



July 7, 2023

Child Support Program Manual Transmittal Letter (CSPMTL) No. 189

TO: All Child Support Program Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: FYRR – Calculation of Support Obligation, Enforcement of a Support Order, and Termination of Services.

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

The Office of Child Support (OCS) **Amended** the following rule.

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-10-70	Termination of Services	10/15/2020	08/01/2023
	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.		
	Changes to the rule include removed language “This criterion shall only be used in a PA case” in paragraph (D)(10).		
This rule is authorized under ORC sections 3123.121, 3125.25 and amplifies ORC sections 3121.441, 3123.12, 3125.11.			

OCS has filed the following rules as **No Change**. The effective date of these rules will remain the same as the existing rules.

Rule Number	Rule Title	Effective Date of Rule
5101:12-45-10	Calculation of the Support Obligations	1/15/2020
	This rule describes the procedures for a child support enforcement agency (CSEA) to use when calculating or adjusting the child support and cash medical support obligations contained within a child support order.	
	This rule is authorized by ORC section 3125.25 and amplifies ORC sections 3119.02 and 3125.03.	
5101:12-50-15	Cash Bonds	01/01/2008
	This rule describes the circumstances that must exist for the child support enforcement agency (CSEA) to ask a court to order an obligor to post a cash bond and specifies that a CSEA may not order a cash bond.	
	This rule is authorized under ORC section 3125.25, and amplifies ORC sections 3121.03 and 3121.04.	
5101:12-50-17	Seek Work Order	03/28/2019
	This rule describes seek work orders and discusses when the court or child support enforcement agency (CSEA) may issue such an order. The rule explains that the seek work order must mirror the Ohio works first (OWF) self-sufficiency contract when applicable.	
	This rule is authorized under ORC section 3125.25, and amplifies ORC sections 3121.03 and 5107.14.	

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,
- A no change rule will continue with the same effective date.

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

Forms can also be accessed on the ODJFS Forms Central InnerWeb page at:

<http://www.odjfs.state.oh.us/forms/inner.asp>

or on the ODJFS Forms Central Internet page at:

<http://www.odjfs.state.oh.us/forms/inter.asp>

INSTRUCTIONS for CSEA INTERNAL PROCEDURAL HANDBOOK:

Paragraph (I)(1) of OAC rule 5101:12-1-01 states that, whenever a program change requires modification of local procedures, the CSEA is required to revise its internal procedural handbook and submit the revision to OCS within thirty days of the revision. The CSEA should carefully review the amended rules contained in this CSPMTL to determine whether they require the CSEA to update its internal procedural handbook.

5101:12-10-70 **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 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;

- (b) The caretaker is not receiving 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 case closure.

- (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: 8/1/2023
Five Year Review (FYR) Dates: 5/2/2023 and 08/01/2028

CERTIFIED ELECTRONICALLY

Certification

07/07/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3123.121, 3125.25
Rule Amplifies: 3121.441,3123.12,3125.11
Prior Effective Dates: 08/01/1982, 11/11/1982, 07/01/1983, 01/01/1984,
07/11/1987, 12/01/1987, 07/15/1988, 12/20/1988,
06/02/1989, 09/01/1989, 10/01/1990, 11/01/1991,
04/01/1992, 07/01/1996, 10/01/1999, 02/22/2002,
06/15/2006, 05/15/2008, 12/15/2009, 11/01/2011,
09/01/2015, 02/01/2018, 10/15/2020

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:12-45-10

Rule Type: No Change

Rule Title/Tagline: Calculation of the support obligations.

Agency Name: Department of Job and Family Services

Division: Child Support

Address: OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH
43218-3204

Contact: Michael Lynch **Phone:** 614-466-4605

Email: Michael.Lynch@jfs.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 5/2/2023 and 05/02/2028
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3125.25
5. **What statute(s) does the rule implement or amplify?** 3119.02, 3125.03
6. **What are the reasons for proposing the rule?**

Five Year Rule Review.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule describes the procedures for a Child Support Enforcement Agency (CSEA) to use when calculating or adjusting the child support and cash medical support obligations contained within a child support order.
8. **Does the rule incorporate material by reference?** Yes

9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not New Costs.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? No
17. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

5101:12-45-10

Calculation of the support obligations.

