

Chapter 3119: CALCULATION OF CHILD SUPPORT OBLIGATION - HEALTH INSURANCE COVERAGE

3119.01 Calculation of child support obligation definitions.

(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) "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) "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) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.

(5) "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) "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) "Gross income" means, except as excluded in division (C)(7) 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 received for children who were not born or adopted during the marriage at issue;

(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) "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)

(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)(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) "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) "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) "Schedule" means the basic child support schedule set forth in section [3119.021](#) of the Revised Code.

(13) "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) "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) "Worksheet" means the applicable worksheet 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.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 10/16/2009.

Effective Date: 06-26-2003

3119.02 Calculation of child support obligation.

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 paid pursuant to an administrative child support order, the court or agency shall calculate the amount of the obligor's child support obligation in accordance with the basic child support schedule, the applicable worksheet, and the other provisions of sections 3119.02 to [3119.24](#) 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.

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3119.021 Basic child support schedule.

The following basic child support schedule 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 income of the parents is less than sixty-six hundred dollars or more than one hundred fifty thousand dollars:

Basic Child Support Schedule

Number of Children

Combined

Gross 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
36000 6171 8939 10519 11624 12600 13482
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
40200 6571 9515 11197 12373 13413 14353
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
45600 6939 10049 11830 13073 14174 15165
46200 6978 10103 11897 13146 14251 15250
46800 7013 10150 11949 13203 14313 15316
47400 7048 10197 12000 13260 14375 15382
48000 7083 10245 12052 13317 14437 15448
48600 7117 10292 12103 13374 14498 15514
49200 7152 10339 12155 13432 14560 15580

49800 7187 10386 12206 13489 14622 15646
50400 7222 10433 12258 13546 14684 15712
51000 7257 10481 12309 13603 14745 15778
51600 7291 10528 12360 13660 14807 15844
52200 7326 10575 12412 13717 14869 15910
52800 7361 10622 12463 13774 14931 15976
53400 7396 10669 12515 13832 14992 16042
54000 7431 10717 12566 13889 15054 16108
54600 7468 10765 12622 13946 15120 16178
55200 7524 10845 12716 14050 15232 16298
55800 7582 10929 12814 14159 15350 16425
56400 7643 11016 12918 14273 15474 16558
57000 7704 11104 13021 14388 15598 16691
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
60600 8058 11612 13620 15050 16315 17460
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
81000 9885 14220 16640 18387 19930 21326
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
84000 10142 14589 17066 18859 20444 21875
84600 10194 14663 17154 18956 20549 21987
85200 10246 14738 17241 19052 20653 22099
85800 10298 14813 17329 19149 20758 22211
86400 10350 14887 17417 19246 20863 22323
87000 10403 14962 17504 19343 20967 22435
87600 10455 15037 17592 19440 21072 22547
88200 10507 15111 17679 19537 21176 22659
88800 10559 15186 17767 19633 21281 22771
89400 10611 15261 17855 19730 21386 22883
90000 10663 15335 17942 19827 21490 22995
90600 10715 15410 18030 19924 21595 23107
91200 10767 15485 18118 20021 21700 23219
91800 10819 15559 18205 20118 21804 23331
92400 10872 15634 18293 20215 21909 23443
93000 10924 15709 18380 20311 22013 23555
93600 10976 15783 18468 20408 22118 23667
94200 11028 15858 18556 20505 22223 23779

94800 11080 15933 18643 20602 22327 23891
95400 11132 16007 18731 20699 22432 24003
96000 11184 16082 18818 20796 22536 24115
96600 11236 16157 18906 20892 22641 24227
97200 11289 16231 18994 20989 22746 24339
97800 11341 16306 19081 21086 22850 24451
98400 11393 16381 19169 21183 22955 24563
99000 11446 16450 19255 21279 23062 24676
99600 11491 16516 19334 21366 23156 24777
100200 11536 16583 19413 21453 23250 24878
100800 11581 16649 19491 21539 23345 24978
101400 11625 16714 19569 21625 23437 25077
102000 11670 16779 19646 21710 23530 25177
102600 11714 16844 19724 21796 23623 25276
103200 11759 16909 19801 21881 23715 25375
103800 11803 16974 19879 21967 23808 25475
104400 11847 17039 19956 22052 23901 25574
105000 11892 17104 20034 22138 23994 25673
105600 11934 17167 20108 22220 24083 25769
106200 11979 17232 20186 22305 24176 25868
106800 12023 17297 20263 22391 24269 25968
107400 12068 17362 20341 22476 24361 26067
108000 12110 17425 20415 22559 24451 26162
108600 12155 17490 20493 22644 24543 26262
109200 12199 17555 20570 22730 24636 26361

109800 12243 17620 20648 22815 24729 26460
110400 12286 17683 20722 22897 24818 26556
111000 12331 17748 20800 22983 24911 26655
111600 12375 17813 20877 23068 25004 26755
112200 12419 17878 20955 23154 25096 26854
112800 12462 17941 21029 23236 25186 26949
113400 12506 18006 21107 23322 25278 27049
114000 12551 18071 21184 23407 25371 27148
114600 12595 18136 21262 23493 25464 27247
115200 12640 18202 21339 23578 25557 27347
115800 12682 18264 21414 23660 25646 27442
116400 12727 18329 21491 23746 25739 27542
117000 12771 18394 21569 23831 25832 27641
117600 12815 18460 21646 23917 25924 27740
118200 12858 18522 21721 23999 26013 27836
118800 12902 18587 21798 24084 26106 27935
119400 12947 18652 21876 24170 26199 28034
120000 12991 18718 21953 24256 26292 28134
120600 13034 18780 22028 24338 26381 28229
121200 13078 18845 22105 24423 26474 28329
121800 13123 18910 22183 24509 26567 28428
122400 13167 18976 22260 24594 26659 28527
123000 13210 19038 22335 24676 26749 28623
123600 13254 19103 22412 24762 26841 28722
124200 13299 19168 22490 24847 26934 28821

124800 13343 19234 22567 24933 27027 28921
125400 13386 19296 22642 25015 27116 29016
126000 13430 19361 22719 25101 27209 29115
126600 13474 19426 22797 25186 27302 29215
127200 13519 19492 22874 25272 27395 29314
127800 13561 19554 22949 25354 27484 29410
128400 13606 19619 23026 25439 27576 29509
129000 13650 19684 23104 25525 27669 29608
129600 13695 19750 23181 25610 27762 29708
130200 13739 19815 23259 25696 27855 29807
130800 13783 19879 23335 25780 27946 29905
131400 13828 19945 23414 25868 28041 30007
132000 13874 20012 23494 25955 28136 30108
132600 13919 20079 23573 26043 28231 30210
133200 13963 20143 23649 26127 28323 30308
133800 14008 20210 23729 26215 28418 30410
134400 14054 20276 23808 26302 28513 30511
135000 14099 20343 23887 26390 28608 30613
135600 14143 20407 23964 26474 28699 30711
136200 14188 20474 24043 26561 28794 30813
136800 14234 20541 24123 26649 28889 30914
137400 14279 20607 24202 26737 28984 31016
138000 14323 20671 24278 26821 29075 31114
138600 14368 20738 24358 26908 29170 31215
139200 14414 20805 24437 26996 29265 31317

139800 14459 20872 24516 27083 29361 31419
140400 14503 20936 24593 27168 29452 31517
141000 14549 21002 24672 27255 29547 31618
141600 14594 21069 24751 27343 29642 31720
142200 14639 21136 24831 27430 29737 31822
142800 14683 21200 24907 27515 29828 31920
143400 14729 21267 24986 27602 29923 32021
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

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3119.022 Child support computation worksheet for sole residential parent or shared parenting order.

When a court or child support enforcement agency calculates the amount of child support to be paid pursuant to a child support order in a proceeding in which one parent is the residential parent and legal custodian of all of the children who are the subject of the child support order or in which the court issues a shared parenting order, the court or agency shall use a worksheet identical in content and form to the following:

CHILD SUPPORT COMPUTATION WORKSHEET

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER

Name _____ of _____ parties

Case _____ No. _____

Number _____ of _____ minor _____ children

The following parent was designated as residential parent and legal custodian:

..... mother father
..... shared

Column I Column II Column III

Father Mother Combined

INCOME

1.

a. Annual gross income from employment or, when determined appropriate by the court or agency, average annual gross income from employment over a reasonable period of years. (exclude overtime, bonuses, self-employment income, or commissions).....
\$..... \$..... b . Amount of overtime, bonuses, and commissions (year 1 representing the most recent year)

Father Mother

Yr. 3 \$..... Yr. 3 \$.....

(Three years ago) (Three years ago)

Yr. 2 \$..... Yr. 2 \$.....

(Two years ago) (Two years ago)

Yr. 1 \$..... Yr. 1 \$.....

(Last calendar year) (Last calendar year)

Average \$ \$.....

(Include in Col. I and/or Col. II the average of the three years or the year 1 amount, whichever is less, if there exists a reasonable expectation that the total earnings from overtime and/or bonuses during the current calendar year will meet or exceed the amount that is the lower of the average of the three years or the year 1 amount. If, however, there exists a reasonable expectation that the total earnings from overtime/bonuses during the current calendar year will be less than the lower of the average of the 3 years or the year 1 amount, include only the amount reasonably expected to be earned this year.) \$..... \$.....

2. For self-employment income:
 - a . Gross receipts from business..... \$..... \$.....
 - b . Ordinary and necessary business expenses \$..... \$.....
 - c . 5.6 % of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the F.I.C.A. rate ... \$..... \$.....
 - d . Adjusted gross income from self-employment (subtract the sum of 2b and 2c from 2a) \$..... \$.....

3. Annual income from interest and dividends (whether or not taxable)..... \$..... \$.....

4. Annual income from unemployment compensation \$..... \$.....

5. Annual income from workers' compensation, disability insurance benefits, or social security disability/retirement benefits..... \$..... \$.....

6. Other annual income (identify)..... \$..... \$.....

7. a. Total annual gross income (add lines 1a, 1b, 2d, and 3-6)..... \$..... \$.....
- b . Health insurance maximum (multiply line 7a by 5%) \$..... \$.....

ADJUSTMENTS TO INCOME

8. Adjustment for minor children born to or adopted by either parent and another parent who are living with this parent; adjustment does not apply to stepchildren (number of children times federal income tax exemption less child support received, not to exceed the federal tax exemption)..... \$..... \$.....

