



Department of  
Job and Family Services

Mike DeWine, Governor

Michael J. McCreight, Interim Director

February 1, 2019

**Child Support Program Manual Transmittal Letter (CSPMTL) No. 144**

**TO:** All Child Support Program Manual Holders

**FROM:** Michael J. McCreight, Interim Director

**SUBJECT:** Support Establishment

The Office of Child Support (OCS) has reviewed the rules to comply with Senate Bill 70 of the 132<sup>nd</sup> General Assembly.

OCS has **rescinded** the following rule:

Rescinded Rule	Rescinded Rule Title	Prior Effective Date of Rule	Effective Date of Rescission
5101:12-45-05.1	Scheduling the Administrative Support Hearing This rule describes the process when scheduling an administrative support hearing.  This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3111.80 and 3125.03.	7/1/2014	2/11/2019

OCS has **adopted** the following rule:

Adopted Rule	Adopted Rule Title	Effective Date of Adopted Rule
5101:12-45-05.1	Scheduling the Administrative Support Hearing This rule describes the process when scheduling an administrative support hearing.  Changes from the rescinded rule include: in paragraph (A) adding to send the JFS 00593 along with the JFS 07782 to the parents, sending the JFS 07782 to the caretaker, if one exists, and adding a date to a reference in paragraph (A). Adding paragraph (B) to describe what the CSEA may do when either parent fails to provide the requested information. Changing paragraph (B) to paragraph (C), restructuring the paragraph, and adding language regarding when to schedule an administrative support hearing. Changing paragraph (C) to paragraph (D), restructuring the paragraph, adding the option for a CSEA to use the JFS 01715 or a form created by the CSEA for a waiver of service, correcting a rule reference, and other minor changes.  This rule is authorized by ORC section 3125.25; and amplifies ORC sections 3111.80 and 3125.03.	2/11/2019

30 East Broad Street  
Columbus, OH 43215  
jfs.ohio.gov

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OCS has **amended** the following rules:

Amended Rule	Amended Rule Title	Prior Effective Date of Rule	Effective Date of Amendment
5101:12-45-05	Support Order Establishment	7/1/2014	2/11/2019
<p>This rule describes the process for requesting and establishing a support order.</p> <p>Changes to the rule include: adding language in paragraph (C) to require a IV-D application or referral to be completed, adding paragraph (E)(1)(d), removing paragraphs (E)(2) and (E)(3), and other minor language changes.</p> <p>This rule is authorized by ORC section 3125.25 and amplifies ORC sections 3103.03, 3103.031, 3111.03, 3111.13, 3111.24, 3111.25, 3111.29, 3111.49, 3111.78, 3111.821, 3111.95, 3119.61, 3125.03 and 3125.36.</p>			
5101:12-45-05.3	Administrative Support Order	7/1/2014	2/11/2019
<p>This rule provides information about an administrative support order.</p> <p>Changes to the rule include: adding paragraph (C) which describes when the administrative support order shall take effect and when the order is final and enforceable. Changing paragraph (C) to paragraph (D), updating the objection period to the administrative support order from 30 to 14 days, adding language that the administrative support order shall remain in effect during the pendency of the objection unless a party requests and is granted a stay by the court, changing who may object to the administrative support order to include any party in paragraph (D), and other minor language changes.</p> <p>This rule is authorized by ORC section 3125.25; and amplifies ORC sections 2151.231, 3111.81, 3111.83, 3111.831, 3111.832, 3111.84, 3119.86, 3121.24, 3121.27, 3121.28, 3121.29, 3121.30, 3125.03.</p>			

#### INSTRUCTIONS:

When the CSPMTL is published, the CSPM will be updated as follows:

- A rescinded rule will be moved from the CSPM to the OAC Archive section of the eManuals.
- An adopted rule will be inserted in the CSPM.
- An amended rule will be inserted and the previous version will be moved to the OAC Archive section of the eManuals.
- A revised form will be replaced with the amended form.

The rules and forms in the CSPM can be accessed at:

<http://emanuals.jfs.ohio.gov/>

Forms can also be accessed on the ODJFS Forms Central InnerWeb page at:

<http://www.odjfs.state.oh.us/forms/inner.asp>

or on the ODJFS Forms Central Internet page at:

<http://www.odjfs.state.oh.us/forms/inter.asp>

#### INSTRUCTIONS for CSEA INTERNAL PROCEDURAL HANDBOOK:

Paragraph (I)(1) of OAC rule 5101:12-1-01 states that, whenever a program change requires modification of local procedures, the CSEA is required to revise its internal procedural handbook and submit the revision to OCS within thirty days of the revision. The CSEA should carefully review the adopted and amended rules contained in this CSPMTL to determine whether they require the CSEA to update its internal procedural handbook.

