



Ohio Administrative Code Rule 5101:12-55-25 License suspension.

Effective: [May 1, 2023](#)

(A) This rule describes when a child support enforcement agency (CSEA) may, as an enforcement technique, submit an obligor under a child support order to a licensing entity to suspend, refuse, or deny to renew a professional, driver's, or recreational license. Suspension and reinstatement procedures of license to practice law are described in rule 5101:12-55-26 of the Administrative Code.

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

(1) A "license" means:

(a) A license, certificate, permit, registration, or other authorization to engage in an occupation or profession, other than attorney, that is issued by a board or entity that has the authority pursuant to Title XLVII (47) of the Revised Code;

(b) A driver's or commercial driver's license, motorcycle operator's license or endorsement, temporary instruction permit, or commercial driver's temporary instruction permit issued by the registrar of motor vehicles or a deputy registrar; or

(c) A recreational license issued by the department of natural resources (DNR) that includes any license, permit, or stamp issued pursuant to section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the Revised Code.

(2) A "licensing entity" means any entity that has authority to issue a license to an individual and includes any of the following:

(a) Any board or entity that has the authority pursuant to Title XLVII (47) of the Revised Code to issue a license and any other agency of this state, other than the supreme court, that has the authority to issue a license that authorizes an individual to engage in an occupation or profession. This



includes an administrative officer that has authority to issue a license that authorizes an individual to engage in an occupation or profession;

(b) The bureau of motor vehicles (BMV) or the registrar or deputy registrar of motor vehicles; and

(c) The department of natural resources (DNR).

(C) The CSEA shall submit an obligor under a child support order to a licensing entity to suspend, refuse, or deny to renew a license only when:

(1) A court or agency has determined that an individual has failed to comply with a warrant or subpoena issued by a court or agency with respect to a proceeding to enforce a child support order, and the CSEA has issued a pre-suspension notice as outlined in paragraph (D) of this rule at least ten days prior to submission of an obligor to a licensing entity; or

(2) At least a ninety-day period has elapsed since a final and enforceable determination of default has been made and a JFS 04049, "Notice to Obligor of Default and Potential Action" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), has been issued to the obligor. Unless the obligor files a mistake of fact objection to the JFS 04049, the CSEA shall count at least ninety days from the most recent issuance of the JFS 04049. If the obligor objects, default is considered final and enforceable on the date established in a CSEA mistake of fact determination under section 3123.04 of the Revised Code or the court mistake of fact determination under section 3123.05 of the Revised Code. If the agency or court mistake of fact determination is silent as to the date of default, the CSEA shall use the date of issuance of the JFS 04049.

Additionally, the CSEA shall have issued a pre-suspension notice as outlined in paragraph (D) of this rule at least ten days prior to submission of an obligor to a licensing entity.

(D) The CSEA shall only send a pre-suspension notice when the CSEA determines that in the ninety-day period preceding a decision to issue a pre-suspension notice, the obligor has paid less than fifty per cent of the total monthly ordered obligation due for that ninety-day period, excluding any state or federal tax offset amounts received during that ninety-day period. A "ninety-day period" includes the three full months preceding the month in which the CSEA is considering sending the pre-suspension notice.



When the CSEA elects to issue a pre-suspension notice to the obligor, the CSEA shall use the JFS 04024, "Advance Notice to Suspend Professional, Recreational, and/or Driver's License" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code) as its pre-suspension notice. The notice shall be issued to the obligor's last known address by ordinary, first class mail. When more than ninety days have elapsed since the issuance of the JFS 04024, a new pre-suspension notice shall be sent to the obligor if the CSEA still intends to submit an obligor to a licensing entity referenced in the notice.

(E) License suspension procedures.

When the CSEA elects to submit an obligor to a licensing entity to suspend a specific license, the CSEA shall:

(1) Ensure that at least ten days, but no more than ninety days have elapsed since the issuance of the pre-suspension notice as described in paragraph (D) of this rule; and

(2) Send an electronic notice through the support enforcement tracking system (SETS) or, when an electronic notice is not available, a JFS 04041, "Notice to Suspend Professional, Motor Vehicle Operator and Recreational License" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the licensing entity that has authority to issue or has issued the obligor that specific license.

(F) The CSEA shall describe the procedures used to submit an obligor to a licensing entity to suspend, refuse, or deny to renew a license and to reinstate a license in the CSEA's procedural manual.