

As Passed by the Senate

132nd General Assembly

Regular Session

2017-2018

Sub. S. B. No. 70

Senator Coley

Cosponsors: Senators Bacon, Eklund, Terhar, Beagle, Huffman, Burke, Hackett, Hite, Hoagland, Manning, O'Brien, Oelslager, Peterson, Sykes, Wilson

A BILL

To amend sections 2919.21, 3111.29, 3111.38, 1
3111.46, 3111.49, 3111.78, 3111.80, 3111.81, 2
3111.84, 3119.06, 3119.30, 3119.38, 3119.43, 3
3119.60, 3119.61, 3119.63, 3119.72, 3119.76, 4
3119.77, 3119.82, 3119.87, 3119.88, 3119.89, 5
3119.90, 3119.91, 3119.92, 3121.01, 3121.02, 6
3121.035, 3121.12, 3121.29, 3121.33, 3121.34, 7
3123.031, 3123.04, 3123.05, 3123.06, 3123.14, 8
3123.25, 3123.27, 3123.30, 3123.31, 3123.34, 9
3123.35, 3123.72, 3123.821, and 3123.822, to 10
enact sections 3111.801 and 3119.631 and to 11
repeal section 3121.11 of the Revised Code to 12
amend the child support laws. 13

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

Section 1. That sections 2919.21, 3111.29, 3111.38, 14
3111.46, 3111.49, 3111.78, 3111.80, 3111.81, 3111.84, 3119.06, 15
3119.30, 3119.38, 3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 16
3119.76, 3119.77, 3119.82, 3119.87, 3119.88, 3119.89, 3119.90, 17
3119.91, 3119.92, 3121.01, 3121.02, 3121.035, 3121.12, 3121.29, 18

3121.33, 3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 3123.14, 19
3123.25, 3123.27, 3123.30, 3123.31, 3123.34, 3123.35, 3123.72, 20
3123.821, and 3123.822 be amended and sections 3111.801 and 21
3119.631 of the Revised Code be enacted to read as follows: 22

Sec. 2919.21. (A) No person shall abandon, or fail to 23
provide adequate support to: 24

(1) The person's spouse, as required by law; 25

(2) The person's child who is under age eighteen, or 26
mentally or physically handicapped child who is under age 27
twenty-one; 28

(3) The person's aged or infirm parent or adoptive parent, 29
who from lack of ability and means is unable to provide 30
adequately for the parent's own support. 31

(B) (1) No person shall abandon, or fail to provide support 32
as established by a court order to, another person whom, by 33
court order or decree, the person ~~is~~: 34

(a) Is legally obligated to support; or 35

(b) Was legally obligated to support, and an amount for 36
support: 37

(i) Was due and owing prior to the date the person's duty 38
to pay current support terminated; and 39

(ii) Remains unpaid. 40

(2) The period of limitation under section 2901.13 of the 41
Revised Code applicable to division (B)(1)(b) of this section 42
shall begin to run on the date the person's duty to pay current 43
support terminates. 44

(C) No person shall aid, abet, induce, cause, encourage, 45

or contribute to a child or a ward of the juvenile court 46
becoming a dependent child, as defined in section 2151.04 of the 47
Revised Code, or a neglected child, as defined in section 48
2151.03 of the Revised Code. 49

(D) It is an affirmative defense to a charge of failure to 50
provide adequate support under division (A) of this section or a 51
charge of failure to provide support established by a court 52
order under division (B) of this section that the accused was 53
unable to provide adequate support or the established support 54
but did provide the support that was within the accused's 55
ability and means. 56

(E) It is an affirmative defense to a charge under 57
division (A)(3) of this section that the parent abandoned the 58
accused or failed to support the accused as required by law, 59
while the accused was under age eighteen, or was mentally or 60
physically handicapped and under age twenty-one. 61

(F) It is not a defense to a charge under division (B) of 62
this section that the person whom a court has ordered the 63
accused to support is being adequately supported by someone 64
other than the accused. 65

(G) (1) Except as otherwise provided in this division, 66
whoever violates division (A) or (B) of this section is guilty 67
of nonsupport of dependents, a misdemeanor of the first degree. 68
If the offender previously has been convicted of or pleaded 69
guilty to a violation of division (A)(2) or (B) of this section 70
or if the offender has failed to provide support under division 71
(A)(2) or (B) of this section for a total accumulated period of 72
twenty-six weeks out of one hundred four consecutive weeks, 73
whether or not the twenty-six weeks were consecutive, then a 74
violation of division (A)(2) or (B) of this section is a felony 75

of the fifth degree. If the offender previously has been 76
convicted of or pleaded guilty to a felony violation of this 77
section, a violation of division (A) (2) or (B) of this section 78
is a felony of the fourth degree. 79

If the violation of division (A) or (B) of this section is 80
a felony, all of the following apply to the sentencing of the 81
offender: 82

(a) Except as otherwise provided in division (G) (1) (b) of 83
this section, the court in imposing sentence on the offender 84
shall first consider placing the offender on one or more 85
community control sanctions under section 2929.16, 2929.17, or 86
2929.18 of the Revised Code, with an emphasis under the 87
sanctions on intervention for nonsupport, obtaining or 88
maintaining employment, or another related condition. 89

(b) The preference for placement on community control 90
sanctions described in division (G) (1) (a) of this section does 91
not apply to any offender to whom one or more of the following 92
applies: 93

(i) The court determines that the imposition of a prison 94
term on the offender is consistent with the purposes and 95
principles of sentencing set forth in section 2929.11 of the 96
Revised Code. 97

(ii) The offender previously was convicted of or pleaded 98
guilty to a violation of this section that was a felony, and the 99
offender was sentenced to a prison term for that violation. 100

(iii) The offender previously was convicted of or pleaded 101
guilty to a violation of this section that was a felony, the 102
offender was sentenced to one or more community control 103
sanctions of a type described in division (G) (1) (a) of this 104

section for that violation, and the offender failed to comply 105
with the conditions of any of those community control sanctions. 106

(2) If the offender is guilty of nonsupport of dependents 107
by reason of failing to provide support to the offender's child 108
as required by a child support order issued on or after April 109
15, 1985, pursuant to section 2151.23, 2151.231, 2151.232, 110
2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, 111
or former section 3115.31 of the Revised Code, the court, in 112
addition to any other sentence imposed, shall assess all court 113
costs arising out of the charge against the person and require 114
the person to pay any reasonable attorney's fees of any adverse 115
party other than the state, as determined by the court, that 116
arose in relation to the charge. 117

(3) Whoever violates division (C) of this section is 118
guilty of contributing to the nonsupport of dependents, a 119
misdemeanor of the first degree. Each day of violation of 120
division (C) of this section is a separate offense. 121

Sec. 3111.29. Once an acknowledgment of paternity becomes 122
final under section 3111.25 of the Revised Code, the mother or 123
other custodian or guardian of the child may ~~file~~ do either of 124
the following: 125

(A) File a complaint pursuant to section 2151.231 of the 126
Revised Code in the juvenile court or other court with 127
jurisdiction under section 2101.022 or 2301.03 of the Revised 128
Code of the county in which the child or the guardian or legal 129
custodian of the child resides requesting that the court order 130
the father or mother to pay an amount for the support of the 131
child, ~~may contact~~; 132

(B) Contact the child support enforcement agency for 133

assistance in obtaining ~~the order, or may request that an~~ 134
~~administrative officer of a child support enforcement agency~~ 135
~~issue an administrative order for the payment of child support~~ 136
~~pursuant to section 3111.81 of the Revised Code~~ a child support 137
order as defined in section 3119.01 of the Revised Code. 138

Sec. 3111.38. At the request of a person described in 139
division (A) of section 3111.04 of the Revised Code, the child 140
support enforcement agency of the county in which a child 141
resides or in which the guardian or legal custodian of the child 142
resides shall determine the existence or nonexistence of a 143
parent and child relationship between an alleged father and the 144
child if an application for services administered under Title 145
IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 146
U.S.C. 651, as amended, or other IV-D referral has been 147
completed and filed. 148

Sec. 3111.46. On receipt of the genetic test results, the 149
administrative officer shall do one of the following: 150

~~(A) If (1) Except as provided in division (A) (2) of this~~ 151
~~section, if the results of the genetic testing show a ninety-~~ 152
~~nine per cent or greater probability that the alleged father is~~ 153
~~the natural father of the child, the administrative officer of~~ 154
~~the agency shall issue an administrative order that the alleged~~ 155
~~father is the father of the child who is the subject of the~~ 156
~~proceeding.~~ 157

(2) If identical siblings are named as the alleged father 158
under division (A) (1) of this section, the administrative 159
officer shall refer the case to the court and shall not issue an 160
administrative order deciding the paternity of the child who is 161
the subject of the proceeding. 162

(B) If the results of genetic testing show less than a 163
ninety-nine per cent probability that the alleged father is the 164
natural father of the child, the administrative officer shall 165
issue an administrative order that the alleged father is not the 166
father of the child who is the subject of the proceeding. 167

An order issued pursuant to this section shall be sent to 168
parties in accordance with the Civil Rule governing service and 169
filing of pleadings and other papers subsequent to the original 170
complaint. 171

Sec. 3111.49. The mother, alleged father, and guardian or 172
legal custodian of a child may object to an administrative order 173
determining the existence or nonexistence of a parent and child 174
relationship by bringing, within ~~thirty-fourteen~~ days after the 175
date the administrative officer issues the order, an action 176
under sections 3111.01 to 3111.18 of the Revised Code in the 177
juvenile court or other court with jurisdiction under section 178
2101.022 or 2301.03 of the Revised Code in the county in which 179
the child support enforcement agency that employs the 180
administrative officer who issued the order is located. If the 181
action is not brought within the ~~thirty-day-fourteen-day~~ period, 182
the administrative order is final and enforceable by a court and 183
may not be challenged in an action or proceeding under Chapter 184
3111. of the Revised Code. 185

