



Ohio Administrative Code

Rule 5101:12-70-05.7 Determination of the controlling order.

Effective: July 1, 2016

(A) The Uniform Interstate Family Support Act (UIFSA)(2008) requires that only one valid order may exist for the purpose of enforcing a support obligation prospectively, beginning with the date on which the determination of controlling order is made. After a controlling order is determined, it becomes the only order that may be prospectively enforced, and sets the non-modifiable terms. Non-modifiable terms of a controlling order include the duration of the order and the dates of the termination of the order. A controlling order may not be determined more than once.

(B) When there is any question regarding the validity of an order, a controlling order determination must be made. A controlling order determination shall only be made by a court with personal jurisdiction over both the obligee and obligor, and must be made prior to any enforcement action or any action to modify a support order.

(C) The initiating child support enforcement agency (CSEA) shall take the following steps before any actions can be taken:

(1) Identify all existing support orders;

(2) Determine whether a child support order(s) exists in a case using the federal and state registry, state records, information provided by the recipient of services, and other relevant information available to the CSEA;

(3) Determine in which state a determination of the controlling order and reconciliation of arrearages may be made where multiple orders exist. Obtain certified copies of each order along with all payment records and arrearage calculations for each order;

(4) Examine each existing order to verify that it contains a child support order provision and appears valid on its face;



- (5) Verify the current residential state of the obligee, obligor, and child to which the order applies;
- (6) Within twenty days of completing the actions required in paragraphs (C)(1) to (C)(3) of this rule and, if appropriate, receipt of any necessary information needed to process the case:
- (a) Refer the case to the appropriate responding state agency for a determination of the controlling order and a reconciliation of arrearages if such a determination is necessary; and
- (b) Refer any intergovernmental case to the appropriate state central registry, tribal program, or central authority of a country for action, if long arm jurisdiction is not appropriate;
- (c) When the respondent and petitioner reside in Ohio, the initiating CSEA shall do the following:
- (i) When the respondent and petitioner reside in the same county, the initiating CSEA shall determine the controlling order; or
- (ii) When the respondent and petitioner reside in different counties, the initiating CSEA shall refer to rules 5101:12-10-03 and 5101:12-10-04 of the Administrative Code for the determination of the controlling order.
- (D) The responding CSEA shall take the following actions:
- (1) Determine which of the states with support orders have continuing exclusive jurisdiction (CEJ). A state has CEJ over a support order issued in that state at any time either the individual obligee, obligor, or the child resides in that state or the parties have consented in a record or open court that the tribunal of the state may continue to exercise jurisdiction to modify its order.
- (2) Reconcile the arrearages for all support orders.
- (3) File the appropriate pleadings with the court, including recommended language regarding which order should be determined the controlling order and a calculation of the reconciled arrearages based upon the following principles:



- (a) If only one of the states with an order has CEJ, recommend the order in the state with CEJ be determined the controlling order;
 - (b) If more than one of the states with a order has CEJ, recommend the order in the home state of the child be determined the controlling order;
 - (c) If more than one of the states with a order have CEJ, but no state is the home state of the child, recommend the most recently issued valid order be determined the controlling order; and
 - (d) If none of the states with an order have CEJ, recommend that the court issue a new order that will be determined to be the controlling order.
- (4) After the court has made the controlling order determination, prepare the OMB 0970-0085, "Notice of determination of controlling order," and send it with a certified copy of the controlling order determination to the tribunal (typically in care of the child support agency in each state) that issued or registered any of the support orders used to determine the controlling order.