



## Ohio Administrative Code

### Rule 5101:12-10-31 Requirement to cooperate with the child support enforcement agency.

Effective: June 1, 2021

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(A) This rule describes the requirement for an applicant for or a recipient of Ohio works first (OWF), medicaid, or Title IV-E foster care maintenance (FCM) benefits to cooperate with the child support enforcement agency (CSEA) in establishing paternity or in establishing, modifying, or enforcing a support order.

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

(1) "Caretaker" means:

(a) The parent, adult, or minor head of household with whom a child who receives OWF or medicaid resides; or

(b) The Title IV-E agency that has custody of a child who receives FCM benefits.

(2) "Charter county" means a county that has, pursuant to Section 3 of Article X of the Ohio Constitution (11/5/1957), adopted a charter that permits the county to provide a different form of government from that which is required under Ohio law for counties in general.

(3) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency.

(C) Cooperation requirements for OWF recipients.

(1) In accordance with rule 5101:1-3-10 of the Administrative Code, a caretaker who is a member of the OWF assistance group of a child who receives OWF benefits shall cooperate with the CSEA, unless the CSEA approves a good cause waiver of cooperation. OWF assistance group means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of OWF benefits.



(2) A caretaker is considered cooperative when the caretaker:

(a) Provides any available information, through reasonable and diligent efforts, that is sufficient to identify or locate a parent of a child who receives OWF. Information may include but is not limited to the following about the child's mother or father or each man alleged to be the child's father:

(i) Name;

(ii) Past or present address;

(iii) Telephone number;

(iv) Date of birth;

(v) Social security number;

(vi) Past or present place of employment;

(vii) Past or present schools attended;

(viii) Names, addresses, and telephone numbers of family and friends; and

(ix) Other information determined necessary by the CSEA.

(b) Submits to or has the child submit to genetic tests ordered by a CSEA or court to determine the existence or non-existence of a father and child relationship.

(c) Appears at a scheduled appointment or hearing to:

(i) Locate or identify a parent of a child who receives OWF;

(ii) Establish the existence or non-existence of a father and child relationship; or



(iii) Establish or modify a child support order, including medical support provisions contained in the child support order, or to enforce a support order.

(3) A caretaker is considered non-cooperative when the caretaker has been notified to comply with paragraph (C)(2) of this rule on two or more separate occasions by the CSEA in a county other than a charter county and fails to comply on two or more consecutive occasions. After the first instance of a determination of non-cooperation, the CSEA shall consider a caretaker non-cooperative when the caretaker fails to comply with paragraph (C)(2) of this rule on one occasion.

The CSEA in a charter county shall consider a caretaker non-cooperative when the caretaker fails to:

(a) Comply with paragraph (C)(2) of this rule; or

(b) Attend any court or administrative hearing to determine the existence or non-existence of a father and child relationship or to establish or modify a child support order, including medical support provisions contained in the child support order, or to enforce a support order.

(D) Cooperation requirements for medicaid recipients.

(1) The caretaker of a child who receives medicaid benefits shall cooperate with the CSEA unless:

(a) The CSEA approves a good cause waiver of cooperation; or

(b) The caretaker meets one of the following exceptions to cooperation:

(i) The child receives medicaid benefits and is not receiving OWF or FCM benefits and the caretaker is not receiving OWF or medicaid benefits in the same assistance group as the child.

(ii) The caretaker is pregnant or is no more than sixty days post-partum and receives medicaid benefits.

(iii) The caretaker is receiving transitional medicaid benefits.



- (2) A child will not lose medicaid benefits when the caretaker does not cooperate with the CSEA.
- (3) A caretaker is considered cooperative when the caretaker:
- (a) Provides any available information, through reasonable and diligent efforts, that is sufficient to identify or locate a parent of a child who receives medicaid. Information may include but is not limited to the following about the child's mother or father or each man alleged to be the child's father:
    - (i) Name;
    - (ii) Past or present address;
    - (iii) Telephone number;
    - (iv) Date of birth;
    - (v) Social security number;
    - (vi) Past or present place of employment;
    - (vii) Past or present schools attended;
    - (viii) Names, addresses, and telephone numbers of family and friends; and
    - (ix) Other information determined necessary by the CSEA.
  - (b) Submits to or has the child submit to genetic tests ordered by a CSEA or court to determine the existence or non-existence of a father and child relationship.
  - (c) Appears at a scheduled appointment or hearing to:
    - (i) Locate or identify a parent of a child who receives medicaid;



- (ii) Establish the existence or non-existence of a father and child relationship; or
- (iii) Establish, modify or enforce the medical support provisions contained in a child support order.
- (d) Completes an ODM 06613, "Accident/Injury Insurance Information" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code), when required by the CSEA.
- (e) Fully discloses any health insurance coverage or third party coverage that the medicaid recipient has or for which the medicaid recipient may be eligible.
- (f) Provides any available information that is necessary for identification and collection of potential third party payments.
- (4) The CSEA shall consider a caretaker non-cooperative when the caretaker fails to comply with paragraph (D)(3) of this rule on two or more consecutive occasions. After the first instance of a determination of non-cooperation, the CSEA shall consider a caretaker non-cooperative when the caretaker fails to comply with paragraph (D)(3) of this rule on one occasion.
- (E) Cooperation between the CSEA and a Title IV-E agency.

A Title IV-E agency that has custody of a child who receives FCM benefits shall request services from the CSEA in accordance with rule 5101:2-47-08 of the Administrative Code. When such a request for services has been made, the Title IV-E agency has a requirement to cooperate with the CSEA unless the CSEA approves a good cause waiver of cooperation. Cooperation from the Title IV-E agency includes:

- (1) Sending the CSEA any court order that pertains to the child in the custody of the Title IV-E agency, such as initial custody of the child, termination of parental rights, or termination of custody.
- (2) Notifying the CSEA upon verification of changes in the circumstances of the child or the child's parent.



(3) Submitting the child to genetic tests ordered by a CSEA or court to determine the existence or non-existence of a father and child relationship.

(4) Appearing at a scheduled appointment or hearing to:

(a) Locate or identify a parent of a child for whom the CSEA receives a referral;

(b) Establish the existence or non-existence of a father and child relationship; or

(c) Establish or modify a child support order, including medical support provisions contained in the child support order, or to enforce a support order.

(F) Notification to the county department of job and family services (CDJFS) regarding cooperation.

(1) When a caretaker who has an OWF or a medicaid cooperation requirement does not cooperate with the CSEA, the CSEA shall notify the CDJFS via the support enforcement tracking system (SETS) within five days of the caretaker not cooperating. The CDJFS will determine whether or not to terminate benefits.

(2) When a caretaker who previously did not cooperate with the CSEA begins to cooperate, the CSEA shall notify the CDJFS via SETS within five days of the caretaker cooperating. The CDJFS will determine whether or not to reinstate benefits.