

AN ACT

To amend sections 3119.01, 3119.02, 3119.021, 3119.04, 3119.05, 3119.06, 3119.22, 3119.23, 3119.24, 3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3119.61, 3119.63, 3119.76, 3119.79, 3119.89, 3121.36, and 3123.14; to enact new sections 3119.022 and 3119.023 and sections 3119.051, 3119.231, and 3119.303; and to repeal sections 3119.022, 3119.023, and 3119.024 of the Revised Code to make changes to the laws governing child support.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3119.01, 3119.02, 3119.021, 3119.04, 3119.05, 3119.06, 3119.22, 3119.23, 3119.24, 3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3119.61, 3119.63, 3119.76, 3119.79, 3119.89, 3121.36, and 3123.14 be amended and new sections 3119.022 and 3119.023 and sections 3119.051, 3119.231, and 3119.303 of the Revised Code be enacted to read as follows:

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

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

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

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

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

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

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

(C) As used in this chapter:

(1) ~~"Combined gross income" means the combined gross income of both parents.~~

(2) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.

(2) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.

(3) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

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

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

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

(7) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed ~~one hundred dollars~~ the total cash medical support amount owed by the parents during that year.

(5)-(8) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code.

(40)-(9) "Income" means either of the following:

- (a) For a parent who is employed to full capacity, the gross income of the parent;
- (b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.

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

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

(7)-(12) "Gross income" means, except as excluded in division (C)~~(7)~~(12) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D) of section 3119.05 of the Revised Code; commissions; royalties; tips; rents; dividends; severance pay; pensions; interest; trust income; annuities; social security benefits, including retirement, disability, and survivor benefits that are not means-tested; workers' compensation benefits; unemployment insurance benefits; disability insurance benefits; benefits that are not means-tested and that are received by and in the possession of the veteran who is the beneficiary for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration; spousal support actually received; and all other sources of income. "Gross income" includes income of members of any branch of the United States armed services or national guard, including, amounts representing base pay, basic allowance for quarters, basic allowance for subsistence, supplemental subsistence allowance, cost of

living adjustment, specialty pay, variable housing allowance, and pay for training or other types of required drills; self-generated income; and potential cash flow from any source.

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

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

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

(c) Child support amounts received for children who were not born or adopted during the marriage at issue are not included in the current calculation;

(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;

(e) Nonrecurring or unsustainable income or cash flow items;

(f) Adoption assistance and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended.

~~(8)-(13)~~ "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.

~~(9)~~(14) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children of the order.

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

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)~~(9)~~(15)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

~~(10)-(16)~~ "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

~~(11)-(17)~~ "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

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

- (i) The parent's prior employment experience;
- (ii) The parent's education;
- (iii) The parent's physical and mental disabilities, if any;
- (iv) The availability of employment in the geographic area in which the parent resides;
- (v) The prevailing wage and salary levels in the geographic area in which the parent resides;
- (vi) The parent's special skills and training;
- (vii) Whether there is evidence that the parent has the ability to earn the imputed income;
- (viii) The age and special needs of the child for whom child support is being calculated under this section;
- (ix) The parent's increased earning capacity because of experience;
- (x) The parent's decreased earning capacity because of a felony conviction;
- (xi) Any other relevant factor.

(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.

~~(12)-(19)~~ (18) "Schedule" means the basic child support schedule ~~set forth in~~ created pursuant to section 3119.021 of the Revised Code.

~~(13)-(19)~~ (19) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.

~~(14)-(20)~~ (20) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined under section 3119.021 of the Revised Code.

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

~~(15)-(22)~~ (22) "Worksheet" means the applicable worksheet created in rules adopted under section 3119.022 of the Revised Code that is used to calculate a parent's child support obligation ~~as set forth in sections 3119.022 and 3119.023~~ of the Revised Code.

Sec. 3119.02. In any action in which a court child support order is issued or modified, in any other proceeding in which the court determines the amount of child support that will be ordered to be paid pursuant to a child support order, or when a child support enforcement agency determines the amount of child support that will be ordered to be paid pursuant to an administrative child support order, issues a new administrative child support order, or issues a modified administrative child support order, the court or agency shall calculate the amount of the ~~obligor's parents'~~ obligor's child support ~~obligation and cash medical support~~ in accordance with the basic child support schedule, the applicable worksheet, and the other provisions of ~~sections 3119.02 to 3119.24~~ Chapter 3119. of the Revised Code. The court or agency shall specify the support obligation as a monthly amount due and

shall order the support obligation to be paid in periodic increments as it determines to be in the best interest of the children. In performing its duties under this section, the court or agency is not required to accept any calculations in a worksheet prepared by any party to the action or proceeding.

Sec. 3119.021. ~~(A) The following director of the department of job and family services shall create, by rule adopted in accordance with Chapter 119. of the Revised Code, a basic child support schedule based on the parents' combined annual income and a self-sufficiency reserve that shall be used by all courts and child support enforcement agencies when calculating the amount of child support to be paid pursuant to a child support order, unless the combined gross annual income of the parents is less than sixty-six hundred dollars the minimum guideline income listed on the schedule or more than one hundred fifty thousand dollars:~~

~~Basic Child Support Schedule~~

Combined						
Gross	Number of Children					
Income	One	Two	Three	Four	Five	Six
6600	600	600	600	600	600	600
7200	600	600	600	600	600	600
7800	600	600	600	600	600	600
8400	600	600	600	600	600	600
9000	849	859	868	878	887	896
9600	1259	1273	1287	1301	1315	1329
10200	1669	1687	1706	1724	1743	1761
10800	2076	2099	2122	2145	2168	2192
11400	2331	2505	2533	2560	2588	2616
12000	2439	2911	2943	2975	3007	3039
12600	2546	3318	3354	3390	3427	3463
13200	2654	3724	3765	3806	3846	3887
13800	2761	4029	4175	4221	4266	4311
14400	2869	4186	4586	4636	4685	4735
15000	2976	4342	4996	5051	5105	5159
15600	3079	4491	5321	5466	5524	5583
16200	3179	4635	5490	5877	5940	6003
16800	3278	4780	5660	6254	6355	6423
17400	3378	4924	5830	6442	6771	6843
18000	3478	5069	5999	6629	7186	7262
18600	3578	5213	6169	6816	7389	7682

~~19200 3678 5358 6339 7004 7592 8102~~
~~19800 3778 5502 6508 7191 7796 8341~~
~~20400 3878 5647 6678 7378 7999 8558~~
~~21000 3977 5790 6847 7565 8201 8774~~
~~21600 4076 5933 7015 7750 8402 8989~~
~~22200 4176 6075 7182 7936 8602 9204~~
~~22800 4275 6216 7345 8116 8798 9413~~
~~23400 4373 6357 7509 8297 8994 9623~~
~~24000 4471 6498 7672 8478 9190 9832~~
~~24600 4570 6639 7836 8658 9386 10042~~
~~25200 4668 6780 8000 8839 9582 10251~~
~~25800 4767 6920 8163 9020 9778 10461~~
~~26400 4865 7061 8327 9200 9974 10670~~
~~27000 4963 7202 8490 9381 10170 10880~~
~~27600 5054 7332 8642 9548 10351 11074~~
~~28200 5135 7448 8776 9697 10512 11246~~
~~28800 5216 7564 8911 9845 10673 11418~~
~~29400 5297 7678 9045 9995 10833 11592~~
~~30000 5377 7792 9179 10143 10994 11764~~
~~30600 5456 7907 9313 10291 11154 11936~~
~~31200 5535 8022 9447 10439 11315 12107~~
~~31800 5615 8136 9581 10587 11476 12279~~
~~32400 5694 8251 9715 10736 11636 12451~~
~~33000 5774 8366 9849 10884 11797 12623~~
~~33600 5853 8480 9983 11032 11957 12794~~
~~34200 5933 8595 10117 11180 12118 12966~~
~~34800 6012 8709 10251 11328 12279 13138~~
~~35400 6091 8824 10385 11476 12439 13310~~
~~36600 6250 9053 10653 11772 12761 13653~~
~~37200 6330 9168 10787 11920 12921 13825~~
~~37800 6406 9275 10913 12058 13071 13988~~
~~38400 6447 9335 10984 12137 13156 14079~~

~~39000 6489 9395 11055 12215 13242 14170~~
~~39600 6530 9455 11126 12294 13328 14261~~
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~~40800 6613 9575 11268 12451 13499 14444~~
~~41400 6653 9634 11338 12529 13583 14534~~
~~42000 6694 9693 11409 12607 13667 14624~~
~~42600 6735 9752 11479 12684 13752 14714~~
~~43200 6776 9811 11549 12762 13836 14804~~
~~43800 6817 9871 11619 12840 13921 14894~~
~~44400 6857 9930 11690 12917 14005 14985~~
~~45000 6898 9989 11760 12995 14090 15075~~
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~~51000 7257 10481 12309 13603 14745 15778~~
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~~54600 7468 10765 12622 13946 15120 16178~~
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~~57600 7765 11192 13125 14502 15722 16824~~