9. Annual court-ordered support paid for other children \$..... \$.....

10. Annual court-ordered spousal support paid to any spouse or former spouse..... \$..... \$.....

11. Amount of local income taxes actually paid or estimated to be paid..... \$..... \$.....

12. Mandatory work-related deductions such as union dues, uniform fees, etc. (not including taxes, social security, or retirement)..... \$..... \$.....

13. Total gross income adjustments (add lines 8 through 12)..... \$..... \$.....

14.

- a . Adjusted annual gross income (subtract line 13 from line 7a)..... \$..... \$.....

- b . Cash medical support maximum (If the amount on line 7a, Col. I, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b, Col. I. If the amount on line 7a, Col. I, is 150% or higher of the federal poverty level for an individual, multiply the amount on line 14a, Col. I, by 5% and enter this amount on line 14b, Col. I. If the amount on line 7a, Col. II, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b, Col. II. If the amount on line 7a, Col. II, is 150% or higher of the federal poverty level for an individual,

multiply the amount on line 14a, Col. II, by 5% and enter this amount on line 14b, Col. II.)..... \$..... \$.....

15. Combined annual income that is basis for child support order (add line 14, Col. I and Col. II)..... \$.....

16. Percentage of parent's income to total income a . Father (divide line 14a, Col. I, by line 15, Col. III).....% b . Mother (divide line 14a, Col. II, by line 15, Col. III).....%

17. Basic combined child support obligation (refer to schedule, first column, locate the amount nearest to the amount on line 15, Col. III, then refer to column for number of children in this family. If the income of the parents is more than one sum but less than another, you may calculate the difference.)..... \$.....

18. Annual support obligation per parent a . Father (multiply line 17, Col. III, by line 16a)..... \$.....b . Mother (multiply line 17, Col. III, by line 16b)..... \$.....

19. Annual child care expenses for children who are the subject of this order that are work-, employment training-, or education-related, as approved by the court or agency (deduct tax credit from annual cost, whether or not claimed)..... \$..... \$.....

20.

a. Marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of this order (contributing cost of private family health insurance, minus the contributing cost of private single health insurance, divided by the total number of dependents covered by the plan, including the children subject of the support order, times the number of children subject of the support order) \$..... \$.....

b . Cash medical support obligation (enter the amount on line 14b or the amount of annual health care expenditures estimated by the United States Department of Agriculture and described in section [3119.30](#) of the Revised Code, whichever amount is lower) \$..... \$.....

21. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:

Father (only if obligor or shared parenting) Mother (only if obligor or shared parenting) a . Additions: line 16a times sum of amounts b. Additions: line 16b times sum of amounts shown on line 19, Col. II and line 20a, Col. II shown on line 19, Col. I and line 20a, Col. I

\$..... \$.....c . Subtractions: line 16b times sum of amounts d. Subtractions: line 16a times sum of amounts shown on line 19, Col. I and line 20a, Col. I shown on line 19, Col. II and line 20a, Col. II

\$..... \$.....

22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:a . Father: line 18a plus or minus the difference between line 21a minus line 21c..... \$.....b . Mother: line 18b plus or minus the difference between line 21b minus line 21d..... \$.....

23. ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS PROVIDED:a . (line 22a or 22b, whichever line corresponds to the parent who is the obligor)..... \$.....b .

Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child or a person on behalf of the child due to death, disability, or retirement of the parent..... \$.....c . Actual annual obligation (subtract line 23b from line 23a)..... \$.....

24. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:

Father (only if obligor or shared parenting) a . Additions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II \$.....c . Subtractions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I \$.....

Mother (only if obligor or shared parenting) b . Additions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I \$.....d . Subtractions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II \$.....

25. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:a . Father: line 18a plus or minus the difference between line 24a minus line 24c \$.....b . Mother: line 18b plus or minus the difference between line 24b and 24d \$.....

26. ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:a . (Line 25a or 25b, whichever line corresponds to the parent who is the obligor) \$.....b . Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child or a person on behalf of the child due to death, disability, or retirement of the parent \$.....c . Actual annual obligation (subtract line 26b from line 26a \$.....

27.

a. Deviation from sole residential parent support amount shown on line 23c if amount would be unjust or inappropriate: (see section [3119.23](#) of the Revised Code.) (Specific facts and monetary value must be stated.)

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b . Deviation from shared parenting order: (see sections [3119.23](#) and [3119.24](#) of the Revised Code.) (Specific facts including amount of time children spend with each parent, ability of each parent to maintain adequate housing for children, and each parent's expenses for children must be stated to justify deviation.)

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WHEN HEALTH INSURANCE IS PROVIDED WHEN HEALTH INSURANCE IS NOT PROVIDED

28. FINAL CHILD SUPPORT FIGURE: (This amount reflects final annual child support obligation; in Col. I, enter line 23c plus or minus any amounts indicated in line 27a or 27b; in Col. II, enter line 26c plus or minus any amounts indicated in line 27a or 27b) \$..... \$..... Father/Mother, OBLIGOR

29. FOR DECREE: Child support per month (divide obligor's annual share, line 28, by 12) plus any processing charge \$..... \$.....

30. FINAL CASH MEDICAL SUPPORT FIGURE: (this amount reflects the final, annual cash medical support to be paid by the obligor when neither parent provides health insurance coverage for the child; enter obligor's cash medical support amount from line 20b \$.....

31. FOR DECREE: Cash medical support per month (divide line 30 by 12) \$.....

Prepared by:

Counsel:

Pro se:

(For mother/father)

CSEA:

Other:.....

Worksheet Has Been Reviewed and Agreed To:

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Mother Date

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Father Date

Effective Date: 09-05-2001; 2007 HB119 06-30-2007

3119.023 Child support computation worksheet for split parental rights and responsibilities.

When a court or child support enforcement agency calculates the amount of child support to be paid pursuant to a court child support order in a proceeding in which the parents have split parental rights and responsibilities with respect to the children who are the subject of the child support order, the court or child support enforcement agency shall use a worksheet that is identical in content and form to the following:

CHILD SUPPORT COMPUTATION WORKSHEET

SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES

Name of parties

Case No.

Number of minor children

Number of minor children with mother father

Column I Column II Column III

Father Mother Combined

INCOME

1.

a. Annual gross income from employment or, when determined appropriate by the court or agency, average annual gross income from employment over a reasonable period of years. (Exclude overtime, bonuses, self-employment income, or commissions).....
\$..... \$.....

b . Amount of overtime, bonuses, and commissions (year 1 representing the most recent year)

Father Mother

Yr. 3 \$..... Yr. 3 \$.....

(Three years ago) (Three years ago)

Yr. 2 \$..... Yr. 2 \$.....

(Two years ago) (Two years ago)

Yr. 1 \$..... Yr. 1 \$.....

(Last calendar year) (Last calendar year)

Average \$ \$.....

(Include in Col. I and/or Col. II the average of the three years or the year 1 amount, whichever is less, if there exists a reasonable expectation that the total earnings from overtime and/or

bonuses during the current calendar year will meet or exceed the amount that is the lower of the average of the three years or the year 1 amount. If, however, there exists a reasonable expectation that the total earnings from overtime/bonuses during the current calendar year will be less than the lower of the average of the 3 years or the year 1 amount, include only the amount reasonably expected to be earned this year.) \$..... \$.....

2. For self-employment income: a . Gross receipts from business..... \$..... \$..... b . Ordinary and necessary business expenses \$..... \$..... c . 5.6 % of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the F.I.C.A. rate ... \$..... \$..... d . Adjusted gross income from self-employment (subtract the sum of 2b and 2c from 2a) \$..... \$.....

3. Annual income from interest and dividends (whether or not taxable)..... \$..... \$.....

4. Annual income from unemployment compensation \$..... \$.....

5. Annual income from workers' compensation, disability insurance benefits, or social security disability/retirement benefits..... \$..... \$.....

6. Other annual income (identify)..... \$..... \$.....

7. a. Total annual gross income (add lines 1a, 1b, 2d, and 3-6)..... \$..... \$..... b . Health insurance maximum (multiply line 7a by 5%) \$..... \$.....

ADJUSTMENTS TO INCOME

8. Adjustment for minor children born to or adopted by either parent and another parent who are living with this parent; adjustment does not apply to stepchildren (number of children times federal income tax exemption less child support received, not to exceed the federal tax exemption)..... \$..... \$.....

9. Annual court-ordered support paid for other children \$..... \$.....

10. Annual court-ordered spousal support paid to any spouse or former spouse..... \$..... \$.....

11. Amount of local income taxes actually paid or estimated to be paid..... \$..... \$.....

12. Mandatory work-related deductions such as union dues, uniform fees, etc. (not including taxes, social security, or retirement)..... \$..... \$.....

13. Total gross income adjustments (add lines 8 through 12)..... \$..... \$.....

14.

a. Adjusted annual gross income (subtract line 13 from 7a)..... \$..... \$.....

b . Cash medical support maximum (If the amount on line 7a, Col. I, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b., Col. I. If the amount on line 7a, Col. I, is 150% or higher of the federal poverty level for an individual, multiply the amount on line 14a, Col. I, by 5% and enter this amount on line 14b, Col. I. If the amount on line 7a, Col. II, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b, Col. II. If the amount on line 7a, Col. II, is 150% or higher of the federal poverty level for an individual, multiply the amount on line 14a, Col. II, by 5% and enter this amount on line 14b, Col. II.)
\$..... \$.....

15. Combined annual income that is basis for child support order (add line 14a, Col. I and Col. II)..... \$.....

16. Percentage of parent's income to total income a . Father

(divide line 14a, Col. I, by line 15, Col. III).....% b . Mother

(divide line 14a, Col. II, by line 15, Col. III).....%

17. Basic combined child support obligation (refer to schedule, first column, locate the amount nearest to the amount on line 15, Col. III, then refer to column for number of children with this parent. If the income of the parents is more than one sum but less than another, you may calculate the difference)

For children For children for whom the for whom the mother is the father is the residential residential parent and parent and legal legal custodian custodian

\$ \$.....

18. Annual support obligation per parent a . Of father for children for whom mother is the residential parent and legal custodian (multiply line 17, Col. I, by line 16a).....
\$.....b . Of mother for children for whom the father is the residential parent and legal custodian (multiply line 17, Col. II, by line 16b)..... \$.....

19. Annual child care expenses for children who are the subject of this order that are work-, employment training-, or education-related, as approved by the court or agency (deduct tax credit from annual cost whether or not claimed)

Paid by father Paid by mother

\$..... \$.....

