

Sub. H.B. 166
LSC 133 0001-4
JFSCD25

_____ moved to amend as follows:

In line 19 of the title, after "3107.14," insert "3119.023," 1

In line 20 of the title, after "3119.23," insert "3119.27, 2
3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3125.25," 3

In line 206, after "3107.14," insert "3119.023,"; after 4
"3119.23," insert "3119.27, 3119.29, 3119.30, 3119.302, 3119.31, 5
3119.32, 3125.25," 6

After line 14204, insert: 7

"**Sec. 3119.023.** (A) At least once every four years, the 8
department of job and family services shall review the basic child 9
support schedule issued by the department pursuant to section 10
3119.021 of the Revised Code to determine whether child support 11
orders issued in accordance with that schedule and the worksheets 12
created under rules adopted under section 3119.022 of the Revised 13
Code adequately provide for the needs of children who are subject 14
to the child support orders. ~~The department may consider the 15
adequacy and appropriateness of the current schedule, whether 16
there are substantial and permanent changes in household 17
consumption and savings patterns, particularly those resulting in 18
substantial and permanent changes in the per cent of total 19~~

~~household expenditures on children, and whether there have been~~ 20
~~substantial and permanent changes to the federal and state income~~ 21
~~tax code other than inflationary adjustments to such things as the~~ 22
~~exemption amount and income tax brackets, and other factors when~~ 23
~~conducting its review.~~ The review is in addition to, and 24
independent of, any schedule update completed as set forth in 25
section 3119.021 of the Revised Code. The department shall prepare 26
a report of its review and include recommendations for statutory 27
changes, and submit a copy of the report to both houses of the 28
general assembly. 29

(B) Each review shall include all of the following: 30

(1) Consideration of all of the following: 31

(a) Economic data on the cost of raising children; 32

(b) Labor market data, such as unemployment rates, employment 33
rates, hours worked, and earnings, by occupation and skill level 34
for the state and local job markets; 35

(c) The impact of guidelines policies and amounts on 36
custodial and noncustodial parents who have family incomes below 37
two hundred per cent of the federal poverty level; 38

(d) Factors that influence employment rates among 39
noncustodial parents and compliance with child support orders. 40

(2) Analysis of all of the following, to be used to ensure 41
that deviations from the basic child support schedule are limited 42
and that support amounts are appropriate based on criteria 43
established under division (G) of section 3119.05 of the Revised 44
Code: 45

(a) Case data on the application of and deviations from the 46
basic child support schedule, as gathered through sampling or 47

other methods; 48

(b) Rates of default, child support orders with imputed income, and orders determined using low-income adjustments such as a self-support reserve or another method as determined by the state; 49
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(c) A comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on imputed income, or determined using the low-income adjustment, as described in division (B)(2)(b) of this section. 53
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(3) Meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their representatives. 58
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(C) For each review, the department shall establish a child support guideline advisory council to assist the department in the completion of its reviews and reports. Each council shall be composed of: 61
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(1) Obligor; 65

(2) Obligees; 66

(3) Judges of courts of common pleas who have jurisdiction over domestic relations and juvenile court cases that involve the determination of child support; 67
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(4) Attorneys whose practice includes a significant number of domestic relations or juvenile court cases that involve the determination of child support; 70
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(5) Representatives of child support enforcement agencies; 73

(6) Other persons interested in the welfare of children; 74

(7) Three members of the senate appointed by the president of 75

the senate, not more than two of whom are members of the same	76
political party; and	77
(8) Three members of the house of representatives appointed	78
by the speaker of the house, not more than two of whom are members	79
of the same political party.	80
(C) (D) The department shall consider input from the council	81
prior to the completion of any report under this section. The	82
department shall submit its report on or before the first day of	83
March of every fourth year after 2015.	84
(D) (E) <u>The department shall publish on the internet and make</u>	85
<u>accessible to the public all of the following:</u>	86
(1) <u>All reports of the council;</u>	87
(2) <u>The membership of the council;</u>	88
(3) <u>The effective date of new or modified guidelines adopted</u>	89
<u>after the review;</u>	90
(4) <u>The date of the next review.</u>	91
(F) The advisory council shall cease to exist at the time	92
that the department submits its review to the general assembly	93
under this section.	94
(E) (G) Any expenses incurred by an advisory council shall be	95
paid by the department."	96
In line 14335, strike through "incarcerated or"	97
In line 14336, after "available" insert " <u>income or</u> "; strike	98
through the comma	99
Strike through lines 14337 through 14339	100
In line 14340, strike through "the obligee or a child who is	101
the subject of the support order"	102

