

Prosecuting Attorney
David P. Fornshell

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

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
Thomas E. A. Howard

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Written Opponent Testimony of Beth Anne Schorr, Esq.,
Director, CSEA Division of the Warren County Prosecutor's Office
HB622

Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the Committee, thank you for the opportunity to provide Opponent testimony on HB622. My name is Beth Anne Schorr, and I am the Director for the Warren County Child Support Enforcement Agency and an Assistant Prosecuting Attorney. I have worked in the child support for Warren County for the past 26 years and often actively work with other counties and the ODJFS Office of Child Support to provide expertise and training on matters of child support.

I am taking the time to provide written testimony today to oppose passage of HB 622 because its provisions are based upon unfounded assumptions about operation of the child support program and unrealized pandemic impacts on obligors.

In Ohio, the child support program operates under a state plan meeting federal mandates and funding. As you may be aware, it is State supervised by ODJFS and County administered. Many of the programs supervised by ODJFS involve a single recipient of program services and short-term benefits. However, every case that the Child Support Program administers involves the interests of at least two parties, that include two parents who share the responsibility for and duty of support for the benefit of a child until the duty terminates. Every decision and action in a case affects both parties and a child's interests.

Although CSEAs is supervised by the executive branch, county administration requires coordination with legal advisors as administrative processes include procedural safeguards for

both parties' due process rights. Whenever an action is taken to materially change or terminate a child support order or balance, both parties are afforded notice and opportunities to be heard in a quasi-judicial proceeding. Ultimately a dissatisfied party to a CSEA action changing an order has a remedy in court. While a CSEA may promulgate enforcement action after due process safeguards are met in the default process, these must be taken consistently after analysis of circumstances in each case.

This Bill is rightfully concerned with preventing CSEA actions taken against obligor that may result from non-payment due to circumstances beyond their control. Fortunately, family law and program parameters include an opportunity for an obligor to proactively obtain relief from a substantial change of circumstance that may require an adjustment of an order. All parties already have the right to request a modification of an order either administratively through CSEA or may file directly with the court for relief. Thus, additional processes to abate an order are unnecessary and the process proposed in this bill is entirely devoid of due process protections to an obligee.

The matter of greater concern is understandably adverse enforcement action taken by CSEA during a state of emergency. However, after seven months of pandemic program operation, this additional prohibition is unnecessary thanks to legislative action in HB 197 as well as prompt action by ODJFS in disabling automated default processes in SETS (our statewide support enforcement tracking system) and specific direction regarding taking adverse action.

In the Child Support program, ODJFS responded immediately in March 2020, by suspending the automated identification of defaulted account balances in SETS. The Department also instituted regular weekly meetings with ODJFS Director Hall and Child Support Program Deputy Director Aldridge. County agencies were advised to cease "adverse actions" and directed verbally and via memo on April 10, 2020 that the provisions of HB197 "Tolling" the period of limitation should be understood to mean that "If the CSEA does not have the voluntary cooperation of the affected party or parties, the CSEA must not proceed with the action until the end of the tolling period." The tolling period ended by statute on July 31, 2020. The ODJFS Office of Child Support clarified in a subsequent memo dated October 19, 2020 that an agency decision to take "any enforcement action, (continues to be) based on the same caution that OCS discussed with the counties at the start of the pandemic: enforcement actions taken during the pandemic should be done based on CSEA discretion founded on the facts and circumstances of each individual case."

Moreover, while it was reasonable to consider additional safeguards six months ago, statistics

do not bear out the necessity. As an agency Director with a seasoned management team who managed a CSEA through the last recession, we had some expectations for adjustments that we may need to make to programming as well as some expected impacts on collections.

Management at state and county levels have been closely monitoring numbers since March.

So far, we have been pleasantly surprised with the data:

- Total collections have stalled but are not significantly down and collections percentages remain high.
- Collections of current support have remained stable allowing families to provide for children when they need it.
 - Higher collections from unemployment and from the interface with the Pandemic Unemployment Assistance have made up some difference.
 - Obligor's are still paying on their own.
 - The total number of child support payments and the total amount of support paid are nearly the same when comparing beginning of February and November numbers.
- Obligor's have had the opportunity to request a modification of support during this entire period based on a loss in income, but in Warren County, the number of modifications requested is actually down from 2019; anecdotally other counties report the same.
- Numbers in default are static as expected due to the pause in default from March to November.
- Numbers of enforcement actions are significantly decreased

In sum, the Child support program already has the mechanisms in place to address potential changes in obligor's resources while affording both parties the due process required by law. Organizational safeguards are already in place and have been exercised to avoid unfair impact on either party when administering parent's shared responsibility to care for their children. As such, this bill is not warranted and I respectfully oppose it.

Beth Anne Schorr

Director/Assistant Prosecuting Attorney

Warren County CSEA