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## Senate Judiciary Committee Proponent Testimony

Amy Roehrenbeck, Esq.

Ohio Child Support Professionals Association

Am. H.B.338

June 18, 2024

Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Committee, thank you for the opportunity to provide proponent testimony on Am.H.B.338 on behalf of the Ohio Child Support Professionals Association (formerly known as OCDA). We are a membership organization of county child support enforcement agencies (CSEAs), dedicated to strengthening the child support program by providing advocacy, training, and development for all child support professionals in Ohio. My name is Amy Roehrenbeck, and I am the Executive Director.

Ohio's Child Support Program serves one in four children in our state, which means we have nearly one million children in our program. We serve these children for extended periods of time, often from infancy to adulthood. The child support program encourages responsible parenting, family self-sufficiency, and child well-being by providing services to locate parents, establish parentage, establish child support and medical support orders, collect support, modify orders when circumstances have changed, and enforce orders that are not paid.

In Ohio, the duty of support for a child under a child support order continues until the child reaches age eighteen or graduates from high school, whichever occurs later. One exception to this general rule is when a child is mentally or physically disabled and incapable of supporting or maintaining himself or herself. In these cases, a court can order child support to continue beyond the age of majority where the disability existed before the child reached the age of majority under the Castle doctrine (*Castle v. Castle*, 15 Ohio St3d 279). In these cases, a CSEA will continue to administer the child support order until further orders are issued.

In recent years, the family law practice has seen a rise in cases involving parents divorcing at a much later date, often when their children are now adults. As a result, there are cases where a disabled child is now beyond the age of eighteen when the parents divorce, but otherwise meets the qualifications to be deemed a Castle child. In some cases, a special needs trust is in place to provide for the child. In other cases, however, there could be

a financial need for support and the child is shut out due to his/her age at the time of the divorce.

Am. H.B.338 will allow a party to request and give the court discretion to issue an order of support for the care and maintenance of the parties' adult disabled child pursuant to a proceeding for divorce, dissolution, legal separation, or annulment. The court would consider whether a child support order would be in the best interest of the disabled child, weighing the potential impact on any benefits the child is already receiving. These child support orders will be set under the child support guidelines and will be administered through the county CSEA, just like we do today with other Castle children cases. HB338 creates consistency for families with disabled children who may need child support by addressing a split in appellate districts. It is permissive and not mandatory for a parent to seek this a child support order under these circumstances.

Am.H.B.338 provides for these orders to be established only through a court action, so a county CSEA will not have authority to establish these orders administratively. The role of the CSEA will be limited to case management, modification, and enforcement post-decree, using statutorily prescribed remedies.

Am.H.B.338 is identical to a bill this committee already heard and favorably reported out, Am.S.B.176 (which just passed the Senate at last week's session). We worked with the Ohio State Bar Association and Ohio Judicial Conference on these processes, and we thank Reps. White and Sweeney for their sponsorship of this legislation in the House.

Thank you for the opportunity to testify in support of Am.H.B.338. I am happy to answer any questions.