

*** DRAFT - NOT YET FILED ***

5101:12-80-25

Unclaimed funds.

- (A) Support payments collected and distributable by the Ohio department of job and family services office of child support that meet the requirements of this rule shall be reported and remitted to the Ohio department of commerce division of unclaimed funds in accordance with the procedures set forth in section 169.03 of the Revised Code.
- (B) For the purposes of this rule, the following assumptions are made:
- (1) In accordance with section 3125.02 of the Revised Code, the office of child support is a person formed under the laws of the state of Ohio.
 - (2) In accordance with section 3121.48 of the Revised Code, the office of child support is a holder of money as trustee for remittance of support payments it receives to the person entitled to receive the support payment.
 - (3) As trustee pursuant to section 3121.48 of the Revised Code, the office of child support is a fiduciary for the benefit of the person entitled to receive a support payment.
 - (4) The person entitled to receive a support payment in accordance with Chapter 3121. of the Revised Code is the owner of the support payment and shall be referred to in this rule and any supplemental rule(s) as the "obligee," as that term is defined in division (B)(3) of section 3119.01 of the Revised Code.
- (C) A support payment shown by the records of the office of child support to have been distributable to the obligee shall be considered unclaimed funds three years from the date payable or distributable pursuant to either division (J) or (K) of section 169.02 of the Revised Code.
- (D) The division of unclaimed funds in the Ohio department of commerce, and the office of child support in the Ohio department of job and family services shall treat the funds described in paragraph (C) of this rule as unclaimed funds, and in accordance with the provisions of Chapter 169. of the Revised Code.

R.C. 119.032 review dates: 10/03/2013

WITHDRAWN ELECTRONICALLY

Certification

10/04/2013

Date

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