



H.B. 200

125th General Assembly
(As Introduced)

Rep. Willamowski

BILL SUMMARY

- Permits a child support enforcement agency (CSEA) to contract with the county sheriff to compensate the sheriff's office for successful service of process.
- Permits the CSEA to contract with a private person or entity to provide service of process for the agency.

CONTENT AND OPERATION

Background

The Child Support Reform Shareholders' Group was created in April 2001 with the purpose of assisting the state, counties, and child support partners in improving programs and delivery of quality services to all parents and their children. The Shareholders' Group's 41 members included parents, employers, representatives from advocacy associations, a professional payroll association, county director's association, members of the judiciary and legislature, county prosecutors and the Attorney General, administrators and staff of child support enforcement agencies, the federal Office of Child Support Enforcement, and other interested parties. In December 2002, after considering information provided in community forums held throughout the state, a consumer survey, feedback provided on the Shareholders' Groups website, and a survey of the counties, the Shareholders' Group submitted 28 recommendations to the Department of Job and Family Services. This bill encompasses one of those recommendations.

Contracts for service of process

(R.C. 3125.141)

The constitutional obligation to provide a defendant in judicial proceedings with proper notice and an opportunity to be heard is one component of the due

process limitation on a court's ability to exercise jurisdiction. In general, the defendant has been provided notice when he has received the set of papers known as "process." Process consists of a summons, which directs the defendant to appear before the court under penalty of default, and a copy of the complaint. For the court to have valid jurisdiction, process must have been properly served and the defendant must have been given sufficient notice of the pending action to satisfy due process. Rules governing methods of service, as well as who may be served and special rules governing out-of-state service and service by publication are set forth in the Ohio Rules of Civil Procedure.¹

The Ohio Department of Job and Family Services has also adopted a rule governing service of process for establishing and enforcing support obligations.² Criminal actions and court or administrative actions to establish paternity or support or bring civil contempt actions generally require personal service. Other notices may generally be served by ordinary first class mail. The rules require each local child support enforcement agency (CSEA) to make diligent efforts for services of process to determine the appropriate method of service, use the most time efficient means available to serve accomplishment within 30 days, continue to attempt service periodically if it is not initially accomplished, and document each service attempt.

The Shareholders' Group recommended that CSEAs implement performance-based contracts with county sheriffs and others to improve service of process. The rationale expressed in the Recommendations was that lack of successful service is a barrier to parentage and support order establishment and actions for contempt for failure to pay existing support obligations when the sheriff's office is unable to focus on child support activities due to staffing or other issues.

In providing for service of process of a notice or order required by the law governing parentage actions and the establishment and enforcement of support orders, and in accordance with the Rules of Civil Procedure that govern service of process, the bill permits a CSEA to contract with the sheriff of the county served by the CSEA to compensate the sheriff's office for successful service of process. The bill also permits a CSEA to contract with a private person or entity to provide service of process for the CSEA, but does not specify that compensation is dependent on successful service.

¹ *Civ. R. 4, 4.1, 4.2, 4.3, 4.4, 4.5, and 4.6.*

² *Ohio Administrative Code 5101:1-30-19.*

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-21-03	p. 499

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