

License suspension procedures for defaulting child support obligors

(R.C. 3123.44, 3123.45, 3123.55, 3123.56, 3123.58, 3123.59, 3123.591, 3123.63, 4506.071, 4507.111, 4705.021, 3123.52 (repealed), 3123.61 (repealed), 3123.612 (repealed), 3123.613 (repealed), and 3123.614 (repealed))

Ohio and federal law require the occupational, professional, motor vehicle, or recreational license or permit of an obligor found in default under a child support order to be denied or suspended, or not be issued or renewed, at the request of a child support enforcement agency (CSEA). "Default" means any failure to pay an amount equal to or greater than the amount payable for one month under a child support order. When a CSEA identifies a default, it investigates and then sends a default notice containing information on the arrearage and the administrative and court action that will take place if the obligor contests the information in the default notice. When the obligor exhausts the ability to contest the information in the default notice, the default becomes final and enforceable. These licenses also may not be issued or renewed and may be suspended or revoked if the obligor fails to comply with a subpoena or warrant issued by the court or a CSEA with respect to a proceeding to enforce a child support order. The license may not be issued or renewed and must remain suspended or revoked until the obligor complies with the child support order, subpoena, or warrant.

The act prohibits a CSEA from notifying an occupational or professional licensing board, the Bureau of Motor Vehicles (BMV), or the Division of Wildlife that an obligor is in default unless at least 90 days have elapsed since the final and enforceable determination of default, and, in the preceding 90 days, the obligor has failed to pay at least 50% of the total monthly obligation due for that period by means other than federal or state tax refund intercept. It requires ODJFS to adopt rules establishing a uniform pre-suspension notice form to be used by CSEAs that send notice to occupational or professional licensing boards, the BMV, or the Division of Wildlife. The rules must require the contents of the notice to include information about the effect of a license suspension and appropriate steps that an obligor can take to avoid license suspension.

Under continuing law, a CSEA that notifies an occupational or professional licensing board, the BMV, or the Division of Wildlife that an obligor is in default must send another notice that the obligor is not in default within seven days of certain specified events. Under prior law, the notice was required to be sent if (a) the obligor made full payment of the arrearage, (b) an appropriate withholding or deduction notice or other order was issued to collect current support and the arrearage and the obligor was complying with the notice or order, or (c) a new child support order was issued or the order that was in default was modified to collect current support and the arrearage.



The act alters the circumstances under which the notice must be sent. Under the act, the CSEA must send the notice if one of the following occurs:

(1) The obligor makes full payment of the arrearage as of the date the payment is made;

(2) If (1) is not possible, the obligor has presented the CSEA sufficient evidence of current employment or of an account in a financial institution, confirmed by the CSEA, and a withholding or deduction notice has been issued to collect current support and any arrearage (the ODJFS Director must adopt rules establishing standards for confirming the obligor's employment or the existence of the account);

(3) If (1) and (2) are not possible, the obligor presents evidence to the CSEA sufficient to establish that the obligor is unable to work due to circumstances beyond the obligor's control;

(4) If (1), (2), and (3) are not possible, the obligor enters into and complies with a written agreement with the CSEA requiring the obligor to comply with a family support program administered or approved by the CSEA or a program to establish compliance with a seek work order issued; or

(5) If (1), (2), (3), and (4) are not possible, the obligor pays the balance of the total monthly obligation due for the 90-day period preceding the date the agency sent notice to the occupational or professional licensing board, BMV, or Division of Wildlife that the obligor is in default.

The act also permits a CSEA, pursuant to rules adopted by the ODJFS Director, to direct the Registrar of Motor Vehicles to eliminate from the abstract maintained by the BMV any reference to the suspension of an obligor's license due to default.

IV. Child Welfare and Adoption

Case plan or family service plan for child receiving in-home services from a PCSA

(R.C. 2151.011(B)(4) and 2151.412(B) and (C)(2))

The act requires each public children services agency (PCSA) to prepare and maintain a case plan or a family service plan for any child receiving in-home services from the agency pursuant to an alternative response. An "alternative response" is a PCSA's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs. It does not include a determination as to whether child abuse or neglect has

