

As Reported by the Senate Civil Justice Committee

131st General Assembly

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Am. S. B. No. 308

Senator Coley

Cosponsors: Senators Eklund, Hite

A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3111.84. ~~The mother or father~~ Either parent of a 224
child who is the subject of an administrative support order may 225
object to the order by bringing an action for the payment of 226
support and provision for the child's health care under section 227
2151.231 of the Revised Code in the juvenile court or other 228
court with jurisdiction under section 2101.022 or 2301.03 of the 229
Revised Code of the county in which the child support 230
enforcement agency that ~~employs the administrative officer~~ 231
issues the order is located. The action shall be brought not 232
later than ~~thirty-fourteen~~ days after the date of the issuance 233
of the administrative support order. ~~If neither the mother nor~~ 234
~~the father brings an action for the payment of support and~~ 235
~~provision for the child's health care within that thirty day~~ 236
~~period, the~~ The administrative support order shall remain in 237
effect during the pendency of the objection unless a party 238
requests and is granted a stay by the court. The administrative 239
support order is final and enforceable by a court or child 240
support enforcement agency fourteen days after the order is 241
issued and may be modified only as provided in Chapters 3119., 242
3121., and 3123. of the Revised Code. 243

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

include the nonresidential parent's medically verified or 255
documented physical or mental disability or institutionalization 256
in a facility for persons with a mental illness or any other 257
circumstances considered appropriate by the court. 258

If a court issues a minimum child support order pursuant 259
to this section and the obligor under the support order is the 260
recipient of ~~need-based means-tested~~ public assistance, any 261
unpaid amounts of support due under the support order shall 262
accrue as arrearages from month to month, and the obligor's 263
current obligation to pay the support due under the support 264
order is suspended during any period of time that the obligor is 265
receiving ~~need-based means-tested~~ public assistance and is 266
complying with any seek work orders issued pursuant to section 267
3121.03 of the Revised Code. The court, obligee, and child 268
support enforcement agency shall not enforce the obligation of 269
the obligor to pay the amount of support due under the support 270
order while the obligor is receiving ~~need-based means-tested~~ 271
public assistance and is complying with any seek work orders 272
issued pursuant to section 3121.03 of the Revised Code. 273

(B) As used in this section, "means-tested public 274
assistance" includes cash assistance payments under the Ohio 275
works first program established under Chapter 5107. of the 276
Revised Code, financial assistance under the disability 277
financial assistance program established under Chapter 5115. of 278
the Revised Code, supplemental security income, or means-tested 279
veterans' benefits. 280

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

orders, shall determine the person or persons responsible for 285
the health care of the children subject to the child support 286
order and shall include provisions for the health care of the 287
children in the child support order. The order shall specify 288
that the obligor and obligee are both liable for the health care 289
of the children who are not covered by private health insurance 290
or cash medical support as calculated in accordance with section 291
3119.022 or 3119.023 of the Revised Code, as applicable. 292

(B) Based on information provided to the court or to the 293
child support enforcement agency under section 3119.31 of the 294
Revised Code, the order shall include one of the following: 295

(1) A requirement that both the obligor and the obligee 296
obtain private health insurance coverage for the children if 297
coverage is available for the children at a reasonable cost to 298
both the obligor and the obligee and dual coverage would provide 299
for coordination of medical benefits without unnecessary 300
duplication of coverage. 301

(2) A requirement that the obligee obtain private health 302
insurance coverage for the children if coverage is available 303
through any group policy, contract, or plan available to the 304
obligee and is available at a more reasonable cost than coverage 305
is available to the obligor; 306

(3) A requirement that the obligor obtain private health 307
insurance coverage for the children if coverage is available 308
through any group policy, contract, or plan available to the 309
obligor at a more reasonable cost than coverage is available to 310
the obligee; 311

(4) If health insurance coverage for the children is not 312
available at a reasonable cost to the obligor or the obligee at 313

the time the court or child enforcement agency issues the order, 314
a requirement that the obligor or the obligee immediately inform 315
the child support enforcement agency that private health 316
insurance coverage for the children has become available to 317
either the obligor or obligee. The child support enforcement 318
agency shall determine if the private health insurance coverage 319
is available at a reasonable cost and if coverage is reasonable, 320
division (B) (2) or (3) shall apply, as applicable. 321

(C) When a child support order is issued or modified, and 322
the obligor's gross income is one hundred fifty per cent or more 323
of the federal poverty level for an individual, the order shall 324
include the amount of cash medical support to be paid by the 325
obligor that is either five per cent of the obligor's adjusted 326
gross income or the obligor's share of the United States 327
department of agriculture estimated annual health care 328
expenditure per child as determined in accordance with federal 329
law and regulation, whichever is the lower amount. The amount of 330
cash medical support paid by the obligor shall be paid during 331
any period after the court or child support enforcement agency 332
issues or modifies the order in which the children are not 333
covered by private health insurance. 334

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

Revised Code, as applicable. 345

The child support enforcement agency shall give the 346
obligor notice in accordance with Chapter 3121. of the Revised 347
Code and provide the obligor an opportunity ~~to be heard for an~~ 348
administrative hearing if the obligor believes there is a 349
mistake of fact regarding the availability of private health 350
insurance at a reasonable cost as determined under division (B) 351
of this section. The obligor shall file a written request for 352
the administrative hearing with the agency not later than 353
fourteen days after the notice is issued. 354

(E) The obligor shall begin payment of any cash medical 355
support on the first day of the month immediately following the 356
month in which private health insurance coverage is unavailable 357
or terminates and shall cease payment on the last day of the 358
month immediately preceding the month in which private health 359
insurance coverage begins or resumes. During the period when 360
cash medical support is required to be paid, the obligor or 361
obligee must immediately inform the child support enforcement 362
agency that health insurance coverage for the children has 363
become available. 364

Sec. 3119.38. A person who receives a notice of medical 365
support enforcement activity under section 3119.35 of the 366
Revised Code may file a written request for an administrative 367
hearing with the child support enforcement agency that issued ~~it~~ 368
regarding the notice. The hearing shall address whether a 369
mistake of fact was made in the national medical support notice 370
referred to in the notice ~~of medical support enforcement~~ 371
activity issued by the agency. The request must be filed not 372
later than ~~seven business~~ fourteen days after the date on which 373
the notice of medical support enforcement activity is sent. 374

If the person makes a timely request, the agency shall 375
conduct ~~an~~ the administrative hearing not later than ten days 376
after the date on which the person files the request for the 377
hearing. Not later than five days before the date on which the 378
hearing is to be conducted, the agency shall send the person and 379
any other individual the agency determines appropriate written 380
notice of the date, time, place, and purpose of the hearing. The 381
notice to the person and any other appropriate individual also 382
shall indicate that the person may present testimony and 383
evidence at the hearing only in regard to the issue of whether a 384
mistake of fact has been made in the national medical support 385
notice. 386

