

**As Reported by the House Civil Justice Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Am. H. B. No. 338**

**Representatives White, Sweeney**

**Cosponsors: Representatives Plummer, Hillyer, Baker, Liston, Brennan, Miller, A.**

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**A BILL**

To amend sections 3119.01, 3119.66, 3119.86, and 1  
3119.88 and to enact sections 3109.20, 3119.10, 2  
3119.11, 3119.12, 3119.861, 3119.862, and 3  
3119.863 of the Revised Code to allow child 4  
support orders to be issued, modified, or 5  
extended for children over 18 with a disability. 6

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

**Section 1.** That sections 3119.01, 3119.66, 3119.86, and 7  
3119.88 be amended and sections 3109.20, 3119.10, 3119.11, 8  
3119.12, 3119.861, 3119.862, and 3119.863 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 3109.20.** (A) For purposes of this section, "person 11  
with a disability" has the same meaning as in section 3119.10 of 12  
the Revised Code. 13

(B) Notwithstanding section 3109.01 of the Revised Code, a 14  
court may issue, pursuant to a proceeding for divorce, 15  
dissolution, legal separation, or annulment, an order of support 16  
for the care and maintenance of the parties' child who is a 17  
person with a disability, regardless of whether the child has 18

reached the age of majority. 19

(C) In determining the amount reasonable or necessary for 20  
child support, including the medical needs of the child, the 21  
court shall comply with Chapter 3119. of the Revised Code. The 22  
court shall comply with Chapters 3119., 3121., 3123., and 3125. 23  
of the Revised Code when it makes or modifies an order for child 24  
support under this section. 25

**Sec. 3119.01.** (A) As used in the Revised Code, "child 26  
support enforcement agency" means a child support enforcement 27  
agency designated under former section 2301.35 of the Revised 28  
Code prior to October 1, 1997, or a private or government entity 29  
designated as a child support enforcement agency under section 30  
307.981 of the Revised Code. 31

(B) As used in this chapter and Chapters 3121., 3123., and 32  
3125. of the Revised Code: 33

(1) "Administrative child support order" means any order 34  
issued by a child support enforcement agency for the support of 35  
a child pursuant to section 3109.19 or 3111.81 of the Revised 36  
Code or former section 3111.211 of the Revised Code, section 37  
3111.21 of the Revised Code as that section existed prior to 38  
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 39  
Code as those sections existed prior to March 22, 2001. 40

(2) "Child support order" means either a court child 41  
support order or an administrative child support order. 42

(3) "Obligee" means the person who is entitled to receive 43  
the support payments under a support order. 44

(4) "Obligor" means the person who is required to pay 45  
support under a support order. 46

(5) "Support order" means either an administrative child support order or a court support order.	47 48
(C) As used in this chapter:	49
(1) "Caretaker" means any of the following, other than a parent:	50 51
(a) A person with whom the child resides for at least thirty consecutive days, and who is the child's primary caregiver;	52 53 54
(b) A person who is receiving public assistance on behalf of the child;	55 56
(c) A person or agency with legal custody of the child, including a county department of job and family services or a public children services agency;	57 58 59
(d) A guardian of the person or the estate of a child;	60
(e) Any other appropriate court or agency with custody of the child.	61 62
"Caretaker" excludes a "host family" as defined under section 2151.90 of the Revised Code.	63 64
(2) "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.	65 66 67
(3) "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.	68 69 70
(4) "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,	71 72 73

2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 74  
3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 75  
of the Revised Code, or division (B) of former section 3113.21 76  
of the Revised Code. 77

(5) "Court-ordered parenting time" means the amount of 78  
parenting time a parent is to have under a parenting time order 79  
or the amount of time the children are to be in the physical 80  
custody of a parent under a shared parenting order. 81

(6) "Court support order" means either a court child 82  
support order or an order for the support of a spouse or former 83  
spouse issued pursuant to Chapter 3115. of the Revised Code, 84  
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 85  
division (B) of former section 3113.21 of the Revised Code. 86

(7) "CPI-U" means the consumer price index for all urban 87  
consumers, published by the United States department of labor, 88  
bureau of labor statistics. 89

(8) "Extraordinary medical expenses" means any uninsured 90  
medical expenses incurred for a child during a calendar year 91  
that exceed the total cash medical support amount owed by the 92  
parents during that year. 93

(9) "Federal poverty level" has the same meaning as in 94  
section 5121.30 of the Revised Code. 95

(10) "Income" means either of the following: 96

(a) For a parent who is employed to full capacity, the 97  
gross income of the parent; 98