- (A) The child support enforcement agency (CSEA) shall comply with the requirements contained within this rule and rule 5101:12-1-17 of the Administrative Code when calculating or adjusting the child support and cash medical support obligations contained within a child support order.
- (B) The CSEA shall not deviate from the guidelines.
- (1) When a deviation is desired by either party, the requesting party shall petition the appropriate court.
 - (2) In accordance with section 3119.63 of the Revised Code, when a court child support order under review contains a deviation granted under section 3119.06, 3119.22, 3119.23, 3119.231, or 3119.24 of the Revised Code, the CSEA shall do one of the following:
 - (a) Apply the deviation from the existing order to the revised amount of child support, provided that the agency can determine the monetary or percentage value of the deviation with respect to the court child support order; or
 - (b) Not apply the deviation from the existing order to the revised amount of child support, when the CSEA can not determine the monetary or percentage value of the deviation.
 - (3) The CSEA shall indicate on the JFS 07724, "Administrative Adjustment Recommendation" (effective or revised effective date as identified in rule 5101:12-45-99 of the Administrative Code) whether the court-ordered deviation has been applied in accordance with paragraph (B)(2) of this rule.
- (C) In accordance with division (C)(17) of section 3119.01 of the Revised Code, the CSEA may impute potential income to a parent when the CSEA determines that the parent is voluntarily unemployed or underemployed.
- (1) Imputed income may be based on what the parent would have earned if fully employed as determined from the following criteria:
 - (a) The parent's prior employment experience;
 - (b) The parent's education;
 - (c) The parent's physical and mental disabilities, if any;

- (d) The availability of employment in the geographic area in which the parent resides;
 - (e) The prevailing wage and salary levels in the geographic area in which the parent resides;
 - (f) The parent's special skills and training;
 - (g) Whether there is evidence that the parent has the ability to earn the imputed income;
 - (h) The age and special needs of the child subject to the child support order (hereafter "child");
 - (i) The parent's increased earning capacity because of experience;
 - (j) The parent's decreased earning capacity because of a felony conviction; or
 - (k) Any other relevant factor.
- (2) Income may also be imputed from any non income-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the CSEA, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, when the income is significant.
- (D) In accordance with division (I) of section 3119.05 of the Revised Code, unless it would be unjust or inappropriate and therefore not in the best interest of the child, a CSEA shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if any of the following conditions exists:
- (1) The parent is receiving recurring monetary income from means-tested public assistance benefits, including cash assistance payments under the Ohio works first program established under Chapter 5107. of the Revised Code, general assistance under former Chapter 5113. of the Revised Code, supplemental security income, or means-tested veterans' benefits; or
 - (2) The parent is approved for social security disability insurance benefits because of a mental or physical disability, or the court or CSEA determines that the parent is unable to work based on medical documentation that includes a physician's diagnosis and a physician's opinion regarding the parent's mental or physical disability and inability to work; or
 - (3) The parent has proven that the parent has made continuous and diligent efforts without success to find and accept employment, including temporary

employment, part-time employment, or employment at less than the parent's previous salary or wage; or

- (4) The parent is complying with court-ordered family reunification efforts in a child abuse, neglect, or dependency proceeding, to the extent that compliance with those efforts limits the parent's ability to earn income; or
 - (5) The parent is institutionalized for a period of twelve months or more with no other available income or assets.
- (E) In accordance with division (J) of section 3119.05 of the Revised Code, when a court or agency calculates the income of a parent, it will not determine a parent to be voluntarily unemployed or underemployed and will not impute income to that parent if the parent is incarcerated. "Incarcerated" has the same meaning as in division (Q) of section 3119.05 of the Revised Code.
- (F) In accordance with division (L) of section 3119.05 of the Revised Code, a CSEA may disregard a parent's additional income from overtime or additional employment when the agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances.
- (G) In accordance with division (M) of section 3119.05 of the Revised Code, if both parents involved in the immediate child support determination have a prior order for support relative to a minor child or children born to both parents, the CSEA shall collect information about the existing order or orders and consider those together with the current calculation for support to ensure that the total of all orders for all children of the parties does not exceed the amount that would have been ordered if all children were addressed in a single proceeding.

