



Ralph Clark

Bill Analysis
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(As Reported by H. Children and Family Services)

Sens. Kearns, Schafrath, Drake, Mumper, Gardner

Reps. O'Brien, Willamowski, Winkler

BILL SUMMARY

SUPPORT CHANGES

Calculation

- Modifies the worksheets that are required to be used to calculate child support.
- Requires a court or child support enforcement agency (CSEA) that requires a parent to pay child support for a time period prior to the date it issues or modifies a current support order to calculate the support amount for that period on the basis of the child support schedule, worksheets, and laws in effect, and the incomes of the parents as they previously existed.
- 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.
- 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."

* *This analysis was prepared before the report of the House Children and Family Services Committee appeared in the House Journal. Note that the list of co-sponsors and legislative history may be incomplete.*

- 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.
- Permits an action by an obligee, or a CSEA or court on behalf of an obligee, against the state to withhold from amounts owed or to be owed to an obligor payments due under a support order if the obligor is an officer or employee of the state, under contract with the state, or owed or to be owed money by the state.

Arrearage

- Permits a CSEA, with respect to support orders issued, and arrearages arising, on and after the bill's effective date, to take certain actions, including collecting federal or state income tax refunds and lump sum payments, to collect the arrearage amount from an obligor even if the obligor is timely paying off the arrearage under the 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 in a lump-sum payment.
- Requires the purchase agreement of an annuity purchased to pay support under a child support order issued pursuant to a parentage determination, presumption of paternity, or acknowledgment of paternity to provide that any remaining principal will be transferred to the ownership of the child when the child reaches age 18.
- 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 Job and Family Services (ODJFS) or a CSEA, as appropriate under law.
- Makes changes to the law governing collection and distribution of support and monthly administration of support orders.
- Establishes a procedure to permit state tax refunds owed to obligees to be intercepted and paid to obligors for amounts of overpaid child support.

- Clarifies the law governing when child support orders may continue to require payment of support beyond the date the child reaches age 18.
- 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.
- Repeals the provisions making failure to comply with a withholding or deduction notice issued to enforce an administrative child support order contempt of court.
- 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.
- Eliminates the ability of the Office of Child Support in ODJFS to obtain information on the employer and assets of taxpayers in records maintained by the Ohio Department of Taxation.

PARENTAGE CHANGES

Paternity compliance plans

- Eliminates the requirement that CSEAs adopt paternity compliance plans and establish paternity compliance units.
- Eliminates the requirement that ODJFS 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 court rescision procedure for acknowledgments of paternity.
- Makes changes to the rescision procedures 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

- Eliminates the ability to receive an administrative parentage determination from the CSEA of a county in which the child's parent resides.
- Requires, in cases in which a request for an administrative parentage determination is made to more than 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 but that do not exclude 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 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.

- Clarifies that both parties must agree in order to change a child's birth record after parentage is established in an administrative proceeding.
- Eliminates the ability of the legal guardian or custodian of a child to bring an action for support to object to an administrative parentage determination.
- 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 ODJFS 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 ODJFS to maintain records concerning the enforcement in Ohio of support cases issued by other states.
- Requires ODJFS 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 ODJFS 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 ODJFS to be paid in accordance with federal law.
- Makes changes to the law governing account information access agreements, access restrictions, and withdrawal directives.

OTHER CHANGES

- Renames "companionship or visitation rights" that are awarded to a parent as "parenting time."
- Requires a court, when determining whether to grant companionship or visitation rights with a child to a person other than a parent of the child, to consider the wishes and concerns of the child's parents, as expressed to the court.
- Maintains companionship or visitation rights with a child granted to a grandparent or relative of the child's deceased parent prior to adoption of a child if the child is adopted by a step-parent.
- Gives a court authority to grant companionship or visitation rights with a child to a grandparent or relative of the child's deceased parent after adoption of the child by a step-parent.
- 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.
- Requires, with respect to charter counties only, that a caretaker of a minor child receiving assistance under Ohio Works First cooperate in establishing parentage of the child and establishing, modifying, and enforcing a support order for the child by appearing at all proceedings to establish, modify, or enforce support for, and to establish parentage with respect to, the child.
- Clarifies which court has jurisdiction over certain actions regarding parentage determinations and child support.

- Changes the name of the Division of Child Support in ODJFS 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.

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CONTENT AND OPERATION

BACKGROUND

Current law requires the Ohio Department of Job and Family Services (ODJFS), with the assistance of a council appointed by ODJFS, 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, ODJFS 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, "Report to the General Assembly: Ohio's Child Support Guidelines," issued by the Ohio Department of Human Services in March 1997.¹ The bill implements many of 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

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.

¹ Since the issuance of the report, the Ohio Department of Human Services has merged with the Ohio Bureau of Employment Services to form the Ohio Department of Job and Family Services (ODJFS).

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).

With respect to income amounts exceeding \$150,000, 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 \$150,000, 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.² The other worksheet is used when there is a split custody order.³

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

² *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 custody of the child and share the parental rights and responsibilities with respect to the child.*

³ *Split custody means there is more than one child and each parent has sole custody of at least one of the children.*

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; and reduce the child support obligation of the parent required to pay support 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 that parent.

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.

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 unchanged by the bill, 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 changes the definition of "gross income" to include all of the following:

- 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 changes the definition of "gross income" to exclude the following items:

- 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 in 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 experience;
- 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 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.

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.*

Collection of support amounts from the state

(secs. 3121.09 and 3121.091)

Under current law, child support amounts owed by an obligor must be withheld or deducted from the obligor's income or assets. If an obligor is receiving income from any person or entity, those amounts must be withheld by the person or entity paying the income pursuant to a withholding notice and then forwarded to the Office of Child Support in ODJFS for distribution to the obligee.

The bill expands the current law by permitting an obligee under a support order, or a court or CSEA on the obligee's behalf, to maintain an action against the state under Ohio's support enforcement laws, or under the comparable laws of another state or nation, to withhold support from payments owed or to be owed to one of the following individuals who is the obligor under the support order:

1. An officer or employee of the state;
2. An individual who is under contract with the state or is owed or to be owed money from the state, including an individual who is the sole shareholder of a corporation or the sole member of a limited liability company.

A withholding notice or other order issued under Ohio's support enforcement laws with respect to the obligor must be served on the Director of Administrative Services if the obligor is an officer or employee of the state. If the obligor is an individual under contract with the state or is owed or to be owed money from the state, service must be on the Director of the Office of Budget and Management. The notice or other order must include the name of the state agency that owes or will owe money to the individual against whom the notice or order is issued and must also include evidence that the obligor is the sole shareholder of a corporation or the sole member of a limited liability company if money is to be withheld from the corporation or limited liability company to pay the support obligation.

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 or 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 or 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.

The bill also provides that the actions described above to collect support amounts from obligors paying off arrearages only apply to support orders issued on or after the effective date of the bill under which arrearages have arisen on or after that date.

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

⁵ *The Consumer Credit Protection Act's limit on the amount that may be withheld from an obligor's disposable earnings for a work week 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 earnings for the work week. "Disposable earnings" 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.*

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. The bill defines "good cause" to include a change in the obligor's circumstances that would make payment of current support and payment of the arrearage in an amount equal to at least 20% of the current support payment a hardship on the obligor. The bill also provides that good cause exists if the amount of each current support payment and arrearage amount would violate the limits imposed pursuant to the federal Consumer Credit Protection Act.

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, 3119.61, and 3119.63)

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.

Under current law, 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.

Under current law, when a CSEA begins review of an administrative child support order, it is required to follow review procedures adopted by the Director of Job and Family Services that are similar to the procedures for review of court child support orders. When conducting a review of an administrative child support order, a CSEA is not permitted to deviate from the basic child support guidelines set forth in law (described above). If the CSEA cannot set an amount of child support under the administrative order without deviating, it must bring an action for child support in the common pleas court of the county in which the CSEA is located requesting the issuance of a court child support order.

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 only, from 30 days to 14 days.⁶

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 or the obligor or obligee intends to request a deviation for the child support amount, 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.

The bill, with respect to administrative child support orders, establishes in statute instead of administrative rule a procedure for modifying the orders if a CSEA can determine the appropriate amount of child support without deviating from the basic child support guidelines. Under the new procedures, the CSEA must do the following:

- Give the obligor and obligee notice of the revised amount of child support to be paid under the administrative child support order, of their right to request an administrative hearing regarding the revised amount, of the procedures and deadlines for requesting the hearing, and that the CSEA will modify the order to include the revised support amount unless the obligor or obligee requests an administrative hearing on the revised amount of child support no later than 30 days after receipt of the notice;
- If no timely hearing request is received, modify the administrative child support order to include the revised amount of child support;
- If a timely hearing request is received, the CSEA must schedule a hearing; give the obligor and obligee notice of the date, time, and location of the hearing; conduct the hearing; redetermine at the hearing a revised amount of child support to be paid under the order; and modify the order to include the revised support amount.

⁶ *The bill does not change the existing law time period of 30 days for requesting an administrative hearing on the revised child support amount for administrative child support orders.*

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. ODJFS 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 provides that whenever a court issues, or whenever it modifies, reviews, or otherwise reconsiders a court child support order, it must designate which parent may claim the children who are the subject of the order as dependent for federal income tax purposes. If the parties agree on which parent should claim the children as dependents, the court must designate that parent as the parent who may claim the children. If the parties do not agree, the court, in its order, may permit the parent who is not the residential parent and legal custodian to claim the children as dependents for federal income tax purposes only if the court

determines that this furthers the best interest of the children and, with respect to orders the court modifies, reviews, or reconsiders, the payments for child support are substantially current as ordered by the court for the year in which the children will be claimed as dependents. In cases in which the parties do not agree on which parent may claim the children as dependents, the court must consider all the following in making its determination:

- Any net tax savings;
- The relative financial circumstances and needs of the parents and children;
- The amount of time the children spend with each parent;
- The eligibility of either or both parents for the federal earned income tax credit or other state or federal tax credit;
- 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

(secs. 3119.44 and 3119.45)

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 ODJFS 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 support 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; change to option to pay child support as an 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. The bill retains the option of purchasing an annuity if it is in the child's best interest, but only if the purchase agreement provides that any remaining principal will be transferred to the ownership and control of the child on the child's attainment of the age of majority.

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, to obtain the daily rate;
- 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 1**.)

Collection of state income tax refund to repay overpaid child support

(secs. 3123.82, 3123.821, 3123.822, 3123.823, and 5147.123)

The bill requires the Office of Child Support in ODJFS and the Tax Commissioner to work together to collect overpaid child support from refunds of paid state income taxes that are payable to obligees.⁷ Pursuant to this cooperation,

⁷ "Overpaid child support" means amounts paid to an obligee under a child support order prior to termination of the child support order that exceed the amount required to

the Commissioner must establish and implement procedures to collect the overpaid support from those refunds.

The bill prohibits collection of overpaid child support from the refunds due obligees unless all of the following conditions are met:

- The reduction of the refund to satisfy debts owed the state for any tax or fee administered by the Commissioner, or any charge, penalty, or interest arising from such tax or fee, has first been made;
- The refund is not less than \$25 after the reduction described above is made;
- The amount overpaid is not less than \$150.

Overpaid child support must be collected from the refunds before any part of the refund is used as a contribution to the Natural Areas and Preserve Fund or the Nongame and Endangered Wildlife Fund, or both. Overpaid child support must also be collected from a refund before the refund or any part of it is credited against tax due in any subsequent year.

After collecting overpaid child support from refunds due obligees, the Commissioner must send the amounts collected to ODJFS for distribution to obligors who made the overpayments. With respect to persons filing a joint income tax return, the amount of the refund available for collection of overpaid child support must be based on the proportion of the refund due the obligee only. An obligee's spouse who objects to the amount of the refund collected to cover overpaid child support may file a complaint with the Commissioner within 21 days after receiving notice of the collection. The Commissioner must afford a complainant an opportunity to be heard. The burden of proving an error by the Commissioner in determining the amount of the refund to be collected to cover overpaid child support is on the complainant.

The Director of ODJFS, in conjunction with the Commissioner, is required to adopt rules pursuant to the Administrative Procedure Act to establish procedures to implement the program to collect overpaid child support from state income tax refunds to obligees. The procedures are required to embody principles of due process of law, including notice to interested parties and opportunities to be heard prior to the reduction of any state income tax refund.

be paid under the order, have not been impounded pursuant to a termination investigation, and have not been repaid to the obligor.