**5101:12-45-05 Support order establishment.**

- (A) This rule and its supplemental rules describe the process for requesting and establishing a support order.
- (B) In accordance with section 3103.031 of the Revised Code, each parent of a child assumes the parental duty of support of his or her minor child. The parental duty of support is established when:
- (1) A man is presumed to be the natural father of the child in accordance with rule 5101:12-40-10 of the Administrative Code;
  - (2) There is a final and enforceable determination of paternity in accordance with rule 5101:12-40-05 of the Administrative Code;
  - (3) A woman is the biological mother of a child-in accordance with section 3103.03 of the Revised Code;
  - (4) A man or woman adopts a minor child pursuant to Chapter 3107. of the Revised Code; or
  - (5) A man is required to be treated in law and regarded as the natural father of a child conceived as the result of artificial insemination pursuant to section 3111.95 of the Revised Code.
- (C) In accordance with section 3125.36 of the Revised Code, a child support enforcement agency (CSEA) shall make available a IV-D application to all persons requesting a CSEA's assistance in establishing a support order. The CSEA shall proceed in accordance with this rule and its supplemental rules when a IV-D application as described in paragraph (A) of rule 5101:12-10-01.1 of the Administrative Code or a IV-D referral as described in paragraph (B) of rule 5101:12-10-01.1 of the Administrative Code has been completed and filed with the CSEA.
- (D) The CSEA with administrative responsibility shall establish a support order for a child who receives Ohio works first or medicaid.
- (E) The CSEA shall:
- (1) Schedule an administrative child support hearing when:
    - (a) A man is presumed to be the father of a child and the parent, guardian, or legal custodian of a child, or the person with whom the child resides contacts the CSEA ~~for~~ to request assistance in obtaining an order for support.

(b) An acknowledgement of paternity is final and enforceable and the mother or other custodian or guardian of the child contacts the CSEA ~~for~~ to request assistance in obtaining an order for support.

(c) The administrative officer issues a JFS 07774, "CSEA Administrative Order – Establishment of Paternity" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code).

(d) A duty of support otherwise exists as described in paragraph (B) of this rule.

~~(2) File a court action to establish a child support order when:~~

~~(a) An acknowledgement of paternity is final and enforceable and the mother or other custodian or guardian of the child contacts the CSEA for assistance in obtaining a court order for support.~~

~~(b) The CSEA issued a JFS 07774 but did not issue an administrative support order.~~

~~(c) A court determines the parent and child relationship in accordance with sections 3111.01 to 3111.18 of the Revised Code.~~

~~(d) The non-custodial parent adopted the child in accordance with Chapter 3107. of the Revised Code.~~

~~(e) The duty of support is based on the status of the individual as the biological mother in accordance with section 3103.03 of the Revised Code.~~

~~(f) The child was conceived as the result of artificial insemination pursuant to section 3111.95 of the Revised Code.~~

~~(3) Either schedule an administrative child support hearing or file a court action to establish a child support order when a man is presumed to be the father of a child and a parent, guardian, or legal custodian of a child, or the person with whom the child resides requests the CSEA to establish a child support order but does not specifically request an administrative child support order.~~

(F) The CSEA ~~must~~ shall establish a child support order or serve process necessary to begin action to establish a child support order within ninety days of locating the non-custodial parent. The determination of a father and child relationship is included in the ninety-day timeframe. The inability of the CSEA to complete service of process, which would preclude the establishment of a child support order, shall be documented to show that periodic repeated efforts to serve process were taken

relative to the criteria defining diligent efforts described in rule 5101:12-30-10 of the Administrative Code.

(G) In child support cases needing support order establishment, regardless of whether the CSEA ~~must~~shall determine the existence or non-existence of the father and child relationship, action to establish support orders ~~must~~shall be completed from the date of service of process to the time of disposition within the following timeframes:

- (1) Seventy-five per cent of all cases within six months; and
- (2) Ninety per cent of all cases within twelve months.

Effective: 2/11/2019

Five Year Review (FYR) Dates: 10/3/2018 and 02/11/2024

CERTIFIED ELECTRONICALLY

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Certification

01/29/2019

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Date

Promulgated Under: 119.03

Statutory Authority: 3125.25

Rule Amplifies: 3103.03, 3103.031, 3111.03, 3111.13, 3111.24,  
3111.25, 3111.29, 3111.49, 3111.78, 3111.821,  
3111.95, 3119.61, 3125.03, 3125.36

Prior Effective Dates: 07/15/1992, 03/31/1993, 06/21/1996, 01/01/1998,  
12/01/2001, 07/15/2002, 09/01/2005, 04/01/2009,  
12/15/2009, 07/01/2014

