

As Introduced

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S. B. No. 308

Senator Coley

Cosponsors: Senators Eklund, Hite

A BILL

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

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

Section 1. That sections 3111.29, 3111.38, 3111.46, 14
3111.49, 3111.78, 3111.80, 3111.81, 3111.84, 3119.06, 3119.30, 15
3119.38, 3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 3119.76, 16
3119.77, 3119.82, 3119.87, 3119.88, 3119.89, 3119.90, 3119.91, 17
3119.92, 3121.01, 3121.02, 3121.035, 3121.12, 3121.29, 3121.33, 18
3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 3123.14, 3123.25, 19

3123.27, 3123.30, 3123.31, 3123.34, 3123.35, 3123.72, 3123.821, 20
and 3123.822 be amended and sections 3111.801 and 3119.631 of 21
the Revised Code be enacted to read as follows: 22

Sec. 3111.29. Once an acknowledgment of paternity becomes 23
final under section 3111.25 of the Revised Code, the mother or 24
other custodian or guardian of the child may ~~file~~ do either of 25
the following: 26

(A) File a complaint pursuant to section 2151.231 of the 27
Revised Code in the juvenile court or other court with 28
jurisdiction under section 2101.022 or 2301.03 of the Revised 29
Code of the county in which the child or the guardian or legal 30
custodian of the child resides requesting that the court order 31
the father or mother to pay an amount for the support of the 32
child, ~~may contact~~; 33

(B) Contact the child support enforcement agency for 34
assistance in obtaining ~~the order, or may request that an~~ 35
~~administrative officer of a child support enforcement agency~~ 36
~~issue an administrative order for the payment of child support~~ 37
~~pursuant to section 3111.81 of the Revised Code~~ a child support 38
order as defined in section 3119.01 of the Revised Code. 39

Sec. 3111.38. At the request of a person described in 40
division (A) of section 3111.04 of the Revised Code, the child 41
support enforcement agency of the county in which a child 42
resides or in which the guardian or legal custodian of the child 43
resides shall determine the existence or nonexistence of a 44
parent and child relationship between an alleged father and the 45
child if an application for services administered under Title 46
IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 47
U.S.C. 651, as amended, or other IV-D referral has been 48
completed and filed. 49

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

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

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

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

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

Sec. 3111.49. The mother, alleged father, and guardian or legal custodian of a child may object to an administrative order determining the existence or nonexistence of a parent and child relationship by bringing, within ~~thirty-fourteen~~ days after the date the administrative officer issues the order, an action under sections 3111.01 to 3111.18 of the Revised Code in the

juvenile court or other court with jurisdiction under section 79
2101.022 or 2301.03 of the Revised Code in the county in which 80
the child support enforcement agency that employs the 81
administrative officer who issued the order is located. If the 82
action is not brought within the ~~thirty-day~~ fourteen-day period, 83
the administrative order is final and enforceable by a court and 84
may not be challenged in an action or proceeding under Chapter 85
3111. of the Revised Code. 86

Sec. 3111.78. A parent, guardian, or legal custodian of a 87
child, the person with whom the child resides, or the child 88
support enforcement agency of the county in which the child, 89
parent, guardian, or legal custodian of the child resides may do 90
either of the following to require a man to pay support and 91
provide for the health care needs of the child if the man is 92
presumed to be the natural father of the child under section 93
3111.03 of the Revised Code: 94

(A) If the presumption is not based on an acknowledgment 95
of paternity, file a complaint pursuant to section 2151.231 of 96
the Revised Code in the juvenile court or other court with 97
jurisdiction under section 2101.022 or 2301.03 of the Revised 98
Code of the county in which the child, parent, guardian, or 99
legal custodian resides; 100

~~(B) Ask an administrative officer of a child support 101
enforcement agency to issue an administrative order pursuant to 102
section 3111.81 of the Revised Code;~~ 103

~~(C) Contact a child support enforcement agency ~~for to~~ 104
request assistance in obtaining an order for support and the 105
provision of health care for the child. 106~~

Sec. 3111.80. ~~If a request for issuance of an 107~~

~~administrative support order is made under section 3111.29 or~~ 108
~~3111.78 of the Revised Code or an administrative officer issues~~ 109
~~an administrative order determining the existence of a parent~~ 110
~~and child relationship under section 3111.46 of the Revised~~ 111
Code, the (A) An administrative officer shall schedule an 112
administrative hearing to determine, in accordance with Chapters 113
3119. and 3121. of the Revised Code, the amount of child support 114
any parent is required to pay, the method of payment of child 115
support, and the method of providing for the child's health care 116
if an application for services administered under Title IV-D of 117
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, 118
as amended, or other IV-D referral, has been completed and filed 119
and one of the following applies: 120

(1) An administrative officer has issued an administrative 121
order determining the existence of a parent and child 122
relationship under section 3111.46 of the Revised Code; 123

(2) A presumption of paternity exists under section 124
3111.03 of the Revised Code; 125

(3) A duty of support otherwise exists under section 126
3103.031 or Chapter 3115. of the Revised Code. 127

The administrative hearing shall be conducted by an 128
administrative officer assigned by the child support enforcement 129
agency. 130

(B) The administrative officer shall send ~~the mother and~~ 131
~~the father~~ each of the ~~child~~ child's parents notice of the date, 132
time, place, and purpose of the administrative hearing. With 133
respect to an administrative hearing scheduled pursuant to an 134
administrative order determining, pursuant to section 3111.46 of 135
the Revised Code, the existence of a parent and child 136

relationship, the officer shall attach the notice of the 137
administrative hearing to the order and send it in accordance 138
with that section. The notice shall include the request 139
described in section 3111.801 of the Revised Code and state that 140
if either parent fails to comply with a request for information 141
in accordance with that section, the agency is permitted to make 142
reasonable assumptions regarding the information that either 143
parent failed to provide, and the agency shall proceed with the 144
determination of support in the same manner as if all requested 145
information had been provided. The Rules of Civil Procedure 146
shall apply regarding the sending of the notice and any summons 147
related to the hearing, except to the extent the ~~civil~~ rules, by 148
their nature, are clearly inapplicable and except that 149
references in the ~~civil~~ rules to the court or the clerk of the 150
court shall be construed as being references to the ~~child-~~ 151
~~support enforcement~~-agency or the administrative officer. 152

(C) The hearing shall be held ~~no~~-not later than sixty days 153
after the request is made under section 3111.29 or 3111.78 of 154
the Revised Code or an administrative officer issues an 155
administrative order determining the existence of a parent and 156
child relationship under section 3111.46 of the Revised 157
Code Title IV-D application is submitted to or the Title IV-D 158
referral is received by the agency or after the issuance of an 159
order determining the existence of a parent and child 160
relationship. The hearing shall ~~not~~-be held not earlier than 161
thirty days after the officer gives ~~the mother and father~~ each 162
parent notice of the hearing. 163

(D) If either parent fails to comply with a request for 164
information in accordance with section 3111.801 of the Revised 165
Code, the agency may do either of the following: 166

<u>(1) Proceed in accordance with division (A)(1) of section</u>	167
<u>3119.72 of the Revised Code;</u>	168
<u>(2) Make reasonable assumptions regarding the information</u>	169
<u>the parent failed to provide and proceed with the determination</u>	170
<u>of support in the same manner as if all requested information</u>	171
<u>had been provided.</u>	172
<u>Sec. 3111.801.</u> <u>If an administrative officer schedules an</u>	173
<u>administrative support hearing in accordance with section</u>	174
<u>3111.80 of the Revised Code, the administrative officer shall</u>	175
<u>include in the notice described in section 3111.80 of the</u>	176
<u>Revised Code a request that each parent provide the child</u>	177
<u>support enforcement agency, not later than the date scheduled</u>	178
<u>for formally beginning the administrative hearing, all of the</u>	179
<u>following:</u>	180
<u>(A) A copy of each parent's most recently filed federal</u>	181
<u>income tax return and all supporting schedules and documents;</u>	182
<u>(B) A copy of all pay stubs obtained by each parent within</u>	183
<u>the immediately preceding six months;</u>	184
<u>(C) A copy of all other records evidencing the receipt of</u>	185
<u>any other salary, wages, or compensation by each parent within</u>	186
<u>the immediately preceding six months;</u>	187
<u>(D) A list of the group health insurance and health care</u>	188
<u>policies, contracts, and plans available to each parent and</u>	189
<u>their costs;</u>	190
<u>(E) The current health insurance or health care policy,</u>	191
<u>contract, or plan under which each parent is enrolled and its</u>	192
<u>cost;</u>	193
<u>(F) If either parent is a member of the uniformed services</u>	194

and is on active military duty, a copy of the parent's leave and 195
earnings statement; 196

