

Sub.SB70

Child Support Technical Fixes

OCDA Summary

ORC Cite	Description of Change	Reasoning for change
2919.21	Allows for indictment for criminal nonsupport if current support has terminated, but amounts remain unpaid and the statute of limitations has not yet run	Addresses issue that arose after <i>State v. Pittman</i> as to whether a criminal nonsupport action could be pursued after a child emancipates, but arrears are still owed and the statute of limitations (6 years) has not yet run
3111.29	Clarifies that the CSEA may order the mother or father to pay support; removes provision with regard to direct request to hearing officer as this has never been the process	Currently, CSEAs can only pursue an administrative order against a father, so this would allow for an order against either the father or mother. The direct request to hearing officer has been removed, as the process has never involved a direct request.
3111.38	Requires signed IV-D application for paternity establishment	Some activities are labor intensive, including paternity establishment. Currently ORC could be read to require us to provide these services to cases with no application. An application permits us to seek Federal Reimbursement to offset the administrative costs of the service
3111.46	Creates process for court referral when identical siblings are named as alleged fathers	Currently, CSEAs are required to issue a finding of paternity if there is a 99% or greater probability. If identical siblings are both named as PPFs, DNA will return a 99%+ finding for them. We need a mechanism to send this to court to determine which sibling is the father.
3111.49	Changes 30 day appeal period to 14 days	Makes appeal periods all consistent.
3111.78	List actions that proper parties may take against presumed father; allows party to proceed through court using 2151.231 or to request services through CSEA; eliminates direct request to hearing officer as this is not the procedure	Puts the ORC in line with practice in the County Agencies. Direct request is to the CSEA, not a hearing officer. The CSEA assigns the function/case to a hearing officer for action.

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3111.80.	Clarifies that CSEA proceeds administratively to establish support upon request to CSEA by IV-D app, from admin paternity process or when a presumption or any other duty of support exists	As described
3111.80.	Clarifies that the CSEA may make reasonable assumptions if parties fail to appear at the support hearing; adds request for production of information to process	brings the support establishment process in line with adjustment and review process
3111.801	Request for production paralleling administrative adjustment and review process	As described
3111.81	Administrative order to take effect 14 days after the order is issued; parents have right to object.	Currently CSEA's are utilizing a variety of dates as the effective date. It could be the date of the hearing, the first day of the month following the date of the hearing, the date the appeal period runs, etc. This would create consistency across the state
3111.84	Allows either party to object to order within 14 days after issuance. Administrative order will remain in effect during the pendency of the objection unless a party requests and is granted a stay. Order is final and enforceable 14 days after issuance.	This permits a wage withholding order to be sent during the pendency of the objection to begin support payments, and to minimize default at the onset of the order.
3119.06	Brings the definition of "means-tested public assistance" over from RC3119.05 for consistency.	As described. Note: changes are also made to this section in SB125. Need to watch.
3119.30.	Provides opportunity for an administrative hearing to obligor for a mistake of fact regarding availability of private health insurance.	Clarifies that the opportunity to be heard is via admin hearing.
3119.38	Changes 7 day appeal period to 14 days.	Makes appeal periods all consistent.

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3119.43	Changes "shall" to "may" for CSEA notifying the court on health insurance obligor not obtaining coverage. Clarifies that failure to obtain coverage punishable by contempt.	Clarifies that failure to obtain coverage may be punishable by contempt;
3119.60.	Adds requirement for IV-D application; adds that review may add or adjust payment on arrears; adds that CSEA will make reasonable assumptions if information is not sent in or is not complete during the review and adjustment process	Review and adjustment is labor-intensive, so the case should be IV-D. Gives authority and promotes consistency in allowing review and adjustment of payment on arrears. We have the authority to make the reasonable assumptions, but the parties aren't notified of same, this would provide that notice
3119.61 & 3119.63	Permits the add or adjustment of a payment on arrearages in accordance with 3123.21 if a review and adjustment is completed	This is important in that currently, there is again a question of consistency as to what happens to any existing arrearage payment that was put in place through either default and/or through an termination process. It permits the CSEA to make a new recommendation regarding the appropriate arrears payment
3119.61 & 3119.63	Clarifies that notice is by ordinary mail	We have put in the appropriate statute the civil service rules that we are to follow
3119.61 C 6	Specifies that objection to adjustment and review of administrative order should be filed in court in county in which the CSEA which issued the order is located	This is to clarify jurisdiction--currently, the objection may be filed in the county in which the mother, father, child, guardian or custodian resides. The objection should be filed where the admin order was filed.
3119.61	Removes CSEA requirement to file on behalf of person requesting review	This is because the CSEA represents the State of Ohio and not either one of the parties to an action