To determine the amount of the child support obligation, including cash medical, the CSEA shall calculate the guidelines using the total number of common children between the parties to determine what the ordered child support amount would have been if all children were being addressed in a single order. Subtract from that amount the total of any existing current child support obligations for common children between the parties.

- (1) When the calculation results in a balance of zero or greater, the balance becomes the obligation amount for the new child support obligation, or;
 - (2) When the calculation results in a balance that is less than zero, the resulting child support obligation shall be zero.
- (H) In accordance with section 3119.051 of the Revised Code, the support obligation shall be reduced by ten per cent of the amount of the individual support obligation for the

parent(s) when a court has issued or is issuing a court-ordered parenting time order that equals or exceeds ninety overnights per year. This reduction may be in addition to the other deviations and reductions.

(I) In accordance with section 3119.04 of the Revised Code, in determining the amount of child support to be paid under any child support order issued or adjusted by the CSEA:

- (1) When the combined annual income of both parents falls below eight thousand four hundred dollars, the CSEA shall apply the minimum support amount in accordance with section 3119.06 of the Revised Code. The CSEA, in its discretion and in appropriate circumstances, may issue a minimum support order of less than eighty dollars a month or issue an order not requiring the obligor to pay any child support amount. The circumstances under which a CSEA may issue an order include the nonresidential parent's medically verified or documented physical or mental disability or institutionalization in a facility for persons with a mental illness or any other circumstances considered appropriate by the CSEA.
- (2) The CSEA shall enter the figure, determination, and supporting findings on the JFS 07719, "Administrative Order for Child Support and Medical Support" (effective or revised effective date as identified in rule 5101:12-45-99 of the Administrative Code) or JFS 07724.
- (3) When the combined annual income of both parents is greater than the maximum amount listed on the JFS 07767, "Basic Child Support Schedule" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code), the CSEA shall determine the amount of the obligor's child support obligation on a case-by-case basis and shall consider the needs and the standard of living of the child and of the parents.

The CSEA shall compute a basic combined child support obligation that is no less than the obligation that would have been computed under the basic child support schedule and applicable worksheet for a combined annual income equal to the maximum annual incomes listed on the JFS 07767, unless the CSEA determines that it would be unjust or inappropriate and therefore not in the best interest of the child, obligor, or obligee to order that amount. When the CSEA makes such a determination, the CSEA shall enter the figure, determination, and supporting findings of fact in an addendum to the JFS 07719 or JFS 07724.

(J) In determining the amount of cash medical support to be paid under any child support order issued or adjusted by the CSEA, the CSEA shall calculate the cash medical support obligation in accordance with this rule and with rule 5101:12-1-17 of the Administrative Code. The cash medical support amount shall be ordered based on

the number of children subject to the order and split between the parties using the parents' income share.

- (K) When calculating the appropriate amount of child support and cash medical support to be paid under a child support order, the CSEA shall determine the appropriate parent(s) to provide health care coverage for the children.

Five Year Review (FYR) Dates: 5/2/2023 and 05/02/2028

CERTIFIED ELECTRONICALLY

Certification

05/02/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3119.02, 3125.03
Prior Effective Dates: 12/01/1987, 04/20/1990 (Emer.), 07/19/1990,
10/15/2001, 09/01/2005, 03/01/2009, 07/01/2013,
06/15/2018, 03/28/2019, 01/15/2020

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:12-50-15

Rule Type: No Change

Rule Title/Tagline: Cash bonds.