(G) Any other information necessary to properly establish 197
the child support order. 198

Sec. 3111.81. After the hearing under section 3111.80 of 199
the Revised Code is completed, the administrative officer may 200
issue an administrative order for the payment of support and 201
provision for the child's health care. The order shall take 202
effect fourteen days after the order is issued. The order shall 203
do all of the following in accordance with Chapters 3119. and 204
3121. of the Revised Code: 205

(A) Require periodic payments of support that may vary in 206
amount, except that, if it is in the best interest of the child, 207
the administrative officer may order the purchase of an annuity 208
in lieu of periodic payments of support if the purchase 209
agreement provides that any remaining principal will be 210
transferred to the ownership and control of the child on the 211
child's attainment of the age of majority; 212

(B) Require the parents to provide for the health care 213
needs of the child in accordance with sections 3119.29 to 214
3119.56 of the Revised Code; 215

(C) Include a notice that contains the information 216
described in section 3111.84 of the Revised Code informing the 217
~~mother and the father of parents that the administrative order~~ 218
is final and enforceable fourteen days after the order is issued 219
and that they have the right to object to the order by bringing 220
an action for the payment of support and provision of the 221
child's health care under section 2151.231 of the Revised Code 222
~~and the effect of a failure to timely bring the action.~~ 223

Sec. 3111.84. ~~The mother or father~~ Either parent of a 224
child who is the subject of an administrative support order may 225
object to the order by bringing an action for the payment of 226
support and provision for the child's health care under section 227
2151.231 of the Revised Code in the juvenile court or other 228
court with jurisdiction under section 2101.022 or 2301.03 of the 229
Revised Code of the county in which the child support 230
enforcement agency that ~~employs the administrative officer~~ 231
issues the order is located. The action shall be brought not 232
later than ~~thirty-fourteen~~ days after the date of the issuance 233
of the administrative support order. ~~If neither the mother nor~~ 234
~~the father brings an action for the payment of support and~~ 235
~~provision for the child's health care within that thirty-day~~ 236
~~period, the~~ The administrative support order shall remain in 237
effect during the pendency of the objection unless a party 238
requests and is granted a stay by the court. The administrative 239
support order is final and enforceable ~~by a court~~ fourteen days 240
after the order is issued and may be modified only as provided 241
in Chapters 3119., 3121., and 3123. of the Revised Code. 242

Sec. 3119.06. (A) Except as otherwise provided in this 243
section, in any action in which a court issues or modifies a 244
child support order or in any other proceeding in which a court 245
determines the amount of child support to be paid pursuant to a 246
child support order, the court shall issue a minimum child 247
support order requiring the obligor to pay a minimum of fifty 248
dollars a month. The court, in its discretion and in appropriate 249
circumstances, may issue a minimum child support order requiring 250
the obligor to pay less than fifty dollars a month or not 251
requiring the obligor to pay an amount for support. The 252
circumstances under which a court may issue such an order 253
include the nonresidential parent's medically verified or 254

documented physical or mental disability or institutionalization 255
in a facility for persons with a mental illness or any other 256
circumstances considered appropriate by the court. 257

If a court issues a minimum child support order pursuant 258
to this section and the obligor under the support order is the 259
recipient of ~~need-based-means-tested~~ public assistance, any 260
unpaid amounts of support due under the support order shall 261
accrue as arrearages from month to month, and the obligor's 262
current obligation to pay the support due under the support 263
order is suspended during any period of time that the obligor is 264
receiving ~~need-based-means-tested~~ public assistance and is 265
complying with any seek work orders issued pursuant to section 266
3121.03 of the Revised Code. The court, obligee, and child 267
support enforcement agency shall not enforce the obligation of 268
the obligor to pay the amount of support due under the support 269
order while the obligor is receiving ~~need-based-means-tested~~ 270
public assistance and is complying with any seek work orders 271
issued pursuant to section 3121.03 of the Revised Code. 272

(B) As used in this section, "means-tested public 273
assistance" includes cash assistance payments under the Ohio 274
works first program established under Chapter 5107. of the 275
Revised Code, financial assistance under the disability 276
financial assistance program established under Chapter 5115. of 277
the Revised Code, supplemental security income, or means-tested 278
veterans' benefits. 279

Sec. 3119.30. (A) In any action or proceeding in which a 280
child support order is issued or modified, the court, with 281
respect to court child support orders, and the child support 282
enforcement agency, with respect to administrative child support 283
orders, shall determine the person or persons responsible for 284

the health care of the children subject to the child support 285
order and shall include provisions for the health care of the 286
children in the child support order. The order shall specify 287
that the obligor and obligee are both liable for the health care 288
of the children who are not covered by private health insurance 289
or cash medical support as calculated in accordance with section 290
3119.022 or 3119.023 of the Revised Code, as applicable. 291

(B) Based on information provided to the court or to the 292
child support enforcement agency under section 3119.31 of the 293
Revised Code, the order shall include one of the following: 294

(1) A requirement that both the obligor and the obligee 295
obtain private health insurance coverage for the children if 296
coverage is available for the children at a reasonable cost to 297
both the obligor and the obligee and dual coverage would provide 298
for coordination of medical benefits without unnecessary 299
duplication of coverage. 300

(2) A requirement that the obligee obtain private health 301
insurance coverage for the children if coverage is available 302
through any group policy, contract, or plan available to the 303
obligee and is available at a more reasonable cost than coverage 304
is available to the obligor; 305

(3) A requirement that the obligor obtain private health 306
insurance coverage for the children if coverage is available 307
through any group policy, contract, or plan available to the 308
obligor at a more reasonable cost than coverage is available to 309
the obligee; 310

(4) If health insurance coverage for the children is not 311
available at a reasonable cost to the obligor or the obligee at 312
the time the court or child enforcement agency issues the order, 313

a requirement that the obligor or the obligee immediately inform 314
the child support enforcement agency that private health 315
insurance coverage for the children has become available to 316
either the obligor or obligee. The child support enforcement 317
agency shall determine if the private health insurance coverage 318
is available at a reasonable cost and if coverage is reasonable, 319
division (B) (2) or (3) shall apply, as applicable. 320

(C) When a child support order is issued or modified, and 321
the obligor's gross income is one hundred fifty per cent or more 322
of the federal poverty level for an individual, the order shall 323
include the amount of cash medical support to be paid by the 324
obligor that is either five per cent of the obligor's adjusted 325
gross income or the obligor's share of the United States 326
department of agriculture estimated annual health care 327
expenditure per child as determined in accordance with federal 328
law and regulation, whichever is the lower amount. The amount of 329
cash medical support paid by the obligor shall be paid during 330
any period after the court or child support enforcement agency 331
issues or modifies the order in which the children are not 332
covered by private health insurance. 333

(D) Any cash medical support paid pursuant to division (C) 334
of this section shall be paid by the obligor to either the 335
obligee if the children are not ~~Medicaid~~ medicaid recipients, or 336
to the office of child support to defray the cost of ~~Medicaid~~ 337
medicaid expenditures if the children are ~~Medicaid~~ medicaid 338
recipients. The child support enforcement agency administering 339
the court or administrative order shall amend the amount of 340
monthly child support obligation to reflect the amount paid when 341
private health insurance is not provided, as calculated in the 342
current order pursuant to section 3119.022 or 3119.023 of the 343
Revised Code, as applicable. 344

The child support enforcement agency shall give the 345
obligor notice in accordance with Chapter 3121. of the Revised 346
Code and provide the obligor an opportunity ~~to be heard for an~~ 347
administrative hearing if the obligor believes there is a 348
mistake of fact regarding the availability of private health 349
insurance at a reasonable cost as determined under division (B) 350
of this section. The obligor shall file a written request for 351
the administrative hearing with the agency not later than 352
fourteen days after the notice is issued. 353

(E) The obligor shall begin payment of any cash medical 354
support on the first day of the month immediately following the 355
month in which private health insurance coverage is unavailable 356
or terminates and shall cease payment on the last day of the 357
month immediately preceding the month in which private health 358
insurance coverage begins or resumes. During the period when 359
cash medical support is required to be paid, the obligor or 360
obligee must immediately inform the child support enforcement 361
agency that health insurance coverage for the children has 362
become available. 363

