

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

DATE: April 29, 2008

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, 3123.823, 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 rescission, adoption, and 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 119.032 of the Revised Code (ORC), which requires the review of all state agency rules within a five-year period:

- Rule 5101:12-50-20, "State income tax refund offset program," describes the state income tax offset program and provides definitions of certain terms used in this rule and its supplemental rules. This rule is being rescinded and replaced by a new rule with the same rule number and title because more than fifty percent is being stricken and a comparable amount of new text is being added.
- Rule 5101:12-50-20.1, "Pre-offset notice and right to review," describes the state income tax refund offset administrative review process and the debtor's rights to a tax offset review to contest the submittal. This rule is being rescinded and replaced by a new rule with the same rule number but different title because more than fifty percent is being stricken and a comparable amount of new text is being added.
- Rule 5101:12-50-20.2, "Overdue support," describes the criteria for identifying and submitting a debtor who owes overdue child support to the Ohio Department of Taxation for a state income tax refund offset. This rule is being rescinded and replaced by a new rule with the same rule number but different title because more than fifty percent is being stricken and a comparable amount of new text is being added.
- Rule 5101:12-50-20.3, "Overpaid child support," describes the criteria for submitting a debtor who owes overpaid child support to the Ohio Department of Taxation for a state income tax refund offset. This rule is being rescinded and replaced by a new rule with the same rule number and title because more than fifty percent is being stricken and a comparable amount of new text is being added.

The following OAC rules are being proposed for adoption to replace rules rescinded as a result of a review conducted in accordance with Section 119.032 of the Revised Code, which requires the review of all state agency rules within a five-year period:

- Rule 5101:12-50-20, "State income tax refund offset program," describes the state income tax refund offset program to collect overdue or overpaid child support and provides definitions of certain terms used in this rule and its supplemental rules. Changes from the rescinded rule include: revise the language for clarity; remove an unnecessary definition of "offset"; add a definition of "state tax offset"; remove reference to state tax offset information being confidential as this information is included in rule 5101:12-1-20.2 of the Administrative Code; and move information regarding another state's request for an obligor to be submitted for state income tax refund to rule 5101:12-50-20.2 of the Administrative Code.
- Rule 5101:12-50-20.1, "Pre-offset notice and income tax refund offset review," describes the state income tax refund offset administrative review process and the debtor's rights to an income tax refund offset review to contest the submittal of a child support debt for offset. Changes from the rescinded rule include: change the title; modify the language and re-format the rule for clarity. There is no change to the state income tax pre-offset notice or tax refund offset review process.
- Rule 5101:12-50-20.2, "Overdue child support," describes the criteria for submitting overdue child support to the Ohio Department of Taxation for a state income tax refund offset. Changes from the rescinded rule include: modify the language and re-format the rule for clarity; in paragraph (A), modify the language to be consistent with the wording in ORC section 3123.822; remove the requirement that the case be IV-D; in paragraph (B), add that overdue child support is eligible for state income tax refund offset when either the debtor or the debtor's spouse has filed for bankruptcy on or after October 17, 2005, and when bankruptcy is filed before that date the debtor or debtor's spouse will not be submitted unless the bankruptcy has been discharged.
- Rule 5101:12-50-20.3, "Overpaid child support," describes the criteria for submitting overpaid child support to the Ohio Department of Taxation for a state income tax refund offset. Changes from the rescinded rule include: modify the language and re-format the rule for clarity; in paragraph (E) clarify that the overpaid child support may not be submitted to state income tax offset when the debtor or the debtor's spouse has filed for bankruptcy unless the bankruptcy has been discharged.

The following rule is being proposed for amendment to reflect the changes made to the referenced JFS forms in the rule:

- Rule 5101:12-50-32.5, "Administrative offset review of federal tax refund offset program submittals," describes the rights of the obligor to request an administrative offset review when child support arrears are submitted for federal income tax refund offset. In paragraph (B)(1) clarify that the CSEA is required to issue the notice of the scheduled income tax offset review to the obligee when the case is not public assistance case. There are no other changes to this rule.

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.