



## Ohio Administrative Code

### Rule 5101:12-70-05.9 Modification of a controlling order in an intergovernmental case.

Effective: July 1, 2016

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(A) This rule describes the responsibilities that an initiating or responding child support enforcement agency (CSEA) has to modify a controlling order in an intergovernmental case.

(B) For purposes of this rule, "petitioner" means the person or entity requesting the modification. "Respondent" means the person or entity who did not request the modification.

(C) No part of the controlling order may be modified that is not modifiable under the laws of the state that issued the controlling order, such as the duration of the support order.

(D) An Ohio controlling order can be modified in Ohio only when either the obligor, individual obligee, or the child resides in Ohio, or the parties have consented in a record or open court that the tribunal in Ohio, may continue to exercise jurisdiction to modify its order.

(E) A controlling order shall only be modified by:

(1) The state where the controlling order was issued when that state has continuing exclusive jurisdiction (CEJ); or

(2) The state where the non-requesting party resides when no state has CEJ; or

(3) The state where all parties have filed written consents to modify the order.

When paragraph (E)(2) or (E)(3) of this rule applies, the state that modifies the support order assumes the controlling order.

(F) An initiating CSEA has the following responsibilities:

(1) Verify the state that issued the controlling order.



- (2) Verify the current residential address of the respondent.
  
- (3) Determine whether the state where the respondent resides is the state that issued the controlling order.
  
- (4) The CSEA with administrative responsibility as described in rules 5101:12-10-03 and 5101:12-10-04 of the Administrative Code shall conduct the modification as appropriate in accordance with rules 5101:12-60-05 to 5101:12-60-05.6 of the Administrative Code.
  
- (5) Take the following actions within twenty days of determining that the respondent resides in the controlling order state:
  - (a) Prepare a Uniform Interstate Family Support Act (UIFSA)(2008) petition requesting the modification and, if requested, enforcement of the controlling order; and
  - (b) Send the UIFSA petition to the interstate central registry (ICR) in the state where the respondent resides.
  
- (6) Take the following actions within twenty days of determining that the respondent does not reside in the controlling order state:
  - (a) Prepare a UIFSA petition requesting the registration of the controlling order for modification, including all forms required by rule 5101:12-70-05.11 of the Administrative Code, and other documents as necessary; and
  - (b) Send the UIFSA petition to the ICR in the state where the party who has not requested the modification resides, unless both the parties have submitted signed documents to the initiating CSEA agreeing to grant jurisdiction to modify the controlling order to another state.
  
- (G) A responding CSEA has the following responsibilities:
  - (1) Immediately upon receipt of a UIFSA petition requesting modification of a support order from



the Ohio ICR, verify the residence address of the respondent and, if necessary, transfer the UIFSA petition to the responding CSEA with administrative responsibility for the case.

(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 process the case;

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

(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; and

(d) Register the controlling order for modification or modification and enforcement pursuant to sections 3115.601 to 3115.616 of the Revised Code.

(3) Review the order for modification using the administrative review process pursuant to rules 5101:12-60-05 to 5101:12-60-05.6 of the Administrative Code.

(H) When all of the parties to a case reside in Ohio and the controlling order was issued by another state, the controlling order may be registered for modification and enforcement in Ohio. In these circumstances:

(1) The initiating CSEA shall be the CSEA that has an open case for the obligee, or, if there is no open case, the county where the obligee resides. The initiating CSEA has the following responsibilities:

(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 requesting registration of the controlling order;
  - (c) Send the UIFSA petition to the responding CSEA in the county where the obligor resides; and
  - (d) Transfer the support enforcement tracking system (SETS) case, or, if unable to transfer the case, close the SETS case in order to allow the responding CSEA to open a new case in SETS.
- (2) The CSEA in the county where the obligor resides shall be the responding CSEA and has the following responsibilities:
- (a) Notify the initiating CSEA 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 initiating CSEA;
  - (c) Complete the case intake process in the Ohio case registry, SETS, using information from the UIFSA petition and any information received from the CSENet transaction;
  - (d) Register the controlling order for modification and enforcement pursuant to sections 3115.601 to 3115.616 of the Revised Code; and
  - (e) Review the order for modification using the administrative review process pursuant to rule 5101:12-60-05 of the Administrative Code and its supplemental rules if the UIFSA petition requested modification and enforcement.
- (3) When the obligor and obligee reside in the same county, the CSEA in that county shall:
- (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) Register the controlling order pursuant to sections 3115.601 to 3115.616 of the Revised Code; and
  - (c) Review the order for modification using the administrative review process pursuant to rule



5101:12-60-05 of the Administrative Code and its supplemental rules if the UIFSA petition requested modification and enforcement.

(I) Once a controlling order has been registered for modification in Ohio, it is enforceable in the same manner and is subject to the same procedures as an order issued by Ohio, except that the duration of the order and dates of termination of the order continue to be the terms of the order as it was originally issued in the controlling order state.