Clarification of when the duty of support under a child support order extends beyond age 18

(secs. 3103.03, 3103.031, and 3119.86)

Under current law, a child support order issued by a court or CSEA remains in effect beyond the child's 18th birthday as long as the child is still attending high school, but does not extend past the age of 19. But, with respect to a child support order issued by the court, the order may continue to require the payment of support for as long as the order provides.

The bill would amend current law to clarify that it is the duty of support imposed by a child support order issued by a court or CSEA that remains in effect beyond the child's 18th birthday if the child is still in high school. The bill also specifies, that in addition to the child still attending high school as described above, the duty of support imposed under a court child support order can continue beyond the child's attainment of age 18 only if one of the following is the case:

1. The child is mentally or physically disabled and is incapable of supporting or maintaining himself or herself;
2. The child's parents have agreed to continue support beyond the child's 18th birthday pursuant to a separation agreement that was incorporated into a decree of divorce or dissolution.

The bill further provides, with regard to the parents' agreement, that if a court incorporates a separation agreement into a decree of divorce or dissolution, the court may not require support to continue beyond the date the child's parents have agreed support should terminate.

Termination investigation of child support orders

(secs. 3119.89 and 3119.90)

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. Reasons for which an order should terminate include, for example, the child's death or emancipation or a change in the legal or physical custody of the child. 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 eliminates change of physical custody as a reason for which a child support order should terminate.

The bill adds a provision permitting the CSEA, on its own initiative to conduct an investigation if it has reason to believe that there may be a reason for which the order should terminate. The bill requires the CSEA to complete its investigation within 20 days of the receipt of the above notice. 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.

The bill also adds a provision stating that if the CSEA, pursuant to the above investigation, determines that other children are subject to the child support order and that it is necessary to continue withholding or deduction for the other children, the CSEA must divide the child support due annually and per month under the order by the number of children who are the subject of the order and subtract the amount due for the child for whom the order should be terminated from the total child support amount due annually and per month. The resulting annual and per month child support amount must be included in the results of the CSEA's investigation as the recommended child support amount due annually and monthly under a revised child support order. If arrearage amounts are owed, those amounts may be included as part of the recommended child support amount. The above investigation is not permitted to include a review of any other children subject to the child support order.

Court or CSEA action on completion of termination investigation

(sec. 3119.90)

Current law provides with respect to a court child support order that if the CSEA determines a reason for termination of the order exists it must notify the court. The court, on receipt of the notice, must order the Office of Child Support in ODJFS to impound any child support received under the order and set the case for a hearing to determine whether the support order should be terminated or modified or whether the court should take any other appropriate action. With respect to an administrative child support order, if the CSEA determines that a reason exists for the order to terminate, it must immediately terminate the order,

direct the Office of Child Support in ODJFS to impound any child support received under the order, and set the case for an administrative hearing to determine whether the order should be terminated or modified or whether the CSEA should take any other appropriate action.

The bill provides that, with respect to a court child support order, if the CSEA determines the order should terminate, it immediately must notify the court that issued the order of the results of its investigation and submit to the court an order impounding any child support received under the order. With respect to an administrative child support order, if the agency determines as a result of an investigation that the order should terminate, it must issue an administrative order impounding any child support received under the order. A CSEA that conducts an investigation of a child support order must give the obligor and obligee under the order notice of the results of its investigation and a copy of any court or administrative impound order issued by the court or CSEA. The obligor and obligee must also be given all of the following: (1) notice of their right to request an administrative hearing regarding any conclusions of the investigation, (2) notice of the procedures and time deadlines for requesting the hearing, (3) notice that the conclusions of the investigations will be issued as an administrative order by the agency if the underlying support order is administrative or that the conclusions of the investigations will be submitted to the court for inclusion into a revised or terminated support order with no further court hearing if the underlying support order was issued by the court, and (4) notice that no revised administrative or court order will be issued if either the obligor or obligee requests an administrative hearing on the investigation conclusions within 30 days after receipt of the notice under this provision.

Administrative hearing on termination investigation conclusions

(sec. 3119.91)

The bill requires that if the obligor or obligee timely requests an administrative hearing with respect to the termination investigation conclusions, the CSEA must schedule a hearing on the issue, give the parties notice of the date, time, and location of the hearing, and conduct the hearing. On completion of the hearing, the CSEA must issue a decision.

The decision issued by the CSEA must include a notice that the obligor or obligee may object to the decision by filing a motion within 30 days after the issuance of the decision requesting a determination of whether the order should be terminated or whether any other appropriate determination regarding the order should be made. The motion must be filed in one of the following courts:

- With respect to a court child support order, in the court that issued the order or that otherwise has jurisdiction over the order;
- With respect to an administrative child support order, the juvenile court or other court with jurisdiction under the Revised Code of the county in which the CSEA that issued the order is located.

The notice must also state that if neither the obligor nor the obligee files the motion within the 30-day period, the administrative decision is final and will be filed with the court or in the administrative case file.

Court hearing on termination investigation conclusions

(sec. 3119.92)

If the obligor, obligee, or both file a motion requesting a determination of whether the order should be terminated or whether any other appropriate action should be taken, the court must set the case for a hearing. On the filing of the motion, the court must issue an order directing that the impoundment order issued by the CSEA regarding support amounts received for the child remain in effect while the motion is pending.

ODJFS rules governing termination procedures

(sec. 3119.94)

Under current law, the Director of ODJFS is required to adopt rules governing repayment to the appropriate person of any funds impounded under an impoundment order and any other payments made under a child support order if the payments were made at any time after the order was terminated. The bill requires the Director to adopt rules providing any other standards, forms, or procedures needed to ensure uniform implementation of the new termination procedures.

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 3111.231 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.⁸ 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 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.

⁸ *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.*

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.

Repeal of provisions making failure to comply with a withholding or deduction notice issued to enforce administrative child support order contempt of court

(sec. 2705.02; repealed secs. 3111.23 and 3111.28)

Under current law, if a payor or financial institution fails to comply with a withholding or deduction notice issued to enforce an administrative child support order, the CSEA that issued the notice must ask the court to find the payor or financial institution in contempt. The bill repeals this provision.

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.

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

(secs. 3115.01, 3115.33, 3115.34, 3115.35, 3115.36, 3115.37, and 3115.56)

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.⁹ 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

⁹ 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.

provisions of UIFSA. The definition of "payor" under Ohio law includes persons and entities in addition to employers.¹⁰ 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 principal 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 with respect to direct income withholding, 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.

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 an 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.¹¹ If the court issues an order determining that the person is not an

¹⁰ 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.

¹¹ "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.

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" with respect to direct income withholding the bill permits a person to request that the Office of Child Support in ODJFS investigate whether the person is subject to a support order or has 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.

Changes to direct income withholding under UIFSA--other

(secs. 3115.32, 3115.33, and 3115.36)

Under UIFSA as enacted in Ohio, an income withholding order issued in another state may be sent to the obligor's employer without first filing a complaint or comparable pleading or registering the order with a tribunal of Ohio. The employer must treat an income withholding order issued in another state that appears regular on its face as if it had been issued by an Ohio tribunal. An employer paying income to an obligor who willfully fails to comply with an income withholding order issued in another state is subject to the same penalties that may be imposed for noncompliance with an order issued by an Ohio tribunal.

In addition to the change of the term "employer" to "payor" with respect to direct income withholding, the bill provides that the income withholding order may be sent to the obligor's payor without filing a complaint or comparable pleading or registering the order with a tribunal or CSEA in Ohio. The bill also requires the income withholding order to be treated like an income withholding order issued by an Ohio tribunal or CSEA. Finally, the bill imposes the same penalties for noncompliance with the income withholding order as would apply to noncompliance with an order issued by an Ohio tribunal or CSEA.

Changes to registration of income withholding order for enforcement--to whom withholding notice is issued

(sec. 3115.42)

Under UIFSA as enacted in Ohio, income withholding orders issued in another state may be registered with a registering tribunal¹² in Ohio for purposes of enforcement. On registration of the order, the registering tribunal is required to issue a withholding notice to the obligor's employer. UIFSA uses the term "employer" to refer to the person or entity to which a withholding notice is sent, but a withholding order for purposes of UIFSA is sent to an obligor's payor. A "payor" under Ohio law includes persons and entities in addition to employers. The bill changes "employer" to "payor."

Changes to registration of income withholding order for enforcement--who issues the withholding notice

(sec. 3115.42)

Under UIFSA as enacted in Ohio, when a withholding order issued in another state is registered in Ohio for enforcement, the registering tribunal must issue a withholding notice to the obligor's employer. The bill would permit a CSEA or the registering tribunal to issue the withholding notice.

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.¹³ A responding tribunal in Ohio must use the provisions of Ohio law governing court determinations of the existence or nonexistence of a parent and child relationship.

¹² "Registering tribunal" is defined under UIFSA, as enacted in Ohio, to mean a tribunal in which a support order is registered.

¹³ 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 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.

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.

Power to operate as an initiating or responding tribunal

(secs. 3115.05 and 3115.08)

Under UIFSA as enacted in Ohio, an Ohio tribunal may serve as an initiating tribunal to forward proceedings under UIFSA to another state and to request a tribunal of another state to enforce or modify a support order issued in the other state. An Ohio tribunal may also serve as a responding tribunal for proceedings initiated under UIFSA in another state. The bill permits CSEAs, in addition to the Ohio tribunals recognized by current law, to serve as initiating and responding tribunals.

Power to exercise personal jurisdiction over a nonresident

(sec. 3115.03)

To issue valid decrees with respect to a proceeding, a court must have jurisdiction. As part of that jurisdiction, it must have personal jurisdiction over the parties to the proceeding. A court generally may exercise personal jurisdiction over persons who reside within the territorial jurisdiction of the court. But, a question arises as to whether a court can exercise personal jurisdiction over a nonresident. Under current statutory and case law, a court may exercise jurisdiction over a person who is not a resident if the person has certain minimum contacts with the state. UIFSA, as enacted in Ohio, specifies minimum contacts, that, if applicable to the parties, permit a tribunal to exercise personal jurisdiction over them in proceedings to establish, enforce, or modify support orders or to determine parentage. Examples of such minimum contacts include that the party submits to the jurisdiction of Ohio by consent or that the party resided with the child in Ohio. The bill permits a CSEA to exercise personal jurisdiction for the same purposes and under the same conditions as the Ohio tribunals recognized by current law.

Power to obtain evidence and discovery across state lines and to communicate with tribunals in other states

(secs. 3115.04 and 3115.28)

Under UIFSA as enacted in Ohio, an Ohio tribunal may apply the provisions of UIFSA governing obtaining evidence from another state and obtaining discovery through a tribunal of another state when exercising personal jurisdiction over a nonresident. Ohio tribunals must apply Ohio law in all other respects. An Ohio tribunal may communicate with a tribunal of another state to obtain information concerning the laws of that state; the legal effect of a judgment, decree, or order of that tribunal; and the status of a proceeding in the other state. An Ohio tribunal may provide similar information to a tribunal of another state. The bill gives a CSEA the same authority as Ohio tribunals recognized by current law regarding obtaining evidence and discovery and communicating with tribunals from other states.

Controlling order

(sec. 3115.09)

Under UIFSA as enacted in Ohio, if a UIFSA proceeding is brought and only one tribunal has issued a child support order, the order of that tribunal controls. The bill permits a CSEA support order to be the controlling order if it is the only existing order.

Crediting support amounts

(sec. 3115.11)

Under UIFSA as enacted in Ohio, amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by an Ohio tribunal that covers the same parties for the same duty of support. The bill requires crediting of support amounts against amounts due under orders issued by a CSEA in the same manner as orders issued by Ohio tribunals recognized by current law.

