

As Introduced

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Representative Ingram

Cosponsors: Representatives Howse, Denson, Kelly, Blair, West

A BILL

To suspend child support obligations for obligors 1
who have lost income during the period of the 2
state of emergency declared by Executive Order 3
2020-01D, issued on March 9, 2020, and to 4
declare an emergency. 5

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

Section 1. (A) This section shall apply only when a child 6
support obligor has been laid off, terminated, or furloughed or 7
has otherwise lost his or her primary source of income during 8
the period of the state of emergency declared by Executive Order 9
2020-01D, issued on March 9, 2020, and is unable to fulfill an 10
obligation pursuant to a child support order, including cash 11
medical support and health care coverage. 12

(B) An obligor under division (A) of this section seeking 13
relief from a child support order shall notify the child support 14
enforcement agency administering the order of his or her 15
inability to fulfill the child support obligation and provide 16
proof of the loss of income. 17

(C) Upon receipt of a notification under division (B) of 18

this section, the agency shall conduct an investigation to 19
confirm that the obligor is unable to fulfill his or her child 20
support obligation as a result of a loss of income due to the 21
COVID-19 pandemic. 22

(D) Upon completing an investigation under division (C) of 23
this section, one of the following applies: 24

(1) If the agency determines that the obligor no longer 25
has a source of income and is unable to fulfill his or her child 26
support obligation, division (E) of this section applies. 27

(2) If the agency determines that the obligor has not lost 28
a source of income and is able to fulfill his or her child 29
support obligation, the agency shall notify the obligor of the 30
determination and that the obligation under the child support 31
order shall remain in effect. 32

(E) If an agency makes a determination under division (D) 33
(1) of this section, the obligor's support obligation is 34
suspended and the following apply: 35

(1) The agency shall notify the obligor that his or her 36
support obligation has been suspended, and provide all of the 37
terms of the suspension, including whether any default 38
proceedings or enforcement mechanisms, such as those under 39
division (E)(4) of this section, have been suspended. 40

(2) If at the time of an investigation under division (C) 41
of this section, the agency was investigating a default under 42
section 3123.02 of the Revised Code regarding the obligor, the 43
agency shall terminate the investigation. 44

(3) If at the time of an investigation under division (C) 45
of this section, a default proceeding has been initiated 46
regarding the obligor but a final and enforceable determination 47

of default has not been made, the agency shall suspend the 48
default proceedings for an administrative determination or 49
notify the court to suspend the default proceedings for a court 50
determination. 51

(4) None of the following actions shall apply to an 52
obligor subject to a final and enforceable determination of 53
default during the period of suspension under this section: 54

(a) Suspending, refusing to issue, or refusing to renew a 55
license under sections 3123.42 to 3123.48, 3123.53 to 3123.59, 56
and 3123.62 of the Revised Code; 57

(b) Providing the obligor's information to a consumer 58
reporting agency under sections 3123.92 and 3123.921 of the 59
Revised Code; 60

(c) Asserting a lien on the obligor's real or personal 61
property under sections 3123.66 to 3123.70 of the Revised Code; 62

(d) Issuing a withdrawal directive on the obligor's funds 63
held in a financial institute under sections 3123.24 to 3123.37 64
of the Revised Code; 65

(e) Intercepting income tax refunds under sections 3123.81 66
to 3123.823 of the Revised Code or obtaining administrative 67
offsets as provided under section 3123.85 of the Revised Code; 68

(f) Intervening in an action or instituting a creditor's 69
bill under section 3123.19 of the Revised Code; 70

(g) Intercepting unclaimed funds under section 3123.88 of 71
the Revised Code; 72

(h) Publishing and distributing posters pursuant to the 73
poster programs under sections 3123.95 to 3123.962 of the 74
Revised Code; 75

(i) Instituting any other action under Chapter 3123. of 76
the Revised Code to enforce a child support obligation or to 77
penalize an obligor in default. 78

(F) Any child support obligation that is not fulfilled 79
during the period of the suspension of payments shall not serve 80
as the basis for a new default proceeding. 81

(G) A court or agency shall not issue a new child support 82
order requiring an obligor to pay any amount of support if the 83
obligor has lost a primary source of income during the period of 84
the state of emergency declared by Executive Order 2020-01D and 85
is unable to pay a support amount. 86

(H) For purposes of the crime of nonsupport of dependents 87
under section 2919.21 of the Revised Code: 88

(1) Nonpayment of a child support obligation that has been 89
suspended under this section shall not constitute the offense. 90

(2) The number of weeks for which a support obligation has 91
been suspended shall not count towards determination of a felony 92
conviction. 93

(I) A child support obligation that has been suspended 94
under this section shall not be the basis for an action for 95
contempt of court for disobedience of or resistance to a court 96
order or failure to comply with an administrative support order 97
under section 2705.031 of the Revised Code. 98

(J) A suspended child support obligation amount shall not 99
accumulate for purposes of determining an obligor's support 100
obligation amount after the period of suspension ends. 101

(K) This section shall apply during the period of the 102
state of emergency declared by Executive Order 2020-01D and ends 103

on one of the following dates, whichever is later:	104
(1) The end of the state of emergency;	105
(2) September 1, 2020.	106
Section 2. This act is an emergency measure necessary for	107
the immediate preservation of the public peace, health, and	108
safety. The reason for such necessity is to provide relief for	109
obligors who are unable to make child support payments due to a	110
loss of income during the period of the state of emergency	111
declared by Executive Order 2020-01D, issued on March 9, 2020.	112
Therefore, this act shall go into immediate effect.	113