



## Ohio Administrative Code

### Rule 5101:12-70-05 Scope and definitions for intergovernmental cases.

Effective: July 1, 2016

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(A) This rule and its supplemental rules describe the procedures for processing an intergovernmental case for child support enforcement services.

(B) An initiating or responding child support enforcement agency (CSEA) as defined in this rule shall process intergovernmental cases in accordance with this rule and its supplemental rules, federal regulations found at 45 C.F.R. 303.7 effective January 03, 2011, and provisions of the Uniform Interstate Family Support Act (UIFSA)(2008) enacted as sections 3115.102 to 3115.903 of the Revised Code. This rule and its supplemental rules do not apply when a court is acting as the tribunal pursuant to division (CC) of section 3115.102 of the Revised Code.

(C) The following definitions, as well as those found in section 3115.102 of the Revised Code, apply to this rule and its supplemental rules:

(1) "Agency," for the purpose of this rule, means a child support enforcement agency (CSEA), acting as a tribunal in accordance with section 3115.203 of the Revised Code, another state, a tribal IV-D agency, or an agency in a country, as defined in this rule.

(2) "Central authority" means the entity designated by the United States or a foreign country described in division (E)(4) of section 3115.102 the Revised Code to perform the functions specified in the convention.

(3) "Child Support Enforcement Network" (CSENet) means the electronic communications network developed by the federal office of child support enforcement (OCSE) to transmit and receive case information between states in a standardized format.

(4) "Continuing exclusive jurisdiction" (CEJ) means the authority an issuing tribunal has to modify an order to the exclusion of all other jurisdictions. A state has CEJ over a valid child 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.

(5) "Controlling order state" means:

(a) The state in which the only child support order was issued; or

(b) Where multiple orders exist, the state in which the order determined by a tribunal to control the prospective current child support order was issued.

(6) "Convention" means the convention on the international recovery of child support and other forms of family maintenance, concluded at "The Hague" on November 23, 2007.

(7) "Foreign country" means a country, including a political subdivision of the country, other than the United States, that authorizes the issuance of support orders to which at least one of the following applies:

(a) It has been declared under the law of the United States to be a foreign reciprocating country;

(b) It has established a reciprocal arrangement for child support with this state as provided in section 3115.308 of the Revised Code;

(c) It has enacted a law or established procedures for the issuance and enforcement of support orders that are substantially similar to the procedures under this chapter;

(d) It is a country in which the convention is in force with respect to the United States.

(8) "Form" means a federally-approved document used for the establishment and enforcement of child support obligations whether compiled or transmitted in written or electronic format. In interstate cases, such forms include those used for child support enforcement proceedings under UIFSA and described in rule 5101:12-70-05.11 of the Administrative Code.

(9) "Home state" means the state or foreign country in which a child lived with a parent or person



acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

(10) "Initiating agency" means an agency in which an individual has applied for or is receiving services and the agency initiates a two state intergovernmental case to a responding jurisdiction.

(11) "Intergovernmental case" means a case in which the person or entity that is eligible to receive support resides in one state or country, and the person obligated to pay support resides in, has income or assets from, or the order is from, another state or country. An intergovernmental case may include a case in which a state agency is seeking only to collect support arrearages, whether owed to the family or assigned to the state.

(12) "International case" means an intergovernmental case in which the person or entity that is eligible to receive support resides in one country, and the person obligated to pay support resides in, has income or assets from, or the order is from, another country.

(13) "Interstate case" means an intergovernmental case in which the person or entity that is eligible to receive support resides in one state, and the person obligated to pay support resides in, has income or assets from, or the order is from, another state.

(14) "Long arm jurisdiction" means the exercise of a state's personal jurisdiction over a non-resident.

(15) "One-state remedies" means the exercise of a state's jurisdiction over an obligor for the purpose of direct establishment, enforcement, or other action by a state against an obligor in accordance with the long arm provision of UIFSA.

(16) "Registration" means the act of filing in a tribunal of this state a support order or judgment determining parentage of a child issued in another state or a foreign country.

(17) "Responding agency" means the agency that is providing services in response to a referral from an initiating agency in an intergovernmental case.



(18) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin islands, or any territory or insular possession under the jurisdiction of the United States. The term includes an Indian nation or tribe.

(19) "Tribunal" means, pursuant to section 3115.102 of the Revised Code, a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

(20) "Uniform Interstate Family Support Act" (UIFSA) means the model act promulgated by the "National Conference of Commissioners on Uniform State Laws" (NCCUSL) now known as the "Uniform Law Commission" (ULC) and mandated by section 466(f) of the Social Security Act to be in effect in all states.