

Juvenile and Family Law

Sub. H.B. 1

- Reps.** Sykes and Manning, Riedel, O'Brien, Kent, Craig, Lanese, Boyd, R. Smith, Hill, Ashford, Dever, Holmes, Leland, McColley, Perales, G. Johnson, Antonio, West, Cera, Rogers, Retherford, Sheehy, Pelanda, Ramos, Butler, Henne, Boccieri, Sprague, Boggs, Fedor, Householder, DeVitis, Celebrezze, Rezabek, Anielski, Arndt, Brenner, Carfagna, Clyde, Cupp, Duffey, Edwards, Gavarone, Green, Greenspan, Hagan, Hambley, Howse, Ingram, Kelly, Koehler, Landis, Lepore-Hagan, Miller, Patterson, Reece, Reineke, Ryan, Scherer, Slaby, K. Smith, Stein, Strahorn, Sweeney
- Sens.** Eklund, Bacon, Balderson, Beagle, Brown, Burke, Coley, Gardner, Hackett, Hoagland, Hottinger, Huffman, Jordan, Kunze, LaRose, Lehner, Manning, Obhof, Oelslager, Peterson, Schiavoni, Skindell, Sykes, Tavares, Terhar, Thomas, Uecker, Williams, Wilson, Yuko

Effective date: July 6, 2018

- Expands the law governing domestic violence civil protection orders (DVCPOs) to authorize a court to issue an order (or approve a consent agreement) to protect a "person alleging dating violence with whom the respondent is or was in a dating relationship" from domestic violence by the respondent.
- Applies the procedures regarding the issuance and enforcement of a DVCPO to dating relationship DVCPOs.
- Requires the Attorney General to include in the crime victims' bill of rights pamphlet notice of the right of a petitioner alleging domestic violence in a dating relationship to seek a DVCPO.
- For purposes of the funding mechanism for domestic violence shelters, includes persons who are victims of domestic violence in dating relationships.
- In the notice provided to the parties to a DVCPO, consent agreement, or another type of protection order that it may be unlawful under federal law to possess or purchase a firearm or ammunition, specifies that the possible ban is for the duration of the order or agreement.

Sub. H.B. 366

Reps. Gavarone, Seitz, K. Smith, Ginter, LaTourette, Becker, Brenner, Lang, Anielski, Antonio, Arndt, Blessing, Brown, Dean, Dever, Greenspan, Hambley, Hill, Hoops, Howse, Kick, Koehler, Manning, O'Brien, Patterson, Patton, Pelanda, Perales, Rezabek, Ryan, Schuring, Sheehy, Slaby, R. Smith, Stein, Sweeney, Wiggam, Young

Sens. Lehner, Beagle, Burke, Coley, Eklund, Gardner, Hackett, Huffman

Effective date: March 28, 2019; Section 3, pertaining to ODJFS system changes and training, effective September 28, 2018

Basic child support schedule

- Repeals the statutory basic child support schedule and requires the Ohio Department of Job and Family Services (ODJFS) to adopt rules to create the schedule.
- Requires the new schedule to incorporate a self-sufficiency reserve in order to create an adjusted schedule based on 116% of the federal poverty level for a single person.
- Requires ODJFS to update the basic child support schedule and the self-sufficiency reserve every four years to reflect changes in the Consumer Price Index.

Child support worksheets

- Repeals the statutory worksheets used to calculate child support and requires ODJFS to adopt rules governing the creation of child support worksheets and a standard instruction manual providing guidance and assistance for calculating child support.
- Allows ODJFS to revise the worksheet and manual as needed, but requires revisions to both at least once every five years.

Advisory council review

- Revises the law requiring ODJFS, with the assistance of a Child Support Guideline Advisory Council, to review every four years whether child support orders issued under the basic schedule and worksheets adequately provide for the needs of children.

