

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: June 29, 2011

TIME: 10:00 a.m.

LOCATION: Room 3110 B, Rhodes State Office Tower, 30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 3123.81 and 3125.25 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon.

The following Ohio Administrative Code (OAC) rules are being proposed for amendment as a result of a review conducted in accordance with section 119.032 of the Revised Code (ORC), which requires five-year reviews of all state agency rules:

- Rule 5101:12-50-32, "Federal income tax refund offset program," is the principle rule, which provides an introduction to the federal income tax refund offset program for the collection of child support arrears, and defines terms that are used in the supplemental rules. Changes from the existing rule include: clarify the definition of injured spouse; in paragraph (B)(5), revised the rule reference and replaced "Interstate" with "Intergovernmental," which is consistent with the new interstate regulations 45 CFR section 303.7.
- Rule 5101:12-50-32.1, "Submission criteria," describes the criteria required for submittal to the federal income tax refund offset program for the collection of child support arrears. Changes from the existing rule include: replacing the term "interstate" with "intergovernmental," which is consistent with the new interstate regulations 45 CFR section 303.7.
- Rule 5101:12-50-32.4, "Rejected submissions," describes the procedure a child support enforcement agency (CSEA) is required to follow when a federal income tax refund offset submission is rejected by the federal Office of Child Support Enforcement (OCSE). Changes from the existing rule include: replacing the term "administrative" with "administration" in paragraph (C).
- Rule 5101:12-50-32.5, "Administrative offset review of federal income tax refund offset program submittals," describes the process for requesting and conducting an administrative tax offset review when an obligor has been submitted to the federal income tax refund offset program. Changes from the existing rule include: revise the title for clarity; and replacing the term "interstate" with "intergovernmental," which is consistent with the new interstate regulations, 45 CFR section 303.7.
- Rule 5101:12-50-32.6, "The federal income tax refund offset process," describes the process used to offset a federal income tax refund. Changes from the existing rule include: in paragraph (B), combine the unassigned arrears with the assigned arrears as second in the collection priority, which is consistent with the new IRS guidelines; in

paragraph (C), revise the federal tax offset process from "biweekly" to "weekly," which is consistent with the new IRS tax offset process, and clarify the type of reports issued by the federal office of child support to states; and in paragraph (F), replace the term "interstate" with "intergovernmental," which is consistent with the new interstate regulations 45 CFR section 303.7.

- Rule 5101:12-50-32.7, "Service fee," describes the fees that are charged by the federal Financial Management Service for each federal income tax refund offset processed. Changes from the existing rule include: correcting the rule reference in paragraph (D).
- Rule 5101:12-50-32.8, "Federal income tax refund offset reports," describes the federal income tax refund offset collections reports that are provided to the child support enforcement agencies for appropriate action(s). Changes from the existing rule include: in paragraph (C), clarify the language, and correct the rule reference.
- Rule 5101:12-50-32.10, "Joint refunds," describes the process in which federal income tax refund offset collections from a joint tax returns are disbursed. Changes from the existing rule include: define the term "receipt" in paragraph (B).

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 Services and Acquisition, 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.