

AN ACT

To amend sections 124.10, 1901.19, 2329.66, 2329.70, 2333.21, 2716.01, 2716.02, 2716.03, 2716.04, 2716.05, 2716.06, 2716.11, 2716.13, 2716.21, 3111.23, and 3113.21 and to enact sections 2716.041, 2716.07, 2716.08, and 2716.09 of the Revised Code to permit a continuous order of wage garnishment under specified circumstances and to eliminate the thirty-day limitation upon successive wage garnishments.

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

SECTION 1. That sections 124.10, 1901.19, 2329.66, 2329.70, 2333.21, 2716.01, 2716.02, 2716.03, 2716.04, 2716.05, 2716.06, 2716.11, 2716.13, 2716.21, 3111.23, and 3113.21 be amended and sections 2716.041, 2716.07, 2716.08, and 2716.09 of the Revised Code be enacted to read as follows:

Sec. 124.10. ~~(A) Any creditor or judgment creditor of an employee or officer of the state may maintain against the state any action or a proceeding in attachment or garnishment, or in aid of execution of personal earnings under Chapter 2716. Of the Revised Code to subject to the payment of his claim or the judgment creditor's judgment any salary, wages, or other compensation owing that is owed or will be owed to any such the employee or officer of the state; in the same manner, to the same extent, and in the same courts as any creditor or judgment creditor may subject, under the laws of this state, subject moneys any salary, wages, or other compensation due his debtor or A judgment debtor from any person employer. In~~

~~In any such action or proceeding of that nature against the state, the order and notice of attachment, garnishment, or proceeding in aid of execution of personal earnings shall be served upon the director of administrative services and shall set forth the name of the state agency in which such debtor or the judgment debtor is employed.~~

~~(B) If, at the time an order and notice of garnishment is served upon the director of administrative services pursuant to section 2716.05 of the Revised Code, he has lost administrative control of disposable earnings of~~

~~the defendant that are being held back, the director may answer question 4(B) of the "Answer of Employer (Garnishee)." In such a case, the director, as garnishee, shall answer the order and notice of garnishment on the first workday following the defendant's next subsequent pay period, notwithstanding any other different time of answer prescribed by Chapter 2716. of the Revised Code. If, at the time an order and notice of garnishment is served upon him pursuant to section 2716.05 of the Revised Code, the director has not lost administrative control of disposable earnings of the defendant that are being held back, the director, as garnishee, shall answer the order and notice of garnishment on the first workday following the then current pay period, notwithstanding any different time of answer prescribed by Chapter 2716. of the Revised Code.~~

Sec. 1901.19. (A) Subject to the monetary jurisdiction of municipal courts as set forth in section 1901.17 of the Revised Code and the subject matter jurisdiction of municipal courts as set forth in section 1901.18 of the Revised Code, a municipal court and a housing or environmental division of a municipal court have jurisdiction within its territory to perform all of the following functions:

- (1) To compel attendance of witnesses in any pending action or proceeding in the same manner as the court of common pleas;
- (2) To issue executions on its own judgments;
- (3) In any legal or equitable action or proceeding, to enforce the collection of its own judgments;
- (4) To issue and enforce any order of attachment;
- (5) In any action or proceeding in the nature of creditors' bills, and in aid of execution, to subject the interest of a judgment debtor in personal property to the payment of a judgment of the court;
- (6) To issue and enforce temporary protection orders pursuant to section 2919.26 of the Revised Code and protection orders pursuant to section 2903.213 of the Revised Code and to enforce protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code.

(B) Subject to the limitation set forth in this division, a municipal court or a housing or environmental division of a municipal court has jurisdiction outside its territory in a proceeding in aid of execution to subject to the payment of the judgment the interest in personal property of a judgment debtor under a judgment rendered by the court or division. The jurisdiction provided in this division includes the county or counties in which the territory of the court or division in question is situated and any county that is contiguous to that in which the court or division is located. A court or division that has jurisdiction under this division outside its territory in a

proceeding in aid of execution has the same powers, duties, and functions relative to the proceeding that it has relative to proceedings in aid of execution over which it has jurisdiction other than under this division.

(C)(1) In any ~~action for~~ proceeding in garnishment of personal earnings brought in a municipal court, the court has jurisdiction to serve process pursuant to section 2716.05 of the Revised Code upon a garnishee who ~~resides in a county contiguous to that in which~~ does not reside within the territory of the court is located.

(2) In any ~~action for~~ proceeding in garnishment of property, other than personal earnings, brought in a municipal court under section 2716.11 of the Revised Code, the court has jurisdiction to serve process pursuant to section 2716.13 of the Revised Code upon a garnishee who ~~resides in a county contiguous to that in which~~ does not reside within the territory of the court is located.

(3) Whenever a motion for attachment is filed in a municipal court under section 2715.03 of the Revised Code, the court has jurisdiction to serve process pursuant to section 2715.091 of the Revised Code upon a garnishee who resides in a county contiguous to that in which the court is located.

(D) The municipal court of Cleveland also has jurisdiction in all actions and proceedings in the nature of creditors' bills, and in aid of execution to subject the interests of a judgment debtor in real or personal property to the payment of a judgment of the court. In ~~such~~ those actions and proceedings, the court may proceed to marshal and foreclose all liens on the property irrespective of the amount of the lien, and all vested or contingent rights in the property.

Sec. 2329.66. (A) Every person who is domiciled in this state may hold property exempt from execution, garnishment, attachment, or sale to satisfy a judgment or order, as follows:

(1)(a) In the case of a judgment or order regarding money owed for health care services rendered or health care supplies provided to the person or a dependent of the person, one parcel or item of real or personal property that the person or a dependent of the person uses as a residence. Division (A)(1)(a) of this section does not preclude, affect, or invalidate the creation under this chapter of a judgment lien upon the exempted property but only delays the enforcement of the lien until the property is sold or otherwise transferred by the owner or in accordance with other applicable laws to a person or entity other than the surviving spouse or surviving minor children of the judgment debtor. Every person who is domiciled in this state may hold exempt from a judgment lien created pursuant to division (A)(1)(a) of

this section the person's interest, not to exceed five thousand dollars, in the exempted property.

(b) In the case of all other judgments and orders, the person's interest, not to exceed five thousand dollars, in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence.

(2) The person's interest, not to exceed one thousand dollars, in one motor vehicle;

(3) The person's interest, not to exceed two hundred dollars in any particular item, in wearing apparel, beds, and bedding, and the person's interest, not to exceed three hundred dollars in each item, in one cooking unit and one refrigerator or other food preservation unit;

(4)(a) The person's interest, not to exceed four hundred dollars, in cash on hand, money due and payable, money to become due within ninety days, tax refunds, and money on deposit with a bank, savings and loan association, credit union, public utility, landlord, or other person. Division (A)(4)(a) of this section applies only in bankruptcy proceedings. This exemption may include the portion of personal earnings that is not exempt under division (A)(13) of this section.

(b) Subject to division (A)(4)(d) of this section, the person's interest, not to exceed two hundred dollars in any particular item, in household furnishings, household goods, appliances, books, animals, crops, musical instruments, firearms, and hunting and fishing equipment, that are held primarily for the personal, family, or household use of the person;

(c) Subject to division (A)(4)(d) of this section, the person's interest in one or more items of jewelry, not to exceed four hundred dollars in one item of jewelry and not to exceed two hundred dollars in every other item of jewelry;

(d) Divisions (A)(4)(b) and (c) of this section do not include items of personal property listed in division (A)(3) of this section.

If the person does not claim an exemption under division (A)(1) of this section, the total exemption claimed under division (A)(4)(b) of this section shall be added to the total exemption claimed under division (A)(4)(c) of this section, and the total shall not exceed two thousand dollars. If the person claims an exemption under division (A)(1) of this section, the total exemption claimed under division (A)(4)(b) of this section shall be added to the total exemption claimed under division (A)(4)(c) of this section, and the total shall not exceed one thousand five hundred dollars.

(5) The person's interest, not to exceed an aggregate of seven hundred fifty dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;

(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;

(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;

(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump-sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.

(7) The person's professionally prescribed or medically necessary health aids;

(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;

(9) The person's interest in the following:

(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;

(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;

(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;

(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;

(e) Disability assistance payments, as exempted by section 5115.07 of the Revised Code.

(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 2929.181, 3105.171, 3105.63, 3111.23, and 3113.21 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees

ferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 145.75, 146.13, 742.47, 3307.71, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the firemen and policemen's death benefit fund;

(b) Except as provided in sections 3111.23 and 3113.21 of the Revised Code, the person's right to receive a payment under any pension, annuity, or similar plan or contract, not including a payment from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or (10)(a) of this section, on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the person and any of the person's dependents, except if all the following apply:

(i) The plan or contract was established by or under the auspices of an insider that employed the person at the time the person's rights under the plan or contract arose.

(ii) The payment is on account of age or length of service.

(iii) The plan or contract is not qualified under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(c) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3111.23 and 3113.21 of the Revised Code, the person's right in the assets held in, or to receive any payment under, any individual retirement account, individual retirement annuity, or Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents.

(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;

(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:

(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the

payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed five thousand dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.

(13) Except as provided in sections 3111.23 and 3113.21 of the Revised Code, personal earnings of the person owed to the person for services ~~rendered within thirty days before the issuing of an attachment or other process, the rendition of a judgment, or the making of an order, under which the attempt may be made to subject those earnings to the payment of a debt, damage, fine, or amercement,~~ in an amount equal to the greater of the following amounts:

(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;

(b) Seventy-five per cent of the disposable earnings owed to the person.

(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code;

(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;

(16) The person's interest in a tuition credit or a payment under section 3334.09 of the Revised Code pursuant to a tuition credit contract, as exempted by section 3334.15 of the Revised Code;

(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended;

(18) The person's interest, not to exceed four hundred dollars, in any property, except that division (A)(18) of this section applies only in bankruptcy proceedings.

(B) As used in this section:

(1) "Disposable earnings" means net earnings after the garnishee has

made deductions required by law, excluding the deductions ordered pursuant to section 3111.23 or 3113.21 of the Revised Code.

(2) "Insider" means:

(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general partner, a general partner of the individual, or a corporation of which the individual is a director, officer, or in control;

(b) If the person who claims an exemption is a corporation, a director or officer of the corporation; a person in control of the corporation; a partnership in which the corporation is a general partner; a general partner of the corporation; or a relative of a general partner, director, officer, or person in control of the corporation;

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (B)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (B)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 145.71 of the Revised Code.

(4) "Government unit" has the same meaning as in section 145.74 of the Revised Code.

(C) For purposes of this section, "interest" shall be determined as follows:

(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;

(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.

An interest, as determined under division (C)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.

Sec. 2329.70. Any person upon whom a demand has been made in accordance with section 2716.02 of the Revised Code may apply to any judge of a county court or judge of a municipal court within this state; in whose jurisdiction ~~he~~ the person resides; or, if ~~he~~ the person is not a resident of ~~Ohio~~ this state, in whose jurisdiction ~~his~~ the person's place of employment is located; for the appointment of a trustee to receive that portion of the personal earnings of the debtor that is not exempt from execution, garnishment, attachment, or proceedings in aid of execution; and ~~such~~ any additional sums as that the debtor voluntarily pays or assigns to the trustee. ~~Such~~ The person shall file with ~~his~~ the person's application a full, accurate, and complete statement, under oath, of the names of ~~his~~ the person's secured and unsecured creditors with liquidated claims, their addresses, and the amount due to each of them. Upon ~~such~~ that application and filing, ~~such~~ the judge shall appoint a trustee to distribute ~~such~~ the funds to the creditors of the debtor at the time of the application and filing.

If a debtor fails, through mistake or otherwise, to list a creditor, that creditor or debtor may apply to the court, with notice to the other party, to list ~~such~~ creditors the omitted creditor in the trusteeship. Any person who becomes a creditor after the appointment of a trustee; may be listed in ~~such~~ the trusteeship, and ~~such~~ that creditor shall share in any distribution made by the trustee after the next ensuing distribution.

No proceedings in garnishment, attachment, ~~in~~ or aid of execution; or other action or proceeding to subject the personal earnings of the debtor to the payment of claims shall be brought or maintained by any creditor ~~so~~ as long as at least the amount of the personal earnings of ~~such~~ the debtor that is

not exempt from execution, garnishment, attachment, or proceedings in aid of execution ~~are~~ is paid to the trustee at regular intervals as fixed by the county court judge or the municipal court judge. This section does not prohibit creditors from recovering judgment against ~~such~~ the debtor or prohibit levy, under a writ of attachment or execution, upon any other property ~~which~~ that is not exempt from execution.

The maintaining of a proceedings in garnishment, attachment, ~~in~~ aid of execution, or otherwise in violation of this section ~~shall be void~~ is prohibited and may be prevented by a writ of prohibition in addition to all other remedies provided by law. ~~Such~~ The judge of the county court or municipal court shall provide by rule or otherwise for notice to creditors, the authentication and proof of claims, ~~and~~ the time and manner of payment ~~of~~ by the debtor, the distribution of funds, the bond of the trustee if required, and ~~for~~ all other matters necessary or proper to carry into effect the jurisdiction conferred by this section.

The personal earnings of the debtor that are exempted by law shall not be liable to the plaintiff for the costs of any proceedings brought to recover a judgment for debt, damage, fine, or amercement, ~~nor~~ or for the costs of any proceedings in garnishment, attachment, or aid of execution to satisfy ~~such~~ that judgment, ~~provided such if the~~ debtor has listed ~~said~~ that creditor as to name, amount of that creditor's claim, and the amount due ~~as provided in section 2716.02 of the Revised Code,~~ on that claim and makes payment as provided for in this section.

Upon ~~such~~ an application for a trustee, ~~the~~ a judge ~~in~~ of the court in which ~~such~~ the application is made shall designate the clerk of ~~such~~ the court to act as trustee, and the clerk shall serve as trustee without additional compensation ~~and his~~. The clerk's official bond shall be construed as conditioned upon the fulfillment of the trust, and no additional bond shall be required.

The trusteeship shall terminate upon the failure of the debtor to make the payments required by this section ~~and~~ in accordance with the rules established by the county court or municipal ~~judge, and all~~ court. ~~The~~ privileges in conferred by this section that exempt that debtor's personal earnings from proceedings in garnishment, attachment, garnishment, proceedings in or aid of execution, or any other action or proceeding to subject the personal earnings of ~~such~~ that debtor to the payment of claims or judgments shall terminate upon ~~such~~ that neglect.

If a trusteeship is dismissed for nonpayment, as provided by this section, the trusteeship shall not be reinstated, and the debtor shall not be permitted to file for a new trusteeship for a period of six months from date of the

dismissal of the trusteeship, unless, upon motion supported by affidavit, ~~he~~ the debtor proves to the satisfaction of the court that the failure to maintain the trusteeship agreement was not due to willful neglect.

Sec. 2333.21. The judge may order any property of the judgment debtor; that is not exempt by law; to be applied toward the satisfaction of the judgment, but the earnings of the judgment debtor for ~~his~~ personal services; ~~within thirty days next preceding the order~~, shall be applied only in accordance with sections 2329.66 and 2329.70; and Chapter 2716. of the Revised Code.

Sec. 2716.01. (A) A person who obtains a judgment against another person may garnish the personal earnings of the person against whom judgment was obtained; only through a proceeding in garnishment of personal earnings; and only in accordance with this chapter.

(B) A person who obtains a judgment against another person may garnish the property, other than personal earnings, of the person against whom judgment was obtained, if the property is in the possession of a person other than the person against whom judgment was obtained, only through a proceeding in garnishment and only in accordance with this chapter.

(C) As used in this chapter:

(1) "Employer" means a person who is required to withhold taxes out of payments of personal earnings made to a judgment debtor.

(2) "Personal earnings" means money, or any other consideration or thing of value, that is paid or due to a person in exchange for work, labor, or personal services provided by the person to an employer.

(3) "Judgment creditor" means a person who has obtained a judgment in a civil action against another person.

(4) "Judgment debtor" means a person against whom a judgment has been obtained in a civil action.

(5) "Support order" has the same meaning as in section 3113.21 Of the Revised Code.

Sec. 2716.02. Any person seeking an order of garnishment of personal earnings, after obtaining a judgment, shall make the following demand in writing for the excess of the amount of the judgment over the amount of personal earnings exempt from execution, garnishment, attachment, or sale to satisfy a judgment or order, or for so much of the excess as will satisfy the judgment. The demand shall be made after the judgment is obtained and at least fifteen days and not more than forty-five days before the order is sought by delivering it to the judgment debtor by personal service by the court, by sending it to the judgment debtor by certified mail, return receipt

requested, or by sending it to the judgment debtor by regular mail, ~~which shall be~~ evidenced by a properly completed and stamped certificate of mailing by regular mail, addressed to the judgment debtor's last known place of residence.

The demand shall be made as follows:

"NOTICE OF COURT PROCEEDING TO COLLECT DEBT

Date of mailing or date of service by the court

To:

.....
(Name of Judgment Debtor)

.....
(Last Known Residence Address of Judgment Debtor)

You owe the undersigned

.....
(Name of Judgment Creditor)

\$., including interest and court costs, for which a judgment was obtained against you or certified in the court on, payment of which is hereby demanded.