Sec. 3119.38. A person who receives a notice of medical 364
support enforcement activity under section 3119.35 of the 365
Revised Code may file a written request for an administrative 366
hearing with the child support enforcement agency that issued ~~it~~ 367
regarding the notice. The hearing shall address whether a 368
mistake of fact was made in the national medical support notice 369
referred to in the notice ~~of medical support enforcement~~ 370
activity issued by the agency. The request must be filed not 371
later than ~~seven business fourteen~~ days after the date on which 372
the notice of medical support enforcement activity is sent. 373

If the person makes a timely request, the agency shall 374

conduct ~~an~~ the administrative hearing not later than ten days 375
after the date on which the person files the request for the 376
hearing. Not later than five days before the date on which the 377
hearing is to be conducted, the agency shall send the person and 378
any other individual the agency determines appropriate written 379
notice of the date, time, place, and purpose of the hearing. The 380
notice to the person and any other appropriate individual also 381
shall indicate that the person may present testimony and 382
evidence at the hearing only in regard to the issue of whether a 383
mistake of fact has been made in the national medical support 384
notice. 385

At the hearing, the agency shall determine whether there 386
is a mistake of fact in the national medical support notice. The 387
agency shall send its determination to the person. That agency's 388
determination is final unless, within ~~seven business~~ fourteen 389
days after the agency ~~makes issues~~ its determination, the person 390
files a written motion with the court for a hearing to determine 391
whether there is still a mistake of fact in the national medical 392
support notice. 393

If an agency's determination becomes final under this 394
section, the agency shall take further action as required by 395
section 3119.41 of the Revised Code. 396

Sec. 3119.43. If the person required to obtain health 397
insurance coverage pursuant to a child support order issued in 398
accordance with section 3119.30 of the Revised Code does not 399
obtain the required coverage within thirty days after the order 400
is issued, the child support enforcement agency ~~shall~~ may notify 401
the court that issued the court child support order or, with 402
respect to an administrative child support order, the court of 403
common pleas of the county in which the agency is located, in 404

writing of the failure of the person to comply with the child support order. The court may punish the person for contempt under Chapter 2705. of the Revised Code for the failure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(d)~~ A list of the group health insurance and health care

~~policies, contracts, and plans, including the tricare program offered by the United States department of defense, available to the obligee and their costs;~~ 462
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~~(e) The current health insurance or health care policy, contract, or plan under which the obligee is enrolled and its cost;~~ 465
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~~(f) Any other information necessary to properly review the child support order.~~ 468
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(D) Include in the notice sent pursuant to division (B) of this section, one of the following: 470
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(1) If the child support order being reviewed is a court child support order, a notice that a willful failure to provide the documents and other information requested pursuant to division (C) of this section is contempt of court and that the agency may proceed with the review and make reasonable assumptions with respect to the information that was not provided, in accordance with section 3119.72 of the Revised Code; 472
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(2) If the child support order being reviewed is an administrative child support order, a notice that if either ~~the obligor or obligee parent~~ fails to comply with the request for information, the agency may ~~bring an action under section 3119.72 of the Revised Code requesting that the court find the obligor and the obligee in contempt pursuant to section 2705.02 of the Revised Code~~ make reasonable assumptions with respect to the information that was not provided, in accordance with section 3119.72 of the Revised Code. 480
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Sec. 3119.61. The child support enforcement agency shall review an administrative child support order on the date 489
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established pursuant to section 3119.60 of the Revised Code for 491
formally beginning the review of the order. If the agency 492
determines that ~~a modification~~ an adjustment is necessary and in 493
the best interest of the child subject to the order, the agency 494
shall calculate the amount the obligor shall pay in accordance 495
with section 3119.021 of the Revised Code and may add or adjust 496
payment on arrearages in accordance with section 3123.21 of the 497
Revised Code. The agency may not grant a deviation pursuant to 498
section 3119.23 of the Revised Code from the guidelines set 499
forth in section 3119.021 of the Revised Code. If the agency can 500
set the child support the obligor is to pay without granting 501
such a deviation from the guidelines, the agency shall do the 502
following: 503

(A) Give the obligor and obligee notice, by ordinary mail, 504
of the revised amount of child support to be paid under the 505
administrative child support order, of their right to request an 506
administrative hearing on the revised child support amount, of 507
the procedures and time deadlines for requesting the hearing, 508
and that the agency will modify the administrative child support 509
order to include the revised child support amount unless the 510
obligor or obligee requests an administrative hearing on the 511
revised amount no later than ~~thirty-fourteen~~ days after ~~receipt~~ 512
~~of the notice under this division~~ is issued; 513

(B) If neither the obligor nor obligee timely requests an 514
administrative hearing on the revised amount of child support, 515
modify the administrative child support order to include the 516
revised child support amount; 517

(C) If the obligor or obligee timely requests an 518
administrative hearing on the revised amount of child support, 519
do all of the following: 520

(1) Schedule a hearing on the issue;	521
(2) Give the obligor and obligee notice of the date, time, and location of the hearing;	522 523
(3) Conduct the hearing in accordance with the rules adopted under section 3119.76 of the Revised Code;	524 525
(4) Redetermine at the hearing a revised amount of child support to be paid obligations under the administrative child support order, <u>including adding or adjusting a payment on arrearages in accordance with section 3123.21 of the Revised Code;</u>	526 527 528 529 530
(5) Modify the order to include the revised amount of child support;	531 532
(6) Give notice, <u>by ordinary mail,</u> to the obligor and obligee of the amount of child support to be paid under the order and that the obligor and obligee may object to the modified order by initiating an action under section 2151.231 of the Revised Code in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the mother, the father, the child, or the guardian or custodian of the child reside <u>agency that issued the order is located.</u>	533 534 535 536 537 538 539 540 541
Except as otherwise provided in section 3119.772 of the Revised Code, if the agency modifies an existing administrative child support order, the modification shall relate back to the first day of the month following the date certain on which the review began under section 3119.60 of the Revised Code.	542 543 544 545 546
If the agency cannot set the amount of child support the obligor will pay under the administrative child support order without granting a deviation pursuant to section 3119.23 of the	547 548 549

Revised Code, the agency shall bring an action under section 550
2151.231 of the Revised Code ~~on behalf of the person who~~ 551
~~requested that the agency review the existing administrative~~ 552
~~order or, if no one requested the review, on behalf of the~~ 553
~~obligee,~~ in the juvenile court or other court with jurisdiction 554
under section 2101.022 or 2301.03 of the Revised Code of the 555
county in which the agency is located requesting that the court 556
issue a child support order. 557

Sec. 3119.63. The child support enforcement agency shall 558
review a court child support order on the date established 559
pursuant to section 3119.60 of the Revised Code for formally 560
beginning the review of the order and shall do all of the 561
following: 562

(A) Calculate a revised ~~amount of child support to be paid~~ 563
child support computation worksheet and issue a child support 564
recommendation under the court child support order, including 565
adding or adjusting a payment on arrearages in accordance with 566
section 3123.21 of the Revised Code; 567

(B) Give the obligor and obligee notice, by ordinary mail, 568
of the revised amount of child support, of their right to 569
request an administrative hearing on the revised amount, of the 570
procedures and time deadlines for requesting the hearing, and 571
that the revised amount of child support will be submitted to 572
the court for inclusion in a revised court child support order 573
unless the obligor or obligee requests an administrative hearing 574
on the proposed change within fourteen days after ~~receipt of the~~ 575
notice under this division is issued; 576

(C) Give the obligor and obligee notice, by ordinary mail, 577
that if the court child support order contains a deviation 578
granted under section 3119.23 or 3119.24 of the Revised Code or 579

if the obligor or obligee intends to request a deviation from 580
the child support amount to be paid under the court child 581
support order, the obligor and obligee have a right to request a 582
court hearing on the revised amount of child support without 583
first requesting an administrative hearing and that the obligor 584
or obligee, in order to exercise this right, must make the 585
request for a court hearing no later than fourteen days after 586
~~receipt of the notice is issued;~~ 587

(D) If neither the obligor nor the obligee timely 588
requests, pursuant to division (C) of this section, an 589
administrative or court hearing on the revised amount of child 590
support, submit the revised amount of child support to the court 591
for inclusion in a revised court child support order; 592

(E) If the obligor or the obligee timely requests an 593
administrative hearing on the revised child support amount, 594
schedule a hearing on the issue, give the obligor and obligee 595
notice of the date, time, and location of the hearing, conduct 596
the hearing in accordance with the rules adopted under section 597
3119.76 of the Revised Code, ~~redetermine and determine~~ at the 598
hearing ~~a revised amount of child support to be paid obligations~~ 599
under the court child support order, ~~and including adding or~~ 600
adjusting a payment on arrearages in accordance with section 601
3123.21 of the Revised Code. 602

