

**As Introduced**

**124th General Assembly  
Regular Session  
2001-2002**

**S. B. No. 170**

**SENATOR Harris**

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**A B I L L**

To require each child support enforcement agency to 1  
review child support orders to determine whether 2  
federal law was complied with regarding state 3  
income tax refund intercepts and to apply certain 4  
provisions of federal law regarding assigned child 5  
support amounts, to require the Department of Job 6  
and Family Services to distribute payments 7  
consistent with the findings of the reviews, and to 8  
make an appropriation. 9

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** (A) As used in this section: 10

(1) "ADC assistance" means assistance provided pursuant to 11  
the former aid to dependent children program. 12

(2) "Assistance group" and "Ohio works first" have the same 13  
meanings as in section 5107.02 of the Revised Code. 14

(3) "Child support order" has the same meaning as in section 15  
3119.01 of the Revised Code. 16

(4) "Support payee" means a person who is entitled to receive 17  
support payments made under a child support order and with respect 18  
to whom both of the following apply: 19

(a) The person is a member of an assistance group that 20

applied for and began participating in Ohio works first on or 21  
after October 1, 1997. 22

(b) Prior to the person's application for participation in 23  
Ohio works first, a support arrearage accrued under the child 24  
support order to which all of the following apply: 25

(i) The support arrearage was collected from payments on the 26  
support arrearages and not payments of current support. 27

(ii) The support arrearage was not collected pursuant to 28  
section 464 of Title IV-D of the "Social Security Act," 95 Stat. 29  
860 (1981), 42 U.S.C. 664, as amended. 30

(iii) The support arrearage was collected on and after the 31  
date the assistance group of which the person is a member ceased 32  
participating in Ohio works first. 33

(B)(1) Each county child support enforcement agency shall do 34  
the following: 35

(a) Conduct a review of all child support cases involving a 36  
support payee the agency is administering or has administered and 37  
apply, retroactive to October 1, 1997 through September 30, 2000, 38  
the provisions of section 457(a)(2)(B)(i)(II), (ii)(II), and (v) 39  
of Title IV-D of the "Social Security Act," 110 Stat. 2200 (1996), 40  
42 U.S.C. 657(a)(2)(B)(i)(II), (ii)(II), and (v), as amended, to 41  
the support payees' child support orders to determine the amount 42  
of assigned support and the proper distribution of support 43  
arrearage payments; 44

(b) Conduct a review of all child support cases the agency 45  
administered during the years 1997 through 2000 to determine 46  
whether refunds of paid state income taxes collected pursuant to 47  
sections 3123.82 to 3123.823 and 5747.121 of the Revised Code on 48  
and after October 1, 1997, and before October 1, 2000, and 49  
distributed to the state to reimburse ADC assistance or Ohio works 50  
first assistance were collected and distributed in accordance with 51

section 457 of Title IV-D of the "Social Security Act," 88 Stat. 2356 (1975), 42 U.S.C. 657, as amended. 52  
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(2) Agencies shall conduct the reviews in accordance with 54  
rules adopted by the Department pursuant to division (D) of this 55  
section. If the Department of Job and Family Services takes action 56  
against an agency pursuant to division (C) of section 5101.24 of 57  
the Revised Code to require the agency to comply with all of the 58  
requirements applicable to agency reviews under this section, 59  
division (D) of that section shall not apply. 60

(C)(1) Notwithstanding the Revised Code, any election made by 61  
the state pursuant to section 457(a)(6) of Title IV-D of the 62  
"Social Security Act," 111 Stat. 626 (1997), 42 U.S.C. 657(a)(6), 63  
as amended, or any court order establishing assigned support 64  
arrearage amounts, and based on reviews conducted under division 65  
(B)(1)(a) of this section, the Department shall distribute to 66  
support payees payments that represent the amount of child support 67  
arrearage payments that were distributed to the state instead of 68  
the support payees and that would have been distributed to the 69  
support payees if 42 U.S.C. 657(a)(2)(B)(i)(II), (ii)(II), and (v) 70  
had been applied retroactive to October 1, 1997, through September 71  
30, 2000. The payments to the support payees shall not be reduced 72  
by the federal share of the arrearage amount collected as provided 73  
in section 457 of Title IV-D of the "Social Security Act," 88 74  
Stat. 2356 (1975), 42 U.S.C. 657, as amended, regardless of 75  
whether the federal share is received by the state. 76