20.

a. Marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of this order (contributing cost of private family health insurance, minus the contributing cost of private single health insurance, divided by the total number of dependents covered by the plan, including the children subject of the support order, times the number of children subject of the support order) Paid by father \$..... Paid by mother \$.....

b . Cash medical support obligation (enter the amount on line 14b or the amount of annual health care expenditures estimated by the United States Department of Agriculture and described in section [3119.30](#) of the Revised Code, whichever amount is lower)..... \$.....
\$.....

21. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:

Father Mother a . Additions: line 16a times sum of amounts b. Additions: line 16b times sum of amounts shown on line 19, Col. II and line 20a, Col. II shown on line 19, Col. I and line 20a, Col. I

\$..... \$.....c . Subtractions: line 16b times sum of amounts d. Subtractions: line 16a times sum of amounts shown on line 19, Col. I and line 20a, Col. I shown on line 19, Col. II and line 20a, Col. II

\$..... \$.....

22. ACTUAL ANNUAL OBLIGATION:a . Father: line 18a plus line 21a minus line 21c (if the amount on line 21c is greater than or equal to the amount on line 21a--enter the number on line 18a in Col. I)..... \$.....b . Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by children for whom the mother is the residential parent and legal custodian or a person on behalf of those children due to death, disability, or retirement of the father..... \$.....c . Actual annual obligation of father (subtract line 22b from line 22a)..... \$.....d . Mother: line 18b plus line 21b minus line 21d (if the amount on line 21d is greater than or equal to the amount on line 21b--enter the number on line 18b in Col. II)..... \$.....e . Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by children for whom the father is the residential parent and legal custodian or a person on behalf of those children due to death, disability, or retirement of the mother..... \$.....f . Actual annual obligation of mother (subtract line 22e from line 22d)..... \$.....g . Actual annual obligation payable (subtract lesser actual annual obligation from greater actual annual obligation using amounts in lines 22c and 22f to determine net child support payable) \$..... \$.....

23. ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:

Father Mother a . Additions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II \$..... b. Additions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I \$.....c . Subtractions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I \$..... d. Subtractions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II \$.....

24. ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:a . Father: line 18a plus line 23a minus line 23c (if the amount on line 23c is greater than or equal to the amount on line 23a, enter the number on line 18a in Col. I) \$.....b . Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child for whom the mother is the residential parent and legal custodian, or a person on behalf of the child, due to death, disability, or retirement of the father \$.....c . Actual annual obligation of the father (subtract line 24b from line 24a) \$.....d . Mother: line 18b plus line 23b minus 23d (if the amount on line 23d is greater than or equal to the amount on line 23b, enter the number on line 18b in Col. II) \$.....e . Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child for whom the father is the residential parent and legal custodian, or a person on behalf of the child, due to death, disability, or retirement of the mother \$.....f . Actual annual obligation of the mother (subtract line 24e from line 24d) \$.....g . Actual annual obligation payable (subtract lesser actual annual obligation from greater annual obligation of parents using amounts in lines 24c and 24f to determine net child support payable) \$..... \$.....h . Add line 20b, Col. I, to line 24g, Col. I, when father is the obligor or line 20b, Col. II, to line 24g, Col. II, when mother is obligor \$..... \$.....

25. Deviation from split residential parent guideline amount shown on line 22c or 22f if amount would be unjust or inappropriate: (see section [3119.23](#) of the Revised Code.) (Specific facts and monetary value must be stated.)

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WHEN HEALTH INSURANCE IS PROVIDED WHEN HEALTH INSURANCE IS NOT PROVIDED

26. FINAL CHILD SUPPORT FIGURE: (This amount reflects final annual child support obligation; in Col. I enter line 22g plus or minus any amounts indicated in line 25, or in Col. II enter line 24g plus or minus any amounts indicated on line 25.) \$..... \$..... Father/Mother, OBLIGOR

27. FOR DECREE: Child support per month (divide obligor's annual share, line 26, by 12) plus any processing charge \$..... \$.....

28. FINAL CASH MEDICAL SUPPORT FIGURE: (this amount reflects the final, annual cash medical support to be paid by the obligor when neither parent provides health insurance coverage for the child; enter obligor's cash medical support from line 20b) \$.....

29. FOR DECREE: Cash medical support per month (divide line 28 by 12) \$.....

Prepared by:

Counsel:

Pro se:

(For mother/father)

CSEA:

Other:.....

Worksheet Has Been Reviewed and Agreed To:

.....
.....

Mother Date

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.....

Father Date

Effective Date: 03-22-2001; 2007 HB119 06-30-2007; 2008 HB562 09-22-2008

3119.024 Child support guideline advisory council to review basic schedule and worksheet.

At least once every four years, the department of job and family services shall review the basic child support schedule set forth in section [3119.021](#) of the Revised Code to determine whether child support orders issued in accordance with the schedule and worksheets adequately provide for the needs of the children who are subject to the child support orders, prepare a report of its review, and submit a copy of the report to both houses of the general assembly.

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 obligors; obligees; judges of courts of common pleas who have jurisdiction over domestic relations cases; attorneys whose practice includes a significant number of domestic relations cases; representatives of child support enforcement agencies; other persons interested in the welfare of children; three members of the senate appointed by the president of the senate, no more than two of whom are members of the same party; and three members of the house of representatives appointed by the speaker of the house, no more than two of whom are members of the same party.

The department shall consider input from the council prior to the completion of any report under this section.

The advisory council shall cease to exist at the time that it submits its report to the general assembly.

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

On or before the first day of March of every fourth year after 1993, the department shall submit a report under this division to both houses of the general assembly.

Effective Date: 03-22-2001

3119.03 Presumption of correctness.

In any action or 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 at any time a child support enforcement agency determines the amount of child support that will be paid pursuant to an administrative child support order, the amount of child support that would be payable under a child support order, as calculated pursuant to the basic child support schedule and applicable worksheet through the line establishing the actual annual obligation, is rebuttably presumed to be the correct amount of child support due.

Effective Date: 03-22-2001

3119.04 Determination of support obligation where combined gross income is less than or greater than amounts covered by schedule.

(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 income of both parents is greater than one hundred fifty thousand dollars per year, 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 income of one hundred fifty thousand dollars, unless the court or agency determines that it would be unjust or inappropriate and would 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.

Effective Date: 03-22-2001

3119.05 Other computing and calculating guidelines.

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 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 shall be deducted from the gross income of that parent to the extent that payment under the child support order or that payment of the 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.

(D) When the court or agency calculates the gross 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 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, orthodontia, psychological, appropriate private education, and other expenses, and may consider the 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 combined gross income of both parents 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 income.

(H) When the court or agency calculates gross 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 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, financial assistance under the disability financial assistance program established under Chapter 5115. of the Revised Code, supplemental security income, or means-tested veterans' benefits;

(2) 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 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.

Amended by 129th General Assembly File No.131, SB 337, §1, eff. 9/28/2012.

Effective Date: 03-22-2001; 2007 HB119 06-30-2007

3119.06 Minimum child support order.

Except as otherwise provided in this section, in any action in which a court issues or modifies a child support order or in any other proceeding in which a court determines the amount of child support to be paid pursuant to a child support order, the court shall issue a minimum child support order requiring the obligor to pay a minimum of fifty dollars a month. The court, in its discretion and in appropriate circumstances, may issue a minimum child support order requiring the obligor to pay less than fifty dollars a month or not requiring the obligor to pay an amount for support. The circumstances under which a court 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.

If a court issues a minimum child support order pursuant to this section and the obligor under the support order is the recipient of need-based public assistance, 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 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 public assistance and is complying with any seek work orders issued pursuant to section [3121.03](#) of the Revised Code.

Effective Date: 03-22-2001

3119.07 Effect of child custody on calculation of child support.

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

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

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

Effective Date: 03-22-2001

3119.08 Child support order to include specific provisions for parenting time and visitation.

Whenever a court issues a child support order, it shall include in the order specific provisions for regular, holiday, vacation, parenting time, and special visitation in accordance with section [3109.051](#) , [3109.11](#) , or [3109.12](#) of the Revised Code or in accordance with any other applicable section of the Revised Code.

Effective Date: 03-22-2001

3119.09 Denial of or interference with right of parenting time or visitation.

The court shall not authorize or permit the escrowing, impoundment, or withholding of any child support payment because of a denial of or interference with a right of parenting time or visitation included as a specific provision of the child support order or as a method of enforcing the specific provisions of the child support order dealing with parenting time or visitation.

Effective Date: 03-22-2001

3119.22 Deviating from schedule or worksheet.

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 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 amount would be unjust or inappropriate and would not be in the best interest of the child, and findings of fact supporting that determination.

Effective Date: 03-22-2001

3119.23 Factors to be considered in granting a deviation.

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 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) 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;

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

(F) The financial resources and the earning ability of the child;

(G) Disparity in income between parties or households;

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

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

(J) 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) 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) 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 order for support not arisen;

(O) The responsibility of each parent for the support of others;

(P) 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) of this section, it shall specifically state in the order the facts that are the basis for the deviation.

Effective Date: 03-22-2001

3119.24 Shared parenting order child support provisions.

(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

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 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) Each parent's expenses, including child care expenses, school tuition, medical expenses, dental expenses, and any other expenses the court considers relevant;
- (4) Any other circumstances the court considers relevant.

Effective Date: 03-22-2001

3119.27 Processing charge for issuing or modifying an order.

(A) A court that issues or modifies a court support order, or an administrative agency that issues or modifies an administrative child support order, shall impose on the obligor under the support order a processing charge that is the greater of two per cent of the support payment to be collected under a support order or one dollar per month. No court or agency may call the charge a poundage fee.

(B) In each child support case that is a Title IV-D case, the department of job and family services shall annually claim twenty-five dollars from the processing charge described in division (A) of this section for federal reporting purposes if the obligee has never received assistance under Title IV-A and the department has collected at least five hundred dollars of child support for the obligee. The director of job and family services shall adopt rules under Chapter 119. of the Revised Code to implement this division, and the department shall implement this division not later than March 31, 2008.

(C) As used in this section:

- (1) "Annual" means the period as defined in regulations issued by the United States secretary of health and human services to implement the Deficit Reduction Act of 2005 (P.L. 109-171).
- (2) "Title IV-A" has the same meaning as in section [5107.02](#) of the Revised Code.
- (3) "Title IV-D case" has the same meaning as in section [3125.01](#) of the Revised Code.

