



Ohio Administrative Code

Rule 5101:12-1-80 IV-D contracts: overview.

Effective: December 15, 2019

(A) This rule and its supplemental rules describe the process by which a child support enforcement agency (CSEA) enters into a IV-D contract with a governmental entity or a private entity to provide IV-D services and for the CSEA to receive federal financial participation (FFP) reimbursement to offset the cost of the purchase of the services under a IV-D contract. The principles of FFP reimbursement are described in rules 5101:12-1-60 and 5101:12-1-60.1 of the Administrative Code.

(B) The following terms and definitions apply to this rule and its supplemental rules:

(1) "Allowable cost" refers to a cost under a IV-D contract that meets the following general criteria:

(a) The cost is necessary and reasonable for the proper and efficient performance and administration of the IV-D contract.

(b) The cost is allocable to the support enforcement program under the provisions of 2 C.F.R., subtitle A, chapter II, part 200 (12/26/2013) (circular A-87 of the federal office of management and budget).

(c) The cost is authorized or not prohibited under state or local laws or regulations.

(d) The cost conforms to any limitation or exclusion under the provisions of 2 C.F.R., subtitle A, chapter II, part 200.

(e) The cost is consistent with policies, regulations, and procedures of the support enforcement program.

(f) Unless otherwise provided for in 2 C.F.R., subtitle A, chapter II, part 200, the cost is determined in accordance with generally accepted accounting principles.

(2) "Calendar quarter" means one of the following three-month time periods:



(a) January first through March thirty-first;

(b) April first through June thirtieth;

(c) July first through September thirtieth; or

(d) October first through December thirty-first.

(3) "Contractor" refers to a private or governmental entity with whom the CSEA enters into a IV-D contract.

(4) "Governmental entity" includes the following entities in the same county as the CSEA:

(a) A court;

(b) A prosecutor or other law enforcement official;

(c) A sheriff;

(d) A clerk of court;

(e) A recorder's office;

(f) A treasurer's office; or

(g) Any other public or governmental agency or official.

(5) "Initiated by the CSEA" or "CSEA initiated" refers to an activity that is started by the CSEA, which includes but is not limited to:

(a) A complaint or motion filed by the CSEA, including a complaint or motion in which the CSEA requests to be joined as a party to the case; and



- (b) A court hearing or other proceeding before a magistrate that is the result of a timely objection to an administrative recommendation, determination, decision, or order issued by the CSEA.
- (6) "IV-D case" means a case that has been approved for IV-D services as described in rule 5101:12-10-01.1 of the Administrative Code.
- (7) "IV-D contract" means a mutually binding, legal relationship obligating a private or governmental entity to provide IV-D services in a IV-D case or perform other administrative duties of the CSEA that pertain to a IV-D case in return for payment by the CSEA. A IV-D contract is executed through the JFS 07018, "IV-D Contract" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code) and JFS 07037, "IV-D Contract Amendment" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code).
- (8) "IV-D contract documents" refers to the following forms (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code):
- (a) JFS 01728, "Daily Time Sheet for Non-Dedicated Principal Staff";
 - (b) JFS 01729, "Monthly Time Sheet Summary for Non-Dedicated Principal Staff";
 - (c) JFS 01730, "Dedicated Principal Staff Exception Report";
 - (d) JFS 01731, "Monthly Time Summary for Governmental Contractor";
 - (e) JFS 01772, "IV-D Contract Cover Letter";
 - (f) JFS 02015, "IV-D Contract Time Study";
 - (g) JFS 02151, "IV-D Contract Evaluation";
 - (h) JFS 07015, "Certification of Compliance with Competitive Sealed Bid Requirements";



- (i) JFS 07016, "IV-D Contract Security Addendum";
 - (j) JFS 07018;
 - (k) JFS 07020, "Governmental Contractor IV-D Contract Budget";
 - (l) JFS 07034, "Governmental Contractor Monthly Expense Report";
 - (m) JFS 07035, "IV-D Contract Invoice"; and
 - (n) JFS 07037.
- (9) "IV-D services" has the same meaning as in rule 5101:12-1-10.1 of the Administrative Code.
- (10) "Law enforcement official" means district attorneys, attorneys general, and similar public attorneys and prosecutors and their staff.
- (11) "Non-federal share" has the same meaning as in paragraph (A)(3)(a) of rule 5101:12-1-50 of the Administrative Code. The non-federal share is calculated by subtracting the current FFP reimbursement rate, as defined in rule 5101:12-1-60 of the Administrative Code, from one hundred per cent. The remaining percentage is the non-federal share.
- (12) "Not initiated by the CSEA" or "non-CSEA initiated" refers to an activity that is not started by the CSEA, which includes but is not limited to:
- (a) A court hearing or other proceeding held as a result of a complaint or motion filed by a private attorney or any entity other than the CSEA;
 - (b) An activity performed by the CSEA in response to an action filed by a private attorney or any other entity other than the CSEA including but not limited to witness testimony, preparation of guidelines calculations, or responding to subpoenas duces tecum; and
 - (c) An action taken by a CSEA when the CSEA has not requested to be but is joined as a party to the



case.

(13) "Private entity" means a company, organization, or individual that does not meet the definition of "governmental entity."

(14) "Reasonable cost" in accordance with 2 C.F.R., subtitle A, chapter II, part 200, means a cost that by its nature and amount does not exceed the cost that would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

Considerations include but are not limited to whether:

(a) The cost is generally recognized as an ordinary and necessary operating expense;

(b) Sound business practices and arms-length bargaining have been utilized;

(c) Market prices for comparable goods or services have been considered;

(d) The individuals involved in the IV-D contract process have acted with prudence considering the individuals' responsibilities to the CSEA; and

(e) The cost does not significantly deviate from established practices of the CSEA.