(2) If the review conducted pursuant to division (B)(1)(b) of 77  
this section reveals payments that were incorrectly distributed to 78  
the state, the Department shall redistribute the payments in 79  
accordance with section 457 of Title IV-D of the "Social Security 80  
Act," 88 Stat. 2356 (1975), 42 U.S.C. 657, as amended. 81

(3) Prior to completion of a case review under division 82  
(B)(1)(a) of this section, the Department shall distribute to 83

support payees any assigned support collected and distributed to  
the state on and after October 1, 2000, other than amounts  
collected pursuant to section 464 of Title IV-D of the "Social  
Security Act," 95 Stat. 860 (1981), 42 U.S.C. 664, as amended.  
Support payees receiving the payments under division (C)(3) of  
this section shall not be required to repay those amounts to the  
state if it is determined later that the payments should have been  
retained by the state as assigned support.

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(4) On completion of a case review under division (B)(1)(a)  
of this section and payment of the amounts required by divisions  
(C)(1) and (3) of this section, if a support arrearage amount is  
still subject to assignment, the Department shall collect and  
distribute all support arrearage amounts in accordance with  
section 457 of Title IV-D of the "Social Security Act," 88 Stat.  
2356 (1975), 42 U.S.C. 657, as amended.

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(5) The Department shall pay, with each payment made pursuant  
to this section, interest at the rate of six and one half per cent  
per annum, if the interest amount exceeds ten dollars.

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(6) To the extent permitted under federal law, receipt of a  
payment pursuant to this section shall not be treated as income to  
the recipient for purposes of determining eligibility for benefits  
from means-tested government administered programs, including Ohio  
Works First; Prevention, Retention, and Contingency; Food Stamps;  
Disability Assistance; or other assistance for which eligibility  
is based on income or assets.

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(D) The Department shall adopt internal management rules  
pursuant to section 111.15 of the Revised Code to govern the  
conduct of agency reviews under division (B) of this section. The  
Department shall adopt rules pursuant to Chapter 119. of the  
Revised Code governing the calculation and payment distributions  
pursuant to division (C) of this section.

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**Section 2.** The Director of Job and Family Services may 115  
deposit into Fund 5T2, Child Support Special Payment Fund, which 116  
is hereby created in the state treasury, up to \$30.6 million of 117  
earned federal funds that the state receives from the Food and 118  
Nutrition Service in the United States Department of Agriculture, 119  
for federal fiscal years 1997, 1998, 1999, and 2000, and up to 120  
\$10.0 million of quality control audit funds returned to the state 121  
by the United States Department of Health and Human Services. The 122  
funds deposited into Fund 5T2 are hereby appropriated to 123  
appropriation item 600-652, Child Support Special Payment, and 124  
shall be used in accordance with the provisions of this act, 125  
including the costs associated with conducting the case reviews. 126  
The Director of Job and Family Services shall determine when all 127  
payments required by this act have been made and notify the 128  
Director of Budget and Management, at which time the Director of 129  
Budget and Management shall transfer all remaining funds in Fund 130  
5T2 to the General Revenue Fund. 131

**Section 3.** The sections of law contained in this act, and the 132  
items of law of which they are composed, are not subject to the 133  
referendum. Therefore, under Ohio Constitution, Article II, 134  
Section 1d and section 1.471 of the Revised Code, sections of law 135  
contained in this act, and the items of law of which they are 136  
composed, go into immediate effect when this act becomes law. 137