

## OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

**DATE: 06/08/2023****TIME: 10:00 AM****LOCATION: Teleconference**

**This meeting will be held by teleconference. If you would like to submit oral testimony, please call in at the date and time to 1-614-721-2972. Then enter the meeting I.D # which is 386 095 992#. Written testimony may also be submitted electronically to: [rule@jfs.ohio.gov](mailto:rule@jfs.ohio.gov)**

Pursuant to sections 3123.23, 3123.823, 3125.03, and 3125.25, and Chapter 119. of the Ohio Revised Code (ORC), the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment and rescission of the rules as identified below, and of a public hearing thereon.

The following rules of the Ohio Administrative Code (OAC) are being proposed for **amendment** as a result of a review conducted in accordance with section 106.03 of the ORC, which requires five-year reviews of all state agency rules.

- Rule 5101:12-10-99, "Chapter 5101:12-10 forms – child support program administration," contains a compilation of forms with their effective or revised effective date, referenced within the rules contained within division 5101:12 of the OAC, but first cited within Chapter 5101:12-10 of the OAC. The JFS 04047 form is being removed from the rule to be added to rule 5101:12-50-99 of the OAC as it is first referenced in Chapter 5101:12-50 of the OAC, and to update the revision date of the JFS 07092 form.
- Rule 5101:12-50-19, "Investigation of the obligor's source of income or status of account," describes the process a child support enforcement agency (CSEA) shall follow to investigate an obligor's employment and resources when the CSEA is notified or becomes aware of a change in the obligor's source of income or status of accounts in a financial institution. The rule is being amended to update the rule reference of the JFS 04047 form in paragraph (C).
- Rule 5101:12-50-90, "Additional authority to collect arrearages," describes the enforcement actions the CSEA may take to collect arrears that accrued under the support order. The rule is being amended to clarify in paragraph (B) that a CSEA may take any administrative or judicial enforcement action, and to update the rule reference of the JFS 04047 form in paragraph (B)(1).
- Rule 5101:12-50-99, "Chapter 5101:12-50 forms – enforcement of the support order," contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the OAC, but first cited within Chapter 5101:12-50 of the OAC. The JFS 04047 form is being added to the rule as it is first referenced in Chapter 5101:12-50 of OAC.
- Rule 5101:12-55-03.1, "Identification of default and notice to obligor of default and potential action," describes how at the end of each month, the support enforcement tracking system (SETS), upon identifying that an obligor appears to meet the default criteria and the case meets the automatic income withholding criteria, issues a JFS 04047, "Income Withholding for Support," to the obligor's current employer and the obligor. The rule is being amended to update the rule reference of the JFS 04047 form in paragraph (B).
- Rule 5101:12-55-03.2, "Default investigation," describes the process of how the CSEA shall conduct an investigation once an obligor has been identified to be in default. The rule is being amended to update the rule reference of the JFS 04047 form in paragraph (A)(6)(a).
- Rule 5101:12-55-03.3, "Administrative mistake of fact hearing process," describes the administrative mistake of fact hearing process when an obligor who has been found to be in default objects to the

default. The rule is being amended to convert the last two sentences of paragraph (A) into subparagraphs for clarity.

- Rule 5101:12-55-03.4, "Final and enforceable determination of default," describes when a final and enforceable determination of default exists. The rule is being amended to include the JFS 07083, "Notice to Obligor Regarding Default and 20% Payment on Arrears," in paragraphs (A) and (B) to clarify that an obligor may object to this form in addition to the JFS 04049, and to update the rule reference of the JFS 04047 form in paragraph (B)(1).
- Rule 5101:12-55-20, "Liens against real and personal property," describes the procedures that a CSEA shall use when it decides to assert a lien on real or personal property that is owned by an obligor who has been determined to be in default under a support order. The rule is being amended to consolidate paragraph (D) into one paragraph, and to change the reference of the "Notice of Lien" form to JFS 01132 instead of OMB 0970-0153.
- Rule 5101:12-55-40, "Insurance claim intercept," describes the process the CSEA will follow upon notification of an insurance claim match. The rule is being amended to update the rule reference of the JFS 04047 form in paragraph (B)(1), and to amend the language in paragraph (B)(1) for clarity.

The following rules are being **amended** for clarity.

- Rule 5101:12-55-20.1, "Lien levy and execution," describes the process that the CSEA shall use when it decides to execute on a lien on personal or real property of an obligor that has been asserted by the CSEA in accordance with rule 5101:12-55-20 of the OAC. The rule is being amended to change the reference of the "Notice of Lien" form in paragraph (D)(6) to JFS 01132 instead of OMB 0970-0152.
- 5101:12-55-99, "Chapter 5101:12-55 forms – enforcement of the support order based on finding of default," contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the OAC, but first cited within Chapter 5101:12-55 of the OAC. The rule is being amended to add the JFS 01132, "Notice of Lien" form as it is first referenced in Chapter 5101:12-55 of the OAC.
- Rule 5101:12-70-05.11, "Forms for intergovernmental case processing," lists the Uniform Interstate Family Support Act (UIFSA) mandated forms that a CSEA must use when processing an interstate case. The rule is being amended to update the rule reference of the JFS 01132 form in paragraph (A)(15).

The following rule is being **rescinded** and not being replaced.

- Rule 5101:12-70-99, "Chapter 5101:12-70 forms – intergovernmental actions," contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the OAC, but first cited within Chapter 5101:12-70 of the OAC. The rule is being rescinded and not being replaced because the only form listed in the rule – the JFS 01132, "Notice of Lien" – is being moved to rule 5101:12-55-99 of the OAC as it is first referenced in Chapter 5101:12-55 of the OAC.

Copies of the proposed rules are available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>.

A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for copies of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).