If you do not do one of the three things listed below within fifteen days of the date of the mailing of this notice or of its service by the court, we will go to court, unless we are otherwise precluded by law from doing so, and ask that your employer be ordered to withhold money from your earnings until the judgment is paid in full or, if applicable, is paid to a certain extent and to pay ~~the withheld money~~ to the court ~~to satisfy~~ in satisfaction of your debt. This is called garnishment of personal earnings.

It is to your advantage to avoid garnishment of personal earnings because the placing of the extra burden on your employer possibly could cause you to lose your job.

YOU CAN AVOID THE GARNISHMENT BY DOING ONE OF THESE THREE THINGS WITHIN THE FIFTEEN-DAY PERIOD:

- (1) Pay to us the amount due;
- (2) Complete the attached form entitled "Payment to Avoid Garnishment" and return it to us with the payment, if any, shown due on it; or
- (3) Apply to your local municipal or county court or, if you are not a resident of Ohio, to the municipal or county court in whose jurisdiction your place of employment is located, for the appointment of a trustee to receive the part of your earnings that is not exempt from garnishment, and notify us that you have applied for the appointment of a trustee. You will be required to list your creditors, the amounts of their claims, and the amounts due on

their claims, and the amount you ~~will~~ then will pay to your trustee each payday will be divided among them until the debts are paid off. This can be to your advantage because in the meantime none of those creditors can garnish your wages.

You also may contact a budget and debt counseling service described in division (D) of section 2716.03 of the Revised Code for the purpose of entering into an agreement for debt scheduling. There may not be enough time to set up ~~such~~ an agreement for debt scheduling in order to avoid a garnishment of your wages based upon this demand for payment, but entering into ~~such~~ an agreement for debt scheduling might protect you from future garnishments of your wages. Under ~~such~~ an agreement for debt scheduling, you will have to regularly pay a portion of your income to the service until the debts subject to the agreement are paid off. This portion of your income will be paid by the service to your creditors who are owed debts subject to the agreement. This can be to your advantage because these creditors cannot garnish your wages while you make your payments to the service on time.

.....
(Name of Judgment Creditor)
.....
(Signature of Judgment Creditor or
Agent)
.....
.....
(Address of Judgment Creditor)

PAYMENT TO AVOID GARNISHMENT

To:
(Name of Judgment Creditor)
.....
(Address of Judgment Creditor)

To avoid the garnishment of personal earnings of which you have given me notice, I enclose \$ to apply toward my indebtedness to you. The amount of the payment was computed as follows:

1. Total amount of indebtedness demanded: (1) \$.....
2. Enter the amount of your personal earnings, after deductions required by law, ~~owed to~~ earned by you for during the previous current pay period (~~but do not enter earnings owed for a that is, the pay period exceeding one month in which this demand is received by you~~): (2) \$.....

3. Enter your pay period (weekly, ~~bi-weekly~~ biweekly, ~~semi-monthly~~ semimonthly, monthly): (3)

4. Enter an amount equal to 25% of the amount on line (2): (4) \$.....

5. (A) The current federal minimum hourly wage is (to be filled in by Judgment Creditor)

(You should use the above figure to complete this portion of the form.)

If you are paid weekly, enter thirty times the current federal minimum hourly wage; if paid ~~bi-weekly~~ biweekly, enter sixty times the current federal minimum hourly wage; if paid ~~semi-monthly~~ semimonthly, enter sixty-five times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty times the current federal minimum hourly wage: ~~(5A)~~5(A) \$.....

(B) Enter the amount by which the amount on line (2) exceeds the amount on line 5(A): ~~(5B)~~5(B) \$.....

6. Enter the ~~lesser~~ smallest of the amounts on lines (1), (4), or 5(B). Send this amount to the judgment creditor along with this form after you have signed it: (6) \$.....

I certify that the statements contained above are true to the best of my knowledge and belief.

.....
(Signature of Judgment Debtor)

.....
.....

.....
(Print Name and Residence Address
of Judgment Debtor)

I certify that the amount shown on line (2) is a true statement of the judgment debtor's earnings.

.....
(Print Name of Employer)

.....
(Signature of Employer or Agent)"

Sec. 2716.03. (A) A proceeding in garnishment of personal earnings may be commenced after a judgment has been obtained by a judgment creditor by the filing of an affidavit in writing made by the judgment creditor or the judgment creditor's ~~agent or the judgment creditor's~~ attorney setting forth all of the following:

(1) The name of the judgment debtor whose personal earnings the judgment creditor seeks to garnish;

(2) That the affiant has good reason to believe and does believe that the person, partnership, limited liability company, or corporation named in the affidavit as the garnishee is an employer of the judgment debtor who has personal earnings of the judgment debtor that are not exempt under section 2329.66 of the Revised Code;

(3) That the demand in writing, as required by section 2716.02 of the Revised Code, has been made;

(4) That the payment demanded in the notice required by section 2716.02 of the Revised Code has not been made, ~~nor has~~ and a sufficient portion of the payment demanded has not been made to prevent the garnishment of personal earnings as described in section 2716.02 of the Revised Code;

(5) That the affiant has no knowledge of any application by the judgment debtor for the appointment of a trustee so as to preclude the garnishment of the judgment debtor's personal earnings;

(6) That the affiant has no knowledge that the debt to which the affidavit pertains is the subject of a debt scheduling agreement of ~~such~~ a nature that it precludes the garnishment of the personal earnings of the judgment debtor under division (B) of this section.

~~(B) No proceeding in garnishment of personal earnings shall be brought against a judgment debtor sooner than thirty days after the filing of the last successful proceeding in garnishment of personal earnings against the judgment debtor, regardless of who brings the proceeding or who brought the last successful proceeding.~~ No proceeding in garnishment of personal earnings shall be brought against a judgment debtor for the collection of a debt that is the subject of an agreement for debt scheduling between the judgment debtor and a budget and debt counseling service, unless any payment to be made by the judgment debtor, or by a budget and debt counseling service to the judgment creditor under the agreement for debt scheduling between the judgment debtor and the budget and debt counseling service, is due and unpaid for more than forty-five days after the date on which the payment became due, or unless the judgment creditor previously was notified by the service that the debt scheduling agreement between the judgment debtor and the service was terminated.

(C) Upon ~~the filing~~ a court's issuance of a proceeding in an order of garnishment of personal earnings following a judgment creditor's filing of an affidavit under this section and compliance with section 2716.04 Of the Revised Code, the garnishee and the judgment debtor shall be notified of the proceeding in garnishment of personal earnings in accordance with sections 2716.05 and 2716.06 of the Revised Code.

(D) As used in this chapter:

(1) A "budget and debt counseling service" or "service" means a corporation organized under Chapter 1702. of the Revised Code for the purpose of counseling consumers with respect to their financial obligations and assisting them in dealing with their creditors.

(2) "Debt scheduling" means counseling and assistance provided to a consumer by a budget and debt counseling service under all of the following circumstances:

(a) The counseling and assistance is manifested in an agreement between the consumer and the service under which the consumer regularly pays that portion of the consumer's income to the service that has been determined not to be required for the maintenance of health or the essentials of life;

(b) The payments are made to the service until the debts of the consumer that are the subject of the agreement are fully retired;

(c) The service has sent written notice, by certified mail, return receipt requested, or by regular mail evidenced by a properly completed and stamped certificate of mailing by regular mail, to the creditors of the consumer that are disclosed by the consumer to the service. The notice shall contain all of the following:

(i) A statement of the consumer's intent to participate in debt scheduling;

(ii) A summary of the consumer's income, proposed itemized budget, schedule of creditors, and proposed debt retirement plan;

(iii) A statement of the particular creditor's duty to respond, in writing, to the service regarding the consumer's participation in debt scheduling within fifteen days after receiving the notice.

(d) The debts of the consumer that are the subject of the agreement for debt scheduling are determined as follows:

(i) Any debt owed to a creditor that was notified of the consumer's intent to participate is a subject of the agreement if the creditor responds to the service and enters into an agreement with the service, pursuant to which ~~agreement~~ the creditor agrees not to attempt to collect the debts of the consumer as long as the consumer regularly pays to the service the amount previously agreed upon by the service and the consumer and no payment to be made by the judgment debtor to the service or by the service to the creditor is due and unpaid for more than forty-five days after the date on which the payment became due, as long as the debt scheduling agreement between the consumer and the service has not been terminated, and as long as the service regularly pays to the creditor a mutually acceptable amount;

~~which amount~~ that is either the amount agreed upon by the service and the creditor on the date they entered into their original agreement or an amount agreed upon by both the service and the creditor on a date after the date of the original agreement.

(ii) Any debt owed to a creditor that was notified of the consumer's intent to participate is a subject of the agreement if the creditor does not respond to the service and state the creditor's objection, in writing, to the consumer's participation in debt scheduling within fifteen days after receiving notice of the consumer's intention to do so; however, no debt that is subject to a lien or security interest of any type, other than a judgment lien or execution lien, shall be a subject of the agreement unless the creditor specifically assents, in writing, to the debt being a subject of the agreement. The creditor shall be considered to have entered into an agreement of the type described in division (D)(2)(d)(i) of this section, and the amount to be regularly paid by the service to the creditor shall be an amount determined to be reasonable by the service or an amount agreed upon by both the service and the creditor on a date after the expiration of the fifteen-day period.

(iii) Any debt owed to a creditor that was not notified of the consumer's intent to participate, or a debt owed to a creditor that was notified of the consumer's intent to participate and that responded to the service and stated its objection, in writing, to the consumer's participation in debt scheduling within fifteen days after receiving notice of the consumer's intention to do so, is not a subject of the agreement.

(e) The service agrees that, if the consumer fails to make a payment under the agreement within forty-five days of its due date or if the agreement is terminated, the service will notify each creditor that is owed a debt that is subject to the agreement of the failure or termination by regular mail within two business days of the failure or termination, and the service provides that notice in accordance with the agreement.

Sec. 2716.04. The affidavit required by section 2716.03 of the Revised Code in a proceeding for garnishment of personal earnings shall be accompanied by the return receipt requested for the written demand made pursuant to section 2716.02 of the Revised Code, the unclaimed letter, or a photographic or other direct image copy of the receipt or letter if the demand was sent by certified ~~letter~~ mail, return receipt requested; by proof of service by the court of the demand; or by a properly completed and stamped certificate of mailing by regular mail, a photographic or other direct image copy of the demand, and a sworn statement that it was sent by regular mail. The affidavit also shall be accompanied by ~~one dollar~~ ten dollars as the

garnishee's fee for compliance with the order, ~~no part of which~~ and that fee shall be charged as court costs.

Sec. 2716.041. (A) When a municipal court, county court, or court of common pleas issues an order of garnishment of personal earnings following a judgment creditor's filing of an affidavit in accordance with section 2716.03 of the Revised Code and the judgment creditor's compliance with section 2716.04 of the Revised Code, the order shall operate in the manner described in this section, be served upon the garnishee in accordance with section 2716.05 of the Revised Code, be answered by the garnishee in accordance with division (F) of this section and sections 2716.05 and 2716.21 of the Revised Code, and be served upon the judgment debtor in accordance with section 2716.06 of the Revised Code.

(B) Except as otherwise provided in this section, an order of garnishment of personal earnings shall be a continuous order that requires the garnishee to withhold a specified amount from the judgment debtor's personal earnings during each pay period of the judgment debtor following the garnishee's receipt of the order until the judgment in favor of the judgment creditor and the associated court costs, judgment interest, and, if applicable, prejudgment interest awarded to the judgment creditor have been paid in full. for this purpose, the order of garnishment of personal earnings shall specify the total probable amount due on the judgment; shall state that that total probable amount includes the unpaid portion of the judgment in favor of the judgment creditor and specify that unpaid portion; shall state that that total probable amount includes judgment interest and, if applicable, prejudgment interest at the rate prescribed in division (a) of section 1343.03 of the Revised Code or a different rate provided in a written contract and specify the applicable interest rate; and shall state that that total probable amount includes the court costs awarded to the judgment creditor and specify the amount of those court costs.

(C)(1) A continuous order of garnishment of personal earnings described in division (B) of this section remains in effect until whichever of the following first occurs:

(a) The total probable amount due on the judgment described in division (B) of this section is paid in full to the judgment creditor as a result of the garnishee's withholding of the specified amount from the judgment debtor's personal earnings during each pay period of the judgment debtor following the garnishee's receipt of the order.

(b) The judgment creditor files with the court that issued the order, and serves upon the garnishee and judgment debtor in the same manner as a summons is served, a written notice that the total probable amount due on

the judgment described in division (B) of this section has been paid in full to the judgment creditor in the manner described in division (C)(1)(a) of this section or otherwise has been satisfied.

(c) a municipal or county court appoints a trustee for the judgment debtor pursuant to section 2329.70 of the Revised Code and issues to the garnishee an order that stays the continuous order of garnishment of personal earnings.

(d) a bankruptcy court of the united states issues to the garnishee an order that stays the continuous order of garnishment of personal earnings.

(e) a municipal or county court or a court of common pleas issues to the garnishee another order of garnishment of personal earnings that relates to the same judgment debtor and a different judgment creditor, and the law of this state or of the United States provides that the other order of garnishment of personal earnings has a higher priority than the pending continuous order of garnishment of personal earnings. a higher priority order of that nature may include, but is not limited to, a support order and an internal revenue service levy.

(f) a municipal or county court or a court of common pleas issues to the garnishee another order of garnishment of personal earnings that relates to the same judgment debtor and a different judgment creditor and that is not described in division (C)(1)(e) of this section.

(2) if the circumstances described in division (C)(1)(e) or (f) of this section apply to a continuous order of garnishment of personal earnings, division (D) of this section also applies to the garnishee and that order.

(3) as long as a continuous order of garnishment of personal earnings with respect to a particular judgment debtor and a particular judgment creditor remains in effect or, if the circumstances described in division (C)(1)(e) or (f) of this section apply to an order of that nature, as long as division (D) of this section applies to the garnishee and an order of that nature, the particular judgment creditor may not file in any municipal or county court or any court of common pleas another affidavit as described in section 2716.03 of the Revised Code that pertains to the particular judgment debtor and the same judgment that underlies the order.

(4)(a) subject to divisions (C)(1) and (D) of this section and section 2716.05 of the Revised Code, a garnishee to whom a municipal or county court or court of common pleas issues a continuous order of garnishment of personal earnings shall pay to the court within thirty days after each pay period of the judgment debtor ends the amount that the order specifies to be withheld from the judgment debtor's personal earnings during each pay period of the judgment debtor following the garnishee's receipt of the order.

the payment to the court of that amount shall be accompanied by the garnishee's interim report and answer that shall be substantially in the form set forth in section 2716.07 of the Revised Code and shall specifically state all of the following:

(i) the date that the garnishee received the continuous order of garnishment of personal earnings;

(ii) the total probable amount due on the judgment, as described in division (B) of this section;

(iii) the amount of the judgment debtor's personal earnings that has been withheld for the particular pay period and that is being submitted with the interim report and answer.

(b) a garnishee shall prepare each interim report and answer in triplicate, shall submit one complete and signed copy of that document to the court in accordance with division (C)(4)(a) of this section, shall retain one complete and signed copy of that document for the garnishee's records, and shall deliver one complete and signed copy of that document to the judgment debtor.

(5)(a) subject to division (D) of this section, if a continuous order of garnishment of personal earnings ceases to remain in effect because of the operation of division (C)(1) of this section, the garnishee shall file with the municipal or county court or the court of common pleas that issued the order the garnishee's final report and answer. the final report and answer shall be substantially in the form set forth in section 2716.08 of the Revised Code and shall specifically state all of the following:

(i) the date that the garnishee received the continuous order of garnishment of personal earnings;

(ii) the total probable amount due on the judgment, as described in division (B) of this section;

(iii) the total amount of the judgment debtor's personal earnings that the garnishee has withheld and paid to the court while the order remained in effect;

(iv) the reason listed in division (C)(1) of this section that precludes the continuation of the withholding of the specified amount of the judgment debtor's personal earnings in accordance with the order. this reason shall be stated only if the total probable amount due on the judgment, as described in division (B) of this section, is not the total amount of the judgment debtor's personal earnings that the garnishee withheld and paid to the court while the order remained in effect and if the reason that the order has ceased to remain in effect is described in division (C)(1)(c), (d), (e), or (f) of this section.

(b) a garnishee shall prepare each final report and answer in triplicate,

shall submit one complete and signed copy of that document to the court in accordance with division (C)(5)(a) of this section, shall retain one complete and signed copy of that document for the garnishee's records, and shall deliver one complete and signed copy of that document to the judgment debtor.

(D)(1) except as provided in division (D)(2) of this section, if a garnishee receives an order of garnishment of personal earnings with respect to a particular judgment debtor and if, at the time of the receipt of that order, the garnishee is the subject of a previously received continuous order of garnishment of personal earnings with respect to the same judgment debtor, the previous order shall cease to remain in effect as described in division (C)(1)(f) of this section. however, until at least one hundred eighty-two days have expired from the date that the garnishee began processing the previous order, the garnishee shall withhold the specified amount from the judgment debtor's personal earnings in accordance with the previous order. during that period, the previous order shall be deemed a higher priority order. upon the expiration of that period, the garnishee shall comply with division (C)(5) of this section.

