

**TUSCARAWAS COUNTY**

**CHILD SUPPORT ENFORCEMENT AGENCY**

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**Traci A. Berry, Director Ryan Styer, Prosecutor**

Senate Judiciary Committee

Testimony of Traci Berry, Esq.,

Director, Tuscarawas County CSEA

SB70

Good afternoon Chairman Bacon, Vice-Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee. My name is Traci Berry, I am an Assistant Prosecuting Attorney for Tuscarawas County and Director of the Tuscarawas Child Support Enforcement Agency (CSEA). I have been a manager and attorney in the child support program for over 20 years, and have participated in numerous workgroups and statewide initiatives designed to improve and streamline the provision of child support services to the families of Ohio. I also have been and am currently an officer of the Ohio Child Support Directors’ Association. Thank you for the opportunity to come before you today to present proponent testimony on Senate Bill 70.

In the spring of 2001, I joined with child support shareholders including federal, state and county managers, parents, courts, employers and legislators to identify problems with the child support program and recommend improvements in Ohio. In December of 2002, the Child Support Reform Shareholders Group issued a report of recommended improvements. Subsequently, many state and county professionals proceeded to implement much needed streamlining and consistency.

Through my participation in the Ohio Child Support Director’s Association (OCDA), I led one of several state/county workgroups that were created to review the Shareholders’ recommendations and implement changes. I am happy to report, that through state and county collaboration, we have been able to address most of those recommendations. Further, this state and county collaboration has resulted in an active partnership with ODJFS that allows counties to address problems as they arise and to drive constant statewide program improvement.

However, several of the problems identified in 2002 cannot be solved by collaboration and require minor statutory changes that are still in need of implementation. Additionally, over the course of time, we have identified other loopholes, issues resulting in inconsistent judicial treatment from county to county, and opportunities for increased efficiency. These changes do not affect parties’ substantive rights and are contained in SB70, which we have nicknamed the “technical fixes” bill. Many of you may recall this legislation was introduced last term as SB 308 and passed the Senate unanimously before moving to the House where it, unfortunately, did not come up for vote prior to the end of the legislative session.

As the Director of the Tuscarawas CSEA, I manage 30 employees as well as our agency budget and processes. Together we serve nearly 24,000 men, women and children in approximately 7,400 cases and distribute over $14,000,000.00 each year to the families we serve. I have seen firsthand how the technical legal roadblocks create frustrated expectations and delay for customers. I have also struggled with the training issues caused by the inconsistency of processes.

The child support program relies heavily on administrative processes to enable expedited, cost-free services to a high volume of clients. This is intended to benefit families by reducing the burden of time and expense of legal action for routine administration of orders, while reducing the volume of cases on a local trial court’s docket. An agency such as mine typically issues as many as 6,000 administrative orders for establishment, modification, enforcement and termination of support during the course of year, while handling less than half that volume in court actions. Our customer service calls easily exceed 25,000 annually.

A county child support agency typically finds itself working with people during times of stressful major life changes. Examples are: following a breakup of a relationship necessitating the creation and financing of separate households, at the time of a job loss, or during a child’s senior year. All of these circumstances can precipitate obvious need for a change to support orders. Administrative processes are in place that enable a CSEA to efficiently address the changes to support order amounts due in these circumstances. Typically, a process is triggered by a customer contact or request and then proceeds through a quasi-judicial process which involves investigation or fact finding, calculations of support, then the issuance of a recommendation. This recommendation also provides for an objection period and instructions for objection to administrative hearing or court, followed by a final order. Only a small percentage of these administrative fact findings (less than 15%) result in objections and thus the agency is able to process cases at a high volume in a short amount of time without requiring parents to take time off of work to go to court for matters that are not disputed.

But the time needed and ability for service provision can vary widely between processes and between counties. In the child support business, time is of the essence for families as a few months can mean several hundred dollars per month in cash flow. The passage of time in these cases cause arrearage and overpayment balances in child support accounts which may in turn trigger additional collection activities. Several examples illustrate these inconsistencies.

* An order of support in my county is effective the 1st day of the month following the administrative hearing. In a bordering county, it is effective the day of the hearing and in yet other counties orders are effective 30 days after the hearing date. SB70 standardizes the effective date statewide to 14 days from issuance of the support order.
* The specific authority for a CSEA to administratively establish an order for a mother to pay support for children was overlooked in the Revised Code. This results a 4 month or more wait for a court hearing as opposed to a two month turnaround for an administrative action against a father in the same county. It also creates a perception of unfair treatment of parents and results in frustration and distrust of the CSEA by the very family members who need our services. SB70 corrects this oversight and grants authority to a CSEA to administratively establish an order for a mother to pay support for her children.
* In contrast to the quick turnaround to start an order, the wait for a completed termination of a support order could easily take 6 months. Furthermore, the objection timeframe in this process could result in an open-ended window for objections because the objection period begins when the Obligor or Obligee receives the recommendation, rather than an easily ascertainable date such as the date of “issuance.”
* An administrative modification in my county can be processed as quickly as 2 months while the same action in another nearby county takes an additional 2-4 weeks simply because Tuscarawas County records all orders in the court and the second county maintains a purely administrative caseload. Court orders have an objection time frame of 15 days while an Administrative order has a 30 day objection period plus requires the party to file a Complaint and wait an additional 28 days for the Answer period to run prior to the court hearing. SB70 standardizes these time frame to 14 days from issuance thus treating all child support orders equally while affording parties the opportunity to quickly address any issues.
* In yet other counties, the same modification could take an additional 3 months because the court interprets the process to require a court hearing in every case to re-determine which parent receives the tax exemption each time an order is administratively modified.
* A parent who has lost his job for downsizing while his children are minors can obtain a modification of his current support obligation in any county, but many counties are not permitted to modify a monthly arrearage payment because it is unclear whether the Revised Code grants the authority to do so.

These quirks in our child support program statutes cause dissatisfaction for our customers and confusion for our staff. The most frequent frustrations expressed by our customers are “Why does this take so long?” and “Why is this different than my other case?” To them it looks like we are changing the rules and providing different services in different counties. Furthermore, because county CSEAs are providing services to nearly one million cases statewide, the effects on time, money and productivity are compounded.

SB 70 makes small changes to standardize timeframes and simplify service provision so that we can consistently and efficiently provide order related services to families when they need them.

I appreciate your time and would be happy to answer any questions that you have.

Thank you.