



## Ohio Administrative Code

### Rule 5101:12-10-03 Administrative responsibility.

Effective: June 1, 2014

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(A) This rule describes which child support enforcement agency (CSEA) has administrative responsibility for a case. Administrative responsibility for intergovernmental cases is described in rule 5101:12-10-04 of the Administrative Code. The CSEA with administrative responsibility shall provide all support enforcement program services.

(B) General principles regarding administrative responsibility.

(1) When a CSEA receives a request for services pursuant to rule 5101:12-10-01 of the Administrative Code, the CSEA shall have administrative responsibility unless a legal basis exists which precludes that CSEA from assuming administrative responsibility.

(a) For the purpose of this rule "legal basis" means that the CSEA has determined, based on the facts and circumstances of the case, that no legal authority exists which will allow the CSEA to provide support enforcement program services and requires the CSEA to proceed in accordance with paragraph (F) of this rule.

(b) In making the determination regarding the CSEA's authority to proceed, the CSEA shall be bound by the administrative responsibility provisions of paragraphs (C), (D), and (E) of this rule.

(2) When administrative responsibility for a case has not been determined or is disputed and a CSEA is willing to accept the administrative responsibility and such acceptance would ensure that state and federal program requirements are met, then that CSEA shall be considered the CSEA with administrative responsibility.

(3) When administrative responsibility for a case is disputed and based on the facts and circumstances of the case, any of the CSEAs involved may have administrative responsibility, these CSEAs shall collaborate to resolve which CSEA has administrative responsibility.



(4) When administrative responsibility for a case is disputed and not addressed by this rule, a CSEA may request the office of child support (OCS) to resolve which CSEA has administrative responsibility. The CSEA shall provide to OCS the following:

(a) Verification that an attempt has been made to resolve the dispute, and

(b) Written description of the facts and circumstances that have led to the dispute.

(C) Administrative responsibility for the determination of the existence or non-existence of a father and child relationship.

(1) When an action to determine the existence or non-existence of a father and child relationship is pending before a court, the CSEA in the same county as the court has administrative responsibility.

(a) When the court dismisses the action without issuing a paternity determination, the CSEA in the county in which the child or the legal guardian or custodian of the child resides has administrative responsibility.

(b) When the court relinquishes or transfers jurisdiction to a court in another Ohio county and the court in the other county has accepted jurisdiction, the CSEA in the other county has administrative responsibility.

(c) When the court relinquishes or transfers jurisdiction to a court in another Ohio county and the court in the other county does not accept jurisdiction, the CSEA retains administrative responsibility.

(2) When there is not a pending action to determine the existence or non-existence of a father and child relationship before a court, the CSEA in the county in which the child or the child's guardian or legal custodian resides has administrative responsibility.

When the child or the child's guardian or legal custodian moves to another Ohio county and the CSEA:

(a) Has successfully completed service of process on the alleged father and the mother of the child,



the CSEA retains administrative responsibility.

(b) Has not successfully completed service of process on the alleged father and the mother of the child, the CSEA in the county in which the child or the child's guardian or legal custodian resides has administrative responsibility.

(D) Administrative responsibility for the establishment of a child support order.

(1) When an action to establish a child support order is pending before a court, the CSEA in the same county as the court has administrative responsibility.

(a) When the court dismisses the action without issuing a child support order, the CSEA in the county in which the parent, guardian, or custodian of the child resides or the person with whom the child resides has administrative responsibility.

(b) When the court relinquishes or transfers jurisdiction to a court in another Ohio county and the other court accepts jurisdiction, the CSEA in the other county has administrative responsibility.

(c) When the court relinquishes or transfers jurisdiction to a court in the same county and the other court does not accept jurisdiction, the CSEA retains administrative responsibility.

(d) When the court relinquishes or transfers jurisdiction to a court in another Ohio county and the other court does not accept jurisdiction, the CSEA retains administrative responsibility.

(2) When a juvenile court has jurisdiction over a child, the CSEA in the same county as the juvenile court has administrative responsibility.

(a) When the juvenile court dismisses the action without issuing a child support order, the CSEA in the county in which the parent, guardian, or custodian of the child resides or the person with whom the child resides has administrative responsibility.

(b) When the juvenile court relinquishes or transfers jurisdiction to a court in another Ohio county and the other court accepts jurisdiction, the CSEA in the other county has administrative



responsibility.

(c) When the juvenile court relinquishes or transfers jurisdiction to a court in the same county and the other court accepts jurisdiction, the CSEA retains administrative responsibility.