Other administrative provisions

(secs. 3115.16 and 3115.17)

Under UIFSA as enacted in Ohio, an Ohio responding tribunal, to the extent otherwise authorized by law, may take various actions consistent with Ohio

law to fulfill its duties in a UIFSA proceeding. Those actions include, for example, issuing or enforcing support orders, modifying a child support order, determining parentage, and ordering income withholding. A responding tribunal in Ohio must include in a support order issued under UIFSA, or in the documents accompanying the support order, the calculations on which the support order is based. An Ohio responding tribunal that issues an order under UIFSA must send a copy of the order to the plaintiff, defendant, and initiating tribunal. And if a complaint or comparable pleading is received by an inappropriate tribunal in Ohio, the tribunal must forward the pleading and accompanying documents to an appropriate tribunal in Ohio or another state and give notice to the plaintiff of where and when the pleading was sent.

The bill does the following:

- Permits a responding tribunal to order an obligor to keep a CSEA or a tribunal informed of the obligor's residential address, phone number, employer, employment address, and employment phone number;
- Requires a CSEA or an Ohio responding tribunal to include in a support order issued under UIFSA, or in the accompanying documents, the calculations on which the order is based;
- Requires a CSEA or the Ohio responding tribunal that issues an order under UIFSA to send a copy of the order to the plaintiff, defendant, and the initiating tribunal, if any;
- Provides that, if a complaint or comparable pleading is received by an inappropriate tribunal or CSEA in Ohio, it must send the pleading to the appropriate tribunal or CSEA in Ohio or the appropriate tribunal of another state.

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 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.¹⁴ 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.

¹⁴ 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.

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.¹⁵ 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.

Collection of support from prisoners in default

(sec. 3123.87)

Under current law, if a prisoner in a prison or jail is in default under a child support order, 25% of any money earned by the prisoner pursuant to the work program for prisoners or the prison industry program, other than money to be paid to ODJFS for dependent children receiving Ohio Works First assistance, must be paid to the CSEA administering the order in default. That money is distributed to the obligee under the order.

The bill eliminates the requirement that the prisoner money be paid to a CSEA for distribution to the obligee. Instead, the bill requires the money to be paid to the Office of Child Support in ODJFS.

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, 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.

¹⁵ "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.

Obtaining taxpayer information from Ohio Tax Department

(sec. 3125.43)

Under current law, the Office of Child Support in ODJFS, for purposes of performing its support enforcement, parentage establishment, and custody enforcement duties, is authorized to have access to information concerning the residential address, employer, income, and assets of taxpayers contained in state tax records maintained by the Ohio Department of Taxation. The bill eliminates the authority of the Office to obtain information on the employer and assets of taxpayers contained in the Tax Department's records.

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 Office of Child Support in ODJFS, unless the CSEA has submitted a corrective action plan that is currently in effect.¹⁶ The Director of ODJFS 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.

¹⁶ *ODJFS 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.*

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 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;¹⁷
- the acknowledgment has not been rescinded pursuant to the administrative rescision 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 court rescision 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 court rescision 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 rescision under the administrative rescision procedure.

¹⁷ *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).*

Administrative rescision procedure for acknowledgments

(sec. 3111.27)

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

Court rescission of final acknowledgment of paternity based on genetic tests disproving paternity

(secs. 2151.23, 3111.31, 3119.961, and 3119.962)

Under current law, a person may file a motion for relief from a final judgment, court order, or administrative determination or order that determines that the person or a male minor is the father of a child or from a child support order under which the person or male minor is the obligor. The motion may be filed in the juvenile court of the county in which the original judgment, court order, administrative determination or order, or child support order was made. The juvenile court must grant the relief if it receives results from a genetic test administered no more than six months prior to the filing of the motion for relief that finds that there is a zero per cent probability that the person or male minor is the father of the child, if the person or male minor has not adopted the child and the child was not conceived as a result of artificial insemination in compliance with Ohio law. The law permitting the motion for relief to be granted does not appear to grant relief from an acknowledgment of paternity that has become final. It does, however, provide that a court cannot refrain from granting relief from a child support order if the person or male minor named in an acknowledgment of paternity that became final did not know that paternity with the child did not exist. There is also no time limit for filing the motion for relief.

Current law also provides that an acknowledgment of paternity that becomes final may be rescinded only by an action to rescind the acknowledgment on the basis of fraud, duress, or material mistake of fact. The action may be brought by a person who is presumed to be the father of the child but did not sign the acknowledgment, either person who signed the acknowledgment, or a guardian or legal custodian of the child. The action must be brought no later than one year after the acknowledgment becomes final and the action must be treated as a court action to determine paternity.

The bill makes the proceeding to obtain relief from a parentage determination or child support order applicable to acknowledgments of paternity that have become final. As described above under "**Presumption based on acknowledgment**," the bill makes a final acknowledgment of paternity the same thing as a final and enforceable determination of parentage. The bill also specifically provides that a final acknowledgment of paternity may be rescinded in one of two ways: (1) by an action for rescission brought within a year after the acknowledgment becomes final because of fraud, duress, or material mistake of fact, as provided under current law, and (2) by the motion for relief as provided under law. The bill further provides that if the parentage determination from which relief is sought is an acknowledgment of paternity that has become final, and the court grants the motion for relief, it must order the acknowledgment rescinded and destroyed and order ODJFS to remove all information relating to the acknowledgment from the Birth Registry. The bill also provides that if the parentage determination is an acknowledgment of paternity that has become final, the motion for relief from it must be filed in the juvenile court or other court with jurisdiction of the county in which the person requesting relief or the child who is the subject of the acknowledgment resides.

The bill amends the law governing juvenile court jurisdiction to specifically provide those courts original jurisdiction over motions for relief from a parentage determination or child support order. The bill also requires the acknowledgment of paternity affidavit produced by ODJFS as the document for use in acknowledging paternity to include in boldface type a statement that an acknowledgment of paternity may be rescinded in the two ways described above.

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 Office 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 5101.324)

Under current law, the acknowledgment of paternity affidavit form created by ODJFS 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 of those 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 its effective date.

Administrative parentage determination

CSEA with which a request for an administrative parentage determination may be made

(sec. 3111.38)

Under current law, a request for an administrative determination of parentage may be made with the CSEA of the county in which the child who is the subject of the request resides or in which the parent, guardian, or legal custodian of the child resides. The bill eliminates the option of allowing the request to be made with the CSEA of the county in which the parent resides.

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 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 Office of Child Support in ODJFS for eventual placement in the birth registry if there is a man who is presumed to be the father of the child.¹⁸ 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.

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

¹⁸ Current law specifies circumstances under which a particular man is presumed to be the father of a child. One of these circumstances is the man's marriage to the child's mother.

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, 3111.46, 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 mother, alleged father, 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 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. If an administrative officer issues an order determining parentage, the order must be sent to the parties in accordance with the Civil Rules governing service and filing of pleadings and other papers subsequent to the original complaint.

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. The notice of the administrative child support hearing must be attached to the administrative parentage determination order.

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.

Birth record change consistent with administrative parentage determination

(sec. 3111.52)

Under current law, a CSEA, as part of an administrative order determining parentage of a child, may order the surname of the child to be changed and order the change to be made on the child's birth record consistent with the order if the parties agree to the change. The bill would clarify that both parties must agree to the change.

Who may bring a court action objecting to administrative child support determinations

(sec. 3111.84)

Under current law, if an administrative officer issues an administrative child support order after establishing parentage, 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 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. The administrative child support order in such case may only be modified as any other child support order.

In addition to the change clarifying the court in which the support action may be brought (see, **Clarification of court jurisdiction**," below), the bill limits the persons who may file the court action 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 ODJFS 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.¹⁹ 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 ODJFS 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 ODJFS 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 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, ODJFS 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 ODJFS. ODJFS 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.

¹⁹ *This refers to services provided under that title of the Social Security Act.*

Federal and state parent locator services

(secs. 3125.03 and 3125.06)

ODJFS 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 ODJFS 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 making or enforcing parenting time orders.

Distribution of assigned support payments

(sec. 3123.19)

Participation in Ohio Works First constitutes an assignment to ODJFS of any right to support from another person. The Office of Child Support in ODJFS 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 ODJFS. 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 ODJFS to be paid consistent with federal law.

Account information access agreements

(sec. 3119.74)

Under current law, the Office of Child Support in ODJFS is required to enter into an agreement with at least one financial institution doing business in Ohio to provide the Office access to account information of obligors in default for the purposes of establishing, modifying, or enforcing support orders. The

information must be provided each calendar quarter and consists of the obligor's name, address, and social security number or taxpayer identification number; the type of account maintained by the obligor, such as a savings, checking, or money market mutual fund account; whether another person has an ownership interest in the account; and any other information agreed to by the parties.

The bill would change current law by requiring the Office to enter into account information access agreements with financial institutions doing business in Ohio and other states. The Office may join an alliance of states for the purposes of participating in the federal financial data matching program and entering into agreements with financial institutions doing business in Ohio. In the case of financial institutions doing business in other states, the Office must enter into an agreement with the federal office of child support enforcement for the purpose of participating in the financial institution data matching program.

Fee for providing information pursuant to account information access agreements

(secs. 3121.75, 3121.78, and 3123.37)

Under current law, a financial institution that responds to a request or provides information to the Office of Child Support pursuant to an account information access agreement must be reimbursed for the actual, reasonable costs incurred in responding to the request or providing the information, including salaries, benefits, equipment, computer software, and any modifications to processing or record-keeping systems made necessary by the agreement. The Director of ODJFS is required to adopt rules pursuant to the Administrative Procedure Act to govern reimbursements to financial institutions.

The bill eliminates the reimbursement and in its place provides that a financial institution that provides information pursuant to the agreement may deduct a fee of \$5 for each withdrawal the financial institution makes from an obligor's account pursuant to a withdrawal directive ordered because the obligor is in default. The bill also eliminates the Director's rulemaking duty regarding the reimbursements.

Changes to procedure for imposition of access restriction

(secs. 3123.25 and 3123.26)

Current law provides that if, as a result of information obtained pursuant to an account information access agreement, the Office of Child Support finds or receives notice that identifies an obligor in default who maintains an account with a financial institution, the Office must, within one business day, enter the



information in the case registry maintained as part of the computerized Support Enforcement Tracking System (SETS). If a financial institution learns pursuant to an account information access agreement that an obligor in default maintains an account with the institution, it must promptly place an access restriction on the account. An access restriction means that funds may not be withdrawn or transferred. The bill requires that, if a CSEA, after examining the case registry, determines that an obligor in default under a support order administered by the CSEA maintains an account in a financial institution, the CSEA must determine whether the obligor is subject to a final and enforceable determination of default under Ohio's support enforcement law. If the obligor is subject to such a determination of default, the CSEA may issue an access restriction notice to the financial institution in which the obligor's account is maintained. The bill also requires the financial institution to promptly place an access restriction on the account on receipt of the access restriction notice from the CSEA. The bill requires a copy of the access restriction notice to be sent to the obligor at the time it is sent to the financial institution.

Notice of release of access restriction

(sec. 3123.34)

Under current law, an access restriction is to be released from an obligor's account if the money in the account is determined by a CSEA to be someone else's money. An access restriction is also to be released over a portion of the money in the obligor's account if the CSEA determines it belongs to someone else. The bill requires, in either case, for the CSEA to send notice of the release to the obligor.

Notice on failure to timely request a hearing

(sec. 3123.32)

Under current law, a CSEA is required to investigate an account in a financial institution that is under the name of an obligor in default under a support order. The investigation must determine the amount of funds in the account available to pay the obligor's arrearages as well as whether a person other than the obligor owns some or all of the funds in the account. If another person has ownership interest in the account, the CSEA must notify the person that a withdrawal directive will be issued to collect the money in the account unless the person objects by filing a request for a hearing over the issue with the CSEA no later than ten days after the date the notice is sent. If a person to whom the notice is sent fails to timely request a hearing, the withdrawal directive will be sent to the

financial institution. The bill requires that a copy of the notice be sent to the obligor.²⁰

Notice of withdrawal directive

(sec. 3123.37)

Under current law, if an obligor in default has funds in an account in a financial institution under an account information access agreement with the Office of Child Support and it is determined that some or all of the money belongs to the obligor, a CSEA must issue a withdrawal directive requiring the money to be transferred to the Office. The bill requires this notice to be sent to the obligor.²¹

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."