~~58200 7825 11277 13225 14613 15842 16953~~
~~58800 7883 11361 13324 14723 15961 17079~~
~~59400 7941 11445 13423 14832 16079 17206~~
~~60000 8000 11529 13522 14941 16197 17333~~
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~~61200 8116 11696 13719 15160 16433 17587~~
~~61800 8175 11780 13818 15269 16552 17714~~
~~62400 8233 11864 13917 15378 16670 17840~~
~~63000 8288 11945 14011 15481 16783 17958~~
~~63600 8344 12024 14102 15582 16893 18075~~
~~64200 8399 12103 14194 15683 17002 18193~~
~~64800 8454 12183 14285 15784 17111 18310~~
~~65400 8510 12262 14376 15885 17220 18427~~
~~66000 8565 12341 14468 15986 17330 18544~~
~~66600 8620 12421 14559 16087 17439 18661~~
~~67200 8676 12500 14650 16188 17548 18778~~
~~67800 8731 12579 14741 16289 17657 18895~~
~~68400 8786 12659 14833 16390 17767 19012~~
~~69000 8842 12738 14924 16491 17876 19129~~
~~69600 8897 12817 15015 16592 17985 19246~~
~~70200 8953 12897 15107 16693 18094 19363~~
~~70800 9008 12974 15196 16791 18201 19476~~
~~71400 9060 13047 15281 16885 18302 19585~~
~~72000 9111 13120 15366 16979 18404 19694~~
~~72600 9163 13194 15451 17073 18506 19803~~
~~73200 9214 13267 15536 17167 18608 19912~~
~~73800 9266 13340 15621 17261 18709 20021~~
~~74400 9318 13413 15706 17355 18811 20130~~
~~75000 9369 13487 15791 17449 18913 20239~~
~~75600 9421 13560 15876 17543 19015 20347~~
~~76200 9473 13633 15961 17636 19116 20456~~
~~76800 9524 13707 16046 17730 19218 20565~~

~~77400 9576 13780 16131 17824 19320 20674~~
~~78000 9627 13853 16216 17918 19422 20783~~
~~78600 9679 13927 16300 18012 19523 20892~~
~~79200 9731 14000 16385 18106 19625 21001~~
~~79800 9782 14073 16470 18200 19727 21109~~
~~80400 9834 14147 16555 18294 19829 21218~~
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~~81600 9936 14292 16723 18480 20030 21434~~
~~82200 9987 14364 16807 18573 20131 21541~~
~~82800 10038 14439 16891 18665 20235 21651~~
~~83400 10090 14514 16979 18762 20340 21763~~
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~~84600 10194 14663 17154 18956 20549 21987~~
~~85200 10246 14738 17241 19052 20653 22099~~
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~~127200 13519 19492 22874 25272 27395 29314~~
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~~144000 14774 21333 25066 27690 30018 32123~~
~~144600 14820 21400 25145 27777 30113 32225~~
~~145200 14865 21467 25225 27865 30208 32327~~
~~145800 14909 21531 25301 27949 30300 32424~~
~~146400 14963 21596 25377 28041 30396 32526~~
~~147000 15006 21659 25452 28124 30486 32622~~
~~147600 15049 21722 25527 28207 30576 32718~~
~~148200 15090 21782 25599 28286 30662 32810~~
~~148800 15133 21845 25674 28369 30752 32907~~
~~149400 15176 21908 25749 28452 30842 33003~~
~~150000 15218 21971 25823 28534 30931 33099~~ the maximum guideline income listed on the schedule.

(B)(1) The basic child support schedule created under division (A) of this section shall consist of a table containing a guideline income column followed by six columns for the total number of children subject to the order. The table shall begin at a guideline income of \$8,400 and increase at \$600 increments through a guideline income of \$300,000. The child support obligation amount shall be contained at each intersection of the guideline income row with the column containing the number of children subject to the order. The department shall derive the child support obligation amounts by

multiplying the guideline income amount at \$600 increments by the basic obligation percentages listed for each income range, for each child, as indicated below:

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(a) For one child:

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<u>GUIDELINE INCOME</u>	<u>BASIC OBLIGATION</u>
<u>\$11,510.40 or less</u>	<u>19.193% of the amount of income</u>
<u>More than \$11,510.40, but not more than \$39,044.16</u>	<u>Income of \$11,510.40 multiplied by 19.193% plus 16.047% of the amount of income in excess of \$11,510.40</u>
<u>More than \$39,044.16 but not more than \$49,984.92</u>	<u>Income of \$39,044.16 multiplied by 16.974% plus 14.788% of the amount of income in excess of \$39,044.16</u>
<u>More than \$49,984.92 but not more than \$58,239.48</u>	<u>Income of \$49,984.92 multiplied by 16.496% plus 11.039% of the amount of income in excess of \$49,984.92</u>
<u>More than \$58,239.48 but not more than \$66,433.56</u>	<u>Income of \$58,239.48 multiplied by 15.722% plus 7.167% of the amount of income in excess of \$58,239.48</u>

-

-

More than \$66,433.56 but Income of \$66,433.56 multiplied by
not more than \$78,814.80 14.667% plus 5.915% of the amount of
income in excess of \$66,433.56

-

More than \$78,814.80 but Income of \$78,814.80 multiplied by
not more than \$91,196.16 13.292% plus 8.162% of the amount of
income in excess of \$78,814.80

-

More than \$91,196.16 but Income of \$91,196.16 multiplied by
not more than \$99,495.72 12.596% plus 4.377% of the amount of
income in excess of \$91,196.16

-

More than \$99,495.72 but Income of \$99,495.72 multiplied by
not more than \$108,267.96 11.910% plus 2.057% of the amount of
income in excess of \$99,495.72

-

More than \$108,267.96 but Income of \$108,267.96 multiplied by
not more than \$121,158.48 11.112% plus 7.636% of the amount of
income in excess of \$108,267.96

-

More than \$121,158.48 but Income of \$121,158.48 multiplied by
not more than \$133,213.56 10.742% plus 8.458% of the amount of

<u>income in excess of \$121,158.48</u>	
-	
<u>More than \$133,213.56 but</u>	<u>Income of \$133,213.56 multiplied by</u>
<u>not more than \$145,268.76</u>	<u>10.535% plus 5.620% of the amount of</u>
	<u>income in excess of \$133,213.56</u>
-	
<u>More than \$145,268.76 but</u>	<u>Income of \$145,268.76 multiplied by</u>
<u>not more than \$161,342.28</u>	<u>10.127% plus 6.293% of the amount of</u>
	<u>income in excess of \$145,268.76</u>
-	
<u>More than \$161,342.28 but</u>	<u>Income of \$161,342.28 multiplied by</u>
<u>not more than \$177,417.24</u>	<u>9.745% plus 5.562% of the amount of</u>
	<u>income in excess of \$161,342.28</u>
-	
<u>More than \$177,417.24 but</u>	<u>Income of \$177,417.24 multiplied by</u>
<u>not more than \$193,489.32</u>	<u>9.366% plus 7.068% of the amount of</u>
	<u>income in excess of \$177,417.24</u>
-	
<u>More than \$193,489.32 but</u>	<u>Income of \$193,489.32 multiplied by</u>
<u>not more than \$219,296.76</u>	<u>9.175% plus 2.815% of the amount of</u>
	<u>income in excess of \$193,489.32</u>
-	
<u>More than \$219,296.76 but</u>	<u>Income of \$219,296.76 multiplied by</u>

not more than \$258,292.92	8.427% plus 4.394% of the amount of
	income in excess of \$219,296.76

-

More than \$258,292.92 but	Income of \$258,292.92 multiplied by
not more than \$336,467.04	7.818% plus 3.761% of the amount of
	income in excess of \$258,292.92

-

(b) For two children:

GUIDELINE INCOME	BASIC OBLIGATION
------------------	------------------

-

\$11,510.40 or less	29.209% of the amount of income
---------------------	---------------------------------

More than \$11,510.40 but not	Income of \$11,510.40 multiplied by
more than \$39,044.16	29.209% plus 24.327% of the amount of
	income in excess of \$11,510.40

-

More than \$39,044.16 but not	Income of \$39,044.16 multiplied by
more than \$49,984.92	25.776% plus 21.938% of the amount of
	income in excess of \$39,044.16

-

More than \$49,984.92 but not	Income of \$49,984.92 multiplied by
more than \$58,239.48	24.928% plus 15.953% of the amount of
	income in excess of \$49,984.92

-

More than \$58,239.48 but not Income of \$58,239.48 multiplied by
more than \$66,433.56 23.656% plus 9.625% of the amount of
income in excess of \$58,239.48

-

More than \$66,433.56 but not Income of \$66,433.56 multiplied by
more than \$78,814.80 21.926% plus 8.545% of the amount of
income in excess of \$66,433.56

-

More than \$78,814.80 but not Income of \$78,814.80 multiplied by
more than \$91,196.16 19.824% plus 12.507% of the amount of
income in excess of \$78,814.80

-

More than \$91,196.16 but not Income of \$91,196.16 multiplied by
more than \$99,495.72 18.830% plus 5.263% of the amount of
income in excess of \$91,196.16

-

More than \$99,495.72 but not Income of \$99,495.72 multiplied by
more than \$108,267.96 17.699% plus 2.955% of the amount of
income in excess of \$99,495.72

-

More than \$108,267.96 but Income of \$108,267.96 multiplied by
not more than \$121,158.48 16.504% plus 11.607% of the amount of

not more than \$219,296.76 13.607% plus 4.327% of the amount of
income in excess of \$193,489.32

-

More than \$219,296.76 but Income of \$219,296.76 multiplied by
not more than \$258,292.92 12.515% plus 5.952% of the amount of
income in excess of \$219,296.76

-

More than \$258,292.92 but Income of \$258,292.92 multiplied by
not more than \$336,467.04 11.524% plus 6.081% of the amount of
income in excess of \$258,292.92

