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# Ohio CSEA Directors' Association

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**Senate Health Committee**  
**Joint Testimony of Traci Berry, Esq. and Amy Roehrenbeck, Esq.**  
**HB33**  
**May 9, 2023**

Chairman Huffman, Vice Chair Johnson, Ranking Member Antonio, and Members of the Health Committee, 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 close to 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 and is a critical investment that allows us to draw down 66% matching funds through federal financial participation.

HB33 contains a number of important policy provisions regarding 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, which passed



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the House unanimously in the last General Assembly. We ask for your support for these policy changes, which we will briefly highlight.

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 summarize the process set forth in HB33 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, and it is important to note that the biggest group of caretakers in the child support program are 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 investigate, make recommendations, 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 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 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 third 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 my county is 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 necessary technical fixes that affect child support including updates to the paternity acknowledgement affidavit and the modernization of the 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 two amendments to HB33: the first 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 services to intact families and could also assist child welfare agencies seeking to establish paternity and open placement options for children in care. Since 2016, federal child support regulations have allowed states to offer a paternity-only option to families and we believe this would be an important expansion of services in Ohio. This does not preclude a family from seeking a child support order later if their circumstances change.

To illustrate how paternity-only services would work, we can offer two examples: First, if an intact family wishes to have genetic testing performed to establish paternity, they do not presently have the option to just do genetic testing and not seek a support order. A support order may not be appropriate when both parents are residing together and taking care of the child. Second, in cases where a children services agency is seeking paternity establishment to determine a legal father

and/or kin for placement options for a child, the case would presently proceed to a support order, which may not be aligned with the best interests of the child in their care. In both examples, a paternity-only determination would achieve the outcome desired without requiring further unnecessary steps.

The second requested amendment 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 on permissive language and would appreciate your support in including this as an amendment. We are happy to provide more information regarding these requests.

We thank you for the opportunity to provide testimony and for your support in retaining the important child support policy provisions included in HB33. These provisions strengthen Ohio's child support program and the families we serve. We are happy to answer any questions.

# HB33 Creating Consistency for Caretakers

A bill to allow child support to follow the child

## HB33

## CURRENT LAW

Ensures that child support follow the child and reaches the person caring for the child



Different outcomes cause confusion and delay for all involved

Enables support to be redirected back to a parent when circumstances change



Support orders are not redirected or established in all cases where it would be proper

Provides notice and opportunity to be heard for all parties



In some counties, appellate case law prevents child support from reaching the person caring for the child

Creates a consistent process to address child support when a caretaker is involved



Caretakers are treated inconsistently across the state