Granting visitation rights to person other than a parent

(sec. 3109.051)

Under current law, a court may grant reasonable companionship or visitation rights with respect to a child to a grandparent, relative, or other person if the child's parents legally separate, terminate their marriage, are unmarried, or a

²⁰ *The bill is not clear concerning whether the notice to the person about the hearing to avoid the withdrawal directive or the withdrawal directive is what must be sent to the obligor.*

²¹ *The bill requires the notice to be sent to the obligor. But a withdrawal directive is not characterized as a notice by the bill.*



parent dies. In deciding whether to grant such rights, the court is required to consider numerous factors, including any factor in the best interest of the child. Current law, however, does not require the court to specifically determine the wishes and concerns of the parents when deciding whether to grant companionship or visitation rights to a grandparent, relative, or other person. A recent United States Supreme Court decision, *Troxel v. Granville*, found a Washington state visitation statute unconstitutional, as applied, because, among other reasons, it did not require consideration of the wishes and concerns of the parents. The bill changes Ohio law to require consideration of the wishes and concerns of the child's parents, as expressed by them to the court, when companionship or visitation rights are requested for a person other than a parent.

Visitation rights of relatives after a step-parent adoption

(secs. 3107.15 and 3109.11)

Current law

Ohio law permits a court to grant rights of visitation or companionship with a child to a grandparent or other relative if one of the child's parents dies. The marriage or remarriage of a parent does not affect the court's authority to grant or modify visitation rights. However, under Ohio law adoption generally terminates all legal relationships between an adopted person and the person's relatives "so that the adopted person thereafter is a stranger to the adopted person's former relatives for all purposes" There are two exceptions to this general rule: (1) if the child is adopted by a step-parent, the rights of the parent married to the step-parent and that parent's relatives are not affected by the adoption and (2) if a parent dies and the child is adopted by a step-parent, the child's rights from or through the deceased parent (such as rights of inheritance) are not restricted or curtailed by the adoption. The Ohio Supreme Court has held, however, that the result of the adoption statute is that post-adoption companionship or visitation rights may not be granted to grandparents. (See **COMMENT 2.**)

The bill

The bill provides that if a step-parent adopts a child, a grandparent's or relative's right to companionship or visitation is not restricted or curtailed by the adoption. The only exception is that the right is eliminated if, prior to the adoption, the parent and child relationship was terminated. Under the bill, companionship or visitation rights with a child granted prior to the child's adoption, may not be restricted or curtailed. Thus, if one of the child's parents dies, companionship or visitation rights granted by a court to the parents or relatives of the deceased parent would be preserved if the child is adopted by a step-parent, unless the relationship of parent and child between the deceased

parent and the child was terminated before the adoption. The bill also provides that the adoption of a child by a step-parent does not affect the authority of a court to grant reasonable companionship or visitation rights with respect to the child to a grandparent or another relative of the deceased parent, if a parent dies.

New Hire Directory--expansion of persons covered by reporting requirement

(sec. 3121.89)

Under current law, every employer must make a new hire report to ODJFS regarding the hiring, rehiring, or return to work as an employee of a person who resides, works, or will be assigned to work in this state to whom the employer anticipates paying compensation. "Employee" is defined very broadly in that the definition only states who is not an employee. Specifically, "employee" does not include an individual performing intelligence or counterintelligence functions for a state agency, if the head of the agency has determined that New Hire Reporting could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. The bill retains the exclusion of the current definition but expands "employee" to mean an individual who is employed to provide services for compensation to an employer, and includes an individual who provides services to an employer under a contract as an independent contractor and is an individual, the sole shareholder of a corporation, or the sole member of a limited liability company.

New Hire Directory--data match reporting

(secs. 3121.895 and 3121.896)

Current law requires ODJFS 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.

Cooperation of caretaker of child participating in Ohio Works First

(sec. 5107.22)

Under current law, unless good cause for failure or refusal exists, the caretaker of a minor child receiving assistance under Ohio Works First must

cooperate, if the caretaker is a member of the child's assistance group, in establishing parentage of the child and establishing, modifying, and enforcing a support order for the child.²² Cooperation includes providing sufficient information available to the caretaker to verify the identity of the minor child's father and establish, modify, and enforce a support order. Failure or refusal to cooperate without good cause could result in the denial of assistance from the Ohio Works First program. Good cause for failure or refusal to cooperate includes possible physical or emotional harm to the child or caretaker that may result from cooperation.

The bill provides that, with respect to charter counties only, cooperation also includes appearing at all proceedings to establish, modify, or enforce support for, and to establish parentage with respect to, the child. A charter county is any county that has, pursuant to Article 10, Section 3 of the Ohio Constitution, adopted a charter allowing the county to provide for its form of government, which may vary from the form required under Ohio law for counties in general. Currently, only one county, Summit County, is a charter county.

Clarification of court jurisdiction

(secs. 2151.231, 2151.232, 3109.12, 3111.06, 3111.12, 3111.28, 3111.29, 3111.381, 3111.49, 3111.54, 3111.78, 3111.84, 3115.37, 3119.61, 3119.91, 3119.961, and 3121.37)

Under current law, "juvenile court" means a division of a court of common pleas or a juvenile court separately and independently created having jurisdiction under the Juvenile Code. Juvenile courts have original jurisdiction to determine parentage actions, hear UIFSA actions, hear and determine applications for a support order for a child, and hear and determine actions to rescind acknowledgments of paternity that become final.²³ The law does not put jurisdiction over those actions exclusively in the juvenile court. In fact, other provisions of the Revised Code grant jurisdiction to the domestic relations division

²² *Ohio Works First is Ohio's public assistance program under the federal Temporary Assistance to Needy Families program, which replaced the Aid to Families with Dependent Children program.*

²³ *See, Court recission of final acknowledgment of paternity based on genetic tests disproving paternity, which discusses the provisions of the bill that give juvenile courts original jurisdiction over motions to obtain relief from a final acknowledgment of paternity based on genetic tests that disprove paternity.*

A court with original jurisdiction over an action may hear it from its inception and pass judgment pursuant to it.

of the court of common pleas in certain counties of the state. But, the provisions of the law governing the following proceedings specifically state that the juvenile court has jurisdiction:

1. Court and administrative proceedings for parentage determinations and child support orders issued pursuant to such determinations;
2. Proceedings for child support when a parent owes a duty of support or the parent has acknowledged paternity by an acknowledgment that is not yet final;
3. UIFSA proceedings for declaratory judgment regarding the applicability of an income withholding order issued in another state;
4. Proceedings to modify or terminate administrative child support orders;
5. Proceedings to grant relief from parentage determinations or child support orders based on genetic tests disproving paternity;
6. Requests for court contempt order for failure to comply with an administrative child support order.

In certain counties in Ohio, there is some confusion regarding which division of the common pleas court has jurisdiction over the actions described in 1. to 6. above. The bill clarifies jurisdiction in those cases by providing that the actions, proceedings, or requests may be filed or made to the juvenile court or other court with jurisdiction as provided in the Revised Code.

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, 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, 3111.69, 3111.72, 3111.74, 3113.04, 3115.31, 3121.03, 3121.037, 3121.12, 3121.15, 3121.19, 3121.20, 3121.43, 3121.44, 3121.45, 3121.46, 3121.47, 3121.48, 3121.49, 3121.50, 3121.56, 3121.57, 3121.58, 3121.59, 3121.63, 3121.64, 3121.65, 3121.67, 3121.69, 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, 3123.85, 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, 3705.091, 3727.17, 3770.071, 5107.20, and 5703.21)

The Division of Child Support in ODJFS 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, 148.09, 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, 3103.03, 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, 3113.04, 3113.07, 3113.2111, 3113.31, 3113.99, 3115.01, 3115.14, 3115.16, 3115.31, 3115.32, 3115.42, 3115.52, 3301.071, 3301.074, 3301.71, 3304.42, 3305.08, 3307.20, 3307.41, 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, 3773.42, 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, 4141.282, 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, 5107.80, 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 charts in Appendix A and B give a brief description of the subject of each recodified section, the existing number of the section and the new section number. The chart in Appendix A gives the new section numbers in ascending numerical order. Appendix B gives the existing section numbers in ascending numerical order. Appendix C lists Revised Code provisions repealed for technical reasons.

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, 3119.93, 3119.94, 3121.02, 3121.03, 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, 3121.37, 3121.38, 3121.39, 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. 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 (see Appendices A, B, and C). 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. Finally, a "support order" means an administrative child support order or a court support order.

COMMENT

1. 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.

2. In *Sweeney v. Sweeney* (1994), 71 Ohio St.3d 169, the Supreme Court reversed the decision of a lower court that granted visitation rights to the paternal grandparents of a child after the child was adopted by a step-parent. The Court, in making its decision, relied on the authority of its decisions in *In re Adoption of Ridenour* (1991), 61 Ohio St.3d 319 and *In re Martin* (1994), 68 Ohio St.3d 250. *Ridenour* determined that post-adoption visitation by biological grandparents is not permitted after the grandchild is adopted by strangers. *Martin* determined that post-adoption visitation by grandparents is not permitted regardless of whether the adoption is by a stranger or a nonstranger. In both cases the Court found that Revised Code section 3107.15 clearly requires the termination of the legal relationships, thus visitation could not be granted.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	08-31-99	pp. 967-969
Reported, S. Judiciary	05-24-00	p. 1813
Passed Senate (33-0)	05-24-00	pp. 1821-1824
Reported, H. Family Services	---	---



APPENDIX A:
Recodification chart organized by 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
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)

SUBJECT	NEW §	EXISTING §
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, third, and fourth sentences
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
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) first paragraph, second sentence
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)

SUBJECT	NEW §	EXISTING §
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 paragraphs
Genetic testing samples	3111.61	2301.356
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 (B)

SUBJECT	NEW §	EXISTING §
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 ;3111.22(E)(1)
Issuance of support order after hearing	3111.81	3111.20(D)(1) and (2); 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(A), first sentence, second paragraph
Effect of raising paternity in administrative support action	3111.821	3111.20(C) third paragraph, second sentence; 3111.211(A), second to fourth sentences, 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

SUBJECT	NEW §	EXISTING §
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; 2301.35(J)(2); 3111.20(A); 3111.241(A); 3113.21(P); 3113.215(A); 3113.217(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 is less than \$6,600 or exceeds \$150,000	3119.04	3113.215(B)(2)(a) and (b)
Factors in computing child support amounts	3119.05	3113.215(B)(5)

SUBJECT	NEW §	EXISTING §
Minimum support orders	3119.06	3113.215(B)(7)(a)
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
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 sentences

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 and third sentences; (F) second sentence; 3111.241(D) second and third sentences
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 first sentence; 3111.241(G)(1) first half of first sentence
Release of information to parent/CSEA	3119.49	3113.217 (G)(1) second half of first sentence; 3111.241 (G)(1) second half of first sentence

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)
CSEA procedure when conducting review of administrative child support orders	3119.61	3111.27(C)(1); (C)(2); and (D)
CSEA procedure when conducting review of court child support orders	3119.63	3113.216(C)(3)

SUBJECT	NEW §	EXISTING §
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	3113.21(C)(1)(c)(i) second sentence
Court schedule and conduct hearing if obligor/obligee request review of CSEA revision	3119.66	3113.21(C)(1)(c)(i) third sentence
Court give notice of hearing	3119.67	3113.21(C)(1)(c)(ii)
Obligor/obligee provide financial information	3119.68	3113.21(C)(1)(c)(ii)
Court give notice that failure to provide information is contempt	3119.69	3113.21(C)(1)(c)(ii)
Court determination	3119.70	3113.21(C)(1)(c)(ii)
Effective date of modification after CSEA review	3119.71	3113.21(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)
Additional administrative reviews conducted by CSEA	3119.74	3113.21(L)(4)
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 juve nile court	3119.92	New
Termination--Effect of termination on withholding or deduction notice	3119.93	3113.21(G)(4)(c); 3111.23(E)(4)(c)
Termination--Rules	3119.94	3113.21(G)(4)(d); 3111.23(E)(4)(d)

SUBJECT	NEW §	EXISTING §
Definitions	3119.96	3113.2111(J)(2)
Motion for relief from parentage determination or child support order	3119.961	3113.2111(A)
Determination as to whether to grant relief	3119.962	3113.2111(B) and (C)
Genetic tests	3119.963	3113.2111(D)
Effect of granting relief on parenting time rights, visitation rights, and arrearages	3119.964	3113.2111(F) and (G)
Proceedings to establish parentage after relief granted	3119.965	3113.2111(E), all but last sent.
Payment of court costs and reasonable attorney's fees	3119.966	3113.2111(E), last sent., and (H)
Relief available regardless of when parentage determination or child support order was issued	3119.967	3113.2111(I)