At the hearing, the agency shall determine whether there 387
is a mistake of fact in the national medical support notice. The 388
agency shall send its determination to the person. That agency's 389
determination is final unless, within ~~seven business~~ fourteen 390
days after the agency ~~makes~~ issues its determination, the person 391
files a written motion with the court for a hearing to determine 392
whether there is still a mistake of fact in the national medical 393
support notice. 394

If an agency's determination becomes final under this 395
section, the agency shall take further action as required by 396
section 3119.41 of the Revised Code. 397

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

common pleas of the county in which the agency is located, in 405
writing of the failure of the person to comply with the child 406
support order. The court may punish the person for contempt 407
under Chapter 2705. of the Revised Code for the failure. 408

Sec. 3119.60. If a child support enforcement agency, 409
periodically or on request of ~~an obligor or obligee~~ either 410
parent, plans to review a child support order in accordance with 411
the rules adopted pursuant to section 3119.76 of the Revised 412
Code or otherwise plans to review a child support order, ~~it~~ and 413
if an application for services administered under Title IV-D of 414
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, 415
as amended, has been completed and filed, the agency shall do 416
all of the following prior to formally beginning the review: 417

(A) Establish a date certain on which the review will 418
formally begin; 419

(B) Except as otherwise provided in section 3119.771 of 420
the Revised Code, at least ~~forty five~~ thirty days before 421
formally beginning the review, ~~send the obligor and the obligee~~ 422
each parent notice by ordinary mail of the planned review ~~and,~~ 423
of the date when the review will formally begin, and that the 424
review may add or adjust a payment on arrearages in accordance 425
with section 3123.21 of the Revised Code; 426

(C) ~~(1)~~ Request ~~the obligor~~ each parent to provide the 427
agency, no later than the scheduled date for formally beginning 428
the review, with all of the following: 429

~~(a)~~ (1) A copy of ~~the obligor's~~ each parent's federal 430
income tax return and all supporting schedules and documents 431
from the previous year; 432

~~(b)~~ (2) A copy of all pay stubs obtained by ~~the obligor~~ 433

each parent within the preceding six months; 434

~~(e) (3)~~ A copy of all other records evidencing the receipt 435
of any other salary, wages, or compensation by ~~the obligor~~ each 436
parent within the preceding six months; 437

~~(d) (4)~~ A list of the group health insurance and health 438
care policies, contracts, and plans available to ~~the obligor~~ 439
each parent and their costs; 440

~~(e) (5)~~ The current health insurance or health care 441
policy, contract, or plan under which ~~the obligor~~ each parent is 442
enrolled and its cost; 443

~~(f) (6)~~ If ~~the obligor~~ either parent is a member of the 444
uniformed services and is on active military duty, a copy of the 445
~~obligor's Internal Revenue Service form W-2, "Wage and Tax~~ 446
~~Statement," and a copy of a~~ parent's leave and earnings 447
~~statement detailing the obligor's earnings and leave with the~~ 448
~~uniformed services;~~ 449

~~(g) (7)~~ Any other information necessary to properly review 450
the child support order. 451

~~(2) Request the obligee to provide the agency, no later~~ 452
~~than the scheduled date for formally beginning the review, with~~ 453
~~all of the following:~~ 454

~~(a) A copy of the obligee's federal income tax return from~~ 455
~~the previous year;~~ 456

~~(b) A copy of all pay stubs obtained by the obligee within~~ 457
~~the preceding six months;~~ 458

~~(c) A copy of all other records evidencing the receipt of~~ 459
~~any other salary, wages, or compensation by the obligee within~~ 460
~~the preceding six months;~~ 461

~~(d) A list of the group health insurance and health care policies, contracts, and plans, including the tricare program offered by the United States department of defense, available to the obligee and their costs;~~ 462
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~~(e) The current health insurance or health care policy, contract, or plan under which the obligee is enrolled and its cost;~~ 466
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~~(f) Any other information necessary to properly review the child support order.~~ 469
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(D) Include in the notice sent pursuant to division (B) of this section, one of the following: 471
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(1) If the child support order being reviewed is a court child support order, a notice that a willful failure to provide the documents and other information requested pursuant to division (C) of this section is contempt of court and that the agency may proceed with the review and make reasonable assumptions with respect to the information that was not provided, in accordance with section 3119.72 of the Revised Code; 473
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(2) If the child support order being reviewed is an administrative child support order, a notice that if either ~~the obligor or obligee-parent~~ fails to comply with the request for information, the agency may ~~bring an action under section 3119.72 of the Revised Code requesting that the court find the obligor and the obligee in contempt pursuant to section 2705.02 of the Revised Code~~ make reasonable assumptions with respect to the information that was not provided, in accordance with section 3119.72 of the Revised Code. 481
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Sec. 3119.61. The child support enforcement agency shall 490

review an administrative child support order on the date 491
established pursuant to section 3119.60 of the Revised Code for 492
formally beginning the review of the order. If the agency 493
determines that ~~a modification~~ an adjustment is necessary and in 494
the best interest of the child subject to the order, the agency 495
shall calculate the amount the obligor shall pay in accordance 496
with section 3119.021 of the Revised Code and may add or adjust 497
payment on arrearages in accordance with section 3123.21 of the 498
Revised Code. The agency may not grant a deviation pursuant to 499
section 3119.23 of the Revised Code from the guidelines set 500
forth in section 3119.021 of the Revised Code. If the agency can 501
set the child support the obligor is to pay without granting 502
such a deviation from the guidelines, the agency shall do the 503
following: 504

(A) Give the obligor and obligee notice, by ordinary mail, 505
of the revised amount of child support to be paid under the 506
administrative child support order, of their right to request an 507
administrative hearing on the revised child support amount, of 508
the procedures and time deadlines for requesting the hearing, 509
and that the agency will modify the administrative child support 510
order to include the revised child support amount unless the 511
obligor or obligee requests an administrative hearing on the 512
revised amount no later than ~~thirty-fourteen~~ days after ~~receipt~~ 513
~~of the notice under this division~~ is issued; 514

(B) If neither the obligor nor obligee timely requests an 515
administrative hearing on the revised amount of child support, 516
modify the administrative child support order to include the 517
revised child support amount; 518