In line 14341, after "(J)" insert "When a court or agency calculates the income of a parent, it shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if the parent is incarcerated." 103
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(K)" 107

In line 14350, strike through "(K)" and insert "(L)" 108

In line 14355, strike through "(L)" and insert "(M)" 109

In line 14364, strike through "(M)" and insert "(N)" 110

In line 14368, strike through "(N)" and insert "(O)" 111

In line 14375, strike through "(O)" and insert "(P)" 112

After line 14398, insert: 113

"(O) As used in this section, a parent is considered "incarcerated" if the parent is confined under a sentence imposed for an offense or serving a term of imprisonment, jail, or local incarceration, or other term under a sentence imposed by a government entity authorized to order such confinement." 114
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In line 14443, delete "(O)" and insert "(P)" 119

After line 14450, insert: 120

"**Sec. 3119.27.** (A) A court that issues or modifies a court support order, or an administrative agency that issues or modifies an administrative child support order, shall impose on the obligor under the support order a processing charge in the amount of two per cent of the support payment to be collected under a support order. No court or agency may call the charge a poundage fee. 121
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(B) In each child support case that is a Title IV-D case, the department of job and family services shall annually claim ~~twenty-five~~ thirty-five dollars from the processing charge 127
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described in division (A) of this section for federal reporting 130
 purposes if the obligee has never received assistance under Title 131
 IV-A and the department has collected at least five hundred fifty 132
 dollars of child support for the obligee. The director of job and 133
 family services shall adopt rules under Chapter 119. of the 134
 Revised Code to implement this division, and the department shall 135
 implement this division not later than March 31, 2008. 136

(C) As used in this section: 137

(1) "Annual" means the period as defined in regulations 138
 issued by the United States secretary of health and human services 139
 to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 140

(2) "Title IV-A" has the same meaning as in section 5107.02 141
 of the Revised Code. 142

(3) "Title IV-D case" has the same meaning as in section 143
 3125.01 of the Revised Code. 144

Sec. 3119.29. As used in this section and sections 3119.30 to 145
 3119.56 of the Revised Code: 146

(A) ~~"Family coverage" means the health insurance plan that 147
 provides coverage for the children who are the subject of a child 148
 support order. 149~~

~~(B)~~ "Health care coverage" means such medical support that 150
 includes ~~coverage under~~ a health insurance coverage or a public 151
health care plan, payment of costs of premiums, copayments, and 152
 deductibles, or payment for medical expenses incurred on behalf of 153
 the child. 154

~~(C)~~(B) "Health insurance coverage" means accessible private 155
 health insurance that provides primary care services within thirty 156
 miles from the residence of the child subject to the child support 157

order. 158

~~(D)~~(C) "Health plan administrator" means any entity 159
authorized under Title XXXIX of the Revised Code to engage in the 160
business of insurance in this state, any health insuring 161
corporation, any legal entity that is self-insured and provides 162
benefits to its employees or members, and the administrator of any 163
such entity or corporation. 164

~~(E)~~(D) "National medical support notice" means a form 165
required by the "Child Support Performance and Incentive Act of 166
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as 167
amended, and jointly developed and promulgated by the secretary of 168
health and human services and the secretary of labor in federal 169
regulations adopted under that act as modified by the department 170
of job and family services under section 3119.291 of the Revised 171
Code. 172

~~(F)~~(E) "Person required to provide health insurance coverage" 173
means the obligor, obligee, or both, required by the court under a 174
court child support order or by the child support enforcement 175
agency under an administrative child support order to provide 176
health insurance coverage pursuant to section 3119.30 of the 177
Revised Code. 178