SUBJECT	NEW §	EXISTING §
Definitions: court child support order; court support order; default; financial institution; payor; personal earnings; support order; and income	3121.01	2301.34; 3111.20(A); 3113.21(P) and (Q)
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 sentences; (D)(2)(a); (D)(2)(b) first and second sentences; (D)(3) and (4); 3111.23(B)(1)(a); (B)(1)(b) first and second sentences; (B)(2)(a); (B)(2)(b) first and second sentences; 3111.231



SUBJECT	NEW §	EXISTING §
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)
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)(4); 3111.23(A)(5)
Cash bond in cases of noncompliance when assets cannot be reached	3121.04	3113.21(H)(1)(a)

SUBJECT	NEW §	EXISTING §
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; 3113.21(O)
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) first paragraph and (b)
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)

SUBJECT	NEW §	EXISTING §
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)
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)(2)
Termination of support order does not prevent collection of arrearages	3121.36	3113.21(M)(1)
Contempt for failure to comply with administrative child support orders	3121.37	3111.242(A)
Contempt for failure to comply with order to comply with a withholding or deduction notice	3121.371	3113.212(D)

SUBJECT	NEW §	EXISTING §
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)
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 and second sentences
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

SUBJECT	NEW §	EXISTING §
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
Collection of fine amounts considered to be program income	3121.59	3113.99(E); 3111.99(E)
Administrative charge and fine amounts placed in program income fund	3121.60	5101.325(B)(2) and (B)(3) first sentence
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)
Fee deducted from obligor's account by 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)

SUBJECT	NEW §	EXISTING §
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)
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, first sentence
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

SUBJECT	NEW §	EXISTING §
Enforcement of foreign country support orders	3121.92	5101.316
Penalties	3121.99	3111.99(C) and (D); 3113.99(C) and (D); 3113.213(D) second sentence; 5101.99(B)

SUBJECT	NEW §	EXISTING §
Definitions: court support order; default; financial institution; payor; personal earnings; and support order	3123.01	2301.34; 3111.20(A); 3113.21(P)
After a default is identified, investigation initiated	3123.02	3113.21(B)(1)(a) and (b)
Sending advance notice	3123.03	3113.21(B)(1)(a) and (B)(2)
Adoption of standard forms for advance notices	3123.031	3113.21(B)(6)
Agency hearing and determination concerning advance notice	3123.04	3113.21(B)(3)
Court hearing and determination concerning advance notice	3123.05	3113.21(B)(4)
Withholding or deduction notices and other appropriate orders issued on exhaustion of rights to contest	3123.06	3113.21(B)(5)
Support withholding initiated when order is in default	3123.061	3113.21(B)(1)(a)
Savings provision in case of failure to send notice	3123.062	3113.21(B)(5)
Issuance of court support order to replace certain support orders in default	3123.07	3113.21(B)(1)(a)
General provision requiring withholding or deduction of support for reissued support order	3123.071	3113.21(B)(1)(a)

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)

SUBJECT	NEW §	EXISTING §
Imposition of access restriction on account	3123.26	3113.214(C)
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 sentences
Court hearing	3123.35	3113.214(E)(3)(a) third paragraph, fourth to sixth sentences
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 sentences; (B)(2) second and third sentences
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
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 sentences; (C)(1)(b) second and third sentences
Content of notice to the obligor	3123.55	2301.374(C)(2)



SUBJECT	NEW §	EXISTING §
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(B)(4)(c) and (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(B)
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
Contents of notice prior to operational date	3123.613	2301.374(B)(2)(a), (b), and (c)
No hearing permitted on whether to impose disqualification--prior to operational date	3123.614	2301.374(B)(4)(d)
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)

SUBJECT	NEW §	EXISTING §
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)
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

SUBJECT	NEW §	EXISTING §
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 sentences
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
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)

SUBJECT	NEW §	EXISTING §
Contents of poster	3123.957	5101.323(A)(1) second, third, and fourth sentences
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 sentences
Selection of obligors for the poster	3123.962	2301.355 second paragraph
Penalty for discharging employee because of support enforcement orders/notices	3123.99	2301.99

SUBJECT	NEW §	EXISTING §
Definitions	3125.01	2301.34; 3111.20(A); 3113.21(P)
Creation of the Office of Child Support	3125.02	5101.31(A) first paragraph, first sentence
Establishment and administration of child support enforcement program	3125.03	5101.31(B) first paragraph, second, third, and fourth sentences
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)



SUBJECT	NEW §	EXISTING §
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 and second sentences
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)
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 and fifth sentences
DHS rules governing support enforcement by CSEAs	3125.25	2301.35(D)(1)

SUBJECT	NEW §	EXISTING §
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)
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 sentences
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

SUBJECT	NEW §	EXISTING §
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 sentences
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)
Penalty	3125.99	5101.99

APPENDIX B:

Recodification chart organized by existing section number

SUBJECT	EXISTING §	NEW §
Duration of administrative and court child support orders	2151.23(G)(2)	3119.86
Definitions	2301.34	3119.01; 3121.01; 3123.01; 3125.01
CSEA required in each county	2301.35(A)	3125.10
Plan of cooperation with county commissioners	2301.35(B)	3125.12
CSEA operate support enforcement program in county	2301.35(C) first paragraph, first and second sentences	3125.11
CSEA operate under the direction of DHS; DHS ensure compliance with federal law	2301.35(C) first paragraph, second and fifth sentences	3125.24
CSEA does not collect child support; exception	2301.35(C) first paragraph, third sentence	3125.27
Use of social security number only for child support enforcement	2301.35(C) first paragraph, fourth sentence	3125.49
Contracts with vendors to perform CSEA duties	2301.35(C) second paragraph	3125.13
DHS rules governing support enforcement by CSEAs	2301.35(D)(1)	3125.25
Rules governing on-site genetic testing	2301.35(D)(2)	3111.611
Contracts with courts, prosecutors, and law enforcement officials to enforce support	2301.35(E)	3125.14
CSEA records	2301.35(F)(1)	3125.15
Review of CSEA records	2301.35(F)(2)	3125.16
Imposition of administrative charge	2301.35(G)(1) first and third sentence	3119.27



SUBJECT	EXISTING §	NEW §
Payment by obligor of administrative charge; definition of current support payment	2301.35(G)(1) second sentence and (J)(1)	3119.28
Appropriation to CSEAs by county commissioners of funds from state and federal sources	2301.35(G)(2)	3125.19
Federal and state money used for support enforcement	2301.35(G)(3)	3125.21
Waiver of appropriation limitations	2301.35(G)(4)	3125.20
CSEA investment of money	2301.35(G)(5)	3125.22
Collection of support and other amounts prior to conversion to new computer system and prior to authorization	2301.35(H)(1) and (2)--all but last sentence of both divisions	3125.28
Collection of support and other amounts after conversion to new computer system and after authorization	2301.35(H)(4)	3125.29
Amounts collected by collection agents; disposition	2301.35(H)(5)	3125.30
Title IV-D services--application	2301.35(I)	3125.36
Definitions	2301.35(J)(2)	3119.01
CSEA contact consumer reporting agency when obligor in default	2301.353(A)	3123.92
CSEA duty if obligor pays arrearages after consumer reporting agency contact	2301.353(B)	3123.921
CSEA attorneys	2301.354	3125.17
Establishment of county poster programs	2301.355 first paragraph, first sentence	3123.96
Contents of poster	2301.355 first paragraph, second, third, and fourth sentences	3123.961
Selection of obligors for the poster	2301.355 second paragraph	3123.962

SUBJECT	EXISTING §	NEW §
Genetic testing samples	2301.356	3111.61
Contract between DHS and hospitals for paternity establishment	2301.357(B) first sentence of first paragraph and all of last paragraph of (B)	3111.71
Contract requirements	2301.357(B) second sentence of first paragraph and (1) to (10)	3111.72
Report on hospitals that have not entered into contract	2301.357(C)	3111.73
Hospital duty if a man is presumed father	2301.357(D)	3111.74
Administrative officer	2301.358	3111.53
Support payments required to be made to Office of Child Support	2301.36(A) first sentence	3121.44
Payments not made to Office of Child Support shall not be considered support	2301.36(A) second sentence	3121.45
Payments directly to third party	2301.36(B) and (C)	3121.46
Parties must notify CSEA of updates to personal information	2301.36(D)	3121.24
CSEA administration of payments to third party	2301.36(E)	3121.47
Court notification of CSEA of futility of enforcement or failure to enforce support order	2301.37(B)	3123.10
CSEA notification to obligee	2301.37(B)	3123.11
Prohibition against closing a case due to failure to pay	2301.37(C)	3123.12
Rules to implement prohibition	2301.37(C)	3123.121
Withholding of unemployment compensation	2301.371	3121.07
Definitions (applicable to section 3123.41 to 3123.50)	2301.373(A)(2)	3123.41

SUBJECT	EXISTING §	NEW §
Determination of whether an obligor is a professional license holder--after default or after an obligor fails to comply with a warrant or subpoena	2301.373(B)(1) first sentence; (B)(2) first sentence	3123.42
Notice to the obligor and licensing board of obligor's default/failure to comply with a subpoena or warrant	2301.373(B)(1) second and third sentences; (B)(2) second and third sentences	3123.43
Contents of notice to obligor	2301.373(C)	3123.44
Further notice of no default	2301.373(D)(1)	3123.45
Further notice of compliance with warrant or subpoena	2301.373(D)(2)	3123.46
Licensing Board--include social security number on licenses	2301.373(E)(1)	3123.50
Licensing Board duty on receipt of default/failure to comply with subpoena or warrant notice	2301.373(E)(2)	3123.47
Licensing Board maintain a file of notices received	2301.373(E)(3)	3123.471
Licensing Board duty on receipt of no default/no failure to comply with subpoena or warrant notice	2301.373(E)(4)	3123.48
Licensing Board--not to conduct hearing when refusing to issue or renew or when revoking or suspending a license	2301.373(E)(5)	3123.49
Rules to implement all the license removal sections	2301.373(F)	3123.63
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	2301.374(A); (B)(1)(a) first sentence	3123.52

SUBJECT	EXISTING §	NEW §
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	2301.374(B)	3123.61
Contents of notice prior to operational date	2301.374(B)(2)(a), (b), and (c)	3123.613
Refusal to issue or renew commercial drivers' licenses and commercial drivers' temporary instruction permits and imposition of disqualification--prior to operational date	2301.374(B)(4)(a)	3123.611
Removal of disqualification and imposition of removal fee--prior to operational date	2301.374(B)(4)(c) first sentence and third sentence	3123.612
Registrar duty on receipt of no default/no failure to comply with subpoena or warrant notice	2301.374(B)(4)(c) and (C)(4)(c)	3123.59
No hearing permitted on whether to impose disqualification--prior to operational date	2301.374(B)(4)(d)	3123.614
Determine if obligor is a driver's license holder--after default or after failure to comply with subpoena or warrant	2301.374(C)(1)(a), first sentence; (C)(1)(b), first sentence	3123.53
Notice to obligor and registrar of default or failure to comply with subpoena or warrant	2301.374(C)(1)(a) second and third sentences; (C)(1)(b) second and third sentences	3123.54
Content of notice to the obligor	2301.374(C)(2)	3123.55
Further notice of no default	2301.374(C)(3)(a)	3123.56
Further notice of subpoena/warrant compliance	2301.374(C)(3)(b)	3123.57
Registrar duty on receipt of default/failure to comply with subpoena or warrant notice	2301.374(C)(4)(a)	3123.58
Registrar maintain list of notices	2301.374(C)(4)(b)	3123.581
No hearing permitted	2301.374(C)(4)(d)	3123.60



