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Interested Party Testimony of Amy Roehrenbeck, Esq.
Ohio CSEA Directors' Association
SB37
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Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Committee, thank you for the opportunity to provide Interested Party testimony on SB37 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 for OCDA.

Ohio's Child Support Program serves one in three children in our state, which means we have nearly one million children in our program. 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.

When it comes to enforcing orders against parents that are able to pay, but unwilling, we have a number of tools available to us. One of these is license suspension. We have seen several bills over the years that are intended to address license suspensions that are not tied to a driving offense. We fully understand the goal of these bills. However, including child support license suspension in that category is not as clear as it seems. Our suspension is different from these other types of suspensions, and this tool is an important leverage remedy to address parents that are able to pay their support but choose to not pay. The child support license suspension tool brings in money for families in cases that otherwise would not receive support. We have heard the testimony and questions so far on this bill, so we wanted to provide some background information on why we have this tool, how it is used, and what happens when a CSEA determines that a parent is eligible for suspension.

First, why is license suspension even an option for a child support case? Because it is required. The child support program is part of the Social Security Act under Title IV-D, and, as such, we are governed by federal regulations, as well as state statutes and administrative rules. All states are



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required to have license suspension as an enforcement tool as part of their state plan under 42 USC 666. If we do not have this, we can be found to be in non-compliance with the state plan, which puts Ohio's TANF grant at risk.

Next, how is license suspension and reinstatement used at a CSEA? It is important to note from the beginning that license suspension is not mandatory. This tool is permissive and there are rules about when it can be utilized. These rules apply to all county CSEAs. To understand the process better, I will walk you through a quick case scenario:

Joe and Judy divorced in 2018 and Joe is ordered to pay \$750 per month to Judy as child support for their two minor children. Joe is a self-employed truck driver with a CDL, and he regularly sends his monthly child support payments in on his own. Joe suddenly stops making any child support payments in March of 2023.

In April of 2023, the CSEA sends Joe a default notice.¹ This notice is sent to any obligor (person that pays support) that is in default of their child support order. Default is defined as "any failure to pay under a support order that is an amount greater than or equal to the amount of support payable under the support order for one month."² The CSEA attempts to contact Joe to see if something has happened to him, or if they can assist in connecting him with local resources. Joe does not respond to either the default notice or the attempts to contact him by the CSEA.

Once Joe is found in default, the CSEA reviews what enforcement remedies are available to bring Joe into compliance with his order. A CSEA may try a number of different remedies before looking at license suspension.

If the CSEA wants to move forward with license suspension, they are required to do a 90 day look back to see if Joe has paid at least 50% of his total monthly obligation of child support. If he has paid at least 50% of his ordered amount, then license suspension is off the table. If he hasn't paid at least 50%, then the CSEA can proceed and issue a Pre-Suspension Notice.³ This is called an "Advance Notice to Suspend Professional, Recreational, and/or Driver's License." The CSEA will wait fourteen calendar days after sending the Advance Notice before they move to suspend Joe's license. Joe can come in or contact the CSEA at any time in that fourteen-day window to work out a deal with the CSEA to become compliant and avoid suspension. Since Joe has a CDL, he should have a lot of motivation to reach out and find out what he needs to do to avoid license suspension.

It is important to note that the process can stop after the notice is issued based on communication with the CSEA. If Joe reaches out and sets up a payment plan, makes a payment, reports new employment, provides medical documentation if he cannot work, or enters a family support program like a local fatherhood initiative, he can avoid the suspension all together. If, however, Joe

¹ ORC 3123.031

² ORC 3121.01(B)

³ ORC 3123.55(B)(1)

ignores the notice, fails to become compliant or declines to work with the CSEA within that fourteen-day window, the CSEA can then submit his license for suspension.

