

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 555

Representatives Russo, Manchester

Cosponsors: Representatives Galonski, Miller, J., Sobecki, O'Brien, Patterson, Seitz, Liston, Hoops, Smith, K., Swearingen, Weinstein, Kent, Boggs, Crossman

A BILL

To amend sections 2151.231, 3103.03, 3109.53, 1
3109.66, 3111.01, 3111.04, 3111.06, 3111.07, 2
3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3
3111.48, 3111.49, 3111.78, 3119.01, 3119.06, 4
3119.07, and 3121.29; to enact sections 3119.95, 5
3119.951, 3119.953, 3119.955, 3119.957, 6
3119.959, 3119.9511, 3119.9513, 3119.9515, 7
3119.9517, 3119.9519, 3119.9523, 3119.9525, 8
3119.9527, 3119.9529, 3119.9531, 3119.9533, 9
3119.9535, 3119.9537, 3119.9539, and 3119.9541; 10
and to repeal section 3121.46 of the Revised 11
Code to make changes to child support laws with 12
regard to caretakers. 13

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

Section 1. That sections 2151.231, 3103.03, 3109.53, 14
3109.66, 3111.01, 3111.04, 3111.06, 3111.07, 3111.111, 3111.15, 15
3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 3111.78, 3119.01, 16
3119.06, 3119.07, and 3121.29 be amended and sections 3119.95, 17
3119.951, 3119.953, 3119.955, 3119.957, 3119.959, 3119.9511, 18

3119.9513, 3119.9515, 3119.9517, 3119.9519, 3119.9523, 19
3119.9525, 3119.9527, 3119.9529, 3119.9531, 3119.9533, 20
3119.9535, 3119.9537, 3119.9539, and 3119.9541 of the Revised 21
Code be enacted to read as follows: 22

Sec. 2151.231. (A) The parent, guardian, or 23
custodiancaretaker of a child, ~~the person with whom a child~~ 24
~~resides,~~ or the child support enforcement agency of the county 25
in which the child, parent, ~~guardian,~~ or custodiancaretaker of 26
the child resides may bring an action in a juvenile court or 27
other court with jurisdiction under section 2101.022 or 2301.03 28
of the Revised Code under this section requesting the court to 29
issue an order requiring a parent of the child to pay an amount 30
for the support of the child without regard to the marital 31
status of the child's parents. No action may be brought under 32
this section against a person presumed to be the parent of a 33
child based on an acknowledgment of paternity that has not yet 34
become final under former section 3111.211 or 5101.314 or 35
section 2151.232, 3111.25, or 3111.821 of the Revised Code. 36

The parties to an action under this section may raise the 37
issue of the existence or nonexistence of a parent-child 38
relationship, unless a final and enforceable determination of 39
the issue has been made with respect to the parties pursuant to 40
Chapter 3111. of the Revised Code or an acknowledgment of 41
paternity signed by the child's parents has become final 42
pursuant to former section 3111.211 or 5101.314 or section 43
2151.232, 3111.25, or 3111.821 of the Revised Code. If a 44
complaint is filed under this section and an issue concerning 45
the existence or nonexistence of a parent-child relationship is 46
raised, the court shall treat the action as an action pursuant 47
to sections 3111.01 to 3111.18 of the Revised Code. An order 48
issued in an action under this section does not preclude a party 49

to the action from bringing a subsequent action pursuant to 50
sections 3111.01 to 3111.18 of the Revised Code if the issue 51
concerning the existence or nonexistence of the parent-child 52
relationship was not determined with respect to the party 53
pursuant to a proceeding under this section, a proceeding under 54
Chapter 3111. of the Revised Code, or an acknowledgment of 55
paternity that has become final under former section 3111.211 or 56
5101.314 or section 2151.232, 3111.25, or 3111.821 of the 57
Revised Code. An order issued pursuant to this section shall 58
remain effective until an order is issued pursuant to sections 59
3111.01 to 3111.18 of the Revised Code that a parent-child 60
relationship does not exist between the alleged father of the 61
child and the child or until the occurrence of an event 62
described in section 3119.88 of the Revised Code that would 63
require the order to terminate. 64

The court, in accordance with sections 3119.29 to 3119.56 65
of the Revised Code, shall include in each support order made 66
under this section the requirement that one or both of the 67
parents provide for the health care needs of the child to the 68
satisfaction of the court. 69

(B) As used in this section, "caretaker" has the same 70
meaning as in section 3119.01 of the Revised Code. 71

Sec. 3103.03. (A) Each married person must support the 72
person's self and spouse out of the person's property or by the 73
person's labor. If a married person is unable to do so, the 74
spouse of the married person must assist in the support so far 75
as the spouse is able. The biological or adoptive parent of a 76
minor child must support the parent's minor children out of the 77
parent's property or by the parent's labor. 78

(B) Notwithstanding section 3109.01 of the Revised Code 79

and to the extent provided in section 3119.86 of the Revised Code, the parental duty of support to children shall continue beyond the age of majority as long as the child continuously attends on a full-time basis any recognized and accredited high school. That duty of support shall continue during seasonal vacation periods.

(C) If a married person neglects to support the person's spouse in accordance with this section, any other person, in good faith, may supply the spouse with necessaries for the support of the spouse and recover the reasonable value of the necessaries supplied from the married person who neglected to support the spouse unless the spouse abandons that person without cause.

(D) (1) If a parent neglects to support the parent's minor child in accordance with this section and if the minor child in question is unemancipated, any other person, in good faith, may supply the minor child with necessaries for the support of the minor child and recover the reasonable value of the necessaries supplied from the parent who neglected to support the minor child.

(2) A duty of support may be enforced by a child support order, as defined under division (B) of section 3119.01 of the Revised Code.

(E) If a decedent during the decedent's lifetime has purchased an irrevocable preneed funeral contract pursuant to section 4717.34 of the Revised Code, then the duty of support owed to a spouse pursuant to this section does not include an obligation to pay for the funeral expenses of the deceased spouse. This division does not preclude a surviving spouse from assuming by contract the obligation to pay for the funeral

expenses of the deceased spouse. 110

Sec. 3109.53. To create a power of attorney under section 111
3109.52 of the Revised Code, a parent, guardian, or custodian 112
shall use a form that is identical in form and content to the 113
following: 114

POWER OF ATTORNEY 115

I, the undersigned, residing at _____, in the county 116
of _____, state of _____, hereby appoint the child's 117
grandparent, _____, residing at _____, in the county 118
of _____, in the state of Ohio, with whom the child of 119
whom I am the parent, guardian, or custodian is residing, my 120
attorney in fact to exercise any and all of my rights and 121
responsibilities regarding the care, physical custody, and 122
control of the child, _____, born _____, having social 123
security number (optional) _____, except my authority to 124
consent to marriage or adoption of the child _____, and to 125
perform all acts necessary in the execution of the rights and 126
responsibilities hereby granted, as fully as I might do if 127
personally present. The rights I am transferring under this 128
power of attorney include the ability to enroll the child in 129
school, to obtain from the school district educational and 130
behavioral information about the child, to consent to all 131
school-related matters regarding the child, and to consent to 132
medical, psychological, or dental treatment for the child. This 133
transfer does not affect my rights in any future proceedings 134
concerning the custody of the child or the allocation of the 135
parental rights and responsibilities for the care of the child 136
and does not give the attorney in fact legal custody of the 137
child. This transfer does not terminate my right to have regular 138
contact with the child. 139

I hereby certify that I am transferring the rights and 140
responsibilities designated in this power of attorney because 141
one of the following circumstances exists: 142

(1) I am: (a) Seriously ill, incarcerated, or about to be 143
incarcerated, (b) Temporarily unable to provide financial 144
support or parental guidance to the child, (c) Temporarily 145
unable to provide adequate care and supervision of the child 146
because of my physical or mental condition, (d) Homeless or 147
without a residence because the current residence is destroyed 148
or otherwise uninhabitable, or (e) In or about to enter a 149
residential treatment program for substance abuse; 150

(2) I am a parent of the child, the child's other parent 151
is deceased, and I have authority to execute the power of 152
attorney; or 153