SUBJECT	EXISTING §	NEW §
Rules to implement all the license removal sections	2301.374(D)	3123.63
Recreational license revocation	2301.375(A) and (B)	3123.62
Rules to implement all the license removal sections	2301.375(C)	3123.63
Action to collect arrearages on terminated judgment	2301.38(B)	3123.14
Action commenced within 20 days after request	2301.38(C)	3123.15
Special orders administered monthly	2301.39(A)	3123.16
Prohibition against discharging employee because of support related order	2301.39(B)	3123.20
Lien may be asserted against property of obligor in default	2301.43(A)	3123.66
Establishing lien on real and personal property	2301.43(B)(1)	3123.67
Foreign liens	2301.43(B)(2)	3123.68
Liens in effect until discharged by recorder pursuant to discharge request	2301.43(C)	3123.71
Notice requesting discharge--content	2301.43(D)	3123.72
Priority	2301.43(E)	3123.70
Service of copy of lien	2301.44(A)	3123.69
Liability for releasing, selling, or disposing of property subject to lien	2301.44(B)	3123.77
CSEA can cause sale of property	2301.45(A)	3123.73
Procedure for sale	2301.45(B)(1)	3123.74
Court in which complaint for sale may be filed	2301.45(B)(2)	3123.741
Sale of property extinguishes lien	2301.45(C)	3123.75
CSEA may release lien	2301.46(A)	3123.76
Obtaining a lien does not affect other legal remedies	2301.46(B)	3123.78
Penalty for discharging employee because of support enforcement orders/notices	2301.99	3123.99

SUBJECT	EXISTING §	NEW §
Duration of administrative and court child support orders	3105.21(D)	3119.86
Duration of administrative and court child support orders	3109.05(E)	3119.86
Duration of administrative and court child support orders	3111.13(F)(2)	3119.86
Definitions	3111.20(A)	3119.01; 3121.01; 3123.01; 3125.01
Presumed father has duty of support	3111.20(B)	3111.77
Administrative action for support may be taken against presumed father	3111.20(C) second paragraph, first sentence	3111.78
Paternity may be raised in administrative support action	3111.20(C) third paragraph, first sentence	3111.82
Effect of raising paternity in administrative support action	3111.20(C) third paragraph, second sentence	3111.821
Administrative action for child support based on administrative determination of paternity or presumption	3111.20(D) first paragraph	3111.80
Issuance of support order after hearing	3111.20(D)(1) and (2)	3111.81
Notarizing acknowledgment of paternity	3111.21	3111.21
CSEA send notarized acknowledgment to Office of Child Support	3111.21	3111.22
Paternity may be raised in administrative support action	3111.211(A) first sentence, second paragraph	3111.82
Effect of raising paternity in administrative support action	3111.211(A) second to fourth sentences, second paragraph; third paragraph	3111.821



SUBJECT	EXISTING §	NEW §
De Novo court action to determine paternity not available; exceptions	3111.22(A)	3111.381
Action for administrative determination of paternity	3111.22(B)	3111.38
Multiple requests for determination	3111.22(B)	3111.39
Contents of request for administrative determination. of paternity	3111.22(B)(1) to (4)	3111.40
Issuance of administrative order for genetic testing	3111.22(C)(1) first paragraph, first, third, and fourth sentences	3111.41
Conference to sign acknowledgment of paternity affidavit	3111.22(C)(1) first paragraph, second sentence	3111.44
Attachment of notice to testing order	3111.22(C)(1) second paragraph, (a) to (h)	3111.42
Notice and testing order sent under Civil Rules	3111.22(C)(1) second paragraph	3111.421
Genetic tests conducted	3111.22(C)(2) first paragraph, first and second sentences	3111.45
Orders that may be issued on conclusion of tests	3111.22(C)(2)(a) to (c)	3111.46
Orders must contain notice of right to appeal conclusive determination or right to bring paternity action for inconclusive determination	3111.22(C)(2) last paragraph	3111.48
Right to appeal conclusive determination	3111.22(D)	3111.49
Administrative action for child support based on administrative determination of paternity or presumption	3111.22(E)(1)	3111.80
Issuance of support order after hearing	3111.22(E)(1)(a) to (c)	3111.81
Inconclusive determination order issued for willful failure to submit to genetic tests	3111.22(F)	3111.47

SUBJECT	EXISTING §	NEW §
Right to bring court paternity action based on inconclusive determination of paternity due to willful failure to submit; lack of evidence	3111.22(F)	3111.50
Personal information contained in paternity order	3111.22(G) first sentence	3111.51
Change of surname based on paternity determination notification of Department of Health.	3111.22(G) second sentence	3111.52
Effect of prior administrative determination of paternity	3111.22(H)	3111.85
Issuance of new birth record	3111.221 second and third paragraphs	3111.58
Withholding and deduction notices and other orders are required in order to collect support	3111.23(A)	3121.02
Issuing entity (court or CSEA) decide appropriate requirement to enforce support order	3111.23(A)	3121.032
Time period for sending withholding or deduction notice	3111.23(A)	3121.035
General provisions in support order requiring withholding or deduction or other appropriate enforcement order	3111.23(A)	3121.27
Notices and orders are final and enforceable	3111.23(A)	3121.33
Compliance with notice or order issued to enforce support order without need to amend order	3111.23(A)	3121.34
Adoption of standard forms for withholding/deduction notices	3111.23(A)(5)	3121.0311
Withholding and deduction notices and other enforcement orders	3111.23(B)(1)(a); (B)(1)(b) first and second sentences; (B)(2)(a); (B)(2)(b) first and second sentences	3121.03

SUBJECT	EXISTING §	NEW §
Contents of withholding or deduction notice	3111.23(B)(1)(b)(i) to (xi) and (B)(2)(b)(i) to (viii)	3121.037
Additional notice attached to the withholding or deduction notice	3111.23(B)(1)(c) and (2)(c)	3121.036
Appropriate number of notices or orders must be issued to collect	3111.23(C)	3121.033
Priority of multiple withholding or deduction notices	3111.23(D)	3121.034
Service requirements of all withholding and deduction notices and other notices	3111.23(E)(1)	3121.23
Parties must notify CSEA of updates to personal information	3111.23(E)(2)	3121.24
Provision in support orders requiring parties to update personal information	3111.23(E)(3)	3121.29
Termination--Duty to notify	3111.23(E)(4)(a)	3119.87
Termination--Reasons for termination	3111.23(E)(4)(a)	3119.88
Termination--CSEA investigation	3111.23(E)(4)(a)	3119.89
Termination--CSEA duties after investigation	3111.23(E)(4)(a)	3119.90
Termination--Effect of termination on withholding or deduction notice	3111.23(E)(4)(c)	3119.93
Termination--Rules	3111.23(E)(4)(d)	3119.94
Disposition of lump-sum payment made to obligor	3111.23(F)	3121.12
Support order must include obligor DOB and social security number	3111.23(G)(1)	3121.30
Information that may not be included in withholding or deduction notices or other enforcement orders	3111.23(G)(2)	3121.039
Notice in withholding or deduction notices issued for administrative child support orders	3111.23(G)(3)	3121.038

SUBJECT	EXISTING §	NEW §
No termination of withholding or deduction notices or other enforcement orders for paying off arrearages	3111.23(H)	3123.13
Payment of arrearages to ODHS	3111.23(I)	3123.19
Withholding and deduction notices and other enforcement orders	3111.231	3121.03
Fee that may be charged by payor/financial institution for withholding or deduction	3111.24(A)(2) first paragraph	3121.18
Time period for forwarding amounts withheld or deducted to Office of Child Support	3111.24(A)(2) second paragraph	3121.19
Form in which withheld and deducted amounts may be sent to Office of Child Support	3111.24(B)	3121.20
Support disbursement requirements	3111.24(C)	3121.50
No liability for payors for complying with withholding or deduction notice	3111.24(D)	3121.21
Definitions	3111.241(A)	3119.01
Health insurance provisions must be included in child support orders	3111.241(B)	3119.30
Specific requirements in child support orders concerning health insurance coverage for children	3111.241(C)	3119.31
CSEA notify court when obligor/obligee fails to obtain insurance	3111.241(D) first sentence	3119.40
Court issue health insurance coverage order and send to employer	3111.241(D) second and third sentences	3119.41
CSEA investigation when employment changes	3111.241(E)(1) first sentence	3119.43
CSEA issue notice requiring enrollment of children in health insurance coverage	3111.241(E)(1) second sentence	3119.44
Contents of health insurance notice issued by CSEA	3111.241(E)(2)	3119.45
Orders and notices requiring provisions of health care are binding	3111.241(F)	3119.47

SUBJECT	EXISTING §	NEW §
Employer compliance with health insurance requirement/notice is required	3111.241(G)(1) first half of first sentence	3119.48
Release of information to parent/CSEA	3111.241(G)(1) second half of first sentence	3119.49
Limitation on use of information	3111.241(G)(1) second sentence	3119.491
Employer notify CSEA of change/termination of health coverage	3111.241(G)(2)	3119.50
Insurer required to comply with health insurance notice or order	3111.241(G)(3) first sentence	3119.51
Reimbursement of appropriate parent by insurer	3111.241(G)(3) second sentence	3119.52
Payment of health costs if obligee eligible for medical assistance	3111.241(H)	3119.54
Liability for medical expenses for failure to comply with health insurance order/notice	3111.241(I)	3119.56
Enrollment of child in health insurance plan not required if the child does not meet underwriting standards	3111.241(J)	3119.53
Failure to comply with court child support order or order requiring health insurance is contempt	3111.241(K)	3119.57
Transitional rules	3111.241(L)	3119.301
Contempt for failure to comply with administrative child support orders	3111.242(A)	3121.37
Contempt for failure to submit to genetic testing	3111.242(B)	3111.54
Failure to withhold or deduct--liability for amount not withheld	3111.25(A)(2)	3121.38
Prohibition against disciplining employee because of withholding or deduction notice	3111.25(B)	3121.39

SUBJECT	EXISTING §	NEW §
Notice of paternity determination request sent to parties under Civil Rules--contingency if unable to obtain service	3111.26	3111.43
DHS rules governing administrative reviews	3111.27(A)	3119.76
CSEA procedure when preparing to do a review of a child support order	3111.27(B)(1)	3119.60
Failure to provide information pursuant to administrative review of child support orders	3111.27(B)(2)	3119.72
CSEA procedure when conducting review of administrative child support orders	3111.27(C)(1); (C)(2); and (D)	3119.61
Consideration of health insurance cost required when court or CSEA reviews child support orders	3111.27(C)(3)	3119.73
Failure to provide information pursuant to administrative review of child support orders	3111.28(B)	3119.72
Definitions	3111.30	3111.88
Scope of artificial insemination provisions	3111.31	3111.89
Supervision by physician	3111.32	3111.90
Medical history and examination of donor	3111.33	3111.91
Both spouses must consent	3111.34	3111.92
Contents of consent form, etc.	3111.35	3111.93
Confidentiality and retention of information	3111.36	3111.94
Recipient's husband considered natural father	3111.37	3111.95
Effect of noncompliance	3111.38	3111.96
Penalties	3111.99(C) and (D)	3121.99
Collection of fine amounts considered to be program income	3111.99(E)	3121.59
Duration of administrative and court child support orders	3113.04(C)	3119.86
Collection of prisoner earnings	3113.16(A) and (B)	3121.08
Collection of obligor's prisoner earnings	3113.16(A) and (C)	3123.87

SUBJECT	EXISTING §	NEW §
Withholding and deduction notices and other orders are required in order to collect support	3113.21(A)	3121.02
Time period for sending withholding or deduction notice	3113.21(A)	3121.035
General provisions in support order requiring withholding or deduction or other appropriate enforcement order	3113.21(A)	3121.27
Notices and orders are final and enforceable	3113.21(A)	3121.33
Compliance with notice or order issued to enforce support order without need to amend order	3113.21(A)	3121.34
Issuing entity (court or CSEA) decide appropriate requirement to enforce support order	3113.21(A)	3121.032
Adoption of standard forms for withholding/deduction notices	3113.21(A)(4)	3121.0311
Support withholding initiated when order is in default	3113.21(B)(1)(a)	3123.061
Issuance of court support order to replace certain support orders in default	3113.21(B)(1)(a)	3123.07
General provision requiring withholding or deduction of support for reissued support order	3113.21(B)(1)(a)	3123.071
After a default is identified, investigation initiated	3113.21(B)(1)(a) and (b)	3123.02
Sending advance notice	3113.21(B)(1)(a) and (B)(2)	3123.03
Agency hearing and determination concerning advance notice	3113.21(B)(3)	3123.04
Court hearing and determination concerning advance notice	3113.21(B)(4)	3123.05
Withholding or deduction notices and other appropriate orders issued on exhaustion of rights to contest	3113.21(B)(5)	3123.06

