

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

**DATE:** September 16, 2008

**TIME:** 10:00 a.m.

**LOCATION:** Room 3110 B, 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 rescission and adoption 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 5101:12-10-65, "Unclaimed funds," describes the requirements for the Ohio Department of Job and Family Services, Office of Child Support to submit to the Ohio Department of Commerce any unclaimed funds from child support payments. The statute and the rule do not require any action from the child support enforcement agency (CSEA). This rule is being proposed for rescission because the rule is being moved to OAC Chapter 5101:12-80. The rescinded rule will be replaced with new rule 5101:12-80-25.
- 5101:12-60-50, "Termination of support," describes the administrative process used by a CSEA when a child support order should be terminated. This rule is being proposed for rescission because more than 50% of this rule is being stricken and a comparable amount of new text is being added. The rescinded rule will be replaced by new rules 5101:12-60-50, 5101:12-60-50.1, and 5101:12-60-50.2. Information from the rule regarding applicable definitions and required reasons to terminate a child support order will be contained in new rule 5101:12-60-50. Information from this rule regarding the administrative termination investigation, the resulting findings and recommendations, and impounding support payments will be contained in new rule 5101:12-60-50.1. Information from this rule regarding the rights of both parties to administrative and court hearings, the process for conducting an administrative hearing, administrative termination orders, and disbursement of impounded funds will be contained in new rule 5101:12-60-50.2.

The following OAC rules are being proposed for adoption to replace rules that is being rescinded as a result of a review conducted in accordance with Section 119.032 of the Revised Code, which requires the review of all state agency rules within a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 5101:12-60-50, " Administrative termination of a child support order," contains the definitions used in this rule and its supplemental rules, specifies who must notify the CSEA of a reason to terminate the child support order, lists the required reasons for which the CSEA must initiate an administrative termination investigation, lists the optional reasons for which the CSEA may administratively terminate a child support order, and describes the restrictions to the administrative termination process. Changes from the rescinded rule include: Clarify that the CSEA may only administratively terminate a child support order when a valid administrative termination reason exists; state that the CSEA may elect to have the person file an action with the appropriate court or assist the person with filing an action with the appropriate court when a required or optional administrative termination reason does not exist to terminate the child support order; describe what is meant by a "valid administrative termination reason"; delete the list of forms used in the administrative termination process; enhance the definition of "child support order" to include medical support provisions; add a definition of "overpaid child support"; add four reasons for which the CSEA is required to administratively terminate a child support order; add a reason for which the CSEA may elect to administratively terminate a child support order; specify that the CSEA shall not administratively terminate the child support order when there is not a valid administrative termination reason but, instead, shall send a JFS 07521 to the parties' last known addresses; and move information regarding the investigation, findings, impounding funds, and recommendations to rule 5101:12-60-50.1 and information regarding the administrative termination hearing, court hearing, administrative termination order, and disbursing impounded funds to rule 5101:12-60-50.2. This rule replaces part of rule 5101:12-60-50, is authorized under sections 3119.94 and 3125.25 of the Ohio Revised Code (ORC), and amplifies ORC sections 3119.87 and 3119.88.
- Rule 5101:12-60-50.1, "Administrative termination investigation, findings and recommendations, and impounding support," describes the administrative termination investigation that the CSEA is required to conduct when notified that a required administration termination reason exists to terminate the child support order or that the CSEA may elect to conduct when notified that an optional administrative termination reason exists to terminate the child support order, the findings and recommendations that the CSEA must issue when dealing with an administrative child support order or court support order, and process for support paid pursuant to the child support order. Changes from the rescinded rule include: Clarify what initiates the administrative termination review; clarify that an administrative termination review may be initiated prior to the date the child is expected to graduate from high school; clarify that, when the CSEA determines that a valid administrative termination reason does not exist, the CSEA is to issue the JFS 07521 to the parties at their last known addresses; clarify that the CSEA is to determine whether there has been an overpayment to ODJFS (i.e., there will be FUTA balances following the termination of every child support obligation); separate the findings and recommendations into a section for administrative child support orders and a section for court support orders; in the findings and

recommendations for administrative child support orders, require the use of the JFS 07522, which includes the same findings and recommendations that are to be used in court support orders; require the use of the JFS 07523 to impound support payments; clarify that, when all support obligations will be terminated and ODJFS has received an overpayment (i.e., an FUTA), then the CSEA must recommend that the overpaid amount must be disbursed in accordance with OAC rules 5101:12-80-10 to 5101:12-80-10.2; remove the requirement for the CSEA to use the JFS forms for issuing the findings and recommendations in a court support order so that the CSEA develops its own form to comply with its court's formatting requirements; specify what must be included in the findings and recommendations for a court support order; and add that the CSEA may include an additional finding and recommendation that the obligee repay the obligor any overpayment. This rule replaces part of rule 5101:12-60-50, is authorized under ORC sections 3119.94 and 3125.25, and amplifies ORC sections 3119.89 and 3119.90.

- Rule 5101:12-60-50.2, "Administrative termination hearing, court hearing, administrative termination order, and disbursement of impounded funds," describes the parties' right to an administrative termination hearing, the administrative termination hearing process, the parties' right to a court hearing, the administrative termination order, and the disbursement of impounded funds. Changes from the rescinded rule include: Provide greater clarification of the administrative termination hearing process; add that the CSEA must issue its decision within fifteen days of the conclusion of the administrative termination hearing; clarify that the obligor and obligee may bring a representative to the administrative termination hearing but that the CSEA may exclude any individual who is determined not to have a valid interest in the proceedings; require the CSEA to use the JFS 07526 for the administrative termination hearing decision in administrative child support order but require the CSEA to create its own form for use in court support orders; add when the CSEA may deny a request for an administrative termination hearing and the form to be used when denying the request; clarify the parties' right to file an action for a court hearing; amplify when the CSEA will issue an administrative order or prepare a court order to terminate the child support obligation; and describe when the CSEA will disburse impounded funds. This rule replaces part of rule 5101:12-60-50; is authorized under ORC sections 3119.94 and 3125.25; and amplifies ORC sections 3119.91, 3119.92, and 3119.93.
- Rule 5101:12-80-25, "Unclaimed funds," describes the requirements for the Ohio Department of Job and Family Services, Office of Child Support to submit to the Ohio Department of Commerce any unclaimed funds from child support payments. The statute and the rule do not require any action from the CSEA. There is no change from this rule and the rule that it is replacing other than the rule number. This rule replaces rule 5101:12-10-65, is authorized under ORC section 3125.25, and amplifies ORC sections 169.03 and 3125.03.

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@jfs.ohio.gov](mailto:rules@jfs.ohio.gov)