(b) For a parent who is unemployed or underemployed, the 99  
sum of the gross income of the parent and any potential income 100  
of the parent. 101

(11) "Income share" means the percentage derived from a 102  
comparison of each parent's annual income after allowable 103  
deductions and credits as indicated on the worksheet to the 104  
total annual income of both parents. 105

(12) "Insurer" means any person authorized under Title 106  
XXXIX of the Revised Code to engage in the business of insurance 107  
in this state, any health insuring corporation, and any legal 108  
entity that is self-insured and provides benefits to its 109  
employees or members. 110

(13) "Gross income" means, except as excluded in division 111  
(C) (13) of this section, the total of all earned and unearned 112  
income from all sources during a calendar year, whether or not 113  
the income is taxable, and includes income from salaries, wages, 114  
overtime pay, and bonuses to the extent described in division 115  
(D) of section 3119.05 of the Revised Code; commissions; 116  
royalties; tips; rents; dividends; severance pay; pensions; 117  
interest; trust income; annuities; social security benefits, 118  
including retirement, disability, and survivor benefits that are 119  
not means-tested; workers' compensation benefits; unemployment 120  
insurance benefits; disability insurance benefits; benefits that 121  
are not means-tested and that are received by and in the 122  
possession of the veteran who is the beneficiary for any 123  
service-connected disability under a program or law administered 124  
by the United States department of veterans' affairs or 125  
veterans' administration; spousal support actually received; and 126  
all other sources of income. "Gross income" includes income of 127  
members of any branch of the United States armed services or 128  
national guard, including, amounts representing base pay, basic 129  
allowance for quarters, basic allowance for subsistence, 130  
supplemental subsistence allowance, cost of living adjustment, 131  
specialty pay, variable housing allowance, and pay for training 132

or other types of required drills; self-generated income; and	133
potential cash flow from any source.	134
"Gross income" does not include any of the following:	135
(a) Benefits received from means-tested government	136
administered programs, including Ohio works first; prevention,	137
retention, and contingency; means-tested veterans' benefits;	138
supplemental security income; supplemental nutrition assistance	139
program; disability financial assistance; or other assistance	140
for which eligibility is determined on the basis of income or	141
assets;	142
(b) Benefits for any service-connected disability under a	143
program or law administered by the United States department of	144
veterans' affairs or veterans' administration that are not	145
means-tested, that have not been distributed to the veteran who	146
is the beneficiary of the benefits, and that are in the	147
possession of the United States department of veterans' affairs	148
or veterans' administration;	149
(c) Child support amounts received for children who are	150
not included in the current calculation;	151
(d) Amounts paid for mandatory deductions from wages such	152
as union dues but not taxes, social security, or retirement in	153
lieu of social security;	154
(e) Nonrecurring or unsustainable income or cash flow	155
items;	156
(f) Adoption assistance, kinship guardianship assistance,	157
and foster care maintenance payments made pursuant to Title IV-E	158
of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670	159
(1980), as amended;	160

(g) State kinship guardianship assistance described in 161  
section 5153.163 of the Revised Code and payment from the 162  
kinship support program described in section 5101.881 of the 163  
Revised Code. 164

(14) "Nonrecurring or unsustainable income or cash flow 165  
item" means an income or cash flow item the parent receives in 166  
any year or for any number of years not to exceed three years 167  
that the parent does not expect to continue to receive on a 168  
regular basis. "Nonrecurring or unsustainable income or cash 169  
flow item" does not include a lottery prize award that is not 170  
paid in a lump sum or any other item of income or cash flow that 171  
the parent receives or expects to receive for each year for a 172  
period of more than three years or that the parent receives and 173  
invests or otherwise uses to produce income or cash flow for a 174  
period of more than three years. 175

(15) "Ordinary medical expenses" includes copayments and 176  
deductibles, and uninsured medical-related costs for the 177  
children of the order. 178

(16) (a) "Ordinary and necessary expenses incurred in 179  
generating gross receipts" means actual cash items expended by 180  
the parent or the parent's business and includes depreciation 181  
expenses of business equipment as shown on the books of a 182  
business entity. 183

(b) Except as specifically included in "ordinary and 184  
necessary expenses incurred in generating gross receipts" by 185  
division (C) (16) (a) of this section, "ordinary and necessary 186  
expenses incurred in generating gross receipts" does not include 187  
depreciation expenses and other noncash items that are allowed 188  
as deductions on any federal tax return of the parent or the 189  
parent's business. 190

(17) "Personal earnings" means compensation paid or 191  
payable for personal services, however denominated, and includes 192  
wages, salary, commissions, bonuses, draws against commissions, 193  
profit sharing, vacation pay, or any other compensation. 194

