



DEPARTMENT OF JOB AND FAMILY SERVICES

Child Support at the Job Center

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March 9, 2021

House Committee on Families, Aging and Human Services
HB 83 Proponent Testimony
Sarah E. Fields, Assistant Director: Montgomery County JFS-CSEA

Chair Manchester, Vice Chair Cutrona, Ranking Member Liston and Members of the Committee, my name is Sarah E. Fields and I am an Assistant Director with the Montgomery County Department of Job & Family Services where I oversee Montgomery County's Child Support Enforcement Agency (CSEA). I also serve as President for the Ohio CSEA Directors' Association's Executive Board and as a member of the association's Legislative Committee. Thank you for the opportunity to testify as a proponent for HB 83.

In Ms. Berry's testimony, she referenced the inconsistencies between counties and courts establishing child support or redirecting payment of child support to relatives. Montgomery County is one example of many counties that cannot currently establish support for or redirect support to caretakers without legal custody. Due to the ambiguity in the current statute, non-legal custody caretakers residing in Miamisburg (located in Montgomery County) cannot receive child support for children in their homes; however, a non-legal custody caretaker living a mile away in Springboro (located in Warren County) will be able to receive child support for children in their home. Ohio's child support program strives to provide services to families of all shapes and sizes in a consistent and transparent manner, and inequalities such as this can lead to suspicion and mistrust.

Ms. Berry also mentioned that these cases make-up approximately 15% of her caseload. As most of you know, Montgomery County is a metro county encompassing Dayton and its closest suburbs. Our child support caseload averages a little less than 50,000 cases. Of these cases, approximately 4,100 currently need establishment of either paternity or support, and almost 25% of those cases (approximately 1000) involve caretakers without legal custody. Based on our current caseload alone, if the Montgomery County CSEA could serve these cases at rates consistent with our legal custody cases, overtime this legislation could result in over 800 more children knowing the identity of their legal fathers and receiving support orders.

While I do not have access to statewide numbers, I believe these results would be similar for other metro counties.

You may be asking why this legislation is so important now when the issue is not new. First, I would explain that we have been working on and crafting this legislation for many years. We have tried to proactively address concerns that have been raised in the past and will continue to do so as this bill works through the legislative process. But to further answer the question of why now, we must understand the changing structure of the family. We have many more children living with family members who are not their parents. The economic stress of the recession followed closely by the opioid epidemic led to many grandparents, great-grandparents, aunts, uncles, and siblings becoming stand-in parents and providers for children who would otherwise lack the stability and care that all children deserve. Kinship care is almost always preferable to non-relative care, and many of these families have stepped-up without burdening the child protection system. They have valid reasons for not pursuing legal custody. Legal representation can be very expensive, and child custody cases can be very complex. While caretakers can file on their own (pro-se), not all county courts are welcoming to unrepresented parties. Filing for legal custody also requires the petitioning party to formally and publicly document the parental failings of their child, sister, or brother, and they are understandably hesitant to create long-lasting family drama when the child is currently safe and cared for, even when they are bearing the full economic burden of supporting the child. With this legislation, the local CSEA is responsible for pursuing support which brings resources into the child's home while hopefully avoiding a prolonged custody battle which could result in instability and lack of safety for the child.

This legislation also provides all counties the legal authority to "redirect" child support. This is a term of art in the child support system which basically stands for the belief that child support should follow the child. In Montgomery County and many other Ohio counties, we cannot redirect support. In cases when legal custody changes and support is not addressed, we must file to terminate the existing child support order (if one exists) and fully re-establish a new child support order from the same Obligor to be paid to the new caretaker. This can create long delays and overpayments while redirection would provide a much more efficient process to quickly move support into the new home. In cases without legal custody, we currently have no recourse. This lack of recourse creates situations in which we are often legally required to continue to send support to parents or caretakers who we know are not caring for the child. This means sending money to parents who we know are incarcerated, drug-addicted, or no longer even residing in the same state as the child while denying services to the person we know is caring for the child. Redirection would give my Agency and others like mine the ability to efficiently address these not uncommon situations through an established process providing notice and opportunity to be heard for all parties.

I will now turn it over to my colleague, Amy Roehrenbeck, to explain the processes set forth in HB 83. We will be happy to take your questions at the close of our testimony.

Thank you for your time and attention.