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

do all of the following:	521
(1) Schedule a hearing on the issue;	522
(2) Give the obligor and obligee notice of the date, time, and location of the hearing;	523 524
(3) Conduct the hearing in accordance with the rules adopted under section 3119.76 of the Revised Code;	525 526
(4) Redetermine at the hearing a revised amount of child support to be paid obligations under the administrative child support order, <u>including adding or adjusting a payment on</u> <u>arrearages in accordance with section 3123.21 of the Revised</u> <u>Code;</u>	527 528 529 530 531
(5) Modify the order to include the revised amount of child support;	532 533
(6) Give notice, <u>by ordinary mail,</u> to the obligor and obligee of the amount of child support to be paid under the order and that the obligor and obligee may object to the modified order by initiating an action under section 2151.231 of the Revised Code in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the mother, the father, the child, or the guardian or custodian of the child reside <u>agency that</u> <u>issued the order is located.</u>	534 535 536 537 538 539 540 541 542
Except as otherwise provided in section 3119.772 of the Revised Code, if the agency modifies an existing administrative child support order, the modification shall relate back to the first day of the month following the date certain on which the review began under section 3119.60 of the Revised Code.	543 544 545 546 547
If the agency cannot set the amount of child support the	548

obligor will pay under the administrative child support order 549
without granting a deviation pursuant to section 3119.23 of the 550
Revised Code, the agency shall bring an action under section 551
2151.231 of the Revised Code ~~on behalf of the person who~~ 552
~~requested that the agency review the existing administrative~~ 553
~~order or, if no one requested the review, on behalf of the~~ 554
~~obligee,~~ in the juvenile court or other court with jurisdiction 555
under section 2101.022 or 2301.03 of the Revised Code of the 556
county in which the agency is located requesting that the court 557
issue a child support order. 558

Sec. 3119.63. The child support enforcement agency shall 559
review a court child support order on the date established 560
pursuant to section 3119.60 of the Revised Code for formally 561
beginning the review of the order and shall do all of the 562
following: 563

(A) Calculate a revised ~~amount of child support to be paid~~ 564
child support computation worksheet and issue a child support 565
recommendation under the court child support order, including 566
adding or adjusting a payment on arrearages in accordance with 567
section 3123.21 of the Revised Code; 568

(B) Give the obligor and obligee notice, by ordinary mail, 569
of the revised amount of child support, of their right to 570
request an administrative hearing on the revised amount, of the 571
procedures and time deadlines for requesting the hearing, and 572
that the revised amount of child support will be submitted to 573
the court for inclusion in a revised court child support order 574
unless the obligor or obligee requests an administrative hearing 575
on the proposed change within fourteen days after ~~receipt of the~~ 576
notice under this division is issued; 577

(C) Give the obligor and obligee notice, by ordinary mail, 578

that if the court child support order contains a deviation 579
granted under section 3119.23 or 3119.24 of the Revised Code or 580
if the obligor or obligee intends to request a deviation from 581
the child support amount to be paid under the court child 582
support order, the obligor and obligee have a right to request a 583
court hearing on the revised amount of child support without 584
first requesting an administrative hearing and that the obligor 585
or obligee, in order to exercise this right, must make the 586
request for a court hearing no later than fourteen days after 587
~~receipt of the notice~~ is issued; 588

(D) If neither the obligor nor the obligee timely 589
requests, pursuant to division (C) of this section, an 590
administrative or court hearing on the revised amount of child 591
support, submit the revised amount of child support to the court 592
for inclusion in a revised court child support order; 593

(E) If the obligor or the obligee timely requests an 594
administrative hearing on the revised child support amount, 595
schedule a hearing on the issue, give the obligor and obligee 596
notice of the date, time, and location of the hearing, conduct 597
the hearing in accordance with the rules adopted under section 598
3119.76 of the Revised Code, ~~redetermine and determine~~ at the 599
hearing ~~a revised amount of child support to be paid obligations~~ 600
under the court child support order, ~~and including adding or~~ 601
adjusting a payment on arrearages in accordance with section 602
3123.21 of the Revised Code. 603

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

that the agency will submit the revised amount of child support 609
to the court for inclusion in a revised court child support 610
order, if neither the obligor nor the obligee requests a court 611
hearing on the revised amount of child support; 612

~~(F)~~(G) If neither the obligor nor the obligee requests, 613
pursuant to division ~~(E)~~(F) of this section, a court hearing on 614
the revised amount of child support, submit the revised amount 615
of child support to the court for inclusion in a revised court 616
child support order. 617

Sec. 3119.631. Upon submission of a recommendation under 618
section 3119.63 of the Revised Code for inclusion in a revised 619
court child support order, the court shall only reconsider the 620
allocation of the federal income tax deduction pursuant to 621
section 3119.82 of the Revised Code if a party files a request 622
for a hearing on the matter. 623

Sec. 3119.72. (A) ~~If either the obligor or the obligee-~~ 624
~~parent~~ fails to comply with a request for information made 625
pursuant to section 3111.801 or division (C) of section 3119.60 626
of the Revised Code, ~~one of the following applies:~~ 627

~~(A) If the child support order being reviewed is a court-~~ 628
~~child support order, failure to comply with a request for-~~ 629
~~information is contempt of court, and the child support~~ 630
~~enforcement agency shall notify the court of the failure to-~~ 631
~~comply with the request for information. The agency may request-~~ 632
do either of the following: 633

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

~~obtain the information and make ;~~ 638

(2) Make any reasonable assumptions necessary with respect 639
to the information the ~~person in contempt of court parent~~ did 640
not provide to ensure a fair and equitable review of the child 641
support order or establishment of an administrative order under 642
section 3111.81 of the Revised Code. 643

~~(B) If the child support order being reviewed is an 644
administrative child support order, the agency may request that 645
the court of common pleas of the county in which the agency is 646
located issue an order requiring the obligor or obligee to 647
comply with the agency's request for information. The agency may 648
request that the order require the obligor or obligee to provide 649
the necessary information or permit the agency to take whatever 650
action is necessary to obtain the information and make any 651
reasonable assumptions necessary with respect to the information 652
not provided to ensure a fair and equitable review of the 653
administrative child support order. An obligor or obligee who 654
fails to comply with the court order is in contempt of court. If 655
an obligor or obligee is in contempt of court, the agency may 656
request the court to hold the person who failed to comply in 657
contempt or to permit the agency to take whatever action is 658
necessary to obtain information and make any reasonable 659
assumptions necessary with respect to the income of the person 660
who failed to comply with the request to ensure a fair and 661
equitable review of the administrative child support order. 662~~

If the agency decides to conduct the review of the child 663
support order, or issue an administrative order, based on 664
reasonable assumptions with respect to the information the 665
~~person in contempt of court parent~~ did not provide, it shall 666
proceed under section 3111.81, 3119.61, or 3119.63 of the 667

Revised Code in the same manner as if all requested information 668
has been received. 669

Sec. 3119.76. The director of job and family services 670
shall adopt rules pursuant to Chapter 119. of the Revised Code 671
establishing a procedure for determining when existing child 672
support orders should be reviewed to determine whether it is 673
necessary and in the best interest of the children who are the 674
subject of the child support order to change the child support 675
order. The rules shall include, but are not limited to, all of 676
the following: 677

(A) Any procedures necessary to comply with section 666(a) 678
(10) of Title 42 of the U.S. Code, "Family Support Act of 1988," 679
102 Stat. 2346, 42 U.S.C. 666(a)(10), as amended, and any 680
regulations adopted pursuant to, or to enforce, that section; 681