(d) When the juvenile court relinquishes or transfers jurisdiction to a court in another Ohio county and the other court does not accept jurisdiction, the CSEA retains administrative responsibility.

(e) If the juvenile court that has jurisdiction over a child subsequently determines that it does not have jurisdiction to establish a child support order, the CSEA in the county in which the parent, guardian, or custodian of a child resides or the person with whom a child resides has administrative responsibility.

(3) When a child support order had been issued for the same parties and child but is now terminated or dismissed and no balances are owed, then the CSEA in the county in which the parent, guardian, or custodian of a child resides or the person with whom a child resides has administrative responsibility.

(4) When a child support order had been issued for the same parties and child and is now terminated but balances are still owed, the CSEA in the county in which the support order was issued retains administrative responsibility to collect the remaining balances. When either party requests the establishment of a new support order, the CSEA in the county in which the parent, guardian, or custodian of a child resides or the person with whom a child resides has administrative responsibility.

(5) When the CSEA brings an action to establish a child support order before the court and the court subsequently determines that it does not have jurisdiction to establish a child support order, the CSEA in the county in which the parent, guardian, or custodian of a child resides or the person with whom a child resides has administrative responsibility.

(6) When a child support order has never been issued and the duty of support is based on a final and enforceable determination of paternity or a presumption of paternity other than a JFS 07038, "Acknowledgment of Paternity Affidavit" (effective or revised effective date as identified in rule



5101:12-1-99 of the Administrative Code), the CSEA in the county in which the parent, guardian, or custodian of a child resides or the person with whom a child resides has administrative responsibility.

(a) When the applicant for services moves to another Ohio county and the CSEA:

(i) Has successfully completed service of process on the parties, the CSEA retains administrative responsibility.

(ii) Has not successfully completed service of process on the parties, the CSEA in the county in which the parent, guardian, or custodian of a child resides or the person with whom a child resides has moved has administrative responsibility.

(b) When the CSEA brings an action to establish a child support order before a court and the court subsequently determines that it does not have jurisdiction to establish a child support order, the CSEA in the county in which the parent, guardian, or custodian of a child resides or the person with whom a child resides has administrative responsibility.

(7) When the presumption of paternity is based on a JFS 07038, the CSEA in the county in which the parent who signed the JFS 07038 and is the applicant for services resides has administrative responsibility.

(a) When the applicant for services moves to another Ohio county and the CSEA:

(i) Has successfully completed service of process on the parties, the CSEA retains administrative responsibility.

(ii) Has not successfully completed service of process on the parties, the CSEA in the county in which the applicant for services resides has administrative responsibility.

(b) When the CSEA brings an action to establish a child support order before a court and the court subsequently determines that it does not have jurisdiction to establish a child support order, the CSEA in the county in which the parent, guardian, or custodian of a child resides or the person with



whom a child resides has administrative responsibility.

(E) Administrative responsibility for the enforcement of a support order or modification of a child support order.

(1) When an Ohio court has issued a support order, adopted an administrative child support order, or accepted jurisdiction of a support order from another Ohio court, the CSEA in the same county as the court has administrative responsibility.

(a) When the applicant for services moves to another Ohio county, the CSEA retains administrative responsibility.

(b) When the court support order is terminated and balances are still owed, the CSEA retains administrative responsibility.

(c) When the court relinquishes or transfers jurisdiction of the support order to a court in another Ohio county, the CSEA in the same county as the court that accepted jurisdiction has administrative responsibility.

(d) When the court relinquishes or transfers jurisdiction of the support order to a court in another Ohio county and the other court does not accept jurisdiction, the CSEA retains administrative responsibility.

(2) When a CSEA has issued an administrative child support order, that CSEA has administrative responsibility.

(a) When the applicant for services moves to another Ohio county, the CSEA retains administrative responsibility.

(b) When the administrative child support order is terminated and balances are still owed, the CSEA retains administrative responsibility.

(F) Case transfer.



(1) The CSEA that completed case intake or most recently had administrative responsibility shall transfer a case to another CSEA in accordance with this rule.

(2) "Case transfer" includes electronically transferring the case in the support enforcement tracking system (SETS). "Case transfer" also includes mailing any hard-copy documents contained in the case record that are necessary to provide support enforcement program services to the CSEA with administrative responsibility.

When the CSEA mails hard-copy documents, the CSEA shall include a cover letter that identifies the parties, the reason the hard-copy documents are being mailed, and the name and telephone number of a contact person in the CSEA that mailed the hard-copy documents.

(3) The CSEA shall complete the case transfer within ten days of determining that another CSEA has administrative responsibility for the case.