SUBJECT	EXISTING §	NEW §
Savings provision in case of failure to send notice	3113.21(B)(5)	3123.062
Adoption of standard forms for advance notices	3113.21(B)(6)	3123.031
Motion to request withholding/deduction notice or other appropriate order to enforce support order	3113.21(C)(1)(a)	3119.80
Issuance of withholding/deduction notice or other appropriate order when child support order is before the court in any proceeding	3113.21(C)(1)(b)	3119.81
Court issue new child support order including revised amount if obligor or obligee do not request court hearing on CSEA determination	3113.21(C)(1)(c)(i) second sentence	3119.65
Court schedule and conduct hearing if obligor/obligee request review of CSEA revision	3113.21(C)(1)(c)(i) third sentence	3119.66
Court give notice of hearing	3113.21(C)(1)(c)(ii)	3119.67
Obligor/obligee provide financial information	3113.21(C)(1)(c)(ii)	3119.68
Court give notice that failure to provide information is contempt	3113.21(C)(1)(c)(ii)	3119.69
Court determination	3113.21(C)(1)(c)(ii)	3119.70
Consideration of health insurance cost required when court or CSEA reviews child support orders	3113.21(C)(1)(c)(iii)	3119.73
Motion requesting court to order obligor or obligee to provide health insurance coverage	3113.21(C)(1)(d)(i) first sentence	3119.33
CSEA investigate health insurance situation of obligor/obligee	3113.21(C)(1)(d)(i) second and third sentences	3119.34
Court determination	3113.21(C)(1)(d)(i) fourth sentence	3119.35
Motion to modify child support amount because it does not cover health costs	3113.21(C)(1)(d)(ii) first sentence	3119.37
Court determination	3113.21(C)(1)(d)(ii) second sentence	3119.38

SUBJECT	EXISTING §	NEW §
Determination of right to claim child as a dependent	3113.21(C)(1)(e)	3119.82
Effective date of modification after CSEA review	3113.21(C)(1)(f)	3119.71
Notice and hearing concerning determination of appropriate withholding, deduction, or other order to enforce the court support order	3113.21(C)(2) first paragraph	3121.031
Withholding and deduction notices and other enforcement orders	3113.21(D)(1)(a); (D)(1)(b) first and second sentences; (D)(2)(a); (D)(2)(b) first and second sentences; (D)(3) and (4)	3121.03
Contents of withholding or deduction notice	3113.21(D)(1)(b)(i) to (xi) and (D)(2)(b)(i) to (viii)	3121.037
Additional notice attached to the withholding or deduction notice	3113.21(D)(1)(c) and (D)(2)(c)	3121.036
Appropriate number of notices or orders must be issued to collect	3113.21(E)	3121.033
Priority of multiple withholding or deduction notices	3113.21(F)	3121.034
Service requirements of all withholding and deduction notices and other notices	3113.21(G)(1)	3121.23
Parties must notify CSEA of updates to personal information	3113.21(G)(2)	3121.24
Provision in support orders requiring parties to update personal information	3113.21(G)(3)	3121.29
Termination--Duty to notify	3113.21(G)(4)(a)	3119.87
Termination--Reasons for termination	3113.21(G)(4)(a)	3119.88
Termination--CSEA investigation	3113.21(G)(4)(a)	3119.89
Termination--CSEA duties after investigation complete	3113.21(G)(4)(a)	3119.90

SUBJECT	EXISTING §	NEW §
Termination--Effect of termination on withholding or deduction notice	3113.21(G)(4)(c)	3119.93
Termination--Rules	3113.21(G)(4)(d)	3119.94
Court notification of CSEA of modification/enforcement actions regarding a support order	3113.21(G)(5)	3121.25
Notice of lump-sum payment to obligor or default by obligor--action by CSEA	3113.21(G)(6) first paragraph and (b)	3121.11
Cash bond in cases of noncompliance when assets cannot be reached	3113.21(H)(1)(a)	3121.04
Seek work order--obligor in default has no assets	3113.21(H)(1)(b)	3121.05
Seek work order--pursuant to modification proceeding and obligor has no assets	3113.21(H)(2)	3121.06
Disposition of lump-sum payment made to obligor	3113.21(H)(3)	3121.12
Support order must include obligor DOB and social security number	3113.21(I)(1)	3121.30
Information that may not be included in withholding or deduction notices or other enforcement orders	3113.21(I)(2)	3121.039
No termination of withholding or deduction notices or other enforcement orders for paying off arrearages	3113.21(J)	3123.13
Payment of arrearages to ODHS	3113.21(K) and (N)	3123.19
Court quotas concerning paternity and support cases	3113.21(L)(1)	3125.58
Court issuance of temporary orders in complex cases	3113.21(L)(2)	3125.59
Court appointment of magistrates	3113.21(L)(3)	3125.60
Additional administrative reviews conducted by CSEA	3113.21(L)(4)	3119.74
Termination of support order does not prevent collection of arrearages	3113.21(M)(1)	3121.36



SUBJECT	EXISTING §	NEW §
Court authority to enforce court support orders and administrative child support orders	3113.21(M)(2)	3121.35
Prohibition against retroactive modification of delinquent support amount	3113.21(M)(3)	3119.83
Court may modify support amount due after motion to modify filed	3113.21(M)(4)	3119.84
Withholding of unemployment compensation	3113.21(O)	3121.07
Definitions	3113.21(P)	3119.01; 3123.01; 3125.01
Definitions	3113.21(P) and (Q)	3121.01
Fee that may be charged by payor/financial institution for withholding or deduction	3113.211(A)(2) first paragraph	3121.18
Time period for forwarding amounts withheld or deducted to Office of Child Support	3113.211(A)(2) second paragraph	3121.19
Form in which withheld and deducted amounts may be sent to Office of Child Support	3113.211(B)	3121.20
Support disbursement requirements	3113.211(C)	3121.50
No liability for payors for complying with withholding or deduction notice	3113.211(D)	3121.21
Change in income source or financial account-- investigation and issuance of withholding or deduction notice or other order	3113.212(A)	3121.14
Commencement of employment--issuance of withholding notice	3113.212(B)	3121.15
Notice or order sent under 3121.14 or 3121.15 considered sent under 3121.03	3113.212(C)	3121.16
Contempt for failure to comply with order to comply with a withholding or deduction notice	3113.212(D)	3121.371
Failure to send notifications is contempt	3113.213(A)(2)	3121.372
Failure to withhold or deduct--liability for amount not withheld	3113.213(B)	3121.38
Failure to withhold or deduct--fine	3113.213(C)	3121.381

SUBJECT	EXISTING §	NEW §
Penalties	3113.213(D) second sentence	3121.99
Prohibition against disciplining employee because of withholding or deduction notice	3113.213(D) first sentence	3121.39
Definition	3113.214(A)	3123.24
Entry of default in case registry if obligor has account in financial institution	3113.214(B)	3123.25
Imposition of access restriction on account	3113.214(C)	3123.26
CSEA investigation of amount of funds in account	3113.214(D)	3123.27
Issuance of withdrawal directive required if obligor is the only owner of account	3113.214(E)(1) first sentence	3123.28
If obligor is not sole owner of account--CSEA must send notice to other owner	3113.214(E)(1) second sentence	3123.29
Content of notice--notification of issuance of withdrawal directive	3113.214(E)(2)	3123.30
Objection to withdrawal directive--request administrative hearing	3113.214(E)(3) first paragraph	3123.31
Administrative hearing	3113.214(E)(3)(a) first and second paragraph	3123.33
Administrative determination	3113.214(E)(3)(a) third paragraph, first to third sentences	3123.34
Court hearing	3113.214(E)(3)(a) third paragraph, fourth to sixth sentences	3123.35
Court determination	3113.214(E)(3)(a) fourth paragraph	3123.36
Issuance of withdrawal directive if fail to request administrative hearing	3113.214(E)(3)(b)	3123.32
Withdrawal directive	3113.214(F)	3123.37
Immunity for financial institution	3113.214(G)	3123.38



SUBJECT	EXISTING §	NEW §
Definitions	3113.215(A)	3119.01
Calculation of child support--requirement to use basic child support schedule and worksheets	3113.215(B)(1) first and second sentence	3119.02
Presumption that amounts calculated using schedule and worksheets are correct	3113.215(B)(1) third sentence up to "due"	3119.03
Amount calculated for child support must be issued unless deviation is permitted	3113.215(B)(1) third sentence, everything after "due"; (B)(2)(c)	3119.22
Calculation of child support when combined gross income is less than \$6,600 or exceeds \$180,000	3113.215(B)(2)(a) and (b)	3119.04
Discretionary deviations	3113.215(B)(3)	3119.23
Court modification--10% change requirement	3113.215(B)(4)	3119.79
Factors in computing child support amounts	3113.215(B)(5)	3119.05
Deviation in shared parenting cases; allowed in extraordinary circumstances	3113.215(B)(6)(a) and (b)	3119.24
Minimum support orders	3113.215(B)(7)(a)	3119.06
Determining the obligor	3113.215(C) first paragraph	3119.07
Visitation order must accompany child support order	3113.215(C) second paragraph, first sentence	3119.08
No impoundment/escrowing of child support if noncompliance with visitation	3113.215(C) second paragraph, second sentence	3119.09
Basic child support schedule	3113.215(D)	3119.021
Sole/shared parenting worksheet	3113.215(E)	3119.022
Split parenting worksheet	3113.215(F)	3119.023
Guidelines review	3113.215(G)	3119.024
DHS rules governing administrative reviews	3113.216(B)	3119.76
CSEA procedure when preparing to do a review of a child support order	3113.216(C)(1)	3119.60

SUBJECT	EXISTING §	NEW §
Failure to provide information pursuant to administrative review of child support orders	3113.216(C)(2)	3119.72
CSEA procedure when conducting review of court child support orders	3113.216(C)(3)	3119.63
Consideration of health insurance cost required when court or CSEA reviews child support orders	3113.216(C)(4)	3119.73
Opportunity to request court hearing to review revised amount of child support proposed by CSEA for inclusion in court order	3113.216(D)	3119.64
When CSEA is not required to conduct a review	3113.216(E)	3119.75
Definitions	3113.217(A)	3119.01
Health insurance provisions must be included in child support orders	3113.217(B)	3119.30
Specific requirements in child support orders concerning health insurance coverage for children	3113.217(C)	3119.31
CSEA notify court when obligor/obligee fails to obtain insurance	3113.217(D) first sentence	3119.40
Court issue health insurance coverage order and send to employer	3113.217(D) second and third sentences; (F) second sentence	3119.41
CSEA investigation when employment changes	3113.217(E)(1) first sentence	3119.43
CSEA issue notice requiring enrollment of children in health insurance coverage	3113.217(E)(1) second sentence	3119.44
Contents of health insurance notice issued by CSEA	3113.217(E)(2)	3119.45
Orders and notices requiring provisions of health care are binding	3113.217(F)	3119.47
Employer compliance with health insurance requirement/notice is required	3113.217(G)(1) first half of first sentence	3119.48

SUBJECT	EXISTING §	NEW §
Release of information to parent/CSEA	3113.217(G)(1) second half of first sentence	3119.49
Limitation on use of information	3113.217(G)(1) second sentence	3119.491
Employer notify CSEA of change/termination of health coverage	3113.217(G)(2)	3119.50
Insurer required to comply with health insurance notice or order	3113.217(G)(3) first sentence	3119.51
Reimbursement of appropriate parent by insurer	3113.217(G)(3) second sentence	3119.52
Payment of health costs if obligee eligible for medical assistance	3113.217(H)	3119.54
Liability for medical expenses for failure to comply with health insurance order/notice	3113.217(I)	3119.56
Failure to comply with court child support order or order requiring health insurance is contempt	3113.217(J) first sentence	3119.57
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	3113.217(J) second sentence	3119.58
Enrollment of child in health insurance plan not required if the child does not meet underwriting standards	3113.217(K)	3119.53
Transitional rules	3113.217(L)	3119.301
Provision in support order requiring monthly administration	3113.218(B)(1) to (3)	3121.28
Monthly administration of support orders required	3113.218(C) and (F)	3121.51
Orders paid on other than monthly basis-- monthly administration	3113.218(D)	3121.52