(2) if a garnishee receives an order of garnishment of personal earnings with respect to a particular judgment debtor, if, at the time of the receipt of that order, the garnishee is the subject of a previously received continuous order of garnishment of personal earnings with respect to the same judgment debtor, and if the law of this state or of the United States provides that the subsequent order has a higher priority than the previous order, the previous order shall cease to remain in effect as described in division (C)(1)(e) of this section. however, until at least one hundred eighty-two days have expired from the date the garnishee began processing the previous order, the garnishee shall comply with division (D)(3)(c)(ii) of this section. upon the expiration of that period, the garnishee shall comply with division (C)(5) of this section.

(3)(a) except as provided in division (D)(2) and (3)(b) and (c) of this section, if a garnishee receives an order of garnishment of personal earnings with respect to a particular judgment debtor and if, at the time of the receipt of that order, the garnishee is the subject of a previously received continuous order of garnishment of personal earnings with respect to the same judgment debtor, the garnishee shall do both of the following:

(i) the garnishee shall process the subsequent order in the order in which the garnishee receives it and only after all previously received orders of garnishment of personal earnings with respect to the same judgment debtor have been processed for a one-hundred-eighty-two-day period or have

ceased to remain in effect for a reason listed in division (c)(1) of this section.

(ii) when, pursuant to the procedure required by division (d)(3)(a)(i) of this section for the stacking of orders of garnishment of personal earnings with respect to the same judgment debtor, the subsequent order reaches highest priority, the garnishee shall process the subsequent order until the subsequent order ceases to remain in effect for a reason listed in division (c)(1) of this section.

(b) if a garnishee receives an order of garnishment of personal earnings with respect to a particular judgment debtor, if, at the time of the receipt of that order, the garnishee is the subject of a previously received continuous order of garnishment of personal earnings with respect to the same judgment debtor, and if the previous order has a higher priority under division (D)(1) or (3)(a) of this section, the garnishee shall do both of the following:

(i) the garnishee shall withhold from the judgment debtor's personal earnings during each pay period the amount specified in the previous order for the requisite one-hundred-eighty-two-day period or until the previous order ceases to remain in effect for a reason listed in division (c)(1) of this section.

(ii) if the maximum amount of the personal earnings of the judgment debtor that may be garnished during each pay period under the law of this state or of the united states is not exceeded after the application of division (D)(3)(b)(i) of this section, the garnishee shall withhold from the judgment debtor's personal earnings during each pay period the amount specified in one or more of the subsequent orders, in their order of priority, until the maximum amount of the personal earnings of the judgment debtor that may be garnished during each pay period under the law of this state or of the united states is reached and as long as the requisite one-hundred-eighty-two-day processing period has not expired with respect to a subsequent order and the subsequent order has not ceased to remain in effect for a reason listed in division (c)(1) of this section.

(c) if a garnishee receives an order of garnishment of personal earnings with respect to a particular judgment debtor, if, at the time of the receipt of that order, the garnishee is the subject of a previously received continuous order of garnishment of personal earnings with respect to the same judgment debtor, and if the subsequent order has a higher priority under division (D)(2) of this section, the garnishee shall do both of the following:

(i) the garnishee shall withhold from the judgment debtor's personal earnings during each pay period the amount specified in the subsequent order.

(ii) if the maximum amount of the personal earnings of the judgment debtor that may be garnished during each pay period under the law of this state or of the united states is not exceeded after the application of division (d)(3)(c)(i) of this section, the garnishee shall withhold from the judgment debtor's personal earnings during each pay period the amount specified in one or more of the previous orders, in their order of priority, until the maximum amount of the personal earnings of the judgment debtor that may be garnished during each pay period under the law of this state or of the united states is reached and as long as the requisite one-hundred-eighty-two-day processing period has not expired with respect to a previous order and the previous order has not ceased to remain in effect for a reason listed in division (c)(1) of this section.

(E) if a garnishee receives an order of garnishment of personal earnings with respect to a particular judgment debtor and that order, after applying the provisions of this section, has a higher priority than a previously received continuous order of garnishment of personal earnings with respect to the same judgment debtor, the garnishee promptly shall notify the judgment creditor associated with the previous order of the receipt of the higher priority order.

(F) if a garnishee receives an order of garnishment of personal earnings with respect to a particular judgment debtor and if, at the time of the receipt of that order, the garnishee is the subject of one or more previously received continuous orders of garnishment of personal earnings with respect to the same judgment debtor, the garnishee shall include in its answer of employer filed pursuant to section 2716.05 of the Revised Code in relation to the subsequent order all of the following information:

(1) the name of the court that issued the subsequent order and each previous order and the case number associated with each of those orders;

(2) the date that the garnishee received the subsequent order and each previous order;

(3) with respect to the subsequent order and each previous order, the balance due to the relevant judgment creditor at the time of the filing of the answer of employer. the garnishee shall calculate the balance due in relation to a particular order by subtracting the total amount of the judgment debtor's personal earnings that the garnishee previously has withheld and paid to the court pursuant to that order from the total probable amount due on the judgment underlying that order, as described in division (b) of this section.

Sec. 2716.05. The garnishee shall be served, in the same manner as a summons is served, with three copies of the order of garnishment of personal earnings, ~~together~~ AND OF A WRITTEN NOTICE THAT THE

GARNISHEE ANSWER AS PROVIDED IN DIVISION (F) OF SECTION 2716.041 OF THE REVISED CODE, THIS SECTION, AND SECTION 2716.21 OF THE REVISED CODE AND with the garnishee's fee required by section 2716.04 of the Revised Code ~~and with a written notice that the garnishee answer as provided in section 2716.21 of the Revised Code.~~ The garnishee also shall be served, at that time, with two copies of the notice to the judgment debtor form and hearing of the request for hearing form described in section 2716.06 of the Revised Code, one copy of the interim report and answer form described in section 2716.07 of the Revised Code, and one copy of the final report and answer form described in section 2716.08 of the Revised Code. ~~Any~~

A court of common pleas or municipal or county court that issues an order of garnishment of personal earnings has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the territorial jurisdiction of the court. ~~Any county court or municipal court that issues an order of garnishment of personal earnings has jurisdiction to serve process pursuant to this section upon a garnishee who resides in any county that is contiguous to that in which the court is located.~~ ~~When~~ If the garnishee does not reside within the territorial jurisdiction of the court that issued the order, the process may be served upon the garnishee by the proper officer of the county in which the garnishee resides; or may be personally served upon the garnishee by personal service by the court, by sending it to the garnishee by certified mail, return receipt requested, or by sending it to the garnishee by regular mail evidenced by a properly completed and stamped certificate of mailing by regular mail. ~~The~~

The order of garnishment of personal earnings shall bind the personal earnings of the judgment debtor due from the garnishee at the time of service in accordance with this section. ~~The~~

~~The~~ order of garnishment of personal earnings and notice to answer shall be in substantially the following form:

"ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF
EMPLOYER

Docket No.
.....

Case No.
.....

~~in~~ In the
.....

Court
.....,

Ohio

The State of Ohio
County of, ss
....., Judgment Creditor
vs.
....., Judgment Debtor

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

To:, Garnishee

The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in ~~the~~ Court this court stating that you owe the judgment debtor money for personal earnings and that some of that money may not be exempt from garnishment under the laws of the State of Ohio or the laws of the United States.

You are therefore ordered to complete the "answer of employer (garnishee)" in section B of this form, and return the completed original of this form, together with any amount shown due on it, to the clerk of this court not later than Return one completed and signed copy of this form to the clerk of this court within five (5) business days after you receive this order of garnishment together with the amount determined in accordance with the "answer of employer (garnishee)." Deliver one completed and signed copy of this form; and the ~~enclosed~~ accompanying documents entitled "NOTICE TO THE JUDGMENT DEBTOR" and "REQUEST FOR HEARING;" to the ~~indicated~~ judgment debtor. Keep the other completed and signed copy of ~~the~~ this form for your files.

The total probable amount now due on this judgment, ~~including interest and court costs,~~ is \$..... The total probable amount now due includes the unpaid portion of the judgment in favor of the judgment creditor, which is \$.....; interest on that judgment and, if applicable, prejudgment interest relative to that judgment at the rate of% per annum payable until that judgment is satisfied in full; and court costs in the amount of \$.....

This order of garnishment of personal earnings is a continuous order that generally requires you to withhold a specified amount, as determined in accordance with the "answer of employer (garnishee)," from the judgment debtor's personal earnings during each pay period of the judgment debtor following your receipt of the order until the judgment in favor of the judgment creditor and the associated court costs, judgment interest, and, if applicable, prejudgment interest awarded to the judgment creditor as described above have been paid in full. you generally must pay that specified amount to the clerk of this court within thirty (30) days after the end of each pay period of the judgment debtor and must include with that

specified amount an "INTERIM REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in section 2716.07 of the Ohio Revised Code. A copy of the "INTERIM REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings, and you may photocopy it to use each time you pay the specified amount to the clerk of this court.

This order of garnishment of personal earnings generally will remain in effect until one of the following occurs:

(1) the total probable amount due on the judgment as described above is paid in full as a result of your withholding of the specified amount from the judgment debtor's personal earnings during each pay period of the judgment debtor following your receipt of the order.

(2) the judgment creditor files with this court a written notice that the total probable amount due on the judgment as described above has been satisfied.

(3) a municipal or county court appoints a trustee for the judgment debtor and issues to you an order that stays this order of garnishment of personal earnings.

(4) a federal bankruptcy court issues to you an order that stays this order of garnishment of personal earnings.

(5) a municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor, and ohio or federal law provides the other order with a higher priority than this order.

(6) a municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor and that does not have a higher priority than this order.

under any of the circumstances listed above, you are required to file with this court a "FINAL REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in section 2716.08 of the Ohio Revised Code. A copy of the "FINAL REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings. under the circumstances listed in (5) and (6) above, you must cease processing this order of garnishment one hundred eighty-two (182) days after you began processing it.

special stacking, priority of payment, and manner of payment rules apply when a garnishee receives multiple orders of garnishment with respect to the same judgment debtor. these rules are set forth in section 2716.041 of the Ohio Revised Code. you should become familiar with these rules.

Witness my hand and the seal of this court this day of 19.....

.....

Judge

SECTION B. ANSWER OF EMPLOYER (GARNISHEE)

(An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the judgment debtor.)

(Answer all pertinent questions)

Now comes, the employer (garnishee) herein, who says:

~~Yes~~ ~~No~~

1. This order of garnishment of personal earnings was received on

Yes No

2. The ~~indicated~~ judgment debtor is in my/our employ.

... ..

If answer is "No," give date of last employment.

~~(1)~~(2).....

~~Yes~~ ~~No~~

~~2. (A) Have you, as an employer, been served with a garnishment order less than 30 days preceding the date of service of this form that required money to be withheld from the earnings of the judgment debtor and paid into court?~~

... ..

~~If the answer is "Yes," give the prior court and case number; omit questions 3, 4, 5, 6, and 7; sign the form and return it to the court.~~

~~(2A)~~.....

~~Court~~

.....

~~Case No.~~

~~Yes~~ ~~No~~

~~(B)~~3. (A) Is the debt to which ~~the~~ this order of garnishment of personal earnings pertains the subject of an existing agreement for debt scheduling between the judgment debtor and a budget and debt counseling service and has the judgment debtor made every payment that was due under the

... ..

agreement for debt scheduling no later than forty-five days after the date on which the payment was due?

If the answer to both parts of this question is "Yes," give all available details of the agreement; ~~omit questions 3, 4, 5, 6, and 7;~~ sign the this form, and return it to the court.

3.

~~(2B)~~3(A).....

Yes No

.....

(B) Were you, on the date that you received this order of garnishment of personal earnings, withholding moneys from the judgment debtor's personal earnings pursuant to another order of garnishment of personal earnings that Ohio or federal law provides with a higher priority than this order of garnishment of personal earnings (such as a support order or Internal Revenue Service levy)?

If the answer to this question is "Yes," give the name of the court that issued the higher priority order, the associated case number, the date upon which you received that order, and the balance due to the relevant judgment creditor under that order.

3(B)

.....

Yes No

.....

(C) Did you receive prior to the date that you received this order of garnishment of personal earnings one or more other orders of garnishment of personal earnings that are not described in question 3(B), and are you currently processing one or more of those orders for the statutorily required 182-day period or holding one or more of those orders for processing for a 182-day period in the sequence of their receipt

by you?

If the answer to this question is "Yes," give the name of the court that issued each of those previously received orders, the associated case numbers, the date upon which you received each of those orders, and the balance due to the relevant judgment creditor under each of those orders. List first the previously received order(s) that you are currently processing, and list each of the other previously received orders in the sequence that you are required to process them.

3(C).....

4. (A) ~~Enter~~ state whether the pay period of the judgment debtor ~~(is~~ weekly, ~~bi-weekly~~ biweekly, semimonthly, or ~~monthly~~ ~~(do~~ monthly ~~(do~~ not enter a pay period of more than one month):

~~(3A)~~4(A).....

~~(B) Enter the date this order and notice of garnishment was served on you:~~

~~(3B)~~.....

~~(C) Enter the date the judgment debtor's present pay period began (present pay period means the pay period in which this order and notice of garnishment was served):~~

~~(3C)~~.....

~~(D) Enter the date the judgment debtor's present pay period ends.~~

~~(3D)~~.....

4.~~(B)~~ Enter the disposable earnings of the judgment debtor earned during the judgment debtor's present pay period. (~~disposable~~ "disposable earnings" means earnings after deductions required by law. "Present pay period" means the pay period in which you receive this order of garnishment of personal earnings.)~~-In determining disposable earnings, choose the situation below that is applicable to the~~

~~judgment debtor:~~

~~(A) If you, the employer, have a policy of holding back one pay, enter the disposable earnings being held back on the date this order and notice of garnishment was served on you.~~

~~(B) If you, the employer, do not have a policy of holding back one pay, enter the amount of disposable earnings earned by the judgment debtor subsequent to the date of the judgment debtor's receiving the last pay and prior to the date entered in line 3(B).~~

~~5. Enter an amount equal to 25% of the amount on line 4:~~

~~6.(C) If the judgment debtor's pay period is weekly, enter on line 4(C) an amount equal to six and one-quarter per cent (6.25%) of the judgment debtor's disposable earnings set forth on line 4(B). If the judgment debtor's pay period is biweekly or semimonthly, enter on line 4(C) an amount equal to twelve and one-half per cent (12.5%) of the judgment debtor's disposable earnings set forth on line 4(B). If the judgment debtor's pay period is monthly, enter on line 4(C) an amount equal to twenty-five per cent (25%) of the judgment debtor's disposable earnings set forth on line 4(B).~~

~~5. (A) If the judgment debtor is paid weekly, enter thirty times the current federal minimum hourly wage; if paid bi-weekly biweekly, enter sixty times the current federal minimum hourly wage; if paid semi-monthly semimonthly, enter sixty-five times the current federal minimum hourly wage; if paid monthly, enter one hundred~~

~~(4)~~
~~\$.....~~

~~(5)4(B)~~
~~\$.....~~
~~4(C).....~~

~~(6A)5(A)~~
~~\$.....~~

thirty times the current federal minimum hourly wage:

(B) Enter the amount by which the amount on line 4(B) exceeds the amount on line ~~6(A)~~5(A): ~~(6B)~~5(B) \$.....

~~7.6.~~ Enter on line 6 the smallest of the amount entered on line ~~5~~4(C); or the amount entered on line ~~6~~5(B); or the

total probable amount now due on the judgment, including interest and costs, as indicated in section A of this form.

Pay ~~this~~ the amount entered on line 6 into this court when returning this form: I certify that the statements above are true.

.....
(Print Name of Employer)

.....
(Print Name and Title of Person Who Completed Form)

Signed
(Signature of Person Completing Form)

Dated this day of, 19....."

~~The copies of the order and notice of garnishment shall be served upon the garnishee in the same manner as a summons is served.~~

Section A of the form described in this section shall be ~~filled in~~ completed before service. Section B of the form shall be ~~filled in~~ completed by the garnishee, and the ~~original filed~~ garnishee shall file one completed and signed copy of the form with the clerk of the court as the garnishee's answer. The garnishee may keep one completed and signed copy of the form and shall deliver the other completed and signed copy of the form to the judgment debtor not later than the time that the garnishee otherwise would pay the judgment debtor the personal earnings, ~~which that~~ the garnishee instead is paying to the court. The garnishee also shall deliver at that time the two copies of the notice to the judgment debtor form and hearing of the request for hearing form described in section 2716.06 of the Revised Code that were served on the garnishee.

No employer shall discharge an employee solely because of the successful garnishment of the employee's personal earnings by only one judgment creditor in any twelve-month period.

If ~~there are~~ several affidavits seeking orders of garnishment of personal

earnings are filed against the same judgment debtor in accordance with section 2716.03 Of the Revised Code, ~~they~~ the court involved shall ~~be issued~~ issue the requested orders in the same order in which ~~they were~~ the clerk received by the clerk associated affidavits.

Sec. 2716.06. (A) The notice to the judgment debtor that must be served on the garnishee and delivered to the judgment debtor shall be in substantially the following form:

"(Name and Address of the Court)

(Case Caption) Case No.

NOTICE TO THE JUDGMENT DEBTOR

You are hereby notified that this court has issued an order in the above case in favor of (name and address of judgment creditor), the judgment creditor in this proceeding, directing that some of your personal earnings; ~~now in the possession of your employer~~, be used ~~to satisfy some of~~ in satisfaction of your debt to the judgment creditor instead of being paid to you. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in (name of court) in (case number) on (date).