(F) If an agency determines revised support obligations 603
under division (E) of this section, give notice to the obligor 604
and obligee of the revised amount of child support, that they 605
may request a court hearing on the revised amount within 606
fourteen days after notice of the revised amount is issued, and 607
that the agency will submit the revised amount of child support 608
to the court for inclusion in a revised court child support 609

order, if neither the obligor nor the obligee requests a court 610
hearing on the revised amount of child support; 611

~~(F)~~ (G) If neither the obligor nor the obligee requests, 612
pursuant to division ~~(E)~~ (F) of this section, a court hearing on 613
the revised amount of child support, submit the revised amount 614
of child support to the court for inclusion in a revised court 615
child support order. 616

Sec. 3119.631. Upon submission of a recommendation under 617
section 3119.63 of the Revised Code for inclusion in a revised 618
court child support order, the court shall only reconsider the 619
allocation of the federal income tax deduction pursuant to 620
section 3119.82 of the Revised Code if a party files a request 621
for a hearing on the matter. 622

Sec. 3119.72. (A) ~~If either the obligor or the obligee~~ 623
~~parent~~ fails to comply with a request for information made 624
pursuant to section 3111.801 or division (C) of section 3119.60 625
of the Revised Code, ~~one of the following applies:~~ 626

~~(A) If the child support order being reviewed is a court-~~ 627
~~child support order, failure to comply with a request for~~ 628
~~information is contempt of court, and the child support~~ 629
~~enforcement agency shall notify the court of the failure to~~ 630
~~comply with the request for information. The agency may request-~~ 631
do either of the following: 632

(1) Request the court of appropriate jurisdiction of the 633
county in which the agency is located to issue an order 634
requiring the obligor or the obligee the parent to provide the 635
information as requested or take whatever action is necessary to 636
obtain the information and make ; 637

(2) Make any reasonable assumptions necessary with respect 638

to the information the ~~person in contempt of court~~ parent did 639
not provide to ensure a fair and equitable review of the child 640
support order or establishment of an administrative order under 641
section 3111.81 of the Revised Code. 642

~~(B) If the child support order being reviewed is an 643
administrative child support order, the agency may request that 644
the court of common pleas of the county in which the agency is 645
located issue an order requiring the obligor or obligee to 646
comply with the agency's request for information. The agency may 647
request that the order require the obligor or obligee to provide 648
the necessary information or permit the agency to take whatever 649
action is necessary to obtain the information and make any 650
reasonable assumptions necessary with respect to the information 651
not provided to ensure a fair and equitable review of the 652
administrative child support order. An obligor or obligee who 653
fails to comply with the court order is in contempt of court. If 654
an obligor or obligee is in contempt of court, the agency may 655
request the court to hold the person who failed to comply in 656
contempt or to permit the agency to take whatever action is 657
necessary to obtain information and make any reasonable 658
assumptions necessary with respect to the income of the person 659
who failed to comply with the request to ensure a fair and 660
equitable review of the administrative child support order. 661~~

If the agency decides to conduct the review of the child 662
support order, or issue an administrative order, based on 663
reasonable assumptions with respect to the information the 664
~~person in contempt of court~~ parent did not provide, it shall 665
proceed under section 3111.81, 3119.61, or 3119.63 of the 666
Revised Code in the same manner as if all requested information 667
has been received. 668

Sec. 3119.76. The director of job and family services 669
shall adopt rules pursuant to Chapter 119. of the Revised Code 670
establishing a procedure for determining when existing child 671
support orders should be reviewed to determine whether it is 672
necessary and in the best interest of the children who are the 673
subject of the child support order to change the child support 674
order. The rules shall include, but are not limited to, all of 675
the following: 676

(A) Any procedures necessary to comply with section 666(a) 677
(10) of Title 42 of the U.S. Code, "Family Support Act of 1988," 678
102 Stat. 2346, 42 U.S.C. 666(a)(10), as amended, and any 679
regulations adopted pursuant to, or to enforce, that section; 680

(B) Procedures for determining what child support orders 681
are to be subject to review upon the request of either the 682
obligor or the obligee or periodically by the child support 683
enforcement agency administering the child support order; 684

(C) Procedures for the child support enforcement agency to 685
periodically review and to review, upon the request of the 686
obligor or the obligee, any child support order that is subject 687
to review to determine whether the amount of child support paid 688
under the child support order should be adjusted in accordance 689
with the basic child support schedule set forth in section 690
3119.021 of the Revised Code or whether the provisions for the 691
child's health care needs under the child support order should 692
be modified in accordance with sections 3119.29 to 3119.56 of 693
the Revised Code; 694

(D) Procedures for giving obligors and obligees notice of 695
their right to request a review of a child support order that is 696
determined to be subject to review, notice of any proposed 697
revision of the amount of child support to be paid under the 698

child support order, notice of the procedures for requesting a 699
hearing on any proposed revision of the amount of child support 700
to be paid under a child support order, notice of any 701
administrative hearing to be held on a proposed revision of the 702
amount of child support to be paid under a child support order, 703
at least ~~forty five~~ thirty days' prior notice of any review of 704
their child support order, ~~and notice that a failure to comply~~ 705
~~with any request for documents or information to be used in the~~ 706
~~review of a child support order is contempt of court;~~ 707

(E) Procedures for obtaining the necessary documents and 708
information necessary to review child support orders and for 709
holding administrative hearings on a proposed revision of the 710
amount of child support to be paid under a child support order; 711

(F) Procedures for adjusting child support orders in 712
accordance with the basic child support schedule set forth in 713
section 3119.021 of the Revised Code and the applicable 714
worksheet in section 3119.022 or 3119.023 of the Revised Code, 715
through the line establishing the actual annual obligation; 716

(G) Procedures for adjusting the provisions of the child 717
support order governing the health care needs of the child 718
pursuant to sections 3119.29 to 3119.56 of the Revised Code. 719

Sec. 3119.77. (A) As used in this section and sections 720
3119.771, 3119.772, and 3119.773 of the Revised Code: 721

(1) "Active military service" means the performance of 722
active military duty by a member of the uniformed services for a 723
period of more than thirty days. 724

(2) "Uniformed services" means any reserve components of 725
the armed forces of the United States or the Ohio organized 726
militia when engaged in full-time national guard duty for a 727

period of more than thirty days. 728

(B) An obligor who is called to active military service in 729
the uniformed services may request a review of a child support 730
order for the purpose of modification of the amount of support 731
required under the order. The request must be submitted to the 732
child support enforcement agency administering the order. 733

(C) An obligor who makes a request under division (B) of 734
this section must indicate that the reason for the modification 735
is the obligor's active military service and provide with the 736
request any orders or other appropriate documentation specifying 737
the commencement date of the obligor's active military service 738
and the monthly monetary compensation for that service. The 739
obligor also shall submit documentation on all other outside 740
income. 741

(D) The obligor may provide the child support enforcement 742
agency with a military power of attorney executed pursuant to 10 743
U.S.C. ~~10446~~1044b designating another individual to act in the 744
administrative review and modification on behalf of the obligor. 745
By designating another individual to so act on behalf of the 746
obligor, the obligor waives any right of an appearance and any 747
right to request a stay of the action or proceeding. 748

Sec. 3119.82. ~~Whenever~~ Except when including a revised 749
amount of child support in a revised child support order as 750
recommended pursuant to section 3119.63 of the Revised Code, 751
whenever a court issues, or whenever ~~it~~ a court modifies, 752
reviews, or otherwise reconsiders a court child support order, 753
~~it~~ or upon the request of any party, the court shall designate 754
which parent may claim the children who are the subject of the 755
court child support order as dependents for federal income tax 756
purposes as set forth in section 151 of the "Internal Revenue 757

Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. If the 758
parties agree on which parent should claim the children as 759
dependents, the court shall designate that parent as the parent 760
who may claim the children. If the parties do not agree, the 761
court, in its order, may permit the parent who is not the 762
residential parent and legal custodian to claim the children as 763
dependents for federal income tax purposes only if the court 764
determines that this furthers the best interest of the children 765
and, with respect to orders the court modifies, reviews, or 766
reconsiders, the payments for child support are substantially 767
current as ordered by the court for the year in which the 768
children will be claimed as dependents. In cases in which the 769
parties do not agree which parent may claim the children as 770
dependents, the court shall consider, in making its 771
determination, any net tax savings, the relative financial 772
circumstances and needs of the parents and children, the amount 773
of time the children spend with each parent, the eligibility of 774
either or both parents for the federal earned income tax credit 775
or other state or federal tax credit, and any other relevant 776
factor concerning the best interest of the children. 777