(3) I have a well-founded belief that the power of 154
attorney is in the child's best interest. 155

I hereby certify that I am not transferring my rights and 156
responsibilities regarding the child for the purpose of 157
enrolling the child in a school or school district so that the 158
child may participate in the academic or interscholastic 159
athletic programs provided by that school or district. 160

~~I understand that this document does not authorize a child- 161
support enforcement agency to redirect child support payments to 162
the grandparent designated as attorney in fact. I further- 163
understand that to have an existing child support order modified- 164
or a new child support order issued administrative or judicial- 165
proceedings must be initiated. 166~~

If there is a court order naming me the residential parent 167
and legal custodian of the child who is the subject of this 168

power of attorney and I am the sole parent signing this 169
document, I hereby certify that one of the following is the 170
case: 171

(1) I have made reasonable efforts to locate and provide 172
notice of the creation of this power of attorney to the other 173
parent and have been unable to locate that parent; 174

(2) The other parent is prohibited from receiving a notice 175
of relocation; or 176

(3) The parental rights of the other parent have been 177
terminated by order of a juvenile court. 178

This POWER OF ATTORNEY is valid until the occurrence of 179
whichever of the following events occurs first: (1) I revoke 180
this POWER OF ATTORNEY in writing and give notice of the 181
revocation to the grandparent designated as attorney in fact and 182
the juvenile court with which this POWER OF ATTORNEY was filed; 183
(2) the child ceases to reside with the grandparent designated 184
as attorney in fact; (3) this POWER OF ATTORNEY is terminated by 185
court order; (4) the death of the child who is the subject of 186
the power of attorney; or (5) the death of the grandparent 187
designated as the attorney in fact. 188

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 189
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 190
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY 191
THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING 192
A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO 193
\$1,000, OR BOTH. 194

Witness my hand this _____ day of _____, _____ 195

Parent/Custodian/Guardian's signature 196
197

_____	198
Parent's signature	199
_____	200
Grandparent designated as attorney in fact	201
State of Ohio)	202
) ss:	203
County of _____)	204
Subscribed, sworn to, and acknowledged before me this _____ day	205
of _____, _____	206
_____	207
Notary Public	208
Notices:	209
1. A power of attorney may be executed only if one of the following	210
circumstances exists: (1) The parent, guardian, or custodian of the child	211
is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b)	212
Temporarily unable to provide financial support or parental guidance to	213
the child; (c) Temporarily unable to provide adequate care and supervision	214
of the child because of the parent's, guardian's, or custodian's physical	215
or mental condition; (d) Homeless or without a residence because the	216
current residence is destroyed or otherwise uninhabitable; or (e) In or	217
about to enter a residential treatment program for substance abuse; (2)	218
One of the child's parents is deceased and the other parent, with	219
authority to do so, seeks to execute a power of attorney; or (3) The	220
parent, guardian, or custodian has a well-founded belief that the power of	221
attorney is in the child's best interest.	222
2. The signatures of the parent, guardian, or custodian of the child and	223
the grandparent designated as the attorney in fact must be notarized by an	224
Ohio notary public.	225

3. A parent, guardian, or custodian who creates a power of attorney must 226
notify the parent of the child who is not the residential parent and legal 227
custodian of the child unless one of the following circumstances applies: 228
(a) the parent is prohibited from receiving a notice of relocation in 229
accordance with section 3109.051 of the Revised Code of the creation of 230
the power of attorney; (b) the parent's parental rights have been 231
terminated by order of a juvenile court pursuant to Chapter 2151. of the 232
Revised Code; (c) the parent cannot be located with reasonable efforts; 233
(d) both parents are executing the power of attorney. The notice must be 234
sent by certified mail not later than five days after the power of 235
attorney is created and must state the name and address of the person 236
designated as the attorney in fact. 237

4. A parent, guardian, or custodian who creates a power of attorney must 238
file it with the juvenile court of the county in which the attorney in 239
fact resides, or any other court that has jurisdiction over the child 240
under a previously filed motion or proceeding. The power of attorney must 241
be filed not later than five days after the date it is created and be 242
accompanied by a receipt showing that the notice of creation of the power 243
of attorney was sent to the parent who is not the residential parent and 244
legal custodian by certified mail. 245

5. This power of attorney does not affect the rights of the child's 246
parents, guardian, or custodian regarding any future proceedings 247
concerning the custody of the child or the allocation of the parental 248
rights and responsibilities for the care of the child and does not give 249
the attorney in fact legal custody of the child. 250

6. A person or entity that relies on this power of attorney, in good 251
faith, has no obligation to make any further inquiry or investigation. 252

7. This power of attorney terminates on the occurrence of whichever of the 253
following occurs first: (1) the power of attorney is revoked in writing by 254
the person who created it and that person gives written notice of the 255

revocation to the grandparent who is the attorney in fact and the juvenile 256
court with which the power of attorney was filed; (2) the child ceases to 257
live with the grandparent who is the attorney in fact; (3) the power of 258
attorney is terminated by court order; (4) the death of the child who is 259
the subject of the power of attorney; or (5) the death of the grandparent 260
designated as the attorney in fact. 261

If this power of attorney terminates other than by the death of the 262
attorney in fact, the grandparent who served as the attorney in fact shall 263
notify, in writing, all of the following: 264

(a) Any schools, health care providers, or health insurance coverage 265
provider with which the child has been involved through the grandparent; 266

(b) Any other person or entity that has an ongoing relationship with the 267
child or grandparent such that the other person or entity would reasonably 268
rely on the power of attorney unless notified of the termination; 269

(c) The court in which the power of attorney was filed after its creation; 270

(d) The parent who is not the residential parent and legal custodian of 271
the child who is required to be given notice of its creation. The 272
grandparent shall make the notifications not later than one week after the 273
date the power of attorney terminates. 274

8. If this power of attorney is terminated by written revocation of the 275
person who created it, or the revocation is regarding a second or 276
subsequent power of attorney, a copy of the revocation must be filed with 277
the court with which that power of attorney was filed. 278

Additional information: 279

To the grandparent designated as attorney in fact: 280

1. If the child stops living with you, you are required to notify, in 281
writing, any school, health care provider, or health care insurance 282
provider to which you have given this power of attorney. You are also 283

required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you.

2. You must include with the power of attorney the following information:

(a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;

(b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;

(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state;

(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;

(e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.

3. If you receive written notice of revocation of the power of attorney or

the parent, custodian, or guardian removes the child from your home and if 313
you believe that the revocation or removal is not in the best interest of 314
the child, you may, within fourteen days, file a complaint in the juvenile 315
court to seek custody. You may retain physical custody of the child until 316
the fourteen-day period elapses or, if you file a complaint, until the 317
court orders otherwise. 318

To school officials: 319

1. Except as provided in section 3313.649 of the Revised Code, this power 320
of attorney, properly completed and notarized, authorizes the child in 321
question to attend school in the district in which the grandparent 322
designated as attorney in fact resides and that grandparent is authorized 323
to provide consent in all school-related matters and to obtain from the 324
school district educational and behavioral information about the child. 325
This power of attorney does not preclude the parent, guardian, or 326
custodian of the child from having access to all school records pertinent 327
to the child. 328

2. The school district may require additional reasonable evidence that the 329
grandparent lives in the school district. 330

3. A school district or school official that reasonably and in good faith 331
relies on this power of attorney has no obligation to make any further 332
inquiry or investigation. 333

To health care providers: 334

1. A person or entity that acts in good faith reliance on a power of 335
attorney to provide medical, psychological, or dental treatment, without 336
actual knowledge of facts contrary to those stated in the power of 337
attorney, is not subject to criminal liability or to civil liability to 338
any person or entity, and is not subject to professional disciplinary 339
action, solely for such reliance if the power of attorney is completed and 340
the signatures of the parent, guardian, or custodian of the child and the 341

grandparent designated as attorney in fact are notarized. 342

2. The decision of a grandparent designated as attorney in fact, based on 343
a power of attorney, shall be honored by a health care facility or 344
practitioner, school district, or school official. 345

Sec. 3109.66. The caretaker authorization affidavit that a 346
grandparent described in section 3109.65 of the Revised Code may 347
execute shall be identical in form and content to the following: 348