Child support calculation

- Requires that child support calculations be based on gross income plus imputed income, instead of on "gross income."
- Allows a court or child support enforcement agency (CSEA) to determine obligation amounts on a case-by-case basis when the combined annual income of both parents is greater than the maximum annual income established in the basic child support schedule adopted by ODJFS.

- Provides that if the combined annual income of both parents falls below the minimum annual income established in the basic schedule, the court or CSEA must apply the minimum support amount.
- Makes the following changes regarding calculation of the amount of child support to be paid:
 - Permits deduction from a parent's annual income of the annual amount of any court-ordered spousal support that is actually paid, excluding any ordered payments on arrears;
 - Requires a court or CSEA to adjust the amount of child support to be paid by a parent who has children not subject to the order, instead of deducting from gross income amounts:
 - Paid for children under preexisting support order; or
 - That equal the federal income tax exemption for children with another parent not involved in the child support proceedings.
- Establishes additional factors that prevent a court or CSEA from determining a parent to be unemployed or underemployed, for purposes of imputing income.
- Provides that if a parent has an annual income subject to the self-sufficiency reserve, the parent's support obligation cannot exceed the obligation that would have resulted from an unadjusted schedule.
- Requires a deduction from the parent's annual child support obligations for any nonmeans tested benefits that a child subject to the order receives as a result of claims made by the parent.
- Requires both parents to share child care costs, and specifies factors that a court or CSEA must consider in determining child care costs.
- Requires a court or CSEA to reduce an annual child support obligation by 10% when a court issues a parenting time order that equals or exceeds 90 overnights per year.
- Amends the factors that the court may consider when determining whether to deviate from the amount of child support that would otherwise result from the use of the basic child support schedule and worksheet.
- Permits a court to consider the following new factors when determining whether to grant a deviation:
 - The child support obligee's income, if the obligee's annual income is equal to or less than 100% of the federal poverty level;
 - Extraordinary work-related expenses incurred by either parent;

- Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated;
- Costs incurred or reasonably anticipated by the parents in compliance with court-ordered reunification efforts in child abuse, neglect, or dependency cases;
- Extraordinary child care costs that exceed the maximum statewide average cost, including extraordinary costs associated with specialized physical, psychological, or educational needs.
- Specifies that, if court-ordered parenting time exceeds 90 overnights per year, the court must consider whether to grant a child support deviation based on extended parenting time or extraordinary costs associated with parenting time in addition to any other adjustments granted if parenting time equals or exceeds 90 overnights per year.
- Requires the court to provide supporting facts regarding the denial of all child support deviations for court-ordered parenting time that equals or exceeds 147 overnights per year.
- Repeals "the amount of time the children spend with each parent" as an extraordinary circumstance permitting deviation from the amount of child support calculated pursuant to a shared parenting order.
- Permits a court to issue a separate order for private education and other appropriate expenses (though it is unclear if these expenses would be for medical purposes).
- Increases the minimum support obligation from \$50 to \$80 and permits CSEAs to impose minimum support obligations.

Health care

- Establishes a rebuttable presumption that the child support obligee is the appropriate parent to provide health insurance coverage.
- Specifies circumstances that a court or CSEA may use to rebut the presumption, such as when the obligor wishes to provide health insurance coverage, when the obligor can obtain reasonably priced coverage through an employer or other source, or when the obligee is a nonparent individual or agency that has no duty to provide medical support.
- Repeals the requirement that a CSEA give an obligor notice and an opportunity to be heard if the obligor believed there was a mistake of fact regarding a determination that private health insurance was available at a reasonable cost.
- Modifies the law governing when a parent cannot be ordered to provide health insurance coverage because the cost of coverage exceeds a certain threshold.

- Requires each child support order to specify that both the child support obligor and obligee are liable for the health care expenses of any children not covered by health insurance.
- Establishes a credit for the cost of providing health insurance coverage against a parent's annual income when calculating child support.
- Makes changes to the requirement for cash medical support in child support orders, including changing what cash medical support is used to pay, expanding who is required to pay it, and changing how it is determined and administered.
- Makes changes regarding the payment of extraordinary medical expenses.
- Changes the law governing accessibility of primary care services under private health insurance coverage.
- Provides for modification of a child support order if a court determines that insurance coverage under the order is inadequate to meet the child's medical needs.

Other provisions

- Requires a CSEA reviewing a court child support order to apply deviations from the existing order to the revised amount of child support if the monetary or percentage value can be determined by the CSEA.
- Establishes a rebuttable presumption that the amounts withheld or deducted to recover overdue and unpaid support or arrearages under a terminated child support order are at least equal to the amount that was withheld or deducted under the terminated order.
- Eliminates a provision that allowed a CSEA to change the financial the parties' obligations to pay child support in accordance with the terms of the court or administrative child support order and cash medical support without a hearing or additional notice to the parties.

Sub. H.B. 511

Reps. Lanese and Rogers, Rezabek, Antonio, Fedor, LaTourette, Anielski, Arndt, Ashford, Blessing, Boggs, Brown, Celebrezze, Craig, DeVitis, Galonski, Gavarone, Ginter, Henne, Holmes, Howse, Hughes, T. Johnson, Kent, Kick, Koehler, Lang, Lepore-Hagan, Manning, O'Brien, Patton, Pelanda, Perales, Riedel, Sheehy, Sykes, West, Young

Sens. Bacon, Beagle, Brown, Dolan, Hackett, Hoagland, Kunze, Lehner, Manning, Peterson, Sykes, Tavares, Terhar, Thomas, Yuko

Effective date: April 8, 2019

- Modifies the statutory age at which persons may marry to generally provide that only persons of the age of 18, not nearer of kin than second cousins, and not having a husband or wife living, may marry.
- Provides an exception for a 17-year-old to marry if he or she obtains consent from the juvenile court and the other person is not more than four years older.
- Institutes a 14-day waiting period for a marriage involving a 17-year-old.
- Requires documentary proof of age for any person seeking a marriage license.

Sub. S.B. 70

Sens. Coley, Bacon, Eklund, Terhar, Beagle, Huffman, Burke, Hackett, Hite, Hoagland, Manning, O'Brien, Oelslager, Peterson, Sykes, Wilson

Reps. Ginter, Anielski, Arndt, Ashford, Barnes, Boyd, Brown, Craig, Fedor, Galonski, Gavarone, Greenspan, Hambley, Holmes, T. Johnson, Kent, Kick, Lang, LaTourette, Lepore-Hagan, Manning, Miller, O'Brien, Patmon, Patterson, Patton, Pelanda, Perales, Reineke, Rezabek, Rogers, Seitz, Slaby, Sprague, West, Wiggam, Young

Effective date: February 11, 2019; Section 3, pertaining to ODJFS preparations and training for child support enforcement changes, effective May 11, 2018

Paternity

- Permits a mother or other custodian or guardian of a child to bring a court action to require the father or mother to pay child support after an acknowledgment of paternity becomes final.
- Permits a mother or other custodian or guardian to contact the child support enforcement agency (CSEA) for assistance in obtaining a court or administrative child support order after an acknowledgment of paternity becomes final.
- Eliminates the ability of a mother or other custodian or guardian to request a CSEA administrative officer to issue an administrative child support order after an acknowledgment of paternity becomes final.
- Requires a Title IV-D application or other IV-D referral to be completed and filed in order for a CSEA to seek to determine paternity.
- Provides that, when a CSEA administrative officer receives genetic results and identical siblings are named as the alleged father of a child, the officer must refer the case to a court for determination, and is not permitted to issue an administrative order establishing paternity.
- Decreases from 30 days to 14 days the time that a mother, alleged father, and guardian or legal custodian of a child may bring an action to object to an administrative order determining the existence or nonexistence of a parent and child relationship.