(B) Procedures for determining what child support orders 682
are to be subject to review upon the request of either the 683
obligor or the obligee or periodically by the child support 684
enforcement agency administering the child support order; 685

(C) Procedures for the child support enforcement agency to 686
periodically review and to review, upon the request of the 687
obligor or the obligee, any child support order that is subject 688
to review to determine whether the amount of child support paid 689
under the child support order should be adjusted in accordance 690
with the basic child support schedule set forth in section 691
3119.021 of the Revised Code or whether the provisions for the 692
child's health care needs under the child support order should 693
be modified in accordance with sections 3119.29 to 3119.56 of 694
the Revised Code; 695

(D) Procedures for giving obligors and obligees notice of 696

their right to request a review of a child support order that is 697
determined to be subject to review, notice of any proposed 698
revision of the amount of child support to be paid under the 699
child support order, notice of the procedures for requesting a 700
hearing on any proposed revision of the amount of child support 701
to be paid under a child support order, notice of any 702
administrative hearing to be held on a proposed revision of the 703
amount of child support to be paid under a child support order, 704
at least ~~forty-five~~ thirty days' prior notice of any review of 705
their child support order, ~~and notice that a failure to comply~~ 706
~~with any request for documents or information to be used in the~~ 707
~~review of a child support order is contempt of court;~~ 708

(E) Procedures for obtaining the necessary documents and 709
information necessary to review child support orders and for 710
holding administrative hearings on a proposed revision of the 711
amount of child support to be paid under a child support order; 712

(F) Procedures for adjusting child support orders in 713
accordance with the basic child support schedule set forth in 714
section 3119.021 of the Revised Code and the applicable 715
worksheet in section 3119.022 or 3119.023 of the Revised Code, 716
through the line establishing the actual annual obligation; 717

(G) Procedures for adjusting the provisions of the child 718
support order governing the health care needs of the child 719
pursuant to sections 3119.29 to 3119.56 of the Revised Code. 720

Sec. 3119.77. (A) As used in this section and sections 721
3119.771, 3119.772, and 3119.773 of the Revised Code: 722

(1) "Active military service" means the performance of 723
active military duty by a member of the uniformed services for a 724
period of more than thirty days. 725

(2) "Uniformed services" means any reserve components of the armed forces of the United States or the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.

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

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

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

Sec. 3119.82. ~~Whenever~~ Except when including a revised amount of child support in a revised child support order as recommended pursuant to section 3119.63 of the Revised Code, ~~whenever~~ a court issues, or whenever it-a court modifies, reviews, or otherwise reconsiders a court child support order, ~~it~~-or upon the request of any party, the court shall designate

which parent may claim the children who are the subject of the 756
court child support order as dependents for federal income tax 757
purposes as set forth in section 151 of the "Internal Revenue 758
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. If the 759
parties agree on which parent should claim the children as 760
dependents, the court shall designate that parent as the parent 761
who may claim the children. If the parties do not agree, the 762
court, in its order, may permit the parent who is not the 763
residential parent and legal custodian to claim the children as 764
dependents for federal income tax purposes only if the court 765
determines that this furthers the best interest of the children 766
and, with respect to orders the court modifies, reviews, or 767
reconsiders, the payments for child support are substantially 768
current as ordered by the court for the year in which the 769
children will be claimed as dependents. In cases in which the 770
parties do not agree which parent may claim the children as 771
dependents, the court shall consider, in making its 772
determination, any net tax savings, the relative financial 773
circumstances and needs of the parents and children, the amount 774
of time the children spend with each parent, the eligibility of 775
either or both parents for the federal earned income tax credit 776
or other state or federal tax credit, and any other relevant 777
factor concerning the best interest of the children. 778

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

the order of the court. Any willful failure of the residential 787
parent to comply with the order of the court is contempt of 788
court. 789

Sec. 3119.87. The parent who is the residential parent and 790
legal custodian of a child for whom a child support order is 791
issued or the person who otherwise has custody of a child for 792
whom a child support order is issued immediately shall notify, 793
and the obligor under a child support order may notify, the 794
child support enforcement agency administering the child support 795
order of any reason for which the child support order should 796
terminate. Nothing in this section shall preclude a person from 797
notifying the agency that a reason for which a child support 798
order should terminate is imminent. With respect to a court 799
child support order, a willful failure to notify the ~~child-~~ 800
~~support enforcement~~ agency as required by this division is 801
contempt of court. 802

Sec. 3119.88. (A) Reasons for which a child support order 803
should terminate through the administrative process under 804
section 3119.89 of the Revised Code include all of the 805
following: 806

~~(A)~~ (1) The child's attainment of child attains the age of 807
majority if the child no longer attends an accredited high 808
school on a full-time basis and the child support order requires 809
support to continue past the age of majority only if the child 810
continuously attends such a high school after attaining that 811
age; 812

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

attends such a high school after attaining that age; 817

~~(C)~~ (3) A termination condition specified in the court 818
child support order has been met for a child who reaches 819
nineteen years of age; 820

(4) The child's death; 821

~~(D)~~ (5) The child's marriage; 822

~~(E)~~ (6) The child's emancipation; 823

~~(F)~~ (7) The child's enlistment in the armed services; 824

~~(G)~~ (8) The child's deportation; 825

~~(H)~~ (9) Change of legal custody of the child; 826

(10) The child's adoption; 827

(11) The obligor's death; 828

(12) The grandparent to whom support is being paid or a 829
grandparent who is paying support reports that the grandparent's 830
support order should terminate as a result of one of the events 831
described in division (D) of section 3109.19 of the Revised 832
Code; 833

(13) Marriage of the obligor under a child support order 834
to the obligee, if the obligor and obligee reside together with 835
the child. 836

(B) A child support order may be terminated by the court 837
or child support enforcement agency for any reasons listed in 838
division (A) of this section. A court may also terminate an 839
order for any other appropriate reasons brought to the attention 840
of the court, unless otherwise prohibited by law. 841

Sec. 3119.89. (A) Upon receipt of a notice pursuant to 842

section 3119.87 of the Revised Code, the child support 843
enforcement agency administering a child support order, within 844
twenty days after receipt of the notice, shall complete an 845
investigation if an application for services under Title IV-D of 846
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, 847
as amended has been completed and filed. The agency 848
administering a child support order may conduct an investigation 849
upon its own initiative if it otherwise has reason to believe 850
that there may be a reason for which the order should terminate. 851
Nothing in sections 3119.86 to 3119.94 of the Revised Code shall 852
preclude the agency from initiating an investigation under this 853
section before a reason for which the order should terminate has 854
occurred. The agency's investigation shall determine the 855
following: 856

(1) Whether any reason exists for which the order should 857
terminate; 858

(2) Whether there are other children subject to the order; 859

(3) Whether the obligor owes any arrearages under the 860
order; 861

(4) Whether the agency believes it is necessary to 862
continue withholding or deduction pursuant to a notice or order 863
described in section 3121.03 of the Revised Code for the other 864
children or arrearages; 865