Agency Name: Department of Job and Family Services

Division: Child Support

Address: OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH
43218-3204

Contact: Michael Lynch **Phone:** 614-466-4605

Email: Michael.Lynch@jfs.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 5/2/2023 and 05/02/2028
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3125.25
5. **What statute(s) does the rule implement or amplify?** 3121.03, 3121.04
6. **What are the reasons for proposing the rule?**

Five Year Rule Review.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule describes the circumstances that must exist for the child support enforcement agency (CSEA) to ask a court to order an obligor to post a cash bond and specifies that a CSEA may not order a cash bond.
8. **Does the rule incorporate material by reference?** No

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

No New Costs.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? No

17. Does this rule have an adverse impact on business? No

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**

- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

5101:12-50-15 **Cash bonds.**

- (A) When a child support enforcement agency (CSEA) determines that no income withholding or income deduction notice is appropriate, it may request that the court issue an order requiring the obligor to enter into a cash bond.
- (B) A CSEA may not issue an administrative order requiring the obligor to enter into a cash bond.

Five Year Review (FYR) Dates: 5/2/2023 and 05/02/2028

CERTIFIED ELECTRONICALLY

Certification

05/02/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3121.03, 3121.04
Prior Effective Dates: 12/31/1993, 01/01/1995, 07/22/1996, 01/01/1998,
11/01/2001, 05/19/2002, 09/01/2005, 01/01/2008

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:12-50-17

Rule Type: No Change

Rule Title/Tagline: Seek work orders.

Agency Name: Department of Job and Family Services

Division: Child Support

Address: OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH
43218-3204

Contact: Michael Lynch **Phone:** 614-466-4605

Email: Michael.Lynch@jfs.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 5/2/2023 and 05/02/2028
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3125.25
5. **What statute(s) does the rule implement or amplify?** 3121.03, 5107.14

6. **What are the reasons for proposing the rule?**

Five Year Rule Review.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule describes seek work orders and discusses when the court or child support enforcement agency (CSEA) may issue such an order. The rule explains that the seek work order must mirror the Ohio works first (OWF) self-sufficiency contract when applicable.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No New Costs.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? No

17. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

5101:12-50-17 **Seek work orders.**

- (A) The child support enforcement agency (CSEA) with administrative responsibility may request that the court issue an order requiring an obligor under a court support order to seek employment or engage in work activities under the Ohio works first (OWF) program when the CSEA determines that the obligor under a court support order is unemployed, has no income, and does not have an account at any financial institution.
- (B) When the obligor under an administrative child support order is unemployed but able to engage in employment and has no income and no account at any financial institution, the CSEA with administrative responsibility shall issue an administrative order for the obligor to seek employment or engage in work activities under the OWF program. The CSEA shall:
- (1) Include in the administrative seek work order a requirement that the obligor notify the CSEA immediately upon obtaining employment, any income, or ownership of any asset with a value of over five hundred dollars.
 - (2) Issue the administrative seek work order whether or not the obligor is a recipient of OWF benefits.

When the obligor is a recipient of OWF benefits and has signed a self-sufficiency contract pursuant to section 5107.14 of the Revised Code, the administrative seek work order shall contain the same work activity requirements as the signed self-sufficiency contract.
 - (3) Request that the court issue an order in accordance with paragraph (A) of this rule when an obligor fails to comply with an administrative seek work order.
- (C) When the court or the CSEA issues a seek work order to the obligor, the court or CSEA shall include in the order the requirement that the obligor register with "OhioMeansJobs" pursuant to section 3121.03 of the Revised Code.
- (D) When the court or CSEA has issued a minimum child support obligation in accordance with section 3119.06 of the Revised Code, the CSEA shall not enforce the obligation of the obligor to pay the amount of support due under a support order while the obligor is receiving means-tested public assistance, as described in division (C)(12)(a) of section 3119.01 of the Revised Code, and is complying with any seek work orders issued pursuant to section 3121.03 of the Revised Code.

Five Year Review (FYR) Dates: 5/2/2023 and 05/02/2028

CERTIFIED ELECTRONICALLY

Certification

05/02/2023

Date

Promulgated Under: 119.03
Statutory Authority: 3125.25
Rule Amplifies: 3121.03, 5107.14
Prior Effective Dates: 12/31/1993, 01/01/1995, 07/22/1996, 01/01/1998,
11/01/2001, 05/19/2002, 09/01/2005, 01/01/2008,
01/01/2016, 03/28/2019