

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: 02/15/2024

TIME: 12:00 PM

LOCATION: Teleconference and Room 3110B, Rhodes State Office Tower, 30 East Broad St., Columbus, Ohio 43215

This meeting will be held by teleconference and in person. If you would like to submit oral testimony, please attend the meeting site location or call in at the date and time to 1-614-721-2972. Then enter the meeting I.D. # which is 284 886 473#. Written testimony may also be submitted electronically to rules@jfs.ohio.gov.

Pursuant to sections 3125.25, 3119.76, 3119.9541, 5107.05, 5160.43 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon.

The following OAC rules are being proposed for amendment and adoption as new as a result of a review conducted in accordance with section 106.03 of the Revised Code (ORC), which requires five-year reviews of all state agency rules.

- Rule 5101:12-10-01.1, "IV-D Application and IV-D Referral" describes the services that a child support enforcement (CSEA) agency is required to provide to IV-D cases and non-IV-D cases for which the CSEA has administrative responsibility in accordance with rules 5101:12-10-03 and 5101:12-10-04 of the Administrative Code. Changes to this rule include removing restrictive language in accordance with section 121.95 of the Revised Code and adding a new requirement to paragraph (E) when a CSEA will deny IV-D services to a IV-D application or IV-D referral.
- Rule 5101:12-10-03, "Administrative Responsibility" describes the criteria when a child support enforcement agency (CSEA) has administrative responsibility for intrastate cases. Changes to this rule include removing restrictive language in accordance with section 121.95 of the Revised Code, replacing "guardian," "legal custodian," and "custodian" with "caretaker" for consistency, and adding new language to paragraph (C)(3) for clarity when an alleged father is deceased and adding the language "or redirection" to paragraph (E).
- Rule 5101:12-10-04, "Administrative Responsibility for an Intergovernmental Case" describes the criteria when a CSEA has administrative responsibility for intergovernmental cases. Changes to this rule include removing restrictive language in accordance with section 121.95 of the Revised Code, adding new language to paragraph (D)(2), and adding the language "or redirection" to paragraph (D)(4) and "or redirect" to paragraph (D)(4)(a).
- Rule 5101:12-10-31, "Requirement to Cooperate with the Child Support Enforcement Agency" describes the requirements for an applicant or recipient of Ohio works first (OWF), medicaid, or Title IV-E foster care maintenance (FCM) benefits to cooperate with the child support enforcement agency (CSEA) in establishing paternity or in establishing, modifying, or enforcing a support order. Changes to the rule include removing restrictive language in accordance with section 121.95 of the Revised Code, updating the reference for the definition of a caretaker in paragraph (B) to the Ohio Revised Code section, clarifying language in paragraph (B)(2), removing the rule reference language paragraph (D)(3)(d) as that rule is no longer listed in that rule, and updating the revision date of the form.

- Rule 5101:12-45-10, "Calculation of the Support Obligation" 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. Changes to this rule include removing restrictive language in accordance with section 121.95 of the Revised Code and amending the reference in paragraph (C) to match the changes made to section 3119.01 of the Revised Code.
- Rule 5101:12-45-99, Chapter 5101:12-45 Forms – Support Establishment" contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-45 of the Administrative Code. Changes to this rule include updating the revision date of the JFS 07719 and amending the format of the effective dates for the JFS 01717 and JFS 01718 for consistency.
- Rule 5101:12-60-05.1, "Initiation of an Administrative Review" describes the criteria to initiate an administrative adjustment review. Changes to this rule include removing restrictive language in accordance with section 121.95 of the Revised Code, adding and clarifying language in paragraph (B), adding "or redirected" to paragraph (E)(8) and amending language in paragraph (E)(9) for clarity.
- Rule 5101:12-60-05.4, " Calculation and Recommendation of a Revised Order for Child and Medical Support" describes the CSEA's responsibilities in calculating the support obligations included in a child support order and recommending an adjusted child support order. Changes to this rule include removing restrictive language in accordance with section 121.95 of the Revised Code, clarifying language in paragraphs (B) and (E)(1) and adding new language to paragraph (D)(3).
- Rule 5101:12-60-60,"Redirection of Support" is a new rule that describes how the child support enforcement agency with administrative responsibility for a child support order redirects payments under a support order from one payee to a different payee.
- Rule 5101:12-60-60.1," Administrative Redirection Investigation, Findings and Recommendations, and Impounding Support" is a new rule that describes how the child support enforcement agency with administrative responsibility for a child support order conducts an administrative redirection investigation and issues a findings and recommendation regarding whether the child support order should be redirected.
- Rule 5101:12-60-60.2," Administrative Redirection Hearing, Administrative Redirection Order, and Disbursement of Impounded Funds" is a new rule that describes how the child support enforcement agency with administrative responsibility for a child support order conducts an administrative redirection hearing and issues a hearing decision and the disbursement of funds to the appropriate individual.
- Rule 5101:12-60-99, " Chapter 5101:12-60 Forms – Order Administration" contains a compilation of forms within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-60 of the Administrative Code. Changes to the rule include amending the effective dates of the JFS 01849, JFS 01866, JFS 07049 and adding the JFS 07800, JFS 07801, and JFS 07802 to this rule.

Copies of the proposed rules are available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>.

A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for copies of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.