(18) "Potential income" means both of the following for a 195  
parent who the court pursuant to a court support order, or a 196  
child support enforcement agency pursuant to an administrative 197  
child support order, determines is voluntarily unemployed or 198  
voluntarily underemployed: 199

(a) Imputed income that the court or agency determines the 200  
parent would have earned if fully employed as determined from 201  
the following criteria: 202

(i) The parent's prior employment experience; 203

(ii) The parent's education; 204

(iii) The parent's physical and mental disabilities, if 205  
any; 206

(iv) The availability of employment in the geographic area 207  
in which the parent resides; 208

(v) The prevailing wage and salary levels in the 209  
geographic area in which the parent resides; 210

(vi) The parent's special skills and training; 211

(vii) Whether there is evidence that the parent has the 212  
ability to earn the imputed income; 213

(viii) The age and special needs of the child for whom 214  
child support is being calculated under this section; 215

(ix) The parent's increased earning capacity because of 216  
experience; 217



(x) The parent's decreased earning capacity because of a	218
felony conviction;	219
(xi) Any other relevant factor.	220
(b) Imputed income from any nonincome-producing assets of	221
a parent, as determined from the local passbook savings rate or	222
another appropriate rate as determined by the court or agency,	223
not to exceed the rate of interest specified in division (A) of	224
section 1343.03 of the Revised Code, if the income is	225
significant.	226
(19) "Schedule" means the basic child support schedule	227
created pursuant to section 3119.021 of the Revised Code.	228
(20) "Self-generated income" means gross receipts received	229
by a parent from self-employment, proprietorship of a business,	230
joint ownership of a partnership or closely held corporation,	231
and rents minus ordinary and necessary expenses incurred by the	232
parent in generating the gross receipts. "Self-generated income"	233
includes expense reimbursements or in-kind payments received by	234
a parent from self-employment, the operation of a business, or	235
rents, including company cars, free housing, reimbursed meals,	236
and other benefits, if the reimbursements are significant and	237
reduce personal living expenses.	238
(21) "Self-sufficiency reserve" means the minimal amount	239
necessary for an obligor to adequately subsist upon, as	240
determined under section 3119.021 of the Revised Code.	241
(22) "Split parental rights and responsibilities" means a	242
situation in which there is more than one child who is the	243
subject of an allocation of parental rights and responsibilities	244
and each parent is the residential parent and legal custodian of	245
at least one of those children.	246

(23) "Worksheet" means the applicable worksheet created in 247  
rules adopted under section 3119.022 of the Revised Code that is 248  
used to calculate a parent's child support obligation. 249

Sec. 3119.10. For purposes of sections 3119.11 and 3119.12 250  
of the Revised Code, "person with a disability" means a person 251  
with a mental or physical disability, whose disability began 252  
before the person reached the age of majority, and whose 253  
disability makes the person incapable of supporting or 254  
maintaining oneself. 255

Sec. 3119.11. Notwithstanding section 3109.01 of the 256  
Revised Code, when issuing or modifying a court child support 257  
order, a court may provide for the care and maintenance of a 258  
child who is a person with a disability and the subject of the 259  
order, to be issued or continue after the date the child reaches 260  
the age of majority. This section applies regardless of whether 261  
the child is younger or older than the age of majority when the 262  
court issues or modifies the order. The court shall comply with 263  
Chapters 3119., 3121., 3123., and 3125. of the Revised Code when 264  
it makes or modifies an order under this section. 265

Sec. 3119.12. Nothing in the Revised Code authorizes a 266  
child support enforcement agency to issue an administrative 267  
child support order for a person who has reached the age of 268  
eighteen, including a person with a disability. In all cases in 269  
which the agency is prohibited from issuing an administrative 270  
child support order, the agency may request the appropriate 271  
court with jurisdiction to take action under section 3119.11 of 272  
the Revised Code to provide for the care and maintenance of the 273  
person with a disability. 274

Sec. 3119.66. If the obligor or the obligee requests a 275  
court hearing on the revised amount of child support calculated 276

by the child support enforcement agency, the court shall 277  
schedule and conduct a hearing to determine whether the revised 278  
~~amount of~~ child support is the appropriate amount and whether 279  
the amount of child support being paid under the court child 280  
support order should be revised. 281

**Sec. 3119.86.** ~~(A)~~ Notwithstanding section 3109.01 of the 282  
Revised Code, both of the following apply: 283

~~(1)~~ (A) The duty of support to a child imposed pursuant to 284  
a court child support order shall continue beyond the child's 285  
eighteenth birthday only under the following circumstances: 286