-

(c) For three children:

GUIDELINE INCOME BASIC OBLIGATION

-

\$11,510.40 or less 35.410% of the amount of income

-

More than \$11,510.40 but Income of \$11,510.40 multiplied by
not more than \$39,044.16 35.410% plus 29.128% of the amount of
income in excess of \$11,510.40

-

More than \$39,044.16 but Income of \$39,044.16 multiplied by
not more than \$49,984.92 30.980% plus 25.763% of the amount of
income in excess of \$39,044.16

-

More than \$49,984.92 but Income of \$49,984.92 multiplied by
not more than \$58,239.48 29.838% plus 18.202% of the amount of
income in excess of \$49,984.92

-

More than \$58,239.48 but Income of \$58,239.48 multiplied by
not more than \$66,433.56 28.189% plus 10.034% of the amount of
income in excess of \$58,239.48

-

More than \$66,433.56 but Income of \$66,433.56 multiplied by
not more than \$78,814.80 25.950% plus 9.747% of the amount of
income in excess of \$66,433.56

-

More than \$78,814.80 but Income of \$78,814.80 multiplied by
not more than \$91,196.16 23.404% plus 15.193% of the amount of
income in excess of \$78,814.80

-

More than \$91,196.16 but Income of \$91,196.16 multiplied by
not more than \$99,495.72 22.290% plus 4.632% of the amount of
income in excess of \$91,196.16

-

More than \$99,495.72 but Income of \$99,495.72 multiplied by
not more than \$108,267.96 20.817% plus 3.351% of the amount of

<u>not more than \$193,489.32</u>	<u>16.541% plus 10.010% of the amount of</u>
	<u>income in excess of \$177,417.24</u>

-

<u>More than \$193,489.32 but</u>	<u>Income of \$193,489.32 multiplied by</u>
<u>not more than \$219,296.76</u>	<u>15.974% plus 5.274% of the amount of</u>
	<u>income in excess of \$193,489.32</u>

-

<u>More than \$219,296.76 but</u>	<u>Income of \$219,296.76 multiplied by</u>
<u>not more than \$258,292.92</u>	<u>14.715% plus 6.280% of the amount of</u>
	<u>income in excess of \$219,296.76</u>

-

<u>More than \$258,292.92 but</u>	<u>Income of \$258,292.92 multiplied by</u>
<u>not more than \$336,467.04</u>	<u>13.441% plus 7.776% of the amount of</u>
	<u>income in excess of \$258,292.92</u>

-

(d) For four children:

<u>GUIDELINE INCOME</u>	<u>BASIC OBLIGATION</u>
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-

<u>\$11,510.40 or less</u>	<u>39.553% of the amount of income</u>
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-

<u>More than \$11,510.40 but</u>	<u>Income of \$11,510.40 multiplied by</u>
<u>not more than \$39,044.16</u>	<u>39.553% plus 32.536% of the amount of</u>
	<u>income in excess of \$11,510.40</u>

-

More than \$39,044.16 but Income of \$39,044.16 multiplied by
not more than \$49,984.92 34.605% plus 28.778% of the amount of
income in excess of \$39,044.16

-

More than \$49,984.92 but Income of \$49,984.92 multiplied by
not more than \$58,239.48 33.329% plus 20.331% of the amount of
income in excess of \$49,984.92

-

More than \$58,239.48 but Income of \$58,239.48 multiplied by
not more than \$66,433.56 31.487% plus 11.208% of the amount of
income in excess of \$58,239.48

-

More than \$66,433.56 but Income of \$66,433.56 multiplied by
not more than \$78,814.80 28.986% plus 10.887% of the amount of
income in excess of \$66,433.56

-

More than \$78,814.80 but Income of \$78,814.80 multiplied by
not more than \$91,196.16 26.143% plus 16.971% of the amount of
income in excess of \$78,814.80

-

More than \$91,196.16 but Income of \$91,196.16 multiplied by
not more than \$99,495.72 24.897% plus 5.174% of the amount of

<u>income in excess of \$91,196.16</u>	
-	
<u>More than \$99,495.72 but</u>	<u>Income of \$99,495.72 multiplied by</u>
<u>not more than \$108,267.96</u>	<u>23.252% plus 3.743% of the amount of</u>
	<u>income in excess of \$99,495.72</u>
-	
<u>More than \$108,267.96 but</u>	<u>Income of \$108,267.96 multiplied by</u>
<u>not more than \$121,158.48</u>	<u>21.671% plus 15.623% of the amount of</u>
	<u>income in excess of \$108,267.96</u>
-	
<u>More than \$121,158.48 but</u>	<u>Income of \$121,158.48 multiplied by</u>
<u>not more than \$133,213.56</u>	<u>21.028% plus 17.086% of the amount of</u>
	<u>income in excess of \$121,158.48</u>
-	
<u>More than \$133,213.56 but</u>	<u>Income of \$133,213.56 multiplied by</u>
<u>not more than \$145,268.76</u>	<u>20.671% plus 8.957% of the amount of</u>
	<u>income in excess of \$133,213.56</u>
-	
<u>More than \$145,268.76 but</u>	<u>Income of \$145,268.76 multiplied by</u>
<u>not more than \$161,342.28</u>	<u>19.699% plus 12.217% of the amount of</u>
	<u>income in excess of \$145,268.76</u>
-	
<u>More than \$161,342.28 but</u>	<u>Income of \$161,342.28 multiplied by</u>

<u>not more than \$177,417.24</u>	<u>18.954% plus 13.353% of the amount of</u>
	<u>income in excess of \$161,342.28</u>

-

<u>More than \$177,417.24 but</u>	<u>Income of \$177,417.24 multiplied by</u>
<u>not more than \$193,489.32</u>	<u>18.446% plus 11.181% of the amount of</u>
	<u>income in excess of \$177,417.24</u>

-

<u>More than \$193,489.32 but</u>	<u>Income of \$193,489.32 multiplied by</u>
<u>not more than \$219,296.76</u>	<u>17.843% plus 5.891% of the amount of</u>
	<u>income in excess of \$193,489.32</u>

-

<u>More than \$219,296.76 but</u>	<u>Income of \$219,296.76 multiplied by</u>
<u>not more than \$258,292.92</u>	<u>16.436% plus 7.015% of the amount of</u>
	<u>income in excess of \$219,296.76</u>

-

<u>More than \$258,292.92 but</u>	<u>Income of \$258,292.92 multiplied by</u>
<u>not more than \$336,467.04</u>	<u>15.014% plus 8.686% of the amount of</u>
	<u>income in excess of \$258,292.92</u>

-

(e) For five children:

<u>GUIDELINE INCOME</u>	<u>BASIC OBLIGATION</u>
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-

<u>\$11,510.40 or less</u>	<u>43.508% of the amount of income</u>
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-

More than \$11,510.40 but Income of \$11,510.40 multiplied by
not more than \$39,044.16 43.508% plus 35.790% of the amount of
income in excess of \$11,510.40

-

More than \$39,044.16 but Income of \$39,044.16 multiplied by
not more than \$49,984.92 38.065% plus 31.656% of the amount of
income in excess of \$39,044.16

-

More than \$49,984.92 but Income of \$49,984.92 multiplied by
not more than \$58,239.48 36.662% plus 22.365% of the amount of
income in excess of \$49,984.92

-

More than \$58,239.48 but Income of \$58,239.48 multiplied by
not more than \$66,433.56 34.636% plus 12.329% of the amount of
income in excess of \$58,239.48

-

More than \$66,433.56 but Income of \$66,433.56 multiplied by
not more than \$78,814.80 31.884% plus 11.976% of the amount of
income in excess of \$66,433.56

-

More than \$78,814.80 but Income of \$78,814.80 multiplied by
not more than \$91,196.16 28.757% plus 18.668% of the amount of

<u>income in excess of \$78,814.80</u>	
-	
<u>More than \$91,196.16 but</u>	<u>Income of \$91,196.16 multiplied by</u>
<u>not more than \$99,495.72</u>	<u>27.387% plus 5.692% of the amount of</u>
	<u>income in excess of \$91,196.16</u>
-	
<u>More than \$99,495.72 but</u>	<u>Income of \$99,495.72 multiplied by</u>
<u>not more than \$108,267.96</u>	<u>25.577% plus 4.117% of the amount of</u>
	<u>income in excess of \$99,495.72</u>
-	
<u>More than \$108,267.96 but</u>	<u>Income of \$108,267.96 multiplied by</u>
<u>not more than \$121,158.48</u>	<u>23.839% plus 17.186% of the amount of</u>
	<u>income in excess of \$108,267.96</u>
-	
<u>More than \$121,158.48 but</u>	<u>Income of \$121,158.48 multiplied by</u>
<u>not more than \$133,213.56</u>	<u>23.131% plus 18.794% of the amount of</u>
	<u>income in excess of \$121,158.48</u>
-	
<u>More than \$133,213.56 but</u>	<u>Income of \$133,213.56 multiplied by</u>
<u>not more than \$145,268.76</u>	<u>22.738% plus 9.852% of the amount</u>
	<u>income in excess of \$133,213.56</u>
-	
<u>More than \$145,268.76 but</u>	<u>Income of \$145,268.76 multiplied by</u>

not more than \$161,342.28 21.669% plus 13.438% of the amount of
income in excess of \$145,268.76