Effective Date: 03-22-2001; 2007 HB119 09-29-2007

3119.28 Paying processing charge.

(A) As used in this section, "current support payment" means the amount of support due an obligee that an obligor is required to pay in a particular payment for the current month as specified in a support order. "Current support payment" does not include payments on arrearages under the support order.

(B) The obligor shall pay the amount imposed pursuant to section [3119.27](#) of the Revised Code with every current support payment, and with every payment on arrearages.

Effective Date: 03-22-2001

3119.29 Health insurance coverage for children definitions.

(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) "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) "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) "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) "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) "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 cost" means the contributing cost of private family health insurance to the person responsible for the health care of the children subject to the child support order that does not exceed an amount equal to five per cent of the annual gross income of that person.

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

(B) If the United States secretary of health and human services issues a regulation defining "reasonable cost" or a similar term or phrase relevant to the provisions in child support orders relating to the provision of health care for children subject to the orders, and if that definition is substantively different from the meaning of "reasonable cost" as defined in division (A) of this section, "reasonable cost" as used in this section shall have the meaning as defined by the United States secretary of health and human services.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Effective Date: 12-13-2002; 2007 HB119 06-30-2007

3119.291 Modifying national medical support notice.

The department of job and family services shall modify the national medical support notice, as necessary, to make the notice and its instructions apply to the person required to provide health insurance coverage for the children who are the subject of an order issued under section [3119.30](#) of the Revised Code.

Effective Date: 12-13-2002

3119.30 Determining person responsible for health care of children.

(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 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.

(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:

(1) A requirement that both the obligor and the obligee obtain private 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.

(2) 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 obligee and is available at a more reasonable cost than coverage is available to the obligor;

(3) A requirement that the obligor 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 inform the child support enforcement agency that 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.

(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 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.

(D) Any cash medical support paid pursuant to division (C) of this section shall be paid by the obligor to either the obligee if the children are not Medicaid recipients, or to the office of child support to defray the cost of Medicaid expenditures if the children are Medicaid recipients. The child 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.

Effective Date: 12-13-2002; 2007 HB119 06-30-2007

3119.301 Prior orders for health care needs.

An order issued pursuant to former section 3111.241 or 3113.217 of the Revised Code as those sections existed prior to January 1, 1998, that was not terminated on or after that date, and that provides for the health care needs of children subject to a child support order shall be considered to be a requirement included as part of the child support order. The child support order shall be considered to have been issued in accordance with former section 3111.241 or 3113.217 of the Revised Code as those sections existed on and after January 1, 1998, and prior to March 22, 2001. A child support order issued in accordance with, or any notice issued under, former section 3111.241 or 3113.217 of the Revised Code as those sections existed prior to March 22, 2001, that was not terminated on or after that date shall be subject to sections [3119.29](#) to [3119.56](#) of the Revised Code on and after that date.

Effective Date: 12-13-2002

3119.302 Private health insurance - cash medical support.

(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, 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 parent requests to obtain or maintain the private health insurance that exceeds five per cent of that parent's annual gross income;

(c) 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 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) of section [3119.29](#) of the Revised Code, the court or agency may allow private health insurance to be farther than thirty miles if residents in part or all of the immediate geographic area customarily travel farther distances or if primary care services are accessible only by public transportation. The court or agency shall include this accessibility determination in the child support order.

(B) The director of job and family services shall create and annually update a table to be used to determine the amount of cash medical support to be paid pursuant to division (C) of section [3119.30](#) of the Revised Code. The table shall incorporate potential combined gross incomes of the parties, in a manner determined by the director, and the United States department of agriculture estimated annual health care expenditure per child as determined in accordance with federal law and regulation.

Effective Date: 2007 HB119 06-30-2007

[3119.31 Providing list of any group health insurance policies, contracts, or plans available to the party.](#)

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.

Effective Date: 12-13-2002

3119.32 General requirements for order concerning health insurance coverage.

A child support order shall contain all of the following:

(A) 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;

(B) A statement setting forth the name, address, and telephone number of the individual who is to be reimbursed for out-of-pocket medical, 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 the children;

(E) A notice that the employer of the person required to obtain private health insurance coverage 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 section;

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

(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."

(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.

Effective Date: 12-13-2002; 2007 HB119 06-30-2007

3119.33 Sending national medical support notice to employer.

A child support enforcement agency shall send the national medical support notice to the employer of a person required to provide health insurance coverage for the children who are the subject of a child support order. The child support enforcement agency shall act in accordance with federal regulations governing the national medical support notice and rules adopted by the department of job and family services under section [3119.51](#) of the Revised Code.

Effective Date: 12-13-2002

3119.34 Sending national medical support notice to new employer.

Not later than the business day after receipt of a notice under section [3121.895](#) of the Revised Code of a new hire match, a child support enforcement agency shall send to a person's new employer a national medical support notice if the person is the person required to provide health insurance coverage for the children who are the subject of a child support order.

Effective Date: 12-13-2002

3119.35 Sending notice of medical support enforcement activity to employee.

At the same time that a child support enforcement agency sends a national medical support notice under section [3119.33](#) or [3119.34](#) of the Revised Code to the employer of a person required to provide health insurance coverage for children who are the subject of a child support order, the agency shall send a notice of medical support enforcement activity to that person.

Effective Date: 12-13-2002

3119.351 Contents of notice of medical support enforcement activity.

The notice of medical support enforcement activity shall contain all of the following:

- (A) The date on which it is sent;
- (B) A statement that the person has been designated as a person required to provide health insurance coverage for children who are the subject of a child support order;
- (C) A statement that a national medical support notice has been sent to the person's employer;

(D) A statement of the purpose of the national medical support notice, of what it will require of the person's employer and any applicable health plan administrator, and that amounts will be withheld from the person's income to pay for health insurance for the children;

(E) A statement of the person's right to contest the national medical support notice through mistake of fact proceedings;

(F) An explanation of the mistake of fact proceedings available to the person and the actions the person must take to pursue those proceedings.

Effective Date: 12-13-2002

3119.352 Standard form for notice of medical support enforcement activity.

The department of job and family services shall adopt a standard form for the notice of medical support enforcement activity required by section [3119.35](#) of the Revised Code. All child support enforcement agencies shall use the form in issuing the notice under that section.

Effective Date: 12-13-2002

3119.36 Employer's action upon receiving national medical support notice.

On receipt of a national medical support notice sent pursuant to section [3119.33](#) or section [3119.34](#) of the Revised Code, an employer shall do one of the following not later than twenty business days after the date specified in the notice:

(A) If the person named in the national medical support notice is a current employee and health insurance coverage of the children is available through the employer, complete and comply with the notice in accordance with its instructions, federal regulations, and any rules adopted by the department of job and family services under section [3119.51](#) of the Revised Code and send the appropriate portion of the notice to the health plan administrator;

(B) If the person named in the notice is not a current employee, health insurance coverage of the children is not available through the employer, or the employer determines that coverage of the children would cause the total amount of income withholding and health insurance contributions from the person's income to exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b) , complete the notice in accordance with its instructions, federal regulations, and any rules adopted by the department of job and family services under section [3119.51](#) of the Revised Code and return the completed notice to the child support enforcement agency.

Effective Date: 12-13-2002

3119.361 Complying with notice or order to provide health insurance coverage.

During the time that any child support order issued in accordance with section [3119.30](#) of the Revised Code or a notice issued pursuant to section [3119.33](#) or [3119.34](#) of the Revised Code is in effect and after the employer has received a copy of the order or notice, the employer of the person required to provide health insurance coverage shall comply with the order or notice.

Effective Date: 12-13-2002

3119.362 Requesting employer to provide information.

On written request from the other parent, any person subject to an order issued under section [3109.19](#) of the Revised Code, or the child support enforcement agency, the employer of a person required to provide health insurance coverage under a child support order shall release to the other parent, person, and the agency all information about the health insurance coverage that is necessary to ensure compliance with section [3119.30](#) of the Revised Code, a notice issued under section [3119.33](#) of the Revised Code, or a notice issued under section [3119.34](#) of the Revised Code, including the name and address of the health plan administrator, and any policy, contract, or plan number.

Effective Date: 12-13-2002

3119.363 Using information provided by employer.

Information provided by an employer pursuant to section [3119.362](#) of the Revised Code shall be used only for the purpose of the enforcement of an order issued in accordance with section [3119.30](#) of the Revised Code, a notice issued under section [3119.33](#) of the Revised Code, or a notice issued pursuant to section [3119.34](#) of the Revised Code.

Effective Date: 12-13-2002

3119.364 Providing notice of change in coverage.

Any employer who receives a copy of an order or notice described in section [3119.30](#) , [3119.33](#) , or [3119.34](#) of the Revised Code shall notify the child support enforcement agency of any change in or the termination of the health insurance coverage that is maintained pursuant to the order or notice.

Effective Date: 12-13-2002

3119.37 Health plan administrator to complete and comply with notice.

On receipt of a national medical support notice sent by an employer under section [3119.36](#) of the Revised Code, a health plan administrator shall complete and comply with the notice in accordance with its instructions, federal regulations, and any rules adopted by the department of job and family services under section [3119.51](#) of the Revised Code.

Effective Date: 12-13-2002

3119.371 Information provided to office of child support.

(A) As used in this section:

(1) "Health insurance provider" means:

(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code;

(b) A person or government entity providing coverage for medical services or items to individuals on a self-insurance basis;

- (c) A health insuring corporation as defined in section [1751.01](#) of the Revised Code;
- (d) A group health plan as defined in 29 U.S.C. 1167 ;
- (e) Any organization, business, or association described in 42 U.S.C. 1396a(a)(25) ; or
- (f) A managed care organization.

(2) "Information" means all of the following:

- (a) An individual's name, address, date of birth, and social security number;
- (b) The group or plan number or other identifier assigned by a health insurance provider to a policy held by an individual or a plan in which the individual participates and the nature of the coverage; and
- (c) Any other data specified by the director of job and family services in rules adopted under section [3119.51](#) of the Revised Code.

(B) Upon request of the office of child support in the department of job and family services and for the purpose of establishing and enforcing orders to provide health insurance coverage, a health insurance provider shall provide the information described in division (A)(2) of this section to the office of child support.

Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 10/16/2009.

3119.38 Request for administrative hearing based on mistake of fact.

A person who receives a notice of medical support enforcement activity under section [3119.35](#) of the Revised Code may file a written request for an administrative hearing with the child support enforcement agency that issued it regarding whether a mistake of fact was made in the national medical support notice referred to in the notice of medical support enforcement activity. The request must be filed not later than seven business days after the date on which the notice of medical support enforcement activity is sent.