SUBJECT	EXISTING §	NEW §
Orders paid on other than a monthly basis—monthly administration does not affect method of payment	3113.218(E)	3121.53
New support order--imposition of interest and other costs as part of order	3113.219	3123.17
Obtaining judgment for failure to pay support	3113.2110	3123.18
Motion for relief from parentage determination or child support order	3113.2111(A)	3119.961
Determination as to whether to grant relief	3113.2111(B) and (C)	3119.962
Genetic tests	3113.2111(D)	3119.963
Proceedings to establish parentage after relief granted	3113.2111(E), all but last sent.	3119.965
Payment of court costs and reasonable attorney's fees	3113.2111(E), last sent., and (H)	3119.966
Effect of granting relief on parenting time rights, visitation rights, and arrearages	3113.2111(F) and (G)	3119.964
Relief available regardless of when parentage determination or child support order was issued	3113.2111(I)	3119.967
Definitions	3113.2111(J)(2)	3119.96
Duration of administrative and court child support orders	3113.31(K)(2)	3119.86
Penalties	3113.99(C) and (D)	3121.99
Collection of fine amounts considered to be program income	3113.99(E)	3121.59
Office of Child Support access to information; definition of cable TV and public utility	5101.31(A) and (G)(1)	3125.41
Creation of the Office of Child Support	5101.31(B) first paragraph, first sentence	3125.02
Establishment and administration of child support enforcement program	5101.31(B) first paragraph, second, third, and fourth sentences	3125.03

SUBJECT	EXISTING §	NEW §
Publicize paternity establishment procedure	5101.31(B) second paragraph	3125.04
Title IV-D application fee	5101.31(B) third paragraph	3125.37
Establishment and administration of spousal support enforcement program	5101.31(C)	3125.05
Agreement with federal government to use parent locator service	5101.31(D)	3125.06
Use of social security number only for child support enforcement	5101.31(E)	3125.49
Prohibition against information disclosure	5101.31(F)(1); (G)(4)(b), second sentence	3125.50
Office of Child Support adopt rules governing access to and disclosure of information in the Office's possession	5101.31(F)(2)	3125.51
Provision of information by persons and entities--general	5101.31(G)(2)	3125.42
Immunity from civil/criminal liability for providing information to Office of Child Support	5101.31(G)(3); (G)(4)(b) first sentence	3125.45
Provision of information by the tax department	5101.31(G)(4)(a) first, second, and fourth sentences	3125.43
Office of Child Support reimburse tax department for providing information	5101.31(G)(4)(a) third sentence	3125.44
Prohibition against failing to provide information (not applicable to tax department)	5101.31(G)(5) first sentence	3125.46
Fine for failing to provide information	5101.31(G)(5) second sentence	3125.47
Court action to collect fine	5101.31(G)(5) third and fourth sentences	3125.48

SUBJECT	EXISTING §	NEW §
Consumer reporting agency may contact Office of Child Support to determine if person is an obligor	5101.311(A) first paragraph, first and second sentences	3123.93
Office of Child Support check case registry	5101.311(A) first paragraph, third sentence	3123.931
Provision of information to a consumer reporting agency	5101.311(A) second paragraph	3123.932
Definition of consumer reporting agency	5101.311(B)	3123.91
Definitions	5101.312(A)	3121.89
New hire reporting requirements	5101.312(B)	3121.891
Content of reports	5101.312(C)	3121.892
Method of making report	5101.312(D)	3121.893
Entry of report data into new hire directory	5101.312(E)(1)	3121.894
Data comparison; notify CSEA of data match	5101.312(E)(2) and first sentence of (E)(3)	3121.895
CSEA duty on receipt of data match notice	5101.312(E)(3) second sentence	3121.896
Furnishing information to national directory of new hires	5101.312(E)(4)	3121.897
Use of reports	5101.312(F) first paragraph, first sentence	3121.898
Rules to implement 3121.89 to 3121.8910	5101.312(F) first paragraph, last sentence	3121.8911
Disclosure of information	5101.312(F) second paragraph	3121.899
Failure to make a report; penalty	5101.312(G)	3121.8910
Putative father registry	5101.313	3111.69
Filing acknowledgment with Office of Child Support	5101.314(A)(1)	3111.23



SUBJECT	EXISTING §	NEW §
Office of Child Support examine acknowledgment	5101.314(A)(2)	3111.24
Acknowledgment becomes final--when	5101.314(A)(3)(a) and (b)	3111.25
Effect of final acknowledgment	5101.314 paragraph after (A)(3)(b) and (A)(4)(a), first sentence	3111.26
Action for child support based on final acknowledgment	5101.314(A)(4)(b)	3111.29
Notification to Health Department of final acknowledgment	5101.314(A)(4)(c)	3111.30
Recision of acknowledgment not yet final	5101.314(B)(1)(a) and (b)	3111.27
Court action to rescind final acknowledgment	5101.314(B)(2)	3111.28
Filing of paternity determinations with Office of Child Support	5101.314(C)	3111.66
Birth registry established	5101.314(D)(1)	3111.64
Birth registry maintained as part of data system	5101.314(D)(2)	3111.65
Rules for registry	5101.314(E)	3111.67
Rules for 3111.20 to .34	5101.314(E)	3111.35
Definitions applicable to paternity sections (3111.20 to 3111.85)	5101.314(F)	3111.20
Agreements by financial institutions to provide account information	5101.315(B)	3121.74
Fee deducted from obligor's account by financial institutions for providing information	5101.315(C)	3121.75
Status of information; prohibition against disclosure	5101.315(D)	3121.76
Immunity	5101.315(E)	3121.77
Rules	5101.315(F)	3121.78
Enforcement of foreign country support orders	5101.316	3121.92

SUBJECT	EXISTING §	NEW §
Annual report to Federal government concerning Title IV-D program operation	5101.317(A)	3125.38
Rules for annual report	5101.317(B)	3125.39
Assistance of other states in enforcing support orders	5101.318	3121.91
Creation of case registry	5101.319(B) first sentence	3121.81
Information to be included in the registry	5101.319(B) second sentence (1) to (6)	3121.82
Maintenance of registry	5101.319(C)	3121.83
Data comparisons and provision of data	5101.319(D) and (E)(3)	3121.84
Entry, maintenance, and monitoring of information in the registry	5101.319(E)(1) and (2)	3121.85
Rules regarding the registry	5101.319(F)	3121.86
Federal tax refund intercept	5101.32	3123.81
State tax refund intercept	5101.321(A)	3123.821
Limitations on state tax refund intercept	5101.321(B)	3123.822
Rules to implement	5101.321(C)	3123.823
Definitions for state tax refund intercept	5101.321(D)	3123.82
Establishment and maintenance of SETS	5101.322(A)	3125.07
Rules regulating use and access to data	5101.322(B)	3125.08
Establishment of statewide poster program of obligors in default	5101.323(A)(1) first sentence	3123.95
Contents of poster	5101.323(A)(1) second, third, and fourth sentences	3123.957
CSEAs may submit names for inclusion on the poster	5101.323(A)(2)	3123.951
Notice to obligors about possible inclusion on the poster	5101.323(A)(3)	3123.956

SUBJECT	EXISTING §	NEW §
Office of Child Support review submissions from CSEAs	5101.323(A)(4)	3123.955
Publication and distribution of poster	5101.323(A)(5)	3123.958
Criteria for CSEA in submitting names of obligors	5101.323(B)	3123.952
Submission of photographs	5101.323(C) first sentence	3123.953
No submission of obligee address or other obligee personal information	5101.323(C) second sentence	3123.954
Rules for poster program	5101.323(D)	3123.9510
Funds to conduct poster program	5101.323(E)	3123.959
Paternity establishment informational pamphlets--creation	5101.324(C) first sentence	3111.32
Distribution of affidavits and pamphlets	5101.324(C) second sentence and (D)(3)	3111.33
Acknowledgment of paternity affidavits--creation	5101.324(D)(1)	3111.31
Rules governing additional evidence to accompany affidavit for new birth record	5101.324(D)(2)	3111.34
Office of Child Support--responsible for collection and distribution of support	5101.325(A)(1)	3121.43
Use of facsimile signatures	5101.325(A)(2)	3121.69
Office of Child Support collects administrative charge	5101.325(B)(1) first sentence	3121.56
Accounting for charge not paid	5101.325(B)(1) second and third sentences	3121.58
Accounting for charge paid	5101.325(B)(1) fourth sentence	3121.57
Administrative charge and fine amounts placed in program income fund	5101.325(B)(2) and (B)(3) first sentence	3121.60
Distribution to counties	5101.325(B)(3) second sentence	3121.64

SUBJECT	EXISTING §	NEW §
Administrative charges used only for support enforcement activities	5101.325(B)(3) third sentence	3121.65
Contracts with collection agencies	5101.325(C)	3121.67
Separate accounts for support amounts collected	5101.325(D) first and second sentences	3121.48
Support disbursement requirements	5101.325(D) second sentence	3121.50
Use of interest from accounts	5101.325(D) fourth sentence	3121.49
Creation of program income fund	5101.325(E)	3121.63
Rules for collection, disbursement, etc.	5101.325(F)	3121.71
Collection of support through federal government offsets	5101.326	3123.85
Collection of obligor's unclaimed funds	5101.327	3123.88
Penalty	5101.99	3125.99
Penalties	5101.99(B)	3121.99
Registration of administrative child support orders	New	3111.83
Creation of registration system	New	3111.831
No fee if file administrative orders	New	3111.832
Appeal of administrative child support determination	New	3111.84
Standard forms for health insurance coverage notices	New	3119.46
Termination--Right to appeal administrative determination concerning termination	New	3119.91
Termination-- Appeal to juvenile court	New	3119.92
Withholding and deduction notices and other enforcement orders issued prior to bill's effective date	New	3121.0310
Orders commencing on day other than first day of the month	New	3121.54

SUBJECT	EXISTING §	NEW §
Collection of at least 20% of arrearages with every current support payment	New	3123.21
Multiple means to collect arrearages amounts	New	3123.22

APPENDIX C:

Revised Code provisions repealed for technical reasons

The following provisions of the Revised Code are repealed for technical reasons pursuant to the recodification of the law governing child support: 2151.23(G)(1), 1st sent.; 2301.35(H)(1) and (2), last sent. of both; 2301.353(C); 2301.36(A) last sent.; 2301.37(A); 2301.373(A)(1) and (A)(2)(c); 3105.18(G), 1st para.; 3105.21(C), 1st sent. and (D); 3109.05(A)(3), 1st sent. and (E); 3109.19(E)(2); 3111.13(F)(1), 1st sent. and (F)(2); 3111.20(A)(4); 3111.20(C), 1st para. and (C), 2nd para., 2nd sent.; 3111.211(A) 1st para. and (B); 3111.221, 1st para.; 3111.23(A)(2), last sent., (A)(3)(a), (E)(5), (F)(1)(b), and (I)(2); 3111.24(A)(1); 3111.241(E)(1), 3rd sent.; 3111.25(A)(1); 3111.99(A); 3113.04(B), 1st sent. and (C); 3113.21(A)(2), last sent., (A)(3)(a), (B)(1)(a), 1st para., (B)(5), 2nd, 3rd, and 4th sent., (C)(1)(c)(i), 1st sent., (C)(1)(f) 1st sent., (C)(2), 2nd para., (G)(6)(a) and (c), (K)(2), (P)(1) portion, and (P)(5) and (6); 3113.211(A)(1); 3113.213(A)(1); 3113.215(A)(6) and (B)(7)(b); 3113.216(A); 3113.217(E)(1), 3rd sent.; 3113.218(A); 3113.219(A), 1st sent. and (B); 3113.2111(J)(1); 3113.31(K)(1), 1st sent. and (K)(2); 3113.99(A); 3115.31(C)(3), 1st sent.; 5101.31(A)(2), (3), (4), and (6); 5101.312(A)(1) and (4); 5101.314(A)(4)(a), 2nd and 3rd sent.; 5101.315(A); 5101.319(A); and 5101.325(D), 4th sent.

