S.B. 180

123rd General Assembly
(As Introduced)

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BILL SUMMARY

SUPPORT CHANGES

Calculation

- Establishes a new basic child support schedule for use by courts and child support enforcement agencies (CSEAs) in determining child support amounts.

- Modifies the worksheets that are required to be used to calculate child support.

- Establishes an adjustment to reduce the amount of child support based on the amount of time the children are to be in the physical custody of the person required to pay support (the obligor) pursuant to a parenting time order or shared parenting order.

- Requires a court or CSEA that requires a parent to pay child support for a period prior to the time it issues or modifies a current support order to calculate the support amount on the basis of the child support schedule, worksheets, and laws in effect, and the incomes of the parents as they existed, for the prior period.

- Prohibits a court or CSEA from determining a parent receiving means-tested public assistance benefits to be voluntarily unemployed or underemployed and prohibits a court or CSEA from imputing income to that parent, unless failure to do so would be unjust, inappropriate, and not in the best interest of the child.

- In calculating child support, permits a parent with minor children not subject to the child support proceeding to reduce the parent's gross income

by the full amount of the federal income tax exemption for each of those children.

- Requires a court to specifically state in a child support order the facts that are the basis for a deviation from the amount determined under the child support guidelines, if the court grants the deviation based on "any relevant factor."

- Makes changes to the following definitions used in calculating child support: "gross income," ordinary and necessary expense incurred in generating gross receipts," and "potential income."

- Eliminates the conversion and authorization deadline for centralized collection and disbursement of support amounts.

Arrearage

- Permits a CSEA to take certain actions, including collecting federal or state income tax refunds and lump sum payments, to collect an arrearage amount from an obligor even if the obligor is timely paying off the arrearage under a support order.

- Provides that an arrearage amount added to an amount specified in a withholding or deduction notice or order issued to collect current support and arrearages must equal at least 20% of the amount owed for current support in the order unless, for good cause shown, a lesser percentage is required.

- Provides that termination of an administrative child support order does not abate a CSEA's authority to take action to collect arrearages under the order.

- Requires that an amount withheld or deducted from an obligor's income or accounts to collect an arrearage under a terminated support order be at least equal to the amount withheld or deducted under the order.

Administrative review

- Makes changes to the procedure for administrative review and modification of child support orders.

- Changes the criteria used for determining when a review of a child support order is not required in cases in which the obligee (person to whom support is paid) has assigned the right to receive the child support.

- Adds as a new criteria for determining when a review of a child support order is not required that both the obligor and obligee live outside Ohio.

Other support changes

- Makes changes to the law governing designation of which parent may claim the children who are the subject of a child support order as dependents for federal tax purposes.

- Makes changes to the law governing the requirement of health insurance coverage for children who are the subject of a child support order.

- Eliminates the requirement that a CSEA make quarterly statistical reports to county commissioners concerning certain support enforcement activities.

- Eliminates the option of courts and CSEAs, when issuing an order for child support pursuant to a parentage determination, presumption of paternity, or acknowledgment of paternity, to order that child support be paid by an annuity or a lump-sum payment.

- Clarifies that all support payments must be made to the Division of Child Support (the bill changes the name to "Office of Child Support") in the Ohio Department of Human Services (ODHS) or a CSEA, as appropriate under law.

- Makes changes to the law governing collection and distribution of support and monthly administration of support orders.

- Makes changes to the laws governing termination of child support orders.

- Permits CSEAs to establish a system for registering administrative child support orders and requires those orders to be filed with the system or with the clerk of the common pleas court of the county served by the CSEA.

- Repeals the law requiring CSEA oversight of obligors ordered by a court or CSEA to participate in a TANF work activity as a method of enforcing a support order.

- Repeals various laws giving or preserving obligee remedies to enforce support orders in default, addressing county prosecutor actions to collect support, and addressing court authority to enforce orders.

- Transfers from the Division (Office) of Child Support to the Ohio Department of Human Services (ODHS) the authority to adopt rules governing collection of child support from state and federal income tax refunds.

- Makes changes to the Uniform Interstate Family Support Act (UIFSA) enacted in Ohio.

- Provides that an advanced notice is to be sent to an obligor only once for each period of default and provides a definition for "period of default."

- Changes the law governing determinations of when penalty interest is imposed pursuant to a court support order.

- Permits the parents' current and past income and personal earnings to be verified by electronic means when a court or CSEA calculates the amount of child support under a child support order.

PARENTAGE CHANGES

Paternity compliance plans

- Eliminates the requirement that CSEAs adopt paternity compliance plans and establish paternity compliance units.

- Eliminates the requirement that ODHS annually make a report to the Speaker of the House and the President of the Senate concerning the paternity compliance plans and units as well as the progress CSEAs have made toward meeting federal requirements for quickly and efficiently establishing parent and child relationships.

Paternity acknowledgment

- Provides that a presumption of paternity based on an acknowledgment of paternity arises when the acknowledgment is filed with the Division (Office) of Child Support and terminates when the acknowledgment becomes final.

- Makes a final acknowledgment of paternity a final and enforceable determination of paternity unless the acknowledgment is rescinded under the administrative recision procedure for acknowledgments of paternity.

- Makes changes to the administrative recision procedure for acknowledgments of paternity.

- Provides that a legal guardian or custodian may not sign an acknowledgment of paternity.

Paternity presumption

- Permits an acknowledgment of paternity signed by the man presumed to be the father of the child who is the subject of the acknowledgment to be notarized and sent to the Division (Office) of Child Support for filing.

- Eliminates presumptions of paternity that are based on (1) the marriage or attempted marriage of a man and the child's mother after the child's birth or (2) genetic tests indicating a 99% or greater probability that a man is the biological father of the child.

- Clarifies that a CSEA can order a mother, the child, and alleged father to submit to genetic testing to determine the parentage of the child in cases in which there is a statutory presumption that a particular man is the father.

Parentage proceedings

- Requires, in cases in which a request for an administrative parentage determination is made to more that one CSEA, that the appropriate CSEA proceed with the request; that if more than one CSEA is appropriate, the first CSEA to receive the request proceed with it; and that a request be transferred to the appropriate CSEA when a request is made of an inappropriate CSEA.

- Requires a CSEA administrative officer to issue an order requiring genetic testing pursuant to a request for an administrative determination of parentage prior to conducting a conference with the mother and alleged father.

- Requires compliance with and clarifies applicability of the Ohio Rules of Civil Procedure governing proceedings to issue administrative child support orders, administrative parentage determinations requests, and administrative orders for genetic testing.

- Eliminates the inconclusive administrative paternity determination based on genetic tests showing less than 99% probability of paternity.

- Eliminates from the law governing administrative child support proceedings based on a presumption of paternity a provision that permits a person to raise the issue of parentage in a later court or administrative proceeding if the determination was not made with respect to that person in the child support proceeding or pursuant to a final acknowledgment of paternity.

- Eliminates the ability of the parties to an administrative parentage or child support action to object to the administrative determination by bringing a court parentage or child support proceeding and instead permits the parties to appeal the administrative determination to court.

- Eliminates the requirement that a judgment of parentage direct the father to pay all or any part of the reasonable birth expenses of the mother's pregnancy and confinement and instead permits the expenses to be imposed on the appropriate party pursuant to a party's request and if it is not prohibited by federal law.

- Repeals the law permitting parties to compromise parentage actions.

FEDERAL BALANCED BUDGET ACT OF 1997 CHANGES

- Exempts persons receiving foster care maintenance, adoption assistance, Medicaid, or food stamps from the requirement that an application fee be paid for Title IV-D services.

- Provides that an obligee who has assigned the right to support to ODHS is not required to sign an application for Title IV-D services.

- Changes the fine for failure to make a report to the New Hire Directory from less than $25 to not more than $25.

- Changes the fine for conspiracy to not make a report or to make a false or incomplete report to the New Hires Directory from less than $500 to not more than $500.

- Provides that, to the extent permitted by UIFSA, a support order of another state that is being enforced in Ohio is not considered transferred to Ohio's caseload.

- Requires ODHS to maintain records concerning the enforcement in Ohio of support cases issued by other states.

- Requires ODHS to enter into an agreement with the U.S. Secretary of Health and Human Services to use the federal parent locator service to make or enforce a parenting time order.

- Requires that the Division (Office) of Child Support in ODHS locate parents for the purpose of child support enforcement, establishment and enforcement of orders allocating parental rights and responsibilities, and enforcement of parenting time orders.

- Requires that support arrearages owed to an obligee and ODHS to be paid in accordance with federal law.

OTHER CHANGES

- Renames "companionship or visitation rights" that are awarded to a parent as "parenting time."

- Changes the time periods pursuant to which the notice of a match of a Social Security number in both the New Hire Directory and Case Registry must be sent to the CSEA administering a support order, and in which the CSEA must send a withholding notice to the employer.

- Changes the name of the Division of Child Support in ODHS to the Office of Child Support.

- Changes the form of citing Title IV-D of the Social Security Act in the recodified sections of the Revised Code in the bill.

MAJOR TECHNICAL CHANGES

- Recodifies sections governing child support in Revised Code Chapters 2301., 3111., 3113., and 5101. into Chapters 3119., 3121., 3123., and 3125. and reorganizes Chapter 3111.

- Consolidates Revised Code sections governing administrative and court-issued child support orders, but maintains existing substantive distinctions.

- Delays effective date of the bill's substantive provisions to a date six months after the bill takes effect.

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CONTENT AND OPERATION

BACKGROUND

Current law requires the Ohio Department of Human Services (ODHS), with the assistance of a commission appointed by ODHS, to review once every four years the basic child support schedule and worksheets established under Ohio law to determine whether support orders issued by courts and child support enforcement agencies (CSEAs) consistent with the schedule and worksheets adequately provide for the needs of the children who are the subject of the orders. Pursuant to this review requirement, ODHS established the Ohio Child Support Guideline Advisory Council, which made recommendations for changes to Ohio's support enforcement laws. The recommendations are included in a report titled, "Report to the General Assembly: Ohio's Child Support Guidelines," issued by ODHS in March 1997. The bill implements the Advisory Council's approved recommendations and includes additional changes that do the following: implement the federal support enforcement requirements enacted by the Balanced Budget Act of 1997; change the term "visitation and companionship" with regard to parental rights to "parenting time"; change various provisions of Ohio's paternity establishment and support enforcement laws; reorganize the provisions of Chapter 3111. governing paternity establishment and artificial insemination; and recodify the child support enforcement laws into four new Revised Code Chapters (3119.; 3121.; 3123.; and 3125.).

SUPPORT CHANGES

New basic child support schedule

(secs. 3119.021 and 3119.04)

Current law establishes a basic child support schedule that all courts and CSEAs must use when calculating child support under a child support order. The schedule reflects estimates of how much it costs to raise a child. It uses the combined gross income of the parents and the number of children to determine the basic amount of support required in each case. The current schedule establishes support amounts based on a combined gross income range beginning at $6,600 and ending at $150,000.

If the parents' combined gross income is less than $6,600 or greater than $150,000, the court or CSEA is required to compute the child support amount on a case-by-case basis. With respect to a combined gross income greater than $150,000, the court or CSEA is required to compute an obligation that is no less than the same percentage of the parents' combined annual income that would have been computed under the schedule and applicable worksheet, unless that amount would be unjust or inappropriate and not in the best interest of the child, the person required to pay support (the obligor), or the person to whom support is paid (the obligee).

The bill repeals the existing schedule and establishes a new basic child support schedule. The amounts under the new schedule, like those under the current schedule, reflect estimates of what it generally costs to raise a child depending on the combined gross income of the parents and the number of children. The new schedule establishes support amounts based on a combined gross income range beginning at $0 to $8,400 and ending at $180,000. As a result of the new range, courts and CSEAs are no longer required to estimate on a case-by-case basis support amounts for parents with combined gross income of less than $6,600. In those cases, the new schedule imposes a basic support amount of $600 regardless of the number of children.

With respect to income amounts exceeding $180,000, courts and CSEAs are still required to make case-by-case estimates of the basic child support amount. However the bill clarifies that the court or CSEA must compute a basic child support obligation that is no less than the obligation that would have been computed under the schedule and applicable worksheet for a combined gross income of $180,000, unless the court or CSEA determines that it would be unjust or inappropriate and not in the best interest of the child, obligor, or obligee.

New worksheets

(secs. 3119.022 and 3119.023)

Current law establishes two worksheets, one of which must be filled out whenever child support amounts are being calculated for purposes of a child support order. One worksheet is used when child custody is governed by a sole custody or shared parenting order.[1] The other worksheet is used when there is a split custody order.[2]

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[1] *Sole custody means one parent has legal custody of the child, has most of the parental rights and responsibilities with respect to the child, and is designated the residential parent or custodial parent of the child. Shared parenting means both parents share legal*

The court or a CSEA uses the worksheet, along with the basic child support schedule, to calculate the amount of child support due under a child support order. Briefly stated calculations are made using the worksheet and schedule as follows: first, determine the combined annual income of the parents; second, determine each parent's percentage of income to the total annual combined income; third, determine the total child support obligation; and finally, multiply the total annual child support obligation by each parent's percentage of income to get each parent's support obligation.

The bill establishes two new worksheets applicable to the custody situations described above. The new worksheets function in basically the same way as the current worksheets, except that they contain provisions that modify the worksheets; clarify how income is to be calculated and adjusted for purposes of calculating child support; reduce the basic combined child support obligation by any non-means tested benefits, including Social Security and veterans' benefits paid to and received by a child or a child's representative due to the death, disability, or retirement of the parent; and that permit an adjustment of the child support obligation based on the amount of parenting time granted the obligor (see "***Adjustment for time children are in the obligor's physical custody***").

Adjustment for time children are in the obligor's physical custody

(secs. 2151.231, 2151.49, 3113.07, 3119.022, 3119.14, 3119.15, 3119.16, 3119.17, 3119.18, 3119.19, 3119.24, 3119.63, 3119.74, and 3119.76)

The bill requires, except as provided in the exceptions described below, that the court or CSEA calculating the amount to be paid under a child support order adjust the amount based on the amount of parenting time the obligor is to have with the children under a parenting time order or based on the amount of time the children are to be in the physical custody of the obligor under a shared parenting order.[3] The court must use the adjustment schedule provided in the bill and the new worksheet applicable to sole and shared parenting custody situations.

The adjustment schedule consists of two columns: the first column lists the annual number of overnights the children are to have with the obligor; the second

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custody of the child and share the parental rights and responsibilities with respect to the child.