-

More than \$161,342.28 but Income of \$161,342.28 multiplied by
not more than \$177,417.24 20.849% plus 14.688% of the amount of
income in excess of \$161,342.28

-

More than \$177,417.24 but Income of \$177,417.24 multiplied by
not more than \$193,489.32 20.291% plus 12.299% of the amount of
income in excess of \$177,417.24

-

More than \$193,489.32 but Income of \$193,489.32 multiplied by
not more than \$219,296.76 19.627% plus 6.480% of the amount of
income in excess of \$193,489.32

-

More than \$219,296.76 but Income of \$219,296.76 multiplied by
not more than \$258,292.92 18.080% plus 7.716% of the amount of
income in excess of \$219,296.76

-

More than \$258,292.92 but Income of \$258,292.92 multiplied by
not more than \$336,467.04 16.515% plus 9.555% of the amount of
income in excess of \$258,292.92

-

(f) For six children:

<u>GUIDELINE INCOME</u>	<u>BASIC OBLIGATION</u>
-	
<u>\$11,510.40 or less</u>	<u>47.293% of the amount of income</u>
-	
<u>More than \$11,510.40 but</u>	<u>Income of \$11,510.40 multiplied by</u>
<u>not more than \$39,044.16</u>	<u>47.293% plus 38.904% of the amount of</u>
	<u>income in excess of \$11,510.40</u>
-	
<u>More than \$39,044.16 but</u>	<u>Income of \$39,044.16 multiplied by</u>
<u>not more than \$49,984.92</u>	<u>41.377% plus 34.410% of the amount of</u>
	<u>income in excess of \$39,044.16</u>
-	
<u>More than \$49,984.92 but</u>	<u>Income of \$49,984.92 multiplied by</u>
<u>not more than \$58,239.48</u>	<u>39.852% plus 24.310% of the amount of</u>
	<u>income in excess of \$49,984.92</u>
-	
<u>More than \$58,239.48 but</u>	<u>Income of \$58,239.48 multiplied by</u>
<u>not more than \$66,433.56</u>	<u>37.649% plus 13.402% of the amount of</u>
	<u>income in excess of \$58,239.48</u>
-	
<u>More than \$66,433.56 but</u>	<u>Income of \$66,433.56 multiplied by</u>
<u>not more than \$78,814.80</u>	<u>34.658% plus 13.018% of the amount of</u>

not more than \$145,268.76 24.717% plus 10.709% of the amount of
income in excess of \$133,213.56

-

More than \$145,268.76 but Income of \$145,268.76 multiplied by
not more than \$161,342.28 23.554% plus 14.608% of the amount of
income in excess of \$145,268.76

-

More than \$161,342.28 but Income of \$161,342.28 multiplied by
not more than \$177,417.24 22.663% plus 15.966% of the amount of
income in excess of \$161,342.28

-

More than \$177,417.24 but Income of \$177,417.24 multiplied by
not more than \$193,489.32 22.056% plus 13.369% of the amount of
income in excess of \$177,417.24

-

More than \$193,489.32 but Income of \$193,489.32 multiplied by
not more than \$219,296.76 21.334% plus 7.044% of the amount of
income in excess of \$193,489.32

-

More than \$219,296.76 but Income of \$219,296.76 multiplied by
not more than \$258,292.92 19.653% plus 8.387% of the amount of
income in excess of \$219,296.76

-

More than \$258,292.92 but Income of \$258,292.92 multiplied by
not more than \$336,467.04 17.952% plus 10.386% of the amount of
income in excess of \$258,292.92

(2) The basic child support schedule shall incorporate a self-sufficiency reserve based on one hundred sixteen per cent of the federal poverty level amount for a single person as reported by the United States department of health and human services in calendar year 2016. In order to incorporate the self-sufficiency reserve, the department shall apply the calculation described in division (B)(1) of this section to develop an unadjusted schedule and then apply the following steps to incorporate the self-sufficiency reserve:

(a) For a guideline income of eight thousand four hundred dollars or less, the schedule amount shall be the minimum order amount as provided in section 3119.06 of the Revised Code.

(b) For a guideline income greater than eight thousand four hundred dollars but not greater than one hundred sixteen per cent of the federal poverty level for a single person, the schedule amount shall be the product of the following formula:

sliding scale multiplier X (guideline income - \$8,400) + annual minimum support amount under section 3119.06 of the Revised Code

(c) For a guideline income greater than one hundred sixteen per cent of the federal poverty level for a single person, the schedule amount shall be the lesser of the following:

(i) The higher resulting product of the following formulas:

(guideline income - 116% of federal poverty level) X 0.3

sliding scale multiplier X (guideline income - \$8,400) + annual minimum support amount under section 3119.06 of the Revised Code

(ii) The unadjusted schedule amount created in accordance with division (B)(1) of this section.

(d) The sliding scale multipliers required for the formulas in divisions (B)(2)(b) and (c) of this section are as follows:

(i) For one child: five per cent;

(ii) For two children: ten per cent;

(iii) For three children: twelve per cent;

(iv) For four children: thirteen per cent;

(v) For five children: fourteen per cent;

(vi) For six or more children: fifteen per cent.

(C) Every four years after the effective date of this section, the department shall update the basic child support schedule and self-sufficiency reserve to reflect United States department of labor changes in the CPI-U and for changes in the federal poverty level amount for a single person as reported by the United States department of health and human services.

(1) When updating the basic child support schedule for the most recent CPI-U, the department of job and family services shall update the figures in the guideline income column for the percentage difference between the most recent CPI-U and the March 2016 CPI-U.

(2) When updating the self-sufficiency reserve incorporated into the basic child support

schedule, the department shall set the self-sufficiency reserve based on one hundred sixteen per cent of the federal poverty level for a single person as reported by the United States department of health and human services in the most recent calendar year.

Sec. 3119.022. The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the creation of child support guideline worksheets and instructions that incorporate the requirements of Chapter 3119. of the Revised Code for the calculation of child support and cash medical support obligations. In addition, the department shall:

(A) Adopt standard worksheet forms that shall be used in all courts and child support enforcement agencies when calculating child support and cash medical support obligations; and

(B) Adopt a standard instruction manual to provide guidance and assistance to persons calculating support obligations.

The guideline worksheet and instruction manual may be revised as needed, but shall be revised at least once every five years.

Sec. 3119.023. (A) At least once every four years, the department of job and family services shall review the basic child support schedule issued by the department pursuant to section 3119.021 of the Revised Code to determine whether child support orders issued in accordance with that schedule and the worksheets created under rules adopted under section 3119.022 of the Revised Code adequately provide for the needs of children who are subject to the child support orders. The department may consider the adequacy and appropriateness of the current schedule, whether there are substantial and permanent changes in household consumption and savings patterns, particularly those resulting in substantial and permanent changes in the per cent of total household expenditures on children, and whether there have been substantial and permanent changes to the federal and state income tax code other than inflationary adjustments to such things as the exemption amount and income tax brackets, and other factors when conducting its review. The review is in addition to, and independent of, any schedule update completed as set forth in section 3119.021 of the Revised Code. The department shall prepare a report of its review and include recommendations for statutory changes, and submit a copy of the report to both houses of the general assembly.

(B) For each review, the department shall establish a child support guideline advisory council to assist the department in the completion of its reviews and reports. Each council shall be composed of:

(1) Obligor;

(2) Obligees;

(3) Judges of courts of common pleas who have jurisdiction over domestic relations and juvenile court cases that involve the determination of child support;

(4) Attorneys whose practice includes a significant number of domestic relations or juvenile court cases that involve the determination of child support;

(5) Representatives of child support enforcement agencies;

(6) Other persons interested in the welfare of children;

(7) Three members of the senate appointed by the president of the senate, not more than two of whom are members of the same political party; and

(8) Three members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party.

(C) The department shall consider input from the council prior to the completion of any report under this section. The department shall submit its report on or before the first day of March of every fourth year after 2015.

(D) The advisory council shall cease to exist at the time that the department submits its review to the general assembly under this section.

(E) Any expenses incurred by an advisory council shall be paid by the department.

Sec. 3119.04. ~~(A) If the combined gross income of both parents is less than six thousand six hundred dollars per year, the court or child support enforcement agency shall determine the amount of the obligor's child support obligation on a case-by-case basis using the schedule as a guideline. The court or agency shall review the obligor's gross income and living expenses to determine the maximum amount of child support that it reasonably can order without denying the obligor the means for self-support at a minimum subsistence level and shall order a specific amount of child support, unless the obligor proves to the court or agency that the obligor is totally unable to pay child support, and the court or agency determines that it would be unjust or inappropriate to order the payment of child support and enters its determination and supporting findings of fact in the journal.~~

(B) If the combined gross annual income of both parents is greater than one hundred fifty thousand dollars per year the maximum annual income listed on the basic child support schedule established pursuant to section 3119.021 of the Revised Code, the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, shall determine the amount of the obligor's child support obligation on a case-by-case basis and shall consider the needs and the standard of living of the children who are the subject of the child support order and of the parents. The court or agency shall compute a basic combined child support obligation that is no less than the obligation that would have been computed under the basic child support schedule and applicable worksheet for a combined gross annual income of one hundred fifty thousand dollars equal to the maximum annual income listed on the basic child support schedule established pursuant to section 3119.021 of the Revised Code, unless the court or agency determines that it would be unjust or inappropriate and would therefore not be in the best interest of the child, obligor, or obligee to order that amount. If the court or agency makes such a determination, it shall enter in the journal the figure, determination, and findings. If the combined annual income of both parents falls below the \$8,400 floor of the basic child support schedule in accordance with section 3119.021 of the Revised Code, the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, shall apply the minimum support amount in accordance with section 3119.06 of the Revised Code.