(15) "Total IV-D contract cost" means one hundred per cent of the cost of the services purchased or duties performed under a IV-D contract.

(C) IV-D contracts.

(1) In accordance with section 3125.14 of the Revised Code, the CSEA is required to enter into a IV-D contract with a court and law enforcement official in the same county as the CSEA to provide for the enforcement of a support order.

(2) If a court or law enforcement official declines or fails to enter into a IV-D contract with the CSEA, the CSEA must document any attempt to enter into a IV-D contract with the court or law enforcement official and retain the documentation in accordance with rule 5101:12-1-80.4 of the



Administrative Code.

(D) Types of IV-D contracts.

The types of IV-D contracts that the CSEA may elect to enter into include but are not limited to:

(1) A IV-D contract with a prosecutor in the same county as the CSEA or a private attorney to provide legal services.

(2) A IV-D contract with a prosecutor in the same county as the CSEA to provide service of process, including warrants for arrest.

(3) A IV-D contract with the sheriff in the same county as the CSEA to provide service of process, including warrants for arrest.

The CSEA may enter into a IV-D contract with a person or private entity to provide service of process only when the CSEA determines that the sheriff is unable to provide the resources necessary for service of process in a timely manner.

(4) A IV-D contract with a private entity to provide service of process, excluding warrants for arrest.

(5) A IV-D contract with a court or a clerk of court in the same county as the CSEA to provide the duties of a clerk of court that are initiated by the CSEA.

(6) A IV-D contract with a court in the same county as the CSEA to provide magistrate services. The CSEA may elect to purchase:

(a) Only CSEA initiated activities; or

(b) Both CSEA initiated and non-CSEA initiated activities.

(7) A IV-D contract with a court in the same county as the CSEA for probation officer services to provide enforcement duties that target only individuals placed on probation for non-payment of child



support when the enforcement duties of the probation officer are:

- (a) Specifically for the purposes of assuring regular and continuing payments of child support; and
- (b) Not generally a part of a probation officer's routine of monitoring the whereabouts and activities of an offender.

(8) A IV-D contract with a private entity to provide collection services.

In accordance with section 3125.30 of the Revised Code, the private entity shall forward any payments collected under the IV-D contract to child support payment central, within the office of child support (OCS), within the Ohio department of job and family services, no later than one day after the receipt of the payments.

(E) Requirements when the CSEA enters into a IV-D contract with a court for magistrate services and the CSEA elects to purchase both CSEA initiated and non-CSEA initiated activities.

(1) The court shall certify that all court hearings are conducted in compliance with Title IV-D of the Social Security Act, Pub. L. No. 93-647, 88 Stat. 2351 (1975), 42 U.S.C. 651 (8/22/1996), as amended up until the effective date of this rule, and the rules in division 5101:12 of the Administrative Code.

(2) A court hearing is defined as a hearing or other proceeding held as a result of a complaint or motion filed for the following reasons, including but not limited to:

- (a) Establishment of paternity;
- (b) Establishment and modification of a child support order or medical support order;
- (c) Enforcement of a support order; and
- (d) Collection of a support obligation.



(3) No party may be charged court costs for a court hearing unless the court costs are required by state law. If court costs are assessed and collected, the contractor shall report the collection as income on the JFS 07020.

(4) The CSEA shall certify that each case listed on the JFS 07035 was an active, open IV-D case on the date that the court hearing was held.

(F) Limitations when the CSEA intends to enter into or enters into a IV-D contract with a prosecutor or private attorney to provide legal services as described in section 3125.17 of the Revised Code:

(1) The CSEA shall not enter into a IV-D contract with a prosecutor or his or her employees as a private attorney during the prosecutor's term of office.

(2) The prosecutor or private attorney shall not represent the CSEA on matters in which that prosecutor or private attorney participated as a CSEA administrative officer making administrative determinations or issuing administrative orders.

(G) Competitive sealed bid and proposal requirements for a IV-D contract with a private entity.

(1) A CSEA administered by a county department of job and family services (CDJFS) that intends to enter into a IV-D contract with a private entity may elect to use either the competitive sealed bid process described in section 307.86 of the Revised Code, or the competitive sealed proposal process described in section 307.862 of the Revised Code.

(2) A CSEA not administered by a CDJFS that intends to enter into a IV-D contract with a private entity shall use the competitive sealed bid process described in section 307.86 of the Revised Code.

(3) A CSEA that is not administered by a CDJFS or a CSEA that is administered by a CDJFS that elects to use the competitive sealed bid process shall comply with all competitive sealed bid requirements, including but not limited to the following:

(a) The standards for competitive sealed bidding, as described in sections 307.86, 307.861, 307.87, 307.88, 307.89, 307.90, 307.91, and 307.92 of the Revised Code;



(b) The standards for acquisition, county standards of conduct, contracting with small and minority business, women's business enterprise, and labor surplus area firms, procurement methods, competition, and purchase threshold, as described in Chapter 5101:9-4 of the Administrative Code; and

(c) The standards for procurement, competition, acquisition threshold, contracting with small and minority business, women's business enterprise, and labor surplus area firms, contract cost and price, awarding agency review, and bonding requirements, as described in 45 C.F.R. 92.36 (4/19/1995).

(4) The CSEA shall complete and submit to OCS the JFS 07015 to either certify that the CSEA is in compliance with applicable state and federal laws regarding the competitive sealed bid requirements or indicate that the CSEA, if administered by a CDJFS, has elected to use the competitive sealed proposal process.