

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

DATE: 01/03/2019

TIME: 10:00 AM

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

Pursuant to section 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 rescission as a result of a review conducted in accordance with section 106.03 of the Revised Code (ORC), which requires five-year reviews of all state agency rules and to comply with sections 3119.60 to 3119.77 and 3121.29 of the Revised Code as adopted by H.B. 366 of the 132nd General Assembly.

- Rule 5101:12-47-99, "Chapter 5101:12-47 form – medical support provisions for cash medical," contains a compilation of form(s) within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-47 of the Administrative Code. The sole purpose of this rule is to maintain the form number, name and effective date for forms identified by form number in other Ohio Administrative Code rules. This rule will be rescinded as the only form, JFS 05050, listed in the rule is being obsoleted.
- Rule 5101:12-47-01.1, "Medical support provisions for health insurance and uncovered expenses," describes an action or proceeding in which a CSEA issues or modifies a child support order. This rule has been rescinded and replaced by a new rule with the same rule number because more than fifty percent of this rule is being stricken and a comparable amount of new text is being added.
- Rule 5101:12-47-01.2, "Medical support provision for cash medical support," describes procedures for a CSEA to calculate the cash medical support amount in accordance with the Ohio child support guidelines as described in rule 5101:12-45-10 of the Administrative Code. This rule has been rescinded and replaced by a new rule with the same rule number because more than fifty percent of this rule is being stricken and a comparable amount of new text is being added.

The following OAC rule are being proposed for adoption to replace rules rescinded as a result of a review conducted in accordance with section 106.03 of the Revised Code, which requires five-year reviews of all state agency rules and to comply with amended sections 3119.60 to 3119.77 and 3121.29 of the Revised Code as adopted H.B. 366 of the 132nd General Assembly.

- 5101:12-1-17, "Ohio child support guideline," describes the basic child support schedule and worksheets that are required to be used by all courts and CSEAs when calculating child support and cash medical support obligations.
- Rule 5101:12-47-02, "Medical support provisions," describes an action or proceeding in which a CSEA issues or modifies a child support order. Changes from the existing rule include: In paragraph (A), moved the first sentence of paragraph (B) to the end of paragraph (A); In paragraph (A) removing the language "an order in accordance with paragraph (B) of this rule" and replacing with

"medical support provisions in accordance with this rule"; In paragraph (B) revising language to be specific to the obligee being the appropriate parent ordered to provide private health insurance; In paragraph (B)(1) revising the language to be specific to the obligor being the appropriate parent ordered to provide private health insurance and the rebuttable presumptions in accordance with H.B. 366; In paragraph (B)(2) adding new language to be consistent with H.B. 366; In paragraph (C) adding new language to allow both parents to be ordered to be the health insurance obligor; In paragraph (D) adding new language to be consistent with H.B. 366; In paragraph (E) adding new language to be consistent with H.B. 366; In paragraph (G) revising language that when an order is issued or modified the cash medical is in accordance with 5101:12-1-17 and 5101:12-45-10; In paragraph (H) moving the language from paragraph (F) of this rule and revising language consistent with H.B. 366; In paragraph (I) adding language that if a determination is made in accordance with paragraph (H) of this rule, the CSEA shall include this determination in the child support order.

The following Ohio Administrative Code (OAC) rules are being proposed for amendment as a result of a review conducted in accordance with section 106.03 of the Revised Code (ORC), which requires five-year reviews of all state agency rules and to comply with H.B. 366 of the 132nd General Assembly.

- Rule 5101:12-45-05.2, "Conducting the administrative support hearing," describes the procedures for conducting an administrative child support hearing. Changes to the rule include: correcting a spelling error in paragraph (A)(1)(b); updating paragraph (E) to reference the new rule (5101:12-1-17); and removing the hanging paragraph language to rule 5101:12-45-10(H).
- Rule 5101:12-45-10, "Calculation of the support obligation," describes the procedures for a CSEA to use when calculating or adjusting the child support and cash medical support obligations contained within a child support order. Changes to the rule include: In paragraph (A) revising reference to the Ohio child support guidelines to refer to 5101:12-1-17 and this rule; In paragraph (B) moving the second sentence into (B)(1); adding paragraph (B)(2) in accordance with H.B. 366; and adding (B)(3) to require a CSEA to indicate on the JFS 07724 of the decision made on the application of a court ordered deviation; In paragraph (C) updating the reference to (C)(17) of section 3119.01; In paragraph (D) replacing the word "either" with "any" and updated or added (D)(1) through (D)(5) in accordance with H.B. 366; In paragraph (G) adding new language in accordance with H.B. 366; In paragraph (H) adding language from rule 5101:12-45-05.2(E) and revising the language to be consistent with H.B. 366; In paragraph (I) updating the reference to rule 5101:12-1-17 and adding language on how cash medical shall be ordered and split between the parents; In paragraph (J) removing (J)(1) and (J)(2) and adding the language, "the appropriate person to provide private health insurance coverage for the children."
- Rule 5101:12-47-01, "Medical support definitions," defines terms used throughout division 5101:12 of the Administrative Code. Changes from the existing rule include: amending the title of the rule, updating the reference in paragraph (B) in accordance with H.B. 366, as the definition is now found in division (C)(1) of section 3119.01; and revising definitions in paragraphs (G)(2) and (I)(3).
- Rule 5101:12-50-17, "Seek work orders," describes procedures for a CSEA to request that a court issue or for a CSEA to issue an order requiring an obligor to seek employment or engage in work activities under the Ohio Works First (OWF) program. Changes from the existing rule include adding new language consistent with 3119.06 of the Revised Code in accordance with H.B. 366.

- Rule 5101:12-57-01.1, "Enforcement of order to report private health insurance," describes the requirements of a CSEA regarding the enforcement of an order to report the availability of private health insurance. This rule applies only to child support orders issued or modified in accordance with section 3119.30 of the Revised Code as adopted under Amended Substitute House Bill 119 of the 127th General Assembly. Changes from the existing rule include adding " prior to March 28, 2019" in paragraph (A).
- Rule 5101:12-57-01.2, "Enforcement of cash medical support obligation," describes the requirements of a CSEA during any period in which an obligor is ordered to pay cash medical support because private health insurance coverage for the child as ordered is no longer available to the health insurance obligor. Changes from the existing rule include; moving language from paragraph (A) to paragraph (B), moving language from paragraph (B) to paragraph (A) and adding " prior to March 28, 2019" in paragraph (A).
- Rule 5101:12-1-99, "Chapter 5101:12-1 Forms – Ohio support enforcement program," contains a compilation of forms with their effective or revised effective date, referenced within various rules contained within division 5101:12 of the Administrative Code, but first cited within Chapter 5101:12-1 of the Administrative Code. Changes to the rule include: amending the effective dates of forms and adding new forms.

Copy 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.