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

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

If an agency's determination becomes final under this section, the agency shall take further action as required by section [3119.41](#) of the Revised Code.

Effective Date: 12-13-2002

3119.39 Failure to make timely request for hearing.

If a person who has received a notice of medical support enforcement activity under section [3119.35](#) of the Revised Code fails to make a timely request under section [3119.38](#) of the Revised Code for an administrative hearing, the notice of medical support enforcement activity becomes a final determination of the child support enforcement agency that issued that notice that no mistake of fact exists in the national medical support notice referred to in the notice of medical support enforcement activity. When an agency's determination becomes final, the agency shall take further action as required by section [3119.41](#) of the Revised Code.

Effective Date: 12-13-2002

3119.40 Hearing based on mistake of fact.

If a person who received a notice of medical support enforcement activity files a timely written motion for a court hearing to determine whether there is still a mistake of fact in the national medical support notice referred to in the notice of medical support enforcement activity, the court shall hold a hearing as soon as possible, but not later than ten days, after the motion is filed. Not later than five days before the date the court hearing is to be held, the court shall send the person and any other individual the agency determines appropriate written notice by regular mail of the date, time, place, and purpose of that hearing. The hearing shall be limited to a determination of whether there is a mistake of fact in the national medical support notice.

At the hearing, the court shall determine whether there is a mistake of fact in the national medical support notice. On conclusion of the hearing, the court shall make its determination. The determination is final. The court shall take further action as provided in section [3119.41](#) of the Revised Code.

Effective Date: 12-13-2002

3119.41 Decision on mistake of fact proceeding.

If either a court, under section [3119.40](#) of the Revised Code, or child support enforcement agency, under section [3119.38](#) or [3119.39](#) of the Revised Code, makes a final determination that no mistake of fact exists in a national medical support notice referred to in a notice of medical support enforcement activity sent to a person, the national medical support notice shall remain in effect. If a court or agency determines that a mistake of fact does exist under the national medical support notice, the court or agency, as appropriate, shall take whatever action is necessary regarding the notice, which may include correction or termination of the notice.

If a mistake of fact proceeding is instituted under section [3119.38](#) or [3119.40](#) of the Revised Code, withholding of amounts pursuant to a national medical support notice shall continue in accordance with the notice until the court or agency, as appropriate, terminates or corrects the notice. If the notice is corrected, withholding shall occur in accordance with the corrected notice.

Effective Date: 12-13-2002

3119.42 Binding effect of order.

A child support order issued in accordance with section [3119.30](#) of the Revised Code or notice issued pursuant to section [3119.33](#) or [3119.34](#) of the Revised Code is binding on the obligor and the obligee, their employers, and any health plan administrator that provides health insurance coverage for either of them or their children.

Effective Date: 12-13-2002

[3119.421 Reimbursement for covered out-of-pocket medical, optical, hospital, dental, or prescription expenses.](#)

A health plan administrator that provides health insurance coverage for the children who are the subject of a child support order in accordance with the child support order or a notice sent by an employer pursuant to section [3119.36](#) of the Revised Code shall reimburse the individual who is designated to receive reimbursement in the child support order for covered out-of-pocket medical, optical, hospital, dental, or prescription expenses incurred on behalf of the children.

Effective Date: 12-13-2002

[3119.422 Child who does not meet the underwriting standards of policy.](#)

Nothing in sections [3119.29](#) to [3119.56](#) of the Revised Code shall be construed to require a health plan administrator to accept for enrollment any child who does not meet the underwriting standards of the health insurance or health care policy, contract, or plan for which application is made.

Effective Date: 12-13-2002

[3119.43 Notice of failure of person to comply with child support order.](#)

If the person required to obtain health insurance coverage pursuant to a child support order issued in accordance with section [3119.30](#) of the Revised Code does not obtain the required coverage within thirty days after the order is issued, the child support enforcement agency shall notify the court that issued the court child support order or, with respect to an administrative child support order, the court of common pleas of the county in which the agency is located, in writing of the failure of the person to comply with the child support order.

Effective Date: 12-13-2002

[3119.44 Contempt.](#)

Whoever violates a court child support order issued in accordance with section [3119.30](#) of the Revised Code may be punished as for contempt under Chapter 2705. of the Revised Code.

Effective Date: 12-13-2002

[3119.45 Previous finding of contempt.](#)

If a person is found in contempt under Chapter 2705. for failing to comply with a court child support order issued in accordance with section [3119.30](#) of the Revised Code and the person previously has been found in contempt under that chapter, the court shall consider the failure to comply with the order as a change in circumstances for the purpose of modification of the

amount of support due under the court child support order issued in accordance with section [3119.30](#) of the Revised Code to which the person is subject.

Effective Date: 12-13-2002

3119.46 Filing motion for modification of order.

An obligee or obligor under a court child support order may file a motion with the court that issued the order requesting that the court modify the order with regard to health insurance coverage for the children who are the subject of the order.

Effective Date: 12-13-2002

3119.47 Investigation of availability of insurance.

On the filing of a motion described in section [3119.46](#) of the Revised Code, the court shall order the child support enforcement agency to conduct an investigation to determine whether satisfactory health insurance coverage for the children is available to the obligor or obligee, both the obligor and obligee, or the obligor and obligee together. Upon completion of its investigation, the agency shall provide to the court, in writing, the information it has obtained through its investigation, including a list of available coverage and the costs of the coverage.

Effective Date: 12-13-2002

3119.48 Modification of order.

If a motion is filed pursuant to section [3119.46](#) of the Revised Code, the court may modify the court child support order pursuant to sections [3119.30](#) and [3119.32](#) of the Revised Code and based on information received from the child support enforcement agency pursuant to section [3119.47](#) of the Revised Code.

Effective Date: 12-13-2002

3119.49 Motion to modify support to cover medical needs adequately.

An obligor or obligee under a court child support order may file a motion with the court that issued the order requesting that the court modify the amount of child support required to be paid under the order because that amount does not adequately cover the medical needs of the child.

Effective Date: 12-13-2002

3119.491 Amended and Renumbered RC 3119.363.

Effective Date: 12-13-2002

3119.50 Determining adequacy of support.

On the filing of a motion described in section [3119.49](#) of the Revised Code, the court shall determine whether the amount of child support required to be paid under the court child support order adequately covers the medical needs of the child and whether to modify the order.

Effective Date: 12-13-2002

3119.51 Administrative rules.

The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as appropriate to implement the requirements of sections [3119.29](#) to [3119.56](#) of the Revised Code.

Effective Date: 12-13-2002

3119.52 Amended and Renumbered RC 3119.421.

Effective Date: 12-13-2002

3119.53 Amended and Renumbered RC 3119.422.

Effective Date: 12-13-2002

3119.54 Eligibility for medical assistance.

A party to a child support order issued in accordance with section 3119.30 of the Revised Code shall notify any physician, hospital, or other provider of medical services that provides medical services to the child who is the subject of the child support order of the number of any health insurance or health care policy, contract, or plan that covers the child if the child is eligible for medicaid. The party shall include in the notice the name and address of the insurer. Any physician, hospital, or other provider of medical services covered by the medicaid program who is notified under this section of the existence of a health insurance or health care policy, contract, or plan with coverage for children who are eligible for medicaid shall first bill the insurer for any services provided for those children. If the insurer fails to pay all or any part of a claim filed under this section and the services for which the claim is filed are covered by the medicaid program, the physician, hospital, or other medical services provider shall bill the remaining unpaid costs of the services to the medicaid program.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Amended by 129th General Assembly File No.28, HB 153, §101.01, eff. 10/1/2011.

Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 10/16/2009.

Effective Date: 12-13-2002; 2008 HB5662 09-22-2008

3119.56 Failure to comply with child support order for health care.

An obligor or obligee who fails to comply with a child support order issued in accordance with section [3119.30](#) of the Revised Code is liable to the other for any medical expenses incurred as a result of the failure to comply with the order.

Effective Date: 12-13-2002

3119.57 Amended and Renumbered RC 3119.44.

Effective Date: 12-13-2002

3119.58 Amended and Renumbered RC 3119.45.

Effective Date: 12-13-2002

3119.60 Proceedings prior to formal beginning of review.

If a child support enforcement agency, periodically or on request of an obligor or obligee, plans to review a child support order in accordance with the rules adopted pursuant to section [3119.76](#) of the Revised Code or otherwise plans to review a child support order, it shall do all of the following prior to formally beginning the review:

- (A) Establish a date certain on which the review will formally begin;
- (B) Except as otherwise provided in section [3119.771](#) of the Revised Code, at least forty-five days before formally beginning the review, send the obligor and the obligee notice of the planned review and of the date when the review will formally begin;
- (C)
 - (1) Request the obligor to provide the agency, no later than the scheduled date for formally beginning the review, with all of the following:
 - (a) A copy of the obligor's federal income tax return from the previous year;
 - (b) A copy of all pay stubs obtained by the obligor within the preceding six months;
 - (c) A copy of all other records evidencing the receipt of any other salary, wages, or compensation by the obligor within the preceding six months;
 - (d) A list of the group health insurance and health care policies, contracts, and plans available to the obligor and their costs;
 - (e) The current health insurance or health care policy, contract, or plan under which the obligor is enrolled and its cost;
 - (f) If the obligor is a member of the uniformed services and is on active military duty, a copy of the obligor's Internal Revenue Service form W-2, "Wage and Tax Statement," and a copy of a statement detailing the obligor's earnings and leave with the uniformed services;
 - (g) Any other information necessary to properly review the child support order.
 - (2) Request the obligee to provide the agency, no later than the scheduled date for formally beginning the review, with all of the following:
 - (a) A copy of the obligee's federal income tax return from the previous year;
 - (b) A copy of all pay stubs obtained by the obligee within the preceding six months;

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

(d) A list of the group health insurance and health care policies, contracts, and plans, including the tricare program offered by the United States department of defense, available to the obligee and their costs;

(e) The current health insurance or health care policy, contract, or plan under which the obligee is enrolled and its cost;

(f) Any other information necessary to properly review the child support order.

(D) Include in the notice sent pursuant to division (B) of this section, one of the following:

(1) If the child support order being reviewed is a court child support order, a notice that a willful failure to provide the documents and other information requested pursuant to division (C) of this section is contempt of court;

(2) If the child support order being reviewed is an administrative child support order, a notice that if either the obligor or obligee fails to comply with the request for information, the agency may bring an action under section [3119.72](#) of the Revised Code requesting that the court find the obligor and the obligee in contempt pursuant to section [2705.02](#) of the Revised Code.