(5) Whether child support amounts paid pursuant to the 866
order being investigated should be impounded because 867
continuation of receipt and disbursement would lead to an 868
overpayment by the obligor. 869

(B) If the agency, pursuant to the investigation under 870
division (A) of this section, determines that other children are 871

subject to the child support order and that it is necessary to 872
continue withholding or deduction for the other children, the 873
agency shall divide the child support due annually and per month 874
under the order by the number of children who are the subject of 875
the order and subtract the amount due for the child for whom the 876
order should be terminated from the total child support amount 877
due annually and per month. The resulting annual and per month 878
child support amount shall be included in the results of the 879
agency's investigation as the recommended child support amount 880
due annually and monthly under a revised child support order. If 881
arrearage amounts are owed, those amounts may be included as 882
part of the recommended child support amount. The investigation 883
under division (A) of this section shall not include a review 884
pursuant to sections 3119.60 to 3119.76 of the Revised Code of 885
any other children subject to the child support order. 886

Sec. 3119.90. (A) If, pursuant to an investigation 887
conducted under section 3119.89 of the Revised Code, the child 888
support enforcement agency determines both that a child support 889
order should terminate and that child support amounts paid 890
pursuant to the order should be impounded because continuation 891
of receipt and disbursement would lead to an overpayment by the 892
obligor, the agency shall do the following: 893

(1) With respect to a court child support order, 894
immediately notify the court that issued the order of the 895
results of its investigation and submit to the court an order 896
impounding any funds received for the child pursuant to the 897
court child support order that was under investigation; 898

(2) With respect to an administrative child support order, 899
issue an administrative order impounding any funds received for 900
the child pursuant to the administrative child support order 901

that was under investigation. 902

(B) A child support enforcement agency that conducts an 903
investigation of a child support order shall give the obligor 904
and obligee under the order notice of the results of its 905
investigation and a copy of any court or administrative impound 906
order issued pursuant to division (A) of this section. The 907
obligor and obligee also shall be given all of the following: 908

(1) Notice of their right to request an administrative 909
hearing regarding any conclusions of the investigation; 910

(2) Notice of the procedures and time deadlines for 911
requesting the hearing; 912

(3) (a) Notice that the conclusions of the investigations 913
will be issued as an administrative order by the agency if the 914
underlying order is an administrative child support order; 915

(b) Notice that the conclusions of the investigations will 916
be submitted to the court for inclusion into a revised or 917
terminated court child support order with no further court 918
hearing if the underlying order is a court child support order. 919

(4) Notice that no revised administrative or court child 920
support order will be issued if either the obligor or obligee 921
requests an administrative hearing on the investigation 922
conclusions within ~~thirty-fourteen~~ days after ~~receipt of the~~ 923
notice is issued under this division. 924

Sec. 3119.91. If an obligor or obligee under a child 925
support order timely requests an administrative hearing pursuant 926
to section 3119.90 of the Revised Code, the child support 927
enforcement agency shall schedule a hearing on the issue, give 928
the parties notice of the date, time, and location of the 929
hearing, and conduct the hearing. On completion of the hearing, 930

the child support enforcement agency shall issue a decision. The 931
decision shall include a notice stating that the obligor or 932
obligee may object to the decision by filing a motion within 933
~~thirty-fourteen~~ days after the issuance of the decision in one 934
of the following courts requesting a determination as to whether 935
the order should be terminated or whether any other appropriate 936
determination regarding the order should be made: 937

(A) With respect to a court child support order, in the 938
court that issued the order or that otherwise has jurisdiction 939
over the order; 940

(B) With respect to an administrative child support order, 941
the juvenile court or other court with jurisdiction under 942
section 2101.022 or 2301.03 of the Revised Code of the county in 943
which the agency that issued the order is located. 944

The notice shall also state that if neither the obligor 945
nor the obligee files the motion within the ~~thirty-day-fourteen-~~ 946
day period, the administrative hearing decision is final and 947
will be filed with the court or in the administrative case file. 948

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

administrative hearing decision is final and will be filed with 961
the court or in the administrative case file. 962

Sec. 3121.01. As used in this chapter: 963

(A) "~~Court-Administrative~~ child support order," "child 964
support order," "court child support order," "court support 965
order," ~~and~~ "obligee," "obligor," "personal earnings," and 966
"support order" have the same meanings as in section 3119.01 of 967
the Revised Code. 968

(B) "Default" means any failure to pay under a support 969
order that is an amount greater than or equal to the amount of 970
support payable under the support order for one month. 971

(C) "Financial institution" means a bank, savings and loan 972
association, or credit union, or a regulated investment company 973
or mutual fund. 974

(D) "Income" means any form of monetary payment, including 975
personal earnings; workers' compensation payments; unemployment 976
compensation benefits to the extent permitted by, and in 977
accordance with, sections 3121.07 and 4141.284 of the Revised 978
Code, and federal law governing the department of job and family 979
services; pensions; annuities; allowances; private or 980
governmental retirement benefits; disability or sick pay; 981
insurance proceeds; lottery prize awards; federal, state, or 982
local government benefits to the extent that the benefits can be 983
withheld or deducted under the law governing the benefits; any 984
form of trust fund or endowment; lump sum payments, including a 985
one-time pay supplement of one hundred fifty dollars or more 986
paid under section 124.183 of the Revised Code; and any other 987
payment in money. 988

(E) "Payor" means any person or entity that pays or 989

distributes income to an obligor, including an obligor if the 990
obligor is self-employed; an employer; an employer paying an 991
obligor's workers' compensation benefits; the public employees 992
retirement board; the governing entity of a municipal retirement 993
system; the board of trustees of the Ohio police and fire 994
pension fund; the state teachers retirement board; the school 995
employees retirement board; the state highway patrol retirement 996
board; a provider, as defined in section 3305.01 of the Revised 997
Code; the bureau of workers' compensation; or any other person 998
or entity other than the department of job and family services 999
with respect to unemployment compensation benefits paid pursuant 1000
to Chapter 4141. of the Revised Code. 1001

Sec. 3121.02. In any action in which a support order is 1002
issued or modified, one of the following shall apply, as 1003
appropriate, to ensure that withholding or deduction from the 1004
income or assets of the obligor is available from the 1005
commencement of the support order for the collection of the 1006
support and any arrearages that occur: 1007

(A) The court, with respect to a court support order, or 1008
the child support enforcement agency, with respect to an 1009
administrative child support order, shall require the 1010
withholding or deduction of income or assets of the obligor 1011
under section 3121.03 of the Revised Code. 1012

(B) The court, with respect to a court support order, 1013
shall issue another type of court order under division (C) or 1014
(D) of section 3121.03 of the Revised Code ~~or~~, section 3121.04, 1015
3121.05, or 3121.06, or division (C) of section 3121.12 of the 1016
Revised Code. 1017