CARETAKER AUTHORIZATION AFFIDAVIT 349

Use of this affidavit is authorized by sections 3109.65 to 350
3109.73 of the Ohio Revised Code. 351

Completion of items 1-7 and the signing and notarization of this 352
affidavit is sufficient to authorize the grandparent signing to 353
exercise care, physical custody, and control of the child who is 354
its subject, including authority to enroll the child in school, 355
to discuss with the school district the child's educational 356
progress, to consent to all school-related matters regarding the 357
child, and to consent to medical, psychological, or dental 358
treatment for the child. 359

The child named below lives in my home, I am 18 years of age or 360
older, and I am the child's grandparent. 361

1. Name of child: 362

2. Child's date and year of birth: 363

3. Child's social security number (optional): 364

4. My name: 365

5. My home address: 366

6. My date and year of birth: 367

7. My Ohio driver's license number or identification card number:	368
8. Despite having made reasonable attempts, I am either:	369
(a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or	370 371
(b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or	372 373 374
(c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case:	375 376 377
(i) The parent has been prohibited from receiving notice of a relocation; or	378 379
(ii) The parental rights of the parent have been terminated.	380
9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.	381 382 383 384
I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.	385 386 387 388 389
WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH.	390 391 392 393 394

I declare that the foregoing is true and correct:	395
Signed: _____ Date: _____	396
Grandparent	397
State of Ohio)	398
) ss:	399
County of _____)	400
Subscribed, sworn to, and acknowledged before me this _____ day	401
of _____, _____	402
_____	403
Notary Public	404
Notices:	405
1. The grandparent's signature must be notarized by an Ohio notary public.	406 407
2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed.	408 409 410 411 412
3. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.	413 414 415 416
4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.	417 418 419
5. This affidavit terminates on the occurrence of	420

whichever of the following occurs first: (1) the child ceases to 421
live with the grandparent who signs this form; (2) the parent, 422
guardian, or custodian of the child acts to negate, reverse, or 423
otherwise disapprove an action or decision of the grandparent 424
who signed this affidavit, and the grandparent either 425
voluntarily returns the child to the physical custody of the 426
parent, guardian, or custodian or fails to file a complaint to 427
seek custody within fourteen days; (3) the affidavit is 428
terminated by court order; (4) the death of the child who is the 429
subject of the affidavit; or (5) the death of the grandparent 430
who executed the affidavit. 431

A parent, guardian, or custodian may negate, reverse, or 432
disapprove a grandparent's action or decision only by delivering 433
written notice of negation, reversal, or disapproval to the 434
grandparent and the person acting on the grandparent's action or 435
decision in reliance on this affidavit. 436

If this affidavit terminates other than by the death of 437
the grandparent, the grandparent who signed this affidavit shall 438
notify, in writing, all of the following: 439

(a) Any schools, health care providers, or health 440
insurance coverage provider with which the child has been 441
involved through the grandparent; 442

(b) Any other person or entity that has an ongoing 443
relationship with the child or grandparent such that the person 444
or entity would reasonably rely on the affidavit unless notified 445
of the termination; 446

(c) The court in which the affidavit was filed after its 447
creation. 448

The grandparent shall make the notifications not later 449

than one week after the date the affidavit terminates. 450

6. The decision of a grandparent to consent to or to 451
refuse medical treatment or school enrollment for a child is 452
superseded by a contrary decision of a parent, custodian, or 453
guardian of the child, unless the decision of the parent, 454
guardian, or custodian would jeopardize the life, health, or 455
safety of the child. 456

Additional information: 457

To caretakers: 458

1. If the child stops living with you, you are required to 459
notify, in writing, any school, health care provider, or health 460
care insurance provider to which you have given this affidavit. 461
You are also required to notify, in writing, any other person or 462
entity that has an ongoing relationship with you or the child 463
such that the person or entity would reasonably rely on the 464
affidavit unless notified. The notifications must be made not 465
later than one week after the child stops living with you. 466

2. If you do not have the information requested in item 7 467
(Ohio driver's license or identification card), provide another 468
form of identification such as your social security number or 469
medicaid number. 470

3. You must include with the caretaker authorization 471
affidavit the following information: 472

(a) The child's present address, the addresses of the 473
places where the child has lived within the last five years, and 474
the name and present address of each person with whom the child 475
has lived during that period; 476

(b) Whether you have participated as a party, a witness, 477

or in any other capacity in any other litigation, in this state 478
or any other state, that concerned the allocation, between the 479
parents of the same child, of parental rights and 480
responsibilities for the care of the child and the designation 481
of the residential parent and legal custodian of the child or 482
that otherwise concerned the custody of the same child; 483

(c) Whether you have information of any parenting 484
proceeding concerning the child pending in a court of this or 485
any other state; 486

(d) Whether you know of any person who has physical 487
custody of the child or claims to be a parent of the child who 488
is designated the residential parent and legal custodian of the 489
child or to have parenting time rights with respect to the child 490
or to be a person other than a parent of the child who has 491
custody or visitation rights with respect to the child; 492

(e) Whether you previously have been convicted of or 493
pleaded guilty to any criminal offense involving any act that 494
resulted in a child's being an abused child or a neglected child 495
or previously have been determined, in a case in which a child 496
has been adjudicated an abused child or a neglected child, to be 497
the perpetrator of the abusive or neglectful act that was the 498
basis of the adjudication. 499

4. If the child's parent, guardian, or custodian acts to 500
terminate the caretaker authorization affidavit by delivering a 501
written notice of negation, reversal, or disapproval of an 502
action or decision of yours or removes the child from your home 503
and if you believe that the termination or removal is not in the 504
best interest of the child, you may, within fourteen days, file 505
a complaint in the juvenile court to seek custody. You may 506
retain physical custody of the child until the fourteen-day 507

period elapses or, if you file a complaint, until the court 508
orders otherwise. 509

To school officials: 510

1. This affidavit, properly completed and notarized, 511
authorizes the child in question to attend school in the 512
district in which the grandparent who signed this affidavit 513
resides and the grandparent is authorized to provide consent in 514
all school-related matters and to discuss with the school 515
district the child's educational progress. This affidavit does 516
not preclude the parent, guardian, or custodian of the child 517
from having access to all school records pertinent to the child. 518

2. The school district may require additional reasonable 519
evidence that the grandparent lives at the address provided in 520
item 5 of the affidavit. 521

3. A school district or school official that reasonably 522
and in good faith relies on this affidavit has no obligation to 523
make any further inquiry or investigation. 524

4. The act of a parent, guardian, or custodian of the 525
child to negate, reverse, or otherwise disapprove an action or 526
decision of the grandparent who signed this affidavit 527
constitutes termination of this affidavit. A parent, guardian, 528
or custodian may negate, reverse, or disapprove a grandparent's 529
action or decision only by delivering written notice of 530
negation, reversal, or disapproval to the grandparent and the 531
person acting on the grandparent's action or decision in 532
reliance on this affidavit. 533

To health care providers: 534

1. A person or entity that acts in good faith reliance on 535
a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, 536

psychological, or dental treatment, without actual knowledge of 537
facts contrary to those stated in the affidavit, is not subject 538
to criminal liability or to civil liability to any person or 539
entity, and is not subject to professional disciplinary action, 540
solely for such reliance if the applicable portions of the form 541
are completed and the grandparent's signature is notarized. 542

2. The decision of a grandparent, based on a CARETAKER 543
AUTHORIZATION AFFIDAVIT, shall be honored by a health care 544
facility or practitioner, school district, or school official 545
unless the health care facility or practitioner or educational 546
facility or official has actual knowledge that a parent, 547
guardian, or custodian of a child has made a contravening 548
decision to consent to or to refuse medical treatment for the 549
child. 550

3. The act of a parent, guardian, or custodian of the 551
child to negate, reverse, or otherwise disapprove an action or 552
decision of the grandparent who signed this affidavit 553
constitutes termination of this affidavit. A parent, guardian, 554
or custodian may negate, reverse, or disapprove a grandparent's 555
action or decision only by delivering written notice of 556
negation, reversal, or disapproval to the grandparent and the 557
person acting on the grandparent's action or decision in 558
reliance on this affidavit. 559

