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House Civil Justice Committee
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HB622

Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the Committee, thank you for the opportunity to provide written opponent testimony on HB622. My name is Amy Roehrenbeck, and I am the Executive Director for 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.

The child support program in Ohio serves one out of every three children. Our county child support agencies work diligently to ensure that these children receive financial support for a better future. Our program serves these children for long periods of time, often from infancy to adulthood, and beyond. We provide services to families of all types, from divorcing parents, to unmarried parents, to caretaker relatives, to families with children in protective custody, and others, regardless of family income. 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.

2020 brought many challenges to the families we serve, including job loss, illness, childcare issues, and school changes. These challenges often affected both parties to our cases—the mothers and fathers—and in turn, affected the children. HB622 seeks to address these challenges from the obligor parent point of view only by suspending child support without due process and precluding CSEAs from taking certain statutory actions, some of which could actually benefit an obligor parent. HB622 also makes changes that are not permissible under the Title IV-D program and could affect our IV-D State Plan, which puts us in jeopardy of losing federal funding under TANF.



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We will address our concerns in turn:

- HB622 would make changes to child support orders in a vacuum by only addressing the orders from the obligor parent's side and not considering the effects to the household where the child resides. The bill assumes that only an obligor parent lost income, while we know that job loss can affect and has affected both parents in our cases.
- HB622 lacks the basic foundation of due process necessary to ensure that both parties have notice and an opportunity to participate in their child support case. Under the bill, Child Support Enforcement Agencies (CSEAs) are required to conduct investigations regarding obligors and their ability to "fulfill their obligations" without any notice to the obligee parent, nor objection rights with regard to the investigation's recommendations. We often receive important information from the obligee parent and leaving them out of the investigation is not only a due process concern but also could lead to inaccurate or unfair recommendations with regard to the child support order.
- HB622 precludes many actions that a CSEA can take on case, while in reality these caveats were already put in place across the state in March, making these changes unnecessary. Enforcement actions are reviewed on a case by case basis, not a blanket prohibition, and CSEAs are in the best position to determine whether an enforcement action is necessary and permissible. In addition, HB197 also tolled administrative and judicial actions for a time period earlier this year and that tolling period is now over.
- Many obligors who suffered job loss were able to secure unemployment benefits. These benefits allow withholding for child support, so receipt of unemployment benefits does not mean an inability to pay child support. The Child Support program has an automated interface with Unemployment to ensure that payments can be withheld for a parent's child support order, with safeguards in place for withholding limits (i.e. only current child support can be withheld, not past due support). Suspending payment for a parent that has lost their job but receives unemployment benefits means taking money out of the child's household that would otherwise be paid.
- Child support collections remain steady across Ohio and CSEAs should retain their ability to establish and enforce orders. HB622 prohibits the issuance of new child support orders where a parent has lost their "primary source of income." As noted above, many obligor parents that lost their primary source of income ended up with a secondary source—unemployment—and these benefits allow for a withholding for child support.

- Ohio made the decision to suspend adverse actions against obligor parents from March until November, including findings of default for nonpayment. This means that many of the actions prohibited under HB622 were already not being pursued by CSEAs.
- Administrative and court modifications of child support remain an option for parents who are struggling to pay child support. CSEAs and Courts are not permitted to retroactively modify support obligations, which is contemplated in HB622.

The retroactive nature of this bill, coupled with the due process concerns, will create administrative and judicial uncertainty with regard to actions already taken and orders already established during the time period that the bill covers, which will lead to litigation and confusion for families.

While we can appreciate the desire to assist parents, HB622 is not the answer to the challenges faced by both parties in a child support case during this pandemic. Due process must be afforded to both parties and cases must be reviewed on a case by case basis to determine what action(s) is appropriate. CSEAs can help parents that are struggling by assisting with a modification, linking a parent with employment services, referring them to a fatherhood or motherhood program, or connecting them with community resources. Unfortunately, HB622 contains a host of legal and technical issues that makes the bill unlawful and unworkable, and we oppose its passage.

Thank you for the opportunity to submit testimony.