Effective Date: 06-02-2004

3119.61 Commencing review of administrative order.

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 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 section [3119.021](#) of the Revised Code. If the agency can set the child support 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.

Effective Date: 06-02-2004

[3119.63](#) Reviewing court child support order.

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) 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) Give the obligor and obligee notice that if the court child support order contains a deviation granted under section [3119.23](#) or [3119.24](#) 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) If neither the obligor nor the obligee timely requests, pursuant to division (C) 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) 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) If neither the obligor nor the obligee requests, pursuant to division (E) 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.

Effective Date: 03-22-2001

3119.64 Requesting hearing on revised amount of support.

If an obligor or obligee files a request for a court hearing on a revised amount of child support to be paid under a court child support order in accordance with section [3119.63](#) of the Revised Code and the rules adopted under section [3119.76](#) of the Revised Code, the court shall conduct a hearing in accordance with section [3119.66](#) of the Revised Code.

Effective Date: 03-22-2001

3119.65 Revising order where hearing not requested.

If neither the obligor nor the obligee requests a court hearing on a revised amount of child support to be paid under a court child support order in accordance with section [3119.63](#) of the Revised Code, the court shall issue a revised court child support order to require the obligor to pay the revised amount of child support calculated by the child support enforcement agency.

Effective Date: 03-22-2001

3119.66 Schedule for and conduct of hearing.

If the obligor or the obligee requests a court hearing on the revised amount of child support calculated by the child support enforcement agency, the court shall schedule and conduct a hearing to determine whether the revised amount of child support is the appropriate amount and whether the amount of child support being paid under the court child support order should be revised.

Effective Date: 03-22-2001

3119.67 Notice of date, time, and location of hearing.

A court required to schedule and conduct a hearing pursuant to section [3119.66](#) of the Revised Code shall give the obligor, obligee, and child support enforcement agency at least thirty days' notice of the date, time, and location of the hearing.

Effective Date: 03-22-2001

3119.68 Ordering party to provide documents.

A court required to schedule and conduct a hearing pursuant to section [3119.66](#) of the Revised Code shall do both of the following if the obligor or obligee failed to provide any of the items described in divisions (A)(1) to (5) and (B)(1) to (5) of this section:

(A) Order the obligor to provide the court with all of the following:

- (1) A copy of the obligor's federal income tax return from the previous year;
- (2) A copy of all pay stubs obtained by the obligor within the preceding six months;
- (3) A copy of all other records evidencing the receipt of any other salary, wages, or compensation by the obligor within the preceding six months;
- (4) A list of the group health insurance and health care policies, contracts, and plans available to the obligor and their costs;
- (5) The current health insurance or health care policy, contract, or plan under which the obligor is enrolled and its cost.

(B) Order the obligee to provide the court with all of the following:

- (1) A copy of the obligee's federal income tax return from the previous year;
- (2) A copy of all pay stubs obtained by the obligee within the preceding six months;
- (3) A copy of all other records evidencing the receipt of any other salary, wages, or compensation by the obligee within the preceding six months;
- (4) A list of the group health insurance and health care policies, contracts, and plans available to the obligee and their costs;
- (5) The current health insurance or health care policy, contract, or plan under which the obligee is enrolled and its cost.

Effective Date: 03-22-2001

3119.69 Notice that willful failure to comply with court order is contempt of court.

A court required to schedule and conduct a hearing pursuant to section [3119.66](#) of the Revised Code shall give the obligor and the obligee notice that any willful failure to comply with a court order is contempt of court and, on a finding by the court that a person is in contempt of court, the court and the child support enforcement agency will take any action necessary to obtain the

information or make any reasonable assumptions necessary with respect to the information the person in contempt of court did not provide to ensure a fair and equitable review of the court child support order.

Effective Date: 03-22-2001

3119.70 Determination by court following hearing.

A court that conducts a hearing pursuant to section [3119.66](#) of the Revised Code shall do both of the following:

(A) If the court determines at the hearing that the revised child support amount calculated by the child support enforcement agency is the appropriate amount, issue a revised court child support order requiring the obligor to pay the revised amount;

(B) If the court determines that the revised child support amount calculated by the agency is not the appropriate amount, determine the appropriate child support amount and, if necessary, issue a revised court child support order requiring the obligor to pay the child support amount determined by the court.

Effective Date: 03-22-2001

3119.71 Modification of order relates back.

Except as otherwise provided in section [3119.772](#) of the Revised Code:

(A) If the obligor or obligee does not request a court hearing on the revised child support amount determined by the child support enforcement agency and filed with the court pursuant to section [3119.63](#) of the Revised Code and the court modifies the order to include the revised amount pursuant to section [3119.65](#) of the Revised Code, the modification shall relate back to the first day of the month following the date certain on which the review of the court child support order began pursuant to division (A) of section [3119.60](#) of the Revised Code.

(B) If the obligor or obligee requests a court hearing on the revised child support amount and the court, after conducting a hearing, modifies the court child support amount under the order, the modification shall relate back to the first day of the month following the date on which the review of the court child support order began pursuant to division (A) of section [3119.60](#) of the Revised Code.

Effective Date: 06-02-2004

3119.72 Noncompliance by party with request for information.

If either the obligor or the obligee fails to comply with a request for information made pursuant to division (C) of section [3119.60](#) of the Revised Code, one of the following applies:

(A) If the child support order being reviewed is a court child support order, failure to comply with a request for information is contempt of court, and the child support enforcement agency shall notify the court of the failure to comply with the request for information. The agency may request the court to issue an order requiring the obligor or the obligee to provide the information as requested or take whatever action is necessary to obtain the information and make any

reasonable assumptions necessary with respect to the information the person in contempt of court did not provide to ensure a fair and equitable review of the child support order.

(B) If the child support order being reviewed is an administrative child support order, the agency may request that the court of common pleas of the county in which the agency is located issue an order requiring the obligor or obligee to comply with the agency's request for information. The agency may request that the order require the obligor or obligee to provide the necessary information or permit the agency to take whatever action is necessary to obtain the information and make any reasonable assumptions necessary with respect to the information not provided to ensure a fair and equitable review of the administrative child support order. An obligor or obligee who fails to comply with the court order is in contempt of court. If an obligor or obligee is in contempt of court, the agency may request the court to hold the person who failed to comply in contempt or to permit the agency to take whatever action is necessary to obtain information and make any reasonable assumptions necessary with respect to the income of the person who failed to comply with the request to ensure a fair and equitable review of the administrative child support order.

If the agency decides to conduct the review of the child support order based on reasonable assumptions with respect to the information the person in contempt of court did not provide, it shall proceed under section [3119.61](#) or [3119.63](#) of the Revised Code in the same manner as if all requested information has been received.

Effective Date: 03-22-2001

3119.73 Calculating revised amount of child support.

(A) In calculating a revised amount of child support to be paid under section [3119.61](#) or [3119.63](#) of the Revised Code, and in redetermining, at an administrative hearing conducted under either of those sections, a revised amount of child support to be paid, the child support enforcement agency shall consider, in addition to all other factors required by law to be considered, the following:

- (1) The appropriate person, whether it is the obligor, obligee, or both, to be required to provide health insurance coverage for the children specified in the order;
- (2) The cost of health insurance coverage that the obligor, the obligee, or both have been ordered to obtain for the children specified in the order.

(B) In determining, at a hearing conducted under section [3119.66](#) of the Revised Code, the appropriate amount of child support to be paid by the obligor, the court shall consider the following, in addition to all other factors required by law to be considered:

- (1) The appropriate person, whether it is the obligor, obligee, or both, to be required to provide health insurance coverage for the children specified in the order;
- (2) The cost of health insurance that the obligor, the obligee, or both have been ordered to obtain for the children specified in the order.

Effective Date: 03-22-2001

3119.74 Conducting administrative reviews of support orders.

In addition to administrative reviews conducted pursuant to sections [3119.60](#) to [3119.63](#) and section [3119.771](#) of the Revised Code, a child support enforcement agency may conduct administrative reviews of support orders to do the following:

(A) Obtain voluntary notices or court orders under section [3121.03](#) of the Revised Code;

(B) Correct any errors in the amount of any arrearage owed by an obligor.

The agency shall notify the obligor and obligee of the time, date, and location of the administrative review at least fourteen days before the hearing is held.

Effective Date: 06-02-2004

3119.75 Child support enforcement agency not required to review a child support order.

A child support enforcement agency is not required to review a child support order if the review is not otherwise required by 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 and any of the following apply:

(A) The obligee has made an assignment under section [5107.20](#) of the Revised Code of the right to receive child support payments, the agency determines that good cause pursuant to section [5107.05](#) of the Revised Code exists with respect to the children who are the subject of the child support order, and neither the obligor nor the obligee has requested that the review be conducted.

(B) The obligee has not made an assignment under section [5107.20](#) of the Revised Code of the right to receive child support payments and neither the obligor nor the obligee has requested that the review be conducted.

(C) Neither the obligor nor the obligee resides in this state.

Effective Date: 03-22-2001

3119.76 Administrative rules establishing procedures for determining when orders should be reviewed.

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 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 section [3119.021](#) of the Revised Code and the applicable worksheet in 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.

Effective Date: 12-13-2002

[3119.77 Review of child support order for person called to active military service.](#)

(A) As used in this section and sections [3119.771](#) , [3119.772](#) , and [3119.773](#) of the Revised Code:

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

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

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

(C) An obligor who makes a request under division (B) of this section must indicate that the reason for the modification is the obligor's active military service and provide with the request any orders or other appropriate documentation specifying the commencement date of the

obligor's active military service and the monthly monetary compensation for that service. The obligor also shall submit documentation on all other outside income.

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

Effective Date: 06-02-2004

3119.771 Review of order.

(A) A child support enforcement agency that receives a request for review and modification of a child support order pursuant to section [3119.77](#) of the Revised Code shall send to the obligor and obligee, not later than three business days after receipt of the request, notice of the review and of the date it will begin. The child support enforcement agency shall complete an administrative review in accordance with sections [3119.60](#) to [3119.63](#) of the Revised Code. The agency shall consider the obligor's call to active military service as a change of circumstances substantial enough to require a review of the child support amount.