Sec. 3111.01. (A) (1) As used in sections 3111.01 to 560
3111.85 of the Revised Code, "parent and child relationship" 561
means the legal relationship that exists between a child and the 562
child's natural or adoptive parents and upon which those 563
sections and any other provision of the Revised Code confer or 564
impose rights, privileges, duties, and obligations. The "parent 565
and child relationship" includes the mother and child 566

relationship and the father and child relationship. 567

~~(B)~~ (2) The parent and child relationship extends equally 568
to all children and all parents, regardless of the marital 569
status of the parents. 570

(B) As used in this chapter, "caretaker" has the same 571
meaning as in section 3119.01 of the Revised Code. 572

Sec. 3111.04. (A) (1) Except as provided in division (A) (2) 573
of this section, an action to determine the existence or 574
nonexistence of the father and child relationship may be brought 575
by the child or the child's personal representative, the child's 576
caretaker, the child's mother or her personal representative, a 577
man alleged or alleging himself to be the child's father, the 578
child support enforcement agency of the county in which the 579
child resides if the child's mother, father, or alleged father 580
is a recipient of public assistance or of services under Title 581
IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 582
U.S.C.A. 651, as amended, or the alleged father's personal 583
representative. 584

(2) A man alleged or alleging himself to be the child's 585
father is not eligible to file an action under division (A) (1) 586
of this section if the man was convicted of or pleaded guilty to 587
rape or sexual battery, the victim of the rape or sexual battery 588
was the child's mother, and the child was conceived as a result 589
of the rape or sexual battery. 590

(B) An agreement does not bar an action under this 591
section. 592

(C) If an action under this section is brought before the 593
birth of the child and if the action is contested, all 594
proceedings, except service of process and the taking of 595

depositions to perpetuate testimony, may be stayed until after 596
the birth. 597

(D) A recipient of public assistance or of services under 598
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 599
42 U.S.C.A. 651, as amended, shall cooperate with the child 600
support enforcement agency of the county in which a child 601
resides to obtain an administrative determination pursuant to 602
sections 3111.38 to 3111.54 of the Revised Code, or, if 603
necessary, a court determination pursuant to sections 3111.01 to 604
3111.18 of the Revised Code, of the existence or nonexistence of 605
a parent and child relationship between the father and the 606
child. If the recipient fails to cooperate, the agency may 607
commence an action to determine the existence or nonexistence of 608
a parent and child relationship between the father and the child 609
pursuant to sections 3111.01 to 3111.18 of the Revised Code. 610

(E) As used in this section: 611

(1) "Public assistance" means both of the following: 612

(a) Medicaid; 613

(b) Ohio works first under Chapter 5107. of the Revised 614
Code. 615

(2) "Rape" means a violation of section 2907.02 of the 616
Revised Code or similar law of another state. 617

(3) "Sexual battery" means a violation of section 2907.03 618
of the Revised Code or similar law of another state. 619

Sec. 3111.06. (A) Except as otherwise provided in division 620
(B) ~~or,~~ (C), or (D) of section 3111.381 of the Revised Code, an 621
action authorized under sections 3111.01 to 3111.18 of the 622
Revised Code may be brought in the juvenile court or other court 623

with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the child, the child's mother, or the alleged father resides or is found or, if the alleged father is deceased, of the county in which proceedings for the probate of the alleged father's estate have been or can be commenced, or of the county in which the child is being provided support by the county department of job and family services of that county. An action pursuant to sections 3111.01 to 3111.18 of the Revised Code to object to an administrative order issued pursuant to former section 3111.21 or 3111.22 or sections 3111.38 to 3111.54 of the Revised Code determining the existence or nonexistence of a parent and child relationship that has not become final and enforceable, may be brought only in the juvenile court or other court with jurisdiction of the county in which the child support enforcement agency that issued the order is located. If an action for divorce, dissolution, or legal separation has been filed in a court of common pleas, that court of common pleas has original jurisdiction to determine if the parent and child relationship exists between one or both of the parties and any child alleged or presumed to be the child of one or both of the parties.

(B) A person who has sexual intercourse in this state submits to the jurisdiction of the courts of this state as to an action brought under sections 3111.01 to 3111.18 of the Revised Code with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by the Rules of Civil Procedure, personal jurisdiction may be acquired by personal service of summons outside this state or by certified mail with proof of actual receipt.

Sec. 3111.07. (A) The natural mother, each man presumed to be the father under section 3111.03 of the Revised Code, ~~and~~

each man alleged to be the natural father, and a caretaker of a 655
child shall be made parties to the action brought pursuant to 656
sections 3111.01 to 3111.18 of the Revised Code or, if not 657
subject to the jurisdiction of the court, shall be given notice 658
of the action pursuant to the Rules of Civil Procedure and shall 659
be given an opportunity to be heard. The child support 660
enforcement agency of the county in which the action is brought 661
also shall be given notice of the action pursuant to the Rules 662
of Civil Procedure and shall be given an opportunity to be 663
heard. The court may align the parties. The child shall be made 664
a party to the action unless a party shows good cause for not 665
doing so. Separate counsel shall be appointed for the child if 666
the court finds that the child's interests conflict with those 667
of the mother. 668

If the person bringing the action knows that a particular 669
man is not or, based upon the facts and circumstances present, 670
could not be the natural father of the child, the person 671
bringing the action shall not allege in the action that the man 672
is the natural father of the child and shall not make the man a 673
party to the action. 674

(B) If an action is brought pursuant to sections 3111.01 675
to 3111.18 of the Revised Code and the child to whom the action 676
pertains is or was being provided support by a caretaker, the 677
department of job and family services, a county department of 678
job and family services, or another public agency, the 679
caretaker, department, county department, or agency may 680
intervene for purposes of collecting or recovering the support. 681

Sec. 3111.111. If an action is brought pursuant to 682
sections 3111.01 to 3111.18 of the Revised Code to object to a 683
determination made pursuant to former section 3111.21 or 3111.22 684

or sections 3111.38 to 3111.54 of the Revised Code that the 685
alleged father is the natural father of a child, the court, on 686
its own motion or on the motion of either party, shall issue a 687
temporary order for the support of the child pursuant to 688
Chapters 3119., 3121., 3123., and 3125. of the Revised Code 689
requiring the alleged father to pay support to the natural 690
mother or the ~~guardian or legal custodian~~ caretaker of the 691
child. The order shall remain in effect until the court issues a 692
judgment in the action pursuant to section 3111.13 of the 693
Revised Code that determines the existence or nonexistence of a 694
father and child relationship. If the court, in its judgment, 695
determines that the alleged father is not the natural father of 696
the child, the court shall order the person to whom the 697
temporary support was paid under the order to repay the alleged 698
father all amounts paid for support under the temporary order. 699

Sec. 3111.15. (A) If the existence of the father and child 700
relationship is declared or if paternity or a duty of support 701
has been adjudicated under sections 3111.01 to 3111.18 of the 702
Revised Code or under prior law, the obligation of the father 703
may be enforced in the same or other proceedings by the mother, 704
the child, the caretaker of the child, or the public authority 705
that has furnished or may furnish the reasonable expenses of 706
pregnancy, confinement, education, support, or funeral, or by 707
any other person, including a private agency, to the extent that 708
any of them may furnish, has furnished, or is furnishing these 709
expenses. 710

(B) The court may order support payments to be made to the 711
mother, the clerk of the court, the caretaker, or a person or 712
agency designated to administer them for the benefit of the 713
child under the supervision of the court. 714

(C) Willful failure to obey the judgment or order of the court is a civil contempt of the court.

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

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

(B) Contact the child support enforcement agency for assistance in obtaining a child support order as defined in section 3119.01 of the Revised Code.