Sec. 3119.05. When a court computes the amount of child support required to be paid under a court child support order or a child support enforcement agency computes the amount of child support to be paid pursuant to an administrative child support order, all of the following apply:

(A) The parents' current and past income and personal earnings shall be verified by electronic means or with suitable documents, including, but not limited to, paystubs, employer statements, receipts and expense vouchers related to self-generated income, tax returns, and all supporting documentation and schedules for the tax returns.

(B) The annual amount of any pre-existing child support obligation of a parent under a child support order and the amount of any court-ordered spousal support actually paid, excluding any

ordered payment on arrears, shall be deducted from the gross-annual income of that parent to the extent that payment ~~under the child support order or that payment of the~~ that court-ordered spousal support is verified by supporting documentation.

~~(C) If other minor children who were born to the parent and a person other than the other parent who is involved in the immediate child support determination live with the parent, the court or agency shall deduct an amount from that parent's gross income that equals the number of such minor children times the federal income tax exemption for such children less child support received for them for the year, not exceeding the federal income tax exemption. The court or agency shall adjust the amount of child support paid by a parent to give credit for children not included in the current calculation. When calculating the adjusted amount, the court or agency shall use the schedule and do the following:~~

(1) Determine the amount of child support that each parent would be ordered to pay for all children for whom the parent has the legal duty to support, according to each parent's annual income. If the number of children subject to the order is greater than six, multiply the amount for three children in accordance with division (C)(4) of this section to determine the amount of child support.

(2) Compute a child support credit amount for each parent's children who are not subject to this order by dividing the amount determined in division (C)(1) of this section by the total number of children whom the parent is obligated to support and multiplying that number by the number of the parent's children who are not subject to this order.

(3) Determine the adjusted income of the parents by subtracting the credit for minor children not subject to this order computed under division (C)(2) of this section, from the annual income of each parent for the children each has a duty to support that are not subject to this order.

(4) If the number of children is greater than six, multiply the amount for three children by:

(a) 1.440 for seven children;

(b) 1.540 for eight children;

(c) 1.638 for nine children;

(d) 1.734 for ten children;

(e) 1.827 for eleven children;

(f) 1.919 for twelve children;

(g) 2.008 for thirteen children;

(h) 2.096 for fourteen children;

(i) 2.182 for more than fourteen children.

(D) When the court or agency calculates the gross-annual income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

(2) The total overtime, commissions, and bonuses received during the year immediately prior to the time when the person's child support obligation is being computed.

(E) When the court or agency calculates the gross-annual income of a parent, it shall not include any income earned by the spouse of that parent.

(F) The court shall issue a separate order for extraordinary medical or dental expenses, including, but not limited to, medical support order for extraordinary medical expenses, including

orthodontia, dental, optical, and psychological, ~~appropriate services.~~

If the court makes an order for payment of private education, and other appropriate expenses, and it shall do so by issuing a separate order.

The court may consider ~~the~~ these expenses in adjusting a child support order.

(G) When a court or agency calculates the amount of child support to be paid pursuant to a court child support order or an administrative child support order, if the following shall apply:

(1) The court or agency shall apply the basic child support schedule to the parents' combined annual incomes and to each parent's individual income.

(2) If the combined ~~gross~~ annual income of both parents or the individual annual income of a parent is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined ~~gross~~ annual income or the individual parent's annual income.

(3) If the annual individual income of either or both of the parents is within the self-sufficiency reserve in the basic child support schedule, the court or agency shall do both of the following:

(a) Calculate the basic child support obligation for the parents using the schedule amount applicable to the combined annual income and the schedule amount applicable to the income in the self-sufficiency reserve;

(b) Determine the lesser of the following amounts to be the applicable basic child support obligation:

(i) The amount that results from using the combined annual income of the parents not in the self-sufficiency reserve of the schedule; or

(ii) The amount that results from using the individual parent's income within the self-sufficiency reserve of the schedule.

(H) When the court or agency calculates ~~gross~~ annual income, the court or agency, when appropriate, may average income over a reasonable period of years.

(I) Unless it would be unjust or inappropriate and therefore not in the best interests of the child, a court or agency shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if ~~either~~ any of the following conditions exist:

(1) The parent is receiving recurring monetary income from means-tested public assistance benefits, including cash assistance payments under the Ohio works first program established under Chapter 5107. of the Revised Code, general assistance under former Chapter 5113. of the Revised Code, supplemental security income, or means-tested veterans' benefits;

(2) The parent is approved for social security disability insurance benefits because of a mental or physical disability, or the court or agency determines that the parent is unable to work based on medical documentation that includes a physician's diagnosis and a physician's opinion regarding the parent's mental or physical disability and inability to work.

(3) The parent has proven that the parent has made continuous and diligent efforts without success to find and accept employment, including temporary employment, part-time employment, or

employment at less than the parent's previous salary or wage.

(4) The parent is complying with court-ordered family reunification efforts in a child abuse, neglect, or dependency proceeding, to the extent that compliance with those efforts limits the parent's ability to earn income.

(5) The parent is incarcerated or institutionalized for a period of twelve months or more with no other available assets, unless the parent is incarcerated for an offense relating to the abuse or neglect of a child who is the subject of the support order or an offense under Title XXIX of the Revised Code when against the obligee or a child who is the subject of the support order is a victim of the offense.

(J) When a court or agency requires a parent to pay an amount for that parent's failure to support a child for a period of time prior to the date the court modifies or issues a court child support order or an agency modifies or issues an administrative child support order for the current support of the child, the court or agency shall calculate that amount using the basic child support schedule, worksheets, and child support laws in effect, and the incomes of the parents as they existed, for that prior period of time.

(K) A court or agency may disregard a parent's additional income from overtime or additional employment when the court or agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances.

(L) If both parents involved in the immediate child support determination have a prior order for support relative to a minor child or children born to both parents, the court or agency shall collect information about the existing order or orders and consider those together with the current calculation for support to ensure that the total of all orders for all children of the parties does not exceed the amount that would have been ordered if all children were addressed in a single judicial or administrative proceeding.

(M) A support obligation of a parent with annual income subject to the self-sufficiency reserve of the basic child support schedule shall not exceed the support obligation that would result from application of the schedule without the reserve.

(N) Any non-means tested benefit received by the child or children subject to the order resulting from the claims of either parent shall be deducted from that parent's annual child support obligation after all other adjustments have been made. If that non-means tested benefit exceeds the child support obligation of the parent from whose claim the benefit is realized, the child support obligation for that parent shall be zero.

(O) As part of the child support calculation, the parents shall be ordered to share the costs of child care. Subject to the limitations in this division, a child support obligor shall pay an amount equal to the obligor's income share of the child care cost incurred for the child or children subject to the order.

(1) The child care cost used in the calculation:

(a) Shall be for the child determined to be necessary to allow a parent to work, or for activities related to employment training;

(b) Shall be verifiable by credible evidence as determined by a court or child support enforcement agency;

(c) Shall exclude any reimbursed or subsidized child care cost, including any state or federal

tax credit for child care available to the parent or caretaker, whether or not claimed;

(d) Shall not exceed the maximum state-wide average cost estimate issued by the department of job and family services, using the data collected and reported as required in section 5104.04 of the Revised Code.

(2) When the annual income of the obligor is subject to the self-sufficiency reserve of the basic support schedule, the share of the child care cost paid by the obligor shall be equal to the lower of the obligor's income share of the child care cost, or fifty per cent of the child care cost.

Sec. 3119.051. (A) Except as otherwise provided in this section, a court or child support enforcement agency calculating the amount to be paid under a child support order shall reduce by ten per cent the amount of the annual individual support obligation for the parent or parents when a court has issued or is issuing a court-ordered parenting time order that equals or exceeds ninety overnights per year. This reduction may be in addition to the other deviations and reductions.

(B) At the request of the obligee, a court may eliminate a previously granted adjustment established under division (A) of this section if the obligor, without just cause, has failed to exercise court-ordered parenting time.

Sec. 3119.06. Except as otherwise provided in this section, in any action in which a court or a child support enforcement agency issues or modifies a child support order or in any other proceeding in which a court or agency determines the amount of child support to be paid pursuant to a child support order, the court or agency shall issue a minimum child support order requiring the obligor to pay a minimum of fifty-eighty dollars a month for all the children subject to that order. The court or agency, in its discretion and in appropriate circumstances, may issue a minimum child support order requiring the obligor to pay of less than fifty-eighty dollars a month or issue an order not requiring the obligor to pay an any child support amount for support. The circumstances under which a court or agency may issue such an order include the nonresidential parent's medically verified or documented physical or mental disability or institutionalization in a facility for persons with a mental illness or any other circumstances considered appropriate by the court or agency.

If a court or agency issues a minimum child support order obligation pursuant to this section and the obligor under the support order is the recipient of need-based means-tested public assistance, as described in division (C)(12)(a) of section 3119.01 of the Revised Code, any unpaid amounts of support due under the support order shall accrue as arrearages from month to month, and the obligor's current obligation to pay the support due under the support order is suspended during any period of time that the obligor is receiving need-based means-tested public assistance and is complying with any seek work orders issued pursuant to section 3121.03 of the Revised Code. The court, obligee, and child support enforcement agency shall not enforce the obligation of the obligor to pay the amount of support due under the support order while the obligor is receiving need-based means-tested public assistance and is complying with any seek work orders issued pursuant to section 3121.03 of the Revised Code.