(C) The agency, with respect to an administrative child 1018
support order, shall ~~issue an administrative order, or request~~ 1019

that the court issue a court order⁷ under division (C) or (D) of 1020
section 3121.03 of the Revised Code ~~or section 3121.12 of the~~ 1021
~~Revised Code.~~ 1022

Sec. 3121.035. Within fifteen days after an obligor under 1023
a support order is located following issuance or modification of 1024
the support order, the court or child support enforcement agency 1025
that issued or modified the support order, or the agency, 1026
pursuant to an agreement with the court with respect to a court 1027
support order, shall do either of the following: 1028

(A) If a withholding or deduction notice described in 1029
section 3121.03 of the Revised Code is appropriate, send the 1030
notice by regular ordinary mail or ~~via secure federally managed~~ 1031
~~data transmission interface~~ electronic means to each person 1032
required to comply with it; 1033

(B) If an order described in section 3121.03, 3121.04 to 1034
3121.08, or 3121.12 of the Revised Code is appropriate, issue 1035
and send the appropriate order. 1036

Sec. 3121.12. (A) On receipt of a notice that a lump sum 1037
payment of one hundred fifty dollars or more is to be paid to 1038
the obligor, the court, ~~with respect to a court support order,~~ 1039
~~or the child support enforcement agency, with respect to an~~ 1040
~~administrative child support order,~~ shall do either of the 1041
following: 1042

(1) If the obligor is in default under the support order 1043
or has any arrearages under the support order, issue an 1044
administrative order requiring the transmittal of the lump sum 1045
payment, or any portion of the lump sum payment sufficient to 1046
pay the arrearage in full, to the office of child support; 1047

(2) If the obligor is not in default under the support 1048

order and does not have any arrearages under the support order, 1049
issue an administrative order directing the person who gave the 1050
notice to the court or agency to immediately pay requiring the 1051
immediate release of the full amount of the lump sum payment to 1052
the obligor. 1053

(B) Any moneys received by the office of child support 1054
pursuant to ~~division (A)~~ of this section shall be distributed in 1055
accordance with rules adopted under section 3121.71 of the 1056
Revised Code. 1057

(C) ~~A court that issued an order~~ In the case of a notice 1058
of a lump sum payment made in accordance with a support order 1059
issued prior to January 1, 1998, requiring an employer to 1060
withhold an amount from an obligor's personal earnings for the 1061
payment of support, the agency that receives notification of the 1062
lump sum payment from the payor shall notify the court that 1063
issued the order, and the court shall issue a supplemental order 1064
that does not change the original order or the related support 1065
order requiring the employer to do all of the following: 1066

(1) No later than the earlier of forty-five days before a 1067
lump sum payment is to be made or, if the obligor's right to a 1068
lump sum payment is determined less than forty-five days before 1069
it is to be made, the date on which that determination is made, 1070
notify the ~~child support enforcement~~ agency of any lump sum 1071
payment of any kind of one hundred fifty dollars or more that is 1072
to be paid to the obligor; 1073

(2) Hold the lump sum payment for thirty days after the 1074
date on which it would otherwise be paid to the obligor; 1075

(3) On order of the court, pay any specified amount of the 1076
lump sum payment to the office of child support. 1077

(D) ~~An employer~~ A payor that knowingly fails to notify the 1078
~~child support enforcement~~ agency in accordance with this section 1079
or section 3121.03 of the Revised Code of any lump sum payment 1080
to be made to an obligor is liable for any support payment not 1081
made to the obligee as a result of its knowing failure to give 1082
the notice. 1083

Sec. 3121.29. Each support order, or modification of a 1084
support order, shall contain a notice that states the following 1085
in boldface type and in all capital letters: 1086

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 1087
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 1088
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 1089
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 1090
CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY 1091
OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 1092
WHICHEVER ISSUED THE SUPPORT ORDER. 1093

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU 1094
FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO 1095
\$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 1096
EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 1097
ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO 1098
GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT 1099
AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT 1100
MORE THAN 90 DAYS. 1101

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 1102
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU 1103
MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE 1104
CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF 1105
THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO 1106
GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE 1107

FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS 1108
AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL 1109
LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING 1110
FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR 1111
ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION 1112
PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR 1113
SUPPORT OBLIGATION." 1114

Sec. 3121.33. The withholding or deduction notices ~~and,~~ 1115
other orders issued under sections 3121.03 ~~and~~ 3121.04 to 1116
3121.06 of the Revised Code, and administrative orders issued 1117
under section 3121.12 of the Revised Code, and the notices that 1118
require the obligor to notify the child support enforcement 1119
agency administering the support order of any change in the 1120
obligor's employment status or of any other change in the status 1121
of the obligor's assets, are final and enforceable by the court. 1122

Sec. 3121.34. A person required to comply with withholding 1123
or deduction notices described in section 3121.03 of the Revised 1124
Code shall determine the manner of withholding or deducting from 1125
the specific requirement included in the notices without the 1126
need for any amendment to the support order, and a person 1127
required to comply with an order described in sections 3121.03 ~~and~~ 1128
and 3121.04 to 3121.06 of the Revised Code, and or an 1129
administrative order issued under section 3121.12 of the Revised 1130
Code shall comply without the need for any amendment to the 1131
support order. 1132

Sec. 3123.031. The default notice shall contain all of the 1133
following: 1134

(A) The date on which it is ~~sent~~ issued; 1135

(B) A statement that the obligor is in default under a 1136

support order; 1137

(C) The amount of arrearages the obligor owes due to the 1138
default as of the date the default notice is ~~sent~~issued; 1139

(D) A statement that any arrearages owed by the obligor 1140
that arise after the default notice is ~~sent~~issued and during 1141
the period of default will be added to the obligor's total child 1142
support obligation and will be subject to collection efforts 1143
without further default notice; 1144

(E) A statement of the types of withholding or deduction 1145
requirements and related notices described in section 3121.03 of 1146
the Revised Code or the types of court orders described in 1147
sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised 1148
Code that will be issued for payment of support and arrearages 1149
and the amount that will be withheld or deducted pursuant to 1150
those requirements; 1151

(F) A statement that any notice for the withholding or 1152
deduction of an amount from income or assets applies to all 1153
current and subsequent payors of the obligor and financial 1154
institutions in which the obligor has an account and that any 1155
withholding or deduction requirement and related notice 1156
described in section 3121.03 of the Revised Code or any court 1157
order described in sections 3121.03, 3121.04 to 3121.08, and 1158
3121.12 of the Revised Code that is issued will not be 1159
discontinued solely because the obligor pays arrearages; 1160

(G) A statement that the obligor may file with the child 1161
support enforcement agency, within ~~seven business~~fourteen days 1162
after the date on which the default notice is ~~sent~~issued, a 1163
written request for an administrative hearing under section 1164
3123.04 of the Revised Code; 1165

(H) A statement that, if the obligor files a timely written request for an administrative hearing, the obligor may file with the court, within ~~seven business~~ fourteen days after the agency makes its determinations under the administrative hearing, a written motion for a court hearing under section 3123.05 of the Revised Code;