The law of Ohio provides that you are entitled to keep a certain amount of your personal earnings free from the claims of creditors. Additionally, wages under a certain amount may never be used to satisfy the claims of creditors. The documents entitled "ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER" that are enclosed with this notice show how the amount proposed to be taken out of your personal earnings was calculated by your employer.

If you dispute the judgment creditor's right to garnish your personal earnings and believe that you are entitled to possession of the personal earnings because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the clerk of this court, no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the judgment creditor's right to garnish your personal earnings in the space provided on the form; however, you are not required to do so. If you do state your reasons for disputing the judgment creditor's right, you are not prohibited from stating any other reason at the hearing, ~~and if~~. If you do not state your reasons, it will not be held against you by the court, and you can state your reasons at the hearing. No objections to the judgment itself will be heard or considered at the hearing.
The

~~If you request a hearing, the hearing will be limited to a consideration of the amount of your wages in the hands of your employer personal earnings, if any, that can be used to satisfy all or part in satisfaction of the judgment you owe to the judgment creditor. No objections to the judgment itself will be heard or considered at that hearing.~~

If you request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, it will be conducted no later than twelve days after your request is received by the court, and the court will send you notice of the date, time, and place. You may indicate in the form that you feel that the need for the hearing is an emergency and that it should be given priority by the court. If you do so, the court will schedule the hearing as soon as practicable after your request is received, and will send you notice of the date, time, and place. If you do not request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, some of your personal earnings will be paid to the judgment creditor.

If you have any questions concerning this matter, you may contact the office of the clerk of this court. If you want legal representation, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association. Clerk of the Court

..... Date"

(B) The ~~hearing~~ request for hearing form that must be served on the garnishee and delivered to the judgment debtor shall have attached to it a postage-paid, self-addressed envelope or shall be on a postage-paid, self-addressed postcard, and shall be in substantially the following form:

"(Name and Address of Court)

Case Number Date

REQUEST FOR HEARING

I dispute the ~~indicated~~ judgment creditor's right to garnish my personal earnings in the above case and request that a hearing in this matter be held no later than twelve days after delivery of this request to the court.

I feel that the need for the

(insert "do" or "do not")

hearing is an emergency.

I dispute the judgment creditor's right to garnish my personal earnings for the following reasons:

(Optional)

I understand that no objections to the judgment itself will be considered at the hearing.

..... (Name of Judgment Debtor)

..... (Signature) (Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING, AND SOME OF YOUR PERSONAL EARNINGS NOW IN THE POSSESSION OF (EMPLOYER'S NAME) WILL BE PAID TO (JUDGMENT CREDITOR'S NAME) TO SATISFY SOME IN SATISFACTION OF YOUR DEBT TO HIM THE JUDGMENT CREDITOR."

(C) ~~Judgment~~ THE JUDGMENT debtor may receive a hearing in accordance with this division by delivering a written request for A hearing to the clerk of the court within five business days after receipt of the notice provided pursuant to division (A) of this section. The request may set forth the judgment debtor's reasons for disputing the judgment creditor's right to garnish the personal earnings; however, neither the judgment debtor's inclusion of nor ~~his~~ the judgment debtor's failure to include ~~such those~~ reasons upon the request constitutes a waiver of any defense of the judgment debtor or affects the judgment debtor's right to produce evidence at ~~any~~ the hearing. If the request is made by the judgment debtor within the prescribed time, the court shall schedule a hearing no later than twelve days after the request is made, unless the judgment debtor indicated that the ~~he~~ judgment debtor felt the need for the hearing was an emergency, in which case the court shall schedule the hearing as soon as practicable after the request is made. Notice of the date, time, and place of the hearing shall be sent to the parties in accordance with division (E) of this section. The hearing shall be limited to a consideration of the amount of ~~wages the personal earnings~~ of the judgment debtor ~~in the hands of the garnishee~~, if any, that can be used ~~to satisfy all or part in satisfaction~~ of the debt owed by the judgment debtor to the judgment creditor.

(D) If the judgment debtor does not request a hearing within the prescribed time pursuant to division (C) of this section, the court shall issue an order to the garnishee to pay ~~all or some of the wages the garnishee owes to the judgment debtor~~ debtor's personal earnings into court, if they have not already been paid to the court. This order shall be based on the answer of the garnishee filed pursuant to section 2716.05 of the Revised Code. If a hearing is conducted, the court shall determine at the hearing the amount of the ~~wages the garnishee owes to the judgment debtor~~ debtor's personal earnings, if any, that can be used ~~to satisfy all or part in satisfaction~~ of the debt owed by the judgment debtor to the judgment creditor, and issue an order,

accordingly, to the garnishee to pay that amount of the ~~wages~~ personal earnings into court if it has not already been paid to the court.

(E) If the judgment debtor requests a hearing within the prescribed time pursuant to division (C) of this section, the clerk shall send a notice of the date, time, and place of the hearing ~~shall be sent~~ by regular mail to the judgment creditor and the judgment debtor ~~by the clerk~~.

Sec. 2716.07. (A) subject to divisions (C)(1) and (D) of section 2716.041 and section 2716.05 of the Revised Code, a garnishee to whom a municipal or county court or court of common pleas issues a continuous order of garnishment of personal earnings shall pay to the court within thirty days after the end of each pay period of the judgment debtor the amount that the order specifies to be withheld from the judgment debtor's personal earnings during each pay period of the judgment debtor following the garnishee's receipt of the order. the payment to the court of that amount shall be accompanied by the garnishee's interim report and answer that shall be substantially in the following form:

"interim report and answer of garnishee"

Case No.

.....

In

The.....Court

.....,

Ohio

....., Judgment Creditor

vs.

....., Judgment Debtor

The _____ garnishee,

....., in the above case states as follows:

1. the date that the garnishee received the order of garnishment of the judgment debtor's personal earnings was

2. the total probable amount due on the judgment, including court costs, judgment interest, and, if applicable, prejudgment interest, as stated in section a of the order of garnishment of the judgment debtor's personal earnings, is \$.....

3. the amount that has been withheld from the judgment debtor's personal earnings during the judgment debtor's present pay period (which amount represents the amount specified on line 6 of the "answer of employer (garnishee)" unless otherwise stated) and that is submitted with this "INTERIM REPORT AND ANSWER OF GARNISHEE" is

\$.....

I certify that the statements above are true.

.....
(print name of employer)

.....
(print name and title of person
who completed form)

Signed

(signature of person who completed form)

dated this day of.....,"

(B) one copy of the interim report and answer shall be served upon the garnishee in accordance with section 2716.05 of the Revised Code. the garnishee may photocopy that copy for use in accordance with division (a) of this section and division (c)(4) of section 2716.041 of the Revised Code.

Sec. 2716.08. (A) Subject to division (D) of section 2716.041 of the Revised Code, if a continuous order of garnishment of personal earnings ceases to remain in effect because of the operation of division (C)(1) of that section, the garnishee shall file with the municipal or county court or court of common pleas that issued the order the garnishee's final report and answer that shall be substantially in the following form:

"FINAL REPORT AND ANSWER OF GARNISHEE"

Case No.
.....

In
The.....Court
.....,

Ohio

....., Judgment Creditor

vs.

....., Judgment Debtor

the garnishee,
....., in the above case

states as follows:

1. the date that the garnishee received the order of garnishment of the judgment debtor's personal earnings was
2. the total probable amount due on the judgment, including court costs, judgment interest, and, if applicable, prejudgment interest, as stated in section a of the order of garnishment of the judgment debtor's personal earnings, is \$.....
3. the total amount that has been withheld from the judgment debtor's

personal earnings and paid to the court while the order of garnishment of the judgment debtor's personal earnings remained in effect is \$.....

4. (when applicable) the total probable amount due on the judgment (as stated in 2 above) is not equal to the total amount that has been withheld (as stated in 3 above), and the reason for that difference is that the order of garnishment of the judgment debtor's personal earnings ceased to be in effect for the following statutorily prescribed reason(s) (check whichever apply):

(a) a municipal or county court appointed a trustee for the judgment debtor and issued an order that stays the order of garnishment of the judgment debtor's personal earnings.

(b) a federal bankruptcy court issued an order that stays the order of garnishment of the judgment debtor's personal earnings.

(c) a municipal or county court or a court of common pleas issued another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor, and ohio or federal law provides the other order a higher priority. (set forth the name of the court that issued the higher priority order, the associated case number, the date that the higher priority order was received, and the balance due to the relevant judgment creditor under that order):

(d) a municipal or county court or a court of common pleas issued another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor and that is not described in 4(c) above. (set forth the name of the court that issued the subsequently received order, the associated case number, the date that the subsequent order was received, and the balance due to the relevant judgment creditor under that order):

I certify that the statements above are true.

.....
(Print Name of Employer)

.....
(Print Name and Title of Person
Who Completed Form)

Signed
(Signature of Person Who Completed Form)

Dated _____ this _____ day of _____

....."
(B) one copy of the final report and answer shall be served upon the garnishee in accordance with section 2716.05 of the Revised Code. the garnishee shall use the final report and answer in accordance with division

(a) of this section and division (c)(5) of section 2716.041 of the Revised Code.

Sec. 2716.09. a municipal or county court or court of common pleas does not have jurisdiction to modify and interrupt the processing of an order of garnishment of personal earnings that that court issued in a proceeding in garnishment of personal earnings under this chapter unless all of the following apply:

(A) the judgment creditor and the judgment debtor associated with that order jointly apply to that court for the modification and interruption.

(B) that judgment creditor and judgment debtor jointly agree that the amount of the judgment debtor's personal earnings that is required to be withheld during each pay period under that court's order should be modified to a mutually agreed upon and specified amount and that the garnishee should withhold that specified amount until the judgment in favor of the judgment creditor and the associated court costs, judgment interest, and, if applicable, prejudgment interest awarded to the judgment creditor have been paid in full or until that court's order otherwise ceases to remain in effect under division (C)(1) of section 2716.041 of the Revised Code.

(C) that court enters an order that approves of the modification described in division (B) of this section and causes a copy of that order to be served upon the garnishee in the same manner as process is served.

Sec. 2716.11. A proceeding for garnishment of property, other than personal earnings, may be commenced after a judgment has been obtained by a judgment creditor by the filing of an affidavit in writing made by the judgment creditor, ~~his agent,~~ or ~~his~~ the judgment creditor's attorney setting forth all of the following:

(A) The name of the judgment debtor whose property, other than personal earnings, the judgment creditor seeks to garnish;

(B) That the affiant has good reason to believe and does believe that the person named in the affidavit as the garnishee has property, other than personal earnings, of the judgment debtor that is not exempt under the law of this state or the United States;

(C) A description of the property.

Sec. 2716.13. (A) Upon the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the court shall cause the matter to be set for hearing within twelve days ~~thereafter~~ after that filing.

(B) Upon the scheduling of a hearing relative to a proceeding in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall issue to the garnishee

three copies of the order of garnishment of property, other than personal earnings, ~~together with~~ AND OF A WRITTEN NOTICE THAT THE GARNISHEE ANSWER AS PROVIDED IN SECTION 2716.21 OF THE REVISED CODE AND the garnishee's fee required by section 2716.12 of the Revised Code ~~and with a written notice that the garnishee answer as provided in section 2716.21 of the Revised Code.~~ The copies of the order and of the notice shall be served upon the garnishee in the same manner as ~~for the service of a summons is served. In no case shall~~ The copies of the order and of the notice shall not be served later than seven days prior to the date on which the hearing is scheduled. The order shall bind the property, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service.

The order of garnishment of property, other than personal earnings, and notice to answer, ~~three copies of which shall be served upon the garnishee,~~ shall be in substantially the following form:

"ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE
 Docket No. Case No. In the Court
, Ohio

The State of Ohio
 County of, ss
, Judgment Creditor

~~vs~~ vs.
, Judgment Debtor

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT
 To:, Garnishee

The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in ~~the~~ this Court stating that you have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the judgment debtor ~~in the case,~~ and that some of the money, property, or credits may not be exempt from ~~execution or~~ garnishment under the laws of the State of Ohio or the laws of the United States.

You are therefore ordered to complete the "ANSWER OF GARNISHEE" in section (B) of this form, ~~and return the completed original of this form, together with any amount shown due on it, to the Court not later than~~ Return one completed and signed copy of this form to the clerk of this court together with the amount determined in accordance with the "ANSWER OF GARNISHEE" by the following date on which a hearing is tentatively scheduled relative to this order of garnishment:

..... Deliver one completed and signed copy of this form to the ~~indicated~~ judgment debtor prior to that date. Keep the other completed and signed copy of this form for your files.

The total probable amount now due on this judgment, ~~including interest and court costs~~, is \$..... The total probable amount now due includes the unpaid portion of the judgment in favor of the judgment creditor, which is \$.....; interest on that judgment and, if applicable, prejudgment interest relative to that judgment at the rate of% per annum payable until that judgment is satisfied in full; and court costs in the amount of \$......

You also are ordered to hold safely anything of value that belongs to the ~~indicated~~ judgment debtor and that has to be paid to the court, as determined under the "ANSWER OF GARNISHEE" in section (B) of this form, but that is of such a nature that it cannot be so delivered, until further order of the court.

Witness my hand and the seal of this court this day of, 19..... Judge

SECTION B. ANSWER OF GARNISHEE

Now comes, the garnishee, who says:

1. That the garnishee has money, property, or credits, other than personal earnings, of the ~~indicated~~ judgment debtor under the garnishee's control and in the garnishee's possession.

.....
yes no if yes, amount

2. ~~Said~~ That property is described as:

3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, ~~including interest and costs~~, as indicated in section (A) of this form, sign and return this form and pay the amount of line 1 to the clerk of this court.

4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay that probable amount now due to the clerk of this court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of the court, indicate that by placing an "X" in this space: Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.

6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.

I certify that the statements above are true.

(Print Name of Garnishee) (Print
 Name and Title of Person Who Completed Form)
 Signed
 (Signature of Person Completing Form)
 Dated this day of 19....."

Section A of the form described in this division shall be ~~filled in~~ completed before service. Section B of the form shall be ~~filled in~~ completed by the garnishee, and the ~~original filed~~ garnishee shall file one completed and signed copy of the form with the clerk of the court as the garnishee's answer. The garnishee may keep one completed and signed copy of the form and shall deliver the other completed and signed copy of the form to the judgment debtor.

If ~~there are~~ several affidavits seeking orders of garnishment of property, other than personal earnings, are filed against the same judgment debtor in accordance with section 2716.11 Of the Revised Code, they the court involved shall be issued issue the requested orders in the same order in which ~~they were~~ the clerk received by the ~~clerk~~ associated affidavits.

(C)(1) At the time of the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the judgment creditor also shall file with the clerk of the court a praecipe instructing the clerk to issue to the judgment debtor a notice to the judgment debtor form and a ~~hearing~~ request for hearing form. Upon receipt of the praecipe and the scheduling of a hearing relative to an action in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall serve upon the judgment debtor, in accordance with division (D) of this section, two copies of the notice to the judgment debtor form and ~~hearing of the~~ request for hearing form. ~~In no case shall the~~ The copies of the notice to the judgment debtor form and hearing of the request for hearing form shall not be served later than seven days prior to the date on which the hearing is scheduled.

(a) The notice to the judgment debtor that must be served upon the judgment debtor shall be in substantially the following form:

"(Name and Address of the Court)

(Case Caption) Case No.

NOTICE TO THE JUDGMENT DEBTOR

You are hereby notified that this court has issued an order in the above case in favor of (name and address of judgment creditor), the judgment creditor in this proceeding, directing that some of your money, property, or credits, other than personal earnings, now in the possession of (name and address of garnishee), the garnishee in this proceeding, be used to satisfy

your debt to the judgment creditor. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in (name of court) in (case number) on (date). Upon your receipt of this notice, you are prohibited from removing or attempting to remove ~~such~~ the money, property, or credits until expressly permitted by the court. Any violation of this prohibition subjects you to punishment for contempt of court.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed upon by a creditor are the following:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) Cash assistance payments under the Ohio works first program;
- (4) Disability assistance administered by the Ohio department of human services;
- (5) Social security benefits;
- (6) Supplemental security income (S.S.I.);
- (7) Veteran's benefits;
- (8) Black lung benefits;
- (9) Certain pensions.

~~Additionally, wages under a certain amount may not be taken to pay the debt.~~ There may be other benefits not included in the above list that apply in your case.

If you dispute the judgment creditor's right to garnish your property and believe that the judgment creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the ~~indicated~~ garnishee because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the clerk of this court no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the judgment creditor's right to garnish your property in the space provided on the form ~~but, however,~~ you are not required to do so. If you do state your reasons for disputing the judgment creditor's right, you are not prohibited from stating any other reason at the hearing, ~~and if.~~ If you do not state your reasons, it will not be held against you by the court, and you can state your reasons at the hearing. **NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING. If**

If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the ~~indicated~~ garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the judgment creditor. ~~No objections to the judgment itself will be heard or considered at any such hearing.~~

If you request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, it will be conducted in courtroom, (address of court), at m. on, ~~19~~..... You may request the court to conduct the hearing before this date by indicating your request in the space provided on the form; the court then will send you notice of any change in the date, time, or place of the hearing. If you do not request a hearing by delivering your request for a hearing no later than the end of the fifth business day after you receive this notice, some of your money, property, or credits, other than personal earnings, will be paid to the judgment creditor.