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

Sec. 3111.381. (A) Except as provided in divisions (B), (C), (D), ~~and (E)~~, and (F) of this section, no person may bring an action under sections 3111.01 to 3111.18 of the Revised Code

unless the person has requested an administrative determination 744
under section 3111.38 of the Revised Code of the existence or 745
nonexistence of a parent and child relationship. 746

(B) An action to determine the existence or nonexistence 747
of a parent and child relationship may be brought by the child's 748
mother in the appropriate division of the court of common pleas 749
in the county in which the child resides, without requesting an 750
administrative determination, if the child's mother brings the 751
action in order to request an order to determine the allocation 752
of parental rights and responsibilities, the payment of all or 753
any part of the reasonable expenses of the mother's pregnancy 754
and confinement, or support of the child. The clerk of the court 755
shall forward a copy of the complaint to the child support 756
enforcement agency of the county in which the complaint is 757
filed. 758

(C) An action to determine the existence or nonexistence 759
of a parent and child relationship may be brought by the 760
putative father of the child in the appropriate division of the 761
court of common pleas in the county in which the child resides, 762
without requesting an administrative determination, if the 763
putative father brings the action in order to request an order 764
to determine the allocation of parental rights and 765
responsibilities. The clerk of the court shall forward a copy of 766
the complaint to the child support enforcement agency of the 767
county in which the complaint is filed. 768

(D) An action to determine the existence or nonexistence 769
of a parent and child relationship may be brought by the 770
caretaker of the child in the appropriate division of the court 771
of common pleas in the county in which the child resides, 772
without requesting an administrative determination, if the 773

caretaker brings the action in order to request support of the 774
child. The clerk of the court shall forward a copy of the 775
complaint to the child support enforcement agency of the county 776
in which the complaint is filed. 777

(E) If services are requested by the court, under 778
divisions (B) ~~and~~, (C), and (D) of this section, of the child 779
support enforcement agency to determine the existence or 780
nonexistence of a parent and child relationship, a Title IV-D 781
application must be completed and delivered to the child support 782
enforcement agency. 783

~~(E)~~ (F) If the alleged father of a child is deceased and 784
proceedings for the probate of the estate of the alleged father 785
have been or can be commenced, the court with jurisdiction over 786
the probate proceedings shall retain jurisdiction to determine 787
the existence or nonexistence of a parent and child relationship 788
between the alleged father and any child without an 789
administrative determination being requested from a child 790
support enforcement agency. 791

If an action for divorce, dissolution of marriage, or 792
legal separation, or an action under section 2151.231 or 793
2151.232 of the Revised Code requesting an order requiring the 794
payment of child support and provision for the health care of a 795
child, has been filed in a court of common pleas and a question 796
as to the existence or nonexistence of a parent and child 797
relationship arises, the court in which the original action was 798
filed shall retain jurisdiction to determine the existence or 799
nonexistence of the parent and child relationship without an 800
administrative determination being requested from a child 801
support enforcement agency. 802

If a juvenile court or other court with jurisdiction under 803

section 2101.022 or 2301.03 of the Revised Code issues a support 804
order under section 2151.231 or 2151.232 of the Revised Code 805
relying on a presumption under section 3111.03 of the Revised 806
Code, the juvenile court or other court with jurisdiction that 807
issued the support order shall retain jurisdiction if a question 808
as to the existence of a parent and child relationship arises. 809

Sec. 3111.48. An administrative officer shall include in 810
an order issued under section 3111.46 of the Revised Code a 811
notice that contains the information described in section 812
3111.49 of the Revised Code informing the mother, father, and 813
~~the guardian or legal custodian~~ caretaker of the child of the 814
right to bring an action under sections 3111.01 to 3111.18 of 815
the Revised Code and of the effect of failure to timely bring 816
the action. 817

An agency shall include in an administrative order issued 818
under section 3111.47 of the Revised Code a notice that contains 819
the information described in section 3111.50 of the Revised Code 820
informing the parties of their right to bring an action under 821
sections 3111.01 to 3111.18 of the Revised Code. 822

Sec. 3111.49. The mother, alleged father, and ~~guardian or~~ 823
~~legal custodian~~ caretaker of a child may object to an 824
administrative order determining the existence or nonexistence 825
of a parent and child relationship by bringing, within fourteen 826
days after the date the administrative officer issues the order, 827
an action under sections 3111.01 to 3111.18 of the Revised Code 828
in the juvenile court or other court with jurisdiction under 829
section 2101.022 or 2301.03 of the Revised Code in the county in 830
which the child support enforcement agency that employs the 831
administrative officer who issued the order is located. If the 832
action is not brought within the fourteen-day period, the 833

administrative order is final and enforceable by a court and may 834
not be challenged in an action or proceeding under Chapter 3111. 835
of the Revised Code. 836

Sec. 3111.78. A parent, ~~guardian, or legal custodian of a~~ 837
~~child, the person with whom the child resides, or caretaker of~~ 838
the child, or the child support enforcement agency of the county 839
in which the child, parent, ~~guardian, or legal custodian or~~ 840
caretaker of the child resides may do either of the following to 841
require a man to pay support and provide for the health care 842
needs of the child if the man is presumed to be the natural 843
father of the child under section 3111.03 of the Revised Code: 844

(A) If the presumption is not based on an acknowledgment 845
of paternity, file a complaint pursuant to section 2151.231 of 846
the Revised Code in the juvenile court or other court with 847
jurisdiction under section 2101.022 or 2301.03 of the Revised 848
Code of the county in which the child, parent, ~~guardian, or~~ 849
~~legal custodian caretaker~~ resides; 850

(B) Contact a child support enforcement agency to request 851
assistance in obtaining an order for support and the provision 852
of health care for the child. 853

Sec. 3119.01. (A) As used in the Revised Code, "child 854
support enforcement agency" means a child support enforcement 855
agency designated under former section 2301.35 of the Revised 856
Code prior to October 1, 1997, or a private or government entity 857
designated as a child support enforcement agency under section 858
307.981 of the Revised Code. 859

(B) As used in this chapter and Chapters 3121., 3123., and 860
3125. of the Revised Code: 861

(1) "Administrative child support order" means any order 862

issued by a child support enforcement agency for the support of 863
a child pursuant to section 3109.19 or 3111.81 of the Revised 864
Code or former section 3111.211 of the Revised Code, section 865
3111.21 of the Revised Code as that section existed prior to 866
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 867
Code as those sections existed prior to March 22, 2001. 868

(2) "Child support order" means either a court child 869
support order or an administrative child support order. 870

(3) "Obligee" means the person who is entitled to receive 871
the support payments under a support order. 872

(4) "Obligor" means the person who is required to pay 873
support under a support order. 874

(5) "Support order" means either an administrative child 875
support order or a court support order. 876

(C) As used in this chapter: 877

(1) "Caretaker" means any of the following, other than a 878
parent: 879

(a) A person with whom the child resides for at least 880
thirty consecutive days, and who is the child's primary 881
caregiver; 882

(b) A person who is receiving public assistance on behalf 883
of the child; 884

(c) A person or agency with legal custody of the child, 885
including a county department of job and family services or a 886
public children services agency; 887

(d) A guardian of the person or the estate of a child; 888

(e) Any other appropriate court or agency with custody of 889

<u>the child.</u>	890
<u>"Caretaker" excludes a "host family" as defined under section 2151.90 of the Revised Code.</u>	891 892
<u>(2)</u> "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.	893 894 895
(2) <u>(3)</u> "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.	896 897 898
(3) <u>(4)</u> "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	899 900 901 902 903 904 905
(4) <u>(5)</u> "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order.	906 907 908 909
(5) <u>(6)</u> "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	910 911 912 913 914
(6) <u>(7)</u> "CPI-U" means the consumer price index for all urban consumers, published by the United States department of labor, bureau of labor statistics.	915 916 917

~~(7)~~ (8) "Extraordinary medical expenses" means any 918
uninsured medical expenses incurred for a child during a 919
calendar year that exceed the total cash medical support amount 920
owed by the parents during that year. 921

~~(8)~~ (9) "Federal poverty level" has the same meaning as in 922
section 5121.30 of the Revised Code. 923

~~(9)~~ (10) "Income" means either of the following: 924

(a) For a parent who is employed to full capacity, the 925
gross income of the parent; 926

(b) For a parent who is unemployed or underemployed, the 927
sum of the gross income of the parent and any potential income 928
of the parent. 929

~~(10)~~ (11) "Income share" means the percentage derived from 930
a comparison of each parent's annual income after allowable 931
deductions and credits as indicated on the worksheet to the 932
total annual income of both parents. 933

