcement program services or IV-D services; and
 - (d) The CSEA will reopen the case at a later date when a collection is received on the case.
 - (3) The CSEA may close the non-IV-D case when neither party has contacted the CSEA within sixty days of the date of the notice described in paragraph (H)(2) of this rule to request that the CSEA continue to provide services.
 - (4) When the CSEA closes the non-IV-D case, the arrears balances that display on the support enforcement tracking system (SETS) must accurately reflect the arrears balances owed on the case.
 - (5) When the CSEA has closed a non-IV-D case, the CSEA shall reopen the case in accordance with rule 5101:12-10-02 of the Administrative Code or when a collection is received on the case.

Effective: 10/15/2020
Five Year Review (FYR) Dates: 7/23/2020 and 10/15/2025

CERTIFIED ELECTRONICALLY

Certification

09/30/2020

Date

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