If the court determines that the parent who is not the 778
residential parent and legal custodian may claim the children as 779
dependents for federal income tax purposes, it shall order the 780
residential parent to take whatever action is necessary pursuant 781
to section 152 of the "Internal Revenue Code of 1986," 100 Stat. 782
2085, 26 U.S.C. 1, as amended, to enable the parent who is not 783
the residential parent and legal custodian to claim the children 784
as dependents for federal income tax purposes in accordance with 785
the order of the court. Any willful failure of the residential 786
parent to comply with the order of the court is contempt of 787
court. 788

Sec. 3119.87. The parent who is the residential parent and 789
legal custodian of a child for whom a child support order is 790
issued or the person who otherwise has custody of a child for 791
whom a child support order is issued immediately shall notify, 792
and the obligor under a child support order may notify, the 793
child support enforcement agency administering the child support 794
order of any reason for which the child support order should 795
terminate. Nothing in this section shall preclude a person from 796
notifying the agency that a reason for which a child support 797
order should terminate is imminent. With respect to a court 798
child support order, a willful failure to notify the ~~child-~~ 799
~~support enforcement~~ agency as required by this division is 800
contempt of court. 801

Sec. 3119.88. (A) Reasons for which a child support order 802
should terminate through the administrative process under 803
section 3119.89 of the Revised Code include all of the 804
following: 805

~~(A)~~ (1) The child's attainment of child attains the age of 806
majority if the child no longer attends an accredited high 807
school on a full-time basis and the child support order requires 808
support to continue past the age of majority only if the child 809
continuously attends such a high school after attaining that 810
age; 811

~~(B)~~ (2) The child ceasing ceases to attend an accredited 812
high school on a full-time basis after attaining the age of 813
majority, if the child support order requires support to 814
continue past the age of majority only if the child continuously 815
attends such a high school after attaining that age; 816

~~(C)~~ (3) A termination condition specified in the court 817
child support order has been met for a child who reaches 818

<u>nineteen years of age;</u>	819
<u>(4) The child's death;</u>	820
(D) <u>(5) The child's marriage;</u>	821
(E) <u>(6) The child's emancipation;</u>	822
(F) <u>(7) The child's enlistment in the armed services;</u>	823
(G) <u>(8) The child's deportation;</u>	824
(H) <u>(9) Change of legal custody of the child;</u>	825
<u>(10) The child's adoption;</u>	826
<u>(11) The obligor's death;</u>	827
<u>(12) The grandparent to whom support is being paid or a</u>	828
<u>grandparent who is paying support reports that the grandparent's</u>	829
<u>support order should terminate as a result of one of the events</u>	830
<u>described in division (D) of section 3109.19 of the Revised</u>	831
<u>Code;</u>	832
<u>(13) Marriage of the obligor under a child support order</u>	833
<u>to the obligee, if the obligor and obligee reside together with</u>	834
<u>the child.</u>	835
<u>(B) A child support order may be terminated by the court</u>	836
<u>for any reasons listed in division (A) of this section and,</u>	837
<u>unless otherwise prohibited by law, any other appropriate</u>	838
<u>reasons brought to the attention of the court.</u>	839
Sec. 3119.89. (A) Upon receipt of a notice pursuant to	840
section 3119.87 of the Revised Code, the child support	841
enforcement agency administering a child support order, within	842
twenty days after receipt of the notice, shall complete an	843
investigation <u>if an application for services under Title IV-D of</u>	844
<u>the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651,</u>	845

as amended has been completed and filed. The agency 846
administering a child support order may conduct an investigation 847
upon its own initiative if it otherwise has reason to believe 848
that there may be a reason for which the order should terminate. 849
Nothing in sections 3119.86 to 3119.94 of the Revised Code shall 850
preclude the agency from initiating an investigation under this 851
section before a reason for which the order should terminate has 852
occurred. The agency's investigation shall determine the 853
following: 854

(1) Whether any reason exists for which the order should 855
terminate; 856

(2) Whether there are other children subject to the order; 857

(3) Whether the obligor owes any arrearages under the 858
order; 859

(4) Whether the agency believes it is necessary to 860
continue withholding or deduction pursuant to a notice or order 861
described in section 3121.03 of the Revised Code for the other 862
children or arrearages; 863

(5) Whether child support amounts paid pursuant to the 864
order being investigated should be impounded because 865
continuation of receipt and disbursement would lead to an 866
overpayment by the obligor. 867

(B) If the agency, pursuant to the investigation under 868
division (A) of this section, determines that other children are 869
subject to the child support order and that it is necessary to 870
continue withholding or deduction for the other children, the 871
agency shall divide the child support due annually and per month 872
under the order by the number of children who are the subject of 873
the order and subtract the amount due for the child for whom the 874

order should be terminated from the total child support amount 875
due annually and per month. The resulting annual and per month 876
child support amount shall be included in the results of the 877
agency's investigation as the recommended child support amount 878
due annually and monthly under a revised child support order. If 879
arrearage amounts are owed, those amounts may be included as 880
part of the recommended child support amount. The investigation 881
under division (A) of this section shall not include a review 882
pursuant to sections 3119.60 to 3119.76 of the Revised Code of 883
any other children subject to the child support order. 884

Sec. 3119.90. (A) If, pursuant to an investigation 885
conducted under section 3119.89 of the Revised Code, the child 886
support enforcement agency determines both that a child support 887
order should terminate and that child support amounts paid 888
pursuant to the order should be impounded because continuation 889
of receipt and disbursement would lead to an overpayment by the 890
obligor, the agency shall do the following: 891

(1) With respect to a court child support order, 892
immediately notify the court that issued the order of the 893
results of its investigation and submit to the court an order 894
impounding any funds received for the child pursuant to the 895
court child support order that was under investigation; 896

(2) With respect to an administrative child support order, 897
issue an administrative order impounding any funds received for 898
the child pursuant to the administrative child support order 899
that was under investigation. 900

(B) A child support enforcement agency that conducts an 901
investigation of a child support order shall give the obligor 902
and obligee under the order notice of the results of its 903
investigation and a copy of any court or administrative impound 904

order issued pursuant to division (A) of this section. The 905
obligor and obligee also shall be given all of the following: 906

(1) Notice of their right to request an administrative 907
hearing regarding any conclusions of the investigation; 908

(2) Notice of the procedures and time deadlines for 909
requesting the hearing; 910

(3) (a) Notice that the conclusions of the investigations 911
will be issued as an administrative order by the agency if the 912
underlying order is an administrative child support order; 913

(b) Notice that the conclusions of the investigations will 914
be submitted to the court for inclusion into a revised or 915
terminated court child support order with no further court 916
hearing if the underlying order is a court child support order. 917

(4) Notice that no revised administrative or court child 918
support order will be issued if either the obligor or obligee 919
requests an administrative hearing on the investigation 920
conclusions within ~~thirty-fourteen~~ days after ~~receipt of the~~ 921
notice is issued under this division. 922

Sec. 3119.91. If an obligor or obligee under a child 923
support order timely requests an administrative hearing pursuant 924
to section 3119.90 of the Revised Code, the child support 925
enforcement agency shall schedule a hearing on the issue, give 926
the parties notice of the date, time, and location of the 927
hearing, and conduct the hearing. On completion of the hearing, 928
the child support enforcement agency shall issue a decision. The 929
decision shall include a notice stating that the obligor or 930
obligee may object to the decision by filing a motion within 931
~~thirty-fourteen~~ days after the issuance of the decision in one 932
of the following courts requesting a determination as to whether 933

the order should be terminated or whether any other appropriate 934
determination regarding the order should be made: 935

(A) With respect to a court child support order, in the 936
court that issued the order or that otherwise has jurisdiction 937
over the order; 938

(B) With respect to an administrative child support order, 939
the juvenile court or other court with jurisdiction under 940
section 2101.022 or 2301.03 of the Revised Code of the county in 941
which the agency that issued the order is located. 942

The notice shall also state that if neither the obligor 943
nor the obligee files the motion within the ~~thirty-day-fourteen-~~ 944
day period, the administrative hearing decision is final and 945
will be filed with the court or in the administrative case file. 946