~~(11)~~ (12) "Insurer" means any person authorized under 934
Title XXXIX of the Revised Code to engage in the business of 935
insurance in this state, any health insuring corporation, and 936
any legal entity that is self-insured and provides benefits to 937
its employees or members. 938

~~(12)~~ (13) "Gross income" means, except as excluded in 939
division ~~(C)~~ ~~(12)~~ (C) (13) of this section, the total of all 940
earned and unearned income from all sources during a calendar 941
year, whether or not the income is taxable, and includes income 942
from salaries, wages, overtime pay, and bonuses to the extent 943
described in division (D) of section 3119.05 of the Revised 944
Code; commissions; royalties; tips; rents; dividends; severance 945
pay; pensions; interest; trust income; annuities; social 946

security benefits, including retirement, disability, and 947
survivor benefits that are not means-tested; workers' 948
compensation benefits; unemployment insurance benefits; 949
disability insurance benefits; benefits that are not means- 950
tested and that are received by and in the possession of the 951
veteran who is the beneficiary for any service-connected 952
disability under a program or law administered by the United 953
States department of veterans' affairs or veterans' 954
administration; spousal support actually received; and all other 955
sources of income. "Gross income" includes income of members of 956
any branch of the United States armed services or national 957
guard, including, amounts representing base pay, basic allowance 958
for quarters, basic allowance for subsistence, supplemental 959
subsistence allowance, cost of living adjustment, specialty pay, 960
variable housing allowance, and pay for training or other types 961
of required drills; self-generated income; and potential cash 962
flow from any source. 963

"Gross income" does not include any of the following: 964

(a) Benefits received from means-tested government 965
administered programs, including Ohio works first; prevention, 966
retention, and contingency; means-tested veterans' benefits; 967
supplemental security income; supplemental nutrition assistance 968
program; disability financial assistance; or other assistance 969
for which eligibility is determined on the basis of income or 970
assets; 971

(b) Benefits for any service-connected disability under a 972
program or law administered by the United States department of 973
veterans' affairs or veterans' administration that are not 974
means-tested, that have not been distributed to the veteran who 975
is the beneficiary of the benefits, and that are in the 976

possession of the United States department of veterans' affairs	977
or veterans' administration;	978
(c) Child support amounts received for children who are	979
not included in the current calculation;	980
(d) Amounts paid for mandatory deductions from wages such	981
as union dues but not taxes, social security, or retirement in	982
lieu of social security;	983
(e) Nonrecurring or unsustainable income or cash flow	984
items;	985
(f) Adoption assistance and foster care maintenance	986
payments made pursuant to Title IV-E of the "Social Security	987
Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended.	988
(13) <u>(14)</u> "Nonrecurring or unsustainable income or cash	989
flow item" means an income or cash flow item the parent receives	990
in any year or for any number of years not to exceed three years	991
that the parent does not expect to continue to receive on a	992
regular basis. "Nonrecurring or unsustainable income or cash	993
flow item" does not include a lottery prize award that is not	994
paid in a lump sum or any other item of income or cash flow that	995
the parent receives or expects to receive for each year for a	996
period of more than three years or that the parent receives and	997
invests or otherwise uses to produce income or cash flow for a	998
period of more than three years.	999
(14) <u>(15)</u> "Ordinary medical expenses" includes copayments	1000
and deductibles, and uninsured medical-related costs for the	1001
children of the order.	1002
(15) <u>(a)</u> (16) <u>(a)</u> "Ordinary and necessary expenses incurred	1003
in generating gross receipts" means actual cash items expended	1004
by the parent or the parent's business and includes depreciation	1005

expenses of business equipment as shown on the books of a 1006
business entity. 1007

(b) Except as specifically included in "ordinary and 1008
necessary expenses incurred in generating gross receipts" by 1009
division ~~(C) (15) (a)~~ (C) (16) (b) of this section, "ordinary and 1010
necessary expenses incurred in generating gross receipts" does 1011
not include depreciation expenses and other noncash items that 1012
are allowed as deductions on any federal tax return of the 1013
parent or the parent's business. 1014

~~(16)~~ (17) "Personal earnings" means compensation paid or 1015
payable for personal services, however denominated, and includes 1016
wages, salary, commissions, bonuses, draws against commissions, 1017
profit sharing, vacation pay, or any other compensation. 1018

~~(17)~~ (18) "Potential income" means both of the following 1019
for a parent who the court pursuant to a court support order, or 1020
a child support enforcement agency pursuant to an administrative 1021
child support order, determines is voluntarily unemployed or 1022
voluntarily underemployed: 1023

(a) Imputed income that the court or agency determines the 1024
parent would have earned if fully employed as determined from 1025
the following criteria: 1026

(i) The parent's prior employment experience; 1027

(ii) The parent's education; 1028

(iii) The parent's physical and mental disabilities, if 1029
any; 1030

(iv) The availability of employment in the geographic area 1031
in which the parent resides; 1032

(v) The prevailing wage and salary levels in the 1033

geographic area in which the parent resides;	1034
(vi) The parent's special skills and training;	1035
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	1036 1037
(viii) The age and special needs of the child for whom child support is being calculated under this section;	1038 1039
(ix) The parent's increased earning capacity because of experience;	1040 1041
(x) The parent's decreased earning capacity because of a felony conviction;	1042 1043
(xi) Any other relevant factor.	1044
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	1045 1046 1047 1048 1049 1050
(18) <u>(19)</u> "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	1051 1052 1053
(19) <u>(20)</u> "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free	1054 1055 1056 1057 1058 1059 1060 1061

housing, reimbursed meals, and other benefits, if the 1062
reimbursements are significant and reduce personal living 1063
expenses. 1064

~~(20)~~ (21) "Self-sufficiency reserve" means the minimal 1065
amount necessary for an obligor to adequately subsist upon, as 1066
determined under section 3119.021 of the Revised Code. 1067

~~(21)~~ (22) "Split parental rights and responsibilities" 1068
means a situation in which there is more than one child who is 1069
the subject of an allocation of parental rights and 1070
responsibilities and each parent is the residential parent and 1071
legal custodian of at least one of those children. 1072

~~(22)~~ (23) "Worksheet" means the applicable worksheet 1073
created in rules adopted under section 3119.022 of the Revised 1074
Code that is used to calculate a parent's child support 1075
obligation. 1076

Sec. 3119.06. (A) Except as otherwise provided in this 1077
section, in any action in which a court or a child support 1078
enforcement agency issues or modifies a child support order or 1079
in any other proceeding in which a court or agency determines 1080
the amount of child support to be paid pursuant to a child 1081
support order, the court or agency shall issue a minimum child 1082
support order requiring the obligor to pay a minimum of eighty 1083
dollars a month for all the children subject to that order. The 1084
court or agency, in its discretion and in appropriate 1085
circumstances, may issue a minimum child support order of less 1086
than eighty dollars a month or issue an order not requiring the 1087
obligor to pay any child support amount. The circumstances under 1088
which a court or agency may issue such an order include the 1089
nonresidential parent's medically verified or documented 1090
physical or mental disability or institutionalization in a 1091

facility for persons with a mental illness or any other 1092
circumstances considered appropriate by the court or agency. 1093

If a court or agency issues a minimum child support 1094
obligation pursuant to this section and the obligor under the 1095
support order is the recipient of means-tested public 1096
assistance, as described in division ~~(C) (12) (a)~~ (C) (13) (a) of 1097
section 3119.01 of the Revised Code, any unpaid amounts of 1098
support due under the support order shall accrue as arrearages 1099
from month to month, and the obligor's current obligation to pay 1100
the support due under the support order is suspended during any 1101
period of time that the obligor is receiving means-tested public 1102
assistance and is complying with any seek work orders issued 1103
pursuant to section 3121.03 of the Revised Code. The court, 1104
obligee, and child support enforcement agency shall not enforce 1105
the obligation of the obligor to pay the amount of support due 1106
under the support order while the obligor is receiving means- 1107
tested public assistance and is complying with any seek work 1108
orders issued pursuant to section 3121.03 of the Revised Code. 1109