~~(G)~~(F) "Reasonable cost" means that the cost of ~~private~~ 179
health insurance coverage to the person required to provide health 180
insurance coverage for the children who are the subject of the 181
child support order does not exceed an amount equal to five per 182
cent of the annual income of that person. ~~For purposes of this~~ 183
~~division, the cost of health insurance is an amount equal to the~~ 184
~~difference in cost between self only and family coverage.~~ 185

~~However, if the United States secretary of health and human~~ 186
~~services issues a regulation that redefines "reasonable cost" or a~~ 187

~~similar term or phrase, or clarifies the elements of cost used~~ 188
~~when determining reasonable cost relating to the provision of~~ 189
~~health care for children in a child support order, and if those~~ 190
~~changes are substantively different than the definitions and terms~~ 191
~~used in this section, those terms shall have the meaning as~~ 192
~~defined by the United States secretary of health and human~~ 193
~~services.~~ 194

Sec. 3119.30. (A) In any action or proceeding in which a 195
child support order is issued or modified, the court, with respect 196
to court child support orders, and the child support enforcement 197
agency, with respect to administrative child support orders, shall 198
determine the person or persons responsible for the health care 199
coverage of the children subject to the child support order and 200
shall include provisions for the health care coverage of the 201
children in the child support order. The order shall specify that 202
the obligor and obligee are both liable for the health care 203
expenses for the children who are not covered by private health 204
insurance according to a formula established by each court, with 205
respect to a court child support order, or each child support 206
enforcement agency, with respect to an administrative child 207
support order. 208

(B) The child support obligee is rebuttably presumed to be 209
the appropriate parent to provide health insurance coverage for 210
the children subject to the child support order. The order shall 211
specify that the obligee must provide the health insurance 212
coverage unless rebutted pursuant to division (B)(1) of this 213
section. 214

(1) The court or child support enforcement agency may 215
consider the following factors to rebut the presumption when 216
determining if the child support obligor is the appropriate parent 217

to provide health insurance coverage: 218

(a) The obligor already has health insurance coverage for the 219
child that is reasonable in cost; 220

(b) The obligor already has health insurance coverage in 221
place for the child that is not reasonable in cost, but the 222
obligor wishes to be named the health insurance obligor and 223
provide coverage under division (A)(2)(a) of section 3119.302 of 224
the Revised Code; 225

(c) The obligor can obtain health insurance coverage for the 226
child that is reasonable in cost through an employer or other 227
source. For employer-based coverage, the court or child support 228
enforcement agency shall consider the length of time the obligor 229
has worked with the employer and the stability of the insurance. 230

(d) The obligee is a non-parent individual or agency that has 231
no duty to provide medical support. 232

(2) If ~~private~~ health insurance coverage for the children is 233
not available at a reasonable cost to the obligor or the obligee 234
at the time the court or agency issues the order, the order shall 235
include a requirement that the obligee obtain ~~private~~ health 236
insurance care coverage for the children not later than thirty 237
days after it becomes available to the obligee at a reasonable 238
cost, and to inform the child support enforcement agency when 239
~~private~~ health insurance care coverage for the children has been 240
obtained. 241

(3) If ~~private~~ health insurance coverage becomes available to 242
the obligor at a reasonable cost, the obligor shall inform the 243
child support enforcement agency and may seek a modification of 244
health ~~insurance~~ care coverage from the court with respect to a 245
court child support order, or from the agency with respect to an 246

administrative support order. 247

(C) When a child support order is issued or modified, the 248
 order shall include a cash medical support amount consistent with 249
 division (B) of section 3119.302 of the Revised Code for each 250
 child subject to the order. The cash medical support amount shall 251
 be ordered based on the number of children subject to the order 252
 and split between the parties using the parents' income share. 253

(D) Any cash medical support paid pursuant to division (C) of 254
 this section shall be paid through the department of job and 255
 family services by the obligor to either the obligee if the 256
 children are not medicaid recipients, or to the department of 257
 medicaid when a medicaid assignment is in effect for any child 258
 under the support order. 259