Sec. 3119.92. If the obligor, the obligee, or both file a 947
motion as described in section 3119.91 of the Revised Code 948
within the ~~thirty-day-fourteen-day~~ period, the court shall set 949
the case for a hearing for a determination as to whether the 950
support order should be terminated or whether the court should 951
take any other appropriate action. On the filing of the motion, 952
the court shall issue an order directing that the impoundment 953
order issued by the child support enforcement agency regarding 954
support amounts received for the child remain in effect while 955
the motion is pending. If neither the obligor nor the obligee 956
files a motion as described in section 3119.91 of the Revised 957
Code within the ~~thirty-day-fourteen-day~~ period, the 958
administrative hearing decision is final and will be filed with 959
the court or in the administrative case file. 960

Sec. 3121.01. As used in this chapter: 961

(A) "~~Court-Administrative~~ child support order," "child 962

support order," "court child support order," "court support 963
order," and "obligee," "obligor," "personal earnings," and 964
"support order" have the same meanings as in section 3119.01 of 965
the Revised Code. 966

(B) "Default" means any failure to pay under a support 967
order that is an amount greater than or equal to the amount of 968
support payable under the support order for one month. 969

(C) "Financial institution" means a bank, savings and loan 970
association, or credit union, or a regulated investment company 971
or mutual fund. 972

(D) "Income" means any form of monetary payment, including 973
personal earnings; workers' compensation payments; unemployment 974
compensation benefits to the extent permitted by, and in 975
accordance with, sections 3121.07 and 4141.284 of the Revised 976
Code, and federal law governing the department of job and family 977
services; pensions; annuities; allowances; private or 978
governmental retirement benefits; disability or sick pay; 979
insurance proceeds; lottery prize awards; federal, state, or 980
local government benefits to the extent that the benefits can be 981
withheld or deducted under the law governing the benefits; any 982
form of trust fund or endowment; lump sum payments, including a 983
one-time pay supplement of one hundred fifty dollars or more 984
paid under section 124.183 of the Revised Code; and any other 985
payment in money. 986

(E) "Payor" means any person or entity that pays or 987
distributes income to an obligor, including an obligor if the 988
obligor is self-employed; an employer; an employer paying an 989
obligor's workers' compensation benefits; the public employees 990
retirement board; the governing entity of a municipal retirement 991
system; the board of trustees of the Ohio police and fire 992

pension fund; the state teachers retirement board; the school 993
employees retirement board; the state highway patrol retirement 994
board; a provider, as defined in section 3305.01 of the Revised 995
Code; the bureau of workers' compensation; or any other person 996
or entity other than the department of job and family services 997
with respect to unemployment compensation benefits paid pursuant 998
to Chapter 4141. of the Revised Code. 999

Sec. 3121.02. In any action in which a support order is 1000
issued or modified, one of the following shall apply, as 1001
appropriate, to ensure that withholding or deduction from the 1002
income or assets of the obligor is available from the 1003
commencement of the support order for the collection of the 1004
support and any arrearages that occur: 1005

(A) The court, with respect to a court support order, or 1006
the child support enforcement agency, with respect to an 1007
administrative child support order, shall require the 1008
withholding or deduction of income or assets of the obligor 1009
under section 3121.03 of the Revised Code. 1010

(B) The court, with respect to a court support order, 1011
shall issue another type of court order under division (C) or 1012
(D) of section 3121.03 of the Revised Code ~~or, section 3121.04,~~ 1013
~~3121.05, or 3121.06,~~ or division (C) of section 3121.12 of the 1014
Revised Code. 1015

(C) The agency, with respect to an administrative child 1016
support order, shall ~~issue an administrative order, or~~ request 1017
that the court issue a court order, ~~under division (C) or (D) of~~ 1018
~~section 3121.03 of the Revised Code or section 3121.12 of the~~ 1019
~~Revised Code.~~ 1020

Sec. 3121.035. Within fifteen days after an obligor under 1021

a support order is located following issuance or modification of 1022
the support order, the court or child support enforcement agency 1023
that issued or modified the support order, or the agency, 1024
pursuant to an agreement with the court with respect to a court 1025
support order, shall do either of the following: 1026

(A) If a withholding or deduction notice described in 1027
section 3121.03 of the Revised Code is appropriate, send the 1028
notice by ~~regular ordinary mail or via secure federally managed~~ 1029
~~data transmission interface~~ electronic means to each person 1030
required to comply with it; 1031

(B) If an order described in section 3121.03, 3121.04 to 1032
3121.08, or 3121.12 of the Revised Code is appropriate, issue 1033
and send the appropriate order. 1034

Sec. 3121.12. (A) On receipt of a notice that a lump sum 1035
payment of one hundred fifty dollars or more is to be paid to 1036
the obligor, the ~~court, with respect to a court support order,~~ 1037
~~or the child support enforcement agency, with respect to an~~ 1038
~~administrative child support order,~~ shall do either of the 1039
following: 1040

(1) If the obligor is in default under the support order 1041
or has any arrearages under the support order, issue an 1042
administrative order requiring the transmittal of the lump sum 1043
payment, or any portion of the lump sum payment sufficient to 1044
pay the arrearage in full, to the office of child support; 1045

(2) If the obligor is not in default under the support 1046
order and does not have any arrearages under the support order, 1047
issue an administrative order ~~directing the person who gave the~~ 1048
~~notice to the court or agency to immediately pay~~ requiring the 1049
immediate release of the full amount of the lump sum payment to 1050

the obligor. 1051

(B) Any moneys received by the office of child support 1052
pursuant to ~~division (A) of this section~~ shall be distributed in 1053
accordance with rules adopted under section 3121.71 of the 1054
Revised Code. 1055

(C) ~~A court that issued an order~~ In the case of a notice 1056
of a lump sum payment made in accordance with a support order 1057
issued prior to January 1, 1998, requiring an employer to 1058
withhold an amount from an obligor's personal earnings for the 1059
payment of support, the agency that receives notification of the 1060
lump sum payment from the payor shall notify the court that 1061
issued the order, and the court shall issue a supplemental order 1062
that does not change the original order or the related support 1063
order requiring the employer to do all of the following: 1064

(1) No later than the earlier of forty-five days before a 1065
lump sum payment is to be made or, if the obligor's right to a 1066
lump sum payment is determined less than forty-five days before 1067
it is to be made, the date on which that determination is made, 1068
notify the ~~child support enforcement~~ agency of any lump sum 1069
payment of any kind of one hundred fifty dollars or more that is 1070
to be paid to the obligor; 1071

(2) Hold the lump sum payment for thirty days after the 1072
date on which it would otherwise be paid to the obligor; 1073

(3) On order of the court, pay any specified amount of the 1074
lump sum payment to the office of child support. 1075

(D) ~~An employer~~ A payor that knowingly fails to notify the 1076
~~child support enforcement~~ agency in accordance with this section 1077
or section 3121.03 of the Revised Code of any lump sum payment 1078
to be made to an obligor is liable for any support payment not 1079

made to the obligee as a result of its knowing failure to give 1080
the notice. 1081

Sec. 3121.29. Each support order, or modification of a 1082
support order, shall contain a notice that states the following 1083
in boldface type and in all capital letters: 1084

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 1085
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 1086
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 1087
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 1088
CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY 1089
OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 1090
WHICHEVER ISSUED THE SUPPORT ORDER. 1091

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU 1092
FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO 1093
\$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 1094
EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 1095
ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO 1096
GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT 1097
AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT 1098
MORE THAN 90 DAYS. 1099

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 1100
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU 1101
MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE 1102
CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF 1103
THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO 1104
GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE 1105
FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS 1106
AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL 1107
LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING 1108
FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR 1109

ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION 1110
PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR 1111
SUPPORT OBLIGATION." 1112

Sec. 3121.33. The withholding or deduction notices ~~and,~~ 1113
other orders issued under sections 3121.03 ~~and~~ 3121.04 to 1114
3121.06 of the Revised Code, and administrative orders issued 1115
under section 3121.12 of the Revised Code, and the notices that 1116
require the obligor to notify the child support enforcement 1117
agency administering the support order of any change in the 1118
obligor's employment status or of any other change in the status 1119
of the obligor's assets, are final and enforceable by the court. 1120

Sec. 3121.34. A person required to comply with withholding 1121
or deduction notices described in section 3121.03 of the Revised 1122
Code shall determine the manner of withholding or deducting from 1123
the specific requirement included in the notices without the 1124
need for any amendment to the support order, and a person 1125
required to comply with an order described in sections 3121.03 ~~and~~ 1126
and 3121.04 to 3121.06 of the Revised Code, and or an 1127
administrative order issued under section 3121.12 of the Revised 1128
Code shall comply without the need for any amendment to the 1129
support order. 1130

