



Ohio Administrative Code

Rule 5101:12-55-10.2 Administrative and court hearings for ownership interest in an account.

Effective: February 11, 2019

(A) After the child support enforcement agency (CSEA) issues a JFS 04050, "Financial Institution Account Access Restriction" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), the CSEA shall determine whether a person other than the obligor has an ownership interest in the account.

For purposes of this rule, the person other than the obligor who has an ownership interest in the account is referred to as a "joint account owner" and includes "another person," as described in paragraph (B) of this rule.

(B) When the CSEA determines that there is a joint account owner, the CSEA shall issue the JFS 04052, "Notice to Person, Other than Child Support Obligor, Having Ownership Interest in an Account" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), by first class mail to the joint account owner at an address for the joint account owner contained in the records of the financial institution.

When the address of the joint account owner is not contained in the records of the financial institution, the CSEA shall issue the JFS 04052 by first class mail to the joint account owner in care of another person whose address is contained in the records of the financial institution concerning the account.

(C) Administrative hearing procedures.

(1) Administrative hearing time frames.

(a) The joint account owner shall have fourteen days from the date the JFS 04052 is issued to object to the withdrawal directive by returning the JFS 04052 to the CSEA.

(b) When the joint account owner fails to return the JFS 04052 to the CSEA within the fourteen-day



timeframe, the CSEA shall issue the JFS 04055, "Financial Institution Account Withdrawal Directive" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), in accordance with rule 5101:12-55-10.3 of the Administrative Code.

(2) Conducting the administrative hearing.

(a) When the joint account owner returns the JFS 04052 to the CSEA within the fourteen-day timeframe, the CSEA shall:

(i) Issue the JFS 04053, "Notice of Administrative Hearing in Regard to Account Ownership" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), by first class mail to the joint account owner no later than five days before the date the administrative hearing is to be conducted; and

(ii) Conduct the administrative hearing no later than ten days after the date the joint account owner returns the JFS 04052 to the CSEA.

(b) At the administrative hearing, the CSEA shall:

(i) Permit the joint account owner to present testimony and evidence at the administrative hearing only in regard to the issue of whether any amount, and how much, if any, of the amount, contained in the account is the property of the joint account owner and should not be subject to the withdrawal directive; and

(ii) Determine whether any amount contained in the account is the property of the joint account owner.

(3) Administrative hearing determination.

(a) When the CSEA determines that the total amount of funds in the account is the property of the joint account owner, the CSEA shall:

(i) Issue the JFS 04054, "Notice of Determination on Amount of Ownership" (effective or revised



effective date as identified in rule 5101:12-55-99 of the Administrative Code), by first class mail to the joint account owner;

(ii) Issue the JFS 04051, "Financial Institution Account Full or Partial Release of Access Restriction" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), by first class mail to the financial institution in which the obligor's account is maintained, for a release on the account;

(iii) Issue a copy of the JFS 04051 by first class mail to the obligor; and

(iv) Take no further enforcement action on the account.

(b) When the CSEA determines that no amount of funds in the account is the property of the joint account owner, the CSEA shall:

(i) Issue the JFS 04054 by first class mail to the joint account owner; and

(ii) Wait fourteen days to allow the joint account owner to file a written motion with the court as described in paragraph (D)(1) of this rule.

When the joint account owner does not file a timely motion with the court, the CSEA shall issue the JFS 04055, in accordance with rule 5101:12-55-10.3 of the Administrative Code.

(c) When the CSEA determines that a partial amount of funds in the account is the property of the joint account owner, the CSEA shall:

(i) Determine that amount;

(ii) Issue the JFS 04054 by first class mail to the joint account owner;

(iii) Issue the JFS 04051 by first class mail to the financial institution in which the obligor's account is maintained, for a release on the amount of funds in the account that is the property of the joint account owner and take no further enforcement action on that amount;



(iv) Issue a copy of the JFS 04051 by first class mail to the obligor; and

(v) Wait fourteen days to allow the joint account owner to file a written motion with the court as described in paragraph (D)(1) of this rule.

When the joint account owner does not file a timely motion with the court, the CSEA shall issue the JFS 04055, in accordance with rule 5101:12-55-10.3 of the Administrative Code.

(D) Court hearing.

(1) In accordance with section 3123.34 of the Revised Code, the joint account owner has fourteen days after the CSEA makes its determination to file a written motion with the court of common pleas of the county served by the CSEA for a hearing to determine whether any amount contained in the account is the property of the joint account owner.

(2) When the joint account owner files a timely motion with the court, the court is required to hold a hearing on the request in accordance with section 3123.35 of the Revised Code.

(3) In accordance with section 3123.36 of the Revised Code, the court may order the financial institution to:

(a) Release the access restriction on the account and take no further enforcement action on the account;

(b) Release the access restriction on a partial amount of funds in the account and order the CSEA to take no further enforcement action on those funds; or

(c) Withdraw funds pursuant to a withdrawal directive, in accordance with section 3123.37 of the Revised Code.