(E) The cost of providing health insurance coverage for a 260
 child subject to an order shall be defrayed by a credit against 261
 that parent's annual income when calculating support as required 262
 under section 3119.02 of the Revised Code using the basic child 263
 support schedule and applicable worksheet. The credit shall be 264
 equal to the total actual out-of-pocket cost for health insurance 265
 premiums for the coverage. Any credit given will be less any 266
 subsidy, including a premium tax credit or cost-sharing reduction 267
 received by the parent providing coverage. 268

(F) Both parents may be ordered to provide health care 269
coverage and pay cash medical support if the obligee is a 270
nonparent individual or agency that has no duty to provide medical 271
support 272

Sec. 3119.302. (A) When the court, with respect to a court 273
 child support order, or the child support enforcement agency, with 274
 respect to an administrative child support order, determines the 275

person or persons responsible for the health care coverage of the 276
 children subject to the order pursuant to section 3119.30 of the 277
 Revised Code, all of the following apply: 278

(1) The court or agency shall consider any ~~private~~ health 279
 insurance coverage in which the obligor, obligee, or children, are 280
 enrolled at the time the court or agency issues the order. 281

(2) If the cost of ~~private~~ health insurance coverage to 282
 either parent exceeds a reasonable cost, that parent shall not be 283
 ordered to provide ~~private~~ health insurance coverage for the child 284
 except as follows: 285

(a) When the parent requests to obtain or maintain the 286
~~private~~ health insurance coverage that exceeds a reasonable cost; 287

(b) When the court determines that it is in the best interest 288
 of the children for a parent to obtain and maintain ~~private~~ health 289
 insurance coverage that exceeds a reasonable cost and the cost 290
 will not impose an undue financial burden on either parent. If the 291
 court makes such a determination, the court must include the facts 292
 and circumstances of the determination in the child support order. 293

(3) If ~~private~~ health insurance coverage is available at a 294
 reasonable cost to either parent through a group policy, contract, 295
 or plan, and the court determines that it is not in the best 296
 interest of the children to utilize the available ~~private~~ health 297
 insurance coverage, the court shall state the facts and 298
 circumstances of the determination in the child support order. 299

(4) Notwithstanding division ~~(C)~~(B) of section 3119.29 of the 300
 Revised Code, the court or agency may do either of the following: 301

(a) Permit primary care services to be farther than thirty 302
 miles if residents in part or all of the immediate geographic area 303
 customarily travel farther distances ; 304

(b) Require primary care services be accessible by public transportation if public transportation is the obligee's only source of transportation.

If the court or agency makes either accessibility determination, it shall include this accessibility determination in the child support order.

(B) The director of job and family services shall periodically update the amount of the cash medical support obligation to be paid pursuant to division (C) of section 3119.30 of the Revised Code. The updates shall be made in consideration of the medical expenditure panel survey, conducted by the United States department of health and human services for health care research and quality. The amount shall be based on the most recent survey year data available and shall be calculated by multiplying the total amount expended for health services for children by the percentage that is out-of-pocket divided by the number of individuals less than eighteen years of age that have any private insurance.

Sec. 3119.31. In any action or proceeding in which a court or child support enforcement agency is determining the person responsible for the health care coverage of the children who are or will be the subject of a child support order, each party shall provide to the court or child support enforcement agency a list of any group health insurance policies, contracts, or plans available to the party and the cost ~~for self only and family~~ of coverage under the available policies, contracts, or plans.

Sec. 3119.32. A child support order shall contain all of the following:

(A)(1) If the obligor, obligee, or both obligor and obligee, 333
 are required under section 3119.30 of the Revised Code to provide 334
~~private~~ health ~~insurance~~ care coverage for the children, a 335
 requirement that whoever is required to provide ~~private~~ health 336
~~insurance~~ care coverage provide to the other, not later than 337
 thirty days after the issuance of the order, information regarding 338
 the benefits, limitations, and exclusions of the coverage, copies 339
 of any ~~insurance~~ forms necessary to receive reimbursement, 340
 payment, or other benefits under the coverage, and a copy of any 341
 necessary ~~insurance cards~~ proof of coverage; 342