If you have any questions concerning this matter, you may contact the office of the clerk of this court. If you want legal representation, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association.

.....
Clerk of the Court

.....
Date"

(b) The ~~hearing~~ request for hearing form that must be served upon the judgment debtor shall have attached to it a postage-paid, self-addressed envelope or shall be on a postage-paid self-addressed postcard, and shall be in substantially the following form:

"(Name and Address of Court)

Case Number..... Date.....

REQUEST FOR HEARING

I ~~disput~~ dispute the judgment ~~creditor'~~ creditor's right to garnish my money, property, or credits, other than personal earnings, in the above case and request that a hearing in this matter be held the date and time set

(Insert "on" or "earlier than")

forth in the document entitled "NOTICE ~~OF~~ TO THE JUDGMENT DEBTOR" that I received with this request form.

I dispute the judgment creditor's right to garnish my property for the following reasons:

(Optional)

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.

.....
(Name of Judgment Debtor)

.....
(Signature)

.....
(Date)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT CREDITOR'S NAME)."

(2) The judgment debtor may receive a hearing in accordance with this division by delivering a written request for hearing to the court within five business days after receipt of the notice provided pursuant to division (C)(1) of this section. The request may set forth the judgment debtor's reasons for disputing the judgment creditor's right to garnish the money, property, or credits, other than ~~wages~~ personal earnings; however, neither the judgment debtor's inclusion of nor failure to include ~~such~~ those reasons upon the request constitutes a waiver of any defense of the judgment debtor or affects the judgment debtor's right to produce evidence at ~~any~~ the hearing. If the request is made by the judgment debtor within the prescribed time, the hearing shall be limited to a consideration of the amount of money, property, or credits, other than ~~wages~~ personal earnings, of the judgment debtor in the hands of the garnishee, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor. If a request for a hearing is not received by the court within the prescribed time, the hearing scheduled pursuant to division (A) of this section shall be canceled unless the court grants the judgment debtor a continuance in accordance with division (C)(3) of this section.

(3) If the judgment debtor does not request a hearing in the action within the prescribed time pursuant to division (C)(2) of this section, the court nevertheless may grant a continuance of the scheduled hearing if the judgment debtor, prior to the time at which the hearing was scheduled, as

indicated on the notice to the judgment debtor required by division (C)(1) of this section, establishes a reasonable justification for failure to request the hearing within the prescribed time. If the court grants ~~such~~ a continuance of the hearing, it shall cause the matter to be set for hearing as soon as practicable thereafter. The continued hearing shall be conducted in accordance with division (C)(2) of this section.

(4) The court may conduct the hearing on the matter prior to the time at which the hearing was scheduled, as indicated on the notice to the judgment debtor required by division (C)(1) of this section, upon the request of the judgment debtor. The parties shall be sent notice, by the clerk of the court, by regular mail, of any change in the date, time, or place of the hearing.

(5) If the scheduled hearing is canceled and no continuance is granted, the court shall issue an order to the garnishee to pay all or some of the money, property, or credits, other than ~~wages~~ personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order into court if they have not already been paid to the court. This order shall be based on the answer of the garnishee filed pursuant to this section. If the scheduled hearing is conducted or if it is continued and conducted, the court shall determine at the hearing the amount of the money, property, or credits, other than ~~wages~~ personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor, and issue an order, accordingly, to the garnishee to pay that amount into court if it has not already been paid to the court.

(D) The notice to the judgment debtor form and ~~hearing~~ the request for hearing form, as described in division (C) of this section, shall be sent by the clerk by ordinary or regular mail service unless the judgment creditor requests that service be made in accordance with the Rules of Civil Procedure, in which case the ~~notice and form~~ forms shall be served in accordance with the Rules of Civil Procedure. Any court of common pleas that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court. Any county court or municipal court that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court.

Sec. 2716.21. (A) If the answer of a garnishee required by section 2716.05 or 2716.13 of the Revised Code is not made in writing as ordered

by the court that issued the garnishment order, the answer shall be made before the clerk of the court of common pleas of the county in which the garnishee resides; or, if the garnishee resides outside of the state, before the clerk of the county in which the garnishee was served or in which the action is pending. Upon receipt of an answer under this division, the clerk shall transmit it to the clerk of the court in which the action is pending, if different, in the same manner as depositions are required to be directed and transmitted. For the clerk's services, the clerk shall receive ~~such~~ the fees as ~~are~~ allowed by law for taking depositions and to clerks for furnishing certificates with their seals of office attached.

(B) After ~~written notice~~ the order of garnishment is served on a garnishee, as provided in section 2716.05 or 2716.13 of the Revised Code, the garnishee shall return the answer to the court that issued the garnishment order within five business days after receipt of the ~~notice order~~ if the ~~notice order~~ order is served under section 2716.05 of the Revised Code; or before the date set for the hearing as indicated on the ~~notice order~~ if the ~~notice order~~ is served under section 2716.13 of the Revised Code. The garnishee shall answer all questions addressed to the garnishee regarding the personal earnings ~~owed to~~ of the judgment debtor ~~for services rendered before service of the notice~~; or regarding the amount of money, property, or credits, other than personal earnings, of the judgment debtor that are in the garnishee's possession or under the garnishee's control at the time of service of the ~~notice and~~ order, whichever is applicable. The garnishee shall truly disclose the amount owed by the garnishee to the judgment debtor whether due or not; and, in the case of a corporation, any stock held ~~therein~~ in the corporation by or for the benefit of the judgment debtor. If a garnishee answers and it is discovered that, at the time of the service of the ~~notice order~~ order upon the garnishee, the garnishee possessed any money, property, or credits of the judgment debtor or was indebted to the judgment debtor, the court may order the payment of the amount owed into court, or it may permit the garnishee to retain the money, property, or credits or the amount owed upon the garnishee's executing to the judgment creditor a bond with sufficient surety to the effect that the amount will be paid as the court directs.

(C) If, in a garnishee's answer, a garnishee admits an indebtedness to the judgment debtor and the court orders the payment of it in whole or in part to the judgment creditor, and if the garnishee fails to pay according to the order, execution may issue on the order.

(D) A garnishee shall pay the personal earnings owed to the judgment debtor or the money or value of the property or credits, other than personal

earnings, of the judgment debtor in the garnishee's possession or under the garnishee's control at the time of service of the ~~notice and~~ order of garnishment, or so much thereof as the court orders, into court. The garnishee shall be discharged from liability to the judgment debtor for money so paid; and shall not be subjected to costs beyond those caused by the garnishee's resistance of the claims against the garnishee. A garnishee is liable to the judgment creditor for all money, property, and credits, other than personal earnings, of the judgment debtor in the garnishee's possession or under the garnishee's control or for all personal earnings due from the garnishee to the judgment debtor, whichever is applicable, at the time the garnishee is served with the ~~written notice and order required in~~ under section 2716.05 or 2716.13 of the Revised Code.

(E) If a garnishee fails to answer as required by this section, answers but fails to answer satisfactorily, or fails to comply with a proper order of a court in connection with a garnishment under this chapter, the court may proceed against the garnishee for contempt.

Upon the request of the judgment creditor, a special examination of a garnishee may be had by the judgment creditor if the garnishee fails to answer as required by this section, answers but fails to answer satisfactorily, or fails to comply with a proper order of a court in connection with the garnishment. That examination may be conducted in the county in which the garnishee resides.

(F) If a garnishee fails to answer as required by this section, answers and the garnishee's ~~disclosure~~ answer is not satisfactory to the judgment creditor, or fails to comply with the order of the court to pay the money owed or deliver the property into court or to give the bond authorized under division (B) of this section, the judgment creditor may proceed against the garnishee by civil action. Thereupon, ~~such~~ proceedings may be had as in other civil actions. Judgment may be rendered in favor of the judgment creditor for the amount of money owed the judgment debtor in the garnishee's possession at the time the garnishee was served with the ~~written notice and order required in~~ of garnishment under section 2716.05 or 2716.13 of the Revised Code; and, if it appears on the trial that the garnishee's answer was incomplete, for the costs of the proceedings against the garnishee. ~~The judgment creditor shall pay the costs of such an action unless it appears on the trial that the garnishee's disclosure was incomplete.~~ An action authorized under this division shall be brought in the county in which the garnishee resides.

Sec. 3111.23. (A)(1) If an administrative officer of a child support enforcement agency issues an administrative support order under section

3111.20, 3111.211, or 3111.22 of the Revised Code, the agency shall require the withholding or deduction of an amount of the income or assets of the obligor in accordance with division (B) of this section or require the issuance of an order in accordance with section 3111.231 of the Revised Code to ensure that withholding or deduction from the income or assets of the obligor is available from the commencement of the administrative support order for the collection of the support and any arrearages that occur. The agency shall determine the specific withholding or deduction requirements or other requirement applicable to the obligor under the administrative support order in accordance with division (B) of this section and section 3111.231 of the Revised Code and shall include the specific requirements in the notices described in divisions (A)(2) and (B) of this section or in an order described under section 3111.231 of the Revised Code. Any person required to comply with the withholding or deduction requirements shall determine the manner of withholding or deducting an amount of the income or assets of the obligor in accordance with the specific requirements included in the notices described in those divisions without the need for any amendment to the administrative support order. Any person required to comply with an order described in section 3111.231 of the Revised Code shall comply without the need for any amendment to the administrative order. The agency shall include in an administrative support order under section 3111.20, 3111.211, or 3111.22 of the Revised Code a general provision that states the following:

"All child support ordered by this administrative support order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice issued in accordance with section 3111.23 of the Revised Code or a withdrawal directive issued pursuant to section 3113.214 of the Revised Code and shall be forwarded to the obligee in accordance with sections 3111.23 to 3111.28 of the Revised Code."

(2) In any action in which support is ordered or modified under an administrative support order as described in division (A)(1) of this section, the child support enforcement agency shall determine in accordance with division (B) of this section or section 3111.231 of the Revised Code the types of withholding or deduction requirements or other requirements that should be imposed relative to the obligor under the administrative support order to collect the support due under the order. Within fifteen days after the obligor under the administrative support order is located subsequent to the issuance of the administrative support order or within fifteen days after the default under the administrative support order, whichever is applicable, the agency shall send a notice by regular mail to each person required to comply

with a withholding or deduction requirement. The notice shall specify the withholding or deduction requirement and shall contain all of the information set forth in division (B)(1) or (2)(b) of this section that is applicable to the requirement. The notices, plus the notices provided by the child support enforcement agency that require the obligor to notify the agency of any change in the obligor's employment status or of any other change in the status of the obligor's assets, are final and are enforceable by the court. The agency shall provide the notice to the obligor in accordance with division (B)(1)(c) or (2)(c) of this section, whichever is applicable, and shall include with that notice the additional notices described in the particular division that is applicable.

(3)(a) If support is ordered or modified on or after December 31, 1993, under an administrative support order issued under former section 3111.21 or section 3111.20, 3111.211, or 3111.22 of the Revised Code, if the child support enforcement agency has determined in accordance with division (A)(2) of this section the types of withholding or deduction requirements or other requirements that should be imposed relative to the obligor under the support order to collect the support due under the order, if the agency has sent the appropriate withholding or deduction notices or issued and sent an order under section 3111.231 of the Revised Code to the persons required to comply with the withholding or deduction requirements or order that the agency determined should be imposed, and if the agency is notified or otherwise determines that the employment status or other circumstances of the obligor have changed, the agency shall conduct an investigation to determine whether it is more appropriate to impose another type of or an additional withholding or deduction requirement or order regarding the administrative support order and shall issue and send by regular mail one or more notices described in division (B) of this section or an order pursuant to section 3111.231 of the Revised Code that it determines are appropriate. The agency shall immediately cancel any previously issued notice or order that no longer is appropriate and send written notice of the cancellation by regular mail to the person required to comply with the previously issued notice or order. The notices shall be sent within fifteen days after the obligor under the administrative support order is located or within fifteen days after the default under the administrative support order, whichever is applicable. The notices shall specify the withholding or deduction requirement and shall contain all of the information set forth in division (B)(1)(b) or (2)(b) of this section that is applicable. The agency shall provide the notices to the obligor in accordance with division (B)(1)(c) or (2)(c) of this section, whichever is applicable, and shall include with that notice the additional notices described

in the particular division that are applicable. The notices are final and are enforceable by the court.

(b) All support orders issued prior to December 31, 1993, under former section 3111.21 or section 3111.20 or 3111.22 of the Revised Code that have not been modified or found in default on or after that date shall be considered to contain the general provision described in division (A)(1) of this section and shall be enforced and modified in the same manner as an order for support issued on or after December 31, 1993.

(4) If, pursuant to division (A)(2) or (A)(3)(a) of this section, a person is sent a withholding or deduction notice described in division (B) of this section or an order issued under section 3111.231 of the Revised Code and the person fails to comply with the notice or order, the child support enforcement agency, in accordance with section 3111.28 of the Revised Code, shall request the court to find the person in contempt pursuant to section 2705.02 of the Revised Code.

(5) The department of human services shall adopt standard forms for the support withholding and deduction notices prescribed by divisions (A)(1) to (3) and (B) of this section. All child support enforcement agencies shall use the forms in complying with this section.

(B) If a child support enforcement agency is required by division (A) of this section to issue one or more withholding or deduction notices described in this division, the agency shall issue one or more of the following types of notices to pay the support required under the administrative support order in question and to pay any arrearages:

(1)(a) If the child support enforcement agency determines that the obligor is receiving income from a payor, the agency shall require the payor to withhold from the obligor's income a specified amount for support in satisfaction of the administrative support order, to begin the withholding no later than fourteen working days following the date the notice was mailed to the payor under divisions (A)(2) or (3) and (B)(1)(b) of this section or, if the payor is an employer, no later than the first pay period that occurs after fourteen working days following the date the notice was mailed, to send the amount withheld to the division of child support in the department of human services pursuant to section 5101.325 of the Revised Code, to send that amount to the division immediately but not later than seven working days after the date the obligor is paid, and to continue the withholding at intervals specified in the notice until further notice from the child support enforcement agency. To the extent possible, the amount specified in the notice to be withheld shall satisfy the amount ordered for support in the administrative support order plus any arrearages that may be owed by the

obligor under any prior court or administrative support order that pertained to the same child or spouse, notwithstanding ~~the~~ any applicable limitations of sections 2329.66, 2329.70, 2716.02, 2716.041, and 2716.05 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be withheld and any fee withheld by the payor as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the agency imposes a withholding requirement under division (B)(1)(a) of this section, the agency, within the applicable period of time specified in division (A) of this section, shall send to the payor by regular mail a notice that contains all of the information set forth in divisions (B)(1)(b)(i) to (xi) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be withheld from the obligor's income and a statement that the amount actually withheld for support and other purposes, including the fee described in division (B)(1)(b)(xi) of this section, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the payor is required to send the amount withheld to the division of child support immediately, but not later than seven working days, after the obligor is paid and is required to report to the agency the date on which the amount was withheld from the obligor's income;

(iii) A statement that the withholding is binding upon the payor until further notice from the agency;

(iv) A statement that if the payor is an employer, the payor is subject to a fine to be determined under the law of this state for discharging the obligor from employment, refusing to employ the obligor, or taking any disciplinary action against the obligor because of the withholding requirement;

(v) A statement that, if the payor fails to withhold income in accordance with the provisions of the notice, the payor is liable for the accumulated amount the payor should have withheld from the obligor's income;

(vi) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same income;

(vii) The date on which the notice was mailed and a statement that the payor is required to implement the withholding no later than fourteen working days following the date the notice was mailed or, if the payor is an employer, no later than the first pay period that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(viii) A requirement that the payor promptly notify the child support enforcement agency, in writing, within ten working days after the date of any situation that occurs, including, termination of employment, layoff of the obligor, any leave of absence of the obligor without pay, termination of workers' compensation benefits, or termination of any pension, annuity, allowance, or retirement benefit in which the payor ceases to pay income in an amount sufficient to comply with the administrative order to the obligor and provide the agency with the obligor's last known address;

(ix) A requirement that, if the payor is an employer, the payor identify in the notification given under division (B)(1)(b)(viii) of this section any types of benefits other than personal earnings that the obligor is receiving or is eligible to receive as a benefit of employment or as a result of the obligor's termination of employment, including, but not limited to, unemployment compensation, workers' compensation benefits, severance pay, sick leave, lump sum payments of retirement benefits or contributions, and bonuses or profit-sharing payments or distributions, and the amount of such benefits, and include in the notification the obligor's last known address and telephone number, date of birth, social security number, and case number and, if known, the name and business address of any new employer of the obligor;

(x) A requirement that, no later than the earlier of forty-five days before the lump-sum payment is to be made or, if the obligor's right to the lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the payor notify the child support enforcement agency of any lump-sum payments of any kind of one hundred fifty dollars or more that are to be paid to the obligor, hold the lump-sum payments of one hundred fifty dollars or more for thirty days after the date on which the lump-sum payments otherwise would have been paid to the obligor, and, upon order of the agency, pay any specified amount of the lump-sum payment to the division of child support;

(xi) A statement that, in addition to the amount withheld for support, the payor may withhold a fee from the obligor's income as a charge for its services in complying with the notice a specification of the amount that may be withheld.