Sec. 3111.78. A parent, guardian, or legal custodian of a 186
child, the person with whom the child resides, or the child 187
support enforcement agency of the county in which the child, 188
parent, guardian, or legal custodian of the child resides may do 189
either of the following to require a man to pay support and 190
provide for the health care needs of the child if the man is 191
presumed to be the natural father of the child under section 192

3111.03 of the Revised Code: 193

(A) If the presumption is not based on an acknowledgment 194
of paternity, file a complaint pursuant to section 2151.231 of 195
the Revised Code in the juvenile court or other court with 196
jurisdiction under section 2101.022 or 2301.03 of the Revised 197
Code of the county in which the child, parent, guardian, or 198
legal custodian resides; 199

~~(B) Ask an administrative officer of a child support 200
enforcement agency to issue an administrative order pursuant to 201
section 3111.81 of the Revised Code; 202~~

~~(C) Contact a child support enforcement agency for to 203
request assistance in obtaining an order for support and the 204
provision of health care for the child. 205~~

Sec. 3111.80. ~~If a request for issuance of an 206
administrative support order is made under section 3111.29 or 207
3111.78 of the Revised Code or an administrative officer issues 208
an administrative order determining the existence of a parent 209
and child relationship under section 3111.46 of the Revised 210
Code, the (A) An administrative officer shall schedule an 211
administrative hearing to determine, in accordance with Chapters 212
3119. and 3121. of the Revised Code, the amount of child support 213
any parent is required to pay, the method of payment of child 214
support, and the method of providing for the child's health care 215
if an application for services administered under Title IV-D of 216
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, 217
as amended, or other IV-D referral, has been completed and filed 218
and one of the following applies: 219~~

(1) An administrative officer has issued an administrative 220
order determining the existence of a parent and child 221

relationship under section 3111.46 of the Revised Code; 222

(2) A presumption of paternity exists under section 223
3111.03 of the Revised Code; 224

(3) A duty of support otherwise exists under section 225
3103.031 or Chapter 3115. of the Revised Code. 226

The administrative hearing shall be conducted by an 227
administrative officer assigned by the child support enforcement 228
agency. 229

(B) The administrative officer shall send ~~the mother and~~ 230
~~the father~~ each of the ~~child~~ child's parents notice of the date, 231
time, place, and purpose of the administrative hearing. With 232
respect to an administrative hearing scheduled pursuant to an 233
administrative order determining, pursuant to section 3111.46 of 234
the Revised Code, the existence of a parent and child 235
relationship, the officer shall attach the notice of the 236
administrative hearing to the order and send it in accordance 237
with that section. The notice shall include the request 238
described in section 3111.801 of the Revised Code and state that 239
if either parent fails to comply with a request for information 240
in accordance with that section, the agency is permitted to make 241
reasonable assumptions regarding the information that either 242
parent failed to provide, and the agency shall proceed with the 243
determination of support in the same manner as if all requested 244
information had been provided. The Rules of Civil Procedure 245
shall apply regarding the sending of the notice and any summons 246
related to the hearing, except to the extent ~~the civil~~ rules, by 247
their nature, are clearly inapplicable and except that 248
references in the ~~civil~~ rules to the court or the clerk of the 249
court shall be construed as being references to the ~~child~~ 250
~~support enforcement~~ agency or the administrative officer. 251

(C) The hearing shall be held ~~no~~not later than sixty days 252
after the request is made under section 3111.29 or 3111.78 of 253
the Revised Code or an administrative officer issues an 254
administrative order determining the existence of a parent and 255
child relationship under section 3111.46 of the Revised Code 256
Title IV-D application is submitted to or the Title IV-D 257
referral is received by the agency or after the issuance of an 258
order determining the existence of a parent and child 259
relationship. The hearing shall ~~not~~be held not earlier than 260
thirty days after the officer gives the mother and father each 261
parent notice of the hearing. 262

(D) If either parent fails to comply with a request for 263
information in accordance with section 3111.801 of the Revised 264
Code, the agency may do either of the following: 265

(1) Proceed in accordance with division (A)(1) of section 266
3119.72 of the Revised Code; 267

(2) Make reasonable assumptions regarding the information 268
the parent failed to provide and proceed with the determination 269
of support in the same manner as if all requested information 270
had been provided. 271

Sec. 3111.801. If an administrative officer schedules an 272
administrative support hearing in accordance with section 273
3111.80 of the Revised Code, the administrative officer shall 274
include in the notice described in section 3111.80 of the 275
Revised Code a request that each parent provide the child 276
support enforcement agency, not later than the date scheduled 277
for formally beginning the administrative hearing, all of the 278
following: 279

(A) A copy of each parent's most recently filed federal 280

<u>income tax return and all supporting schedules and documents;</u>	281
<u>(B) A copy of all pay stubs obtained by each parent within</u>	282
<u>the immediately preceding six months;</u>	283
<u>(C) A copy of all other records evidencing the receipt of</u>	284
<u>any other salary, wages, or compensation by each parent within</u>	285
<u>the immediately preceding six months;</u>	286
<u>(D) A list of the group health insurance and health care</u>	287
<u>policies, contracts, and plans available to each parent and</u>	288
<u>their costs;</u>	289
<u>(E) The current health insurance or health care policy,</u>	290
<u>contract, or plan under which each parent is enrolled and its</u>	291
<u>cost;</u>	292
<u>(F) If either parent is a member of the uniformed services</u>	293
<u>and is on active military duty, a copy of the parent's leave and</u>	294
<u>earnings statement;</u>	295
<u>(G) Any other information necessary to properly establish</u>	296
<u>the child support order.</u>	297
Sec. 3111.81. After the hearing under section 3111.80 of	298
the Revised Code is completed, the administrative officer may	299
issue an administrative order for the payment of support and	300
provision for the child's health care. <u>The order shall take</u>	301
<u>effect fourteen days after the order is issued.</u> The order shall	302
do all of the following <u>in accordance with Chapters 3119. and</u>	303
<u>3121. of the Revised Code:</u>	304
(A) Require periodic payments of support that may vary in	305
amount, except that, if it is in the best interest of the child,	306
the administrative officer may order the purchase of an annuity	307
in lieu of periodic payments of support if the purchase	308

agreement provides that any remaining principal will be 309
transferred to the ownership and control of the child on the 310
child's attainment of the age of majority; 311

(B) Require the parents to provide for the health care 312
needs of the child in accordance with sections 3119.29 to 313
3119.56 of the Revised Code; 314

(C) Include a notice that contains the information 315
described in section 3111.84 of the Revised Code informing the 316
~~mother and the father of~~ parents that the administrative order 317
is final and enforceable fourteen days after the order is issued 318
and that they have the right to object to the order by bringing 319
an action for the payment of support and provision of the 320
child's health care under section 2151.231 of the Revised Code 321
~~and the effect of a failure to timely bring the action.~~ 322

Sec. 3111.84. ~~The mother or father~~ Either parent of a 323
child who is the subject of an administrative support order may 324
object to the order by bringing an action for the payment of 325
support and provision for the child's health care under section 326
2151.231 of the Revised Code in the juvenile court or other 327
court with jurisdiction under section 2101.022 or 2301.03 of the 328
Revised Code of the county in which the child support 329
enforcement agency that ~~employs the administrative officer~~ 330
issues the order is located. The action shall be brought not 331
later than ~~thirty-fourteen~~ days after the date of the issuance 332
of the administrative support order. ~~If neither the mother nor~~ 333
~~the father brings an action for the payment of support and~~ 334
~~provision for the child's health care within that thirty-day~~ 335
~~period, the~~ The administrative support order shall remain in 336
effect during the pendency of the objection unless a party 337
requests and is granted a stay by the court. The administrative 338

support order is final and enforceable by a court or child 339
support enforcement agency fourteen days after the order is 340
issued and may be modified only as provided in Chapters 3119., 341
3121., and 3123. of the Revised Code. 342

Sec. 3119.06. (A) Except as otherwise provided in this 343
section, in any action in which a court issues or modifies a 344
child support order or in any other proceeding in which a court 345
determines the amount of child support to be paid pursuant to a 346
child support order, the court shall issue a minimum child 347
support order requiring the obligor to pay a minimum of fifty 348
dollars a month. The court, in its discretion and in appropriate 349
circumstances, may issue a minimum child support order requiring 350
the obligor to pay less than fifty dollars a month or not 351
requiring the obligor to pay an amount for support. The 352
circumstances under which a court may issue such an order 353
include the nonresidential parent's medically verified or 354
documented physical or mental disability or institutionalization 355
in a facility for persons with a mental illness or any other 356
circumstances considered appropriate by the court. 357

If a court issues a minimum child support order pursuant 358
to this section and the obligor under the support order is the 359
recipient of ~~need-based~~ means-tested public assistance, any 360
unpaid amounts of support due under the support order shall 361
accrue as arrearages from month to month, and the obligor's 362
current obligation to pay the support due under the support 363
order is suspended during any period of time that the obligor is 364
receiving ~~need-based~~ means-tested public assistance and is 365
complying with any seek work orders issued pursuant to section 366
3121.03 of the Revised Code. The court, obligee, and child 367
support enforcement agency shall not enforce the obligation of 368
the obligor to pay the amount of support due under the support 369

order while the obligor is receiving ~~need based means-tested~~ 370
public assistance and is complying with any seek work orders 371
issued pursuant to section 3121.03 of the Revised Code. 372

