

**As Reported by the House Community and Family Advancement  
Committee**

**132nd General Assembly**

**Regular Session  
2017-2018**

**Sub. S. B. No. 70**

**Senator Coley**

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

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**A BILL**

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

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

**Section 1.** That sections 2919.21, 3111.29, 3111.38, 14  
3111.46, 3111.49, 3111.78, 3111.80, 3111.81, 3111.84, 3119.06, 15  
3119.30, 3119.38, 3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 16  
3119.76, 3119.77, 3119.82, 3119.87, 3119.88, 3119.89, 3119.90, 17

3119.91, 3119.92, 3121.01, 3121.02, 3121.035, 3121.12, 3121.29, 18  
3121.33, 3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 3123.14, 19  
3123.25, 3123.27, 3123.30, 3123.31, 3123.34, 3123.35, 3123.72, 20  
3123.821, and 3123.822 be amended and sections 3111.801 and 21  
3119.631 of the Revised Code be enacted to read as follows: 22

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

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

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

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

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

(a) Is legally obligated to support; or 35

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

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

(ii) Remains unpaid. 40

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

(C) No person shall aid, abet, induce, cause, encourage, 45  
or contribute to a child or a ward of the juvenile court 46  
becoming a dependent child, as defined in section 2151.04 of the 47  
Revised Code, or a neglected child, as defined in section 48  
2151.03 of the Revised Code. 49

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

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

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

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

violation of division (A) (2) or (B) of this section is a felony 75  
of the fifth degree. If the offender previously has been 76  
convicted of or pleaded guilty to a felony violation of this 77  
section, a violation of division (A) (2) or (B) of this section 78  
is a felony of the fourth degree. 79

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

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

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

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

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

(iii) The offender previously was convicted of or pleaded 101  
guilty to a violation of this section that was a felony, the 102  
offender was sentenced to one or more community control 103

sanctions of a type described in division (G) (1) (a) of this 104  
section for that violation, and the offender failed to comply 105  
with the conditions of any of those community control sanctions. 106

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

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

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

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

(B) Contact the child support enforcement agency for 133  
assistance in obtaining the order, or may request that an 134  
administrative officer of a child support enforcement agency 135  
issue an administrative order for the payment of child support 136  
pursuant to section 3111.81 of the Revised Code a child support 137  
order as defined in section 3119.01 of the Revised Code. 138

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

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

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

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

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

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

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

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

3111.03 of the Revised Code:	193
(A) If the presumption is not based on an acknowledgment 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;	194 195 196 197 198 199
(B) <del>Ask an administrative officer of a child support enforcement agency to issue an administrative order pursuant to section 3111.81 of the Revised Code;</del>	200 201 202
<del>(C) Contact a child support enforcement agency <u>for to</u> request assistance in obtaining an order for support and the provision of health care for the child.</del>	203 204 205
<b>Sec. 3111.80.</b> <del>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</del> (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 <u>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:</u>	206 207 208 209 210 211 212 213 214 215 216 217 218 219
(1) <u>An administrative officer has issued an administrative order determining the existence of a parent and child</u>	220 221



<u>relationship under section 3111.46 of the Revised Code;</u>	222
<u>(2) A presumption of paternity exists under section</u>	223
<u>3111.03 of the Revised Code;</u>	224
<u>(3) A duty of support otherwise exists under section</u>	225
<u>3103.031 or Chapter 3115. of the Revised Code.</u>	226
<u>The administrative hearing shall be conducted by an</u>	227
<u>administrative officer assigned by the child support enforcement</u>	228
<u>agency.</u>	229
<u>(B) The administrative officer shall send <del>the mother and</del></u>	230
<u><del>the father</del> each of the <del>child</del> <u>child's parents</u> notice of the date,</u>	231
time, place, and purpose of the administrative hearing. With	232
respect to an administrative hearing scheduled pursuant to an	233
administrative order determining, pursuant to section 3111.46 of	234
the Revised Code, the existence of a parent and child	235
relationship, the officer shall attach the notice of the	236
administrative hearing to the order and send it in accordance	237
with that section. <u>The notice shall include the request</u>	238
<u>described in section 3111.801 of the Revised Code and state that</u>	239
<u>if either parent fails to comply with a request for information</u>	240
<u>in accordance with that section, the agency is permitted to make</u>	241
<u>reasonable assumptions regarding the information that either</u>	242
<u>parent failed to provide, and the agency shall proceed with the</u>	243
<u>determination of support in the same manner as if all requested</u>	244
<u>information had been provided.</u> The Rules of Civil Procedure	245
shall apply regarding the sending of the notice <u>and any summons</u>	246
<u>related to the hearing,</u> except to the extent the <del>civil</del> rules, by	247
their nature, are clearly inapplicable and except that	248
references in the <del>civil</del> rules to the court or the clerk of the	249
court shall be construed as being references to the <del>child</del>	250
<del>support enforcement</del> agency or the administrative officer.	251

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

duplication of coverage. 400

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Schedule a hearing on the issue; 621

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) Procedures for adjusting child support orders in 812

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

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

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

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

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

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

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

(D) The obligor may provide the child support enforcement 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 873  
of time the children spend with each parent, the eligibility of 874  
either or both parents for the federal earned income tax credit 875  
or other state or federal tax credit, and any other relevant 876  
factor concerning the best interest of the children. 877

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

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

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

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

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

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

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

(4) The child's death; 920

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

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

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

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

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

(10) The child's adoption; 926

(11) The obligor's death; 927

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



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

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

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

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

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

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

(3) Whether the obligor owes any arrearages under the order; 959  
960

(4) Whether the agency believes it is necessary to continue withholding or deduction pursuant to a notice or order described in section 3121.03 of the Revised Code for the other children or arrearages; 961  
962  
963  
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(5) Whether child support amounts paid pursuant to the order being investigated should be impounded because continuation of receipt and disbursement would lead to an overpayment by the obligor. 965  
966  
967  
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(B) If the agency, pursuant to the investigation under division (A) of this section, determines that other children are subject to the child support order and that it is necessary to continue withholding or deduction for the other children, the agency shall divide the child support due annually and per month under the order by the number of children who are the subject of the order and subtract the amount due for the child for whom the order should be terminated from the total child support amount due annually and per month. The resulting annual and per month child support amount shall be included in the results of the agency's investigation as the recommended child support amount due annually and monthly under a revised child support order. If arrearage amounts are owed, those amounts may be included as part of the recommended child support amount. The investigation under division (A) of this section shall not include a review pursuant to sections 3119.60 to 3119.76 of the Revised Code of any other children subject to the child support order. 969  
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**Sec. 3119.90.** (A) If, pursuant to an investigation conducted under section 3119.89 of the Revised Code, the child support enforcement agency determines both that a child support 986  
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order should terminate and that child support amounts paid 989  
pursuant to the order should be impounded because continuation 990  
of receipt and disbursement would lead to an overpayment by the 991  
obligor, the agency shall do the following: 992

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 3121.01.** As used in this chapter: 1062

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3121.12 of the Revised Code. 1343

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

property of the person. 1465

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section 5747.12 of the Revised Code. 1522

(C) Either of the following applies: 1523

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

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

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

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

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

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