Ohio Administrative Code

Rule 5101:12-70-05.8 Enforcement of a support order in an intergovernmental case.
Effective: July 1, 2016

(A) This rule describes the responsibilities that an initiating or responding child support enforcement agency (CSEA) has to enforce support orders in intergovernmental cases.

(B) When two or more support orders exist, only the support order that has been determined to be the controlling order may be enforced. Therefore, before any action is taken to enforce a support order, the initiating CSEA shall conduct an investigation to identify the number of support orders that may exist in the case and take any necessary steps as described in rule 5101:12-70-05.3 of the Administrative Code.

(C) Support orders in interstate cases may be enforced either by:

(1) Sending a direct income withholding as described in sections 3115.501 to 3115.507 of the Revised Code, if it is verified that an obligor is employed or receives income in another state and the CSEA determines that direct income withholding is available and appropriate; or

(2) Sending a Uniform Interstate Family Support Act (UIFSA)(2008) petition that requests the enforcement of support from an initiating CSEA to an interstate central registry (ICR) in a responding state.

(D) A CSEA shall determine whether direct income withholding is available and appropriate to enforce a controlling order. Prior to sending the income withholding notice, the CSEA shall verify that the laws of the state where the obligor's payor is located permit the direct withholding of the type of income being received.

(E) A CSEA shall have the following responsibilities when it determines that direct income withholding is appropriate:

(1) It shall prepare an income withholding notice as described in rule 5101:12-50-10.2 of the

Administrative Code; and

(2) It shall send the income withholding notice directly to the obligor's payor in the other state.

(F) An initiating CSEA shall have the following responsibilities when it is unable to verify a source of income for the obligor or when it determines that direct income withholding is inappropriate:

(1) Prepare a UIFSA petition within twenty days of determining that an obligor resides in another jurisdiction; and

(2) When the controlling order has been issued by the state where the obligor resides, send a UIFSA petition requesting enforcement of the controlling order to the ICR in that state; or

(3) When the controlling order has been issued by a state other than the state where the obligor resides, take each of the following actions:

(a) Obtain a certified copy of the controlling order, and all modifications of the controlling order including certified payment records for which the registration is being requested;

(b) Prepare a UIFSA petition that requests registration of the controlling order; and

(c) Send the UIFSA petition to the ICR in the state where the obligor resides or has assets, or to the central authority of another country or tribe.

(G) UIFSA petitions requesting the registration of a support order for enforcement may be sent simultaneously to any state where the obligor resides or has income or assets. A CSEA must maintain records of all actions taken to enforce a support order using the registration process described in this rule.

(H) A responding CSEA has the following responsibilities:

(1) Immediately upon receipt of a UIFSA petition from the Ohio ICR, which requests the enforcement of a controlling order, verify the residence address of the obligor and:

(a) When the CSEA has verified that the obligor resides in the same county as the responding CSEA, the CSEA shall take the actions requested in the petition; or

(b) When the CSEA has verified that the obligor has moved to another county, the CSEA shall:

(i) Determine which county has administrative responsibility pursuant to rules 5101:12-10-03 and 5101:12-10-04 of the Administrative Code;

(ii) Determine if a transfer is required, and forward the forms and documentation to the county with administrative responsibility; and

(iii) Notify the initiating agency and the Ohio ICR of the transfer.

(c) When the CSEA has verified that a support order exists in a different Ohio county, the CSEA shall:

(i) Determine which county has administrative responsibility pursuant to rules 5101:12-10-03 and 5101:12-10-04 of the Administrative Code;

(ii) Determine if a transfer is required, and forward the forms and documentation to the county with administrative responsibility; and

(iii) Notify the initiating agency and the Ohio ICR of the transfer.

(2) The responding CSEA with administrative responsibility for the case shall take the following actions within seventy-five days of receipt of the UIFSA petition:

(a) Notify the child support agency in the initiating jurisdiction of any additional information needed to proceed with the case;

(b) Process the case to the extent possible pending receipt of the additional information needed from the child support agency in the initiating jurisdiction; and

(c) Complete the case intake process in the Ohio case registry, support enforcement tracking system (SETS), using information from the UIFSA petition and any information received from the child support enforcement network (CSENet) transaction.

(3) Register the controlling order if all information necessary to register the order has been received. A controlling order that is registered and confirmed in Ohio is enforceable in the same manner and subject to the same procedures as an order issued by Ohio.

(I) When all of the parties to a case reside in Ohio and the controlling order exists in a jurisdiction other than Ohio, the controlling order may be registered for enforcement pursuant to sections 3115.601 to 3115.616 of the Revised Code by the CSEA with administrative responsibility as described in rule 5101:12-10-04 of the Administrative Code.