(B) As used in this section, "means-tested public 1110
assistance" includes cash assistance payments under the Ohio 1111
works first program established under Chapter 5107. of the 1112
Revised Code, financial assistance under the disability 1113
financial assistance program established under Chapter 5115. of 1114
the Revised Code, supplemental security income, or means-tested 1115
veterans' benefits. 1116

Sec. 3119.07. (A) Except when the parents have split 1117
parental rights and responsibilities, a parent's child support 1118
obligation for a child for whom the parent is the residential 1119
parent and legal custodian shall be presumed to be spent on that 1120
child and shall not become part of a child support order, and a 1121

parent's child support obligation for a child for whom the 1122
parent is not the residential parent and legal custodian shall 1123
become part of a child support order. 1124

(B) If the parents have split parental rights and 1125
responsibilities, the child support obligations of the parents 1126
shall be offset, and the court shall issue a child support order 1127
requiring the parent with the larger child support obligation to 1128
pay the net amount pursuant to the child support order. 1129

(C) If neither parent of a child who is the subject of a 1130
child support order is the residential parent and legal 1131
custodian of the child and the child resides with a ~~third party~~ 1132
~~who is the legal custodian of the child~~ caretaker, the court 1133
shall issue a child support order requiring each parent to pay 1134
that parent's child support obligation pursuant to the child 1135
support order. 1136

Sec. 3119.95. A child support order subject to sections 1137
3119.951 to 3119.9541 of the Revised Code shall include the 1138
health care coverage and cash medical support required for the 1139
child subject to the order. 1140

Sec. 3119.951. The caretaker of a child may file an 1141
application for Title IV-D services with the child support 1142
enforcement agency in the county in which the caretaker resides 1143
to obtain support for the care of the child. 1144

Sec. 3119.953. (A) On receipt of an application for Title 1145
IV-D services from the caretaker of a child under section 1146
3119.951 of the Revised Code, or a Title IV-D services referral 1147
regarding the child, the child support enforcement agency shall 1148
determine whether the child is the subject of an existing child 1149
support order. 1150

(B) If the child is the subject of an existing child support order, the agency shall comply with sections 3119.955 to 3119.9519 of the Revised Code. 1151
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(C) If the child is not the subject of an existing child support order, the agency shall comply with sections 3119.9523 and 3119.9525 of the Revised Code. 1154
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Sec. 3119.955. (A) If a child support enforcement agency determines under section 3119.953 of the Revised Code that there is an existing child support order regarding the child in the care of a caretaker, the agency shall determine if any reason exists for which the child support order should be redirected to the caretaker. If the agency determines that the caretaker is the primary caregiver of the child, the agency shall determine that a reason exists for redirection. 1157
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(B) If the agency determines that a reason exists for redirection, the agency also shall determine all of the following: 1165
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(1) The amount of each parent's obligation under the existing child support order that may be subject to redirection; 1168
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(2) Whether any prior redirection has been terminated under sections 3119.9531 to 3119.9535 of the Revised Code; 1170
1171

(3) Whether any arrearages are owed, and the recommended payment amount to satisfy such arrears; 1172
1173

(4) If more than one child is subject to the existing child support order, whether the child support order for all or some of the children shall be subject to redirection. 1174
1175
1176

(C) The agency shall make the determinations required under this section not later than twenty days after receipt of a 1177
1178

Title IV-D services application or referral under section 1179
3119.953 of the Revised Code. 1180

Sec. 3119.957. If the child support enforcement agency 1181
determines under section 3119.955 of the Revised Code that more 1182
than one child is the subject of a child support order and the 1183
order for fewer than all of the children should be redirected, 1184
the agency shall determine the amount of child support to be 1185
redirected, which amount shall equal the pro rata share of the 1186
child support amounts for each such child under the child 1187
support order. The agency also shall make, in relation to the 1188
determination of the amount of child support that may be 1189
redirected, a determination regarding the health care coverage 1190
and cash medical support under the child support order that may 1191
be redirected. 1192

Sec. 3119.959. An investigation under section 3119.955 or 1193
3119.957 of the Revised Code shall not include a review pursuant 1194
to sections 3119.60 to 3119.76 of the Revised Code. 1195

Sec. 3119.9511. Not later than twenty days after 1196
completion of an investigation of a child support order under 1197
section 3119.955 or 3119.957 of the Revised Code, the child 1198
support enforcement agency shall determine, based on the 1199
information gathered, whether the order shall or shall not be 1200
redirected under sections 3119.9513 and 3119.9515 of the Revised 1201
Code. 1202

Sec. 3119.9513. If the child support enforcement agency 1203
determines that a child support order should be redirected, the 1204
agency shall do one of the following: 1205

(A) For an administrative child support order, the agency 1206
shall issue a redirection order that shall include the child 1207

support amount to be redirected and provisions for redirection 1208
regarding health care coverage and cash medical support. 1209

(B) For a court child support order, the agency shall 1210
recommend to the court that has jurisdiction over the support 1211
order to amend the order and include the child support amount to 1212
be redirected and provisions for redirection regarding health 1213
care coverage and cash medical support. 1214

Sec. 3119.9515. (A) On issuing an order or making a 1215
recommendation under section 3119.9513 of the Revised Code, the 1216
child support enforcement agency shall provide notice of the 1217
following to the parent or caretaker of the child subject to the 1218
order or recommendation: 1219

(1) The results of its investigation under section 1220
3119.955 or 3119.957 of the Revised Code; 1221

(2) For an administrative child support order, notice of 1222
the following: 1223

(a) That the agency has issued a redirection order under 1224
section 3119.9513 of the Revised Code regarding the child 1225
support order and a copy of the redirection order; 1226

(b) The right to object to the redirection order by 1227
bringing an action under section 2151.231 of the Revised Code 1228
not later than fourteen days after the order is issued; 1229

(c) That the order becomes final and enforceable if no 1230
timely objection is made; 1231

(d) The effective date of the order as determined under 1232
section 3119.9519 of the Revised Code. 1233

(3) For a court child support order, notice of the 1234
following: 1235

(a) That the agency has made a recommendation for 1236
redirection under section 3119.9513 of the Revised Code to the 1237
court that has jurisdiction over the court child support order, 1238
and a copy of the recommendation; 1239

(b) The right to object to the redirection by requesting a 1240
hearing with the court that has jurisdiction over the court 1241
child support order not later than fourteen days after the 1242
recommendation is issued; 1243

(c) That the recommendation will be submitted to the court 1244
for inclusion in an amended court child support order, unless a 1245
request for a court hearing is made not later than fourteen days 1246
after the recommendation is issued; 1247

(d) The date the redirection becomes effective as part of 1248
the court child support order as determined under section 1249
3119.9519 of the Revised Code. 1250

(B) The notice under division (A) of this section shall be 1251
included as part of the applicable order or recommendation. 1252

Sec. 3119.9517. (A) A parent or caretaker may object to an 1253
order issued under section 3119.9513 of the Revised Code by 1254
bringing an action under section 2151.231 of the Revised Code 1255
not later than fourteen days after the notice is issued under 1256
division (A) (2) of section 3119.9515 of the Revised Code. The 1257
order shall be final and enforceable if no objection is timely 1258
made. 1259

(B) A parent or caretaker may object to a recommendation 1260
issued under section 3119.9513 of the Revised Code by requesting 1261
a hearing with the court that has jurisdiction over the court 1262
child support order not later than fourteen days after the 1263
recommendation is issued under division (A) (3) of section 1264

3119.9515 of the Revised Code. The recommendation shall be 1265
submitted to the court for inclusion in an amended child support 1266
order, unless a request for a court hearing is made not later 1267
than fourteen days after the recommendation is issued. 1268

Sec. 3119.9519. (A) The redirection of a child support 1269
order under a redirection order that has become final as 1270
provided under section 3119.9517 of the Revised Code shall take 1271
effect as of, and relate back to, the date that the child 1272
support enforcement agency received the Title IV-D services 1273
application or referral under section 3119.953 of the Revised 1274
Code that initiated the proceedings resulting in the order. 1275