Sec. 3119.22. The court may order an amount of child support that deviates from the amount of child support that would otherwise result from the use of the basic child support schedule and the applicable worksheet, through the line establishing the actual annual obligation, if, after considering the factors and criteria set forth in section 3119.23 of the Revised Code, the court determines that the amount calculated pursuant to the basic child support schedule and the applicable worksheet, through

~~the line establishing the actual annual obligation, would be unjust or inappropriate and would therefore not be in the best interest of the child.~~

If it deviates, the court must enter in the journal the amount of child support calculated pursuant to the basic child support schedule and the applicable worksheet, ~~through the line establishing the actual annual obligation,~~ its determination that ~~that the amount would be unjust or inappropriate and would therefore not be~~ in the best interest of the child, and findings of fact supporting that determination.

Sec. 3119.23. The court may consider any of the following factors in determining whether to grant a deviation pursuant to section 3119.22 of the Revised Code:

(A) Special and unusual needs of the child or children, including needs arising from the physical or psychological condition of the child or children;

~~(B) Extraordinary obligations for minor children or obligations for handicapped children who are not stepchildren and who are not offspring from the marriage or relationship that is the basis of the immediate child support determination;~~

~~(C) Other court-ordered payments;~~

~~(D) (C) Extended parenting time or extraordinary costs associated with parenting time, provided that this division does not authorize and shall not be construed as authorizing any deviation from the schedule and the applicable worksheet, through the line establishing the actual annual obligation, or any escrowing, impoundment, or withholding of child support because of a denial of or interference with a right of parenting time granted by court order including extraordinary travel expenses when exchanging the child or children for parenting time;~~

~~(E) The obligor obtaining additional employment after a child support order is issued in order to support a second family;~~

~~(F) (D) The financial resources and the earning ability of the child or children;~~

~~(G) Disparity (E) The relative financial resources, including the disparity in income between parties or households, other assets, and the needs of each parent;~~

~~(H) (F) The obligee's income, if the obligee's annual income is equal to or less than one hundred per cent of the federal poverty level;~~

~~(G) Benefits that either parent receives from remarriage or sharing living expenses with another person;~~

~~(H) (H) The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;~~

~~(J) (I) Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing;~~

~~(K) The relative financial resources, other assets and resources, and needs of each parent;~~

~~(L) (J) Extraordinary work-related expenses incurred by either parent;~~

~~(K) The standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married;~~

~~(M) The physical and emotional condition and needs of the child;~~

~~(N) (L) The need and capacity of the child for an education and the educational opportunities that would have been available to the child had the circumstances requiring a court child support order for support not arisen;~~

~~(M)~~ The responsibility of each parent for the support of others, including support of a child or children with disabilities who are not subject to the support order;

(N) Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated;

(O) Costs incurred or reasonably anticipated to be incurred by the parents in compliance with court-ordered reunification efforts in child abuse, neglect, or dependency cases;

(P) Extraordinary child care costs required for the child or children that exceed the maximum state-wide average cost estimate provided in division (O)(1)(d) of section 3119.05 of the Revised Code including extraordinary costs associated with caring for a child or children with specialized physical, psychological, or educational needs;

(Q) Any other relevant factor.

~~The court may accept an agreement of the parents that assigns a monetary value to any of the factors and criteria listed in this section that are applicable to their situation.~~

If the court grants a deviation based on division ~~(P)~~(Q) of this section, it shall specifically state in the order the facts that are the basis for the deviation.

Sec. 3119.231. (A) If court-ordered parenting time exceeds ninety overnights per year, the court shall consider whether to grant a deviation pursuant to section 3119.22 of the Revised Code for the reason set forth in division (C) of section 3119.23 of the Revised Code. This deviation is in addition to any adjustments provided under division (A) of section 3119.051 of the Revised Code.

(B) If court-ordered parenting time is equal to or exceeds one hundred forty-seven overnights per year, and the court does not grant a deviation under division (A) of this section, it shall specify in the order the facts that are the basis for the court's decision.

~~Sec. 3119.24. (A)(1) A court that issues a shared parenting order in accordance with section 3109.04 of the Revised Code shall order an amount of child support to be paid under the child support order that is calculated in accordance with the schedule and with the worksheet set forth in section 3119.022 of the Revised Code, through the line establishing the actual annual obligation, except that, if that amount would be unjust or inappropriate to the children or either parent and would therefore not be in the best interest of the child because of the extraordinary circumstances of the parents or because of any other factors or criteria set forth in section 3119.23 of the Revised Code, the court may deviate from that amount.~~

(2) The court shall consider extraordinary circumstances and other factors or criteria if it deviates from the amount described in division (A)(1) of this section and shall enter in the journal the amount described in division (A)(1) of this section its determination that the amount would be unjust or inappropriate and ~~would therefore not be~~ in the best interest of the child, and findings of fact supporting its determination.

(B) For the purposes of this section, "extraordinary circumstances of the parents" includes all of the following:

~~(1) The amount of time the children spend with each parent;~~

~~(2) The ability of each parent to maintain adequate housing for the children;~~

~~(3)~~ (2) Each parent's expenses, including child care expenses, school tuition, medical expenses, dental expenses, and any other expenses the court considers relevant;

~~(4)~~ (3) Any other circumstances the court considers relevant.

Sec. 3119.29. ~~(A)~~ As used in this section and sections 3119.30 to 3119.56 of the Revised Code:

~~(1) "Cash medical support" means an amount ordered to be paid in a child support order toward the cost of health insurance provided by a public entity, another parent, or person with whom the child resides, through employment or otherwise, or for other medical cost not covered by insurance.~~

~~(2) "Federal poverty line" has the same meaning as defined in section 5104.01 of the Revised Code.~~

~~(3) (A) "Family coverage" means the health insurance plan that provides coverage for the children who are the subject of a child support order.~~

~~(B) "Health care" means such medical support that includes coverage under a health insurance plan, payment of costs of premiums, copayments, and deductibles, or payment for medical expenses incurred on behalf of the child.~~

~~(4) (C) "Health insurance coverage" means accessible private health insurance that provides primary care services within thirty miles from the residence of the child subject to the child support order.~~

~~(5) (D) "Health plan administrator" means any entity authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, any legal entity that is self-insured and provides benefits to its employees or members, and the administrator of any such entity or corporation.~~

~~(6) (E) "National medical support notice" means a form required by the "Child Support Performance and Incentive Act of 1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as amended, and jointly developed and promulgated by the secretary of health and human services and the secretary of labor in federal regulations adopted under that act as modified by the department of job and family services under section 3119.291 of the Revised Code.~~

~~(7) (F) "Person required to provide health insurance coverage" means the obligor, obligee, or both, required by the court under a court child support order or by the child support enforcement agency under an administrative child support order to provide health insurance coverage pursuant to section 3119.30 of the Revised Code.~~

~~(8) Subject to division (B) of this section, "reasonable" (G) "Reasonable cost" means that the contributing cost of private family health insurance to the person responsible for the required to provide health care of insurance coverage for the children who are the subject to of the child support order that does not exceed an amount equal to five per cent of the annual gross income of that person. For purposes of this division, the cost of health insurance is an amount equal to the difference in cost between self-only and family coverage.~~

~~(9) "Title XIX" has the same meaning as in section 5165.01 of the Revised Code.~~

~~(B) If However, if the United States secretary of health and human services issues a regulation defining that redefines "reasonable cost" or a similar term or phrase relevant to the provisions in child support orders, or clarifies the elements of cost used when determining reasonable cost relating to the provision of health care for children subject to the orders in a child support order, and if that definition is those changes are substantively different from the meaning of "reasonable cost" as defined in division (A) of this section, "reasonable cost" as used in this section~~

than the definitions and terms used in this section, those terms shall have the meaning as defined by the United States secretary of health and human services.

Sec. 3119.30. (A) In any action or proceeding in which a child support order is issued or modified, the court, with respect to court child support orders, and the child support enforcement agency, with respect to administrative child support orders, shall determine the person or persons responsible for the health care of the children subject to the child support order and shall include provisions for the health care of the children in the child support order. The order shall specify that the obligor and obligee are both liable for the health care ~~of expenses for~~ the children who are not covered by private health insurance ~~or cash medical support as calculated in accordance with section 3119.022 or 3119.023 of the Revised Code, as applicable according to a formula established by each court, with respect to a court child support order, or each child support enforcement agency, with respect to an administrative child support order.~~

~~(B) Based on information provided to the court or to the child support enforcement agency under section 3119.31 of the Revised Code, the order shall include one of the following: The child support obligee is rebuttably presumed to be the appropriate parent to provide health insurance coverage for the children subject to the child support order. The order shall specify that the obligee must provide the health insurance coverage unless rebutted pursuant to division (B)(1) of this section.~~

~~(1) A requirement that both the obligor and the obligee obtain private The court or child support enforcement agency may consider the following factors to rebut the presumption when determining if the child support obligor is the appropriate parent to provide health insurance coverage for the children if coverage is available for the children at a reasonable cost to both the obligor and the obligee and dual coverage would provide for coordination of medical benefits without unnecessary duplication of coverage.:~~

~~(a) The obligor already has health insurance coverage for the child that is reasonable in cost;~~