(c) The agency shall send the notice described in division (B)(1)(b) of this section to the obligor, and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in employment, including self-employment, and of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in

division (B) of this section. The agency shall serve the notices upon the obligor at the same time as service of the administrative support order or, if the administrative support order previously has been issued, shall send the notices to the obligor by regular mail at the obligor's last known address at the same time that it sends the notice described in division (B)(1)(b) of this section to the payor. The notification required of the obligor shall include a description of the nature of any new employment or income source, the name, business address, and telephone number of any new employer or income source, and any other information reasonably required by the agency. No obligor shall fail to give the notification as required by division (B)(1)(c) of this section.

(2)(a) If the child support enforcement agency determines that the obligor has funds on deposit in any account in a financial institution under the jurisdiction of the court, the agency may require any financial institution in which the obligor's funds are on deposit to deduct from the obligor's account a specified amount for support in satisfaction of the administrative support order, to begin the deduction no later than fourteen working days following the date the notice was mailed to the financial institution under divisions (A)(2) or (3) and (B)(2)(b) of this section, to send the amount deducted to the division of child support in the department of human services pursuant to section 5101.325 of the Revised Code, to send that amount to the division immediately but not later than seven working days after the date the latest deduction was made, to provide the date on which the amount was deducted, and to continue the deduction at intervals specified in the notice until further notice from the agency. To the extent possible, the amount specified in the notice to be deducted shall satisfy the amount ordered for support in the administrative support order plus any arrearages that may be owed by the obligor under any prior court or administrative support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, and 2716.13 of the Revised Code.

(b) If the agency imposes a deduction requirement under division (B)(2)(a) of this section, it, within the applicable period of time specified in division (A) of this section, shall send to the financial institution by regular mail a notice that contains all of the information set forth in divisions (B)(2)(b)(i) to (viii) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

- (i) The amount to be deducted from the obligor's account;
- (ii) A statement that the financial institution is required to send the amount deducted to the division of child support immediately, but not later

than seven working days, after the date the last deduction was made and is required to report to the agency the date on which the amount was deducted from the obligor's account;

(iii) A statement that the deduction is binding upon the financial institution until further notice from the court or agency;

(iv) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same account;

(v) The date on which the notice was mailed and a statement that the financial institution is required to implement the deduction no later than fourteen working days following the date the notice was mailed and is required to continue the deduction at the intervals specified in the notice;

(vi) A requirement that the financial institution promptly notify the child support enforcement agency, in writing, within ten days after the date of any termination of the account from which the deduction is being made and notify the agency, in writing, of the opening of a new account at that financial institution, the account number of the new account, the name of any other known financial institutions in which the obligor has any accounts, and the numbers of those accounts;

(vii) A requirement that the financial institution include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(viii) A statement that, in addition to the amount deducted for support, the financial institution may deduct a fee from the obligor's account as a charge for its services in complying with the administrative order and a specification of the amount that may be deducted.

(c) The agency shall send the notice described in division (B)(2)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in the status of the account from which the amount of support is being deducted or the opening of a new account with any financial institution, of the commencement of employment, including self-employment, or of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (B) of this section. The agency shall serve the notices upon the obligor at the same time as service of the administrative support order or, if the support order previously has been issued, shall send the notices to the obligor by regular mail at the obligor's last known address at the same time that it sends the notice described in division (B)(2)(b) of this section to the obligor. The additional notice also shall notify the obligor that upon

encement of employment, the obligor may request the agency to cancel its financial institution account deduction notice and instead issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section and that upon commencement of employment the agency may cancel its financial institution account deduction notice and instead will issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section. The notification required of the obligor shall include a description of the nature of any new accounts opened at a financial institution located in the county in which the agency is located, the name and business address of that financial institution, a description of the nature of any new employment or income source, the name, business address, and telephone number of any new employer or income source, and any other information reasonably required by the agency.

(C) If an agency issues or modifies an administrative support order under section 3111.20, 3111.211, or 3111.22 of the Revised Code and issues one or more notices described in division (B) of this section, the agency to the extent possible shall issue a sufficient number of notices under division (B) of this section to provide that the aggregate amount withheld or deducted under those notices satisfies the amount ordered for support in the administrative support order plus any arrearages that may be owed by the obligor under any prior court or administrative support order that pertained to the same child or spouse, notwithstanding ~~the~~ any applicable limitations of sections 2329.66, 2329.70, 2716.02, 2716.041, 2716.05, 2716.13, and 4123.67 of the Revised Code. However, in no case shall the aggregate amount withheld pursuant to a withholding notice issued under division (B)(1) of this section and any fees withheld pursuant to the notice as a charge for services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(D) When two or more withholding notices that are described in division (B)(1) of this section are received by a payor, the payor shall comply with all of the requirements contained in the notices to the extent that the total amount withheld from the obligor's income does not exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), withhold amounts in accordance with the allocation set forth in divisions (D)(1) and (2) of this section, notify each agency that issued one of the notices of the allocation, and give priority to amounts designated in each notice as current support in the following manner:

(1) If the total of the amounts designated in the notices as current support exceeds the amount available for withholding under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), the payor shall allocate to each notice an amount for current support equal to the amount designated in that notice as current support multiplied by a fraction in which the numerator is the amount of income available for withholding and the denominator is the total amount designated in all of the notices as current support.

(2) If the total of the amounts designated in the notices as current support does not exceed the amount available for withholding under section 303(b) of the "Consumer Credit Protection Act," the payor shall pay all of the amounts designated as current support in the notices and shall allocate to each notice an amount for past-due support equal to the amount designated in that notice as past-due support multiplied by a fraction in which the numerator is the amount of income remaining available for withholding after the payment of current support and the denominator is the total amount designated in all of the notices orders as past-due support.

(E)(1) Except when a provision specifically authorizes or requires service other than as described in this division, service of any notice on any party, a financial institution, or a payor, for purposes of division (A) or (B) of this section, shall be made by ordinary first class mail directed to the addressee at the addressee's last known address, or, in the case of a corporation, at its usual place of doing business. A notice shall be considered to have been served when it is mailed.

(2) Each party to an administrative support order shall notify the child support enforcement agency of the party's current mailing address, current residence address, current residence telephone number, and current driver's license number, at the time of the issuance or modification of the order and, until further notice of the agency that issues the order, shall notify the agency of any change in that information immediately after the change occurs. No person shall fail to give the notice as required by division (E)(2) of this section.

(3) Each administrative support order issued pursuant to this section shall contain a notice that states the following in boldfaced type and in all capital letters:

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES

IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE AGENCY. IF YOU ARE THE OBLIGOR UNDER THE SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE.

IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, AND RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION."

(4)(a) The parent who is the residential parent and legal custodian of a child for whom an administrative support order is issued or the person who otherwise has custody of a child for whom an administrative support order is issued immediately shall notify, and the obligor under an administrative support order may notify, the child support enforcement agency of any reason for which an administrative support order should terminate, including, but not limited to, the child's attainment of the age of majority if the child no longer attends an accredited high school on a full-time basis; the child ceasing to attend such a high school on a full-time basis after attaining the age of majority; or the death, marriage, emancipation, enlistment in the armed services, deportation, or change of legal or physical custody of the child. Upon receipt of a notice pursuant to this division, the agency immediately shall conduct an investigation to determine if any reason exists for which the administrative support order should terminate. The agency may conduct such an investigation regardless of whether a parent or person with custody sends a notice that the order should terminate. If the agency determines the order should terminate, it immediately shall terminate the administrative support order.

(b) Upon receipt of a notice given pursuant to division (E)(4)(a) of this section, the agency shall direct the division of child support to impound any funds received for the child pursuant to the administrative support order and the agency shall set the case for an administrative hearing for a determination of whether the administrative support order should be

terminated or modified or whether the agency should take any other appropriate action.

(c) If the child support enforcement agency terminates an administrative support order pursuant to divisions (E)(4)(a) and (b) of this section, the termination of the support order also terminates any withholding or deduction order as described in division (B) of this section issued prior to December 31, 1993, and any withholding or deduction notice as described in division (B) of this section issued on or after December 31, 1993. Upon the termination of any withholding or deduction order or notice, the agency immediately shall notify each payor or financial institution required to withhold or deduct a sum of money for the payment of support under the terminated withholding or deduction order or notice that the order or notice has been terminated and that it is required to cease all withholding or deduction under the order or notice.

(d) The department of human services shall adopt rules that provide for both of the following:

(i) The payment to the appropriate person of any funds that the division of child support has impounded under division (E)(4)(b) of this section, consistent with the agency's determination pursuant to divisions (E)(4)(a) and (b) of this section;

(ii) The return to the appropriate person of any other payments made pursuant to an administrative support order, if the payments were made at any time after the administrative support order has been terminated pursuant to divisions (E)(4)(a) and (b) of this section.

(5) If any party to an administrative support order requests a modification of the administrative support order, the agency shall proceed as provided in section 3111.27 of the Revised Code. If the obligor is in default under the administrative support order, the agency shall proceed as provided in division (B) of section 3113.21 of the Revised Code. If any person otherwise files an action to enforce an administrative support order, the agency shall proceed as provided in sections 3111.20 to 3111.28 of the Revised Code.

(F)(1)(a) Upon receipt of a notice that a lump-sum payment of one hundred fifty dollars or more is to be paid to the obligor, the agency shall do either of the following:

(i) If the obligor is in default under the administrative support order or has any unpaid arrearages under the administrative support order, issue an administrative order requiring the transmittal of the lump-sum payment to the division of child support;

(ii) If the obligor is not in default under the administrative support order

and does not have any unpaid arrearages under the support order, issue an administrative order directing the person who gave the notice to the agency to immediately pay the full amount of the lump-sum payment to the obligor.

(b) Upon receipt of notice that a lump-sum payment of less than one hundred fifty dollars is to be paid to the obligor, the agency may take the action described in division (F)(1)(a) of this section.

(2) Upon receipt of any moneys pursuant to division (F)(1)(a) of this section, the division of child support shall pay the amount of the lump-sum payment that is necessary to discharge all of the obligor's arrearages to the obligee and, within two business days after its receipt of the money, any amount that is remaining after the payment of the arrearages to the obligor.

(G)(1) Any administrative support order, or modification of an administrative support order, that is subject to this section shall contain the date of birth and social security number of the obligor.

(2) No withholding or deduction notice described in division (B) of this section shall contain any information other than the information specifically required by division (B) or (G)(3) of this section or by any other section of the Revised Code and any additional information that the issuing agency determines may be necessary to comply with the notice.

(3) Each withholding or deduction notice described in division (B) of this section shall include notice of all of the following:

(a) That the child support enforcement agency may bring an action under section 3111.28 of the Revised Code requesting the court to find the payor or financial institution in contempt pursuant to section 2705.02 of the Revised Code if the payor or financial institution fails to comply with the withholding or deduction notice;

(b) That, if the payor or financial institution fails to comply with the withholding or deduction notice, that failure to comply is contempt pursuant to section 2705.02 of the Revised Code.

(H) No withholding or deduction notice described in division (B) of this section and issued under this section or any other section of the Revised Code shall be terminated solely because the obligor pays any part or all of the arrearages under the administrative support order.

(I)(1) Except as provided in division (I)(2) of this section, if child support arrearages are owed by an obligor to the obligee and to the department of human services, any payments received on the arrearages by the division of child support first shall be paid to the obligee until the arrearages owed to the obligee are paid in full.

(2) Division (I)(1) of this section does not apply to the collection of past-due child support from refunds of paid federal taxes pursuant to section

5101.32 of the Revised Code or of overdue child support from refunds of paid state income taxes pursuant to sections 5101.321 and 5747.121 of the Revised Code.

Sec. 3113.21. (A)(1) In any action in which support is ordered under Chapter 3115. or under section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, the court shall require the withholding or deduction of income or assets of the obligor in accordance with division (D) of this section or require the issuance of another type of appropriate court order in accordance with division (D)(3) or (4) or (H) of this section to ensure that withholding or deduction from the income or assets of the obligor is available from the commencement of the support order for the collection of the support and any arrearages that occur. The court shall determine the specific withholding or deduction requirements or other appropriate requirements applicable to the obligor under the support order in accordance with divisions (D) and (H) of this section and section 2301.371 of the Revised Code and shall include the specific requirements in the notices described in divisions (A)(2) and (D) of this section or in the court orders described in divisions (A)(2), (D)(3) or (4), and (H) of this section. Any person required to comply with any withholding or deduction requirement shall determine the manner of withholding or deducting from the specific requirement included in the notices described in those divisions without the need for any amendment to the support order, and any person required to comply with a court order described in division (D)(3), (D)(4), or (H) of this section shall comply with the court order without the need for any amendment to the support order. The court shall include in any action in which support is ordered as described in division (A)(1) of this section a general provision that states the following:

"All child support and spousal support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with section 3113.21 of the Revised Code or a withdrawal directive issued pursuant to section 3113.214 of the Revised Code and shall be forwarded to the obligee in accordance with sections 3113.21 to 3113.213 of the Revised Code."

(2) In any action in which support is ordered or modified as described in division (A)(1) of this section, the court shall determine in accordance with divisions (D) and (H) of this section the types of withholding or deduction requirements or other appropriate requirements that should be imposed relative to the obligor under the support order to collect the support due

under the order. Within fifteen days after the obligor under the support order is located subsequent to the issuance of the support order or within fifteen days after the default under the support order, whichever is applicable, the court or the child support enforcement agency, as determined by agreement of the court and the agency, shall send a notice by regular mail to each person required to comply with a withholding or deduction requirement. The notice shall specify the withholding or deduction requirement and shall contain all of the information set forth in division (D)(1)(b) or (2)(b) of this section that is applicable to the requirement. If the appropriate requirement is an order of the type described in division (D)(3), (D)(4), or (H) of this section, the court shall issue and send a court order in accordance with that division. The notices and court orders, and the notices provided by the court or child support enforcement agency that require the obligor to notify the agency of any change in the obligor's employment status or of any other change in the status of the obligor's assets, are final and are enforceable by the court. When the court or agency issues a notice, it shall provide the notice to the obligor in accordance with division (D)(1)(c) or (D)(2)(c) of this section, whichever is applicable, and shall include with the notice the additional notices described in the particular division that is applicable.

(3)(a) If support is ordered or modified on or after December 31, 1993, under Chapter 3115. or under section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, if the court has determined in accordance with division (A)(2) of this section the types of withholding or deduction requirements or other appropriate requirements that should be imposed relative to the obligor under the support order to collect the support due under the order, if the court or a child support enforcement agency has mailed the appropriate notice to the person required to comply with the withholding or deduction requirements that the court has determined should be imposed or the court has issued and sent a court order described in division (D)(3), (D)(4), or (H) of this section containing the other appropriate requirements that the court determined should be imposed, and if the child support enforcement agency is notified or otherwise determines that the employment status or other circumstances of the obligor have changed and that it is more appropriate to impose another type of or an additional withholding or deduction requirement or another type of or additional court order containing another appropriate requirement, the agency immediately shall comply with section 3113.212 of the Revised Code. The notices and court orders issued under this division and section 3113.212 of the Revised Code, and the notices provided by the court or

child support enforcement agency that require the obligor to notify the agency of any change in the obligor's employment status or of any other change in the status of the obligor's assets, are final and are enforceable by the court.

(b) All orders for support issued prior to December 31, 1993, under Chapter 3115. or under section 2151.23, 2151.231, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code that have not been modified or subject to division (B) of this section regarding a default under the order on or after that date shall be considered to contain the general provision described in division (A)(1) of this section and shall be enforced and modified in the same manner as an order for support issued on or after December 31, 1993.

(4) The department of human services shall adopt standard forms for the support withholding and deduction notices that are prescribed by divisions (A)(1) to (3) and (B) of this section. All courts and child support enforcement agencies shall use the forms in issuing withholding and deduction notices in compliance with this section.

(B)(1)(a) In any action in which support is ordered under Chapter 3115. or under section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3111.20, 3111.211, 3111.22, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code and in which there has been a default under the order, the court shall comply with divisions (B)(1) to (6) of this section.

If the support was ordered prior to December 31, 1993, or pursuant to section 3111.20, 3111.211, or 3111.22 of the Revised Code, the court that issued the order, or in the case of an order pursuant to section 3111.20, 3111.211, or 3111.22 of the Revised Code, the common pleas court of the county in which the child support enforcement agency that issued the order is located, shall reissue the support order under which there has been a default and shall include in the reissued order a general provision as described in this division requiring the withholding or deduction of income or assets of the obligor in accordance with division (D) of this section or requiring the issuance of a court order containing another type of appropriate requirement in accordance with division (D)(3), (D)(4), or (H) of this section to ensure that withholding or deduction from the income or assets is available for the collection of current support and any arrearages that occur. If the support was ordered pursuant to section 3111.20, 3111.211, or 3111.22 of the Revised Code and the support order includes a general provision similar to the one described in this division, the court shall

replace the similar general provision with the general provision described in this division. Except for the inclusion or replacement of the general provision, the provisions of the reissued order required under this division shall be identical to those of the support order under which there has been a default.