(B) The amendment based on a recommendation for 1276
redirection that was included by a court in a court child 1277
support order under section 3119.9517 of the Revised Code shall 1278
take effect as of, and relate back to, the date that the child 1279
support enforcement agency received the Title IV-D services 1280
application or referral under section 3119.953 of the Revised 1281
Code that initiated the proceedings resulting in the amendment. 1282

Sec. 3119.9523. If a child support enforcement agency 1283
determines under section 3119.953 of the Revised Code that the 1284
child in the care of the caretaker is not subject to an existing 1285
child support order, the agency shall determine, not later than 1286
twenty days after its receipt of the Title IV-D services 1287
application or referral under section 3119.953 of the Revised 1288
Code, whether any reason exists for which a child support order 1289
for the child should be imposed. That determination shall 1290
include whether the caretaker is the child's primary caregiver. 1291

Sec. 3119.9525. If, pursuant to an investigation under 1292
section 3119.9523 of the Revised Code, the child support 1293
enforcement agency determines that a reason exists for a child 1294

support order to be imposed regarding the child subject of the 1295
investigation, the agency shall comply with sections 3111.80 to 1296
3111.84 of the Revised Code. 1297

Sec. 3119.9527. If a child support enforcement agency 1298
receives notice that a caretaker is no longer the primary 1299
caregiver for a child subject to a redirection order or 1300
recommendation issued under section 3119.9513 of the Revised 1301
Code, the agency shall do both of the following: 1302

(A) Investigate whether the caretaker to whom support 1303
amounts are redirected under the existing redirection order or 1304
recommendation is still the primary caregiver for the child; 1305

(B) Take action as applicable under sections 3119.9529 to 1306
3119.9535 of the Revised Code. 1307

Sec. 3119.9529. If, upon investigation under section 1308
3119.9527 of the Revised Code, the child support enforcement 1309
agency determines that the caretaker to whom support amounts are 1310
redirected remains the primary caregiver of the child who is the 1311
subject of the redirection order or recommendation, the agency 1312
shall take no further action on the notice received under 1313
section 3119.9527 of the Revised Code. 1314

Sec. 3119.9531. If, after an investigation under section 1315
3119.9527 of the Revised Code, the child support enforcement 1316
agency determines that a new caretaker is the primary caregiver 1317
for the child who is the subject of the redirection order or 1318
recommendation, the agency shall do both of the following: 1319

(A) Terminate the existing redirection order or request 1320
the court to amend the court child support order to remove the 1321
redirection requirement, whichever is applicable; 1322

(B) Direct the new caretaker to file an application for 1323

<u>Title IV-D services under section 3119.951 of the Revised Code.</u>	1324
<u>Sec. 3119.9533. If, after an investigation under section</u>	1325
<u>3119.9527 of the Revised Code, the child support enforcement</u>	1326
<u>agency determines that a parent of the child who is the subject</u>	1327
<u>of the redirection order or recommendation is the primary</u>	1328
<u>caregiver of the child, the agency shall do one of the</u>	1329
<u>following:</u>	1330
<u>(A) If the parent is the obligee under the child support</u>	1331
<u>order that is subject to redirection, do one of the following,</u>	1332
<u>whichever is applicable:</u>	1333
<u>(1) Terminate the existing redirection order;</u>	1334
<u>(2) Request the court to amend the court child support</u>	1335
<u>order to eliminate the redirection requirement.</u>	1336
<u>(B) If the parent is the obligor under the child support</u>	1337
<u>order that is subject to redirection, do both of the following:</u>	1338
<u>(1) Do one of the following, whichever is applicable:</u>	1339
<u>(a) Terminate the existing redirection order;</u>	1340
<u>(b) Request the court with jurisdiction over the court</u>	1341
<u>child support order to amend it to eliminate the redirection</u>	1342
<u>requirement.</u>	1343
<u>(2) Notify the obligor that he or she may do the</u>	1344
<u>following:</u>	1345
<u>(a) Request that the child support order be terminated</u>	1346
<u>pursuant to section 3119.87 of the Revised Code;</u>	1347
<u>(b) Request either of the following, whichever is</u>	1348
<u>applicable:</u>	1349
<u>(i) For an administrative child support order, request a</u>	1350

review of the order under sections 3119.60 and 3119.61 of the 1351
Revised Code; 1352

(ii) For a court child support order, request the court 1353
with jurisdiction over the order to amend the order. 1354

Sec. 3119.9535. If, after an investigation under section 1355
3119.9527 of the Revised Code, the child support enforcement 1356
agency determines that the child who is the subject of the 1357
redirection order is not under the care of any individual, the 1358
agency shall do the following: 1359

(A) Terminate the existing redirection order or request 1360
the court to amend the court child support order to remove the 1361
redirection requirement, whichever is applicable; 1362

(B) If the agency becomes aware of circumstances 1363
indicating that the child may be abused or neglected, make a 1364
report under section 2151.421 of the Revised Code. 1365

Sec. 3119.9537. (A) If a child support enforcement agency 1366
receives a notification under section 3119.9527 of the Revised 1367
Code, the agency shall impound any funds received on behalf of 1368
the child pursuant to the child support order to which the 1369
notification applies. 1370

(B) Impoundment shall continue under this section until 1371
the occurrence of any of the following: 1372

(1) The agency makes a determination under section 1373
3119.9529 of the Revised Code; 1374

(2) The agency issues a redirection order for a new 1375
caretaker under sections 3119.951 to 3119.9519 and 3119.9531 of 1376
the Revised Code; 1377

(3) The agency, under section 3119.9533 of the Revised 1378

Code, terminates the redirection order or a court eliminates the 1379
redirection requirement; 1380

(C) On termination of impoundment as described in division 1381
(B) of this section, impounded amounts shall be paid to the 1382
obligee designated under the child support order or under the 1383
redirection order or requirement. 1384

Sec. 3119.9539. Impoundment of child support under section 1385
3119.9537 of the Revised Code regarding a redirection order or 1386
requirement described in section 3119.9535 of the Revised Code 1387
shall continue until further order from the child support 1388
enforcement agency administering the administrative child 1389
support order or from the court with jurisdiction over the court 1390
child support order, whichever is applicable. 1391

Sec. 3119.9541. The director of job and family services 1392
may adopt rules in accordance with Chapter 119. of the Revised 1393
Code to implement sections 3119.95 to 3119.9539 of the Revised 1394
Code. 1395

Sec. 3121.29. Each support order, or modification of a 1396
support order, shall contain a notice that states the following 1397
in boldface type and in all capital letters: 1398

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 1399
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 1400
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 1401
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 1402
CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY 1403
OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 1404
WHICHEVER ISSUED THE SUPPORT ORDER. 1405

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU 1406
FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO 1407

\$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 1408
EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 1409
ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO 1410
GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT 1411
AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT 1412
MORE THAN 90 DAYS. 1413

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 1414
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU 1415
MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE 1416
CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, REDIRECTION, OR 1417
TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR 1418
AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE 1419
NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: 1420
IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR 1421
PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR 1422
RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS 1423
RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL 1424
INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN 1425
MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION." 1426

Section 2. That existing sections 2151.231, 3103.03, 1427
3109.53, 3109.66, 3111.01, 3111.04, 3111.06, 3111.07, 3111.111, 1428
3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 3111.78, 1429
3119.01, 3119.06, 3119.07, and 3121.29 of the Revised Code are 1430
hereby repealed. 1431

Section 3. That section 3121.46 of the Revised Code is 1432
hereby repealed. 1433

Section 4. Sections 1, 2, and 3 of this act take effect 1434
six months after the effective date of this act. During that 1435
six-month period, the Ohio department of job and family services 1436
shall perform system changes, create rules and forms, and make 1437

any other changes as necessary to implement the provisions of 1438
this act. 1439

Section 5. Section 3119.06 of the Revised Code is 1440
presented in this act as a composite of the section as amended 1441
by both H.B. 366 and S.B. 70 of the 132nd General Assembly. The 1442
General Assembly, applying the principle stated in division (B) 1443
of section 1.52 of the Revised Code that amendments are to be 1444
harmonized if reasonably capable of simultaneous operation, 1445
finds that the composite is the resulting version of the section 1446
in effect prior to the effective date of the section as 1447
presented in this act. 1448