~~(b) The obligor already has health insurance coverage in place for the child that is not reasonable in cost, but the obligor wishes to be named the health insurance obligor and provide coverage under division (A)(2)(a) of section 3119.302 of the Revised Code;~~

~~(c) The obligor can obtain coverage for the child that is reasonable in cost through an employer or other source. For employer-based coverage, the court or child support enforcement agency shall consider the length of time the obligor has worked with the employer and the stability of the insurance.~~

~~(d) The obligee is a non-parent individual or agency that has no duty to provide medical support.~~

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

~~(3) A requirement that the obligor is not available at a reasonable cost to the obligor or the obligee at the time the court or agency issues the order, the order shall include a requirement that the obligee obtain private health insurance coverage for the children if coverage is available through any group policy, contract, or plan available to the obligor at a more reasonable cost than coverage is available to the obligee;~~

~~(4) If health insurance coverage for the children is not available at a reasonable cost to the~~

~~obligor or the obligee at the time the court or child enforcement agency issues the order, a requirement that the obligor or the obligee immediately not later than thirty days after it becomes available to the obligee at a reasonable cost, and to inform the child support enforcement agency that when private health insurance coverage for the children has become available to either the obligor or obligee. The child support enforcement agency shall determine if the private health insurance coverage is available at a reasonable cost and if coverage is reasonable, division (B)(2) or (3) shall apply, as applicable been obtained.~~

~~(3) If private health insurance becomes available to the obligor at a reasonable cost, the obligor shall inform the child support enforcement agency and may seek a modification of health insurance coverage from the court with respect to a court child support order, or from the agency with respect to an administrative support order.~~

~~(C) When a child support order is issued or modified, and the obligor's gross income is one hundred fifty per cent or more of the federal poverty level for an individual, the order shall include the amount of a cash medical support to be paid by the obligor that is either five per cent of the obligor's adjusted gross income or the obligor's share of the United States department of agriculture estimated annual health care expenditure per child as determined in accordance with federal law and regulation, whichever is the lower amount. The amount of cash medical support paid by the obligor shall be paid during any period after the court or child support enforcement agency issues or modifies the order in which the children are not covered by private health insurance amount consistent with division (B) of section 3119.302 of the Revised Code for each child subject to the order. The cash medical support amount shall be ordered based on the number of children subject to the order and split between the parties using the parents' income share.~~

~~(D) Any cash medical support paid pursuant to division (C) of this section shall be paid through the department of job and family services by the obligor to either the obligee if the children are not Medicaid recipients, or to the office department of child support to defray the cost of Medicaid expenditures if the children are when a Medicaid recipients. The assignment is in effect for any child under the support enforcement agency administering the court or administrative order shall amend the amount of monthly child support obligation to reflect the amount paid when private health insurance is not provided, as calculated in the current order pursuant to section 3119.022 or 3119.023 of the Revised Code, as applicable.~~

~~The child support enforcement agency shall give the obligor notice in accordance with Chapter 3121. of the Revised Code and provide the obligor an opportunity to be heard if the obligor believes there is a mistake of fact regarding the availability of private health insurance at a reasonable cost as determined under division (B) of this section.~~

~~(E) The obligor shall begin payment of any cash medical support on the first day of the month immediately following the month in which private health insurance coverage is unavailable or terminates and shall cease payment on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes. During the period when cash medical support is required to be paid, the obligor or obligee must immediately inform the child support enforcement agency that health insurance coverage for the children has become available cost of providing health insurance for a child subject to an order shall be defrayed by a credit against that parent's annual income when calculating support as required under section 3119.02 of the Revised~~

Code using the basic child support schedule and applicable worksheet. The credit shall be equal to the total actual out-of-pocket cost for health insurance premiums for the coverage. Any credit given will be less any subsidy, including a premium tax credit or cost-sharing reduction received by the parent providing coverage.

Sec. 3119.302. (A) When the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, determines the person or persons responsible for the health care of the children subject to the order pursuant to section 3119.30 of the Revised Code, all of the following apply:

(1) The court or agency shall consider any private health insurance in which the obligor, obligee, or children, are enrolled at the time the court or agency issues the order.

(2) If the ~~contributing~~ cost of private ~~family~~ health insurance to either parent exceeds ~~five per cent of that parent's annual gross income~~ a reasonable cost, that parent shall not be ordered to provide private health insurance for the child except as follows:

~~(a) When both parents agree that one, or both, of the parents obtain or maintain the private health insurance that exceeds five per cent of the annual gross income of the parent obtaining or maintaining the private health insurance;~~

~~(b) When either the parent requests to obtain or maintain the private health insurance that exceeds five per cent of that parent's annual gross income~~ a reasonable cost;

~~(c) (b) When the court determines that it is in the best interest of the children for a parent to obtain and maintain private health insurance that exceeds five per cent of that parent's annual gross income~~ a reasonable cost and the cost will not impose an undue financial burden on either parent. If the court makes such a determination, the court must include the facts and circumstances of the determination in the child support order.

(3) If private health insurance is available at a reasonable cost to either parent through a group policy, contract, or plan, and the court determines that it is not in the best interest of the children to utilize the available private health insurance, the court shall state the facts and circumstances of the determination in the child support order. ~~The court determination under this division shall not limit any obligation to provide cash medical support pursuant to section 3119.30 of the Revised Code.~~

(4) Notwithstanding division ~~(A)(4)(C)~~ of section 3119.29 of the Revised Code, the court or agency may ~~allow private health insurance~~ do either of the following:

~~(a) Permit primary care services to be farther than thirty miles if residents in part or all of the immediate geographic area customarily travel farther distances~~ or if;

~~(b) Require primary care services~~ are ~~be~~ accessible ~~only~~ by public transportation if public transportation is the obligee's only source of transportation.

~~The~~ If the court or agency makes either accessibility determination, it shall include this accessibility determination in the child support order.

(B) The director of job and family services shall ~~create and annually periodically~~ update a table to be used to determine the amount of the cash medical support obligation to be paid pursuant to division (C) of section 3119.30 of the Revised Code. ~~The table updates shall incorporate potential combined gross incomes of the parties, in a manner determined by the director, and the be made in consideration of the medical expenditure panel survey, conducted by the United States department of~~

~~agriculture estimated annual health care expenditure per child as determined in accordance with federal law and regulation health and human services for health care research and quality. The amount shall be based on the most recent survey year data available and shall be calculated by multiplying the total amount expended for health services for children by the percentage that is out-of-pocket divided by the number of individuals less than eighteen years of age that have any private insurance.~~

Sec. 3119.303. A cash medical support order shall be administered, reviewed, modified, and enforced in the same manner as the underlying child support order.

Sec. 3119.31. In any action or proceeding in which a court or child support enforcement agency is determining the person responsible for the health care of the children who are or will be the subject of a child support order, each party shall provide to the court or child support enforcement agency a list of any group health insurance policies, contracts, or plans available to the party and the cost for self-only and family coverage under the available policies, contracts, or plans.

Sec. 3119.32. A child support order shall contain all of the following:

(A)~~(1)~~ If the obligor, obligee, or both obligor and obligee, are required under section 3119.30 of the Revised Code to provide private health insurance coverage for the children, a requirement ~~pursuant to section 3119.30 of the Revised Code~~ that whoever is required to provide private health insurance coverage provide to the other, not later than thirty days after the issuance of the order, information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards;

(2) If the obligor, obligee, or both obligor and obligee, are required under section 3119.30 of the Revised Code to provide private health insurance coverage for the children, a requirement that whoever is required to provide private health insurance coverage provide to the child support enforcement agency, not later than thirty days after the issuance of the order, documentation that verifies that coverage is being provided as ordered.

~~(B) A statement setting forth the name, and address, and telephone number of the individual who is to be reimbursed for out-of-pocket medical expenses, optical, hospital, dental, or prescription expenses paid for each child and a statement that the health plan administrator that provides the private health insurance coverage for the children may continue making payment for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the applicable private health insurance policy, contract, or plan;.~~

(C) A requirement that a person required to provide private health insurance coverage for the children designate the children as covered dependents under any private health insurance policy, contract, or plan for which the person contracts;.

(D) A requirement that the obligor, the obligee, or both of them under a formula established by the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, ~~pay co-payment or deductible costs required under the private health insurance policy, contract, or plan that covers extraordinary medical expenses for the children;.~~

(E) A notice that the employer of the person required to obtain private health insurance coverage through that employer is required to release to the other parent, any person subject to an

order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section².

(F) A statement setting forth the full name and date of birth of each child who is the subject of the child support order².

