



Ohio Administrative Code

Rule 5101:12-10-32 Good cause waiver of cooperation.

Effective: October 15, 2018

(A) A caretaker of a child who has a requirement to cooperate with the child support enforcement agency (CSEA) due to the receipt of Ohio works first (OWF), medicaid, or Title IV-E foster care maintenance (FCM) benefits may request a good cause waiver of the requirement to cooperate with the CSEA. When the CSEA determines that cooperation from the caretaker is not in the best interests of the child or would make it more difficult for the caretaker or child to escape domestic violence, the CSEA shall approve a good cause waiver. This rule describes the good cause waiver process.

(B) The following terms and definitions 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 who has custody of a child who receives FCM benefits.

(2) "Domestic violence" means, in accordance with section 5107.02 of the Revised Code, a caretaker or child is being subjected to any of the following:

(a) Physical acts that resulted in, or threatened to result in, physical injury to the individual;

(b) Sexual abuse;

(c) Sexual activity involving a dependent child;

(d) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;



(e) Threats of, or attempts at, physical or sexual abuse;

(f) Mental abuse, including emotional harm; or

(g) Neglect or deprivation of medical care.

(3) "Permanent good cause waiver" means that no CSEA will require a caretaker to cooperate with the CSEA as long as the CSEA has administrative responsibility for the case.

(4) "Temporary good cause waiver" means that the CSEA will not require a caretaker to cooperate with the CSEA for a specified period of time.

(5) "Third party" includes but is not limited to:

(a) Police, courts, and other governmental entities;

(b) Shelters and legal, religious, medical, and other professionals from whom a caretaker sought assistance in dealing with domestic violence;

(c) County departments of job and family services (CDJFS); or

(d) Other persons with knowledge of the domestic violence.

(C) The caretaker may request a good cause waiver from the CSEA by:

(1) Completing the JFS 07092, "Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA)" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code) provided by the CDJFS and submitting it to the CSEA; or

(2) Completing the JFS 04008, "Request for Good Cause Waiver" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code) provided by the CSEA and



submitting it to the CSEA.

(D) When the CSEA receives an oral or a written request for a good cause waiver from the caretaker, the CSEA shall issue the JFS 04008 to the caretaker.

(E) When the CSEA receives a JFS 07092 or JFS 04008, the CSEA shall determine whether to approve or deny a good cause waiver.

(F) When the caretaker provides an alternate address or telephone number on the JFS 07092, JFS 04008, or JFS 04011, "Good Cause Waiver Renewal" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code) the CSEA shall send all written correspondence regarding the good cause waiver to the alternate address and contact the caretaker at the alternate phone number as specified on the JFS 07092, JFS 04008, or JFS 04011.

(G) Written documentation.

When written documentation is not received within forty-five days of the date the CSEA received the JFS 07092 or JFS 04008, the CSEA shall deny the good cause waiver and shall issue the JFS 04010, "Denial of Good Cause Waiver" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code) to the caretaker.

(H) Permanent good cause waiver.

Upon receipt of a completed JFS 07092 or JFS 04008 and acceptable written documentation, the CSEA shall approve a permanent good cause waiver and shall issue the JFS 04009, "Approval of Good Cause Waiver" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code) to the caretaker when the child was conceived as a result of incest or rape and the CSEA determines that requiring cooperation from the caretaker would not be in the best interests of the child.

Written documentation is acceptable when the source of the written documentation is a medical professional, law enforcement agency, or vital records agency.



(I) Temporary good cause waiver.

Upon receipt of a completed JFS 07092 or JFS 04008 and acceptable written documentation, the CSEA shall approve a temporary good cause waiver and shall issue the JFS 04009 to the caretaker when:

(1) The caretaker or child is being subjected to domestic violence and the CSEA determines that requiring cooperation from the caretaker would not be in the best interests of the child or would make it more difficult for the caretaker or child to escape domestic violence.

(a) Written documentation is acceptable when the source of the written documentation is a third party. When the caretaker is unable to provide acceptable written documentation from a third party, the CSEA shall accept a written statement from the caretaker, unless the CSEA has an independent, reasonable basis to find the allegation in the caretaker's written statement not credible.

(b) A temporary good cause waiver based on domestic violence is for a period not to exceed twelve months. The CSEA may approve a temporary good cause waiver for longer than twelve months when a legal document exists that justifies the extension.

(2) Legal adoption proceedings regarding the child are pending before a court and the CSEA determines that requiring cooperation from the caretaker would not be in the best interests of the child.

(a) Written documentation is acceptable when the source of the written documentation is a court, child protective or social services agency, or an attorney for one of the parties involved in the adoption proceedings.

(b) A temporary good cause waiver based on pending adoption is for the period during which the adoption is pending before the court.

(c) If the adoption proceedings are finalized or dismissed, the CSEA shall terminate the temporary good cause waiver and shall issue the JFS 04012, "Termination of Good Cause Waiver" (effective or revised effective date as identified in rule 5101:12-10-99 of the Administrative Code) to the caretaker.



(3) The question of whether to place the child for adoption is under active consideration and the CSEA determines that requiring cooperation from the caretaker would not be in the best interests of the child.

(a) Written documentation is acceptable when the source of the written documentation is a child protective or social services agency or an attorney for one of the parties involved in the adoption proceedings.

(b) A temporary good cause waiver based on active consideration of adoption is for a period not to exceed three months. The CSEA may renew a temporary good cause waiver after three months when the written documentation verifies that the adoption is still under active consideration.

(c) If the adoption discussions are terminated, the CSEA shall terminate the temporary good cause waiver and shall issue the JFS 04012 to the caretaker.

(J) Renewing a temporary good cause waiver.

At least forty-five days before the expiration of the temporary good cause waiver, the CSEA shall issue the JFS 04011 to the caretaker.

(1) When the caretaker submits the JFS 04011 requesting a renewal of the good cause waiver to the CSEA and the CSEA receives acceptable written documentation within forty-five days of the date the JFS 04011 was issued by the CSEA, as described in paragraph (H) or (I) of this rule, the CSEA shall renew the good cause waiver and shall issue a JFS 04009 to the caretaker.

(2) When the caretaker submits the JFS 04011 requesting a renewal of the good cause waiver to the CSEA, the CSEA shall deny the good cause waiver and shall issue a JFS 04010 to the caretaker when:

(a) Acceptable written documentation is not received by the CSEA within forty-five days of the date the JFS 04011 was issued; or



(b) The CSEA receives written documentation within forty-five days of the date the JFS 04011 was issued and determines that the written documentation is not acceptable, as described in paragraph (H) or (I) of this rule.

(3) The CSEA shall terminate the temporary good cause waiver and shall issue the JFS 04012 to the caretaker when:

(a) The caretaker fails to complete and submit the JFS 04011 to the CSEA within forty-five days of the date the JFS 04011 was issued; or

(b) The caretaker submits the JFS 04011 to the CSEA and the JFS 04011 indicates that the caretaker no longer wants a good cause waiver.

(K) When the caretaker or child receives OWF benefits, the CSEA shall notify the CDJFS, either electronically or in writing, within five days of the CSEA issuing the JFS 04009, JFS 04010, or JFS 04012 to the caretaker. When the caretaker or child receives medicaid or FCM benefits, the CSEA may notify the CDJFS or public children services agency (PCSA) when the CSEA issues a JFS 04009 to the caretaker.