

**CHILD SUPPORT
ENFORCEMENT AGENCY
WARREN COUNTY, OHIO**

Prosecuting Attorney
David P. Fornshell

500 Justice Drive • Lebanon, Ohio 45036

Phone: (513) 695-1580

Fax: (513) 695-2969

<http://www.co.warren.oh.us/wcchildsupport>

Director, CSEA
Elizabeth A. Schorr

Deputy Director, CSEA
Rodrick J. Hamilton

House Community and Family Advancement Committee
Rodrick Hamilton, Deputy Director, Warren County CSEA

Date October 18, 2017

Senate Bill 70

Written Proponent Testimony

Good afternoon Chairman Ginter, Ranking Member Boyd, and members of the House Community and Family Advancement Committee. My name is Rodrick Hamilton and I am an Assistant Prosecuting Attorney for Warren County as well as the Deputy Director of the Child Support Enforcement Agency. Thank you for the opportunity to provide written proponent testimony on Senate Bill 70.

This bill will simplify several sections regarding administrative procedures in Ohio's child support system.

I have 29 years of public service and most of that service is in the child support program. I have held many different positions including Administrative Hearing Officer. I have presided over and supervised thousands of child support administrative hearings during my many years of service with Warren, Butler, and Brown Counties. For the past 12 years, starting in 2004, I have been involved in annual Hearing Officer training on behalf of the Ohio CSEA Directors' Association or OCDA. My unique perspective on this specialized portion of our child support system serves as the background for my testimony.

This bill is a comprehensive approach to updating our system and addresses not only consistency but a simplification for the consumers who are involved with the child support program.

You have received the testimony of Amy Roehrenbeck from the Ohio CSEA Directors' Association and from Traci Berry, Director of the Tuscarawas Child Support Enforcement Agency. I fully support

Cincinnati
Phone: (513) 925-1580
Fax: (513) 695-2969

Dayton
Phone: (937) 425-1580
Fax: (513) 695-2969

Middletown/Franklin
Phone: (513) 261-1580
Fax: (513) 695-2969

Toll-Free
Phone: 800-644-2732
(not accessible to callers in Cincinnati,
Dayton, Lebanon or Middletown areas)

their testimony and I feel that I can offer a different perspective.

I want to highlight some of the other changes in the bill with my testimony.

Changes to the Objection Timeframes

Currently there is an inconsistent set of timeframes that apply to the various administrative hearings.

To illustrate the confusing web of deadlines, I have inserted this overview table:

Type of Process	Time to request an Administrative hearing/ or court hearing after agency notice: <i>Current law.</i>	Time to request a court hearing following Admin. Hearing Order/Decision: <i>After passage of SB 70</i>
Default	7 <u>business</u> days after sent	14 days from issuance
Modification	14 days if Court order 30 days if Admin order/ 15 days	14 days from issuance on all orders
Termination of Support	30 days after <u>receipt</u>	14 days from issuance
Health Insurance & Cash Medical	7 <u>business</u> days after sent	14 days from issuance
(N.M.S.N.) Medical Enforcement	7 <u>business</u> days	14 days from issuance
Financial Institution freeze & seize	10 days after sent	14 days from issuance
Paternity Establishment	n/a / 30 days after sent	14 days from issuance
Support Establishment	n/a / 30 days after sent	14 days from issuance

This bill proposes to adopt one consistent 14-day objection and appeal timeframe. This will make it much easier for consumers to navigate the system and reduce the chance that child support workers could incorrectly inform the parties and incorrectly apply deadlines. It is easy to train, easy to remember, and easy to apply.

Changes in new order effective dates

Currently, I train Hearing Officers that there is no statewide rule regarding the effective date of a new administrative support order; each county must decide the effective date of its order. The mostly likely effective dates are: (a) the date of the hearing; (b) the first day of the month following the hearing; or (c) thirty days after the hearing. These effective dates are drawn from other administrative processes that use one of the listed dates, which is unfortunately the best we can do since the statute does not specify a date. This results in unequal treatment of parties from county to county. Clearly, a single, statewide effective date will bring consistency and equal treatment to our consumers. This bill proposes an effective date of 14 days after the issuance of the order.

Changes to Administrative Modification

Current Ohio law sets a minimum time for the review period at 45 days. This means that a C.S.E.A. cannot complete its calculations and recommendations until 45 days or more have elapsed. Therefore, even if the parties provide all the necessary information within a few days, the information will just sit at the agency until day 45. While the reality in Ohio's large metropolitan counties is that these cases may not be worked any quicker, our 80 small, medium, and large-sized counties could complete the task and provide faster customer service. This bill reduces the review period to 30 days.

This bill also provides authority for a C.S.E.A. to add or adjust a payment on past due support when the ongoing support order is modified. Currently this practice varies widely from county to county and consumers will benefit from consistent and equal treatment.

Changes to new Administrative Support

Currently, where a party has failed to provide the necessary information to calculate an income, I train Hearing Officers that Ohio law allows the agency and Administrative Hearing Officers to "make reasonable assumptions" about income in a Modification. There is no similar provision for making reasonable assumptions when the agency establishes a new support order; most counties simply do not issue an administrative support order and instead file the case directly with their court.

Often, the agency can find reliable income data using the electronic resources available to us. Allowing the Administrative Officer to make reasonable assumptions and use the data available would result in more Administrative Orders being issued and less court hearing time being used resulting in more efficiency for the consumers, the courts, and the CSEA.

New Support Orders against Mothers

Currently, I must train Hearing Officers that Ohio law does not grant authority for an Administrative Officer to issue a new support order against a mother. The specific language in R.C. 3111.78 states that “*a parent, guardian, or legal custodian.....may do the following to require a man to pay support...*”

Because most of my trainees are attorneys or otherwise have some legal training, I also caution them that our statute probably is in conflict with the guarantee of *equal protection of the laws*, contained in the 14th Amendment to the U.S. Constitution. It is unlikely that the drafters of this statutory provision actually intended the strict interpretation and disparate treatment that exists, therefore this simple change to include all parents of all genders will make sense to all.

Again, thank you for the opportunity to testify on Senate Bill 70.

Respectfully submitted,

/s/ Rodrick J. Hamilton

Rodrick Hamilton, Esq.

Deputy Director, Warren County C.S.E.A.