

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

DATE: May 4, 2006

TIME: 10:00 a.m.

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

Pursuant to sections 3125.05 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 adoption or rescission of the rules as identified below and of a public hearing thereon.

The following Ohio Administrative Code (OAC) rules are being proposed for rescission as part of the Office of Child Support rule reorganization, which includes reviewing each child support rule in Division 5101:1 of the Administrative Code and transitioning it to Division 5101:12:

- Rule 5101:1-29-05, "Title IV-D case record requirements, Title IV-D and non IV-D case characteristics and spousal support as part of IV-D case," which describes IV-D case characteristics, lists who is eligible for IV-D services; provides definitions of the different case types; lists what is required to be contained in a case record; and provides guidance regarding the handling of spousal support orders. The rule is being replaced by rules 5101:12-1-01, 5101:12-1-10, 5101:12-1-10.1, 5101:12-1-50, 5101:12-10-01, 5101:12-10-01.1, 5101:12-10-05, and 5101:12-10-70.
- Rule 5101:1-29-06, "Child support enforcement agency services to non-IV-D cases," which describes services the CSEA shall provide to Non-IV-D cases. The rule is being replaced by rules 5101:12-1-10, 5101:12-1-10.1, 5101:12-1-50, and 5101:12-10-01.1.
- Rule 5101:1-29-11, "Case closure and record retention," which describes when a CSEA may terminate IV-D services in a IV-D case. The rule is being replaced by rules 5101:12-1-25 and 5101:12-10-70.
- Rule 5101:1-29-13, "Availability of child support services," which describes when a CSEA must provide child support services in a IV-D case. The rule is being replaced by rules 5101:12-1-10.1, 5101:12-10-01, 5101:12-10-01.1, 5101:12-10-02, and 5101:12-10-72.
- Rule 5101:1-31-31, "Child support enforcement agency (CSEA) sanctions," which describes when ODJFS may sanction a CSEA and the sanction process. The rule is being replaced by rule 5101:12-1-01.
- Rule 5101:1-31-70, "Child support funding," which describes federal financial participation, the non-federal share that a CSEA must provide, and that the CSEA is responsible for administrative expenditures not allowable under the Title IV-D program. The rule is being replaced by rule 5101:12-1-50.

- Rule 5101:1-31-80, "Support enforcement tracking system (SETS)," which describes the support enforcement tracking system (SETS) and that CSEAs must interact with SETS. The rule is being replaced by rule 5101:12-1-15.
- Rule 5101:1-31-90, "Title IV-D child support program," which describes the responsibility of the Office of Child Support to develop a IV-D child support program in Ohio, that each county must have a CSEA that will be the county's IV-D agency, the CSEA's responsibilities, and the requirement for each CSEA to develop and maintain a handbook of internal procedures. The rule is being replaced by rules 5101:12-1-01, 5101:12-10-01, and 5101:12-10-01.1.

The following rules are being proposed for adoption as part of the Office of Child Support rule reorganization, which includes reviewing each child support rule in Division 5101:1 of the Administrative Code and transitioning it to Division 5101:12:

- Rule 5101:12-1-01, "The support enforcement program," which provides an introduction to the federal and Ohio statutes that govern the creation and performance of the child support enforcement program and CSEAs in Ohio; it lists support enforcement program services that shall be provided to any case for which a CSEA has administrative responsibility; it establishes the supervisory responsibility of the OCS; it introduces the complaint resolution process that is a new process that results from discussions with ELC. The rule replaces part of rules 5101:1-29-05, 5101:1-31-31, and 5101:1-31-90. Changes include: an introduction to the federal and Ohio statutes that govern the creation and performance of the child support enforcement program and CSEAs in Ohio; a list of support enforcement program services that shall be provided to any case for which a CSEA has administrative responsibility; introduction of the new complaint resolution process; a requirement for CSEAs to submit revisions to the procedural handbook to OCS within 30 days of a revision based on a program change and submit the table of organization annually or within thirty days of a significant change instead of upon request of OCS.
- Rule 5101:12-1-10, "Support enforcement program services," which provides a definition of a "case" and of a IV-D and Non-IV-D case; it also provides both the federal and state definitions of a "support order"; it lists the support enforcement program services and clarifies the CSEA's responsibility to provide support enforcement program services to both IV-D and Non-IV-D cases. The rule replaces part of rules 5101:1-29-05 and 5101:1-29-06. Changes include: a definitions of "case," "IV-D case," and "Non-IV-D case"; and federal and state definitions of a "support order."
- Rule 5101:12-1-10.1, "IV-D services," which provides a list of IV-D services. The rule replaces part of rules 5101:1-29-05, 5101:1-29-06, and 5101:1-29-13. Changes include: the list of services restricted to IV-D cases has been updated as a result of analysis of state laws and federal rules.
- Rule 5101:12-1-15, "Support enforcement tracking system," which describes the SETS system and access to SETS. The rule replaces rule 5101:1-31-80. Changes include: added statement that ODJFS may deny access to SETS when an