(B) On receipt of a military power of attorney from an obligor designating another individual to act for the obligor, the child support enforcement agency shall allow the individual to act on the obligor's behalf during the agency's review of the order and shall provide the other individual with any notices required to be given under sections [3119.60](#) to [3119.63](#) of the Revised Code, including the notice sent pursuant to division (A) of this section. If, with respect to the review of a court child support order under section [3119.63](#) of the Revised Code, the obligor or obligee requests a court hearing, the court shall provide the individual acting on behalf of the obligor with any notices required to be given under sections [3119.67](#) to [3119.69](#) of the Revised Code. The individual acting on behalf of the obligor may not assert any right to a stay under the Servicemembers Civil Relief Act, 117 Stat. 2835 (2003), 50 App. U.S.C. 501 et. seq., as amended.

(C) If, after the obligor provides written notice of the date of termination of the obligor's active military service pursuant to section [3119.773](#) of the Revised Code, the obligor provides the child support enforcement agency with written documentation sufficient to establish that the obligor's employer has violated the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 to 4333, with regards to the obligor, the child support enforcement agency shall consider this change of circumstance substantial enough to require a review of the obligor's amount of support to be paid under the child support order.

Effective Date: 06-02-2004

3119.772 Modification of order.

If a child support enforcement agency modifies an administrative child support order, or a court modifies a court child support order, based on an administrative review conducted pursuant to section [3119.771](#) of the Revised Code, the modification shall relate back to the later of the date the child support enforcement agency sent notice of the review pursuant to division (A) of section [3119.771](#) of the Revised Code or the first day of the month in which the obligor's active military service begins. The agency or court shall include a provision in the modified order stating that, except as otherwise provided in division (C) of section [3119.771](#) of the Revised Code, the modification will terminate and the prior amount of support be reinstated as of the first day of the month following the date that the obligor's active military service ends.

Effective Date: 06-02-2004

3119.773 Notice of date of termination of active military service.

If the amount to be paid under a child support order is modified pursuant to an administrative review conducted pursuant to section [3119.771](#) of the Revised Code, the obligor shall provide written notice of the date of termination of the obligor's active military service to the child support enforcement agency administering the order not later than the last day of the month in which the service ends.

Effective Date: 06-02-2004

3119.79 Recalculating amount of support by court upon request.

(A) If an obligor or obligee under a child support order requests that the court modify the amount of 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 the court determines that the amount of support does not adequately meet the medical needs of the child, 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 calculated pursuant to the basic child support schedule and pursuant to the applicable worksheet would be unjust or inappropriate and would 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.

Effective Date: 03-22-2001

3119.80 Motion requesting issuance of withholding or deduction notice to pay support due.

In any action in which support is ordered under a court child support order, the obligor or obligee under the order may file a motion with the court that issued the order requesting the issuance of one or more withholding or deduction notices under section [3121.03](#) of the Revised Code to pay the support due under the order. The motion may be filed at any time after the court child support order is issued. Upon the filing of a motion pursuant to this section, the child support enforcement agency shall immediately conduct, and shall complete within twenty days after the motion is filed, an investigation in accordance with section [3123.02](#) of the Revised Code. On the completion of the investigation, the court shall issue one or more appropriate orders described in section [3121.03](#) of the Revised Code.

Effective Date: 03-22-2001

3119.81 Ordering investigation prior to issuing certain notices.

In proceedings involving a court child support order, the court, before the conclusion of any hearings held with respect to the proceedings, shall order the child support enforcement agency to conduct an investigation pursuant to section [3123.02](#) of the Revised Code if no withholding or deduction order or notice or order to seek employment, participate in a work activity, or enter into a cash bond to collect support under the court support order has been issued or the court determines that any such order or notice previously issued is no longer appropriate for collection of support under the order.

On the filing of the agency's findings after completion of the investigation, the court, as necessary, shall issue one or more notices or one or more court orders described in section [3121.03](#) of the Revised Code or modify any such notices or court orders previously issued.

Effective Date: 03-22-2001

3119.82 Designating parent entitled to claim federal income tax deduction.

Whenever a court issues, or whenever it modifies, reviews, or otherwise reconsiders a court child support order, it shall designate which parent may claim the children who are the subject of the court child support order as dependents for federal income tax purposes as set forth in section 151 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1 , as amended. If the parties agree on which parent should claim the children as dependents, the court shall designate that parent as the parent who may claim the children. If the parties do not agree, the court, in its order, may permit the parent who is not the residential parent and legal custodian to claim the children as dependents for federal income tax purposes only if the court determines that this furthers the best interest of the children and, with respect to orders the court modifies, reviews, or reconsiders, the payments for child support are substantially current as ordered by the court for the year in which the children will be claimed as dependents. In cases in which the parties do not agree which parent may claim the children as dependents, the court shall consider, in making its determination, any net tax savings, the relative financial circumstances and needs of the parents and children, the amount of time the children spend with each parent, the eligibility of either or both parents for the federal earned income tax credit or other state or federal tax credit, and any other relevant factor concerning the best interest of the children.

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

Effective Date: 03-22-2001

3119.83 Modifying duty to pay delinquent support retroactively.

Except as provided in section [3119.84](#) of the Revised Code, a court or child support enforcement agency may not retroactively modify an obligor's duty to pay a delinquent support payment.

Effective Date: 03-22-2001

3119.84 Modifying payments accruing while modification proceedings are pending.

A court with jurisdiction over a court support order may modify an obligor's duty to pay a support payment that becomes due after notice of a petition to modify the court support order has been given to each obligee and to the obligor before a final order concerning the petition for modification is entered.

Effective Date: 03-22-2001

3119.86 Continuing support obligation beyond child's eighteenth birthday.

(A) Notwithstanding section [3109.01](#) of the Revised Code, both of the following apply:

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

(a) The child is mentally or physically disabled and is incapable of supporting or maintaining himself or herself.

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

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

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

(B) A court child support order shall not remain in effect after the child reaches nineteen years of age unless the order provides that the duty of support continues under circumstances described in division (A)(1)(a) or (b) of this section for any period after the child reaches age nineteen. An administrative child support order shall not remain in effect after the child reaches age nineteen.

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

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

Effective Date: 03-22-2001

3119.87 Notifying agency of reason why support order should terminate.

The parent who is the residential parent and legal custodian of a child for whom a child support order is issued or the person who otherwise has custody of a child for whom a child support order is issued immediately shall notify, and the obligor under a child support order may notify, the child support enforcement agency administering the child support order of any reason for which the child support order should terminate. With respect to a court child support order, a willful failure to notify the child support enforcement agency as required by this division is contempt of court.

Effective Date: 03-22-2001

3119.88 Reasons for which child support order should terminate.

Reasons for which a child support order should terminate include all of the following:

- (A) The child's attainment of the age of majority if the child no longer attends an accredited high school on a full-time basis and the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age;
- (B) The child ceasing to attend an accredited high school on a full-time basis after attaining the age of majority, if the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age;
- (C) The child's death;
- (D) The child's marriage;
- (E) The child's emancipation;
- (F) The child's enlistment in the armed services;
- (G) The child's deportation;
- (H) Change of legal custody of the child.

Effective Date: 03-22-2001

3119.89 Investigating termination.

(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 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.

Effective Date: 03-22-2001; 05-18-2005

[3119.90 Agency determination that support order should terminate.](#)

(A) If, pursuant to an investigation conducted under section [3119.89](#) of the Revised Code, the child support enforcement agency determines both that a child support order should terminate and that child support amounts paid pursuant to the order should be impounded because continuation of receipt and disbursement would lead to an overpayment by the obligor, the agency shall do the following:

- (1) With respect to a court child support order, immediately notify the court that issued the order of the results of its investigation and submit to the court an order impounding any funds received for the child pursuant to the court child support order that was under investigation;
- (2) With respect to an administrative child support order, issue an administrative order impounding any funds received for the child pursuant to the administrative child support order that was under investigation.

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

- (1) Notice of their right to request an administrative hearing regarding any conclusions of the investigation;
- (2) Notice of the procedures and time deadlines for requesting the hearing;

(3)

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

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

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

Effective Date: 03-22-2001; 05-18-2005

3119.91 Requesting administrative hearing on termination investigation conclusions.

If an obligor or obligee under a child support order timely requests an administrative hearing pursuant to section [3119.90](#) of the Revised Code, the child support enforcement agency shall schedule a hearing on the issue, give the parties notice of the date, time, and location of the hearing, and conduct the hearing. On completion of the hearing, the child support enforcement agency shall issue a decision. The decision shall include a notice stating that the obligor or obligee may object to the decision by filing a motion within thirty days after the issuance of the decision in one of the following courts requesting a determination as to whether the order should be terminated or whether any other appropriate determination regarding the order should be made:

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

(B) With respect to an administrative child support order, 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 that issued the order is located.

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

Effective Date: 03-22-2001

3119.92 Court hearing on termination of support.

If the obligor, the obligee, or both file a motion as described in section [3119.91](#) of the Revised Code within the thirty-day period, the court shall set the case for a hearing for a determination as to whether the support order should be terminated or whether the court should take any other appropriate action. On the filing of the motion, the court shall issue an order directing that the impoundment order issued by the child support enforcement agency regarding support amounts received for the child remain in effect while the motion is pending. If neither the obligor nor the obligee files a motion as described in section [3119.91](#) of the Revised Code within the thirty-day period, the administrative hearing decision is final and will be filed with the court or in the administrative case file.

Effective Date: 03-22-2001

3119.93 Terminating withholding or deduction notice or other order.

The termination of a child support order by a court or agency also terminates any applicable withholding or deduction notice or other order issued under section [3121.03](#) of the Revised Code. With respect to a court child support order, on the termination of any withholding or deduction notice, the court immediately shall notify the appropriate child support enforcement agency that the order or notice has been terminated. If a withholding notice or order is terminated, the agency immediately shall notify each payor or financial institution required to withhold or deduct a sum of money for the payment of support under the order or notice that it has been terminated and that the payor or institution is required to cease all withholding or deduction under the order or notice.

Effective Date: 03-22-2001

3119.94 Administrative rules concerning impounded funds, return of payments, uniform implementation.

(A) The director of job and family services shall adopt rules that provide for all of the following:

(1) The payment to the appropriate person of any funds that a court or child support enforcement agency has impounded under section [3119.90](#) or [3119.92](#) of the Revised Code;

(2) The return to the appropriate person of any other payments made pursuant to a child support order if the payments were made at any time after the child support order has been terminated pursuant to section [3119.90](#) or [3119.92](#) of the Revised Code;

(3) Any other standards, forms, or procedures needed to ensure uniform implementation of sections [3119.86](#) to 3119.94 of the Revised Code.