(2) If the obligor, obligee, or both obligor and obligee, are 343
 required under section 3119.30 of the Revised Code to provide 344
~~private~~ health ~~insurance~~ care coverage for the children, a 345
 requirement that whoever is required to provide ~~private~~ health 346
~~insurance~~ care coverage provide to the child support enforcement 347
 agency, not later than thirty days after the issuance of the 348
 order, documentation that verifies that coverage is being provided 349
 as ordered. 350

(B) A statement setting forth the name and address of the 351
 individual who is to be reimbursed for medical expenses. 352

(C) A requirement that a person required to provide ~~private~~ 353
 health ~~insurance~~ care coverage for the children designate the 354
 children as covered dependents under any ~~private~~ health ~~insurance~~ 355
care coverage policy, contract, or plan ~~for which the person~~ 356
~~contracts~~. 357

(D) A requirement that the obligor, the obligee, or both of 358
 them under a formula established by the court, with respect to a 359
 court child support order, or the child support enforcement 360
 agency, with respect to an administrative child support order, pay 361
 extraordinary medical expenses for the children. 362

(E) A notice that the employer of the person required to obtain ~~private~~ health ~~insurance~~ care coverage through that employer is required to release to the other parent, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the ~~private~~ health ~~insurance~~ care coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.

(F) A statement setting forth the full name and date of birth of each child who is the subject of the child support order.

(G) A notice that states the following: "If the person required to obtain ~~private~~ health care ~~insurance~~ coverage for the children subject to this child support order obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other source."

Sec. 3125.25. The director of job and family services shall adopt rules under Chapter 119. of the Revised Code governing the operation of support enforcement by child support enforcement agencies. The rules shall include, but shall not be limited to, the following:

(A) Provisions relating to plans of cooperation between the agencies and boards of county commissioners entered into under section 3125.12 of the Revised Code;

(B) Provisions for the compromise and waiver of child support 392
 arrearages owed to the state and federal government, consistent 393
 with Title IV-D of the "Social Security Act," 88 Stat. 2351 394
 (1975), 42 U.S.C. 651 et seq., as amended; 395

(C) Requirements for public hearings by the agencies; 396

(D) Provisions for appeals of agency decisions under 397
 procedures established by the director; 398

(E) Provisions requiring the investigation and documentation 399
of the factual basis for establishment and modification of support 400
obligations in accordance with Title IV-D of the "Social Security 401
Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., and any 402
regulations promulgated by the United States department of health 403
and human services; 404

(F) Provisions establishing criteria for child support 405
enforcement agencies to initiate an action under section 2705.031 406
of the Revised Code in any case administered under Title IV-D of 407
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et 408
seq." 409

In line 63406, after "3107.14," insert "3119.023,"; after 410
 "3119.23," insert "3119.27, 3119.29, 3119.30, 3119.302, 3119.31, 411
 3119.32, 3125.25," 412

After line 82802, insert: 413

"Section 3119.30 of the Revised Code as amended by both Sub. 414
 S.B. 70 and Sub. H.B. 366 of the 132nd General Assembly." 415

The motion was _____ agreed to.

SYNOPSIS

Child support changes	416
R.C. 3119.023, 3119.05, 3119.23, 3119.27, 3119.29, 3119.30,	417
3119.302, 3119.31, 3119.32, 3125.25, and Section 815.10	418
Makes various changes to child support enforcement laws, as	419
follows:	420
-- Modifies the quadrennial review of the basic child support	421
schedule, including enacting new economic factors that must be	422
considered;	423
-- Prohibits a court or child support enforcement agency	424
(CSEA) from determining voluntary unemployment or underemployment	425
of, or imputing income to, an incarcerated parent;	426
-- Increases the amount ODJFS must claim from the processing	427
charge imposed for Title IV-D child support cases to \$35 (from	428
\$25), if it collects at least \$550 (up from \$500) of child support	429
for an obligee who never received Title IV-A assistance;	430
-- Makes various changes to the provisions of law on health	431
care coverage for a child who is the subject of a child support	432
order;	433
-- Requires ODJFS to adopt rules to align support order	434
establishment and modification requirements with federal law and	435
to establish criteria for CSEAs to initiate contempt of court	436
actions in Title IV-D cases.	437