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ORC Cite	Description of Change	Reasoning for change
3119.631 & 3119.82	Clarifies that the court only need to reconsider the tax deduction during the course of a CSEA administrative review and adjustment if a party files a request for a hearing on the matter	Currently, there are courts that schedule a court hearing for every adjustment & review because of what they believe to be a requirement to address the tax dependency exemptions every time an order is issued. This defeats the streamlining of the administrative process and requires many individuals to either forego their modification and/or take time off work and pay court costs for something that they do not wish to be addressed or modified from its current form
3119.72	Allow CSEA to proceed through the Admin Review & Adjustment process by making reasonable assumptions about income without having to file contempt	The filing of contempt in most situations is not effective or expedient for the process. If the CSEA has made incorrect assumptions, the parties have the right to request a hearing and provide evidence to the contrary even though they did not provide the information when first requested
3119.76	Shortens time period for notice of review of child support order from 45 days to 30 days	will allow for faster processing of administrative review and adjustments
3119.77	Corrects error in USC	As noted
3119.82	Clarifies when court needs to address tax exemption	As noted
3119.87	Clarifies that a parent can contact a CSEA ahead of time for termination of an order to begin the process	Assists CSEA in processing termination of order in quicker fashion
3119.88	Clarifies that this section is related to administrative termination so that other issues may be brought to the court; adds marriage of the obligor to the obligee, and grandparent support order.	This is important because it has been very difficult to get some cases to court on behalf of families that are in need for a variety of reasons to get their orders stopped. If there has been a change in custody or a death of the obligee and other instances this becomes important.
3119.89	Requires signed IV-D app for termination; notes that agency can investigate termination reason before actual event has occurred.	Allows for faster processing of termination of orders.

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3119.90., 3119.91, 3119.92	Appeal period changed from 30 days to 14 days	Makes appeal periods all consistent.
3121.01, 3121.02, 3121.12, 3121.33, 3121.34	Allows issuance of administrative order to intercept a lump sum payment of \$150 or more.	This makes our lump sum intercept process an administrative process with hearing rights. It will expedite the process that currently requires the courts to sign off on entries without hearings. Many times employers are under tight time frames for lump sum distributions and this will assist us in meeting those easier.
3121.035	Permits issuance of income withholding notice by electronic means	Many large employers and the Federal Government would like to receive the income withholding notices electronically this would permit that. Please note that at this time it does not mandate that all income withholding notices be by electronic means.
3121.29	Addition of notice to required order language that failure to update address may result in notice of changes of orders going to last known address	clarifies that the existing notice language is in all notices and applies to all processes
3123.031.	Clarifies date of default notice as "issued"; also changes appeal period from 7 to 14 days.	We can track when issued in SETS.
3123.04	Appeal period changed from 7 days to 14 days	Makes appeal periods all consistent.
3123.05	Appeal period changed from 7 days to 14 days	Makes appeal periods all consistent.
3123.14	Clarifies CSEA administrative ability to obtain an order for payment on arrears in cases where the order was terminated without an ordered payment; removes language for CSEA to obtain judgment and execution on judgment upon application of obligee	Permits a CSEA to go through the administrative process of obtaining an order for payment on arrears when the order has terminated previously without such an order in place. This will assist with old cases that had no ordered payment.
3123.25	Allows CSEA to proceed upon notice or discovery of an account.	CSEA needs ability to proceed upon information on an account.
3123.27	Removes shall language and time frame; changes to "may"	As noted

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ORC Cite	Description of Change	Reasoning for change
3123.30, 3123.31, 3123.34, 3123.35	Changes appeal period from 10 days to 14 days; 3123.35 makes joint account holder a temporary party for purposes of objecting.	Makes appeal periods all consistent.
3123.72	Removes the requirement to release an administrative lien if a person begins complying with a withholding order or otherwise	Liens are not normally removed when payment begins, rather when payment is complete and the amount of the judgment no longer exists. This would make administrative liens like judicial liens in that aspect.
3123.821, 3123.822	Expands use of ODI offset to collection of overdue support under the order; will allow spousal support arrears collection	This offers an additional enforcement remedy for spousal support