



Ohio Administrative Code

Rule 5101:12-60-05.6 CSEA administrative adjustment hearing process.

Effective: February 11, 2019

(A) The child support enforcement agency (CSEA) shall schedule and conduct an administrative adjustment hearing in accordance with this rule when the CSEA determines that any party to the child support order has submitted a timely request for an administrative adjustment hearing.

(B) Any party may submit to the CSEA a written request for an administrative adjustment hearing to object to the recommendations contained in the JFS 07724, "Administrative Adjustment Recommendation" (effective or revised effective date as identified in rule 5101:12-45-99 of the Administrative Code).

(1) In accordance with division (B) of section 3119.63 of the Revised Code, when the order is a court support order, the request must be received by the CSEA within fourteen days after the JFS 07724 is issued.

(2) In accordance with division (A) of section 3119.61 of the Revised Code, when the order is an administrative child support order, the request must be received by the CSEA no later than fourteen days after the JFS 07724 is issued.

(C) The CSEA shall schedule the administrative adjustment hearing for a date no later than fifteen days after the date that the CSEA receives the request. No later than ten days before the hearing is conducted, the CSEA shall issue the JFS 07602, "Administrative Adjustment Hearing Notice" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to each party's last known address by ordinary mail.

(D) The CSEA may grant a request from any party to participate in the hearing via telephone in appropriate circumstances as determined by the CSEA.

(E) The administrative adjustment hearing shall be conducted by a licensed attorney or other qualified person designated by the CSEA director with significant training or experience in



conducting hearings that are subject to court review (hereafter both are referred to as "designee"). The designee shall not have been involved in the administrative adjustment recommendations being appealed. The designee shall not have contact with the parties about the case outside the hearing process.

(F) The CSEA representative who was involved in the administrative adjustment recommendation being appealed or other person designated by the CSEA who is familiar with the recommendation shall be available for the administrative adjustment hearing to explain the administrative adjustment recommendation, answer relevant questions, and provide appropriate documentation to support the administrative adjustment recommendation.

(G) The designee shall permit one request per party for postponement of the originally scheduled administrative adjustment hearing date. The request must be based on a valid reason, as determined by the CSEA, and received by the CSEA no later than seven days before the scheduled date.

(1) When the CSEA approves the request, the CSEA shall reschedule the administrative adjustment hearing within fifteen days of the original hearing date and issue the JFS 07633, "Rescheduling Administrative Adjustment Hearing Notice" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to each party, notifying the parties of the rescheduled date, time, and location of the administrative adjustment hearing.

(2) When the CSEA determines that no valid reason to postpone the administrative adjustment hearing has been presented by the party, the CSEA shall issue the JFS 01856, "Denial of Request to Reschedule Administrative Review and Adjustment Hearing" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to the requesting party.

(H) The CSEA may deny the request for an administrative adjustment hearing when:

(1) The request for an administrative adjustment hearing is not made by one of the parties or a party's authorized representative;

(2) The stated reason for requesting the hearing is unrelated to the administrative adjustment recommendation; or



(3) The request is untimely.

(I) When an administrative adjustment hearing request is denied, the CSEA shall issue a JFS 07728, "Denial of Request for an Administrative Adjustment Hearing " (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to each party by ordinary mail. The JFS 07728 shall indicate the reason(s) for the denial.

(J) At the administrative adjustment hearing, each party shall be given the opportunity to present evidence and testimony to support whether the CSEA correctly evaluated the information relevant to the review. Any party may bring a representative to the hearing. The designee may exclude any individual who does not have a valid interest in the proceedings as determined by the designee. The CSEA shall maintain a copy of all exhibits provided by the parties at the administrative adjustment hearing.

(K) In accordance with section 3123.21 of the Revised Code, an administrative hearing officer may consider evidence of household expenditures, income variables, extraordinary health care issues, and other reasons for a deviation from the twenty per cent presumption on the ordered payment on arrears.

(L) Within ten days of the administrative adjustment hearing, the CSEA shall issue the JFS 07770, "Administrative Adjustment Hearing Decision" effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to the last known address of each party by ordinary mail. The designee shall attach to the JFS 07770 findings of fact based upon the evidence presented at the hearing, relevant citations to the guidelines and other applicable law, a conclusion regarding the correctness of the administrative adjustment review recommendation under appeal, and a recommendation regarding the support obligations and medical support provisions.

(M) The JFS 07770 contains the following notices of the parties' rights to file for a court hearing to object to the administrative adjustment hearing decision:

(1) When the order is a court support order, the parties may file for a court hearing within fourteen days of the issuance date of the JFS 07770.



(2) When the order is an administrative child support order, the parties may, within fourteen days of issuance date of the JFS 07770, initiate an action under section 2151.231 of the Revised Code in the juvenile court or other court with jurisdiction under sections 2101.022 and 2301.03 of the Revised Code of the county in which the mother, father, child, guardian, or custodian of the child resides.

(N) Within fifteen days of receiving a request for or being notified of a court hearing, the CSEA shall submit the request, when applicable, the JFS 07724, the JFS 07770, and any attachments to the court. The CSEA's only requirement is to submit the documents to the court. The CSEA does not prepare the motion or represent any party at the hearing.

(O) The CSEA's legal representative shall primarily serve an administrative function rather than that of a legal advocate. When a legal challenge occurs at the court level and the CSEA is requested to appear, the CSEA shall present to the court the facts from the administrative adjustment review and hearing to assure that the guidelines were correctly applied and to explain the JFS 07724.