



1103 Schrock Road, Suite 309, Columbus, OH 43229

Ohio CSEA Directors' Association

P: 614-846-6652

F: 614-846-6693

www.ocda.us

Joyce Bowens, President
Delaware County

Amy Roehrenbeck, Esq.
Executive Director

**House Finance Subcommittee on Health and Human Services
Joint Testimony of Traci Berry, Esq. and Amy Roehrenbeck, Esq.
HB33**

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Chairwoman Carruthers, Ranking Member Liston, and members of the House Subcommittee, thank you for the opportunity to present joint testimony on HB33 on behalf of the Ohio CSEA Directors' Association (OCDA). OCDA is a membership organization of county child support enforcement agencies (CSEAs), dedicated to strengthening Ohio's child support program. We are Traci Berry, Director for the Tuscarawas County CSEA and OCDA Legislative Chair, and Amy Roehrenbeck, Executive Director for OCDA.

Ohio's Child Support Program serves one in three children in our state, which means we have over one million children in our program. We serve these children for long periods of time, often from infancy to adulthood. The child support program encourages responsible parenting, family self-sufficiency, and child well-being by providing services to locate parents, establish parentage, establish child support and medical support orders, collect support, modify orders when circumstances have changed, and enforce orders that are not being paid.

Our county CSEAs provide services to families of all types, regardless of income. We work with divorcing parents, never married parents, caretaker relatives, and child welfare agencies, as well as courts, the private bar, community partners, and other stakeholders. These CSEAs receive funding through budget line item 600502 and we ask for your support in maintaining this line item in the budget. It is funded at \$26.4m each for FFY 2024 and 2025.

HB33 contains a number of important policy provisions with regard to child support, including critical changes that will ensure that caretakers can access child support services consistently across the state, and that is our main reason to testify today. We thank Governor DeWine for including these changes in his budget proposal. These provisions were previously included in HB83 (Russo, Manchester), which passed the House unanimously in the last General Assembly. We ask for your continued support for these policy changes, which we will briefly highlight.



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Caretakers are presently treated differently across Ohio when it comes to accessing child support services. In a recent survey, nearly 50% of the responding counties reported an inability to provide services to a caretaker who has physical custody of a child, most noting that their courts follow the *Tuscarawas v. Sanders* case (2003-Ohio-5624) which requires legal custody before child support can be addressed. Other counties reported a limited ability to address child support or, if they were lucky, no barriers to address child support in these cases. This inconsistency is a key point that we wish to resolve, as it should not matter in which county a caretaker resides—all caretakers need access to child support services.

We want to explain on a very high level the process set forth in HB83 to address child support when a caretaker asks for services. We have provided with our testimony a high-level infographic that explains the need to have a clear path for caretakers to have child support addressed, but we want to take a moment to dig in a little deeper on those processes so that you can see how this will work.

First, HB33 deliberately defines “caretaker” broadly, as the universe of caretakers to be included in this bill involves numerous custodial situations. This definition includes persons who are considered primary caretakers for children both inside and outside of the court and child welfare systems. It is important to note that the biggest group of caretakers in the child support program are actually outside of the court and child welfare systems and are usually in informal custody arrangements. HB33 establishes the same investigation and recommendations process for all caretakers, so whether the CSEA needs to address parentage of a child, or establish or redirect a child support order, this definition will apply to allow for services to be provided across the board.

Second, HB33 ensures due process for all parties involved, including the parents and the caretaker, by providing notice and opportunity to be heard. These processes mirror our other administrative processes, with required notices, timeframes, and objection rights. Whether it is paternity establishment, redirection of support, establishment of a support order, or termination of a redirection, each step involves notice to the parties and a right to object.

We know that these caretaker situations can often be fluid, so HB33 also includes provisions to allow for termination of the redirection order, should the child return to the custodial parent, or move on to a subsequent caretaker. At each step, the CSEA will make its determinations and provide notice and objections rights to all parties involved.

One quick note of clarification—in all cases, the child support would need to be paid in order for it to be redirected. HB33 does not create an assurance of payment—it simply allows for sums that *are* paid to be redirected. On a related note, if the child receives cash public assistance, then the child support would be redirected to reimburse the state for public assistance.

These provisions in HB33 are the culmination of over a decade of work on the issue of child support following the child. This work took on a new meaning during the opioid crisis, when we saw rising caretaker cases due to the displacement of children from their parents. In many counties, this caseload continues to rise. We anticipate an even larger increase in caretaker cases as a result of the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* (597 U.S. ____), We need to have a consistent process to serve these caretakers in Ohio.

Our legal landscape looks different now, as our sister programs and the courts look to kinship and other related placements for children in need, while our communities see grandparents, aunts, uncles, older siblings, and others caring for children and needing support and resources. At the time of the *Sanders* decision, Tuscarawas County's cases with 3rd party relatives receiving child support were about 4% of our total child support caseload. Today, they are 18% of our county's caseload and growing, yet we are unable to provide all services to these caretakers.

We believe child support can be a resource for these families and we want to ensure that caretakers are treated consistently across our program. These provisions fit well into the Governor's Bold Beginning initiative and we ask for your support in maintaining these critical policy changes in HB33.

HB33 also has a number of technical fixes that affect child support, as well, concerning the paternity acknowledgement affidavit and some clean up of processing of lottery, casino, racino, and sports betting intercepts. We would appreciate your support in maintaining these provisions, as well.

Finally, we are seeking support for an amendment for two additional changes in HB33: one would allow Ohio to provide paternity-only services to families who wish to establish paternity, but do not need full child support services. This is a very minor change to the statute that could open up services to intact families and could also assist child welfare agencies seeking to establish paternity and open up placement options for children in care.

The second change would allow for the establishment of a child support order for disabled children whose parents divorce after the child reaches the age of eighteen (but the child's disability occurred before that time). Currently no child support can be ordered in these situations. We worked with the Ohio State Bar Association and Ohio Judicial Conference in the last GA on language and would appreciate your support in including this as an amendment. We are happy to provide more information regarding these requests.

Thank you for the opportunity to provide testimony. We are happy to answer any questions.