[2] *Split custody means there is more than one child and each parent has sole custody of at least one of the children.*

[3] *The bill redesignates "companionship and visitation rights" as "parenting time." See "**Parenting time**," below.*

column gives the adjustment percentage that corresponds to the number of overnights. The range begins with 2 to 5 overnights with a corresponding adjustment percentage of .40% and ends with 181 or more overnights with a corresponding adjustment percentage of 40%.

Once a court or CSEA determines the applicable adjustment percentage using the table, that percentage must be multiplied by the basic combined child support obligation in the worksheet applicable to sole and shared parenting custody situations. The product must then be subtracted from the support obligation before the adjustment is applied, to determine the annual obligation. With respect to shared parenting orders, the bill permits deviation from the annual obligation after application of the adjustment if the amount of time the children spend with each parent is not adequately provided for by the adjustment.

The bill provides that whenever a CSEA, pursuant to an administrative modification proceeding, recalculates or redetermines the amount to be paid under a child support order the CSEA must comply with the adjustment provisions of the bill. If a court determines the proper amount of child support to be paid under a court child support order after a CSEA has made a recommendation requesting that the court revise the amount pursuant to the administrative proceeding, the court must also comply with the adjustment provisions of the bill.

Exception to the adjustment--obligee's income below poverty guideline

The bill provides that a court or CSEA is not permitted to include an adjustment in the child support order if, after calculating the adjustment, the total amount of the obligee's income plus the adjusted child support amount is below the official poverty guideline for a family size equal to the size of the obligee's family.

Exception to the adjustment--eliminating previously made adjustment or making an adjustment after an adjustment was eliminated

The bill provides that a court, with respect to a court child support order, or a CSEA, with respect to an administrative child support order, may make, or a CSEA, with respect to a court child support order may propose as part of an administrative review proceeding, the following modifications:

- With respect to a child support order pursuant to which an adjustment has been granted, eliminate the adjustment if the obligor, for the six-month period immediately preceding a request to eliminate the adjustment, has failed to exercise 25% or more of the obligor's parenting time granted under a parenting time order or the time the children are to

be in the physical custody of the obligor as directed by a shared parenting order.

- With respect to a child support order pursuant to which an adjustment has been removed for failure to exercise parenting time as described above, make an adjustment if the obligor proves that the obligor is, and has been for a period of six months since the removal of the adjustment, exercising more than 75% of the parenting time granted to the obligor under a parenting time order or the time the children are to be in the physical custody of the obligor as directed by a shared parenting order.

Exception to the adjustment--limited application to existing child support orders

The bill provides that the amount of child support required to be paid under a child support order issued prior to the bill's effective date may be modified by making an adjustment only if all of the following apply:

- The obligor is in compliance with one of the following: a parenting time order with respect to the children subject to the child support order that contains a parenting time schedule, or a shared parenting order with respect to the children subject to the child support order that contains a schedule of time the children are to be in the physical custody of the obligor;

- The obligor is current in child support payments required to be paid under the child support order sought to by modified for the last six months and if any arrearages are owed, the obligor has been making arrearage payments for six months or for as long as the arrearages have existed, whichever is less;

- The adjustment would reduce the current support obligation under the child support order sought to be modified by more than 10%.

Method of asserting certain exceptions to the adjustment

The bill requires that an obligor or obligee under a child support order do one of the following to eliminate a previously made adjustment, make an adjustment after an adjustment was eliminated, or to establish an adjustment for an existing order:

- With respect to a court child support order, file a motion with the court that issued the order requesting elimination or establishment of an adjustment;

- With respect to a court child support order or an administrative child support order, make a request for modification of the order to the CSEA.

Calculation changes

Retroactive support

(sec. 3119.05)

The bill provides that when a court or CSEA 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 a CSEA modifies or issues an administrative child support order for the current support of the child, the court or CSEA must 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 period of time.

Recipients of means tested public assistance

(sec. 3119.05)

The bill provides that a court or CSEA that computes the amount of child support is not permitted to determine a parent receiving means-tested public assistance benefits to be voluntarily unemployed or underemployed or to impute income to that parent, unless not doing so would be unjust, inappropriate, and not in the best interest of the child.

Adjustment for minor children not subject to the child support order

(secs. 3119.022, 3119.023, and 3119.05)

Under current law, a court or CSEA that computes the amount of child support in a case in which 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 CSEA must deduct an amount from that parent's gross income that equals the number of such children times the federal income tax exemption for the children less child support received for them for the year, not exceeding the federal income tax exemption. The bill eliminates the provision *"less child support received for them for the year"* with the result that the full federal income tax exemption for each of the children will be deducted from that parent's gross income.

Deviation factor

(sec. 3119.23)

Under current law, the court is permitted to deviate from the amount of support that would otherwise be imposed under a child support order pursuant to the basic child support schedule and applicable worksheet in cases in which the amount would be unjust or inappropriate and would not be in the best interest of the child. Courts are permitted to consider certain factors and criteria listed in statute in determining whether the amount would be unjust or inappropriate and not in the child's best interest. In addition, the court is allowed to consider "any other relevant factor." The bill requires a court that permits a deviation based on "any other relevant factor" to specifically state in the order the facts that are the basis for the deviation.

Income definition changes

(sec. 3119.01)

In determining the amount of child support to be paid under a child support order, courts and CSEAs are required to make calculations using the basic child support schedule and applicable worksheet. The calculations must be made based on the income of the parents. Current law includes definitions to be used in making the determination of what is and is not income. Under current law, income means either of the following:

- For a parent who is employed to full capacity, the gross income of the parent;

- For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.

"Gross income" definition change

Under current law, "gross income" means the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes, for example, salaries, wages, pensions, Social Security benefits, benefits received by and in the possession of the veteran who is the beneficiary based on a service connected disability, spousal support actually received from a person not a party to the support proceeding for which actual gross income is being determined, and self generated income.

Current law also lists amounts that are not included in gross income. Some examples are benefits received from means tested public assistance including Supplemental Security Income, Ohio Works First benefits, and food stamps; and benefits for any service connected disability that remain in the possession of the United States Department of Veterans' Affairs or the Veterans' administration.

The bill includes all of the following in the definition of "gross income":

- Social Security benefits, including retirement, disability, and survivor benefits that are not means tested;
- Veterans' benefits that are not means tested and that are in the possession of the veteran who is the beneficiary;
- Spousal support actually received from any person.

The bill excludes the following items from the definition of "gross income":

- Means-tested veterans benefits and any other government assistance for which eligibility is determined on the basis of income or assets;
- Veterans benefits that are not means tested, but have not been distributed to the veteran beneficiary and are in the possession of the United States Department of Veterans' Affairs or the Veterans' administration;
- Adoption assistance and foster care maintenance payments made under Title IV-E of the Social Security Act.

"Ordinary and necessary business expenses" definition change

"Gross income" includes "self generated income," which 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 generating the gross receipts. "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash expended by the parent or the parent's business and includes depreciation expenses of replacement business equipment as shown on the books of a business entity. The bill eliminates the word *"replacement"* as it is used with respect to business equipment.

"Potential income" definition change

Under current law "potential income" includes imputed income that the court or CSEA determines the parent would have earned if fully employed as determined from the parent's employment potential and probable earnings based on the parent's recent work history, the parent's occupational qualifications, and prevailing job opportunities and salary levels in the community in which the parent resides.

The bill defines "potential income" to include imputed income that the court or CSEA determines the parent would have earned if fully employed as determined from the following criteria:

- The parent's prior employment experience;
- The parent's education;
- The parent's physical and mental disabilities, if any;
- The availability of employment in the geographic area in which the parent resides;
- The prevailing wage and salary levels in the geographic area in which the parent resides;
- The parent's special skills and training;
- Whether there is evidence that the parent has the ability to earn the imputed income;
- The age and special needs of the child for whom child support is being calculated;
- The parent's increased earning capacity because of age or experience;
- Reasonable child care costs for the child for which child support is being calculated;
- Any other relevant factor.

Elimination of conversion and authorization date for centralized collection and disbursement

(repealed section 2301.35)

Current law requires support due under support orders administered in the state to be collected and disbursed through the Office of Child Support.[4] The centralized collection and disbursement, however, is delayed until all support

[4] *The bill changes the name of the Division of Child Support to the Office of Child Support. (See "**Change Division of Child Support to Office of Child Support**," below.) For purposes of addressing current law and the bill, the analysis will refer only to the Office of Child Support.*

orders are converted to the Support Enforcement Tracking System (SETS) and the Office authorizes centralized collection. The law requires conversion to be completed and authorizations granted by July 1, 1999. Conversion and authorization has not yet occurred. The bill repeals the deadline.

Arrearages

Collection of support amounts from obligors paying off arrearages

(sec. 3123.22)

The bill provides that if an obligor is paying off an arrearage owed under a support order and is doing so pursuant to a withholding of deduction notice, cash bond order, or seek work order; pursuant to a support order newly issued or modified; or pursuant to any other order issued to collect the arrearage, the CSEA administering the notice or order may, nonetheless, also do the following, under Ohio's support enforcement laws, to collect any arrearage amount that has not yet been collected under the notice or order:

- Issue one or more withholding or deduction notices;
- Collect a lump sum payment;
- Collect any federal of state income tax refund owed to the obligor;
- Issue a withdrawal directive to collect funds from the obligor's account in a financial institution;
- Obtain an administrative offset of benefits received from the federal government.

Minimum arrearage amount that must be included in the withholding notice

(sec. 3123.21)

Current law provides that when a court or CSEA issues an income withholding or a financial institution deduction notice, the amount to be withheld in the notice, to the extent possible, must satisfy the amount ordered for support plus any arrearages that may be owed under any prior support order that pertained to the same child or spouse. With respect to income withholding orders only, the sum of the amount to be withheld and any fee withheld by a payor of income as a

charge for its services may not exceed the maximum amount permitted to be withheld under the federal Consumer Credit Protection Act.[5]

The bill provides that a withholding or deduction notice or an order to collect current support due under a support order and any arrearage owed pertaining to the same child or spouse must require the arrearage amount collected with each payment of current support to equal at least 20% of the current support payment unless, for good cause shown, a lesser arrearage amount is required to be collected.

Collection of arrearages under terminated support orders

(secs. 3121.36 and 3123.14)

Under current law, the termination of a support obligation or a support order does not abate the power of a court to collect overdue and unpaid support and does not abate the authority of a CSEA to issue a withholding or deduction notice or other appropriate order to collect any support due or arrearage under the support order. Current law permits the obligee to make application to the CSEA that administered a child support order prior to its termination, or had authority to administer the order, to maintain certain actions or proceedings to recover the support arrearage.

The bill provides that the termination of a court support order or an administrative child support order does not abate the authority of a court or CSEA to issue the withholding or deduction notices or other appropriate orders as described above to collect arrearages under the terminated support order. The bill also provides that if an income withholding or financial deduction notice is issued to collect an arrearage, the amount withheld or deducted from the obligor's personal earnings, income, or accounts must be at least equal to the amount that was withheld or deducted under the terminated support order.

Changes to administrative modification review proceedings

(secs. 3119.60 and 3119.63)

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[5] *The Consumer Credit Protection Act's limit on the amount that may be withheld from an obligor's disposable income is 50%, if the obligor is supporting a spouse or dependent child (other than a spouse or child with respect to whose support the order is issued). In all other cases, the limit is 60% of the disposable income. "Disposable income" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.*

Current law includes an administrative procedure under which a CSEA may periodically, or on the request of an obligor or obligee, review a child support order to determine whether it is necessary or in the best interest of the children who are the subject of the order to modify it. If a CSEA intends to conduct a review, it must do certain things before beginning the review. These include establishing a date certain on which the review will begin, sending the obligor and obligee notice of the planned review and the date on which the review will begin at least 60 days before beginning the review, and requesting that the obligor and obligee provide certain information, including wage and salary information.

With respect to court child support orders, when the CSEA begins the review it must do the following:

- Calculate a revised amount of child support to be paid under the court child support order;

- Notify the obligor and obligee of the revised amount, of their right to an administrative hearing and the procedures and deadlines for requesting it, and that the revised amount 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 30 days after receiving the notice;

- Submit the revised amount to the court for inclusion in a revised court child support order if no timely request for an administrative hearing is made;

- If a timely request for an administrative hearing is made, the CSEA must schedule a hearing, give notice of it to the obligor and obligee, conduct the hearing, redetermine the revised amount of child support at the hearing, and give notice to the obligor and obligee of the revised amount, the right to request a court hearing on the revised amount, and that the revised amount will be submitted to the court for inclusion in a revised court child support order if no court hearing is requested;

- Submit the revised amount to the court for inclusion in a revised court child support order if no court hearing is requested.

The bill changes the date by which notice of a review must be given to the obligor and obligee to 45 days (from 60 days) prior to the date the review is to begin. The bill also changes the time period for requesting an administrative hearing on the revised child support amount for court child support orders, from 30 days to 14 days.

The bill requires a CSEA, once it has calculated the revised amount of child support, to give the obligor and obligee notice that if the court child support order contains a deviation from the basic child support schedule, the obligor or obligee intends to request a deviation for the child support amount, or the CSEA advises the court to grant, deny, or remove a parenting time adjustment under the court child support order, the obligor and obligee have the right to request a court hearing on the revised amount without first requesting an administrative hearing and that the obligor or obligee must request the court hearing no later than 14 days after receipt of the notice. If neither the obligor nor obligee timely requests the court hearing, either may still request the administrative hearing described above. If the obligor or obligee request neither hearing, the CSEA must submit the revised amount of child support to the court for inclusion in a revised court child support order.

When administrative modification review proceedings are not required

(sec. 3119.75)

Under current law, a CSEA is not required to review a child support order if the review is not required under federal law and either of the following apply:

- The obligee has assigned the right to receive the child support amounts in return for financial aid under Ohio Works First, the CSEA determines that the review would not be in the best interest of the children subject to the order, and neither the obligor or obligee has requested the review;

- The obligee has not assigned the right to receive the child support and neither the obligor nor obligee has requested the review.

The bill changes the criteria for determining when a review of a child support order is not required in cases in which the obligee has assigned the right to receive the child support: the agency determination that the review would not be in the best interest of the child is replaced by an agency determination that good cause for not cooperating in modifying a child support order exists with respect to the children who are the subject of the child support order. ODHS rules establish criteria for determining good cause in such situations. The bill also adds a new criteria for determining when a review is not required: both the obligor and obligee live outside Ohio.

Claiming children as dependents for federal income tax purposes

(sec. 3119.82)

Current law provides that whenever a court modifies, reviews, or otherwise reconsiders a child support order, it may consider which parent may claim the children who are the subject of the order as dependents for federal income tax purposes. The court, in its order, may permit the nonresidential parent to claim the children as dependents only if the child support payments under the order are current in full for the year in which the children will be claimed as dependents.