5101:12-45-05.1

**Scheduling the administrative support hearing.**

- (A) In accordance with section 3111.80 of the Revised Code, the administrative officer of the child support enforcement agency (CSEA) shall schedule an administrative child support hearing and send the JFS 07782, "Notice of Administrative Hearing to Establish a Support Order" (effective or revised effective date as identified in rule 5101:12-40-99 of the Administrative Code), and the JFS 00593, "Child Support Financial Affidavit" (effective or revised effective date as identified in rule 5101:12-45-99 of the Administrative Code), to the current addresses of the parents of the child in accordance with the Rules of Civil Procedure (as in effect on January 1, 2019) as outlined in paragraph (B)(3) of rule 5101:12-30-10 of the Administrative Code. If a caretaker exists, the CSEA shall send the JFS 07782 to the caretaker.
- (B) The JFS 07782 notifies each parent to provide the CSEA with the information and documents listed on the JFS 00593, no later than the date of the scheduled administrative support hearing, pursuant to section 3111.801 of the Revised Code. When either parent fails to provide the requested information, the CSEA may:
- (1) Request the court of appropriate jurisdiction of the county in which the agency is located to issue an order requiring the parent to provide the information as requested; or
  - (2) Make reasonable assumptions on the information the parent failed to provide and proceed with determining the support as if all requested information had been provided.
- (C) The administrative support hearing shall be scheduled for a day that is at least thirty days after the date the JFS 07782 is issued to each parent of the child. The administrative child support hearing shall be held within sixty days of the latest of:
- (1) The IV-D application for services being submitted to the CSEA;
  - (2) The IV-D referral being received by the CSEA; or
  - (3) The issuance of an order determining the existence of a parent and child relationship.
- (D) When service of process has not been obtained, both parents appear at the CSEA and request the establishment of an administrative child support order, the parents have all the verification necessary to proceed with the administrative child support hearing, and the administrative officer elects to proceed with the administrative child support hearing, the CSEA shall have the parents complete one of the following:

- (1) A JFS 01715, "Waiver of Service of Notice of Order to Appear for Administrative Support Hearing" (effective or revised effective date as identified in rule 5101:12-45-99 of the Administrative Code), accompanied by hand delivery of the JFS 07782; or
- (2) A waiver of service form created by the CSEA that specifies the date and time of the administrative support hearing and contains the following statement: " I have received a copy of the JFS 07782, "Notice of Administrative Hearing to Establish a Support Order", and I voluntarily waive the right to receive the JFS 07782 by certified mail", accompanied by hand delivery of the JFS 07782.



Replaces: 5101:12-45-05.1

Effective: 2/11/2019

Five Year Review (FYR) Dates: 02/11/2024

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Certification

01/29/2019

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Date

Promulgated Under: 119.03

Statutory Authority: 3125.25

Rule Amplifies: 3111.80, 3125.03

Prior Effective Dates: 07/15/1992, 03/31/1993, 06/21/1996, 01/01/1998,  
12/01/2001, 07/15/2002, 09/01/2005, 04/01/2009,  
07/01/2014

5101:12-45-05.3 **Administrative support order.**

- (A) In accordance with division (A)(2) of section 3119.86 of the Revised Code, the duty of support to a child imposed pursuant to an administrative support order shall continue beyond the child's eighteenth birthday only if the child continuously attends a recognized and accredited high school on a full-time basis on and after the child's eighteenth birthday. A parent ordered to pay support under an administrative child support order shall continue to pay support under the order, including during seasonal vacation periods, until the order terminates. An administrative child support order shall not remain in effect after the child reaches age nineteen.
- (B) In accordance with sections 3111.83, 3111.831, and 3111.832 of the Revised Code, the administrative officer shall register or cause to be registered the administrative child support order:
- (1) In a system and using a procedure developed by the child support enforcement agency (CSEA) for the organized safekeeping and retrieval of administrative support orders; or
  - (2) With the clerk of a court of appropriate jurisdiction. Pursuant to section 3111.832 of the Revised Code, if an administrative support order is registered with the clerk of court of appropriate jurisdiction, the clerk shall not charge a fee for the registration and shall assign the order a case number.
- (C) In accordance with section 3111.81 of the Revised Code, the administrative child support order shall take effect fourteen days after the order is issued, and is final and enforceable by a court or a CSEA. The administrative support order may be modified only as provided in Chapters 3119., 3121., and 3123. of the Revised Code.
- ~~(C)~~(D) In accordance with section 3111.84 of the Revised Code, the mother or father of a child who is the subject of an administrative support order Any party may object to the administrative support order by bringing an action for the payment of support and provision for the child's health care under section 2151.231 of the Revised Code. The action must be brought in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the CSEA that employs the administrative officer issues the order is located. The court action shall be brought no later than thirty-fourteen days after the date the JFS 07719, "Administrative Order for Child Support and Medical Support" (effective or revised effective date as identified in rule 5101:12-45-99 of the Administrative Code) was issued. The administrative support order shall remain in effect during the pendency of the objection unless a party requests and is granted a stay by the court.

Effective: 2/11/2019

Five Year Review (FYR) Dates: 10/3/2018 and 02/11/2024

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