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# Ohio CSEA Directors' Association

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**Testimony of Amy Roehrenbeck, Esq.**  
**Ohio CSEA Directors' Association**  
**HB83**  
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Chair Manchester, Vice Chair Cutrona, Ranking Member Liston, and members of the Committee, thank you for the opportunity to provide proponent testimony on HB83 on behalf of the Ohio CSEA Directors' Association (OCDA). We are a membership organization of county child support enforcement agencies (CSEAs), dedicated to strengthening Ohio's child support program. My name is Amy Roehrenbeck, and I am the Executive Director of 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. Today we are here to talk about caretakers specifically, and how HB83 ensures that caretakers can access child support services consistently across the state.

As you have heard from my colleagues, caretakers are treated differently across Ohio. In a recent survey, nearly 50% of the counties responding 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). The other counties reported either a limited ability to address child support or no barriers to address child support in these cases. This inconsistency is a key point that HB83 seeks to address.



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

First, HB83 deliberately defines “caretaker” broadly, as the universe of caretakers to be included in this bill involves numerous custodial situations. This definition includes persons both inside and outside of the court and child welfare system who are considered primary caretakers for children. The biggest group of caretakers in our program are those who are outside of the court system, so all caretakers under this definition will be part of the same investigation and recommendations process. Whether the CSEA needs to address parentage of a child, or establish or redirect a support order, this definition will apply to allow for services to be provided across the board.

Second, HB83 ensures due process for all parties involved, including the parents and the caretaker, by providing notice and opportunity to be heard. The processes in HB83 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.

More specifically, HB83 allows a caretaker, as amended in RC 3119.01(C), to apply for services at the CSEA, or to have their case referred over due to receipt of public assistance. Once the case reaches CSEA the agency will do an investigation within 20 days to determine if any current child support order exists between the parents of the child. If there is presently no child support order, the CSEA may move forward with establishing an order for each parent to pay to the caretaker. If there is an existing order, new statutory requirements trigger for the CSEA to investigate and determine if redirection of the order is necessary.

If CSEA determines that the existing order for support should be redirected, then the case will proceed as follows: if the order is a CSEA administrative order, a redirection order will be issued directly by the CSEA. If the existing order is a court order, then the CSEA shall recommend to the court that has jurisdiction over the existing order to redirect the support to the caretaker. The child support order includes health care coverage and cash medical support. Parties are then given 14 days to file an objection to either the administrative order or the recommendations submitted to the court. If no objections are filed the orders issued are final and enforceable, and the effective date of these orders will relate back to the date that the CSEA received the request for IV-D services, or the date of referral from public assistance.

We know that these caretaker situations can often be fluid, so HB83 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. There are timeframes in the statutes relevant to what actions the CSEA will take, but once it is sent to the court it is up to the local court's timetable on holding hearings and issuing decisions. The relation-back portion of this bill ensures that the child support issue will be tied to the date that IV-D services were requested (or that the case was referred).

I wanted to make sure to address some additional questions that were asked during sponsor testimony. I know that a question was asked regarding the arrearages—the past due child support that is owed on a case. Under HB83 the CSEA is required, as part of its investigation, to check for any existing child support orders. If there is an order to redirect, then the CSEA, under new section 3119.955(B)(3), determines whether any arrearages are owed, and the recommended amount to satisfy such arrears. What this means practically is that the support due between the parents will stop due to the intervening caretaker, so the CSEA will determine if any past due support is owed at the time that the caretaker requested services (or was referred). If arrears exist, then those would be owed from the obligor parent to the obligee parent and paid at a rate of 20% of the existing order. The child support to the caretaker would be point-forward from the date of application for services. The caretaker is not due the past due arrears owed at the time of redirection.

One more quick note of clarification—in all cases, the child support would need to be paid in order for it to be redirected. HB83 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.

HB83 is the culmination of over a decade of work on the issue of child support following the child. This work took on 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. 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. We believe child support can be a resource for these families and we want to ensure that caretakers are treated consistently across our program. We ask for your support of HB83 and the premise that child support follow the child to reach these households.

Thank you for the opportunity to provide testimony on this important piece of legislation, and thank you to our sponsors, Chair Manchester and Rep. Russo, for their great work on this bill. I am happy to answer any questions.