The bill specifies that the court, in addition to when it modifies, reviews, or otherwise reconsiders a child support order, may consider which parent may claim the children for federal income tax purposes when the court issues a child support order. The bill also provides that a court may permit a nonresidential parent to claim the children as dependents 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 current in full for the year in which the children will be claimed as dependents. In determining which parent may claim the children as dependents, the court must consider 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, and any other relevant factor concerning the best interest of the children.

Health insurance coverage

Under current law, administrative and court child support orders are required to contain provisions addressing the provision of health care to the children who are the subject of the order and may require the obligor, obligee, or both to provide health insurance coverage.

Failure to obtain health insurance coverage

(sec. 3119.41)

If a child support order requires the obligor, obligee, or both, to provide the health insurance coverage and they fail to obtain it, a CSEA must notify a court of the failure. The court must order the employer of the obligor or obligee, whichever is required to obtain the coverage, to take whatever action is necessary to make application to enroll the obligor or obligee and the child in health care insurance coverage, submit a copy of the child support order requiring the health insurance coverage to the insurer when the employer makes the enrollment application, and, if the application is accepted, deduct the health insurance costs from the wages or other income of the obligor or obligee. A court is required to send the obligor, obligee, and employer, by ordinary mail, a copy of the court child support order or court order requiring the employer to make the healthcare insurance enrollment application. A CSEA is required to send the obligor, obligee,

and employer, by ordinary mail, a copy of the administrative child support order or court order requiring the employer to comply with the administrative child support order.

The bill provides that when a court issues an order requiring an employer to make application to enroll the obligor or obligee and the child in health insurance coverage, the court must include with the order a copy of the administrative or court child support order requiring health insurance coverage for the children. The court is then required to send the copies of the orders by ordinary mail to the obligor, obligee, and employer subject to the order. The bill eliminates the duty of the CSEA to send copies of either of the orders at any time. The bill also eliminates the duty of the court, except when the obligor or obligee fails to obtain the health insurance coverage for the children, to send copies of court child support orders.

Job change by an obligor or obligee required to obtain health insurance

(sec. 3119.44)

Current law provides that if an obligor or obligee who is required to obtain health insurance coverage under a child support order obtains the coverage through an employer and subsequently changes jobs, the CSEA must investigate whether the new employer offers health insurance coverage that would cover the children. If the CSEA determines that health insurance coverage is available for the children, the CSEA must send a notice and a copy of the child support order to the new employer and a copy of the notice to the obligor or obligee required to obtain health insurance coverage. The notice must contain provisions that do all of the following: require the employer to take action to make application to enroll the obligor or obligee in health insurance coverage that would cover the children, require the employer to submit a copy of the child support order to the insurer when the employer makes the enrollment application, require the employer to deduct the insurance coverage costs from the obligor's or obligee's wages or income if the application is accepted by the insurance company, and notify the employer that the provisions of the notice are final and enforceable by a court and are incorporated into the child support order, unless the obligor or obligee required to obtain health insurance coverage for the children objects by asking the CSEA for modification of the child support order.

The bill eliminates the requirement that the CSEA send the child support order to the employer when it sends the notice requiring enrollment in new health insurance coverage. The bill requires the CSEA to send the notice by ordinary mail to the employer, obligor, and obligee.

With respect to the provisions contained in the notice, the bill eliminates the requirement that the new employer submit a copy of the child support order requiring the obligor or obligee to obtain health insurance coverage for the children to the insurer when it makes application to enroll the children in health insurance coverage. Instead, the bill requires the employer to send a copy of the notice it receives to the insurer. The bill also adds a new provision to the notice that states that the obligor or obligee subject to a child support order, or both of them, are required by the child support order to obtain for the children who are the subject of the child support order health insurance coverage in any available group health insurance or health care policy, contract, or plan.

Compliance with a notice requiring enrollment of children in health insurance coverage

(secs. 3119.47, 3119.48, 3119.49, 3119.491, 3119.50, 3119.51, and 3119.52)

Current law provides that a child support order requiring health insurance coverage to be obtained or an order issued by a court that requires an employer to comply with such a child support order is binding on the obligor and the obligee, their employers, and any insurer that provides health insurance coverage for either of them or their children. The law further requires the employer, during the time any of the orders are in effect and after the employer has received a copy of such an order, to provide information about the health insurance coverage to the CSEA and the other parent. The law also restricts the use of information given by the employer to enforcement of the order. The employer is also required to notify the CSEA of any change in or termination of the health insurance coverage maintained under the order. An insurer that receives a copy of an order must comply with the law governing health insurance coverage for the children, regardless of the residence of the children. A health insurer providing health insurance coverage under an order must reimburse the parent designated to receive reimbursement for covered out-of-pocket health costs incurred on behalf of the children.

The bill provides that a notice requiring a new employer to enroll the obligor or obligee required to obtain health insurance coverage under the child support order in any health insurance coverage that provides coverage for the children who are the subject of the child support order has the same force and effect, and is subject to the same limitations, as the orders described above.

Standard forms for health insurance coverage notices

(sec. 3119.46)

The bill requires ODHS to adopt standard forms for the notices a CSEA is required to send requiring a new employer to enroll the obligor or obligee required to obtain health insurance coverage under the child support order in any health insurance coverage that provides coverage for the children who are the subject of the child support order. Once adopted, all CSEAs must use the forms to issue notices to the new employers.

Elimination of CSEA statistical reports to county commissioners

(repealed section 2301.41)

Current law requires each CSEA to compile and forward, at least once each calendar quarter, to the board of county commissioners of the county in which the CSEA is located all of the following information: the number of report orders administered; the number of defaults; and the disposition of cases relating to the enforcement of support orders. The bill repeals this requirement.

Elimination of option to pay child support as a lump sum or annuity

(secs. 3111.13, 3111.16, and 3111.81)

Under current law, if a court or CSEA makes a parentage determination or a CSEA is requested to issue an order for support of a child based on a presumption of paternity or an acknowledgment of paternity that is not yet final, the court or CSEA may issue an order for support. If it is in the best interest of the child, the court or CSEA may order that support be made in a lump sum or through the purchase of an annuity in lieu of periodic payments of support. The bill eliminates the option to order payment of support in a lump sum or by an annuity.

Clarification that all support payments must be made to the Office of Child Support or a CSEA

(sec. 3121.44)

Current law provides that when a court issues or modifies a support order, issues a withholding or deduction notice, or issues another enforcement order, it must require the support to be sent to the Office of Child Support for remittance to the obligee. Support may also be ordered sent to the CSEA in certain cases, including those cases in which centralized collection is not in effect. It is not clear whether these provisions of current law apply to administrative child support

orders. The bill clarifies that administrative child support orders are subject to the provisions.

Procedure for collection of support that commences on a day other than first of the month

(sec. 3121.54)

Current law requires CSEAs to administer all support orders on a monthly basis. For purposes of monthly administration, the bill requires the CSEA, with respect to support orders that require payment of support to commence on a day other than the first day of a month, to compute a pro rata amount due under the order for the first month of the period of payment, in the following manner:

- Determine the annual amount of support;
- Divide the annual amount by 365 or, if payment is required to commence in a leap year, by 366;
- Multiply the daily rate by the number of days the order is in effect in the first month, including the date payment of support is required to commence and the last day of the first month.

Change of time periods concerning enforcement of withholding and deduction orders

(secs. 3121.03 and 3121.037)

Under current law, a person required to withhold or deduct amounts from the income or assets of an obligor pursuant to a withholding or deduction notice must begin withholding or deduction no later than 14 working days following the date the notice is mailed; send the amount withheld or deducted to the Office of Child Support no later than seven working days after the deduction or withholding is made; and notify the CSEA administering the support order of any event resulting in the obligor ceasing to be paid no later than ten working days after the occurrence of the event. The bill changes "working" days to "business" days for all the time periods described above. (See **COMMENT**.)

Termination investigation of child support orders

(sec. 3119.89)

Under current law, a parent who is the residential parent and legal custodian of a child for whom a child support order is issued or the person with custody of the child must immediately notify, and the obligor under the child

support order may notify, the CSEA administering the order of any reason for which the order should terminate. On receipt of a notice, the CSEA must immediately conduct an investigation to determine if any reason exists for the order to terminate. The CSEA has discretion to conduct such an investigation concerning an order even if it has received no notice.

The bill adds a provision requiring the CSEA, in the absence of notice of a reason for termination, to conduct an investigation if it has reason to believe that there may be a reason for which the order should terminate. The bill also requires the CSEA to make determinations pursuant to an investigation in addition to whether a reason for termination exists. The additional determinations that must be made are whether:

- There are other children subject to the order;
- The obligor owes any arrearages under the order;
- The CSEA believes it is necessary to continue withholding or deduction for other children or arrearages.

Appeal of termination of administrative child support orders

(secs. 3119.91 and 3119.92)

Under current law, when a CSEA receives a notice that a reason exists for which an administrative child support order should terminate, the CSEA is required, in addition to conducting an investigation, to impound any child support amounts it has received and set the case for an administrative hearing to determine whether the order should be terminated or modified or whether the CSEA should take other action. If the CSEA determines the order should terminate, it must immediately terminate the order.

The bill requires that the decision issued by a CSEA on the termination of the hearing include a notice that the obligor or obligee may object to the decision by filing a notice of appeal within 30 days after the issuance of the decision in the juvenile court of the county in which the CSEA is located. If neither the obligor nor obligee files a timely notice of appeal, the administrative decision is final and will be filed with the court or in the administrative case file.

If the obligor, obligee, or both file a timely notice of appeal, the juvenile court must proceed in accordance with existing law governing appeal procedure and appeals of administrative orders. On the filing of a timely appeal, the court must issue an order directing that the CSEA impoundment order previously issued remain in effect while the appeal is pending. The court may transfer the appeal to

any court or division of a court with domestic relations jurisdiction over the parties if the court finds that the transfer is in the best interest of the parties and the respective courts.

Registration of administrative child support orders

(secs. 3111.83, 3111.831, and 3111.832)

The bill permits each CSEA to develop a system and procedure for the organized safekeeping and retrieval of administrative child support orders. The bill requires a CSEA administrative officer who issues an administrative child support order to register the order or cause the order to be registered in the system the CSEA develops or with the clerk of the common pleas court of the county served by the CSEA. If the order is registered with the clerk, the clerk may not charge a fee for the registration and must assign the order a case number.

Repeal of law requiring CSEA oversight of obligor participation in work activity

(repealed sections 3111.23 and 3113.21)

Under current law, if an obligor under a court support order or administrative child support order is unemployed, has no income, and does not have an account at a financial institution, the obligor may be required by a court or CSEA, if able to engage in employment, to participate in work activity to which a TANF recipient may be assigned.[6] If an obligor is assigned to a work activity, current law requires one of the following CSEAs to oversee the obligor's participation: the CSEA that ordered the obligor's participation or, in cases in which participation is ordered by the court, the CSEA that is located in the county in which the obligor resides. The bill eliminates the requirement that the CSEA oversee an obligor's participation in the work activity.

Repeal of laws governing CSEA actions to collect child support on request of obligee

(repealed sections 2301.38 and 2301.40)

Under current law, if an obligee under a child support order that is in default receives from the CSEA notice of the default and the inability to enforce the order pursuant to a withholding or deduction notice or other appropriate enforcement order, the obligee may request that the CSEA maintain an action on

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[6] *TANF is the acronym for temporary assistance for needy families, a federal welfare program established under Title IV-A of the Social Security Act. In Ohio the program is Ohio Works First.*

the obligee's behalf to obtain judgment and execution of the judgment through any available procedure, a withholding or deduction order against the obligor, or an assignment of the obligor's wages. The CSEA must commence the action within 20 days after receiving the request. The bill repeals the law granting the obligee the right to request the CSEA maintain the actions and requiring the CSEA to maintain them.

The bill repeals a law providing that failure of an obligee to request that the CSEA or county prosecutor maintain an action does not operate as a waiver of any right of the obligee to seek enforcement of a support order.

Repeal of law requiring county prosecutor action to obtain past due support

(repealed section 2301.372)

Under current law, a county prosecuting attorney is required to commence certain actions to obtain unpaid support amounts if the laws governing support enforcement have not been complied with and either the CSEA notifies the prosecutor of that failure or the board of county commissioners obtains a writ of mandamus ordering the prosecutor to take action because the prosecutor is the designated CSEA in the county. The bill repeals this provision.

Repeal of law requiring imposition of collection costs if prosecutor conducts collection duties

(repealed section 2301.40)

If an action is brought to obtain a judgment or order to collect support by the county prosecuting attorney, the judgment or order must include a reasonable assessment for collection costs payable by the obligor. The assessment cannot exceed 10% of the amount collected and must be paid into the county treasury. The bill repeals this provision.

Repeals the law preserving court's authority to apply Ohio Rule of Civil Procedure 70

(repealed section 2301.40)

Current law provides that nothing in certain provisions of the law governing support enforcement may be construed to prohibit a court from directing performance of a support order under Ohio Rule of Civil Procedure 70. That rule permits a court to order that certain acts be done on behalf of a party consistent with a previous judgment. The bill repeals the provision that preserves a court's right in using Civil Rule 70.

Change to rule-making authority

(secs. 3123.81 and 3123.823)

Under current law, the Office of Child Support is required to adopt rules under the Administrative Procedure Act (R.C. Chapter 119.) to establish procedures to collect overdue support from state and federal tax refunds of obligors. The bill replaces the Office with ODHS as the entity required to adopt the rules.

Changes to UIFSA as enacted in Ohio

H.B. 352 repealed the Uniform Reciprocal Enforcement of Support Act and replaced it with the Uniform Interstate Family Support Act (UIFSA). This bill makes further changes to UIFSA.

Change to the definition of "child support order"

(sec. 3115.01)

Under UIFSA as enacted in Ohio, a "child support order" means an order for the support of a child that provides for monetary support, whether current or in arrears, health care or reimbursements, and may include related costs and fees, interest, income withholding requirements, attorney fees, and other relief. "Child support order" includes an order concerning a child who has attained the age of majority under the issuing state's law if arrearages are owed under the order.

The bill changes the definition so that a child support order includes the following:

- An order concerning a child who has attained the age of majority under the issuing state's law if amounts for current support are required to be paid, or arrearages are owed, under the order;

- An order concerning a child who has attained the age of majority under the laws of this state but has not attained the age of majority under the laws of the issuing state if amounts for current support are required to be paid, or arrearages are owed, under the order.

Change to definition of "tribunal"

(sec. 3115.01)

Under UIFSA as enacted in Ohio, a "tribunal" means any trial court of record in Ohio and when the context requires, a court, administrative agency, or

quasi-judicial entity of any other state authorized to establish, enforce, or modify support orders or to determine parentage. The bill includes under the definition any Ohio CSEA, when the context requires.