(B) With respect to the court order for impoundment required under division (A)(1) of section [3119.90](#) of the Revised Code, the director of job and family services may adopt rules that specify a form for the order or approve a form developed by the Ohio judicial conference.

Effective Date: 03-22-2001; 05-18-2005

3119.96 Genetic testing definitions.

As used in sections [3119.961](#) to [3119.967](#) of the Revised Code, "genetic tests" and "genetic testing" have the same meanings as in section [3111.09](#) of the Revised Code.

Effective Date: 03-22-2001

3119.961 Motion for relief from paternity determination or support order.

(A) Notwithstanding the provisions to the contrary in Civil Rule 60(B) and in accordance with this section, a person may file a motion for relief from a final judgment, court order, or administrative determination or order that determines that the person or a male minor referred to in division (B) of section [3109.19](#) of the Revised Code is the father of a child or from a child support order under which the person or male minor is the obligor. Except as otherwise provided in this section, the person shall file the motion in the division of the court of common pleas of the

county in which the original judgment, court order, or child support order was made or issued or in the division of the court of common pleas of the county that has jurisdiction involving the administrative determination or order. If the determination of paternity is an acknowledgment of paternity that has become final under section [2151.232](#) , [3111.25](#) , or [3111.821](#) of the Revised Code or former section [3111.211](#) or 5101.314 of the Revised Code, the person shall file the motion in the juvenile court or other court with jurisdiction of the county in which the person or the child who is the subject of the acknowledgment resides.

(B) On the motion of any adverse party or on its own motion, the court in which an action is brought under this section may transfer the action to the county in which an adverse party resides when it appears to the court that the location of the original venue presents a hardship for that adverse party.

Effective Date: 01-25-2002

3119.962 Granting relief from paternity determination.

(A)

(1) Upon the filing of a motion for relief under section [3119.961](#) of the Revised Code, a court shall grant relief from a final judgment, court order, or administrative determination or order that determines that a person or male minor is the father of a child or from a child support order under which a person or male minor is the obligor if all of the following apply:

(a) The court receives genetic test results from a genetic test administered no more than six months prior to the filing of the motion for relief that finds that there is a zero per cent probability that the person or male minor is the father of the child.

(b) The person or male minor has not adopted the child.

(c) The child was not conceived as a result of artificial insemination in compliance with sections [3111.88](#) to [3111.96](#) of the Revised Code.

(2) A court shall not deny relief from a final judgment, court order, or administrative determination or order that determines that a person or male minor is the father of a child or from a child support order under which a person or male minor is the obligor solely because of the occurrence of any of the following acts if the person or male minor at the time of or prior to the occurrence of that act did not know that he was not the natural father of the child:

(a) The person or male minor was required to support the child by a child support order.

(b) The person or male minor validly signed the child's birth certificate as an informant as provided in section [3705.09](#) of the Revised Code as that section existed prior to January 1, 1998.

(c) The person or male minor was named in an acknowledgment of paternity of the child that a court entered upon its journal pursuant to former section [2105.18](#) of the Revised Code.

(d) The person or male minor was named in an acknowledgment of paternity of the child that has become final under section [2151.232](#) , [3111.25](#) , or [3111.821](#) of the Revised Code or former section [3111.211](#) or 5101.314 of the Revised Code.

(e) The person or male minor was presumed to be the natural father of the child under any of the circumstances listed in section [3111.03](#) of the Revised Code.

(f) The person or male minor was presumed to be the natural father of the child under any of the circumstances listed in:

(i) Division (A)(3) of section [3111.03](#) of the Revised Code as that division existed prior to January 1, 1998;

(ii) Division (A)(3) of section [3111.03](#) of the Revised Code as that division existed on and after January 1, 1998, and prior to the effective date of this amendment;

(iii) Division (A)(5) of section [3111.03](#) of the Revised Code as that division existed prior to the effective date of this amendment.

(g) The person or male minor was determined to be the father of the child in a parentage action under Chapter 3111. of the Revised Code.

(h) The person or male minor otherwise admitted or acknowledged himself to be the child's natural father.

(B) A court shall not grant relief from a final judgment, court order, or administrative determination or order that determines that a person or male minor is the father of a child or from a child support order under which a person or male minor is the obligor if the court determines, by a preponderance of the evidence, that the person or male minor knew that he was not the natural father of the child before any of the following:

(1) Any act listed in divisions (A)(2)(a) to (d) and (A)(2)(f) of this section occurred.

(2) The person or male minor was presumed to be the natural father of the child under any of the circumstances listed in divisions (A)(1) to (3) of section [3111.03](#) of the Revised Code.

(3) The person or male minor otherwise admitted or acknowledged himself to be the child's father.

(C) If the determination of paternity from which relief is sought is an acknowledgment of paternity that has become final under section [2151.232](#) , [3111.25](#) , or [3111.821](#) of the Revised Code or former section [3111.211](#) or 5101.314 of the Revised Code, and the court grants the motion for relief, it shall order the acknowledgment to be rescinded and destroyed and order the department of job and family services to remove all information relating to the acknowledgment from the birth registry.

Effective Date: 03-22-2001

[3119.963 Order to submit to genetic tests.](#)

(A) In any action for relief instituted under section [3119.961](#) of the Revised Code, if the genetic test results submitted pursuant to section [3119.962](#) of the Revised Code in connection with the motion for relief are solely provided by the moving party, the court, upon its own motion, may order and, upon the motion of any party to the action, shall order the child's mother, the child, and the alleged father to submit to genetic tests. The clerk of the court shall schedule the genetic testing no later than thirty days after the court issues its order.

(B) If the mother is the custodian of the child and willfully fails to submit the child to genetic testing, if the alleged father of the child willfully fails to submit himself to genetic testing, or if the alleged father is the custodian of the child and willfully fails to submit the child to genetic

testing, the court shall issue an order determining the motion for relief against the party failing to submit the party or the child to the genetic testing. If a party shows good cause for failing to submit to genetic testing or for failing to submit the child to genetic testing, the court shall not consider the failure to be willful.

(C) The party requesting the genetic tests shall pay any fees charged for the tests, unless the custodian of the child is represented by the child support enforcement agency in its role as the agency providing enforcement of child support orders, in which case the child support enforcement agency shall pay the costs of genetic testing if it requests the tests. The child support enforcement agency or the person who paid the fees charged for the genetic testing may seek reimbursement for the fees from the person against whom the court assesses the costs of the action.

(D) The genetic tests shall be made by qualified examiners who are authorized by the court or the department of job and family services or by a genetic testing laboratory accredited by the American association of blood banks. An examiner conducting a genetic test, upon the completion of the test, shall send a complete report of the test results to the clerk of the court that ordered the test.

Effective Date: 03-22-2001

3119.964 Effect of granting relief from paternity determination on parenting time rights.

(A) If a court grants relief from a judgment, order, or determination pursuant to section [3119.962](#) of the Revised Code and if the person who is relieved or the male minor has been granted parenting time rights pursuant to an order issued under section [3109.051](#) or [3109.12](#) of the Revised Code, or if any relative of the person or male minor has been granted companionship or visitation rights with the child pursuant to an order issued under section [3109.051](#) or [3109.12](#) of the Revised Code, the court shall determine whether the order granting those rights should be terminated, modified, or continued.

(B) If a court grants relief from a child support order pursuant to section [3119.962](#) of the Revised Code and support arrearages are owed, the court may issue an order canceling that arrearage. Nothing in this section limits any actions that may be taken by the person or male minor granted relief under this section to recover support paid under the child support order from which relief was granted.

Effective Date: 03-22-2001

3119.965 Granting relief from paternity determination does not preclude action to establish parent-child relationship.

If a court grants a motion that relieves a person or male minor from a judgment, order, or determination under section [3119.962](#) of the Revised Code, the granting of the motion does not preclude any person from filing, subsequent to the granting of the motion, an action under Chapter 3111. of the Revised Code to establish a parent-child relationship between the person or male minor who was granted relief and the child who is the subject of the judgment, order, or determination from which relief was granted. A person shall not file more than one action of that type under Chapter 3111. of the Revised Code in any two-year period regarding the person or male minor who was granted relief and the child. A court, pursuant to a motion filed under this division and in accordance with Chapter 3111. of the Revised Code, may enter a judgment in the action that determines the existence of a parent-child relationship between the person or male

minor granted relief and the child only if genetic tests taken subsequent to the granting of the motion for relief indicate that there is a statistical probability that the party or the male minor is the natural father of the child.

Effective Date: 03-22-2001

3119.966 Costs and attorney fees.

(A) If relief from a child support order is not granted pursuant to section [3119.962](#) of the Revised Code, the court shall require the person who filed the motion for relief to pay all court costs of the action and the reasonable attorney's fees of the opposing party.

(B) If a person files an action under Chapter 3111. of the Revised Code as described in section [3119.965](#) of the Revised Code and the court determines that no parent-child relationship exists between the person or the male minor and the child, the court shall require the person who filed the action to pay all court costs of the action and the reasonable attorney's fees of the opposing party.

Effective Date: 03-22-2001

3119.967 Granting relief from paternity determination regardless of date of order.

Except as otherwise provided in sections [3119.961](#) to 3119.967 of the Revised Code, a party is entitled to obtain relief under section [3119.962](#) of the Revised Code regardless of whether the judgment, order, or determination from which relief is sought was issued prior to, on, or after October 27, 2000.

Effective Date: 03-22-2001

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- [3119.87 Notifying agency of reason why support order should terminate.](#)
- [3119.88 Reasons for which child support order should terminate.](#)
- [3119.89 Investigating termination.](#)
- [3119.90 Agency determination that support order should terminate.](#)
- [3119.91 Requesting administrative hearing on termination investigation conclusions.](#)
- [3119.92 Court hearing on termination of support.](#)
- [3119.93 Terminating withholding or deduction notice or other order.](#)
- [3119.94 Administrative rules concerning impounded funds, return of payments, uniform implementation.](#)
- [3119.96 Genetic testing definitions.](#)
- [3119.961 Motion for relief from paternity determination or support order.](#)
- [3119.962 Granting relief from paternity determination.](#)
- [3119.963 Order to submit to genetic tests.](#)
- [3119.964 Effect of granting relief from paternity determination on parenting time rights.](#)

- [3119.965 Granting relief from paternity determination does not preclude action to establish parent-child relationship.](#)
- [3119.966 Costs and attorney fees.](#)
- [3119.967 Granting relief from paternity determination regardless of date of order.](#)