When support has been ordered under any chapter or section described in this division, the child support enforcement agency shall initiate support withholding when the order is in default. Immediately after the identification of a default under the support order, the child support enforcement agency shall conduct the investigation described in division (B)(1)(b) of this section. Additionally, within fifteen calendar days after the identification of a default under the support order, the child support enforcement agency shall investigate the default and, if it is before July 1, 1999, send advance notice to the obligor. On and after that date, the division of child support in the department of human services shall send the advance notice to the obligor. The advance notice shall include a notice describing the actions that may be taken against the obligor pursuant to sections 2301.353, 2301.373, 2301.374, 2301.375, 2301.42 to 2301.45, and 3113.214 of the Revised Code if the court or agency makes a final and enforceable determination that the obligor is in default pursuant to this division. If the location of the obligor is unknown at the time of the identification of a default under the support order, the division shall send the advance notice to the obligor within fifteen days after the agency locates the obligor. The general provision for the withholding or deduction of income or assets to be included in the reissued support order specifically shall include the following statement:

"All child support and spousal support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with section 3113.21 of the Revised Code or a withdrawal directive issued pursuant to section 3113.214 of the Revised Code and shall be forwarded to the obligee in accordance with sections 3113.21 to 3113.213 of the Revised Code."

(b) After the identification of a default under a support order as described in division (B)(1)(a) of this section, the child support enforcement agency immediately shall conduct an investigation to determine the employment status of the obligor, the obligor's social security number, the name and business address of the obligor's employer, whether the obligor is in default under a support order, the amount of any arrearages, and any other information necessary to enable the court or agency to impose any withholding or deduction requirements and issue the related notices

described in division (D) of this section or to issue any court orders described in division (D)(3) or (4) of this section. The agency also shall conduct an investigation under this division when required by division (C)(1)(a) or (b) of this section, shall complete the investigation within twenty days after the obligor or obligee files the motion with the court under division (C)(1)(a) of this section or the court orders the investigation under division (C)(1)(b) of this section.

(2) An advance notice to an obligor required by division (B)(1) of this section shall contain all of the following:

(a) A statement of the date on which the advance notice is sent, the amount of arrearages owed by the obligor as determined by the court or the child support enforcement agency, the types of withholding or deduction requirements and related notices described in division (D) of this section or the types of court orders described in division (D)(3), (D)(4), or (H) of this section that will be issued to pay support and any arrearages, and the amount that will be withheld or deducted pursuant to those requirements;

(b) A statement that any notice for the withholding or deduction of an amount from income or assets apply to all current and subsequent payors of the obligor and financial institutions in which the obligor has an account and that any withholding or deduction requirement and related notice described in division (D) of this section or any court order described in division (D)(3), (D)(4), or (H) of this section that is issued will not be discontinued solely because the obligor pays any arrearages;

(c) An explanation of the administrative and court action that will take place if the obligor contests the inclusion of any of the provisions;

(d) A statement that the contents of the advance notice are final and are enforceable by the court unless the obligor files with the child support enforcement agency, within seven days after the date on which the advance notice is sent, a written request for an administrative hearing to determine if a mistake of fact was made in the notice.

(3) If the obligor requests a hearing regarding the advance notice in accordance with division (B)(2)(d) of this section, the child support enforcement agency shall conduct an administrative hearing no later than ten days after the date on which the obligor files the request for the hearing. No later than five days before the date on which the hearing is to be conducted, the agency shall send the obligor and the obligee written notice of the date, time, place, and purpose of the hearing. The notice to the obligor and obligee also shall indicate that the obligor may present testimony and evidence at the hearing only in regard to the issue of whether a mistake of fact was made in the advance notice.

At the hearing, the child support enforcement agency shall determine whether a mistake of fact was made in the advance notice. If it determines that a mistake of fact was made, the agency shall determine the provisions that should be changed and included in a corrected notice and shall correct the advance notice accordingly. The agency shall send its determinations to the obligor. The agency's determinations are final and are enforceable by the court unless, within seven days after the agency makes its determinations, the obligor files a written motion with the court for a court hearing to determine if a mistake of fact still exists in the advance notice or corrected advance notice.

(4) If, within seven days after the agency makes its determinations under division (B)(3) of this section, the obligor files a written motion for a court hearing to determine if a mistake of fact still exists in the advance notice or the corrected advance notice, the court shall hold a hearing on the request as soon as possible, but no later than ten days, after the request is filed. If the obligor requests a court hearing, no later than five days before the date on which the court hearing is to be held, the court shall send the obligor and the obligee written notice by ordinary mail of the date, time, place, and purpose of the court hearing. The hearing shall be limited to a determination of whether there is a mistake of fact in the advance notice or the corrected advance notice.

If, at a hearing conducted under this division, the court detects a mistake of fact in the advance notice or the corrected advance notice, it immediately shall correct the notice.

(5) Upon exhaustion of all rights of the obligor to contest the withholding or deduction on the basis of a mistake of fact and no later than the expiration of forty-five days after the issuance of the advance notice under division (B)(1) of this section, the court or child support enforcement agency shall issue one or more notices requiring withholding or deduction of income or assets of the obligor in accordance with divisions (A)(2) and (D) of this section, or the court shall issue one or more court orders imposing other appropriate requirements in accordance with division (A)(2) and division (D)(3), (D)(4), or (H) of this section. Thereafter, section 3113.212 of the Revised Code applies in relation to the issuance of the notices and court orders. The notices and court orders issued under this division or section 3113.212 of the Revised Code are final and are enforceable by the court. The court or agency shall send to the obligor by ordinary mail a copy of the withholding or deduction notice, in accordance with division (D) of this section. The failure of the court or agency to give the notice required by this division does not affect the ability of any court to issue any notice or

order under this section or any other section of the Revised Code for the payment of support, does not provide any defense to any notice or order for the payment of support that is issued under this section or any other section of the Revised Code, and does not affect any obligation to pay support.

(6) The department of human services shall adopt standard forms for the advance notice prescribed by divisions (B)(1) to (5) of this section. All courts and child support enforcement agencies shall use those forms, and the support withholding and deduction notice forms adopted under division (A)(4) of this section, in complying with this section.

(C)(1) In any action in which support is ordered under Chapter 3115. or under section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, all of the following apply:

(a) The obligor or obligee under the order may file a motion with the court that issued the order requesting the issuance of one or more withholding or deduction notices as described in division (D) of this section to pay the support due under the order. The motion may be filed at any time after the support order is issued. Upon the filing of a motion pursuant to this division, the child support enforcement agency immediately shall conduct, and shall complete within twenty days after the motion is filed, an investigation in accordance with division (B)(1)(b) of this section. Upon the completion of the investigation and the filing of the agency's report under division (B)(1)(b) of this section, the court shall issue one or more appropriate orders described in division (D) of this section.

(b) If any proceedings involving the support order are commenced in the court and if the court has not issued any orders under division (D) of this section as it existed prior to December 31, 1993, with respect to the support order, if the court determines that any orders issued under division (D) of this section as it existed prior to December 31, 1993, no longer are appropriate, if the court on or after December 31, 1993, has not modified or reissued the support order under division (A) or (B) of this section and issued any notices under division (D) or court orders under division (D)(3) or (4) of this section, or if the court on or after December 31, 1993, has modified or reissued the support order under division (A) or (B) of this section and issued one or more notices under division (D) or one or more court orders under division (D)(3) or (4) of this section but determines that the notices or court orders no longer are appropriate, the court, prior to or during any hearings held with respect to the proceedings and prior to the conclusion of the proceedings, shall order the child support enforcement agency to conduct an investigation pursuant to division (B)(1)(b) of this

section. Upon the filing of the findings of the agency following the investigation, the court, as necessary, shall issue one or more notices described in division (D) or one or more court orders described in division (D)(3) or (4) of this section or modify any notices previously issued under division (D) or any court orders previously issued under division (D)(3) or (4) of this section.

(c)(i) If a child support enforcement agency, in accordance with section 3113.216 of the Revised Code, requests the court to issue a revised child support order in accordance with a revised amount of child support calculated by the agency, the court shall proceed as described in this division. If neither the obligor nor the obligee requests a court hearing on the revised amount of child support, the court shall issue a revised child support order requiring the obligor to pay the revised amount of child support calculated by the agency. However, if the obligor or the obligee requests a court hearing on the revised amount of child support calculated by the agency, the court, in accordance with division (C)(1)(c)(ii) of this section, shall schedule and conduct a hearing to determine if the revised amount of child support is the appropriate amount and if the amount of child support being paid under the child support order otherwise should be revised.

(ii) If the court is required to schedule and conduct a hearing pursuant to division (C)(1)(c)(i) of this section, the court shall give the obligor, obligee, and agency at least thirty days' notice of the date, time, and location of the hearing; order the obligor to provide the court with a copy of the obligor's federal income tax return from the previous year, a copy of all pay stubs obtained by the obligor within the preceding six months, a copy of all other records evidencing the receipt of any other salary, wages, or compensation by the obligor within the preceding six months, a list of the group health insurance and health care policies, contracts, and plans available to the obligor and their costs, and the current health insurance or health care policy, contract, or plan under which the obligor is enrolled and its cost, if the obligor failed to provide any of those documents to the agency, and order the obligee to provide the court with a copy of the obligee's federal income tax return from the previous year, a copy of all pay stubs obtained by the obligee within the preceding six months, a copy of all other records evidencing the receipt of any other salary, wages, or compensation by the obligee within the preceding six months, a list of the group health insurance and health care policies, contracts, and plans available to the obligee and their costs, and the current health insurance or health care policy, contract, or plan under which the obligee is enrolled and its cost, if the obligee failed

to provide any of those documents to the agency; give the obligor and the obligee notice that any willful failure to comply with that court order is contempt of court and, upon a finding by the court that the party is in contempt of court, the court and the agency will take any action necessary to obtain the information or make any reasonable assumptions necessary with respect to the information the person in contempt of court did not provide to ensure a fair and equitable review of the child support order; issue a revised child support order requiring the obligor to pay the revised amount of child support calculated by the agency, if the court determines at the hearing that the revised amount of child support calculated by the agency is the appropriate amount; and determine the appropriate amount of child support and, if necessary, issue a revised child support order requiring the obligor to pay the amount of child support determined by the court, if the court determines that the revised amount of child support calculated by the agency is not the appropriate amount.

(iii) In determining, at a hearing conducted under divisions (C)(1)(c)(i) and (ii) of this section, the appropriate amount of child support to be paid by the obligor, the court shall consider, in addition to all other factors required by law to be considered, the appropriate person, whether it is the obligor, obligee, or both, to be required in accordance with section 3113.217 of the Revised Code to provide health insurance coverage for the children specified in the order, and the cost of health insurance which the obligor, the obligee, or both have been ordered in accordance with section 3113.217 of the Revised Code to obtain for the children specified in the order.

(d)(i) An obligee under a child support order may file a motion with the court that issued the order requesting the court to modify the order to require the obligor to obtain health insurance coverage for the children who are the subject of the order, and an obligor under a child support order may file a motion with the court that issued the order requesting the court to modify the order to require the obligee to obtain health insurance coverage for those children. Upon the filing of such a motion, the court shall order the child support enforcement agency to conduct an investigation to determine whether the obligor or obligee has satisfactory health insurance coverage for the children. Upon completion of its investigation, the agency shall inform the court, in writing, of its determination. If the court determines that neither the obligor nor the obligee has satisfactory health insurance coverage for the children, it shall modify the child support order in accordance with section 3113.217 of the Revised Code.

(ii) An obligor or obligee under a child support order may file a motion with the court that issued the order requesting the court to modify the

amount of child support required to be paid under the order because that amount does not adequately cover the medical needs of the child. Upon the filing of such a motion, the court shall determine whether the amount of child support required to be paid under the order adequately covers the medical needs of the child and whether to modify the order, in accordance with division (B)(4) of section 3113.215 of the Revised Code.

(e) Whenever a court modifies, reviews, or otherwise reconsiders a child support order, it may reconsider which parent may claim the children who are the subject of the child support order as dependents for federal income tax purposes as set forth in section 151 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and shall issue its determination on this issue as part of the child support order. 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 payments for child support are current in full as ordered by the court for the year in which the children will be claimed as dependents. If the court determines that the parent who is not the residential parent and legal custodian may claim the children as dependents for federal income tax purposes, it shall order the residential parent to take whatever action is necessary pursuant to section 152 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, to enable the parent who is not the residential parent and legal custodian to claim the children as dependents for federal income tax purposes in accordance with the order of the court. Any willful failure of the residential parent to comply with the order of the court is contempt of court.

(f) When issuing or modifying a child support order, the court shall include in the order all of the requirements, specifications, and statements described in division (B) of section 3113.218 of the Revised Code. If the obligor or obligee does not request a court hearing on the revised amount of child support determined by the agency and filed with the court pursuant to section 3113.216 of the Revised Code and the court modifies the order to include the revised amount pursuant to division (C)(1)(c)(i) of this section, the modification shall relate back to the first day of the month following the date certain on which the review of the child support order began pursuant to division (C)(1)(a) of section 3113.216 of the Revised Code. If the obligor or obligee requests a court hearing on the revised amount of child support pursuant to this section and section 3113.216 of the Revised Code and the court, after conducting a hearing, modifies the child support amount under the order, the modification shall relate back to the first day of the month following the date certain on which the review of the child support order

began pursuant to division (C)(1)(A) of section 3113.216 of the Revised Code.

(2) In any action in which a support order is issued under Chapter 3115. or under section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, the court issuing the order also shall conduct a hearing, prior to or at the time of the issuance of the support order, to determine the employment status of the obligor, the obligor's social security number, the name and business address of the obligor's employer, and any other information necessary to enable the court or a child support enforcement agency to issue any withholding or deduction notice described in division (D) of this section or for the court to issue a court order described in division (D)(3) or (4) of this section. The court, prior to the hearing, shall give the obligor notice of the hearing that shall include the date on which the notice is given and notice that the obligor is subject to a requirement for the withholding of a specified amount from income if employed and to one or more other types of withholding or deduction requirements described in division (D) or one or more types of court orders described in division (D)(3) or (4) of this section and that the obligor may present evidence and testimony at the hearing to prove that any of the requirements would not be proper because of a mistake of fact.

The court or child support enforcement agency, immediately upon the court's completion of the hearing, shall issue one or more of the types of notices described in division (D) of this section imposing a withholding or deduction requirement, or the court shall issue one or more types of court orders described in division (D)(3) or (4) of this section.

(D) If a court or child support enforcement agency is required under division (A), (B), or (C) of this section or any other section of the Revised Code to issue one or more withholding or deduction notices described in this division or court orders described in division (D)(3) or (4) of this section, the court shall issue one or more of the following types of notices or court orders, or the agency shall issue one or more of the following types of notices to pay the support required under the support order in question and also, if required by any of those divisions, any other section of the Revised Code, or the court, to pay any arrearages:

(1)(a) If the court or the child support enforcement agency determines that the obligor is receiving income from a payor, the court or agency shall require the obligor's payor to withhold from the obligor's income a specified amount for support in satisfaction of the support order, to begin the withholding no later than fourteen working days following the date the

notice was mailed to the employer under divisions (A)(2) or (B) and (D)(1)(b) of this section or, if the payor is an employer, no later than the first pay period that occurs after fourteen working days following the date the notice was mailed, to send the amount withheld to the division of child support in the department of human services pursuant to section 5101.325 of the Revised Code, to send that amount to the division immediately but not later than seven days after the date the obligor is paid, and to continue the withholding at intervals specified in the notice until further notice from the court or child support enforcement agency. To the extent possible, the amount specified in the notice to be withheld shall satisfy the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding ~~the~~ any applicable limitations of sections 2329.66, 2329.70, 2716.02, 2716.041, and 2716.05 of the Revised Code. However, in no case shall the sum of the amount specified in the notice to be withheld and any fee withheld by the payor as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the court or agency imposes a withholding requirement under division (D)(1)(a) of this section, it, within the applicable period of time specified in division (A), (B), or (C) of this section, shall send to the obligor's payor by regular mail a notice that contains all of the information set forth in divisions (D)(1)(b)(i) to (xi) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be withheld from the obligor's income and a statement that the amount actually withheld for support and other purposes, including the fee described in division (D)(1)(b)(xi) of this section, shall not be in excess of the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b);

(ii) A statement that the payor is required to send the amount withheld to the division of child support immediately, but not later than seven working days, after the obligor is paid and is required to report to the agency the date on which the amount was withheld from the obligor's income;

(iii) A statement that the withholding is binding upon the payor until further notice from the agency;

(iv) A statement that if the payor is an employer, the payor is subject to a fine to be determined under the law of this state for discharging the obligor from employment, refusing to employ the obligor, or taking any disciplinary action against the obligor because of the withholding requirement;

(v) A statement that, if the payor fails to withhold income in accordance

with the provisions of the notice, the payor is liable for the accumulated amount the payor should have withheld from the obligor's income;

(vi) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same income;

(vii) The date on which the notice was mailed and a statement that the payor is required to implement the withholding no later than fourteen working days following the date the notice was mailed or, if the payor is an employer, no later than the first pay period that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(viii) A requirement that the payor promptly notify the child support enforcement agency, in writing, within ten working days after the date of any situation that occurs including, termination of employment, layoff of the obligor from employment, any leave of absence of the obligor from employment without pay, termination of workers' compensation benefits, or termination of any pension, annuity, allowance, or retirement benefit, in which the payor ceases to pay income in an amount sufficient to comply with the order to the obligor, provide the agency with the obligor's last known address, notify the agency of any new employer or income source, if known, and provide the agency with any new employer's or income source's name, address, and telephone number, if known;

(ix) A requirement that, if the payor is an employer, identify in the notification given under division (D)(1)(b)(viii) of this section any types of benefits other than personal earnings that the obligor is receiving or is eligible to receive as a benefit of employment or as a result of the obligor's termination of employment, including, but not limited to, unemployment compensation, workers' compensation benefits, severance pay, sick leave, lump-sum payments of retirement benefits or contributions, and bonuses or profit-sharing payments or distributions, and the amount of such benefits, and include in the notification the obligor's last known address and telephone number, date of birth, social security number, and court case number and, if known, the name and business address of any new employer of the obligor;

(x) A requirement that, no later than the earlier of forty-five days before the lump-sum payment is to be made or, if the obligor's right to the lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the payor notify the child support enforcement agency of any lump-sum payments of any kind of one hundred fifty dollars or more that are to be paid to the obligor, hold the

lump-sum payments of one hundred fifty dollars or more for thirty days after the date on which the lump-sum payments otherwise would have been paid to the obligor and, upon order of the court, pay any specified amount of the lump-sum payment to the division of child support.