Sec. 3123.031. The default notice shall contain all of the 1131
following: 1132

(A) The date on which it is ~~sent~~ issued; 1133

(B) A statement that the obligor is in default under a 1134
support order; 1135

(C) The amount of arrearages the obligor owes due to the 1136
default as of the date the default notice is ~~sent~~ issued; 1137

(D) A statement that any arrearages owed by the obligor 1138

that arise after the default notice is ~~sent~~issued and during 1139
the period of default will be added to the obligor's total child 1140
support obligation and will be subject to collection efforts 1141
without further default notice; 1142

(E) A statement of the types of withholding or deduction 1143
requirements and related notices described in section 3121.03 of 1144
the Revised Code or the types of court orders described in 1145
sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised 1146
Code that will be issued for payment of support and arrearages 1147
and the amount that will be withheld or deducted pursuant to 1148
those requirements; 1149

(F) A statement that any notice for the withholding or 1150
deduction of an amount from income or assets applies to all 1151
current and subsequent payors of the obligor and financial 1152
institutions in which the obligor has an account and that any 1153
withholding or deduction requirement and related notice 1154
described in section 3121.03 of the Revised Code or any court 1155
order described in sections 3121.03, 3121.04 to 3121.08, and 1156
3121.12 of the Revised Code that is issued will not be 1157
discontinued solely because the obligor pays arrearages; 1158

(G) A statement that the obligor may file with the child 1159
support enforcement agency, within ~~seven business~~fourteen days 1160
after the date on which the default notice is ~~sent~~issued, a 1161
written request for an administrative hearing under section 1162
3123.04 of the Revised Code; 1163

(H) A statement that, if the obligor files a timely 1164
written request for an administrative hearing, the obligor may 1165
file with the court, within ~~seven business~~fourteen days after 1166
the agency makes its determinations under the administrative 1167
hearing, a written motion for a court hearing under section 1168

3123.05 of the Revised Code; 1169

(I) An explanation of the administrative and court action 1170
that will take place if the obligor files a timely written 1171
request or motion for an administrative or court hearing; 1172

(J) An explanation of how a final and enforceable 1173
determination of default and amount of arrearages is made under 1174
sections 3123.032, 3123.04, and 3123.05 of the Revised Code; 1175

(K) A statement that a withholding notice may be issued in 1176
accordance with section 3123.021 of the Revised Code if the 1177
~~child support enforcement~~ agency determines the obligor has 1178
obtained employment and an explanation of the provisions of 1179
section 3123.022 of the Revised Code. 1180

Sec. 3123.04. An obligor who receives a default notice 1181
under section 3123.03 of the Revised Code may file a written 1182
request for an administrative hearing with the child support 1183
enforcement agency that identified the default regarding whether 1184
a mistake of fact was made in the notice. The request must be 1185
filed not later than ~~seven business~~ fourteen days after the date 1186
on which the default notice is ~~sent~~ issued. 1187

If the obligor makes a timely request for a hearing, the 1188
agency shall conduct an administrative hearing no later than ten 1189
days after the date on which the obligor files the request for 1190
the hearing. No later than five days before the date on which 1191
the hearing is to be conducted, the agency shall send the 1192
obligor and the obligee written notice of the date, time, place, 1193
and purpose of the hearing. The notice to the obligor and 1194
obligee also shall indicate that the obligor may present 1195
testimony and evidence at the hearing only in regard to the 1196
issue of whether a mistake of fact was made in the default 1197

notice. 1198

At the hearing, the ~~child support enforcement~~ agency shall 1199
determine whether a mistake of fact was made in the default 1200
notice. The agency shall send its determinations to the obligor. 1201
The agency's determinations are final and are enforceable by the 1202
court unless, within ~~seven business~~ fourteen days after the 1203
agency ~~makes~~ issues its determinations, the obligor files a 1204
written motion with the court for a court hearing to determine 1205
whether a mistake of fact still exists in the default notice. 1206

If an agency's determination becomes final and enforceable 1207
under this section, the agency shall take further action as 1208
required under section 3123.06 of the Revised Code. 1209

Sec. 3123.05. If, not later than ~~seven business~~ fourteen 1210
days after the child support enforcement agency ~~makes~~ issues its 1211
determinations under section 3123.04 of the Revised Code, the 1212
obligor files a written motion for a court hearing to determine 1213
whether a mistake of fact still exists in the default notice, 1214
the court shall hold a hearing as soon as possible, but not 1215
later than ten days, after the motion is filed. Not later than 1216
five days before the date on which the court hearing is to be 1217
held, the court shall send the obligor and the obligee written 1218
notice by ~~regular~~ ordinary mail of the date, time, place, and 1219
purpose of the court hearing. The hearing shall be limited to a 1220
determination of whether there is a mistake of fact in the 1221
default notice. 1222

At the hearing, the court shall determine whether there is 1223
a mistake of fact in the default notice. On the conclusion of 1224
the hearing, the court shall make its determination. The 1225
determination is final and enforceable. The court shall take 1226
further action as provided in section 3123.06 of the Revised 1227

Code. 1228

Sec. 3123.06. (A) If either a court, under section 3123.05 1229
of the Revised Code, or child support enforcement agency, under 1230
section 3123.032 or 3123.04 of the Revised Code, makes a final 1231
and enforceable determination that an obligor is in default 1232
under a support order, one of the following shall apply: 1233

(1) If no withholding notice was issued in accordance with 1234
section 3123.021 of the Revised Code with respect to the order, 1235
the court or agency shall issue one or more notices requiring 1236
withholding or deduction of income or assets of the obligor in 1237
accordance with section 3121.03 of the Revised Code, or the 1238
court shall issue one or more court orders imposing other 1239
appropriate requirements in accordance with sections 3121.03, 1240
3121.035, and 3121.04 to 3121.08, and division (C) of section 1241
3121.12 of the Revised Code. 1242

(2) If a withholding notice was issued in accordance with 1243
section 3123.021 of the Revised Code with respect to the order 1244
and the final and enforceable determination of default altered 1245
the arrearage amount stated in the default notice, the court or 1246
agency, whichever made the determination, shall revise the 1247
withholding notice and may issue, as appropriate, any of the 1248
notices or orders described in division (A)(1) of this section. 1249

(3) If a withholding notice was issued in accordance with 1250
section 3123.021 of the Revised Code with respect to the order 1251
but the final and enforceable determination of default did not 1252
alter the arrearage amount stated in the default notice, the 1253
withholding notice shall remain in effect. The court or agency, 1254
in addition and as appropriate, may issue any other notice or 1255
order described in division (A)(1) of this section. 1256

(B) If a court, under section 3123.05 of the Revised Code, 1257
or an agency, under section 3123.04 of the Revised Code, 1258
determines that no default exists under a support order, the 1259
court or agency shall terminate the default proceedings. If a 1260
withholding notice was issued in accordance with section 1261
3123.021 of the Revised Code with respect to the order, the 1262
court or agency, whichever made the final and enforceable 1263
determination, shall revise the withholding notice, and may 1264
issue, as appropriate, any of the notices or orders described in 1265
division (A) (1) of this section, to collect current support. 1266

(C) A withholding or deduction notice issued under 1267
division (A) (1), (2), or (3) of this section shall require the 1268
payment of arrearages caused by the default along with any 1269
payment for current support. A withholding or deduction notice 1270
or other appropriate order described under this section shall be 1271
issued not later than fifteen days after the determination of 1272
default under the support order becomes final and enforceable. 1273
Section 3123.21 of the Revised Code applies to a withholding or 1274
deduction notice or other appropriate order described under 1275
division (A) of this section beginning on the date it is issued 1276
and ending on the date the period of default ends. 1277

Sec. 3123.14. If a child support order is terminated for 1278
any reason, the obligor under the child support order is or was 1279
at any time in default under the support order and, after the 1280
termination of the order, the obligor owes an arrearage under 1281
the order, the obligee may make application to the child support 1282
enforcement agency that administered the child support order 1283
prior to its termination or had authority to administer the 1284
child support order to maintain any administrative or judicial 1285
action or proceeding to enforce the order on behalf of the 1286
obligee to obtain ~~a judgment, execution of a judgment through~~ 1287

