In line 19 of the title, after "3107.14," insert "3119.023,"  
In line 20 of the title, after "3119.23," insert "3119.27, 3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3125.25,"  
In line 206, after "3107.14," insert "3119.023;" after "3119.23," insert "3119.27, 3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3125.25,"  
After line 14204, insert:

"Sec. 3119.023. (A) At least once every four years, the department of job and family services shall review the basic child support schedule issued by the department pursuant to section 3119.021 of the Revised Code to determine whether child support orders issued in accordance with that schedule and the worksheets created under rules adopted under section 3119.022 of the Revised Code adequately provide for the needs of children who are subject to the child support orders. The department may consider the adequacy and appropriateness of the current schedule, whether there are substantial and permanent changes in household consumption and savings patterns, particularly those resulting in substantial and permanent changes in the per cent of total..."
household expenditures on children, and whether there have been 
substantial and permanent changes to the federal and state income 
tax code other than inflationary adjustments to such things as the 
exemption amount and income tax brackets, and other factors when 
conducting its review. The review is in addition to, and 
independent of, any schedule update completed as set forth in 
section 3119.021 of the Revised Code. The department shall prepare 
a report of its review and include recommendations for statutory 
changes, and submit a copy of the report to both houses of the 
general assembly.

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

(1) Consideration of all of the following:

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

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

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

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

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

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

other methods:

(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;

(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.

(3) Meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their representatives.

(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:

(1) Obligors;

(2) Obligees;

(3) Judges of courts of common pleas who have jurisdiction over domestic relations and juvenile court cases that involve the determination of child support;

(4) Attorneys whose practice includes a significant number of domestic relations or juvenile court cases that involve the determination of child support;

(5) Representatives of child support enforcement agencies;

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

(7) Three members of the senate appointed by the president of
the senate, not more than two of whom are members of the same political party; and

(8) Three members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party.

(C) (D) The department shall consider input from the council prior to the completion of any report under this section. The department shall submit its report on or before the first day of March of every fourth year after 2015.

(D) (E) The department shall publish on the internet and make accessible to the public all of the following:

(1) All reports of the council;

(2) The membership of the council;

(3) The effective date of new or modified guidelines adopted after the review;

(4) The date of the next review.

(F) The advisory council shall cease to exist at the time that the department submits its review to the general assembly under this section.

(G) Any expenses incurred by an advisory council shall be paid by the department."

In line 14335, strike through "incarcerated or"

In line 14336, after "available" insert "income or"; strike through the comma

Strike through lines 14337 through 14339

In line 14340, strike through "the obligee or a child who is the subject of the support order"
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."

(K)

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

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

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

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

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

After line 14398, insert:

"(Q) 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."

In line 14443, delete "(O)" and insert "(P)"

After line 14450, insert:

"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.

(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..."
described in division (A) of this section for federal reporting purposes if the obligee has never received assistance under Title IV-A and the department has collected at least five hundred fifty dollars of child support for the obligee. The director of job and family services shall adopt rules under Chapter 119. of the Revised Code to implement this division, and the department shall implement this division not later than March 31, 2008.

(C) As used in this section:

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

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

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

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

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

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

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

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


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

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

However, if the United States secretary of health and human services issues a regulation that redefines "reasonable cost" or a
similar term or phrase, or clarifies the elements of cost used when determining reasonable cost relating to the provision of health care for children in a child support order, and if those changes are substantively different than the definitions and terms used in this section, those terms shall have the meaning as defined by the United States secretary of health and human services.

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

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

(1) The court or child support enforcement agency may consider the following factors to rebut the presumption when determining if the child support obligor is the appropriate parent.
to provide health insurance coverage:

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

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

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

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

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

(3) If private health insurance coverage becomes available to the obligor at a reasonable cost, the obligor shall inform the child support enforcement agency and may seek a modification of health insurance care coverage from the court with respect to a court child support order, or from the agency with respect to an
(C) When a child support order is issued or modified, the order shall include a cash medical support amount consistent with division (B) of section 3119.302 of the Revised Code for each child subject to the order. The cash medical support amount shall be ordered based on the number of children subject to the order and split between the parties using the parents' income share.

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

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

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

Sec. 3119.302. (A) When the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, determines the
person or persons responsible for the health care coverage of the children subject to the order pursuant to section 3119.30 of the Revised Code, all of the following apply:

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

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

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

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

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

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

(a) Permit primary care services to be farther than thirty miles if residents in part or all of the immediate geographic area customarily travel farther distances;
(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, are required under section 3119.30 of the Revised Code to provide private health insurance coverage for the children, a requirement that whoever is required to provide private health insurance coverage provide to the other, not later than thirty days after the issuance of the order, information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards proof of coverage;

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

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

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

(D) A requirement that the obligor, the obligee, or both of them under a formula established by the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, pay extraordinary medical expenses for the children.
(E) A notice that the employer of the person required to obtain private health insurance 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 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 arrearages owed to the state and federal government, consistent with Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., as amended;

(C) Requirements for public hearings by the agencies;

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

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


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

After line 82802, insert:

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

The motion was __________ agreed to.

SYNOPSIS
Child support changes

R.C. 3119.023, 3119.05, 3119.23, 3119.27, 3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3125.25, and Section 815.10

Makes various changes to child support enforcement laws, as follows:

-- Modifies the quadrennial review of the basic child support schedule, including enacting new economic factors that must be considered;

-- Prohibits a court or child support enforcement agency (CSEA) from determining voluntary unemployment or underemployment of, or imputing income to, an incarcerated parent;

-- Increases the amount ODJFS must claim from the processing charge imposed for Title IV-D child support cases to $35 (from $25), if it collects at least $550 (up from $500) of child support for an obligee who never received Title IV-A assistance;

-- Makes various changes to the provisions of law on health care coverage for a child who is the subject of a child support order;

-- Requires ODJFS to adopt rules to align support order establishment and modification requirements with federal law and to establish criteria for CSEAs to initiate contempt of court actions in Title IV-D cases.