~~(a)~~ The (1) Under an order issued or modified pursuant to 287  
section 3109.20 or 3119.11 of the Revised Code for a child who 288  
is mentally or physically disabled and is incapable of 289  
supporting or maintaining ~~himself or herself~~ oneself. 290

~~(b)~~ (2) The child's parents have agreed to continue 291  
support beyond the child's eighteenth birthday pursuant to a 292  
separation agreement that was incorporated into a decree of 293  
divorce or dissolution. 294

~~(c)~~ (3) The child continuously attends a recognized and 295  
accredited high school on a full-time basis on and after the 296  
child's eighteenth birthday. 297

~~(2)~~ (B) The duty of support to a child imposed pursuant to 298  
an administrative child support order shall continue beyond the 299  
child's eighteenth birthday only if the child continuously 300  
attends a recognized and accredited high school on a full-time 301  
basis on and after the child's eighteenth birthday. 302

~~(B) A court child support order shall not remain in effect~~ 303  
~~after the child reaches nineteen years of age unless the order~~ 304  
~~provides that the duty of support continues under circumstances~~ 305

~~described in division (A) (1) (a) or (b) of this section for any~~ 306  
~~period after the child reaches age nineteen. An administrative~~ 307  
~~child support order shall not remain in effect after the child~~ 308  
~~reaches age nineteen.~~ 309

~~(C) If a court incorporates a separation agreement~~ 310  
~~described in division (A) (1) (b) of this section into a decree of~~ 311  
~~divorce or dissolution, the court may not require the duty of~~ 312  
~~support to continue beyond the date the child's parents have~~ 313  
~~agreed support should terminate.~~ 314

~~(D) A parent ordered to pay support under a child support~~ 315  
~~order shall continue to pay support under the order, including~~ 316  
~~during seasonal vacation periods, until the order terminates.~~ 317

Sec. 3119.861. A court child support order shall not 318  
remain in effect after the child reaches nineteen years of age 319  
unless the order provides that the duty of support continues 320  
under circumstances described in division (A) (1) or (2) of 321  
section 3119.86 of the Revised Code for any period after the 322  
child reaches age nineteen. An administrative child support 323  
order shall not remain in effect after the child reaches age 324  
nineteen. 325

Sec. 3119.862. Except as provided in division (A) (1) of 326  
section 3119.86 of the Revised Code, if a court incorporates a 327  
separation agreement described in division (A) (2) of section 328  
3119.86 of the Revised Code into a decree of divorce or 329  
dissolution, the court may not require the duty of support to 330  
continue beyond the date the child's parents have agreed support 331  
should terminate. 332

Sec. 3119.863. A parent ordered to pay support under a 333  
child support order shall continue to pay support under the 334

order, including during seasonal vacation periods, until the 335  
order terminates. 336

**Sec. 3119.88.** (A) Reasons for which a child support order 337  
should terminate through the administrative process under 338  
section 3119.89 of the Revised Code include all of the 339  
following: 340

(1) The child attains the age of majority if the child no 341  
longer attends an accredited high school on a full-time basis 342  
and the child support order requires support to continue past 343  
the age of majority only if the child continuously attends such 344  
a high school after attaining that age; 345

(2) The child ceases to attend an accredited high school 346  
on a full-time basis after attaining the age of majority, if the 347  
child support order requires support to continue past the age of 348  
majority only if the child continuously attends such a high 349  
school after attaining that age; 350

(3) A termination condition specified in the court child 351  
support order has been met for a child who reaches nineteen 352  
years of age; 353

(4) The child's death; 354

(5) The child's marriage; 355

(6) The child's emancipation; 356

(7) The child's enlistment in the armed services; 357

(8) The child's deportation; 358

(9) Change of legal custody of the child; 359

(10) The child's adoption; 360

(11) The obligor's death; 361

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

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

(B) A child support order may be terminated by the court or child support enforcement agency for any reasons listed in division (A) of this section. A court may also terminate an order ~~for~~:

(1) Issued under section 3109.20 or 3119.11 of the Revised Code upon satisfactory proof that the person who is the subject of the order is no longer mentally or physically disabled or is capable of supporting or maintaining oneself;

(2) For any other appropriate reasons brought to the attention of the court, unless otherwise prohibited by law.

**Section 2.** That existing sections 3119.01, 3119.66, 3119.86, and 3119.88 of the Revised Code are hereby repealed.

**Section 3.** Section 3119.01 of the Revised Code as presented in this act takes effect on the later of April 3, 2024, or the effective date of this section. April 3, 2024, is the effective date of an earlier amendment to that section by H.B. 33 of the 135th General Assembly.