Changes to direct income withholding under UIFSA--to whom sent

(secs. 3115.01, 3115.33, 3115.34, 3115.35, 3115.36, and 3115.37)

Under UIFSA as enacted in Ohio, an income withholding order issued in another state may be sent directly to the individual or entity that is defined under Ohio law as the obligor's payor.[7] The payor is required to treat the order as an income withholding order issued by Ohio and withhold amounts accordingly. The law, however, uses the term "payor" to refer the person or entity to which the withholding order is sent, but then refers exclusively to the "employer" as the person or entity that must comply with the income withholding order and the provisions of UIFSA. The definition of "payor" under Ohio law includes persons and entities in addition to employers.[8] The bill changes "employer" to "payor."

Changes to direct income withholding under UIFSA--governing law

(secs. 3115.33 and 3115.34)

Under UIFSA as enacted in Ohio, an employer subject to an income withholding order must comply with the law of the state of the obligor's place of employment with respect to processing fees it imposes, the maximum amount that may be withheld, and the time for implementing the withholding and forwarding the amounts. If the employer receives multiple income withholding orders, the employer complies with the orders if it complies with the laws of the state of the obligor's principal place of employment concerning priorities for withholding and allocating income withheld for multiple obligees.

In conjunction with the change made from "employer" to "payor" described above, the bill provides that a payor subject to an income withholding order or multiple income withholding orders must comply with the law of the state of the obligor's principal place of employment, if the payor is the obligor's employer, or the payor's principal place of business, in all other cases.

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[7] *An "income withholding order" is defined under UIFSA, as enacted in Ohio, as an order or other legal process directed to an obligor's payor, as defined under Ohio law, to withhold support from the income of the obligor.*

[8] *A "payor" is any person or entity that pays or distributes income to an obligor, including, for example, the various state retirement systems and the Bureau of Workers Compensation.*

Changes to direct income withholding under UIFSA--contesting validity or enforceability of income withholding orders

(sec. 3115.37)

Under UIFSA as enacted in Ohio, if a person who is an obligor under a direct income withholding order believes that the person is not subject to a support order or does not have a duty of support under any order issued by any tribunal under which any income withholding order was issued, the person may contest the validity or enforcement of the order by filing an action for declaratory judgment in the court of common pleas in which is located the employer's principal place of business. If the court issues an order determining that the person is not an obligor subject to a support order or does not have a duty of support under a support order under which the income withholding order was issued, the employer cannot enforce the income withholding order.

In addition to the change of the term "employer" to "payor," the bill permits a person to contact the Office of Child Support in ODHS and request that the Office investigate whether the person is subject to such a support order or has such a duty of support. No later than 15 days after the date the request is made, the Office must conduct the investigation and notify the person of its determination. If the Office determines that the person is subject to a support order or does have a duty of support, the person may bring the declaratory judgment action described above. If the Office or court determines that the person is not an obligor subject to a support order or does not have a duty of support, the payor cannot enforce the income withholding order.

Administrative paternity determination under UIFSA

(sec. 3115.52)

Under UIFSA as enacted in Ohio, a tribunal of this state may serve as an initiating or responding tribunal in a UIFSA proceeding to determine the existence or nonexistence of a parent and child relationship with respect to the parties to the proceeding.[9] A responding tribunal in Ohio must use the provisions of Ohio law

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[9] *A "tribunal" under UIFSA, as enacted in Ohio, means any trial court of record of Ohio and, when the context requires, a court, administrative agency, or quasi-judicial entity of any other state authorized to establish, enforce, or modify support orders or to determine parentage. The bill proposes to change the definition of "tribunal" as described above under "**Change to definition of "tribunal"**."*

An "initiating tribunal" under UIFSA, as enacted in Ohio, is the authorized tribunal in a state that initiates a UIFSA action that is forwarded or filed for forwarding to a responding state. A "responding tribunal" under UIFSA, as enacted in Ohio, is the

governing court determinations of the existence or nonexistence of a parent and child relationship.

The bill permits a support enforcement agency of this state to serve as an initiating or responding tribunal in a UIFSA proceeding to determine the existence or nonexistence of a parent and child relationship with respect to the parties to the proceeding. A responding tribunal must use the provisions of Ohio law that govern all determinations of the existence or nonexistence of a parent and child relationship.

Modification of Ohio child support orders by other states

(sec. 3115.49)

Under UIFSA, as enacted in Ohio, an Ohio tribunal must recognize a modification of its earlier child support order by a tribunal of another state that assumed jurisdiction under UIFSA and, on request, must do all of the following, except as otherwise provided by UIFSA:

- Enforce collection of support amounts accruing before the modification;
- Enforce only nonmodifiable aspects of the order;
- Provide other appropriate relief only for violations of that order that occurred before the effective date of the modification;
- Recognize the modifying order of the other state, on registration, for the purpose of enforcement.

Under the bill, a support enforcement agency that issues a child support order must recognize a modification of the order as described above under current law applicable to tribunals of this state. On request, the agency must take all the actions listed above, as appropriate.

Advance notice of default

(sec. 3123.03)

Immediately after identification of a default under a support order, the CSEA must conduct an investigation of the default. No later than 15 days after identification of the default, the CSEA or Office of Child Support in ODHS must

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authorized tribunal in a state that responds to a UIFSA action that has been forwarded to or filed for forwarding to it from an initiating state.

send an advance notice to the obligor containing information regarding the arrearage and the administrative and court action that will take place if the obligor contests the information in the advance notice.[10] The bill clarifies that the CSEA or Office, as appropriate, is required to send an advance notice only once for each period of default. The bill defines "period of default" as the time period beginning on the date a default under the support order is identified and ending on the date the total arrearage amount owed because of the default under the order is paid.

When penalty interest for default is imposed pursuant to a court support order

(sec. 3123.17)

Under current law, when it issues or modifies a court support order, a court must determine the date the obligor failed to pay the support and the amount the obligor failed to pay. If it determines the obligor failed to comply with the order at any time, the court must issue a new support order. If the failure was willful, the court must assess interest on the amount not paid from the date specified by the court as the original date the obligor failed to pay to the date of issuance of the new order.

The bill requires a court that issues or modifies a court support order to determine the following: (1) whether the obligor is in default under a prior court support order or the court support order being modified, and (2) if the obligor is in default, the date the court support order went into default and the amount of arrearages owed pursuant to the default.[11] If it determines the obligor is in default, the court must issue a new support order. If the default was willful, the court must assess interest on the arrearage from the date specified by the court as the date of default to the date of issuance of the new order.

Income verification

(sec. 3119.05)

Current law provides that when a court or CSEA calculates the amount of child support required to be paid under a child support order, the parents must verify current and past income and personal earnings with suitable documents,

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[10] *CSEAs will send the advance notices until the date the Office of Child Support authorizes centralized collection and disbursement of support amounts by the Office. After that date, the Office will send the advance notices. Centralized collection and disbursement of child support payments was authorized by H.B. 352.*

[11] *"Default" means any failure to pay under a support order that is an amount greater than or equal to the amount of support payable under the support order for one month.*

including pay stubs, employer statements, receipts and expense vouchers related to self-generated income, tax returns, and supporting documentation and schedules for the tax returns. The bill provides that current and past income and personal earnings may be verified by electronic means, as well as by the documentation described above. The bill also removes the requirement that the information be provided by the parents.

PARENTAGE CHANGES

Elimination of all requirements regarding paternity compliance units and plans

(repealed provisions 2301.357(A) and 5101.324(A) and (B))

Each CSEA is required by current law to adopt a paternity compliance plan, establish a paternity compliance unit, and submit the plan to the Division of Child Support in ODHS, unless the CSEA has submitted a corrective action plan that is currently in effect.[12] ODHS must adopt rules governing a CSEA in establishing a paternity compliance unit and adopting a paternity compliance plan and must report annually to the Speaker of the House of Representatives and the President of the Senate regarding the plans and units, as well as the progress CSEAs have made toward meeting federal requirements for quickly and efficiently establishing parent and child relationships. The bill eliminates all of these requirements.

Acknowledgment of paternity

Ohio law permits a parent and child relationship to be established through an acknowledgment of paternity affidavit without the necessity of obtaining a court or an administrative determination of parentage. The acknowledgment can later be used as a basis to obtain child support against either parent of the child in a court or administrative proceeding.

Presumption based on acknowledgment

(secs. 3111.03 and 3111.25)

Under current law, a presumption of paternity arises between a man and a child when a paternity acknowledgment is filed with the Office of Child Support and the acknowledgment has become final. An acknowledgment becomes final if

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[12] *ODHS may require a CSEA to submit a corrective action plan if the CSEA fails to meet certain performance standards; fails to comply with federal or state statutes, regulations, or rules; or is responsible for or contributes to an adverse audit or quality control finding, disallowance of federal financial participation, or other sanction or penalty.*

an administrative or court proceeding for child support is brought based on the acknowledgment before it becomes final as described below and the issue of the parentage is not raised in the proceeding. If it has not become final pursuant to an administrative or court child support proceeding, an acknowledgment becomes final if all of the following requirements are met:

- the acknowledgment is filed with the Office of Child Support;
- information on the acknowledgment has been entered in the birth registry;[13]
- the acknowledgment has not been rescinded pursuant to the administrative recision procedures;
- more than 60 days have elapsed since the date of the last signature on the acknowledgment.

The bill makes the presumption arise when the acknowledgment is filed with the Office. After the acknowledgment becomes final, it is no longer a basis for a presumption. Instead, the final acknowledgment becomes a final and enforceable determination of paternity, unless it is rescinded under the administrative recision procedure. The bill also provides that a presumption arising prior to the effective date of the bill based on a final acknowledgment is not a presumption but a final and enforceable determination of paternity, unless it is rescinded under the administrative recision procedure.

The bill also changes the requirements governing when an acknowledgment becomes final by eliminating the requirement that more than 60 days have elapsed since the date of the last signature on the acknowledgment. In its place, the bill requires that the acknowledgment not be subject to recision under the administrative recision procedure.

Administrative recision procedure for acknowledgments

(sec. 3111.27)

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[13] *The birth registry is established and maintained by the Office of Child Support. The registry contains information from acknowledgments of paternity and determinations establishing parentage. The registry is used for purposes of support enforcement and, to that end, is maintained as a part of, and is accessible through, the Support Enforcement Tracking System (SETS).*

Under current law, an acknowledgment of paternity may be rescinded by either person who signed the acknowledgment if, no later than 60 days after the date of the latest signature, either person does both of the following:

- Requests a CSEA administrative determination of the existence or nonexistence of a parent and child relationship with respect to the child who is the subject of the acknowledgment;

- Gives the Office of Child Support notice of the request for the administrative determination and the CSEA making the determination.

Current law also requires the Office to contact the CSEA making the administrative determination on the same day the Office receives the notice in order to verify that an administrative determination has been requested. If verification is made and the notice that the administrative determination was requested was sent within the 60 day time period, the acknowledgment is rescinded; if no verification is made, the acknowledgment is not rescinded.

The bill would change the administrative recision procedure by requiring the following:

- The parties must request an administrative determination of whether there is a parent and child relationship between the man who signed the acknowledgment and the child who is the subject of the acknowledgment, instead of requesting an administrative determination of the existence or nonexistence of a parent and child relationship with respect to the child;

- An administrative determination must actually be issued determining that no parent and child relationship exists in order to rescind the acknowledgment;

- The Office must verify, not later than the end of the business day following the business day on which the Office received the notice that the request was made, instead of the same day, that an administrative determination request has been made;

- If the Office verifies that an administrative determination was requested and the notice of the request was timely sent, the Office must note the date the notice was received in its records and that the acknowledgment is subject to recision, instead of rescinding the notice;

- If the Office verifies that an administrative determination was requested and the notice of the request was timely sent, the Office must direct the

CSEA making the administrative determination to notify the Office when it issues a determination;

- If the Office cannot verify that an administrative determination was requested, the Office must note the date the notice was received and that it was not verified.

Processing acknowledgments of paternity signed by a presumed father

(secs. 3111.22, 3111.23, 3111.44, 3111.74, 3705.091, and 3727.17)

Under current law, an acknowledgment of paternity must be signed, notarized, and sent to the Division of Child Support. But, if a person, CSEA, or local registrar of vital statistics knows a man is presumed to be the father of the child who is the subject of the acknowledgment, they may not notarize the acknowledgment or send it to the Office of Child Support. If a hospital knows or determines a man is presumed the father of the child who is the subject of an acknowledgment, the hospital must take no further action with respect to the acknowledgment and must not send it to the Office.

The bill permits a person, CSEA, local registrar, or hospital to notarize and send to the Office of Child Support an acknowledgment addressing a child even in cases in which a man is presumed to be the child's father if the presumed father is the man who signed the acknowledgment.

Signature of an acknowledgment of paternity by a legal guardian or custodian

(repealed section 5101.314)

Under current law, the acknowledgment of paternity affidavit form created by ODHS must contain basic instructions requiring a child's legal guardian or custodian to sign the acknowledgment and signature lines for the legal guardian or custodian. The bill repeals these provisions.

Elimination of paternity presumptions

(sec. 3111.03)

Current law establishes several factual situations that will give rise to a presumption of paternity between a man and a child. Two situations that give rise to a presumption are as follows:

- A man and the child's mother, married or attempted to marry each other after the child's birth and the man has acknowledged paternity of the

child in a writing sworn to before a notary public or the man is required to support the child by a written voluntary promise or by a court order;

- Genetic tests indicating a 99% or greater probability that a man is the biological father of a child.

The bill eliminates these two presumptions. But, the bill preserves the validity of presumptions based on those factual situations that arose prior to the bill's effective date.

Administrative parentage determination

Request for administrative determination made to more than one CSEA

(sec. 3111.39)

Under current law, if more than one CSEA receives a request for an administrative determination of parentage, the CSEA that receives the request first must proceed with it. The bill provides that if more than one CSEA receives a request and each CSEA is the appropriate agency for the filing of the request, the CSEA receiving the request first must act on it. If a CSEA is not the appropriate agency for the filing of the request, the CSEA must forward the request to the CSEA of the county in which the child or the parent, guardian, or legal custodian of the child resides, and the latter CSEA must proceed with the request.

Genetic testing to determine parentage in cases in which there is a statutory presumption

(secs. 3111.41 and 3111.44)

Under current law, when a CSEA receives a request for a parentage determination, the administrative officer assigned by the CSEA to the request may schedule a conference with the mother and the alleged father to provide information and give them an opportunity to sign an acknowledgment of paternity affidavit. Such an affidavit may not be notarized and filed with the Division of Child Support in ODHS for eventual placement in the birth registry if there is a man who is presumed to be the father of the child.[14] If the mother and the alleged father do not sign an affidavit at a conference, the administrative officer must issue an order requiring the child, the mother, and the alleged father to submit to genetic testing.

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[14] *Current law specifies circumstances under which a particular man is presumed to be the father of a child. These circumstances include the man's marriage to the child's mother and the man's signing of an acknowledgment of paternity.*

The bill changes the administrative procedure by requiring the administrative officer, after being assigned to handle a request for a determination of parentage, to issue the genetic testing order. After the order is issued, the bill permits the administrative officer to schedule the conference with the mother and the alleged father. At the conference, the administrative officer may provide the mother and alleged father the opportunity to sign an acknowledgment of paternity only if no other man is presumed to be the father of the child. If they sign an acknowledgment, the administrative officer must cancel the genetic testing order. But, regardless of whether a conference is held, if the mother and alleged father do not sign an acknowledgment or an acknowledgment cannot be notarized or filed because another man is presumed to be the father of the child, the child, mother, and alleged father must still submit to the genetic testing.

Compliance with civil rules concerning administrative parentage and child support proceedings

(secs. 3111.421, 3111.43, and 3111.80)

Under current law, a CSEA is required to send all of the following, in accordance with the Ohio Rules of Civil Procedure, to the parties in an administrative proceeding to establish parentage of a child:

- Notice that a request for an administrative determination of parentage was requested;

- A copy of the order requiring the alleged father, mother, and child to submit to genetic testing.

Current law does not specifically require that the Civil Rules be followed with respect to serving notices of a hearing to determine child support for purposes of an administrative child support order.

The bill clarifies that, with respect to parentage determination requests and orders for genetic testing, the Civil Rules governing service of process apply, except to the extent they are not applicable. In addition, the references in the Civil Rules to the court and clerk must be considered to apply to the CSEA and the administrative officer respectively. The bill also clarifies that if service of notice of the request for the administrative determination of parentage is not made before the date the genetic tests are to occur, the CSEA must proceed with genetic testing on those persons present. The bill also requires an administrative officer who schedules a hearing to determine child support after making a parentage determination to send notice to the mother and father of the date, time, place, and purpose of the hearing in accordance with the Civil Rules and in the same manner

as required for the notice of the request for the administrative parentage determination and order for genetic testing.

Elimination of inconclusive paternity determination based on genetic tests showing less than 99% probability of paternity

(repealed section 3111.22)

Under current law, if genetic tests conducted pursuant to an administrative parentage determination show a less than 99% probability that the alleged father is the child's natural father but do not exclude the alleged father from being the natural father of the child, the administrative officer must issue an administrative order stating that it is inconclusive whether the alleged father is the natural father of the child.

The bill eliminates the ability of the officer to issue an inconclusive order based on genetic test results described above. The bill permits the officer to make only the following determinations based on genetic tests:

- The man is the father of the child if probability of paternity is 99% or greater;
- The man is not the father of the child if probability of the paternity is less than 99%.

Ability to raise parentage issue after administrative child support order is issued

(repealed section 3111.20)

Current law permits a parent, guardian, or custodian of a child; the person with whom a child resides; or the CSEA of a county in which the child, parent, guardian, or custodian resides to ask a CSEA for an order requiring a person presumed to be a parent to pay support for the child. If an administrative action for support is brought, a party to the action may raise the issue of parentage of the child. If the CSEA issues an administrative support order, that order will not preclude a party from filing a court action determining, or requesting an administrative determination of, parentage of the child if the issue was not determined with respect to the party pursuant to the administrative child support proceeding or pursuant to a final acknowledgment of paternity. The bill repeals the provision preserving a party's right to raise the parentage issue in a later court or administrative proceeding to determine the existence or nonexistence of a parent and child relationship.

Court appeal of administrative determinations regarding parentage and child support

(secs. 3111.49 and 3111.84)

Under current law, if an administrative officer issues an administrative order determining parentage with respect to the child or an administrative child support order, the mother, father, or the child's legal guardian or custodian may object to the order by filing a court action. The parties subject to the parentage determination may bring a parentage action in the juvenile court in the county in which the CSEA that employs the administrative officer is located. The parties subject to an administrative child support order may bring an action for support in the juvenile court in the county in which the CSEA that employs the administrative officer is located. Failure to bring a court action within 30 days after either type of administrative order is issued will result in the order becoming final and enforceable by a court and unchallengeable in any action or proceeding under Ohio's parentage establishment laws.

The bill eliminates the right to object to an administrative order by bringing a court action and replaces it with the right to appeal the administrative order to the juvenile court of the county of the CSEA that employs the administrative officer who issued the order. To initiate the appeal, a notice of appeal must be filed with the juvenile court within 30 days after issuance of the administrative order. If a timely appeal is filed, the juvenile court must proceed in accordance with the law governing appeals of court and administrative orders. The bill permits the court to transfer the appeal to any court or division of a court with domestic relations jurisdiction over the parties if the court finds the transfer is in the best interest of the parties and the respective courts. If a timely notice of appeal is not filed, the administrative order is final and enforceable by a court and may not be challenged in any action or proceeding under Ohio's parentage establishment laws. In cases involving administrative child support orders, the bill limits the persons who may file a notice of appeal to the mother and father; the legal guardian or custodian is excluded.

Imposition of retroactive birth-related expenses

(sec. 3111.13)

When a court, under current law, determines parentage with respect to a child, the court may include in the judgment or order any other provision directed against the appropriate party to the proceeding concerning support, furnishing bond or other security for payment of the judgment, or any other matter in the best interest of the child. The judgment or order must direct the father to pay all or any part of the reasonable expenses of the mother's pregnancy and confinement.

The bill eliminates the requirement that a judgment direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. Instead, the bill permits the court to impose those costs against the appropriate party at the request of a party and if it is not prohibited by federal law. The determination as to the inclusion in the judgment of provisions concerning support, bond or security to pay the judgment, or other matters in the best interest of the child remains in the court's discretion, but the provisions must be requested by a party and their inclusion must not be prohibited under federal law.

Compromising parentage actions

(repealed section 3111.19)

Current law provides that, after a parentage action is brought, but before judgment, the alleged father and mother, subject to the approval of the court, may compromise the action by an agreement in which parentage with the child is not determined but in which a specific economic obligation is undertaken by the alleged parent in favor of the child. In reviewing the agreement the court must consider the child's best interest, the child support deviation factors established in the support enforcement laws, and the probability of establishing parentage. The bill repeals these provisions.

FEDERAL BALANCED BUDGET ACT OF 1997 CHANGES

Background

On August 22, 1996, the President signed into law the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which made a number of changes to the federal law governing child support enforcement and establishment of the existence or nonexistence of a parent and child relationship and required states receiving federal funding to comply with those changes. Ohio enacted the required changes in H.B. 352.

On August 5, 1997, the President signed the Balanced Budget Act of 1997, which contained several amendments to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as well as additional changes to the law governing establishment and enforcement of orders concerning the parent and child relationship. The federal changes require amendments to state law that are included in the bill.

Application fee for Title IV-D services

(secs. 3125.36 and 3125.37)

Current law requires ODHS to charge an application fee of up to $25, as determined by rule, for furnishing Title IV-D services to persons who are not participating in Ohio Works First.[15] Such services include location of absent parents, establishment of parentage, establishment and modification of child support orders and medical support orders, enforcement of support orders, and collection of support obligations. The bill provides that ODHS is not required to charge the fee to persons exempted from paying the fee under federal law. Those persons include, in addition to those participating in Ohio Works First, persons receiving foster care maintenance, adoption assistance, Medicaid, or food stamps. Under the bill, an obligee who has assigned the right to support to ODHS is not required to sign an application for Title IV-D services and the support order must be considered a Title IV-D case.

New Hire Directory--penalty change

(sec. 3121.8910)

Prior to the enactment of H.B. 352, the penalty for failure to make a report to the New Hire Directory was $25. As required by the Personal Responsibility and Work Opportunity Reconciliation Act, H.B. 352 changed the penalty to less than $25 for each failure. H.B. 352 also established an additional penalty of not less than $500 for each failure to make a report to the Directory if the failure was the result of a conspiracy between the employer and employee not to supply the report or to supply a false or incomplete report. In accordance with recent federal law changes, the bill changes the penalty for failure to make a report to *not more than* $25 for each failure and not more than $500 for each failure based on a conspiracy.

Administrative enforcement in interstate cases

(sec. 3121.91)

Under current law, ODHS may ask other states to assist it in enforcing support orders issued by Ohio courts and CSEAs. Under the bill, except as provided in UIFSA, a support order issued in another state that is being enforced in Ohio may not be considered transferred to the caseload of an Ohio CSEA or to ODHS. ODHS is required to maintain records of the number of requests for assistance received in Ohio for the enforcement of orders issued by other states, the number of support cases issued by other states under which support was actually collected in Ohio, and the amount of support collected.

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[15] *This refers to services provided under that title of the Social Security Act.*

Federal and state parent locator services

(sec. 3125.06)

ODHS is required to enter into an agreement with the U.S. Secretary of Health and Human Services to make the services of the federal parent locator service available to Ohio for the purpose of locating an absent parent or child to enforce the law with respect to the unlawful taking or restraint of a child, to make or enforce a determination as to the allocation of parental rights and responsibilities for the care of a child and the designation of the residential parent and legal custodian of a child, or otherwise as to the custody of a child. The bill requires that the agreement also provide for the availability of the federal parent locator service to make or enforce a parenting time order.

Current law provides that the state program for child support enforcement must include the location of absent parents. The bill requires that the Office of Child Support in ODHS locate absent parents for any purpose under the child support enforcement program and for the purposes of establishing and enforcing orders allocating parental rights and responsibilities between parents concerning their children and enforcing parenting time orders.

Distribution of assigned support payments

(sec. 3123.19)

Participation in Ohio Works First constitutes an assignment to ODHS of any right to support from another person. The Division of Child Support in ODHS must collect and distribute payments owed to Ohio Works First participants in accordance with Title IV-D, federal regulations, state statutes, and rules adopted by ODHS. The Balanced Budget Act of 1997 sets forth a detailed method of distribution of support payments that have been assigned. However, existing Ohio law conflicts with the federal law by requiring that payments received on arrearages, except for refunds of state or federal income taxes, be paid to the obligee until the arrearages owed to the obligee are paid in full. The bill requires child support arrearages owed to the obligee and ODHS to be paid consistent with federal law regardless of whether the arrearages are collected from refunds of paid state or federal income taxes or any other source.

OTHER CHANGES

Parenting time

(secs. 2151.33, 2301.03, 2317.02, 2705.031, 3105.63, 3105.65, 3109.04, 3109.05, 3109.051, 3109.052, 3109.12, 3109.21, 3109.27, 3109.28, 3111.13, 3111.26, 3111.31, 3113.31, 3115.16, 3119.08, 3119.09, 3119.23, 5104.011, and 5153.16)

Under current law, when parents are granted a divorce, dissolution, legal separation, or annulment, the court must grant reasonable companionship or visitation rights to the parent who is not the residential parent of the child, unless the court finds that visitation with the child would not be in the child's best interest. Similarly, when a child is born to an unmarried woman, the father of the child may be awarded reasonable companionship or visitation rights with the child in certain circumstances. The bill redesignates "companionship or visitation rights" as "parenting time."

New Hire Directory--data match reporting

(secs. 3121.895 and 3121.896)

Current law requires ODHS to notify the CSEA administering the support order within two business days after the new hire information is entered in the New Hire Directory if a Social Security number in the directory matches a Social Security number in the case registry. On receipt of the notice, the CSEA must send a withholding notice to the employer. The bill provides that notice of a match must be sent to the CSEA no later than the business day after the information is entered in the Directory, and that the CSEA must send the withholding notice no later than the business day after receipt of the notice of a match.

Change to form of citing federal law

(secs. 3111.35, 3111.67, 3121.07, 3121.71, 3121.84, 3121.85, 3121.86, 3121.91, 3121.92, 3123.11, 3123.19, 3123.67, 3123.82, 3125.01, 3125.03, 3125.06, 3125.08, 3125.11, 3125.37, 3125.38, and 3125.51)

The bill changes federal law references made generally to Title IV-D in the recodified sections of the bill to **Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U. S. C. 651, et. seq., as amended**.

Change Division of Child Support to Office of Child Support

(secs. 149.43, 169.03, 169.08, 1347.08, 2151.232, 3109.05, 3111.22, 3111.23, 3111.24, 3111.27, 3111.30, 3111.66, 3111.67, 3111.69, 3111.72, 3111.74,

3113.04, 3115.31, 3119.93, 3121.03, 3121.037, 3121.12, 3121.15, 3121.19, 3121.20, 3121.28, 3121.43, 3121.44, 3121.45, 3121.46, 3121.47, 3121.48, 3121.49, 3121.50, 3121.56, 3121.57, 3121.58, 3121.59, 3121.60, 3121.63, 3121.67, 3121.69, 3121.71, 3121.74, 3121.75, 3121.81, 3121.83, 3121.84, 3121.85, 3123.03, 3123.19, 3123.25, 3123.37, 3123.45, 3123.56, 3123.68, 3123.72, 3123.81, 3123.821, 3123.823, 3123.85, 3123.88, 3123.93, 3123.931, 3123.932, 3123.95, 3123.951, 3123.952, 3123.953, 3123.954, 3123.955, 3123.956, 3123.957, 3123.958, 3123.959, 3123.9510, 3125.02, 3125.03, 3125.04, 3125.05, 3125.28, 3125.41, 3125.42, 3125.43, 3125.44, 3125.49, 3125.51, 3705.091, 3727.17, 3770.071, 4141.16, 5107.20, and 5703.21)

The Division of Child Support in ODHS administers the program of child support enforcement in Ohio. The bill changes the name of the Division to the Office of Child Support.

MAJOR TECHNICAL CHANGES

Recodification of Revised Code sections governing child support

(secs. 145.27, 145.56, 145.75, 149.43, 169.03, 169.08, 329.04, 742.41, 742.47, 909.131, 917.24, 918.45, 919.21, 921.30, 926.102, 927.521, 943.19, 1321.05, 1321.84, 1322.101, 1347.08, 1349.01, 1533.82, 1541.42, 1547.544, 1561.52, 1565.25, 1905.201, 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.49, 2329.66, 2705.02, 2705.031, 2716.01, 2919.22, 2919.231, 3103.031, 3105.18, 3105.21, 3107.01, 3107.06, 3107.064, 3109.04, 3109.05, 3109.051, 3109.12, 3109.19, 3111.01, 3111.02, 3111.03, 3111.04, 3111.06, 3111.09, 3111.111, 3111.12, 3111.13, 3111.19, 3111.20, 3111.21, 3111.22, 3111.23, 3111.24, 3111.25, 3111.26, 3111.27, 3111.28, 3111.29, 3111.30, 3111.31, 3111.32, 3111.33, 3111.34, 3111.35, 3111.38, 3111.381, 3111.39, 3111.40, 3111.41, 3111.42, 3111.421, 3111.43, 3111.44, 3111.45, 3111.46, 3111.47, 3111.48, 3111.49, 3111.50, 3111.51, 3111.52, 3111.53, 3111.54, 3111.58, 3111.61, 3111.611, 3111.64, 3111.65, 3111.66, 3111.67, 3111.69, 3111.71, 3111.72, 3111.73, 3111.74, 3111.77, 3111.78, 3111.80, 3111.81, 3111.82, 3111.821, 3111.83, 3111.831, 3111.832, 3111.84, 3111.85, 3111.88, 3111.89, 3111.90, 3111.91, 3111.92, 3111.93, 3111.94, 3111.95, 3111.96, 3301.071, 3301.074, 3301.71, 3304.42, 3305.08, 3307.21, 3307.71, 3309.22, 3309.66, 3319.088, 3319.29, 3319.31, 3319.312, 3332.031, 3332.18, 3705.09, 3705.091, 3710.19, 3719.82, 3723.18, 3727.17, 3737.883, 3742.20, 3748.121, 3770.07, 3770.071, 3773.36, 3773.59, 3783.09, 3905.53, 3921.331, 3924.48, 3924.49, 3931.13, 3941.02, 3949.22, 3951.10, 3959.17, 4104.21, 4123.67, 4141.16, 4141.28, 4501.25, 4506.071, 4507.08, 4507.111, 4507.16, 4507.34, 4507.99, 4511.191, 4701.28, 4703.12, 4703.16, 4703.36, 4703.52, 4705.021, 4707.23, 4709.26, 4713.27, 4715.40, 4717.16, 4723.07, 4723.09, 4723.341, 4723.63,

4725.20, 4725.531, 4727.031, 4728.031, 4729.67, 4730.251, 4731.76, 4732.27, 4733.15, 4733.27, 4734.22, 4735.05, 4735.33, 4736.17, 4738.072, 4739.07, 4739.16, 4740.101, 4741.02, 4741.32, 4747.16, 4749.14, 4751.12, 4753.071, 4753.15, 4755.04, 4755.09, 4755.61, 4755.66, 4757.19, 4759.11, 4761.03, 4761.12, 4763.03, 4763.18, 4765.56, 5101.36, 5101.37, 5101.99, 5107.20, 5123.083, 5126.251, 5505.04, 5505.22, 5703.21, 5747.121, 5747.18; Chapters 3119., 3121., 3123., and 3125; and repealed sections 2301.34, 2301.35, 2301.353, 2301.355, 2301.357, 2301.36, 2301.37, 2301.373, 2301.374, 2301.38, 2301.43, 2301.44, 2301.45, 2301.46, 3111.20, 3111.21, 3111.211, 3111.22, 3111.23, 3111.231, 3111.24, 3111.241, 3111.242, 3111.25,3111.26, 3111.27, 3111.28, 3113.21, 3113.211, 3113.213, 3113.214, 3113.215, 3113.216, 3113.217, 3113.218, 5101.31, 5101.311, 5101.312, 5101.314, 5101.315, 5101.319, 5101.321, 5101.323, 5101.324, and 5101.325)

The bill reorganizes (recodifies) the placement of child support provisions in the Revised Code. The recodification places child support laws into four new Revised Code chapters: 3119. (calculation of support); 3121. (collection and enforcement of support); 3123. (default); and 3125. (state and local administration). The recodification also reorganizes Chapter 3111. governing paternity establishment and artificial insemination. The following chart gives a brief description of the subject of each recodified section, the existing number of the section and the new section number.

SUBJECT	NEW §	EXISTING §
Definitions applicable to paternity sections (3111.20 to 3111.85)	3111.20	5101.314(F)
Notarizing acknowledgment of paternity	3111.21	3111.21
CSEA send notarized acknowledgment to Office of Child Support	3111.22	3111.21
Filing acknowledgment with Office of Child Support	3111.23	5101.314(A)(1)
Office of Child Support examine acknowledgment	3111.24	5101.314(A)(2)
Acknowledgment becomes final--when	3111.25	5101.314(A)(3)(a) and (b)
Effect of final acknowledgment	3111.26	5101.314 paragraph after (A)(3)(b) and (A)(4)(a), first sentence

SUBJECT	NEW §	EXISTING §
Recision of acknowledgment not yet final	3111.27	5101.314(B)(1)(a) and (b)
Court action to rescind final acknowledgment	3111.28	5101.314(B)(2)
Action for child support based on final acknowledgment	3111.29	5101.314(A)(4)(b)
Notification to Health Department of final acknowledgment	3111.30	5101.314(A)(4)(c)
Acknowledgment of paternity affidavits--creation	3111.31	5101.324(D) (1)
Paternity establishment informational pamphlets--creation	3111.32	5101.324(C) first sentence
Distribution of affidavits and pamphlets	3111.33	5101.324(C) second sentence and (D)(3)
Rules governing additional evidence to accompany affidavit for new birth record	3111.34	5101.324(D)(2)
Rules for 3111.20 to .34	3111.35	5101.314(E)
Action for administrative determination of paternity	3111.38	3111.22(B)
De Novo court action to determine paternity not available; exceptions	3111.381	3111.22(A)
Multiple requests for determination	3111.39	3111.22(B)
Contents of request for administrative determination. of paternity	3111.40	3111.22(B)(1) to (4)
Issuance of administrative order for genetic testing	3111.41	3111.22(C)(1) first paragraph, first and last sentence
Attachment of notice to testing order	3111.42	3111.22(C)(1) second paragraph, (a) to (h)
Notice and testing order sent under Civil Rules	3111.421	3111.22(C)(1) second paragraph

SUBJECT	NEW §	EXISTING §
Notice of paternity determination request sent to parties under Civil Rules--contingency if unable to obtain service	3111.43	3111.26
Conference to sign acknowledgment of paternity affidavit	3111.44	3111.22(C)(1) second paragraph
Genetic tests conducted	3111.45	3111.22(C)(2) first paragraph, first and second sentences
Orders that may be issued on conclusion of tests	3111.46	3111.22(C)(2)(a) to (c)
Inconclusive determination order issued for willful failure to submit to genetic tests	3111.47	3111.22(F)
Orders must contain notice of right to appeal conclusive determination or right to bring paternity action for inconclusive determination	3111.48	3111.22(C)(2) last paragraph
Right to appeal conclusive determination	3111.49	3111.22(D)
Right to bring court paternity action based on inconclusive determination of paternity due to willful failure to submit; lack of evidence	3111.50	3111.22(F)
Personal information contained in paternity order	3111.51	3111.22(G) first sentence
Change of surname based on paternity determination notification of Department of Health.	3111.52	3111.22(G) second sentence
Administrative officer	3111.53	2301.358
Contempt for failure to submit to genetic testing	3111.54	3111.242(B)
Issuance of new birth record	3111.58	3111.221 second and third paragraph
Genetic testing samples	3111.61	2301.356

SUBJECT	NEW §	EXISTING §
Rules governing on-site genetic testing	3111.611	2301.35(D)(2)
Birth registry established	3111.64	5101.314(D)(1)
Birth registry maintained as part of data system	3111.65	5101.314(D)(2)
Filing of paternity determinations with Office of Child Support	3111.66	5101.314(C)
Rules for registry	3111.67	5101.314(E)
Putative father registry	3111.69	5101.313
Contract between DHS and hospitals for paternity establishment	3111.71	2301.357(B) first sentence of first paragraph and all of last paragraph of (A)
Contract requirements	3111.72	2301.357(B) second sentence of first paragraph and (1) to (10)
Report on hospitals that have not entered into contract	3111.73	2301.357(C)
Hospital duty if a man is presumed father	3111.74	2301.357(D)
Presumed father has duty of support	3111.77	3111.20(B)
Administrative action for support may be taken against presumed father	3111.78	3111.20(C) second paragraph, first sentence
Administrative action for child support based on administrative determination of paternity or presumption	3111.80	3111.20(D) first paragraph and sub. 1 and 2; and 3111.22(E)(1)

SUBJECT	NEW §	EXISTING §
Issuance of support order after hearing	3111.81	3111.20(D)(1)-(3); 3111.22(E)(1)(a) to (c)
Paternity may be raised in administrative support action	3111.82	3111.20(C) third paragraph, first sentence; 3111.211, first sentence, second paragraph
Effect of raising paternity in administrative support action	3111.821	3111.20(C) third paragraph, second sentence; 3111.211, second to fourth sentence, second paragraph; third paragraph
Registration of administrative child support orders	3111.83	New
Creation of registration system	3111.831	New
No fee if file administrative orders	3111.832	New
Appeal of administrative child support determination	3111.84	New
Effect of prior administrative determination of paternity	3111.85	3111.22(H)
Definitions	3111.88	3111.30
Scope of artificial insemination provisions	3111.89	3111.31
Supervision by physician	3111.90	3111.32
Medical history and examination of donor	3111.91	3111.33
Both spouses must consent	3111.92	3111.34
Contents of consent form, etc.	3111.93	3111.35
Confidentiality and retention of information	3111.94	3111.36
Recipient's husband considered natural father	3111.95	3111.37
Effect of noncompliance	3111.96	3111.38

SUBJECT	NEW §	EXISTING §
Definitions	3119.01	2301.34; 3113.21(P); 3113.215(A); 3113.217(A); 3111.241(A)
Calculation of child support--requirement to use basic child support schedule and worksheets	3119.02	3113.215(B)(1), first and second sentence
Basic child support schedule	3119.021	3113.215(D)
Sole/shared parenting worksheet	3119.022	3113.215(E)
Split parenting worksheet	3119.023	3113.215(F)
Guidelines review	3119.024	3113.215(G)
Presumption that amounts calculated using schedule and worksheets are correct	3119.03	3113.215(B)(1), third sentence up to "due"
Calculation of child support when combined gross income exceeds $180,000	3119.04	3113.215(B)(2)(b)
Factors in computing child support amounts	3119.05	3113.215(B)(5)
Minimum support orders	3119.06	3113.215(B)(7)
Determining the obligor	3119.07	3113.215(C) first paragraph
Visitation order must accompany child support order	3119.08	3113.215(C) second paragraph, first sentence
No impoundment/escrowing of child support if noncompliance with visitation	3119.09	3113.215(C) second paragraph, second sentence
Parenting Time Adjustment required	3119.14	New
Adjustment table	3119.15	New
No adjustment if it puts obligee under poverty level; definition of poverty level	3119.16	New

SUBJECT	NEW §	EXISTING §
Granting adjustments for pre-existing support orders	3119.17	New
Elimination or reinstatement of adjustment as part of a review	3119.18	New
Procedure to establish or eliminate adjustments	3119.19	New
Amount calculated for child support must be issued unless deviation is permitted	3119.22	3113.215(B)(1), third sentence, everything after "due"; (B)(2)(c)
Discretionary deviations	3119.23	3113.215(B)(3)
Deviation in shared parenting cases; allowed in extraordinary circumstances	3119.24	3113.215(B)(6)(a) and (b)
Imposition of administrative charge	3119.27	2301.35(G)(1) first and third sentence
Payment by obligor of administrative charge; definition of current support payment	3119.28	2301.35(G)(1) second sentence and (J)(1)
Health insurance provisions must be included in child support orders	3119.30	3113.217(B) and 3111.241(B)
Transitional rules	3119.301	3113.217(L) and 3111.241(L)
Specific requirements in child support orders concerning health insurance coverage for children	3119.31	3113.217(C) and 3111.241(C)
Motion requesting court to order obligor or obligee to provide health insurance coverage	3119.33	3113.21(C)(1)(d)(i) first sentence
CSEA investigate health insurance situation of obligor/obligee	3119.34	3113.21(C)(1)(d)(i) second and third sentence

SUBJECT	NEW §	EXISTING §
Court determination	3119.35	3113.21(C)(1)(d)(i) fourth sentence
Motion to modify child support amount because it does not cover health costs	3119.37	3113.21(C)(1)(d)(ii) first sentence
Court determination	3119.38	3113.21(C)(1)(d)(ii) second sentence
CSEA notify court when obligor/obligee fails to obtain insurance	3119.40	3113.217(D) first sentence; 3111.241 (D) first sentence
Court issue health insurance coverage order and send to employer	3119.41	3113.217(D) second, third, and fourth sentence; 3111.241 (D) second, third, and fourth sentence
CSEA investigation when employment changes	3119.43	3113.217(E)(1) first sentence; 3111.241 (E)(1) first sentence
CSEA issue notice requiring enrollment of children in health insurance coverage	3119.44	3113.217(E)(1) second sentence; 3111.241(E)(1) second sentence
Contents of health insurance notice issued by CSEA	3119.45	3113.217(E)(2); 3111.241(E)(2)
Standard forms for health insurance coverage notices	3119.46	New
Orders and notices requiring provisions of health care are binding	3119.47	3113.217(F); 3111.241(F)
Employer compliance with health insurance requirement/notice is required	3119.48	3113.217(G)(1) first half of paragraph; 3111.241(G)(1) first half of paragraph
Release of information to parent/CSEA	3119.49	3113.217 (G)(1) second half of paragraph; 3111.241 (G)(1) second half of paragraph

SUBJECT	NEW §	EXISTING §
Limitation on use of information	3119.491	3113.217(G)(1) second sentence; 3111.241(G)(1) second sentence
Employer notify CSEA of change/termination of health coverage	3119.50	3113.217(G)(2); 3111.241(G)(2)
Insurer required to comply with health insurance notice or order	3119.51	3113.217(G)(3) first sentence; 3111.241 (G)(3) first sentence
Reimbursement of appropriate parent by insurer	3119.52	3113.217(G)(3) second sentence; 3111.241(G)(3) second sentence
Enrollment of child in health insurance plan not required if the child does not meet underwriting standards	3119.53	3113.217(K); 3111.241(J)
Payment of health costs if obligee eligible for medical assistance	3119.54	3113.217(H); 3111.241(H)
Liability for medical expenses for failure to comply with health insurance order/notice	3119.56	3113.217(I); 3111.241(I)
Failure to comply with court child support order or order requiring health insurance is contempt	3119.57	3113.217(J) first sentence; 3111.241 (K)
Second time contempt for failure to comply with court child support order or order requiring health insurance coverage--change of circumstances for purposes of child support modification	3119.58	3113.217(J) second sentence
CSEA procedure when preparing to do a review of a child support order	3119.60	3113.216(C)(1); 3111.27(B)(1) and (2)
CSEA procedure when conducting review of administrative child support orders	3119.61	3111.27(C)(1); (C)(2); and (D)

SUBJECT	NEW §	EXISTING §
CSEA procedure when conducting review of court child support orders	3119.63	3113.216(C)(3)
Opportunity to request court hearing to review revised amount of child support proposed by CSEA for inclusion in court order	3119.64	3113.216(D)
Court issue new child support order including revised amount if obligor or obligee do not request court hearing on CSEA determination	3119.65	3113.216(C)(1)(c)(i) second sentence
Court schedule and conduct hearing if obligor/obligee request review of CSEA revision	3119.66	3113.216(C)(1)(c)(i) third sentence
Court give notice of hearing	3119.67	3113.216(C)(1)(c)(ii)
Obligor/obligee provide financial information	3119.68	3113.216(C)(1)(c)(ii)
Court give notice that failure to provide information is contempt	3119.69	3113.216(C)(1)(c)(ii)
Court determination	3119.70	3113.216(C)(1)(c)(ii)
Effective date of modification after CSEA review	3119.71	3113.216(C)(1)(f)
Failure to provide information pursuant to administrative review of child support orders	3119.72	3113.216(C)(2); 3111.28(B); 3111.27(B)(2)
Consideration of health insurance cost required when court or CSEA reviews child support orders	3119.73	3113.21(C)(1)(c) (iii); 3113.216(C)(4); 3111.27(C)(3)
Consideration of parenting time adjustment when court or CSEA conducts review of a child support order	3119.74	New
When CSEA is not required to conduct a review	3119.75	3113.216(E)
DHS rules governing administrative reviews	3119.76	3113.216(B); 3111.27(A)
Court modification--10% change requirement	3119.79	3113.215(B)(4)

SUBJECT	NEW §	EXISTING §
Motion to request withholding/deduction notice or other appropriate order to enforce support order	3119.80	3113.21(C)(1)(a)
Issuance of withholding/deduction notice or other appropriate order when child support order is before the court in any proceeding	3119.81	3113.21(C)(1)(b)
Determination of right to claim child as a dependent	3119.82	3113.21(C)(1)(e)
Prohibition against retroactive modification of delinquent support amount	3119.83	3113.21(M)(3)
Court may modify support amount due after motion to modify filed	3119.84	3113.21 (M)(4)
Duration of administrative and court child support orders	3119.86	2151.23(G)(2); 3105.21(D); 3109.05(E); 3111.13(F)(2); 3113.04(C); and 3113.31(K) (2)
Termination--Duty to notify	3119.87	3113.21(G)(4)(a); 3111.23(E)(4)(a)
Termination--Reasons for termination	3119.88	3113.21(G)(4)(a); 3111.23(E)(4)(a)
Termination--CSEA investigation	3119.89	3113.21(G)(4)(a); 3111.23(E)(4)(a)
Termination--CSEA duties after investigation complete	3119.90	3113.21(G)(4)(a); 3111.23(E)(4)(a)
Termination--Right to appeal administrative determination concerning termination	3119.91	New
Termination--Appeal to juvenile court	3119.92	New
Termination--Court duties after notification from CSEA	3119.93	3113.21(G)(4)(b)(i)
Termination--Effect of termination on withholding or deduction notice	3119.94	3113.21(G)(4)(c); 3111.23(E)(4)(c)

SUBJECT	NEW §	EXISTING §
Termination--Rules	3119.95	3113.21(G)(4)(d); 3111.23(E)(4)(d)

SUBJECT	NEW §	EXISTING §
Definitions: court support order; personal earnings; default; financial institutions; payor; support order; court child support order; and income	3121.01	2301.34
Withholding and deduction notices and other orders are required in order to collect support	3121.02	3113.21(A); 3111.23(A)
Withholding and deduction notices and other enforcement orders	3121.03	3113.21(D)(1)(a); (D)(1)(b) first and second sentence; (D)(2)(a); (D)(2)(b) first and second sentence; (D)(3) and (4); 3111.23(B)(1)(a); (B)(1)(b) first and second sentence; (B)(2)(a); (B)(2)(b) first and second sentence; 3111.231
Notice and hearing concerning determination of appropriate withholding, deduction, or other order to enforce the court support order	3121.031	3113.21(C)(2) first paragraph
Issuing entity (court or CSEA) decide appropriate requirement to enforce support order	3121.032	3113.21(A); 3111.23(A)
Appropriate number of notices or orders must be issued to collect	3121.033	3113.21(E); 3111.23(C)
Priority of multiple withholding or deduction notices	3121.034	3113.21(F); 3111.23(D)
Time period for sending withholding or deduction notice	3121.035	3113.21(A); 3111.23(A)

SUBJECT	NEW §	EXISTING §
Additional notice attached to the withholding or deduction notice	3121.036	3113.21(D)(1)(c) and (D)(2)(c); 3111.23(B)(1)(c) and (2)(c)
Contents of withholding or deduction notice	3121.037	3113.21(D)(1)(b)(i) to (xi) and (D)(2)(b) (i) to (viii); 3111.23(B)(1)(b)(i) to (xi) and (B)(2)(b)(i) to (viii)
Notice in withholding or deduction notices issued for administrative child support orders	3121.038	3111.23(G)(3)
Information that may not be included in withholding or deduction notices or other enforcement orders	3121.039	3113.21(I)(2); 3111.23(G)(2)
Withholding and deduction notices and other enforcement orders issued prior to bill's effective date	3121.0310	New
Adoption of standard forms for withholding/deduction notices	3121.0311	3113.21(A); 3111.23(A)
Cash bond in cases of noncompliance when assets cannot be reached	3121.04	3113.21(H)(1)(a)
Seek work order--obligor in default has no assets	3121.05	3113.21(H)(1)(b)
Seek work order--pursuant to modification proceeding and obligor has no assets	3121.06	3113.21(H)(2)
Withholding of unemployment compensation	3121.07	2301.371
Collection of prisoner earnings	3121.08	3113.16(A) and (B)
Notice of lump-sum payment to obligor or default by obligor--action by CSEA	3121.11	3113.21(G)(6)

SUBJECT	NEW §	EXISTING §
Disposition of lump-sum payment made to obligor	3121.12	3113.21(H)(3); 3111.23(F)
Change in income source or financial account--investigation and issuance of withholding or deduction notice or other order	3121.14	3113.212(A)
Commencement of employment--issuance of withholding notice	3121.15	3113.212(B)
Notice or order sent under 3121.14 or 3121.15 considered sent under 3121.03	3121.16	3113.212(C)
Fee that may be charged by payor/financial institution for withholding or deduction	3121.18	3113.211(A)(2) first paragraph; 3111.24(A)(2) first paragraph
Time period for forwarding amounts withheld or deducted to Office of Child Support	3121.19	3113.211(A)(2) second paragraph; 3111.24(A)(2) second paragraph
Form in which withheld and deducted amounts may be sent to Office of Child Support	3121.20	3113.211(B); 3111.24(B)
No liability for payors for complying with withholding or deduction notice	3121.21	3113.211(D); 3111.24(D)
Service requirements of all withholding and deduction notices and other notices	3121.23	3113.21(G)(1); 3111.23(E)(1)
Parties must notify CSEA of updates to personal information	3121.24	3113.21(G)(2); 3111.23(E)(2); and 2301.36(D)
Court notification of CSEA of modification/ enforcement actions regarding a support order	3121.25	3113.21(G)(5)

SUBJECT	NEW §	EXISTING §
General provisions in support order requiring withholding or deduction or other appropriate enforcement order	3121.27	3113.21(A); 3111.23(A)
Provision in support order requiring monthly administration	3121.28	3113.218(B)(1) to (3)
Provision in support orders requiring parties to update personal information	3121.29	3113.21(G)(3); 3111.23(E)(3)
Support order must include obligor DOB and social security number	3121.30	3113.21(I)(1); 3111.23(G)(1)
Notices and orders are final and enforceable	3121.33	3113.21(A); 3111.23(A)
Compliance with notice or order issued to enforce support order without need to amend order	3121.34	3113.21(A); 3111.23(A)
Court authority to enforce court support orders and administrative child support orders	3121.35	3113.21(M)
Termination of support order does not prevent collection of arrearages	3121.36	3113.21(M)
Contempt for failure to comply with administrative child support orders	3121.37	3111.242(A); 3111.28(A)
Contempt for failure to comply with order to comply with a withholding or deduction notice	3121.371	3113.212(D)
Failure to send notifications is contempt	3121.372	3113.213(A)(2)
Failure to withhold or deduct--liability for amount not withheld	3121.38	3113.213(B); 3111.25(A)(2)
Failure to withhold or deduct--fine	3121.381	3113.213(C)
Prohibition against disciplining employee because of withholding or deduction notice	3121.39	3113.213(D) first sentence; 3111.25(B)

SUBJECT	NEW §	EXISTING §
Office of Child Support--responsible for collection and distribution of support	3121.43	5101.325(A)(1)
Support payments required to be made to Office of Child Support	3121.44	2301.36(A) first sentence
Payments not made to Office of Child Support shall not be considered support	3121.45	2301.36(A) second sentence
Payments directly to third party	3121.46	2301.36(B) and (C)
CSEA administration of payments to third party	3121.47	2301.36(E)
Separate accounts for support amounts collected	3121.48	5101.325(D) first sentence
Use of interest from accounts	3121.49	5101.325(D) fourth sentence
Support disbursement requirements	3121.50	5101.325(D) second sentence; 3113.211 (C); 3111.24(C)
Monthly administration of support orders required	3121.51	3113.218(C) and (F)
Orders paid on other than monthly basis--monthly administration	3121.52	3113.218(D)
Orders paid on other than a monthly basis--monthly administration does not affect method of payment	3121.53	3113.218(E)
Orders commencing on day other than first day of the month	3121.54	New
Office of Child Support collects administrative charge	3121.56	5101.325(B)(1) first sentence
Accounting for charge paid	3121.57	5101.325(B)(1) fourth sentence
Accounting for charge not paid	3121.58	5101.325(B)(1) second and third sentence

SUBJECT	NEW §	EXISTING §
Collection of fine amounts considered to be program income	3121.59	3113.99(D); 3111.99(E)
Administrative charge and fine amounts placed in program income fund	3121.60	5101.325(B)(3) first sentence; 5101.325 (B)(2)
Creation of program income fund	3121.63	5101.325(E)
Distribution to counties	3121.64	5101.325(B)(3) second sentence
Administrative charges used only for support enforcement activities	3121.65	5101.325(B)(3) third sentence
Contracts with collection agencies	3121.67	5101.325(C)
Use of facsimile signatures	3121.69	5101.325(A)(2)
Rules for collection, disbursement, etc.	3121.71	5101.325(F)
Agreements by financial institutions to provide account information	3121.74	5101.315(B)
Reimbursement to financial institutions for providing information	3121.75	5101.315(C)
Status of information; prohibition against disclosure	3121.76	5101.315(D)
Immunity	3121.77	5101.315(E)
Rules	3121.78	5101.315(F)
Creation of case registry	3121.81	5101.319(B) first sentence
Information to be included in the registry	3121.82	5101.319(B) second sentence (1) to (6)
Maintenance of registry	3121.83	5101.319(C)
Data comparisons and provision of data	3121.84	5101.319(D) and (E)(3)

SUBJECT	NEW §	EXISTING §
Entry, maintenance, and monitoring of information in the registry	3121.85	5101.319(E)(1) and (2)
Rules regarding the registry	3121.86	5101.319(F)
Definitions	3121.89	5101.312(A)
New hire reporting requirements	3121.891	5101.312(B)
Content of reports	3121.892	5101.312(C)
Method of making report	3121.893	5101.312(D)
Entry of report data into new hire directory	3121.894	5101.312(E)(1)
Data comparison; notify CSEA of data match	3121.895	5101.312(E)(2) and first sentence of (E)(3)
CSEA duty on receipt of data match notice	3121.896	5101.312(E)(3) second sentence
Furnishing information to national directory of new hires	3121.897	5101.312(E)(4)
Use of reports	3121.898	5101.312(F) first paragraph
Disclosure of information	3121.899	5101.312(F) second paragraph
Failure to make a report; penalty	3121.8910	5101.312(G)
Rules to implement 3121.89 to 3121.8910	3121.8911	5101.312(F) first paragraph, last sentence
Assistance of other states in enforcing support orders	3121.91	5101.318
Enforcement of foreign country support orders	3121.92	5101.316

SUBJECT	NEW §	EXISTING §
Penalties	3121.99	3111.99; 3113.99; 3113.213(C); 3113.213(D)

SUBJECT	NEW §	EXISTING §
Definitions: Court support order; personal earnings; default; financial institution; payor; and support order	3123.01	
After a default is identified, investigation initiated	3123.02	3113.21(B)
Sending advance notice	3123.03	3113.21(B)
Adoption of standard forms for advance notices	3123.031	3113.21(B)
Agency hearing and determination concerning advance notice	3123.04	3113.21(B)
Court hearing and determination concerning advance notice	3123.05	3113.21(B)
Withholding or deduction notices and other appropriate orders issued on exhaustion of rights to contest	3123.06	3113.21(B)
Support withholding initiated when order is in default	3123.061	3113.21(B)
Savings provision in case of failure to send notice	3123.062	3113.21(B)
Issuance of court support order to replace certain support orders in default	3123.07	3113.21(B)
General provision requiring withholding or deduction of support for reissued support order	3123.071	3113.21(B)

SUBJECT	NEW §	EXISTING §
Court notification of CSEA of futility of enforcement or failure to enforce support order	3123.10	2301.37(B)
CSEA notification to obligee	3123.11	2301.37(B)
Prohibition against closing a case due to failure to pay	3123.12	2301.37(C)
Rules to implement prohibition	3123.121	2301.37(C)
No termination of withholding or deduction notices or other enforcement orders for paying off arrearages	3123.13	3113.21(J); 3111.23(H)
Action to collect arrearages on terminated judgment	3123.14	2301.38(B)
Action commenced within 20 days after request	3123.15	2301.38(C)
Special orders administered monthly	3123.16	2301.39(A)
New support order--imposition of interest and other costs as part of order	3123.17	3113.219
Obtaining judgment for failure to pay support	3123.18	3113.2110
Payment of arrearages to ODHS	3123.19	3113.21(K) and (N); 3111.23(I)
Prohibition against discharging employee because of support related order	3123.20	2301.39(B)
Collection of at least 20% of arrearages with every current support payment	3123.21	New
Multiple means to collect arrearages amounts	3123.22	New
Definition	3123.24	3113.214(A)
Entry of default in case registry if obligor has account in financial institution	3123.25	3113.214(B)
Imposition of access restriction on account	3123.26	3113.214(C)

SUBJECT	NEW §	EXISTING §
CSEA investigation of amount of funds in account	3123.27	3113.214(D)
Issuance of withdrawal directive required if obligor is the only owner of account	3123.28	3113.214(E)(1) first sentence
If obligor is not sole owner of account--CSEA must send notice to other owner	3123.29	3113.214(E)(1) second sentence
Content of notice--notification of issuance of withdrawal directive	3123.30	3113.214(E)(2)
Objection to withdrawal directive--request administrative hearing	3123.31	3113.214(E)(3) first paragraph
Issuance of withdrawal directive if fail to request administrative hearing	3123.32	3113.214(E)(3)(b)
Administrative hearing	3123.33	3113.214(E)(3)(a) first and second paragraph
Administrative determination	3123.34	3113.214(E)(3)(a) third paragraph, first to third sentence
Court hearing	3123.35	3113.214(E)(3)(a) third paragraph, fourth to sixth sentence
Court determination	3123.36	3113.214(E)(3)(a) fourth paragraph
Withdrawal directive	3123.37	3113.214(F)
Immunity for financial institution	3123.38	3113.214(G)
Definitions (applicable to section 3123.41 to 3123.50)	3123.41	2301.373(A)(2)
Determination of whether an obligor is a professional license holder--after default or after an obligor fails to comply with a warrant or subpoena	3123.42	2301.373(B)(1) first sentence; (B)(2) first sentence

SUBJECT	NEW §	EXISTING §
Notice to the obligor and licensing board of obligor's default/failure to comply with a subpoena or warrant	3123.43	2301.373(B)(1) second and third sentence; (B)(2) second and third sentence
Contents of notice to obligor	3123.44	2301.373(C)
Further notice of no default	3123.45	2301.373(D)(1)
Further notice of compliance with warrant or subpoena	3123.46	2301.373(D)(2)
Licensing Board duty on receipt of default/failure to comply with subpoena or warrant notice	3123.47	2301.373(E)(2)
Licensing Board maintain a file of notices received	3123.471	2301.373(E)(3)
Licensing Board duty on receipt of no default/no failure to comply with subpoena or warrant notice	3123.48	2301.373(E)(4)
Licensing Board--not to conduct hearing when refusing to issue or renew or when revoking or suspending a license	3123.49	2301.373(E)(5)
Licensing Board--include social security number on licenses	3123.50	2301.373(E)(1)
Specifying operational date with respect to driver's license removals--prior to that date, sections 3123.53 to 3123.60 are applicable as provided in section 3123.61 to 3123.615	3123.52	2301.374(A); (B)(1)(a) first sentence
Determine if obligor is a driver's license holder--after default or after failure to comply with subpoena or warrant	3123.53	2301.374(C)(1)(a), first sentence; (C)(1)(b), first sentence

SUBJECT	NEW §	EXISTING §
Notice to obligor and registrar of default or failure to comply with subpoena or warrant	3123.54	2301.374(C)(1)(a) second and third sentence; (C)(1)(b) second and third sentence
Content of notice to the obligor	3123.55	2301.374(C)(2)
Further notice of no default	3123.56	2301.374(C)(3)(a)
Further notice of subpoena/warrant compliance	3123.57	2301.374(C)(3)(b)
Registrar duty on receipt of default/failure to comply with subpoena or warrant notice	3123.58	2301.374(C)(4)(a)
Registrar maintain list of notices	3123.581	2301.374(C)(4)(b)
Registrar duty on receipt of no default/no failure to comply with subpoena or warrant notice	3123.59	2301.374(C)(4)(c)
No hearing permitted	3123.60	2301.374(C)(4)(d)
License removal provisions of sections 3123.53 to 3123.60 apply only to commercial drivers' licenses and commercial drivers' temporary instruction permits prior to operational date	3123.61	2301.374(C)
Refusal to issue or renew commercial drivers' licenses and commercial drivers' temporary instruction permits and imposition of disqualification--prior to operational date	3123.611	2301.374(B)(4)(a)
Removal of disqualification and imposition of removal fee--prior to operational date	3123.612	2301.374(B)(4)(c) first sentence and third sentence
Fees collected under section 3123.612 are not required to be put in special fund	3123.613	2301.374(B)(4)(c)
Contents of notice prior to operational date	3123.614	2301.374(B)(2)(a), (b), and (c)
No hearing permitted on whether to impose disqualification--prior to operational date	3123.615	2301.374(B)(4)(d)

SUBJECT	NEW §	EXISTING §
Recreational license revocation	3123.62	2301.375(A) and (B)
Rules to implement all the license removal sections	3123.63	2301.373(F); 2301.374(D); and 2301.375(C)
Lien may be asserted against property of obligor in default	3123.66	2301.43(A)
Establishing lien on real and personal property	3123.67	2301.43(B)(1)
Foreign liens	3123.68	2301.43(B)(2)
Service of copy of lien	3123.69	2301.44(A)
Priority	3123.70	2301.43(E)
Liens in effect until discharged by recorder pursuant to discharge request	3123.71	2301.43(C)
Notice requesting discharge--content	3123.72	2301.43(D)
CSEA can cause sale of property	3123.73	2301.45(A)
Procedure for sale	3123.74	2301.45(B)(1)
Court in which complaint for sale may be filed	3123.741	2301.45(B)(2)
Sale of property extinguishes lien	3123.75	2301.45(C)
CSEA may release lien	3123.76	2301.46(A)
Liability for releasing, selling, or disposing of property subject to lien	3123.77	2301.44(B)
Obtaining a lien does not affect other legal remedies	3123.78	2301.46(B)
Federal tax refund intercept	3123.81	5101.32
Definitions for state tax refund intercept	3123.82	5101.321(D)
State tax refund intercept	3123.821	5101.321(A)

SUBJECT	NEW §	EXISTING §
Limitations on state tax refund intercept	3123.822	5101.321(B)
Rules to implement	3123.823	5101.321(C)
Collection of support through federal government offsets	3123.85	5101.326
Collection of obligor's prisoner earnings	3123.87	3113.16(A) and (C)
Collection of obligor's unclaimed funds	3123.88	5101.327
Definition of consumer reporting agency	3123.91	5101.311(B)
CSEA contact consumer reporting agency when obligor in default	3123.92	2301.353(A)
CSEA duty if obligor pays arrearages after consumer reporting agency contact	3123.921	2301.353(B)
Consumer reporting agency may contact Office of Child Support to determine if person is an obligor	3123.93	5101.311(A) first paragraph, first and second sentence
Office of Child Support check case registry	3123.931	5101.311(A) first paragraph, third sentence
Provision of information to a consumer reporting agency	3123.932	5101.311(A) second paragraph
Establishment of statewide poster program of obligors in default	3123.95	5101.323(A)(1) first sentence
CSEAs may submit names for inclusion on the poster	3123.951	5101.323(A)(2)
Criteria for CSEA in submitting names of obligors	3123.952	5101.323(B)
Submission of photographs	3123.953	5101.323(C) first sentence

SUBJECT	NEW §	EXISTING §
No submission of obligee address or other obligee personal information	3123.954	5101.323(C) second sentence
Office of Child Support review submissions from CSEAs	3123.955	5101.323(A)(4)
Notice to obligors about possible inclusion on the poster	3123.956	5101.323(A)(3)
Contents of poster	3123.957	5101.323(A)(1) second, third, and fourth sentence
Publication and distribution of poster	3123.958	5101.323(A)(5)
Funds to conduct poster program	3123.959	5101.323(E)
Rules for poster program	3123.9510	5101.323(D)
Establishment of county poster programs	3123.96	2301.355 first paragraph, first sentence
Contents of poster	3123.961	2301.355 first paragraph, second, third, and fourth sentence
Selection of obligors for the poster	3123.962	2301.355 second paragraph
Penalty for discharging employee because of support enforcement orders/notices	3123.99	3111.99; 3113.99

SUBJECT	NEW §	EXISTING §
Definitions	3125.01	3113.21(P)
Creation of the Office of Child Support	3125.02	5101.31(A) first paragraph, first sentence

SUBJECT	NEW §	EXISTING §
Establishment and administration of child support enforcement program	3125.03	5101.31(B) first paragraph, second, third, and fourth sentence
Publicize paternity establishment procedure	3125.04	5101.31(B) second paragraph
Establishment and administration of spousal support enforcement program	3125.05	5101.31(C)
Agreement with federal government to use parent locator service	3125.06	5101.31(D)
Establishment and maintenance of SETS	3125.07	5101.322(A)
Rules regulating use and access to data	3125.08	5101.322(B)
CSEA required in each county	3125.10	2301.35(A)
CSEA operate support enforcement program in county	3125.11	2301.35(C) first paragraph, first sentence; second sentence, second and third clauses
Plan of cooperation with county commissioners	3125.12	2301.35(B)
Contracts with vendors to perform CSEA duties	3125.13	2301.35(C) second paragraph
Contracts with courts, prosecutors, and law enforcement officials to enforce support	3125.14	2301.35(E)
CSEA records	3125.15	2301.35(F)(1)
Review of CSEA records	3125.16	2301.35(F)(2)
CSEA attorneys	3125.17	2301.354
Appropriation to CSEAs by county commissioners of funds from state and federal sources	3125.19	2301.35(G)(2)

SUBJECT	NEW §	EXISTING §
Waiver of appropriation limitations	3125.20	2301.35(G)(4)
Federal and state money used for support enforcement	3125.21	2301.35(G)(3)
CSEA investment of money	3125.22	2301.35(G)(5)
CSEA operate under the direction of DHS; DHS ensure compliance with federal law	3125.24	2301.35(C) first paragraph, second sentence, first clause; fifth sentence
DHS rules governing support enforcement by CSEAs	3125.25	2301.35(D)(1)
CSEA does not collect child support; exception	3125.27	2301.35(C) first paragraph third sentence
Collection of support and other amounts prior to conversion to new computer system and prior to authorization	3125.28	2301.35(H)(1) and (2)--all but last sentence of both divisions
Collection of support and other amounts after conversion to new computer system and after authorization	3125.29	2301.35(H)(4)
Amounts collected by collection agents; disposition	3125.30	2301.35(H)(5)
Title IV-D services--application	3125.36	2301.35(I)
Title IV-D application fee	3125.37	5101.31(B) third paragraph
Annual report to Federal government concerning Title IV-D program operation	3125.38	5101.317(A)
Rules for annual report	3125.39	5101.317(B)

SUBJECT	NEW §	EXISTING §
Office of Child Support access to information; definition of cable TV and public utility	3125.41	5101.31(A) and (G)(1)
Provision of information by persons and entities--general	3125.42	5101.31(G)(2)
Provision of information by the tax department	3125.43	5101.31(G)(4)(a) first, second, and fourth sentence
Office of Child Support reimburse tax department for providing information	3125.44	5101.31(G)(4)(a) third sentence
Immunity from civil/criminal liability for providing information to Office of Child Support	3125.45	5101.31(G)(3); (G)(4)(b) first sentence
Prohibition against failing to provide information (not applicable to tax department)	3125.46	5101.31(G)(5) first sentence
Fine for failing to provide information	3125.47	5101.31(G)(5) second sentence
Court action to collect fine	3125.48	5101.31(G)(5) third and fourth sentence
Use of social security number only for child support enforcement	3125.49	2301.35(C) first paragraph, fourth sentence; 5101.31(E)
Prohibition against information disclosure	3125.50	5101.31(F)(1); (G)(4)(b), second sentence
Office of Child Support adopt rules governing access to and disclosure of information in the Office's possession	3125.51	5101.31(F)(2)
Court quotas concerning paternity and support cases	3125.58	3113.21(L)(1)
Court issuance of temporary orders in complex cases	3125.59	3113.21(L)(2)
Court appointment of magistrates	3125.60	3113.21(L)(3)

SUBJECT	NEW §	EXISTING §
Penalty	3125.99	3111.99; 3113.99

Repeal and incorporation of sections 3111.23 to 3111.28 of the Revised Code

(secs. 3111.43, 3111.54, 3119.01, 3119.30, 3119.301, 3119.31, 3119.40, 3119.41, 3119.43, 3119.45, 3119.47, 3119.48, 3119.49, 3119.491, 3119.50, 3119.51, 3119.52, 3119.53, 3119.54, 3119.55, 3119.56, 3119.57, 3119.60, 3119.61, 3119.72, 3119.73, 3119.76, 3119.87, 3119.88, 3119.89, 3119.90, 3119.94, 3119.95, 3121.02, 3121.032, 3121.033, 3121.034, 3121.035, 3121.036, 3121.037, 3121.038, 3121.039, 3121.0311, 3121.12, 3121.18, 3121.19, 3121.20, 3121.21, 3121.23, 3121.24, 3121.27, 3121.29, 3121.30, 3121.33, 3121.34, 3121.35, 3121.38, 3121.50, 3123.13, 3123.19; repealed sections 3111.23, 3111.231, 3111.24, 3111.241, 3111.242, 3111.25, 3111.26, 3111.27, and 3111.28)

Under current law, Revised Code sections 3111.23 to 3111.28 govern administrative support orders, which are issued by CSEAs. Revised Code sections 3113.21 to 3113.219 govern court-issued support orders. Many of the provisions concerning administrative support orders and court-issued support orders are virtually identical, a problem which has worsened due to expansion of administrative authority in recent years. As part of an effort to streamline the law governing child support, the bill repeals the Revised Code sections governing administrative support orders and incorporates those provisions into the renumbered sections governing court-issued support orders. Differences between administrative and court-issued support orders in existing law are maintained.

New definitions are created to clarify the types of orders to which the statute refers. "Administrative child support order" refers to orders for the support of a child that are issued by a CSEA. "Court child support order" refers to orders for the support of a child that are issued by a court. "Child support order" encompasses both administrative and court child support orders. "Court support order" includes both a court child support order and an order for the support of a spouse or former spouse. Finally, a "support order" means an administrative child support order or a court support order.

Effective date

(Section 3)

The bill provides that its substantive provisions become effective on the date that is six months after the bill's effective date. Since the bill has no

emergency clause, the effective date will be the 91st day after the Governor files the act with his signature in the Secretary of State's office. Thus the bill will become effective nine months after it is filed with the Secretary of State.

COMMENT

Although the bill changes the time period for notifying the CSEA administering a support order about any event that occurs resulting in the payor ceasing to pay the obligor from ten working days to ten business days, the bill does not change similar provisions governing deductions from the obligor's assets in a financial institution. Under the deduction provisions the bill continues the current law requirement that the person deducting assets notify the CSEA no later than ten days after the termination of the account from which the assets are being deducted.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	08-31-99	pp. 967-969

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