(xi) A statement that, in addition to the amount withheld for support, the payor may withhold a fee from the obligor's income as a charge for its services in complying with the notice and a specification of the amount that may be withheld.

(c) The court or agency shall send the notice described in division (D)(1)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in the obligor's income source and of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (D) of this section. The court or agency shall serve the notices upon the obligor at the same time as service of the support order or, if the support order previously has been issued, shall send the notices to the obligor by regular mail at the last known address at the same time that it sends the notice described in division (D)(1)(b) of this section to the payor. The notification required of the obligor shall include a description of the nature of any new employment or income source, the name, business address, and telephone number of any new employer or income source, and any other information reasonably required by the court. No obligor shall fail to give the notification required by division (D)(1)(c) of this section.

(2)(a) If the court or child support enforcement agency determines that the obligor has funds on deposit in any account in a financial institution under the jurisdiction of the court, the court or agency may require any financial institution in which the obligor's funds are on deposit to deduct from the obligor's account a specified amount for support in satisfaction of the support order, to begin the deduction no later than fourteen working days following the date the notice was mailed to the financial institution under divisions (A)(2) or (B) and (D)(2)(b) of this section, to send the amount deducted to the division of child in the department of human services pursuant to section 5101.325 of the Revised Code, to send that amount to the division immediately but not later than seven working days after the date the latest deduction was made, to provide the date on which the amount was deducted, and to continue the deduction at intervals specified in the notice until further notice from the court or child support enforcement agency. To the extent possible, the amount specified in the notice to be deducted shall satisfy the amount ordered for support in the support order plus any

arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, and 2716.13 of the Revised Code.

(b) If the court or agency imposes a withholding requirement under division (D)(2)(a) of this section, it, within the applicable period of time specified in division (A), (B), or (C) of this section, shall send to the financial institution by regular mail a notice that contains all of the information set forth in divisions (D)(2)(b)(i) to (viii) of this section. The notice is final and is enforceable by the court. The notice shall contain all of the following:

(i) The amount to be deducted from the obligor's account;

(ii) A statement that the financial institution is required to send the amount deducted to the division of child support immediately, but not later than seven working days, after the date the last deduction was made and is required to report to the child support enforcement agency the date on which the amount was deducted from the obligor's account;

(iii) A statement that the deduction is binding upon the financial institution until further notice from the court or agency;

(iv) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same account;

(v) The date on which the notice was mailed and a statement that the financial institution is required to implement the deduction no later than fourteen working days following the date the notice was mailed and is required to continue the deduction at the intervals specified in the notice;

(vi) A requirement that the financial institution promptly notify the child support enforcement agency, in writing, within ten days after the date of any termination of the account from which the deduction is being made and notify the agency, in writing, of the opening of a new account at that financial institution, the account number of the new account, the name of any other known financial institutions in which the obligor has any accounts, and the numbers of those accounts;

(vii) A requirement that the financial institution include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(viii) A statement that, in addition to the amount deducted for support, the financial institution may deduct a fee from the obligor's account as a charge for its services in complying with the notice and a specification of the amount that may be deducted.

(c) The court or agency shall send the notice described in division

(D)(2)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in the status of the account from which the amount of support is being deducted or the opening of a new account with any financial institution, of commencement of employment, including self-employment, or of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (D) of this section. The court or agency shall serve the notices upon the obligor at the same time as service of the support order or, if the support order previously has been issued, shall send the notices to the obligor by regular mail at the last known address at the same time that it sends the notice described in division (D)(2)(b) of this section to the financial institution. The additional notice also shall specify that upon commencement of employment, the obligor may request the court or child support enforcement agency to cancel its financial institution account deduction notice and instead issue a notice requiring the withholding of an amount from personal earnings for support in accordance with division (D)(1) of this section and that upon commencement of employment the court may cancel its financial institution account deduction notice under division (D)(2)(b) of this section and instead will issue a notice requiring the withholding of an amount from personal earnings for support in accordance with division (D)(1) of this section. The notification required of the obligor shall include a description of the nature of any new accounts opened at a financial institution under the jurisdiction of the court, the name and business address of that financial institution, a description of the nature of any new employment or income source, the name, business address, and telephone number of any new employer or income source, and any other information reasonably required by the court.

(3) The court may issue an order requiring the obligor to enter into a cash bond with the court. The court shall issue the order as part of the support order or, if the support order previously has been issued, as a separate order. Any cash bond so required shall be in a sum fixed by the court at not less than five hundred nor more than ten thousand dollars, conditioned that the obligor will make payment as previously ordered and will pay any arrearages under any prior support order that pertained to the same child or spouse. The order, along with an additional order requiring the obligor to immediately notify the child support enforcement agency, in writing, if the obligor begins to receive income from a payor, shall be attached to, and shall be served upon the obligor at the same time as service of, the support order or, if the support order previously has been issued, as

soon as possible after the issuance of the order under this division. The additional order also shall specify that when the obligor begins to receive income from a payor the obligor may request the court to cancel its bond order and instead issue a notice requiring the withholding of an amount from income for support in accordance with division (D)(1) of this section and that when the obligor begins to receive income from a payor the court will proceed to collect on the bond, if the court determines that payments due under the support order have not been made and that the amount that has not been paid is at least equal to the support owed for one month under the support order, and will issue a notice requiring the withholding of an amount from income for support in accordance with division (D)(1) of this section. The notification required of the obligor shall include a description of the nature of any new employment, the name and business address of any new employer, and any other information reasonably required by the court.

The court shall not order an obligor to post a cash bond under this division unless the court determines that the obligor has the ability to do so. A child support enforcement agency shall not issue an order of the type described in this division. If a child support enforcement agency is required to issue a withholding or deduction notice under division (D) of this section but the agency determines that no notice of the type described in division (D)(1) or (2) of this section would be appropriate, the agency may request the court to issue a court order under this division, and, upon the request, the court may issue an order as described in this division.

(4) If the obligor is unemployed, has no income, and does not have an account at any financial institution, or on request of a child support enforcement agency made under section 3111.231 of the Revised Code, the court shall issue an order requiring the obligor, if able to engage in employment, to seek employment or participate in a work activity to which a recipient of assistance under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, may be assigned as specified in section 407(d) of the "Social Security Act," 42 U.S.C.A. 607(d), as amended. The court shall include in the order a requirement that the obligor notify the child support enforcement agency upon obtaining employment, upon obtaining any income, or upon obtaining ownership of any asset with a value of five hundred dollars or more. The court may issue the order regardless of whether the obligee to whom the obligor owes support is a recipient of assistance under Title (IV)-A of the "Social Security Act." The court shall issue the order as part of a support order or, if a support order previously has been issued, as a separate order. If a child support enforcement agency is required to issue a withholding or deduction

notice under division (D) of this section but the agency determines that no notice of the type described in division (D)(1) or (2) of this section would be appropriate, the agency may request the court to issue a court order under division (D)(4) of this section, and, upon the request, the court may issue an order as described in division (D)(4) of this section.

If an obligor is ordered to participate in a work activity, the child support enforcement agency of the county in which the obligor resides shall oversee the obligor's participation in accordance with rules the department of human services shall adopt in accordance with Chapter 119. of the Revised Code. A child support enforcement agency may contract with one or more governmental agencies or persons to carry out some or all of its oversight duties.

(E) If a court or child support enforcement agency is required under division (A), (B), or (C) of this section or any other section of the Revised Code to issue one or more notices or court orders described in division (D) of this section, the court or agency to the extent possible shall issue a sufficient number of notices or court orders under division (D) of this section to provide that the aggregate amount withheld or deducted under those notices or court orders satisfies the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding ~~the~~ any applicable limitations of sections 2329.66, 2329.70, 2716.02, 2716.041, 2716.05, 2716.13, and 4123.67 of the Revised Code. However, in no case shall the aggregate amount withheld pursuant to a withholding notice issued under division (D)(1) of this section and any fees withheld pursuant to the notice as a charge for services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(F)(1) Any withholding or deduction requirement that is contained in a notice described in division (D) of this section and that is required to be issued by division (A), (B), or (C) of this section or any other section of the Revised Code has priority over any order of attachment, any order in aid of execution, and any other legal process issued under state law against the same earnings, payments, or account.

(2) When a payor receives two or more withholding notices that are described in division (D)(1) of this section and that are required to be issued by division (A), (B), or (C) of this section or any other section of the Revised Code ~~are received by~~, the payor shall comply with all of the requirements contained in the notices to the extent that the total amount withheld from the obligor's income does not exceed the maximum amount

permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), withhold amounts in accordance with the allocation set forth in divisions (F)(2)(a) and (b) of this section, notify each court or child support enforcement agency that issued one of the notices of the allocation, and give priority to amounts designated in each notice as current support in the following manner:

(a) If the total of the amounts designated in the notices as current support exceeds the amount available for withholding under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), the payor shall allocate to each notice an amount for current support equal to the amount designated in that notice as current support multiplied by a fraction in which the numerator is the amount of income available for withholding and the denominator is the total amount designated in all of the notices as current support.

(b) If the total of the amounts designated in the notices as current support does not exceed the amount available for withholding under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), the payor shall pay all of the amounts designated as current support in the notices and shall allocate to each notice an amount for past-due support equal to the amount designated in that notice as past-due support multiplied by a fraction in which the numerator is the amount of income remaining available for withholding after the payment of current support and the denominator is the total amount designated in all of the notices as past-due support.

(G)(1) Except when a provision specifically authorizes or requires service other than as described in this division, service of any notice on any party, a financial institution, or payor, for purposes of division (A), (B), (C), or (D) of this section, shall be made by ordinary first class mail directed to the addressee at the last known address, or, in the case of a corporation, at its usual place of doing business. A notice shall be considered to have been served when it is mailed.

(2) Each party to a support order shall notify the child support enforcement agency of the party's current mailing address, current residence address, current residence telephone number, and current driver's license number, at the time of the issuance or modification of the order and, until further notice of the court that issues the order, shall notify the agency of any change in that information immediately after the change occurs. Any willful failure to comply with this division is contempt of court. No person shall fail to give the notice required by division (G)(2) of this section.

(3) Each support order, or modification of a support order, that is

subject to this section shall contain a notice that states the following in boldfaced type and in all capital letters:

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER AND YOU WILLFULLY FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION."

(4)(a) The parent who is the residential parent and legal custodian of a child for whom a support order is issued or the person who otherwise has custody of a child for whom a support order is issued immediately shall notify, and the obligor under a support order may notify, the child support enforcement agency of any reason for which the support order should terminate, including, but not limited to, the child's attainment of the age of majority if the child no longer attends an accredited high school on a full-time basis and the support order does not provide for the duty of support to continue past the age of majority; the child ceasing to attend such a high school on a full-time basis after attaining the age of majority, if the support order does not provide for the duty of support to continue past the age of majority; or the death, marriage, emancipation, enlistment in the armed

services, deportation, or change of legal or physical custody of the child. A willful failure to notify the child support enforcement agency as required by this division is contempt of court. Upon receipt of a notice pursuant to this division, the agency immediately shall conduct an investigation to determine if any reason exists for which the support order should terminate. The agency may conduct such an investigation regardless of whether it received notice under this division. If the agency determines the order should terminate, it immediately shall notify the court that issued the support order of the reason for which the support order should terminate.

(b) Upon receipt of a notice given pursuant to division (G)(4)(a) of this section, the court shall order the division of child support to impound any funds received for the child pursuant to the support order and the court shall set the case for a hearing for a determination of whether the support order should be terminated or modified or whether the court should take any other appropriate action.

(c) If the court terminates a support order pursuant to divisions (G)(4)(a) and (b) of this section, the termination of the support order also terminates any withholding or deduction order as described in division (D) or (H) of this section issued prior to December 31, 1993, and any withholding or deduction notice as described in division (D) or court order as described in division (D)(3), (D)(4), or (H) of this section issued on or after December 31, 1993. Upon the termination of any withholding or deduction order or any withholding or deduction notice, the court immediately shall notify the appropriate child support enforcement agency that the order or notice has been terminated, and the agency immediately shall notify each payor or financial institution required to withhold or deduct a sum of money for the payment of support under the terminated withholding or deduction order or notice that the order or notice has been terminated and that it is required to cease all withholding or deduction under the order or notice.

(d) The department of human services shall adopt rules that provide for both of the following:

(i) The return to the appropriate person of any funds that a court has ordered impounded under division (G)(4)(b) of this section if the support order under which the funds were paid has been terminated pursuant to divisions (G)(4)(a) and (b) of this section;

(ii) The return to the appropriate person of any other payments made pursuant to a support order if the payments were made at any time after the support order under which the funds were paid has been terminated pursuant to divisions (G)(4)(a) and (b) of this section.

(5) If any party to a support order requests a modification of the order or

if any obligee under a support order or any person on behalf of the obligee files any action to enforce a support order, the court shall notify the child support enforcement agency that is administering the support order or that will administer the order after the court's determination of the request or the action, of the request or the filing.

(6) When a child support enforcement agency receives any notice under division (G) of section 2151.23, section 2301.37, division (E) of section 3105.18, division (C) of section 3105.21, division (A) of section 3109.05, division (F) of section 3111.13, division (B) of section 3113.04, section 3113.21, section 3113.211, section 3113.212, division (K) of section 3113.31, or division (C)(3) of section 3115.31 of the Revised Code, it shall issue the most appropriate notices under division (D) of this section. Additionally, it shall do all of the following:

(a) If the obligor is subject to a withholding notice issued under division (D)(1) of this section and the notice relates to the obligor's change of employment, send a withholding notice under that division to the new employer of the obligor as soon as the agency obtains knowledge of that employer;

(b) If the notification received by the agency specifies that a lump-sum payment of one hundred fifty dollars or more is to be paid to the obligor, notify the court of the receipt of the notice and its contents. The agency may notify the court if the notification specifies that a lump-sum payment of less than one hundred fifty dollars is to be paid to the obligor.

(c) Comply with section 3113.212 of the Revised Code, as appropriate.

(H)(1)(a) For purposes of division (D)(1) of this section, when a person who fails to comply with a support order that is subject to that division derives income from self-employment or commission, is employed by an employer not subject to the jurisdiction of the court, or is in any other employment situation that makes the application of that division impracticable, the court may require the person to enter into a cash bond to the court in a sum fixed by the court at not less than five hundred nor more than ten thousand dollars, conditioned that the person will make payment as previously ordered.

(b) When a court determines at a hearing conducted under division (B) of this section, or a child support enforcement agency determines at a hearing or pursuant to an investigation conducted under division (B) of this section, that the obligor under the order in relation to which the hearing or investigation is conducted is unemployed and has no other source of income and no assets so that the application of divisions (B) and (D) of this section would be impracticable, the court shall issue an order as described in

n (D)(4) of this section and shall order the obligor to notify the child support enforcement agency in writing immediately of the receipt of any source of income or of the opening of an account in a financial institution, and to include in the notification a description of the nature of the employment or income source, the name, business address, and telephone number of the employer or income source, and any other information reasonably required by the court.

(2) When a court determines, at a hearing conducted under division (C)(2) of this section, that an obligor is unemployed, is not receiving workers' compensation payments, does not have an account in a financial institution, and has no other source of income and no assets so that the application of divisions (C)(2) and (D) of this section would be impracticable, the court shall issue an order as described in division (D)(4) of this section and shall order the obligor to notify the child support enforcement agency, in writing, immediately of the receipt of any source of income or of the opening of an account in a financial institution, and to include in the notification a description of the nature of the employment or income source, the name, business address, and telephone number of the employer or income source or the name, address, and telephone number of the financial institution, and any other information reasonably required by the court.

(3)(a) Upon receipt of a notice from a child support enforcement agency under division (G)(6) of this section that a lump-sum payment is to be paid to the obligor, the court shall do either of the following:

(i) If the obligor is in default under the support order or has any unpaid arrearages under the support order, issue an order requiring the transmittal of the lump-sum payment to the division of child support.

(ii) If the obligor is not in default under the support order and does not have any unpaid arrearages under the support order, issue an order directing the person who gave the notice to the court to immediately pay the full amount of the lump-sum payment to the obligor.

(b) