

# AN ACT

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

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 2919.21, 3111.29, 3111.38, 3111.46, 3111.49, 3111.78, 3111.80, 3111.81, 3111.84, 3119.06, 3119.30, 3119.38, 3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 3119.76, 3119.77, 3119.82, 3119.87, 3119.88, 3119.89, 3119.90, 3119.91, 3119.92, 3121.01, 3121.02, 3121.035, 3121.12, 3121.29, 3121.33, 3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 3123.14, 3123.25, 3123.27, 3123.30, 3123.31, 3123.34, 3123.35, 3123.72, 3123.821, and 3123.822 be amended and sections 3111.801 and 3119.631 of the Revised Code be enacted to read as follows:

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

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

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

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

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

~~(a) Is legally obligated to support; or~~

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

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

~~and~~

~~(ii) Remains unpaid.~~

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

(C) No person shall aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming a dependent child, as defined in section 2151.04 of the Revised Code, or a neglected child, as defined in section 2151.03 of the Revised Code.

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

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

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

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

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

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

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

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

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

(iii) The offender previously was convicted of or pleaded guilty to a violation of this section that was a felony, the offender was sentenced to one or more community control sanctions of a type described in division (G)(1)(a) of this section for that violation, and the offender failed to comply with the conditions of any of those community control sanctions.

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

determined by the court, that arose in relation to the charge.

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

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

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

(B) Contact the child support enforcement agency for assistance in obtaining the order, or may request that an administrative officer of a child support enforcement agency issue an administrative order for the payment of child support pursuant to section 3111.81 of the Revised Code a child support order as defined in section 3119.01 of the Revised Code.

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

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

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

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

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

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

Sec. 3111.49. The mother, alleged father, and guardian or legal custodian of a child may object to an administrative order determining the existence or nonexistence of a parent and child relationship by bringing, within ~~thirty-fourteen~~ days after the date the administrative officer issues the order, an action under sections 3111.01 to 3111.18 of the Revised Code in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code in the county in which the child support enforcement agency that employs the administrative officer who issued the order is located. If the action is not brought within the ~~thirty-day~~ fourteen-day period, the administrative

order is final and enforceable by a court and may not be challenged in an action or proceeding under Chapter 3111. of the Revised Code.

Sec. 3111.78. A parent, guardian, or legal custodian of a child, the person with whom the child resides, or the child support enforcement agency of the county in which the child, parent, guardian, or legal custodian of the child resides may do either of the following to require a man to pay support and provide for the health care needs of the child if the man is presumed to be the natural father of the child under section 3111.03 of the Revised Code:

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

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

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

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

(1) An administrative officer has issued an administrative order determining the existence of a parent and child relationship under section 3111.46 of the Revised Code;

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

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

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

(B) The administrative officer shall send ~~the mother and the father each of the child-child's~~ parents notice of the date, time, place, and purpose of the administrative hearing. With respect to an administrative hearing scheduled pursuant to an administrative order determining, pursuant to section 3111.46 of the Revised Code, the existence of a parent and child relationship, the officer shall attach the notice of the administrative hearing to the order and send it in accordance with that section. The notice shall include the request described in section 3111.801 of the Revised Code and state that if either parent fails to comply with a request for information in accordance with that section, the agency is permitted to make reasonable assumptions regarding the information that either parent failed to provide, and the agency shall proceed with the determination of support in the same manner as if all requested information had been provided. The Rules of Civil Procedure shall apply regarding the sending of the notice and any summons related to the hearing, except to the extent the ~~civil~~ rules,

by their nature, are clearly inapplicable and except that references in the ~~civil~~ rules to the court or the clerk of the court shall be construed as being references to the ~~child support enforcement~~ agency or the administrative officer.

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

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

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

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

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

(A) A copy of each parent's most recently filed federal income tax return and all supporting schedules and documents;

(B) A copy of all pay stubs obtained by each parent within the immediately preceding six months;

(C) A copy of all other records evidencing the receipt of any other salary, wages, or compensation by each parent within the immediately preceding six months;

(D) A list of the group health insurance and health care policies, contracts, and plans available to each parent and their costs;

(E) The current health insurance or health care policy, contract, or plan under which each parent is enrolled and its cost;

(F) If either parent is a member of the uniformed services and is on active military duty, a copy of the parent's leave and earnings statement;

(G) Any other information necessary to properly establish the child support order.

Sec. 3111.81. After the hearing under section 3111.80 of the Revised Code is completed, the administrative officer may issue an administrative order for the payment of support and provision for the child's health care. The order shall take effect fourteen days after the order is issued. The order shall do all of the following in accordance with Chapters 3119. and 3121. of the Revised Code:

(A) Require periodic payments of support that may vary in amount, except that, if it is in the best interest of the child, the administrative officer may order the purchase of an annuity in lieu of periodic payments of support if the purchase agreement provides that any remaining principal will be transferred to the ownership and control of the child on the child's attainment of the age of majority;

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

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

Sec. 3111.84. ~~The mother or father~~ Either parent of a child who is the subject of an administrative support order may object to the order by bringing an action for the payment of support and provision for the child's health care under section 2151.231 of the Revised Code in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the child support enforcement agency that ~~employs the administrative officer~~ issues the order is located. The action shall be brought not later than ~~thirty-fourteen~~ days after the date of the issuance of the administrative support order. ~~If neither the mother nor the father brings an action for the payment of support and provision for the child's health care within that thirty-day period, the~~ The administrative support order shall remain in effect during the pendency of the objection unless a party requests and is granted a stay by the court. The administrative support order is final and enforceable by a court or child support enforcement agency fourteen days after the order is issued and may be modified only as provided in Chapters 3119., 3121., and 3123. of the Revised Code.

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

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

(B) As used in this section, "means-tested public assistance" includes cash assistance payments under the Ohio works first program established under Chapter 5107. of the Revised Code, financial assistance under the disability financial assistance program established under Chapter 5115.

of the Revised Code, supplemental security income, or means-tested veterans' benefits.

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 of the children subject to the child support order and shall include provisions for the health care of the children in the child support order. The order shall specify that the obligor and obligee are both liable for the health care of the children who are not covered by private health insurance or cash medical support as calculated in accordance with section 3119.022 or 3119.023 of the Revised Code, as applicable.

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

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

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

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

(4) If 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 child enforcement agency issues the order, a requirement that the obligor or the obligee immediately inform the child support enforcement agency that private health insurance coverage for the children has become available to either the obligor or obligee. The child support enforcement agency shall determine if the private health insurance coverage is available at a reasonable cost and if coverage is reasonable, division (B)(2) or (3) shall apply, as applicable.

(C) When a child support order is issued or modified, and the obligor's gross income is one hundred fifty per cent or more of the federal poverty level for an individual, the order shall include the amount of cash medical support to be paid by the obligor that is either five per cent of the obligor's adjusted gross income or the obligor's share of the United States department of agriculture estimated annual health care expenditure per child as determined in accordance with federal law and regulation, whichever is the lower amount. The amount of cash medical support paid by the obligor shall be paid during any period after the court or child support enforcement agency issues or modifies the order in which the children are not covered by private health insurance.

(D) Any cash medical support paid pursuant to division (C) of this section shall be paid by the obligor to either the obligee if the children are not ~~Medicaid~~ medicaid recipients, or to the office of child support to defray the cost of ~~Medicaid~~ medicaid expenditures if the children are ~~Medicaid~~ medicaid recipients. The child support enforcement agency administering the court or administrative order shall amend the amount of monthly child support obligation to reflect the amount paid when private health insurance is not provided, as calculated in the current order pursuant to section

3119.022 or 3119.023 of the Revised Code, as applicable.

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

(E) The obligor shall begin payment of any cash medical support on the first day of the month immediately following the month in which private health insurance coverage is unavailable or terminates and shall cease payment on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes. During the period when cash medical support is required to be paid, the obligor or obligee must immediately inform the child support enforcement agency that health insurance coverage for the children has become available.

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

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

At the hearing, the agency shall determine whether there is a mistake of fact in the national medical support notice. The agency shall send its determination to the person. That agency's determination is final unless, within ~~seven business fourteen~~ days after the agency ~~makes issues~~ its determination, the person files a written motion with the court for a hearing to determine whether there is still a mistake of fact in the national medical support notice.

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

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

Sec. 3119.60. If a child support enforcement agency, periodically or on request of ~~an obligor~~



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

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

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

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

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

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

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

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

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

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

~~(g) (7)~~ Any other information necessary to properly review the child support order.

(2) Request ~~the obligee~~ to provide the agency, no later than the scheduled date for formally beginning the review, with all of the following:

~~(a)~~ A copy of the obligee's federal income tax return from the previous year;

~~(b)~~ A copy of all pay stubs obtained by the obligee within the preceding six months;

~~(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;

~~(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;

~~(e)~~ The current health insurance or health care policy, contract, or plan under which the obligee is enrolled and its cost;

~~(f)~~ Any other information necessary to properly review the child support order.

(D) Include in the notice sent pursuant to division (B) of this section, one of the following:

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

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

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

(A) Give the obligor and obligee notice, by ordinary mail, of the revised amount of child support to be paid under the administrative child support order, of their right to request an administrative hearing on the revised child support amount, of the procedures and time deadlines for requesting the hearing, and that the agency will modify the administrative child support order to include the revised child support amount unless the obligor or obligee requests an administrative hearing on the revised amount no later than ~~thirty-fourteen~~ thirty-fourteen days after receipt of the notice under this division is issued;

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

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

(1) Schedule a hearing on the issue;

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

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

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

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

(6) Give notice, by ordinary mail, to the obligor and obligee of the amount of child support to be paid under the order and that the obligor and obligee may object to the modified order by initiating an action under section 2151.231 of the Revised Code in the juvenile court or other court

with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the ~~mother, the father, the child, or the guardian or custodian of the child reside~~ agency that issued the order is located.

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

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

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

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

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

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

(D) If neither the obligor nor the obligee timely requests, pursuant to division (C) of this section, an administrative or 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;

(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~~ 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 parent fails to comply with a request for information made pursuant to section 3111.801 or division (C) of section 3119.60 of the Revised Code, one of the following applies:~~

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

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

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

~~(B) If the child support order being reviewed is an administrative child support order, the agency may request that the court of common pleas of the county in which the agency is located issue an order requiring the obligor or obligee to comply with the agency's request for information. The agency may request that the order require the obligor or obligee to provide the necessary information or permit the agency to take whatever action is necessary to obtain the information and make any reasonable assumptions necessary with respect to the information not provided to ensure a fair and equitable review of the administrative child support order. An obligor or obligee who fails to comply with the court order is in contempt of court. If an obligor or obligee is in contempt of court, the agency may request the court to hold the person who failed to comply in contempt or to permit the agency to take whatever action is necessary to obtain information and make any reasonable assumptions necessary with respect to the income of the person who failed to comply with the request to ensure a fair and equitable review of the administrative child support order.~~

If the agency decides to conduct the review of the child support order, or issue an administrative order, based on reasonable assumptions with respect to the information the person in contempt of court parent did not provide, it shall proceed under section 3111.81, 3119.61, or 3119.63

of the Revised Code in the same manner as if all requested information has been received.

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

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

(B) Procedures for determining what child support orders are to be subject to review upon the request of either the obligor or the obligee or periodically by the child support enforcement agency administering the child support order;

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

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

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

(F) Procedures for adjusting child support orders in accordance with the basic child support schedule set forth in section 3119.021 of the Revised Code and the applicable worksheet in section 3119.022 or 3119.023 of the Revised Code, through the line establishing the actual annual obligation;

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

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

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

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

(B) An obligor who is called to active military service in the uniformed services may request

a review of a child support order for the purpose of modification of the amount of support required under the order. The request must be submitted to the child support enforcement agency administering the order.

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

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

Sec. 3119.82. ~~Whenever~~ Except when including a revised amount of child support in a revised child support order as recommended pursuant to section 3119.63 of the Revised Code, whenever a court issues, or whenever ~~it a court~~ modifies, reviews, or otherwise reconsiders a court child support order, ~~it or upon the request of any party, the court shall~~ designate which parent may claim the children who are the subject of the court child support order as dependents for federal income tax purposes as set forth in section 151 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. If the parties agree on which parent should claim the children as dependents, the court shall designate that parent as the parent who may claim the children. If the parties do not agree, the court, in its order, may permit the parent who is not the residential parent and legal custodian to claim the children as dependents for federal income tax purposes only if the court determines that this furthers the best interest of the children and, with respect to orders the court modifies, reviews, or reconsiders, the payments for child support are substantially current as ordered by the court for the year in which the children will be claimed as dependents. In cases in which the parties do not agree which parent may claim the children as dependents, the court shall consider, in making its determination, any net tax savings, the relative financial circumstances and needs of the parents and children, the amount of time the children spend with each parent, the eligibility of either or both parents for the federal earned income tax credit or other state or federal tax credit, and any other relevant factor concerning the best interest of the children.

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

Sec. 3119.87. The parent who is the residential parent and legal custodian of a child for whom a child support order is issued or the person who otherwise has custody of a child for whom a child support order is issued immediately shall notify, and the obligor under a child support order may notify, the child support enforcement agency administering the child support order of any reason

for which the child support order should terminate. Nothing in this section shall preclude a person from notifying the agency that a reason for which a child support order should terminate is imminent. With respect to a court child support order, a willful failure to notify the ~~child support enforcement~~ agency as required by this division is contempt of court.

Sec. 3119.88. (A) Reasons for which a child support order should terminate through the administrative process under section 3119.89 of the Revised Code include all of the following:

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

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

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

~~(4) The child's death;~~

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

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

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

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

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

~~(10) The child's adoption;~~

~~(11) The obligor's death;~~

~~(12) The grandparent to whom support is being paid or a grandparent who is paying support reports that the grandparent's support order should terminate as a result of one of the events described in division (D) of section 3109.19 of the Revised Code;~~

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

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

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

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

- (2) Whether there are other children subject to the order;
- (3) Whether the obligor owes any arrearages under the order;
- (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;
- (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.

(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.

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 order should terminate and that child support amounts paid pursuant to the order should be impounded because continuation of receipt and disbursement would lead to an overpayment by the obligor, the agency shall do the following:

- (1) With respect to a court child support order, immediately notify the court that issued the order of the results of its investigation and submit to the court an order impounding any funds received for the child pursuant to the court child support order that was under investigation;
- (2) With respect to an administrative child support order, issue an administrative order impounding any funds received for the child pursuant to the administrative child support order that was under investigation.

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

- (1) Notice of their right to request an administrative hearing regarding any conclusions of the investigation;
- (2) Notice of the procedures and time deadlines for requesting the hearing;
- (3)(a) Notice that the conclusions of the investigations will be issued as an administrative order by the agency if the underlying order is an administrative child support order;
- (b) Notice that the conclusions of the investigations will be submitted to the court for inclusion into a revised or terminated court child support order with no further court hearing if the underlying order is a court child support order.



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

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

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

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

The notice shall also state that if neither the obligor nor the obligee files the motion within the ~~thirty-day-fourteen-day~~ period, the administrative hearing decision is final and will be filed with the court or in the administrative case file.

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

Sec. 3121.01. As used in this chapter:

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

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

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

(D) "Income" means any form of monetary payment, including personal earnings; workers' compensation payments; unemployment compensation benefits to the extent permitted by, and in accordance with, sections 3121.07 and 4141.284 of the Revised Code, and federal law governing the department of job and family services; pensions; annuities; allowances; private or governmental retirement benefits; disability or sick pay; insurance proceeds; lottery prize awards; federal, state, or

local government benefits to the extent that the benefits can be withheld or deducted under the law governing the benefits; any form of trust fund or endowment; lump sum payments, including a one-time pay supplement of one hundred fifty dollars or more paid under section 124.183 of the Revised Code; and any other payment in money.

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

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

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

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

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

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

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

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

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

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

(2) If the obligor is not in default under the support order and does not have any arrearages

under the support order, issue an administrative order directing the person who gave the notice to the court or agency to immediately pay requiring the immediate release of the full amount of the lump sum payment to the obligor.

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

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

(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 EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.**

**IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED**

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

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

Sec. 3121.34. A person required to comply with withholding or deduction notices described in section 3121.03 of the Revised Code shall determine the manner of withholding or deducting from the specific requirement included in the notices without the need for any amendment to the support order, and a person required to comply with an order described in sections 3121.03, and 3121.04 to 3121.06 of the Revised Code, ~~and~~ or an administrative order issued under section 3121.12 of the Revised Code shall comply without the need for any amendment to the support order.

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

- (A) The date on which it is ~~sent~~ issued;
- (B) A statement that the obligor is in default under a support order;
- (C) The amount of arrearages the obligor owes due to the default as of the date the default notice is ~~sent~~ issued;
- (D) A statement that any arrearages owed by the obligor that arise after the default notice is ~~sent~~ issued and during the period of default will be added to the obligor's total child support obligation and will be subject to collection efforts without further default notice;
- (E) A statement of the types of withholding or deduction requirements and related notices described in section 3121.03 of the Revised Code or the types of court orders described in sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised Code that will be issued for payment of support and arrearages and the amount that will be withheld or deducted pursuant to those requirements;
- (F) A statement that any notice for the withholding or deduction of an amount from income or assets applies to all current and subsequent payors of the obligor and financial institutions in which the obligor has an account and that any withholding or deduction requirement and related notice described in section 3121.03 of the Revised Code or any court order described in sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised Code that is issued will not be discontinued solely because the obligor pays arrearages;

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

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

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

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

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

Sec. 3123.04. An obligor who receives a default notice under section 3123.03 of the Revised Code may file a written request for an administrative hearing with the child support enforcement agency that identified the default regarding whether a mistake of fact was made in the notice. The request must be filed not later than ~~seven-business-fourteen~~ days after the date on which the default notice is ~~sent~~ issued.

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

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

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

Sec. 3123.05. If, not later than ~~seven-business-fourteen~~ days after the child support enforcement agency ~~makes issues~~ its determinations under section 3123.04 of the Revised Code, the obligor files a written motion for a court hearing to determine whether a mistake of fact still exists in the default notice, the court shall hold a hearing as soon as possible, but not later than ten days, after the motion is filed. Not later than five days before the date on which the court hearing is to be held, the court shall send the obligor and the obligee written notice by ~~regular-ordinary~~ mail of the date, time, place, and purpose of the court hearing. The hearing shall be limited to a determination of whether there is a mistake of fact in the default notice.

At the hearing, the court shall determine whether there is a mistake of fact in the default

notice. On the conclusion of the hearing, the court shall make its determination. The determination is final and enforceable. The court shall take further action as provided in section 3123.06 of the Revised Code.

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

(1) If no withholding notice was issued in accordance with section 3123.021 of the Revised Code with respect to the order, the court or agency shall issue one or more notices requiring withholding or deduction of income or assets of the obligor in accordance with section 3121.03 of the Revised Code, or the court shall issue one or more court orders imposing other appropriate requirements in accordance with sections 3121.03, 3121.035, and 3121.04 to 3121.08, and division (C) of section 3121.12 of the Revised Code.

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

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

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

(C) A withholding or deduction notice issued under division (A)(1), (2), or (3) of this section shall require the payment of arrearages caused by the default along with any payment for current support. A withholding or deduction notice or other appropriate order described under this section shall be issued not later than fifteen days after the determination of default under the support order becomes final and enforceable. Section 3123.21 of the Revised Code applies to a withholding or deduction notice or other appropriate order described under division (A) of this section beginning on the date it is issued and ending on the date the period of default ends.

Sec. 3123.14. If a child support order is terminated for any reason, the obligor under the child support order is or was at any time in default under the support order and, after the termination of the order, the obligor owes an arrearage under the order, the obligee may make application to the child support enforcement agency that administered the child support order prior to its termination or had authority to administer the child support order to maintain any administrative or judicial action or

~~proceeding to enforce the order~~ on behalf of the obligee to obtain a ~~judgment, execution of a judgment through any available procedure, an order, or other relief.~~ If a withholding or deduction notice is issued pursuant to section 3121.03 of the Revised Code to collect an arrearage, the amount withheld or deducted from the obligor's personal earnings, income, or accounts shall be at least equal to the amount that was withheld or deducted under the terminated child support order.

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

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

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

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

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

(B) A statement that the person may object to the withdrawal by filing with the agency, no later than ~~ten~~ fourteen days after the date on which the notice is ~~sent~~ issued, a written request for an administrative hearing to determine whether any amount contained in the account is the property of the person to whom the notice is sent and should not be subject to the withdrawal directive.

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

Sec. 3123.34. If a child support enforcement agency determines that the total amount in an account is the property of a person who is not the obligor from whom payment is sought, it shall order the financial institution to release the access restriction on the account and shall take no further enforcement action on the account. A copy of this notice shall be sent to the obligor. If the agency

determines that some of the funds in the account are the property of the person, it shall order the financial institution to release the access restriction on the account in that amount and shall take no further enforcement action on those funds. A copy of this notice shall be sent to the obligor. The agency shall issue a withdrawal directive pursuant to section 3123.37 of the Revised Code for the remaining funds unless, no later than ~~ten~~ fourteen days after the agency ~~makes~~ issues its determination, the person files a written motion with the court of common pleas of the county served by the ~~child support enforcement~~ agency for a hearing to determine whether any amount contained in the account is the property of the person.

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

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

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

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

~~(C) An appropriate withholding or deduction notice or other appropriate order described in section 3121.03, 3121.04, 3121.05, 3121.06, or 3121.12 of the Revised Code has been issued to collect current support and any arrearage due under the support order that was in default, and the obligor is complying with the notice or order.~~

~~(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.~~

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

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

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

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

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

(A) Any reduction authorized by section 5747.12 of the Revised Code has first been made,



except as otherwise provided in this section.

(B) The refund payable to the obligor or obligee is not less than twenty-five dollars after any reduction pursuant to section 5747.12 of the Revised Code.

(C) Either of the following applies:

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

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

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

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

SECTION 3. Sections 1 and 2 of this act take effect nine months after the effective date of this act. During that nine- month period, the Ohio Department of Job and Family Services shall perform necessary automated system changes and may organize and oversee the statewide training of local child support enforcement agencies, lawyers who practice in child support, and judges who preside over child support cases.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

Sub. S. B. No. 70

132nd G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_