~~(G) A requirement that the obligor and the obligee comply with any requirement described in section 3119.30 of the Revised Code and divisions (A) and (C) of this section that is contained in an order issued in compliance with this section no later than thirty days after the issuance of the order;~~

~~(H) A notice that states the following: "If the person required to obtain private health care insurance coverage for the children subject to this child support order obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the children in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other source."~~

~~(I) A statement that, upon receipt of notice by the child support enforcement agency that private health insurance coverage is not available at a reasonable cost, cash medical support shall be paid in the amount as determined by the child support computation worksheets in section 3119.022 or 3119.023 of the Revised Code, as applicable. The child support enforcement agency may change the financial obligations of the parties to pay child support in accordance with the terms of the court or administrative order and cash medical support without a hearing or additional notice to the parties.~~

Sec. 3119.61. The child support enforcement agency shall review an administrative child support order on the date established pursuant to section 3119.60 of the Revised Code for formally beginning the review of the order. If the agency determines that a modification is necessary and in the best interest of the child subject to the order, the agency shall calculate the amount the obligor shall pay in accordance with the basic child support schedule established pursuant to section 3119.021 of the Revised Code. The agency may not grant a deviation pursuant to section 3119.23 of the Revised Code from the guidelines set forth in established pursuant to section 3119.021 of the Revised Code. If the agency can set the child support amount the obligor is to pay without granting such a deviation from the guidelines, the agency shall do the following:

(A) Give the obligor and obligee notice of the revised amount of child support to be paid under the administrative child support order, of their right to request an administrative hearing on the revised child support amount, of the procedures and time deadlines for requesting the hearing, and that the agency will modify the administrative child support order to include the revised child support amount unless the obligor or obligee requests an administrative hearing on the revised amount no later than thirty days after receipt of the notice under this division;

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

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

(1) Schedule a hearing on the issue;

- (2) Give the obligor and obligee notice of the date, time, and location of the hearing;
- (3) Conduct the hearing in accordance with the rules adopted under section 3119.76 of the Revised Code;
- (4) Redetermine at the hearing a revised amount of child support to be paid under the administrative child support order;
- (5) Modify the order to include the revised amount of child support;
- (6) Give notice 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.

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.

If the agency cannot set the amount of child support the obligor will pay under the administrative child support order without granting a deviation pursuant to section 3119.23 of the Revised Code, the agency shall bring an action under section 2151.231 of the Revised Code on behalf of the person who requested that the agency review the existing administrative order or, if no one requested the review, on behalf of the obligee, 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 agency is located requesting that the court issue a child support order.

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

- (A) Calculate a revised amount of child support to be paid under the court child support order;
- (B) If the court child support order under review contains a deviation granted under sections 3119.06, 3119.22, 3119.23, 3119.231, and 3119.24 of the Revised Code, apply the deviation from the existing order to the revised amount of child support, provided that the agency can determine the monetary or percentage value of the deviation with respect to the court child support order. If the agency cannot determine the monetary or percentage value of the deviation, the agency shall not apply the deviation to the revised amount of child support.

(C) Give the obligor and obligee notice of the revised amount of child support, of their right to request an administrative hearing on the revised amount, of the procedures and time deadlines for requesting the hearing, and that the revised amount of child support will be submitted to the court for inclusion in a revised court child support order unless the obligor or obligee requests an administrative hearing on the proposed change within fourteen days after receipt of the notice under this division;

~~(C)~~ (D) Give the obligor and obligee notice that if the court child support order contains a deviation granted under section 3119.06, 3119.22, 3119.23, or 3119.24 of the Revised Code, a parenting time adjustment granted under section 3119.051 of the Revised Code, or if the obligor or

obligee intends to request a deviation from the child support amount to be paid under the court child support order, the obligor and obligee have a right to request a court hearing on the revised amount of child support without first requesting an administrative hearing and that the obligor or obligee, in order to exercise this right, must make the request for a court hearing no later than fourteen days after receipt of the notice;

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

~~(E)~~~~(F)~~ If the obligor or the obligee timely requests an administrative hearing on the revised child support amount, schedule a hearing on the issue, give the obligor and obligee notice of the date, time, and location of the hearing, conduct the hearing in accordance with the rules adopted under section 3119.76 of the Revised Code, redetermine at the hearing a revised amount of child support to be paid under the court child support order, and give notice to the obligor and obligee of the revised amount of child support, that they may request a court hearing on the revised amount, and that the agency will submit the revised amount of child support to the court for inclusion in a revised court child support order, if neither the obligor nor the obligee requests a court hearing on the revised amount of child support;

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

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

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

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

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

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

support order, notice of any administrative hearing to be held on a proposed revision of the amount of child support to be paid under a child support order, at least forty-five days' prior notice of any review of their child support order, and notice that a failure to comply with any request for documents or information to be used in the review of a child support order is contempt of court;

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

(F) Procedures for adjusting child support orders in accordance with the basic child support schedule ~~set forth in~~ created pursuant to section 3119.021 of the Revised Code and the applicable worksheet ~~in~~ created under rules adopted under section 3119.022 ~~or 3119.023~~ of the Revised Code; ~~through the line establishing the actual annual obligation;~~

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

Sec. 3119.79. (A) If an obligor or obligee under a child support order requests that the court modify the amount of child support required to be paid pursuant to the child support order, the court shall recalculate the amount of support that would be required to be paid under the child support order in accordance with the schedule and the applicable worksheet ~~through the line establishing the actual annual obligation~~. If that amount as recalculated is more than ten per cent greater than or more than ten per cent less than the amount of child support required to be paid pursuant to the existing child support order, the deviation from the recalculated amount that would be required to be paid under the schedule and the applicable worksheet shall be considered by the court as a change of circumstance substantial enough to require a modification of the child support amount.

(B) ~~In determining the recalculated support amount that would be required to be paid under the child support order for purposes of determining whether that recalculated amount is more than ten per cent greater than or more than ten per cent less than the amount of child support required to be paid pursuant to the existing child support order, the court shall consider, in addition to all other factors required by law to be considered, the cost of health insurance the obligor, the obligee, or both the obligor and the obligee have been ordered to obtain for the children specified in the order. Additionally, if an obligor or obligee under a child support order requests that the court modify the support amount required to be paid pursuant to the child support order and if~~ If the court determines that the amount of support does not adequately meet the medical needs of the child are not being met because of inadequate health insurance coverage, the inadequate coverage shall be considered by the court as a change of circumstance that is substantial enough to require a modification of the amount of the child support order.

(C) If the court determines that the amount of child support required to be paid under the child support order should be changed due to a substantial change of circumstances that was not contemplated at the time of the issuance of the original child support order or the last modification of the child support order, the court shall modify the amount of child support required to be paid under the child support order to comply with the schedule and the applicable worksheet ~~through the line establishing the actual annual obligation~~, unless the court determines that ~~the amount~~ those amounts calculated pursuant to the basic child support schedule and pursuant to the applicable worksheet would be unjust or inappropriate and ~~would therefore not be~~ in the best interest of the child and

enters in the journal the figure, determination, and findings specified in section 3119.22 of the Revised Code.

Sec. 3119.89. (A) Upon receipt of a notice pursuant to section 3119.87 of the Revised Code, the child support enforcement agency administering a child support order, within twenty days after receipt of the notice, shall complete an investigation. The agency administering a child support order may conduct an investigation upon its own initiative if it otherwise has reason to believe that there may be a reason for which the order should terminate. The agency's investigation shall determine the following:

- (1) Whether any reason exists for which the order should terminate;
- (2) Whether there are other children subject to the order;
- (3) Whether the obligor owes any arrearages under the order;
- (4) Whether the agency believes it is necessary to continue withholding or deduction pursuant to a notice or order described in section 3121.03 of the Revised Code for the other children or arrearages;
- (5) Whether child support amounts paid pursuant to the order being investigated should be impounded because continuation of receipt and disbursement would lead to an overpayment by the obligor.

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

Sec. 3121.36. The termination of a court support order or administrative child support order does not abate the power of any court or child support enforcement agency to collect any overdue and unpaid support or arrearage owed under the terminated support order or the power of the court to punish any person for a failure to comply with, or to pay any support as ordered in, the terminated support order. The termination does not abate the authority of the court or agency to issue any notice described in section 3121.03 of the Revised Code or to issue any applicable order as described in division (C) or (D) of section 3121.03 of the Revised Code to collect any overdue and unpaid support or arrearage owed under the terminated support order. If a notice is issued pursuant to section 3121.03 of the Revised Code to collect the overdue and unpaid support or arrearage, the amount withheld or deducted from the obligor's personal earnings, income, or accounts shall be rebuttably presumed to be at least equal to the amount that was withheld or deducted under the terminated child support order. A court or agency administering the child support order may consider evidence of household expenditures, income variables, extraordinary health care issues, and other reasons for deviation from the presumed amount.

Sec. 3123.14. If a child support order is terminated for any reason, the obligor under the child support order is or was at any time in default under the support order and, after the termination of the order, the obligor owes an arrearage under the order, the obligee may make application to the child support enforcement agency that administered the child support order prior to its termination or had authority to administer the child support order to maintain any action or proceeding on behalf of the obligee to obtain a judgment, execution of a judgment through any available procedure, an order, or other relief. If a withholding or deduction notice is issued pursuant to section 3121.03 of the Revised Code to collect an arrearage, the amount withheld or deducted from the obligor's personal earnings, income, or accounts shall be rebuttably presumed to be at least equal to the amount that was withheld or deducted under the terminated child support order. A court or agency administering the child support order may consider evidence of household expenditures, income variables, extraordinary health care issues, and other reasons for deviation from the presumed amount.

SECTION 2. That existing sections 3119.01, 3119.02, 3119.021, 3119.04, 3119.05, 3119.06, 3119.22, 3119.23, 3119.24, 3119.29, 3119.30, 3119.302, 3119.31, 3119.32, 3119.61, 3119.63, 3119.76, 3119.79, 3119.89, 3121.36, and 3123.14 and section 3119.022, 3119.023, and 3119.024 of the Revised Code are hereby repealed.

SECTION 3. Sections 1 and 2 of this act take effect six months after the effective date of this act. During that six-month period, the Ohio department of job and family services shall perform necessary automated system changes and may organize and oversee the statewide training of local child support enforcement agencies, lawyers who practice in child support, and judges who preside over child support cases.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____