Once Joe's license has been suspended, he can do one of the following to get it reinstated:

- 1) Make a full payment of his arrearage amount; or
- 2) Provide the CSEA with evidence of current employment or an account in a financial institution from which the child support obligation can be withheld; or
- 3) Provide the CSEA with evidence sufficient to establish that he is unable to work due to circumstances beyond his control; or
- 4) Work with the CSEA to enter and comply with the terms of a family support program administered or approved by the agency, or a program to establish compliance with a seek work order; or
- 5) Pay the balance of the total monthly obligation due for the 90-day period preceding the date the agency sent the default notice.⁴

If Joe works with the CSEA to meet one of these five criteria to get his license reinstated, the CSEA is required to reinstate his license.⁵ No limited driving privileges are needed, as this is a complete reinstatement and Joe is legal again after he pays a \$25 reinstatement fee to the BMV.

As you can see from this scenario, it takes the CSEA at least five months to suspend an obligor's driver's license, including the 90-day look back period. This means at least five months (and usually much longer) that the child/ren have not received child support that the parent is ordered to provide. License suspension—or even the possibility of license suspension—nudges many parents into compliance. Payments made on these cases are often the first payments received by families in many months.

Counties have to track compliance manually, so we do not have data that is statewide, but I do want to provide some numbers to show you how this enforcement tool works. My colleague, Sarah Fields, will be providing numbers from Montgomery County, but here are a few others:

Clermont County has collected \$338,051 in payments connected to the reinstatement of driver's licenses through November of 2023.

Lake County sent 577 pre-suspension letters in 2022. They collected \$89,469.24 from the pre-suspension notices alone. They moved forward to suspended 352 licenses and reinstated 270 licenses, collecting \$104,905.52 for children in those cases. So far in 2023 they have collected \$189,095 in payments from pre-suspension letters and \$99,075 in payments from license suspensions.

⁴ ORC 3123.56

⁵ OAC 5101:12-55-25.1

Butler County collected \$512,077.18 in 2022 from reinstating 1,153 drivers' licenses, resulting in over half a million dollars going to the children in those cases.

Wood County sent 599 pre-suspension letters in 2022 and moved forward to suspend 357 licenses. They collected \$101,000 in payments on reinstatements for children in those cases.

Turning to the specifics of SB37 and its recent amendment, we have several concerns. First, it is our belief from years of experience with these cases that limited driving privileges are not necessary, as there are several ways that a parent can obtain their full driving privileges by working with the CSEA—and the issue of limited driving privileges is never reached. This includes reporting employment, providing documentation of an inability to work, working with the local workforce agency, working with a fatherhood initiative or family support program, or making payments. All of these require reinstatement of full driving privileges. Current law allows for a request for limited driving privileges in the context of a contempt hearing, but this is rarely, if ever, requested, likely because the person can get full license reinstatement by working with their CSEA.

If the committee desires to retain the ability for limited driving privileges, then we ask for several changes to be made to the bill. First, we request that the due process currently given to CSEAs to receive notice that a request for limited driving privileges has been made and to provide information to a court considering said request be restored. Since child support suspensions are administrative, the CSEA is in the best place to provide background on the case.

Second, we request that court discretion be restored on whether to award limited driving privileges. The amendment inserted a “shall,” stating instead that if an obligor asks for limited driving privileges that a court shall grant them. Given the myriad reasons that a CSEA can fully reinstate a license, it may actually be a red flag that an obligor is asking the court for privileges, since they did not meet any of the reasons to reinstate at the CSEA. Further, if it's an ask-and-automatically-get-privileges situation, then an obligor may have no impetus to ever cooperate with the CSEA.

Finally, the amendment inserted a 45-day window between the issuance of the pre-suspension notice and the suspension, which takes the timeline from the current 14 days to now 45 days—which means another nearly two months that the family will be without child support. As noted earlier, our current process for license suspension takes at least five months, so this will take us to nearly seven months before we can suspend a license—and seven months that the child has not received child support.

We have been working with the Ohio Judicial Conference on potential changes. We have met with the sponsors on several occasions, and we have also spoken with the Ohio Poverty Law Center about this bill. We firmly believe that most cases can achieve full reinstatement by communicating and working with the CSEA and never reach the issue of limited driving privileges. We are hopeful that additional changes can be made to the bill to address our concerns.

Thank you for the opportunity to provide testimony. I am happy to answer any questions.