- Requires that a Title IV-D application or other IV-D referral be completed and filed and that one of the following exists in order for a CSEA administrative officer to conduct an administrative hearing to establish child support:
 - An administrative officer has issued an order determining paternity;
 - A presumption of paternity exists under Ohio law;
 - A duty of support exists under Ohio law.
- Requires that once a hearing is scheduled, the administrative officer must include in the hearing notice a request for several pieces of information from the parents, and that the CSEA may make reasonable assumptions regarding any information the parents fail to provide or request a court to order the parents to provide the missing information.
- Provides that all administrative orders take effect 14 days (rather than 30 days) after they are issued and remain in effect during the pendency of any court actions to object to the orders, unless a party is granted a stay.

Calculation of child support

- Changes, with respect to minimum child support orders, the term used for public assistance from need-based public assistance to means-tested public assistance and defines the latter term.
- Requires an obligor who believes there is a mistake of fact regarding the availability of private health insurance at a reasonable cost to file a written request for an administrative hearing with the CSEA no later than 14 days after the notice regarding the hearing opportunity was issued.
- Increases, from 7 business days to 14 days, the time in which a person who receives a notice of medical support enforcement activity may file a written request for an administrative hearing with the CSEA that issued the notice.
- Permits, rather than requires, a CSEA to notify the appropriate court when a person required to obtain health insurance coverage under a child support order fails to do so within 30 days after the order is issued.
- Makes several changes to procedures a CSEA must follow before formally beginning review of a court or administrative child support order.
- Requires a Title IV-D application to be completed and filed with the CSEA in order for the CSEA to conduct the procedures required before formally beginning the review.

- Makes several changes regarding CSEA review of court and administrative child support orders that affect the adjustments made, deadlines, notices, and objections to CSEA determinations.
- Permits "any party" to request that a court designate which parent may claim the children as dependents for federal income tax purposes, and limits reconsideration of the designation pursuant to a court hearing regarding a revised child support order resulting from a CSEA review.
- Makes changes to Ohio Department of Job and Family Services (ODJFS) rulemaking authority regarding procedures for determining when court and administrative child support orders must be reviewed.
- Provides that if either parent fails to comply with a request for information under an administrative support hearing or review of a child support order, the CSEA may either: (1) request the court to order the parent to provide the information, or (2) make reasonable assumptions necessary regarding the information not provided.
- Makes several changes regarding the reasons for terminating a child support order and CSEA termination investigations.

Collection and disbursement

- Specifies that if the court or CSEA determines that a withholding or deduction notice is appropriate, it must be sent by ordinary mail or electronic means to each person required to comply with it.
- Expands CSEA responsibility regarding lump sum payments with respect to both administrative and court child support orders and reduces court responsibility.
- Provides that when there is a notice of a lump sum payment made in accordance with a support order issued before 1998 that requires an employer to withhold an amount of the obligor's personal earnings for support payments, a CSEA that receives the notification must notify the court that issued the order.
- Requires that each order or modification of an order must state that an obligor or obligee that fails to give notice of change in specified contact or other identifying information to the CSEA may not receive notice of the changes and requests to change conditions of the child support order.

Default

- Makes various changes regarding the deadlines for administrative and court hearings and CSEA determinations related to default notices.
- Makes various changes to the law governing access restrictions and withdrawal directives regarding accounts at financial institutions of obligors in default.

- Eliminates certain circumstances under which a CSEA was previously required to file a notice requesting the county recorder to discharge a lien on an obligor's property.
- Provides for the Office of Child Support and the Tax Commissioner to cooperate to collect overdue "support," instead of overdue "child support" under prior law, from state tax refunds due to an obligor.

Prosecution for nonsupport

- Allows an obligor to be prosecuted for nonsupport of dependents even after a support order terminates, if an amount for support (1) was due and owing before the person's duty to pay support terminated and (2) remains unpaid.
- Specifies that the statute of limitations for prosecution in this circumstance begins to run on the date that the person's duty to pay support terminates.

Preparations

- During the nine months before the act's changes take effect, requires ODJFS to perform necessary automated system changes, and permits it to organize and oversee the statewide training of CSEAs, lawyers who practice in child support, and judges who preside over child support cases.