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

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

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

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

If the obligor makes a timely request for a hearing, the agency shall conduct an administrative hearing no later than ten days after the date on which the obligor files the request for the hearing. No later than five days before the date on which the hearing is to be conducted, the agency shall send the

obligor and the obligee written notice of the date, time, place, 1195
and purpose of the hearing. The notice to the obligor and 1196
obligee also shall indicate that the obligor may present 1197
testimony and evidence at the hearing only in regard to the 1198
issue of whether a mistake of fact was made in the default 1199
notice. 1200

At the hearing, the ~~child support enforcement~~ agency shall 1201
determine whether a mistake of fact was made in the default 1202
notice. The agency shall send its determinations to the obligor. 1203
The agency's determinations are final and are enforceable by the 1204
court unless, within ~~seven business~~ fourteen days after the 1205
agency ~~makes issues~~ its determinations, the obligor files a 1206
written motion with the court for a court hearing to determine 1207
whether a mistake of fact still exists in the default notice. 1208

If an agency's determination becomes final and enforceable 1209
under this section, the agency shall take further action as 1210
required under section 3123.06 of the Revised Code. 1211

Sec. 3123.05. If, not later than ~~seven business~~ fourteen 1212
days after the child support enforcement agency ~~makes issues~~ its 1213
determinations under section 3123.04 of the Revised Code, the 1214
obligor files a written motion for a court hearing to determine 1215
whether a mistake of fact still exists in the default notice, 1216
the court shall hold a hearing as soon as possible, but not 1217
later than ten days, after the motion is filed. Not later than 1218
five days before the date on which the court hearing is to be 1219
held, the court shall send the obligor and the obligee written 1220
notice by ~~regular~~ ordinary mail of the date, time, place, and 1221
purpose of the court hearing. The hearing shall be limited to a 1222
determination of whether there is a mistake of fact in the 1223
default notice. 1224

At the hearing, the court shall determine whether there is 1225
a mistake of fact in the default notice. On the conclusion of 1226
the hearing, the court shall make its determination. The 1227
determination is final and enforceable. The court shall take 1228
further action as provided in section 3123.06 of the Revised 1229
Code. 1230

Sec. 3123.06. (A) If either a court, under section 3123.05 1231
of the Revised Code, or child support enforcement agency, under 1232
section 3123.032 or 3123.04 of the Revised Code, makes a final 1233
and enforceable determination that an obligor is in default 1234
under a support order, one of the following shall apply: 1235

(1) If no withholding notice was issued in accordance with 1236
section 3123.021 of the Revised Code with respect to the order, 1237
the court or agency shall issue one or more notices requiring 1238
withholding or deduction of income or assets of the obligor in 1239
accordance with section 3121.03 of the Revised Code, or the 1240
court shall issue one or more court orders imposing other 1241
appropriate requirements in accordance with sections 3121.03, 1242
3121.035, and 3121.04 to 3121.08, and division (C) of section 1243
3121.12 of the Revised Code. 1244

(2) If a withholding notice was issued in accordance with 1245
section 3123.021 of the Revised Code with respect to the order 1246
and the final and enforceable determination of default altered 1247
the arrearage amount stated in the default notice, the court or 1248
agency, whichever made the determination, shall revise the 1249
withholding notice and may issue, as appropriate, any of the 1250
notices or orders described in division (A) (1) of this section. 1251

(3) If a withholding notice was issued in accordance with 1252
section 3123.021 of the Revised Code with respect to the order 1253
but the final and enforceable determination of default did not 1254

alter the arrearage amount stated in the default notice, the 1255
withholding notice shall remain in effect. The court or agency, 1256
in addition and as appropriate, may issue any other notice or 1257
order described in division (A) (1) of this section. 1258

(B) If a court, under section 3123.05 of the Revised Code, 1259
or an agency, under section 3123.04 of the Revised Code, 1260
determines that no default exists under a support order, the 1261
court or agency shall terminate the default proceedings. If a 1262
withholding notice was issued in accordance with section 1263
3123.021 of the Revised Code with respect to the order, the 1264
court or agency, whichever made the final and enforceable 1265
determination, shall revise the withholding notice, and may 1266
issue, as appropriate, any of the notices or orders described in 1267
division (A) (1) of this section, to collect current support. 1268

(C) A withholding or deduction notice issued under 1269
division (A) (1), (2), or (3) of this section shall require the 1270
payment of arrearages caused by the default along with any 1271
payment for current support. A withholding or deduction notice 1272
or other appropriate order described under this section shall be 1273
issued not later than fifteen days after the determination of 1274
default under the support order becomes final and enforceable. 1275
Section 3123.21 of the Revised Code applies to a withholding or 1276
deduction notice or other appropriate order described under 1277
division (A) of this section beginning on the date it is issued 1278
and ending on the date the period of default ends. 1279

Sec. 3123.14. If a child support order is terminated for 1280
any reason, the obligor under the child support order is or was 1281
at any time in default under the support order and, after the 1282
termination of the order, the obligor owes an arrearage under 1283
the order, the obligee may make application to the child support 1284

enforcement agency that administered the child support order 1285
prior to its termination or had authority to administer the 1286
child support order to maintain any administrative or judicial 1287
action or proceeding to enforce the order on behalf of the 1288
obligee to obtain a ~~judgment, execution of a judgment through~~ 1289
~~any available procedure, an order, or other relief~~. If a 1290
withholding or deduction notice is issued pursuant to section 1291
3121.03 of the Revised Code to collect an arrearage, the amount 1292
withheld or deducted from the obligor's personal earnings, 1293
income, or accounts shall be at least equal to the amount that 1294
was withheld or deducted under the terminated child support 1295
order. 1296

Sec. 3123.25. (A) If, as a result of information obtained 1297
pursuant to an agreement under section 3121.74 of the Revised 1298
Code, the office of child support in the department of job and 1299
family services finds or receives notice that identifies an 1300
obligor in default who maintains an account with a financial 1301
institution, the office shall, within one business day, enter 1302
the information into the case registry established pursuant to 1303
section 3121.81 of the Revised Code. 1304

(B) If a child support enforcement agency, ~~after examining~~ 1305
~~the case registry upon notice or discovery of an account,~~ 1306
determines that an obligor in default under a support order 1307
administered by the agency maintains an account in a financial 1308
institution, the agency shall determine whether the obligor is 1309
subject to a final and enforceable determination of default made 1310
under sections 3123.01 to 3123.07 of the Revised Code. If the 1311
obligor is subject to a final and enforceable determination of 1312
default, the agency may issue an access restriction notice to 1313
the financial institution in which the obligor's account is 1314
maintained. 1315

Sec. 3123.27. The child support enforcement agency ~~shall,~~ 1316
~~no later than five business days after information is entered~~ 1317
~~into the case registry under section 3123.25 of the Revised~~ 1318
Code, may investigate and determine the amount of funds in the 1319
account that is available to satisfy the obligor's arrearages 1320
under a support order. The financial institution shall cooperate 1321
with the agency's investigation. 1322

Sec. 3123.30. The notice sent under section 3123.29 of the 1323
Revised Code shall contain both of the following: 1324

(A) A statement of the date the notice is sent, that 1325
another of the account holders is an obligor under a support 1326
order, the name of the obligor, that the support order is in 1327
default, the amount of the arrearage owed by the obligor as 1328
determined by the court or child support enforcement agency, the 1329
amount that will be withdrawn, the type of account from which 1330
the amount will be withdrawn, and the name of the financial 1331
institution from which the amount will be withdrawn; 1332

(B) A statement that the person may object to the 1333
withdrawal by filing with the agency, no later than ~~ten-fourteen~~ 1334
days after the date on which the notice is ~~sent~~ issued, a 1335
written request for an administrative hearing to determine 1336
whether any amount contained in the account is the property of 1337
the person to whom the notice is sent and should not be subject 1338
to the withdrawal directive. 1339

Sec. 3123.31. The person to whom notice is sent under 1340
section 3123.29 of the Revised Code shall have ~~ten-fourteen~~ days 1341
from the date the notice is ~~sent~~ issued to object to the 1342
withdrawal by filing with the child support enforcement agency 1343
that sent the notice a written request for an administrative 1344
hearing to determine whether any amount contained in the account 1345

is the property of that person and should not be subject to the 1346
withdrawal directive. 1347

Sec. 3123.34. If a child support enforcement agency 1348
determines that the total amount in an account is the property 1349
of a person who is not the obligor from whom payment is sought, 1350
it shall order the financial institution to release the access 1351
restriction on the account and shall take no further enforcement 1352
action on the account. A copy of this notice shall be sent to 1353
the obligor. If the agency determines that some of the funds in 1354
the account are the property of the person, it shall order the 1355
financial institution to release the access restriction on the 1356
account in that amount and shall take no further enforcement 1357
action on those funds. A copy of this notice shall be sent to 1358
the obligor. The agency shall issue a withdrawal directive 1359
pursuant to section 3123.37 of the Revised Code for the 1360
remaining funds unless, no later than ~~ten~~fourteen days after 1361
the agency ~~makes~~issues its determination, the person files a 1362
written motion with the court of common pleas of the county 1363
served by the ~~child support enforcement~~ agency for a hearing to 1364
determine whether any amount contained in the account is the 1365
property of the person. 1366

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

shall send the person written notice by ordinary mail of the 1377
date, time, place, and purpose of the hearing. The hearing shall 1378
be limited to a determination of how much, if any, of the amount 1379
contained in the account is the property of the person. 1380

Sec. 3123.72. A child support enforcement agency shall 1381
file a notice requesting that the county recorder discharge the 1382
lien if one of the following applies: 1383

(A) The lien is satisfied through an action pursuant to 1384
section 3123.74 of the Revised Code. 1385

(B) The obligor makes full payment of the arrearage to the 1386
office of child support in the department of job and family 1387
services or, pursuant to sections 3125.27 to 3125.30 of the 1388
Revised Code, to the ~~child support enforcement~~ agency that is 1389
the basis of the lien. 1390

~~(C) An appropriate withholding or deduction notice or 1391
other appropriate order described in section 3121.03, 3121.04, 1392
3121.05, 3121.06, or 3121.12 of the Revised Code has been issued 1393
to collect current support and any arrearage due under the 1394
support order that was in default, and the obligor is complying 1395
with the notice or order. 1396~~

~~(D) A new support order has been issued or the support 1397
order that was in default has been modified to collect current 1398
support and any arrearage due under the support order that was 1399
in default, and the obligor is complying with the new or 1400
modified support order. 1401~~

~~(E) The agency releases the lien pursuant to section 1402
3123.76 of the Revised Code. 1403~~

Sec. 3123.821. The office of child support created in the 1404
department of job and family services under section 3125.02 of 1405

the Revised Code shall work with the tax commissioner to collect 1406
the following: 1407

(A) Overdue ~~child~~-support from refunds of paid state 1408
income taxes under Chapter 5747. of the Revised Code that are 1409
payable to obligors; 1410

(B) Overpaid child support from refunds of paid state 1411
income taxes under Chapter 5747. of the Revised Code that are 1412
payable to obligees. 1413

Sec. 3123.822. No overdue or overpaid ~~child~~-support shall 1414
be collected from refunds of ~~paid~~-state income taxes paid by an 1415
obligor or obligee unless all of the following conditions are 1416
met: 1417

(A) Any reduction authorized by section 5747.12 of the 1418
Revised Code has first been made, except as otherwise provided 1419
in this section. 1420

(B) The refund payable to the obligor or obligee is not 1421
less than twenty-five dollars after any reduction pursuant to 1422
section 5747.12 of the Revised Code. 1423

(C) Either of the following applies: 1424

(1) With respect to overdue ~~child~~-support, the obligor ~~is~~ 1425
~~not less than~~ maintains an arrearage in the payment of support 1426
for three months in arrears in the obligor's payment of child 1427
support, and the amount of the total arrearage during each of 1428
the three months is not less than at least one hundred fifty 1429
dollars; 1430

(2) With respect to overpaid child support, the amount 1431
overpaid is not less than one hundred fifty dollars. 1432

Overdue support or overpaid child support shall be 1433

collected from such refunds before any part of the refund is 1434
used as a contribution pursuant to section 5747.113 of the 1435
Revised Code. Overdue support or overpaid child support shall be 1436
collected from such refunds before the refund or any part of the 1437
refund is credited against tax due in any subsequent year 1438
pursuant to section 5747.12 of the Revised Code, notwithstanding 1439
the consent of the obligor or obligee for such crediting. 1440

Section 2. That existing sections 3111.29, 3111.38, 1441
3111.46, 3111.49, 3111.78, 3111.80, 3111.81, 3111.84, 3119.06, 1442
3119.30, 3119.38, 3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 1443
3119.76, 3119.77, 3119.82, 3119.87, 3119.88, 3119.89, 3119.90, 1444
3119.91, 3119.92, 3121.01, 3121.02, 3121.035, 3121.12, 3121.29, 1445
3121.33, 3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 3123.14, 1446
3123.25, 3123.27, 3123.30, 3123.31, 3123.34, 3123.35, 3123.72, 1447
3123.821, and 3123.822 and section 3121.11 of the Revised Code 1448
are hereby repealed. 1449

Section 3. Sections 1 and 2 of this act take effect nine 1450
months after the effective date of this act. During that nine- 1451
month period, the Ohio Department of Job and Family Services 1452
shall perform necessary automated system changes and may 1453
organize and oversee the statewide training of local child 1454
support enforcement agencies, lawyers who practice in child 1455
support, and judges who preside over child support cases. 1456