~~any available procedure, an order, or other relief.~~ If a 1288
withholding or deduction notice is issued pursuant to section 1289
3121.03 of the Revised Code to collect an arrearage, the amount 1290
withheld or deducted from the obligor's personal earnings, 1291
income, or accounts shall be at least equal to the amount that 1292
was withheld or deducted under the terminated child support 1293
order. 1294

Sec. 3123.25. (A) If, as a result of information obtained 1295
pursuant to an agreement under section 3121.74 of the Revised 1296
Code, the office of child support in the department of job and 1297
family services finds or receives notice that identifies an 1298
obligor in default who maintains an account with a financial 1299
institution, the office shall, within one business day, enter 1300
the information into the case registry established pursuant to 1301
section 3121.81 of the Revised Code. 1302

(B) If a child support enforcement agency, ~~after examining~~ 1303
~~the case registry upon notice or discovery of an account,~~ 1304
determines that an obligor in default under a support order 1305
administered by the agency maintains an account in a financial 1306
institution, the agency shall determine whether the obligor is 1307
subject to a final and enforceable determination of default made 1308
under sections 3123.01 to 3123.07 of the Revised Code. If the 1309
obligor is subject to a final and enforceable determination of 1310
default, the agency may issue an access restriction notice to 1311
the financial institution in which the obligor's account is 1312
maintained. 1313

Sec. 3123.27. The child support enforcement agency ~~shall,~~ 1314
~~no later than five business days after information is entered~~ 1315
~~into the case registry under section 3123.25 of the Revised~~ 1316
~~Code,~~ may investigate and determine the amount of funds in the 1317

account that is available to satisfy the obligor's arrearages 1318
under a support order. The financial institution shall cooperate 1319
with the agency's investigation. 1320

Sec. 3123.30. The notice sent under section 3123.29 of the 1321
Revised Code shall contain both of the following: 1322

(A) A statement of the date the notice is sent, that 1323
another of the account holders is an obligor under a support 1324
order, the name of the obligor, that the support order is in 1325
default, the amount of the arrearage owed by the obligor as 1326
determined by the court or child support enforcement agency, the 1327
amount that will be withdrawn, the type of account from which 1328
the amount will be withdrawn, and the name of the financial 1329
institution from which the amount will be withdrawn; 1330

(B) A statement that the person may object to the 1331
withdrawal by filing with the agency, no later than ~~ten-fourteen~~ 1332
days after the date on which the notice is ~~sent~~ issued, a 1333
written request for an administrative hearing to determine 1334
whether any amount contained in the account is the property of 1335
the person to whom the notice is sent and should not be subject 1336
to the withdrawal directive. 1337

Sec. 3123.31. The person to whom notice is sent under 1338
section 3123.29 of the Revised Code shall have ~~ten-fourteen~~ days 1339
from the date the notice is ~~sent~~ issued to object to the 1340
withdrawal by filing with the child support enforcement agency 1341
that sent the notice a written request for an administrative 1342
hearing to determine whether any amount contained in the account 1343
is the property of that person and should not be subject to the 1344
withdrawal directive. 1345

Sec. 3123.34. If a child support enforcement agency 1346

determines that the total amount in an account is the property 1347
of a person who is not the obligor from whom payment is sought, 1348
it shall order the financial institution to release the access 1349
restriction on the account and shall take no further enforcement 1350
action on the account. A copy of this notice shall be sent to 1351
the obligor. If the agency determines that some of the funds in 1352
the account are the property of the person, it shall order the 1353
financial institution to release the access restriction on the 1354
account in that amount and shall take no further enforcement 1355
action on those funds. A copy of this notice shall be sent to 1356
the obligor. The agency shall issue a withdrawal directive 1357
pursuant to section 3123.37 of the Revised Code for the 1358
remaining funds unless, no later than ~~ten~~ fourteen days after 1359
the agency ~~makes~~ issues its determination, the person files a 1360
written motion with the court of common pleas of the county 1361
served by the ~~child support enforcement~~ agency for a hearing to 1362
determine whether any amount contained in the account is the 1363
property of the person. 1364

Sec. 3123.35. If the person described in section 3123.34 1365
of the Revised Code files a timely motion with the court that 1366
issued the child support order or that is located in the county 1367
where the child support enforcement agency issued the order, the 1368
court shall hold a hearing on the request no later than ~~ten~~ 1369
fourteen days after the request is filed. The person who filed 1370
the motion shall be considered a temporary party only for the 1371
purposes of objecting to the determination made pursuant to 1372
section 3123.33 of the Revised Code. No later than five days 1373
before the date on which the hearing is to be held, the court 1374
shall send the person written notice by ordinary mail of the 1375
date, time, place, and purpose of the hearing. The hearing shall 1376
be limited to a determination of how much, if any, of the amount 1377

contained in the account is the property of the person. 1378

Sec. 3123.72. A child support enforcement agency shall 1379
file a notice requesting that the county recorder discharge the 1380
lien if one of the following applies: 1381

(A) The lien is satisfied through an action pursuant to 1382
section 3123.74 of the Revised Code. 1383

(B) The obligor makes full payment of the arrearage to the 1384
office of child support in the department of job and family 1385
services or, pursuant to sections 3125.27 to 3125.30 of the 1386
Revised Code, to the ~~child support enforcement~~ agency that is 1387
the basis of the lien. 1388

~~(C) An appropriate withholding or deduction notice or 1389
other appropriate order described in section 3121.03, 3121.04, 1390
3121.05, 3121.06, or 3121.12 of the Revised Code has been issued 1391
to collect current support and any arrearage due under the 1392
support order that was in default, and the obligor is complying 1393
with the notice or order. 1394~~

~~(D) A new support order has been issued or the support 1395
order that was in default has been modified to collect current 1396
support and any arrearage due under the support order that was 1397
in default, and the obligor is complying with the new or 1398
modified support order. 1399~~

~~(E) The agency releases the lien pursuant to section 1400
3123.76 of the Revised Code. 1401~~

Sec. 3123.821. The office of child support created in the 1402
department of job and family services under section 3125.02 of 1403
the Revised Code shall work with the tax commissioner to collect 1404
the following: 1405

(A) Overdue ~~child~~-support from refunds of paid state 1406
income taxes under Chapter 5747. of the Revised Code that are 1407
payable to obligors; 1408

(B) Overpaid child support from refunds of paid state 1409
income taxes under Chapter 5747. of the Revised Code that are 1410
payable to obligees. 1411

Sec. 3123.822. No overdue or overpaid ~~child~~-support shall 1412
be collected from refunds of ~~paid~~-state income taxes paid by an 1413
obligor or obligee unless all of the following conditions are 1414
met: 1415

(A) Any reduction authorized by section 5747.12 of the 1416
Revised Code has first been made, except as otherwise provided 1417
in this section. 1418

(B) The refund payable to the obligor or obligee is not 1419
less than twenty-five dollars after any reduction pursuant to 1420
section 5747.12 of the Revised Code. 1421

(C) Either of the following applies: 1422

(1) With respect to overdue ~~child~~-support, the obligor ~~is~~ 1423
~~not less than~~ maintains an arrearage in the payment of support 1424
for three months in arrears in the obligor's payment of child 1425
support, and the amount of the total arrearage during each of 1426
the three months is not less than at least one hundred fifty 1427
dollars; 1428

(2) With respect to overpaid child support, the amount 1429
overpaid is not less than one hundred fifty dollars. 1430

Overdue support or overpaid child support shall be 1431
collected from such refunds before any part of the refund is 1432
used as a contribution pursuant to section 5747.113 of the 1433

Revised Code. Overdue support or overpaid child support shall be 1434
collected from such refunds before the refund or any part of the 1435
refund is credited against tax due in any subsequent year 1436
pursuant to section 5747.12 of the Revised Code, notwithstanding 1437
the consent of the obligor or obligee for such crediting. 1438

Section 2. That existing sections 3111.29, 3111.38, 1439
3111.46, 3111.49, 3111.78, 3111.80, 3111.81, 3111.84, 3119.06, 1440
3119.30, 3119.38, 3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 1441
3119.76, 3119.77, 3119.82, 3119.87, 3119.88, 3119.89, 3119.90, 1442
3119.91, 3119.92, 3121.01, 3121.02, 3121.035, 3121.12, 3121.29, 1443
3121.33, 3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 3123.14, 1444
3123.25, 3123.27, 3123.30, 3123.31, 3123.34, 3123.35, 3123.72, 1445
3123.821, and 3123.822 and section 3121.11 of the Revised Code 1446
are hereby repealed. 1447