



Ohio Administrative Code

Rule 5101:12-55-26 Suspension and reinstatement of license to practice law.

Effective: [May 1, 2023](#)

(A) In accordance with division (B) of section 4705.021 of the Revised Code, a child support enforcement agency (CSEA) may, as an enforcement technique, refer an obligor under a child support order who is licensed to practice law in the state of Ohio to the Ohio supreme court for suspension of a license to practice law.

(B) The CSEA may elect to submit an obligor to the Ohio supreme court to suspend, refuse, or deny to renew a license to practice law when:

(1) A court or agency has determined that an individual has failed to comply with a warrant or subpoena issued by a court or agency with respect to a proceeding to enforce a child support order, and the CSEA has issued a pre-suspension notice as outlined in paragraph (C) of this rule at least ten days prior to submission of an obligor to a licensing entity; or

(2) At least a ninety-day period has elapsed since a final and enforceable determination of default has been made and a JFS 04049, "Notice to Obligor of Default and Potential Action" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), has been issued to the obligor. Unless the obligor files a mistake of fact objection to the JFS 04049, the CSEA shall count at least ninety days from the most recent issuance of the JFS 04049. If the obligor objects, default is considered final and enforceable on the date established in a CSEA mistake of fact determination under section 3123.04 of the Revised Code or the court mistake of fact determination under section 3123.05 of the Revised Code. If the agency or court mistake of fact determination is silent as to the date of default, the CSEA shall use the date of issuance of the JFS 04049.

Additionally, the CSEA shall have issued a pre-suspension notice as outlined in paragraph (C) of this rule at least ten days prior to submission of an obligor to a licensing entity.

(C) The CSEA shall only send a pre-suspension notice when the CSEA determines that in the ninety-day period preceding a decision to issue a pre-suspension notice, the obligor has paid less than fifty per cent of the total monthly ordered obligation due for that ninety-day period, excluding any state or



federal tax offset amounts received during that ninety-day period. A "ninety-day period" includes the three full months preceding the month in which the CSEA is considering sending the pre-suspension notice.

When the CSEA elects to refer an obligor for the suspension of a license to practice law, the CSEA shall send to the obligor's last known address by ordinary, first class mail a JFS 07230, "Advance Notice to Suspend License to Practice Law" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code).

(D) When the CSEA elects to proceed with the referral for suspension, the CSEA shall:

(1) Ensure that at least ten days, but no more than ninety days have elapsed since the issuance of the pre-suspension notice as described in paragraph (C) of this rule. When more than ninety days have elapsed, a new notice shall be sent to the obligor if the CSEA still intends to submit an obligor for suspension; and

(2) Send to the secretary of the board of commissioners on grievances and discipline of the supreme court and to either the disciplinary counsel or the president, secretary, and chairperson of each certified grievance committee the following:

(a) A notice listing the name and social security number or other identification number of the obligor and requesting the suspension of the obligor's license to practice law; and

(b) A certified copy of the court or agency determination of default.

(E) License reinstatement

(1) The CSEA shall send a JFS 04042, "Notice to Reinstate/Reissue a License" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the secretary of the board of commissioners on grievances and discipline of the supreme court and to either the disciplinary counsel or the president, secretary, and chairperson of each certified grievance committee to which it sent a notice described in paragraph (C) of this rule, within seven days of one of the following:



- (a) There has been a determination that the obligor is no longer in default; or
- (b) The court or CSEA that issued a warrant or subpoena removes the warrant or determines that the obligor has complied with the subpoena in accordance with section 3123.46 of the Revised Code; or
- (c) The following occurs:
 - (i) The obligor pays the full arrears balance owed as of the date of the payment; or
 - (ii) When paragraph (E)(1)(c)(i) of this rule is not possible, the obligor presents evidence of employment or a financial institution account and the agency has confirmed said employment or financial institution account as described in paragraph (E)(2) of this rule; or
 - (iii) When paragraphs (E)(1)(c)(i) and (E)(1)(c)(ii) of this rule are not possible, the obligor presents evidence that the obligor is unable to work due to circumstances beyond the obligor's control and it is accepted as such by the agency; or
 - (iv) When paragraphs (E)(1)(c)(i) to (E)(1)(c)(iii) of this rule are not possible, the obligor complies with a written agreement to complete a family support program administered or approved by the agency, or a program that will establish compliance with a seek work order; or
 - (v) When paragraphs (E)(1)(c)(i) to (E)(1)(c)(iv) of this rule are not possible, the individual pays the balance of the total monthly obligation due for the ninety-day period preceding the date the agency sent the pre-suspension notice.

When the court made the determination of default, the CSEA shall include with the electronic notice or JFS 04042 a certified copy of the judgment entry reversing the determination of default.

(2) Confirming employment status or financial institution account information.

When the obligor requests reinstatement of a license based upon paragraph (E)(1)(c)(ii) of this rule, the CSEA shall proceed as follows:



(a) Upon receipt of evidence from the obligor of employment or of an account at a financial institution, the CSEA shall confirm the information provided and reinstate the obligor's license as described in paragraph (E) of this rule after an income withholding has been issued to that employer or financial institution.

(b) When information previously provided by the obligor, which resulted in a reinstatement under paragraph (E)(1)(c)(ii) of this rule did not result in a payment being received from that payor, any subsequent reinstatement requests based upon paragraph (E)(1)(c)(ii) of this rule shall only be granted once a payment has been received via withholding from the payor.

(c) When the CSEA determines that an obligor has a history of frequently changing employment or financial institution accounts, a reinstatement request based upon paragraph (E)(1)(c)(ii) of this rule shall only be granted once one full month's obligation has been received via withholding from the provided payor.

(3) When the CSEA determines that the referral for the suspension of a license to practice law was issued in error, the CSEA shall immediately issue a JFS 04038, "Notice of Correction of a License Suspension" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the secretary of the board of commissioners on grievances and discipline of the supreme court and to either the disciplinary counsel or the president, secretary, and chairperson of each certified grievance committee.

(F) The CSEA shall describe the procedures used to submit an obligor to the Ohio supreme court to suspend, refuse, or deny to renew a license to practice law and to reinstate a license to practice law in the CSEA's procedural manual.