(B) As used in this section, "means-tested public 373
assistance" includes cash assistance payments under the Ohio 374
works first program established under Chapter 5107. of the 375
Revised Code, financial assistance under the disability 376
financial assistance program established under Chapter 5115. of 377
the Revised Code, supplemental security income, or means-tested 378
veterans' benefits. 379

Sec. 3119.30. (A) In any action or proceeding in which a 380
child support order is issued or modified, the court, with 381
respect to court child support orders, and the child support 382
enforcement agency, with respect to administrative child support 383
orders, shall determine the person or persons responsible for 384
the health care of the children subject to the child support 385
order and shall include provisions for the health care of the 386
children in the child support order. The order shall specify 387
that the obligor and obligee are both liable for the health care 388
of the children who are not covered by private health insurance 389
or cash medical support as calculated in accordance with section 390
3119.022 or 3119.023 of the Revised Code, as applicable. 391

(B) Based on information provided to the court or to the 392
child support enforcement agency under section 3119.31 of the 393
Revised Code, the order shall include one of the following: 394

(1) A requirement that both the obligor and the obligee 395
obtain private health insurance coverage for the children if 396
coverage is available for the children at a reasonable cost to 397
both the obligor and the obligee and dual coverage would provide 398
for coordination of medical benefits without unnecessary 399

duplication of coverage. 400

(2) A requirement that the obligee obtain private health 401
insurance coverage for the children if coverage is available 402
through any group policy, contract, or plan available to the 403
obligee and is available at a more reasonable cost than coverage 404
is available to the obligor; 405

(3) A requirement that the obligor obtain private health 406
insurance coverage for the children if coverage is available 407
through any group policy, contract, or plan available to the 408
obligor at a more reasonable cost than coverage is available to 409
the obligee; 410

(4) If health insurance coverage for the children is not 411
available at a reasonable cost to the obligor or the obligee at 412
the time the court or child enforcement agency issues the order, 413
a requirement that the obligor or the obligee immediately inform 414
the child support enforcement agency that private health 415
insurance coverage for the children has become available to 416
either the obligor or obligee. The child support enforcement 417
agency shall determine if the private health insurance coverage 418
is available at a reasonable cost and if coverage is reasonable, 419
division (B) (2) or (3) shall apply, as applicable. 420

(C) When a child support order is issued or modified, and 421
the obligor's gross income is one hundred fifty per cent or more 422
of the federal poverty level for an individual, the order shall 423
include the amount of cash medical support to be paid by the 424
obligor that is either five per cent of the obligor's adjusted 425
gross income or the obligor's share of the United States 426
department of agriculture estimated annual health care 427
expenditure per child as determined in accordance with federal 428
law and regulation, whichever is the lower amount. The amount of 429

cash medical support paid by the obligor shall be paid during 430
any period after the court or child support enforcement agency 431
issues or modifies the order in which the children are not 432
covered by private health insurance. 433

(D) Any cash medical support paid pursuant to division (C) 434
of this section shall be paid by the obligor to either the 435
obligee if the children are not ~~Medicaid~~ medicaid recipients, or 436
to the office of child support to defray the cost of ~~Medicaid~~ 437
medicaid expenditures if the children are ~~Medicaid~~ medicaid 438
recipients. The child support enforcement agency administering 439
the court or administrative order shall amend the amount of 440
monthly child support obligation to reflect the amount paid when 441
private health insurance is not provided, as calculated in the 442
current order pursuant to section 3119.022 or 3119.023 of the 443
Revised Code, as applicable. 444

The child support enforcement agency shall give the 445
obligor notice in accordance with Chapter 3121. of the Revised 446
Code and provide the obligor an opportunity ~~to be heard for an~~ 447
administrative hearing if the obligor believes there is a 448
mistake of fact regarding the availability of private health 449
insurance at a reasonable cost as determined under division (B) 450
of this section. The obligor shall file a written request for 451
the administrative hearing with the agency not later than 452
fourteen days after the notice is issued. 453

(E) The obligor shall begin payment of any cash medical 454
support on the first day of the month immediately following the 455
month in which private health insurance coverage is unavailable 456
or terminates and shall cease payment on the last day of the 457
month immediately preceding the month in which private health 458
insurance coverage begins or resumes. During the period when 459

cash medical support is required to be paid, the obligor or 460
obligee must immediately inform the child support enforcement 461
agency that health insurance coverage for the children has 462
become available. 463

Sec. 3119.38. A person who receives a notice of medical 464
support enforcement activity under section 3119.35 of the 465
Revised Code may file a written request for an administrative 466
hearing with the child support enforcement agency that issued ~~it~~ 467
~~regarding the notice. The hearing shall address~~ whether a 468
mistake of fact was made in the national medical support notice 469
referred to in the notice ~~of medical support enforcement~~ 470
~~activity~~ issued by the agency. The request must be filed not 471
later than ~~seven business~~ fourteen days after the date on which 472
the notice of medical support enforcement activity is sent. 473

If the person makes a timely request, the agency shall 474
conduct ~~an~~ the administrative hearing not later than ten days 475
after the date on which the person files the request for the 476
hearing. Not later than five days before the date on which the 477
hearing is to be conducted, the agency shall send the person and 478
any other individual the agency determines appropriate written 479
notice of the date, time, place, and purpose of the hearing. The 480
notice to the person and any other appropriate individual also 481
shall indicate that the person may present testimony and 482
evidence at the hearing only in regard to the issue of whether a 483
mistake of fact has been made in the national medical support 484
notice. 485

At the hearing, the agency shall determine whether there 486
is a mistake of fact in the national medical support notice. The 487
agency shall send its determination to the person. That agency's 488
determination is final unless, within ~~seven business~~ fourteen 489

days after the agency ~~makes issues~~ its determination, the person 490
files a written motion with the court for a hearing to determine 491
whether there is still a mistake of fact in the national medical 492
support notice. 493

If an agency's determination becomes final under this 494
section, the agency shall take further action as required by 495
section 3119.41 of the Revised Code. 496

Sec. 3119.43. If the person required to obtain health 497
insurance coverage pursuant to a child support order issued in 498
accordance with section 3119.30 of the Revised Code does not 499
obtain the required coverage within thirty days after the order 500
is issued, the child support enforcement agency ~~shall~~ may notify 501
the court that issued the court child support order or, with 502
respect to an administrative child support order, the court of 503
common pleas of the county in which the agency is located, in 504
writing of the failure of the person to comply with the child 505
support order. The court may punish the person for contempt 506
under Chapter 2705. of the Revised Code for the failure. 507

Sec. 3119.60. If a child support enforcement agency, 508
periodically or on request of ~~an obligor or obligee~~ either 509
parent, plans to review a child support order in accordance with 510
the rules adopted pursuant to section 3119.76 of the Revised 511
Code or otherwise plans to review a child support order, ~~it~~ and 512
if an application for services administered under Title IV-D of 513
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, 514
as amended, has been completed and filed, the agency shall do 515
all of the following prior to formally beginning the review: 516

(A) Establish a date certain on which the review will 517
formally begin; 518

(B) Except as otherwise provided in section 3119.771 of 519
the Revised Code, at least ~~forty five~~thirty days before 520
formally beginning the review, ~~send the obligor and the obligee~~ 521
each parent notice by ordinary mail of the planned review and, 522
of the date when the review will formally begin, and that the 523
review may add or adjust a payment on arrearages in accordance 524
with section 3123.21 of the Revised Code; 525

(C) ~~(1)~~ Request ~~the obligor~~ each parent to provide the 526
agency, no later than the scheduled date for formally beginning 527
the review, with all of the following: 528

~~(a)~~ (1) A copy of ~~the obligor's~~ each parent's federal 529
income tax return and all supporting schedules and documents 530
from the previous year; 531

~~(b)~~ (2) A copy of all pay stubs obtained by ~~the obligor~~ 532
each parent within the preceding six months; 533

~~(c)~~ (3) A copy of all other records evidencing the receipt 534
of any other salary, wages, or compensation by ~~the obligor~~ each 535
parent within the preceding six months; 536

~~(d)~~ (4) A list of the group health insurance and health 537
care policies, contracts, and plans available to ~~the obligor~~ 538
each parent and their costs; 539

~~(e)~~ (5) The current health insurance or health care 540
policy, contract, or plan under which ~~the obligor~~ each parent is 541
enrolled and its cost; 542

~~(f)~~ (6) If ~~the obligor~~ either parent is a member of the 543
uniformed services and is on active military duty, a copy of the 544
~~obligor's Internal Revenue Service form W-2, "Wage and Tax~~ 545
~~Statement," and a copy of a parent's leave and earnings~~ 546
~~statement detailing the obligor's earnings and leave with the~~ 547

uniformed services;	548
(g) (7) Any other information necessary to properly review the child support order.	549 550
(2) Request the obligee to provide the agency, no later than the scheduled date for formally beginning the review, with all of the following:	551 552 553
(a) A copy of the obligee's federal income tax return from the previous year;	554 555
(b) A copy of all pay stubs obtained by the obligee within the preceding six months;	556 557
(c) A copy of all other records evidencing the receipt of any other salary, wages, or compensation by the obligee within the preceding six months;	558 559 560
(d) A list of the group health insurance and health care policies, contracts, and plans, including the tricare program offered by the United States department of defense, available to the obligee and their costs;	561 562 563 564
(e) The current health insurance or health care policy, contract, or plan under which the obligee is enrolled and its cost;	565 566 567
(f) Any other information necessary to properly review the child support order.	568 569
(D) Include in the notice sent pursuant to division (B) of this section, one of the following:	570 571
(1) If the child support order being reviewed is a court child support order, a notice that a willful failure to provide the documents and other information requested pursuant to	572 573 574

division (C) of this section is contempt of court and that the 575
agency may proceed with the review and make reasonable 576
assumptions with respect to the information that was not 577
provided, in accordance with section 3119.72 of the Revised 578
Code; 579

(2) If the child support order being reviewed is an 580
administrative child support order, a notice that if either ~~the~~ 581
~~obligor or obligee~~ parent fails to comply with the request for 582
information, the agency may ~~bring an action under section~~ 583
~~3119.72 of the Revised Code requesting that the court find the~~ 584
~~obligor and the obligee in contempt pursuant to section 2705.02~~ 585
~~of the Revised Code~~ make reasonable assumptions with respect to 586
the information that was not provided, in accordance with 587
section 3119.72 of the Revised Code. 588

Sec. 3119.61. The child support enforcement agency shall 589
review an administrative child support order on the date 590
established pursuant to section 3119.60 of the Revised Code for 591
formally beginning the review of the order. If the agency 592
determines that ~~a modification an adjustment~~ is necessary and in 593
the best interest of the child subject to the order, the agency 594
shall calculate the amount the obligor shall pay in accordance 595
with section 3119.021 of the Revised Code and may add or adjust 596
payment on arrearages in accordance with section 3123.21 of the 597
Revised Code. The agency may not grant a deviation pursuant to 598
section 3119.23 of the Revised Code from the guidelines set 599
forth in section 3119.021 of the Revised Code. If the agency can 600
set the child support the obligor is to pay without granting 601
such a deviation from the guidelines, the agency shall do the 602
following: 603

(A) Give the obligor and obligee notice, by ordinary mail, 604

of the revised amount of child support to be paid under the 605
administrative child support order, of their right to request an 606
administrative hearing on the revised child support amount, of 607
the procedures and time deadlines for requesting the hearing, 608
and that the agency will modify the administrative child support 609
order to include the revised child support amount unless the 610
obligor or obligee requests an administrative hearing on the 611
revised amount no later than ~~thirty-fourteen~~ days after receipt- 612
~~of the~~ notice under this division is issued; 613

(B) If neither the obligor nor obligee timely requests an 614
administrative hearing on the revised amount of child support, 615
modify the administrative child support order to include the 616
revised child support amount; 617

(C) If the obligor or obligee timely requests an 618
administrative hearing on the revised amount of child support, 619
do all of the following: 620

(1) Schedule a hearing on the issue; 621

(2) Give the obligor and obligee notice of the date, time, 622
and location of the hearing; 623

(3) Conduct the hearing in accordance with the rules 624
adopted under section 3119.76 of the Revised Code; 625

(4) Redetermine at the hearing ~~a revised amount of child~~ 626
~~support to be paid obligations~~ under the administrative child 627
support order, including adding or adjusting a payment on 628
arrearages in accordance with section 3123.21 of the Revised 629
Code; 630

(5) Modify the order to include the revised amount of 631
child support; 632

(6) Give notice, by ordinary mail, to the obligor and 633
obligee of the amount of child support to be paid under the 634
order and that the obligor and obligee may object to the 635
modified order by initiating an action under section 2151.231 of 636
the Revised Code in the juvenile court or other court with 637
jurisdiction under section 2101.022 or 2301.03 of the Revised 638
Code of the county in which the ~~mother, the father, the child,~~ 639
~~or the guardian or custodian of the child reside~~ agency that 640
issued the order is located. 641

Except as otherwise provided in section 3119.772 of the 642
Revised Code, if the agency modifies an existing administrative 643
child support order, the modification shall relate back to the 644
first day of the month following the date certain on which the 645
review began under section 3119.60 of the Revised Code. 646

If the agency cannot set the amount of child support the 647
obligor will pay under the administrative child support order 648
without granting a deviation pursuant to section 3119.23 of the 649
Revised Code, the agency shall bring an action under section 650
2151.231 of the Revised Code ~~on behalf of the person who~~ 651
~~requested that the agency review the existing administrative~~ 652
~~order or, if no one requested the review, on behalf of the~~ 653
~~obligee,~~ in the juvenile court or other court with jurisdiction 654
under section 2101.022 or 2301.03 of the Revised Code of the 655
county in which the agency is located requesting that the court 656
issue a child support order. 657

Sec. 3119.63. The child support enforcement agency shall 658
review a court child support order on the date established 659
pursuant to section 3119.60 of the Revised Code for formally 660
beginning the review of the order and shall do all of the 661
following: 662

(A) Calculate a revised ~~amount of child support to be paid~~ 663
child support computation worksheet and issue a child support 664
recommendation under the court child support order, including 665
adding or adjusting a payment on arrearages in accordance with 666
section 3123.21 of the Revised Code; 667

(B) Give the obligor and obligee notice, by ordinary mail, 668
of the revised amount of child support, of their right to 669
request an administrative hearing on the revised amount, of the 670
procedures and time deadlines for requesting the hearing, and 671
that the revised amount of child support will be submitted to 672
the court for inclusion in a revised court child support order 673
unless the obligor or obligee requests an administrative hearing 674
on the proposed change within fourteen days after ~~receipt of the~~ 675
notice under this division is issued; 676

(C) Give the obligor and obligee notice, by ordinary mail, 677
that if the court child support order contains a deviation 678
granted under section 3119.23 or 3119.24 of the Revised Code or 679
if the obligor or obligee intends to request a deviation from 680
the child support amount to be paid under the court child 681
support order, the obligor and obligee have a right to request a 682
court hearing on the revised amount of child support without 683
first requesting an administrative hearing and that the obligor 684
or obligee, in order to exercise this right, must make the 685
request for a court hearing no later than fourteen days after 686
~~receipt of the notice~~ is issued; 687

(D) If neither the obligor nor the obligee timely 688
requests, pursuant to division (C) of this section, an 689
administrative or court hearing on the revised amount of child 690
support, submit the revised amount of child support to the court 691
for inclusion in a revised court child support order; 692

(E) If the obligor or the obligee timely requests an administrative hearing on the revised child support amount, schedule a hearing on the issue, give the obligor and obligee notice of the date, time, and location of the hearing, conduct the hearing in accordance with the rules adopted under section 3119.76 of the Revised Code, ~~redetermine and determine~~ determine at the hearing ~~a revised amount of child support to be paid obligations~~ under the court child support order, ~~and including adding or adjusting a payment on arrearages in accordance with section 3123.21 of the Revised Code.~~

(F) If an agency determines revised support obligations under division (E) of this section, give notice to the obligor and obligee of the revised amount of child support, that they may request a court hearing on the revised amount within fourteen days after notice of the revised amount is issued, and that the agency will submit the revised amount of child support to the court for inclusion in a revised court child support order, if neither the obligor nor the obligee requests a court hearing on the revised amount of child support;

~~(F)~~ (G) If neither the obligor nor the obligee requests, pursuant to division ~~(E)~~ (F) of this section, a court hearing on the revised amount of child support, submit the revised amount of child support to the court for inclusion in a revised court child support order.

Sec. 3119.631. Upon submission of a recommendation under section 3119.63 of the Revised Code for inclusion in a revised court child support order, the court shall only reconsider the allocation of the federal income tax deduction pursuant to section 3119.82 of the Revised Code if a party files a request for a hearing on the matter.

Sec. 3119.72. ~~(A) If either the obligor or the obligee-~~ 723
~~parent~~ fails to comply with a request for information made 724
pursuant to section 3111.801 or division (C) of section 3119.60 725
of the Revised Code, ~~one of the following applies:~~ 726

~~(A) If the child support order being reviewed is a court-~~ 727
~~child support order, failure to comply with a request for-~~ 728
~~information is contempt of court, and the child support~~ 729
enforcement agency ~~shall notify the court of the failure to-~~ 730
~~comply with the request for information. The agency may request-~~ 731
do either of the following: 732

(1) Request the court of appropriate jurisdiction of the 733
county in which the agency is located to issue an order 734
~~requiring the obligor or the obligee~~ the parent to provide the 735
information as requested ~~or take whatever action is necessary to-~~ 736
~~obtain the information and make~~; 737

(2) Make any reasonable assumptions necessary with respect 738
to the information the ~~person in contempt of court~~ parent did 739
not provide to ensure a fair and equitable review of the child 740
support order or establishment of an administrative order under 741
section 3111.81 of the Revised Code. 742

~~(B) If the child support order being reviewed is an-~~ 743
~~administrative child support order, the agency may request that-~~ 744
~~the court of common pleas of the county in which the agency is-~~ 745
~~located issue an order requiring the obligor or obligee to-~~ 746
~~comply with the agency's request for information. The agency may-~~ 747
~~request that the order require the obligor or obligee to provide-~~ 748
~~the necessary information or permit the agency to take whatever-~~ 749
~~action is necessary to obtain the information and make any-~~ 750
~~reasonable assumptions necessary with respect to the information-~~ 751
~~not provided to ensure a fair and equitable review of the-~~ 752

~~administrative child support order. An obligor or obligee who~~ 753
~~fails to comply with the court order is in contempt of court. If~~ 754
~~an obligor or obligee is in contempt of court, the agency may~~ 755
~~request the court to hold the person who failed to comply in~~ 756
~~contempt or to permit the agency to take whatever action is~~ 757
~~necessary to obtain information and make any reasonable~~ 758
~~assumptions necessary with respect to the income of the person~~ 759
~~who failed to comply with the request to ensure a fair and~~ 760
~~equitable review of the administrative child support order.~~ 761

If the agency decides to conduct the review of the child 762
support order, or issue an administrative order, based on 763
reasonable assumptions with respect to the information the 764
~~person in contempt of court~~ parent did not provide, it shall 765
proceed under section 3111.81, 3119.61, or 3119.63 of the 766
Revised Code in the same manner as if all requested information 767
has been received. 768

Sec. 3119.76. The director of job and family services 769
shall adopt rules pursuant to Chapter 119. of the Revised Code 770
establishing a procedure for determining when existing child 771
support orders should be reviewed to determine whether it is 772
necessary and in the best interest of the children who are the 773
subject of the child support order to change the child support 774
order. The rules shall include, but are not limited to, all of 775
the following: 776

(A) Any procedures necessary to comply with section 666(a) 777
(10) of Title 42 of the U.S. Code, "Family Support Act of 1988," 778
102 Stat. 2346, 42 U.S.C. 666(a)(10), as amended, and any 779
regulations adopted pursuant to, or to enforce, that section; 780

(B) Procedures for determining what child support orders 781
are to be subject to review upon the request of either the 782

obligor or the obligee or periodically by the child support 783
enforcement agency administering the child support order; 784

(C) Procedures for the child support enforcement agency to 785
periodically review and to review, upon the request of the 786
obligor or the obligee, any child support order that is subject 787
to review to determine whether the amount of child support paid 788
under the child support order should be adjusted in accordance 789
with the basic child support schedule set forth in section 790
3119.021 of the Revised Code or whether the provisions for the 791
child's health care needs under the child support order should 792
be modified in accordance with sections 3119.29 to 3119.56 of 793
the Revised Code; 794

(D) Procedures for giving obligors and obligees notice of 795
their right to request a review of a child support order that is 796
determined to be subject to review, notice of any proposed 797
revision of the amount of child support to be paid under the 798
child support order, notice of the procedures for requesting a 799
hearing on any proposed revision of the amount of child support 800
to be paid under a child support order, notice of any 801
administrative hearing to be held on a proposed revision of the 802
amount of child support to be paid under a child support order, 803
at least ~~forty-five~~ thirty days' prior notice of any review of 804
their child support order, ~~and notice that a failure to comply~~ 805
~~with any request for documents or information to be used in the~~ 806
~~review of a child support order is contempt of court;~~ 807

(E) Procedures for obtaining the necessary documents and 808
information necessary to review child support orders and for 809
holding administrative hearings on a proposed revision of the 810
amount of child support to be paid under a child support order; 811

(F) Procedures for adjusting child support orders in 812

accordance with the basic child support schedule set forth in 813
section 3119.021 of the Revised Code and the applicable 814
worksheet in section 3119.022 or 3119.023 of the Revised Code, 815
through the line establishing the actual annual obligation; 816

(G) Procedures for adjusting the provisions of the child 817
support order governing the health care needs of the child 818
pursuant to sections 3119.29 to 3119.56 of the Revised Code. 819

Sec. 3119.77. (A) As used in this section and sections 820
3119.771, 3119.772, and 3119.773 of the Revised Code: 821

(1) "Active military service" means the performance of 822
active military duty by a member of the uniformed services for a 823
period of more than thirty days. 824

(2) "Uniformed services" means any reserve components of 825
the armed forces of the United States or the Ohio organized 826
militia when engaged in full-time national guard duty for a 827
period of more than thirty days. 828

(B) An obligor who is called to active military service in 829
the uniformed services may request a review of a child support 830
order for the purpose of modification of the amount of support 831
required under the order. The request must be submitted to the 832
child support enforcement agency administering the order. 833

(C) An obligor who makes a request under division (B) of 834
this section must indicate that the reason for the modification 835
is the obligor's active military service and provide with the 836
request any orders or other appropriate documentation specifying 837
the commencement date of the obligor's active military service 838
and the monthly monetary compensation for that service. The 839
obligor also shall submit documentation on all other outside 840
income. 841

(D) The obligor may provide the child support enforcement 842
agency with a military power of attorney executed pursuant to 10 843
U.S.C. ~~10446~~1044b designating another individual to act in the 844
administrative review and modification on behalf of the obligor. 845
By designating another individual to so act on behalf of the 846
obligor, the obligor waives any right of an appearance and any 847
right to request a stay of the action or proceeding. 848

Sec. 3119.82. ~~Whenever~~ Except when including a revised 849
amount of child support in a revised child support order as 850
recommended pursuant to section 3119.63 of the Revised Code, 851
whenever a court issues, or whenever ~~it~~ a court modifies, 852
reviews, or otherwise reconsiders a court child support order, 853
~~it~~ or upon the request of any party, the court shall designate 854
which parent may claim the children who are the subject of the 855
court child support order as dependents for federal income tax 856
purposes as set forth in section 151 of the "Internal Revenue 857
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. If the 858
parties agree on which parent should claim the children as 859
dependents, the court shall designate that parent as the parent 860
who may claim the children. If the parties do not agree, the 861
court, in its order, may permit the parent who is not the 862
residential parent and legal custodian to claim the children as 863
dependents for federal income tax purposes only if the court 864
determines that this furthers the best interest of the children 865
and, with respect to orders the court modifies, reviews, or 866
reconsiders, the payments for child support are substantially 867
current as ordered by the court for the year in which the 868
children will be claimed as dependents. In cases in which the 869
parties do not agree which parent may claim the children as 870
dependents, the court shall consider, in making its 871
determination, any net tax savings, the relative financial 872

circumstances and needs of the parents and children, the amount 873
of time the children spend with each parent, the eligibility of 874
either or both parents for the federal earned income tax credit 875
or other state or federal tax credit, and any other relevant 876
factor concerning the best interest of the children. 877

If the court determines that the parent who is not the 878
residential parent and legal custodian may claim the children as 879
dependents for federal income tax purposes, it shall order the 880
residential parent to take whatever action is necessary pursuant 881
to section 152 of the "Internal Revenue Code of 1986," 100 Stat. 882
2085, 26 U.S.C. 1, as amended, to enable the parent who is not 883
the residential parent and legal custodian to claim the children 884
as dependents for federal income tax purposes in accordance with 885
the order of the court. Any willful failure of the residential 886
parent to comply with the order of the court is contempt of 887
court. 888

Sec. 3119.87. The parent who is the residential parent and 889
legal custodian of a child for whom a child support order is 890
issued or the person who otherwise has custody of a child for 891
whom a child support order is issued immediately shall notify, 892
and the obligor under a child support order may notify, the 893
child support enforcement agency administering the child support 894
order of any reason for which the child support order should 895
terminate. Nothing in this section shall preclude a person from 896
notifying the agency that a reason for which a child support 897
order should terminate is imminent. With respect to a court 898
child support order, a willful failure to notify the ~~child-~~ 899
~~support enforcement~~-agency as required by this division is 900
contempt of court. 901

Sec. 3119.88. (A) Reasons for which a child support order 902

should terminate through the administrative process under 903
section 3119.89 of the Revised Code include all of the 904
following: 905

~~(A)~~ (1) ~~The child's attainment of~~ child attains the age of 906
majority if the child no longer attends an accredited high 907
school on a full-time basis and the child support order requires 908
support to continue past the age of majority only if the child 909
continuously attends such a high school after attaining that 910
age; 911

~~(B)~~ (2) The child ~~ceasing~~ ceases to attend an accredited 912
high school on a full-time basis after attaining the age of 913
majority, if the child support order requires support to 914
continue past the age of majority only if the child continuously 915
attends such a high school after attaining that age; 916

~~(C)~~ (3) A termination condition specified in the court 917
child support order has been met for a child who reaches 918
nineteen years of age; 919

(4) The child's death; 920

~~(D)~~ (5) The child's marriage; 921

~~(E)~~ (6) The child's emancipation; 922

~~(F)~~ (7) The child's enlistment in the armed services; 923

~~(G)~~ (8) The child's deportation; 924

~~(H)~~ (9) Change of legal custody of the child; 925

(10) The child's adoption; 926

(11) The obligor's death; 927

(12) The grandparent to whom support is being paid or a 928
grandparent who is paying support reports that the grandparent's 929

support order should terminate as a result of one of the events 930
described in division (D) of section 3109.19 of the Revised 931
Code; 932

(13) Marriage of the obligor under a child support order 933
to the obligee, if the obligor and obligee reside together with 934
the child. 935

(B) A child support order may be terminated by the court 936
or child support enforcement agency for any reasons listed in 937
division (A) of this section. A court may also terminate an 938
order for any other appropriate reasons brought to the attention 939
of the court, unless otherwise prohibited by law. 940

Sec. 3119.89. (A) Upon receipt of a notice pursuant to 941
section 3119.87 of the Revised Code, the child support 942
enforcement agency administering a child support order, within 943
twenty days after receipt of the notice, shall complete an 944
investigation if an application for services under Title IV-D of 945
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, 946
as amended has been completed and filed. The agency 947
administering a child support order may conduct an investigation 948
upon its own initiative if it otherwise has reason to believe 949
that there may be a reason for which the order should terminate. 950
Nothing in sections 3119.86 to 3119.94 of the Revised Code shall 951
preclude the agency from initiating an investigation under this 952
section before a reason for which the order should terminate has 953
occurred. The agency's investigation shall determine the 954
following: 955

(1) Whether any reason exists for which the order should 956
terminate; 957

(2) Whether there are other children subject to the order; 958

(3) Whether the obligor owes any arrearages under the order; 959
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(4) Whether the agency believes it is necessary to continue withholding or deduction pursuant to a notice or order described in section 3121.03 of the Revised Code for the other children or arrearages; 961
962
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(5) Whether child support amounts paid pursuant to the order being investigated should be impounded because continuation of receipt and disbursement would lead to an overpayment by the obligor. 965
966
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(B) If the agency, pursuant to the investigation under division (A) of this section, determines that other children are subject to the child support order and that it is necessary to continue withholding or deduction for the other children, the agency shall divide the child support due annually and per month under the order by the number of children who are the subject of the order and subtract the amount due for the child for whom the order should be terminated from the total child support amount due annually and per month. The resulting annual and per month child support amount shall be included in the results of the agency's investigation as the recommended child support amount due annually and monthly under a revised child support order. If arrearage amounts are owed, those amounts may be included as part of the recommended child support amount. The investigation under division (A) of this section shall not include a review pursuant to sections 3119.60 to 3119.76 of the Revised Code of any other children subject to the child support order. 969
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Sec. 3119.90. (A) If, pursuant to an investigation conducted under section 3119.89 of the Revised Code, the child support enforcement agency determines both that a child support 986
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order should terminate and that child support amounts paid 989
pursuant to the order should be impounded because continuation 990
of receipt and disbursement would lead to an overpayment by the 991
obligor, the agency shall do the following: 992

(1) With respect to a court child support order, 993
immediately notify the court that issued the order of the 994
results of its investigation and submit to the court an order 995
impounding any funds received for the child pursuant to the 996
court child support order that was under investigation; 997

(2) With respect to an administrative child support order, 998
issue an administrative order impounding any funds received for 999
the child pursuant to the administrative child support order 1000
that was under investigation. 1001

(B) A child support enforcement agency that conducts an 1002
investigation of a child support order shall give the obligor 1003
and obligee under the order notice of the results of its 1004
investigation and a copy of any court or administrative impound 1005
order issued pursuant to division (A) of this section. The 1006
obligor and obligee also shall be given all of the following: 1007

(1) Notice of their right to request an administrative 1008
hearing regarding any conclusions of the investigation; 1009

(2) Notice of the procedures and time deadlines for 1010
requesting the hearing; 1011

(3) (a) Notice that the conclusions of the investigations 1012
will be issued as an administrative order by the agency if the 1013
underlying order is an administrative child support order; 1014

(b) Notice that the conclusions of the investigations will 1015
be submitted to the court for inclusion into a revised or 1016
terminated court child support order with no further court 1017

hearing if the underlying order is a court child support order. 1018

(4) Notice that no revised administrative or court child 1019
support order will be issued if either the obligor or obligee 1020
requests an administrative hearing on the investigation 1021
conclusions within ~~thirty-fourteen~~ days after ~~receipt of the-~~ 1022
notice is issued under this division. 1023

Sec. 3119.91. If an obligor or obligee under a child 1024
support order timely requests an administrative hearing pursuant 1025
to section 3119.90 of the Revised Code, the child support 1026
enforcement agency shall schedule a hearing on the issue, give 1027
the parties notice of the date, time, and location of the 1028
hearing, and conduct the hearing. On completion of the hearing, 1029
the child support enforcement agency shall issue a decision. The 1030
decision shall include a notice stating that the obligor or 1031
obligee may object to the decision by filing a motion within 1032
~~thirty-fourteen~~ days after the issuance of the decision in one 1033
of the following courts requesting a determination as to whether 1034
the order should be terminated or whether any other appropriate 1035
determination regarding the order should be made: 1036

(A) With respect to a court child support order, in the 1037
court that issued the order or that otherwise has jurisdiction 1038
over the order; 1039

(B) With respect to an administrative child support order, 1040
the juvenile court or other court with jurisdiction under 1041
section 2101.022 or 2301.03 of the Revised Code of the county in 1042
which the agency that issued the order is located. 1043

The notice shall also state that if neither the obligor 1044
nor the obligee files the motion within the ~~thirty-day-fourteen-~~ 1045
day period, the administrative hearing decision is final and 1046

will be filed with the court or in the administrative case file. 1047

Sec. 3119.92. If the obligor, the obligee, or both file a 1048
motion as described in section 3119.91 of the Revised Code 1049
within the ~~thirty-day~~ fourteen-day period, the court shall set 1050
the case for a hearing for a determination as to whether the 1051
support order should be terminated or whether the court should 1052
take any other appropriate action. On the filing of the motion, 1053
the court shall issue an order directing that the impoundment 1054
order issued by the child support enforcement agency regarding 1055
support amounts received for the child remain in effect while 1056
the motion is pending. If neither the obligor nor the obligee 1057
files a motion as described in section 3119.91 of the Revised 1058
Code within the ~~thirty-day~~ fourteen-day period, the 1059
administrative hearing decision is final and will be filed with 1060
the court or in the administrative case file. 1061

Sec. 3121.01. As used in this chapter: 1062

(A) "~~Court-Administrative~~ child support order," "child 1063
support order," "court child support order," "court support 1064
order," ~~and~~ "obligee," "obligor," "personal earnings," ~~and~~ 1065
"support order" have the same meanings as in section 3119.01 of 1066
the Revised Code. 1067

(B) "Default" means any failure to pay under a support 1068
order that is an amount greater than or equal to the amount of 1069
support payable under the support order for one month. 1070

(C) "Financial institution" means a bank, savings and loan 1071
association, or credit union, or a regulated investment company 1072
or mutual fund. 1073

(D) "Income" means any form of monetary payment, including 1074
personal earnings; workers' compensation payments; unemployment 1075

compensation benefits to the extent permitted by, and in 1076
accordance with, sections 3121.07 and 4141.284 of the Revised 1077
Code, and federal law governing the department of job and family 1078
services; pensions; annuities; allowances; private or 1079
governmental retirement benefits; disability or sick pay; 1080
insurance proceeds; lottery prize awards; federal, state, or 1081
local government benefits to the extent that the benefits can be 1082
withheld or deducted under the law governing the benefits; any 1083
form of trust fund or endowment; lump sum payments, including a 1084
one-time pay supplement of one hundred fifty dollars or more 1085
paid under section 124.183 of the Revised Code; and any other 1086
payment in money. 1087

(E) "Payor" means any person or entity that pays or 1088
distributes income to an obligor, including an obligor if the 1089
obligor is self-employed; an employer; an employer paying an 1090
obligor's workers' compensation benefits; the public employees 1091
retirement board; the governing entity of a municipal retirement 1092
system; the board of trustees of the Ohio police and fire 1093
pension fund; the state teachers retirement board; the school 1094
employees retirement board; the state highway patrol retirement 1095
board; a provider, as defined in section 3305.01 of the Revised 1096
Code; the bureau of workers' compensation; or any other person 1097
or entity other than the department of job and family services 1098
with respect to unemployment compensation benefits paid pursuant 1099
to Chapter 4141. of the Revised Code. 1100

Sec. 3121.02. In any action in which a support order is 1101
issued or modified, one of the following shall apply, as 1102
appropriate, to ensure that withholding or deduction from the 1103
income or assets of the obligor is available from the 1104
commencement of the support order for the collection of the 1105
support and any arrearages that occur: 1106

(A) The court, with respect to a court support order, or 1107
the child support enforcement agency, with respect to an 1108
administrative child support order, shall require the 1109
withholding or deduction of income or assets of the obligor 1110
under section 3121.03 of the Revised Code. 1111

(B) The court, with respect to a court support order, 1112
shall issue another type of court order under division (C) or 1113
(D) of section 3121.03 of the Revised Code ~~or, section 3121.04,~~ 1114
3121.05, or 3121.06, or division (C) of section 3121.12 of the 1115
Revised Code. 1116

(C) The agency, with respect to an administrative child 1117
support order, shall ~~issue an administrative order, or request~~ 1118
that the court issue a court order, ~~under division (C) or (D) of~~ 1119
section 3121.03 of the Revised Code ~~or section 3121.12 of the~~ 1120
~~Revised Code.~~ 1121

Sec. 3121.035. Within fifteen days after an obligor under 1122
a support order is located following issuance or modification of 1123
the support order, the court or child support enforcement agency 1124
that issued or modified the support order, or the agency, 1125
pursuant to an agreement with the court with respect to a court 1126
support order, shall do either of the following: 1127

(A) If a withholding or deduction notice described in 1128
section 3121.03 of the Revised Code is appropriate, send the 1129
notice by ~~regular ordinary mail or via secure federally managed~~ 1130
~~data transmission interface~~ electronic means to each person 1131
required to comply with it; 1132

(B) If an order described in section 3121.03, 3121.04 to 1133
3121.08, or 3121.12 of the Revised Code is appropriate, issue 1134
and send the appropriate order. 1135

Sec. 3121.12. (A) On receipt of a notice that a lump sum 1136
payment of one hundred fifty dollars or more is to be paid to 1137
the obligor, ~~the court, with respect to a court support order,~~ 1138
~~or the child support enforcement agency, with respect to an~~ 1139
~~administrative child support order,~~ shall do either of the 1140
following: 1141

(1) If the obligor is in default under the support order 1142
or has any arrearages under the support order, issue an 1143
administrative order requiring the transmittal of the lump sum 1144
payment, or any portion of the lump sum payment sufficient to 1145
pay the arrearage in full, to the office of child support; 1146

(2) If the obligor is not in default under the support 1147
order and does not have any arrearages under the support order, 1148
issue an administrative order directing the person who gave the 1149
notice to the court or agency to immediately pay requiring the 1150
immediate release of the full amount of the lump sum payment to 1151
the obligor. 1152

(B) Any moneys received by the office of child support 1153
pursuant to ~~division (A) of~~ this section shall be distributed in 1154
accordance with rules adopted under section 3121.71 of the 1155
Revised Code. 1156

(C) ~~A court that issued an order~~ In the case of a notice 1157
of a lump sum payment made in accordance with a support order 1158
issued prior to January 1, 1998, requiring an employer to 1159
withhold an amount from an obligor's personal earnings for the 1160
payment of support, the agency that receives notification of the 1161
lump sum payment from the payor shall notify the court that 1162
issued the order, and the court shall issue a supplemental order 1163
that does not change the original order or the related support 1164
order requiring the employer to do all of the following: 1165

(1) No later than the earlier of forty-five days before a lump sum payment is to be made or, if the obligor's right to a lump sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, notify the ~~child support enforcement~~ agency of any lump sum payment of any kind of one hundred fifty dollars or more that is to be paid to the obligor;

(2) Hold the lump sum payment for thirty days after the date on which it would otherwise be paid to the obligor;

(3) On order of the court, pay any specified amount of the lump sum payment to the office of child support.

(D) ~~An employer~~ A payor that knowingly fails to notify the ~~child support enforcement~~ agency in accordance with this section or section 3121.03 of the Revised Code of any lump sum payment to be made to an obligor is liable for any support payment not made to the obligee as a result of its knowing failure to give the notice.

Sec. 3121.29. Each support order, or modification of a support order, shall contain a notice that states the following in boldface type and in all capital letters:

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO

\$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 1195
EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 1196
ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO 1197
GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT 1198
AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT 1199
MORE THAN 90 DAYS. 1200

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 1201
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU 1202
MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE 1203
CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF 1204
THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO 1205
GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE 1206
FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS 1207
AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL 1208
LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING 1209
FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR 1210
ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION 1211
PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR 1212
SUPPORT OBLIGATION." 1213

Sec. 3121.33. The withholding or deduction notices ~~and,~~ 1214
other orders issued under sections 3121.03~~7~~ and 3121.04 to 1215
3121.06 of the Revised Code, and administrative orders issued 1216
under section 3121.12 of the Revised Code, and the notices that 1217
require the obligor to notify the child support enforcement 1218
agency administering the support order of any change in the 1219
obligor's employment status or of any other change in the status 1220
of the obligor's assets, are final and enforceable by the court. 1221

Sec. 3121.34. A person required to comply with withholding 1222
or deduction notices described in section 3121.03 of the Revised 1223
Code shall determine the manner of withholding or deducting from 1224

the specific requirement included in the notices without the 1225
need for any amendment to the support order, and a person 1226
required to comply with an order described in sections 3121.03,~~—~~ 1227
and 3121.04 to 3121.06 of the Revised Code, and or an 1228
administrative order issued under section 3121.12 of the Revised 1229
Code shall comply without the need for any amendment to the 1230
support order. 1231

Sec. 3123.031. The default notice shall contain all of the 1232
following: 1233

(A) The date on which it is ~~sent~~ issued; 1234

(B) A statement that the obligor is in default under a 1235
support order; 1236

(C) The amount of arrearages the obligor owes due to the 1237
default as of the date the default notice is ~~sent~~ issued; 1238

(D) A statement that any arrearages owed by the obligor 1239
that arise after the default notice is ~~sent~~ issued and during 1240
the period of default will be added to the obligor's total child 1241
support obligation and will be subject to collection efforts 1242
without further default notice; 1243

(E) A statement of the types of withholding or deduction 1244
requirements and related notices described in section 3121.03 of 1245
the Revised Code or the types of court orders described in 1246
sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised 1247
Code that will be issued for payment of support and arrearages 1248
and the amount that will be withheld or deducted pursuant to 1249
those requirements; 1250

(F) A statement that any notice for the withholding or 1251
deduction of an amount from income or assets applies to all 1252
current and subsequent payors of the obligor and financial 1253

institutions in which the obligor has an account and that any 1254
withholding or deduction requirement and related notice 1255
described in section 3121.03 of the Revised Code or any court 1256
order described in sections 3121.03, 3121.04 to 3121.08, and 1257
3121.12 of the Revised Code that is issued will not be 1258
discontinued solely because the obligor pays arrearages; 1259

(G) A statement that the obligor may file with the child 1260
support enforcement agency, within ~~seven business~~ fourteen days 1261
after the date on which the default notice is ~~sent~~ issued, a 1262
written request for an administrative hearing under section 1263
3123.04 of the Revised Code; 1264

(H) A statement that, if the obligor files a timely 1265
written request for an administrative hearing, the obligor may 1266
file with the court, within ~~seven business~~ fourteen days after 1267
the agency makes its determinations under the administrative 1268
hearing, a written motion for a court hearing under section 1269
3123.05 of the Revised Code; 1270

(I) An explanation of the administrative and court action 1271
that will take place if the obligor files a timely written 1272
request or motion for an administrative or court hearing; 1273

(J) An explanation of how a final and enforceable 1274
determination of default and amount of arrearages is made under 1275
sections 3123.032, 3123.04, and 3123.05 of the Revised Code; 1276

(K) A statement that a withholding notice may be issued in 1277
accordance with section 3123.021 of the Revised Code if the 1278
~~child support enforcement~~ agency determines the obligor has 1279
obtained employment and an explanation of the provisions of 1280
section 3123.022 of the Revised Code. 1281

Sec. 3123.04. An obligor who receives a default notice 1282

under section 3123.03 of the Revised Code may file a written 1283
request for an administrative hearing with the child support 1284
enforcement agency that identified the default regarding whether 1285
a mistake of fact was made in the notice. The request must be 1286
filed not later than ~~seven business~~ fourteen days after the date 1287
on which the default notice is ~~sent~~ issued. 1288

If the obligor makes a timely request for a hearing, the 1289
agency shall conduct an administrative hearing no later than ten 1290
days after the date on which the obligor files the request for 1291
the hearing. No later than five days before the date on which 1292
the hearing is to be conducted, the agency shall send the 1293
obligor and the obligee written notice of the date, time, place, 1294
and purpose of the hearing. The notice to the obligor and 1295
obligee also shall indicate that the obligor may present 1296
testimony and evidence at the hearing only in regard to the 1297
issue of whether a mistake of fact was made in the default 1298
notice. 1299

At the hearing, the ~~child support enforcement~~ agency shall 1300
determine whether a mistake of fact was made in the default 1301
notice. The agency shall send its determinations to the obligor. 1302
The agency's determinations are final and are enforceable by the 1303
court unless, within ~~seven business~~ fourteen days after the 1304
agency ~~makes issues~~ its determinations, the obligor files a 1305
written motion with the court for a court hearing to determine 1306
whether a mistake of fact still exists in the default notice. 1307

If an agency's determination becomes final and enforceable 1308
under this section, the agency shall take further action as 1309
required under section 3123.06 of the Revised Code. 1310

Sec. 3123.05. If, not later than ~~seven business~~ fourteen 1311
days after the child support enforcement agency ~~makes issues~~ its 1312

determinations under section 3123.04 of the Revised Code, the 1313
obligor files a written motion for a court hearing to determine 1314
whether a mistake of fact still exists in the default notice, 1315
the court shall hold a hearing as soon as possible, but not 1316
later than ten days, after the motion is filed. Not later than 1317
five days before the date on which the court hearing is to be 1318
held, the court shall send the obligor and the obligee written 1319
notice by ~~regular~~ordinary mail of the date, time, place, and 1320
purpose of the court hearing. The hearing shall be limited to a 1321
determination of whether there is a mistake of fact in the 1322
default notice. 1323

At the hearing, the court shall determine whether there is 1324
a mistake of fact in the default notice. On the conclusion of 1325
the hearing, the court shall make its determination. The 1326
determination is final and enforceable. The court shall take 1327
further action as provided in section 3123.06 of the Revised 1328
Code. 1329

Sec. 3123.06. (A) If either a court, under section 3123.05 1330
of the Revised Code, or child support enforcement agency, under 1331
section 3123.032 or 3123.04 of the Revised Code, makes a final 1332
and enforceable determination that an obligor is in default 1333
under a support order, one of the following shall apply: 1334

(1) If no withholding notice was issued in accordance with 1335
section 3123.021 of the Revised Code with respect to the order, 1336
the court or agency shall issue one or more notices requiring 1337
withholding or deduction of income or assets of the obligor in 1338
accordance with section 3121.03 of the Revised Code, or the 1339
court shall issue one or more court orders imposing other 1340
appropriate requirements in accordance with sections 3121.03, 1341
3121.035, and 3121.04 to 3121.08, and division (C) of section 1342

3121.12 of the Revised Code. 1343

(2) If a withholding notice was issued in accordance with 1344
section 3123.021 of the Revised Code with respect to the order 1345
and the final and enforceable determination of default altered 1346
the arrearage amount stated in the default notice, the court or 1347
agency, whichever made the determination, shall revise the 1348
withholding notice and may issue, as appropriate, any of the 1349
notices or orders described in division (A) (1) of this section. 1350

(3) If a withholding notice was issued in accordance with 1351
section 3123.021 of the Revised Code with respect to the order 1352
but the final and enforceable determination of default did not 1353
alter the arrearage amount stated in the default notice, the 1354
withholding notice shall remain in effect. The court or agency, 1355
in addition and as appropriate, may issue any other notice or 1356
order described in division (A) (1) of this section. 1357

(B) If a court, under section 3123.05 of the Revised Code, 1358
or an agency, under section 3123.04 of the Revised Code, 1359
determines that no default exists under a support order, the 1360
court or agency shall terminate the default proceedings. If a 1361
withholding notice was issued in accordance with section 1362
3123.021 of the Revised Code with respect to the order, the 1363
court or agency, whichever made the final and enforceable 1364
determination, shall revise the withholding notice, and may 1365
issue, as appropriate, any of the notices or orders described in 1366
division (A) (1) of this section, to collect current support. 1367

(C) A withholding or deduction notice issued under 1368
division (A) (1), (2), or (3) of this section shall require the 1369
payment of arrearages caused by the default along with any 1370
payment for current support. A withholding or deduction notice 1371
or other appropriate order described under this section shall be 1372

issued not later than fifteen days after the determination of 1373
default under the support order becomes final and enforceable. 1374
Section 3123.21 of the Revised Code applies to a withholding or 1375
deduction notice or other appropriate order described under 1376
division (A) of this section beginning on the date it is issued 1377
and ending on the date the period of default ends. 1378

Sec. 3123.14. If a child support order is terminated for 1379
any reason, the obligor under the child support order is or was 1380
at any time in default under the support order and, after the 1381
termination of the order, the obligor owes an arrearage under 1382
the order, the obligee may make application to the child support 1383
enforcement agency that administered the child support order 1384
prior to its termination or had authority to administer the 1385
child support order to maintain any administrative or judicial 1386
action or proceeding to enforce the order on behalf of the 1387
obligee to obtain ~~a judgment, execution of a judgment through~~ 1388
~~any available procedure, an order, or other relief.~~ If a 1389
withholding or deduction notice is issued pursuant to section 1390
3121.03 of the Revised Code to collect an arrearage, the amount 1391
withheld or deducted from the obligor's personal earnings, 1392
income, or accounts shall be at least equal to the amount that 1393
was withheld or deducted under the terminated child support 1394
order. 1395

Sec. 3123.25. (A) If, as a result of information obtained 1396
pursuant to an agreement under section 3121.74 of the Revised 1397
Code, the office of child support in the department of job and 1398
family services finds or receives notice that identifies an 1399
obligor in default who maintains an account with a financial 1400
institution, the office shall, within one business day, enter 1401
the information into the case registry established pursuant to 1402
section 3121.81 of the Revised Code. 1403

(B) If a child support enforcement agency, ~~after examining~~ 1404
~~the case registry upon notice or discovery of an account,~~ 1405
determines that an obligor in default under a support order 1406
administered by the agency maintains an account in a financial 1407
institution, the agency shall determine whether the obligor is 1408
subject to a final and enforceable determination of default made 1409
under sections 3123.01 to 3123.07 of the Revised Code. If the 1410
obligor is subject to a final and enforceable determination of 1411
default, the agency may issue an access restriction notice to 1412
the financial institution in which the obligor's account is 1413
maintained. 1414

Sec. 3123.27. The child support enforcement agency ~~shall,~~ 1415
~~no later than five business days after information is entered~~ 1416
~~into the case registry under section 3123.25 of the Revised~~ 1417
~~Code, may~~ investigate and determine the amount of funds in the 1418
account that is available to satisfy the obligor's arrearages 1419
under a support order. The financial institution shall cooperate 1420
with the agency's investigation. 1421

Sec. 3123.30. The notice sent under section 3123.29 of the 1422
Revised Code shall contain both of the following: 1423

(A) A statement of the date the notice is sent, that 1424
another of the account holders is an obligor under a support 1425
order, the name of the obligor, that the support order is in 1426
default, the amount of the arrearage owed by the obligor as 1427
determined by the court or child support enforcement agency, the 1428
amount that will be withdrawn, the type of account from which 1429
the amount will be withdrawn, and the name of the financial 1430
institution from which the amount will be withdrawn; 1431

(B) A statement that the person may object to the 1432
withdrawal by filing with the agency, no later than ~~ten~~fourteen 1433

days after the date on which the notice is ~~sent~~ issued, a 1434
written request for an administrative hearing to determine 1435
whether any amount contained in the account is the property of 1436
the person to whom the notice is sent and should not be subject 1437
to the withdrawal directive. 1438

Sec. 3123.31. The person to whom notice is sent under 1439
section 3123.29 of the Revised Code shall have ~~ten~~ fourteen days 1440
from the date the notice is ~~sent~~ issued to object to the 1441
withdrawal by filing with the child support enforcement agency 1442
that sent the notice a written request for an administrative 1443
hearing to determine whether any amount contained in the account 1444
is the property of that person and should not be subject to the 1445
withdrawal directive. 1446

Sec. 3123.34. If a child support enforcement agency 1447
determines that the total amount in an account is the property 1448
of a person who is not the obligor from whom payment is sought, 1449
it shall order the financial institution to release the access 1450
restriction on the account and shall take no further enforcement 1451
action on the account. A copy of this notice shall be sent to 1452
the obligor. If the agency determines that some of the funds in 1453
the account are the property of the person, it shall order the 1454
financial institution to release the access restriction on the 1455
account in that amount and shall take no further enforcement 1456
action on those funds. A copy of this notice shall be sent to 1457
the obligor. The agency shall issue a withdrawal directive 1458
pursuant to section 3123.37 of the Revised Code for the 1459
remaining funds unless, no later than ~~ten~~ fourteen days after 1460
the agency ~~makes~~ issues its determination, the person files a 1461
written motion with the court of common pleas of the county 1462
served by the ~~child support enforcement~~ agency for a hearing to 1463
determine whether any amount contained in the account is the 1464

property of the person. 1465

Sec. 3123.35. If the person described in section 3123.34 1466
of the Revised Code files a timely motion with the court that 1467
issued the support order or that is located in the county where 1468
the child support enforcement agency issued the order, the court 1469
shall hold a hearing on the request no later than ~~ten~~-fourteen 1470
days after the request is filed. The person who filed the motion 1471
shall be considered a temporary party only for the purposes of 1472
objecting to the determination made pursuant to section 3123.33 1473
of the Revised Code. No later than five days before the date on 1474
which the hearing is to be held, the court shall send the person 1475
written notice by ordinary mail of the date, time, place, and 1476
purpose of the hearing. The hearing shall be limited to a 1477
determination of how much, if any, of the amount contained in 1478
the account is the property of the person. 1479

Sec. 3123.72. A child support enforcement agency shall 1480
file a notice requesting that the county recorder discharge the 1481
lien if one of the following applies: 1482

(A) The lien is satisfied through an action pursuant to 1483
section 3123.74 of the Revised Code. 1484

(B) The obligor makes full payment of the arrearage to the 1485
office of child support in the department of job and family 1486
services or, pursuant to sections 3125.27 to 3125.30 of the 1487
Revised Code, to the ~~child support enforcement~~ agency that is 1488
the basis of the lien. 1489

(C) ~~An appropriate withholding or deduction notice or~~ 1490
~~other appropriate order described in section 3121.03, 3121.04,~~ 1491
~~3121.05, 3121.06, or 3121.12 of the Revised Code has been issued~~ 1492
~~to collect current support and any arrearage due under the~~ 1493

~~support order that was in default, and the obligor is complying with the notice or order.~~ 1494
1495

~~(D) A new support order has been issued or the support order that was in default has been modified to collect current support and any arrearage due under the support order that was in default, and the obligor is complying with the new or modified support order.~~ 1496
1497
1498
1499
1500

~~(E) The agency releases the lien pursuant to section 3123.76 of the Revised Code.~~ 1501
1502

Sec. 3123.821. The office of child support created in the 1503
department of job and family services under section 3125.02 of 1504
the Revised Code shall work with the tax commissioner to collect 1505
the following: 1506

(A) Overdue ~~child~~ support from refunds of paid state 1507
income taxes under Chapter 5747. of the Revised Code that are 1508
payable to obligors; 1509

(B) Overpaid child support from refunds of paid state 1510
income taxes under Chapter 5747. of the Revised Code that are 1511
payable to obligees. 1512

Sec. 3123.822. No overdue support or overpaid child 1513
support shall be collected from refunds of ~~paid~~ state income 1514
taxes paid by an obligor or obligee unless all of the following 1515
conditions are met: 1516

(A) Any reduction authorized by section 5747.12 of the 1517
Revised Code has first been made, except as otherwise provided 1518
in this section. 1519

(B) The refund payable to the obligor or obligee is not 1520
less than twenty-five dollars after any reduction pursuant to 1521

section 5747.12 of the Revised Code. 1522

(C) Either of the following applies: 1523

(1) With respect to overdue ~~child support~~, the obligor ~~is~~ 1524
~~not less than~~ maintains an arrearage in the payment of support 1525
for three months in arrears in the obligor's payment of child 1526
support, and the amount of the total arrearage during each of 1527
the three months is not less than at least one hundred fifty 1528
dollars; 1529

(2) With respect to overpaid child support, the amount 1530
overpaid is not less than one hundred fifty dollars. 1531

Overdue support or overpaid child support shall be 1532
collected from such refunds before any part of the refund is 1533
used as a contribution pursuant to section 5747.113 of the 1534
Revised Code. Overdue support or overpaid child support shall be 1535
collected from such refunds before the refund or any part of the 1536
refund is credited against tax due in any subsequent year 1537
pursuant to section 5747.12 of the Revised Code, notwithstanding 1538
the consent of the obligor or obligee for such crediting. 1539

Section 2. That existing sections 2919.21, 3111.29, 1540
3111.38, 3111.46, 3111.49, 3111.78, 3111.80, 3111.81, 3111.84, 1541
3119.06, 3119.30, 3119.38, 3119.43, 3119.60, 3119.61, 3119.63, 1542
3119.72, 3119.76, 3119.77, 3119.82, 3119.87, 3119.88, 3119.89, 1543
3119.90, 3119.91, 3119.92, 3121.01, 3121.02, 3121.035, 3121.12, 1544
3121.29, 3121.33, 3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 1545
3123.14, 3123.25, 3123.27, 3123.30, 3123.31, 3123.34, 3123.35, 1546
3123.72, 3123.821, and 3123.822 and section 3121.11 of the 1547
Revised Code are hereby repealed. 1548

Section 3. Sections 1 and 2 of this act take effect nine 1549
months after the effective date of this act. During that nine- 1550

month period, the Ohio Department of Job and Family Services 1551
shall perform necessary automated system changes and may 1552
organize and oversee the statewide training of local child 1553
support enforcement agencies, lawyers who practice in child 1554
support, and judges who preside over child support cases. 1555