individual has been found to have unauthorized access to, or to have improperly disclosed or used, data in SETS.

- Rule 5101:12-1-25, "Case record retention and destruction," which describes when and how the CSEA may destroy a case record. The rule replaces rule 5101:1-29-11. Changes include: added information that record must be retained when the case is involved in an audit, litigation, or other action.
- Rule 5101:12-1-50, "Program funding," which describes the funds a CSEA receives from federal financial participation as well as the non-federal share that a CSEA must provide. This rule states that the CSEA is responsible for administrative expenditures not allowable under the Title IV-D program. The rule replaces part of rules 5101:1-29-05, 5101:1-29-06, and 5101:1-31-70. There are no differences between the rescinded rule and the new rule.
- Rule 5101:12-10-01, "Request for services," which describes when a CSEA shall provide support enforcement program services and when it shall also provide IV-D services. The rule replaces part of rules 5101:1-29-05, 5101:1-29-13, and 5101:1-31-90. There are no differences between the new rule and the rescinded rule. Changes include: specified when a CSEA shall provide support enforcement program services and when a CSEA shall provide IV-D services.
- Rule 5101:12-10-01.1, "IV-D application and IV-D referral," which describes the sources from which a CSEA may receive a IV-D application or IV-D referral and the CSEA's duty to approve or deny a IV-D application or IV-D referral within twenty days of receipt. The rule replaces part of rules 5101:1-29-05, 5101:1-29-06, 5101:1-29-13, and 5101:1-31-90. Changes include: described when a new IV-D application is required following termination of IV-D services; provided information from federal PIQ-05-02; described the requirement for the CSEA to approve a IV-D application or IV-D referral when it does not meet a denial criteria; expanded the denial criteria as a result of incorporating information from all three rescinded rules into this rule; added parenthetical notes for clarity.
- Rule 5101:12-10-02, "Case intake," which describes the process the CSEA must follow when it has received a IV-D application, IV-D referral, or order from a court not accompanied by a IV-D application. The rule replaces rule 5101:1-29-13. Changes include: clarified that Non-IV-D cases must be processed in accordance with the case intake rule and that the CSEA is not required to conduct an interview.
- Rule 5101:12-10-05, "Case records," which describes a case record and what must be contained within the case record. This rule replaces rule 5101:1-29-05. Changes include: added that a summary notation can be added to the electronic record and added specific demographic data which is the basis for automated location efforts.
- Rule 5101:12-10-70, "Termination of services," which describes the conditions that must exist in a case before a CSEA may terminate IV-D services, in a IV-D case, or support enforcement program services, in a IV-D or Non-IV-D case, and the effects of such termination on the case. The rule replaces part of rules 5101:1-29-05 and 5101:1-29-11. Changes include: distinguished between terminating IV-D services and terminating support enforcement program services; clarified definitions; identified that a CSEA is responsible for providing support

- enforcement program services when IV-D services are terminated but there is a continuing duty to provide support enforcement program services; clarified that the case record had to contain verification that the case met one of the termination criteria; specified whether each criteria applied to a PA, NPA, or Non-IV-D case; clarified termination of services criteria and the result of termination of services; added two termination criteria; and clarified that the CSEA was required to make reasonable efforts to establish paternity or a support order, when appropriate, prior to terminating services.
- Rule 5101:12-10-72, "Continuation of services," which describes the CSEA's duty to continue to provide IV-D services to a case in which the child received Ohio Works First (OWF), Medicaid, or Title IV-E foster care maintenance (FCM) benefits when those benefits have terminated. This rule replaces rule 5101:1-29-13. Changes include: clarified that the CSEA shall continue to provide IV-D services and support enforcement program services to a case when OWF, Medicaid, or FCM benefits have terminated unless the case meets a termination of services criteria.

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 a copy 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, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e- mail at rules@odjfs.state.oh.us.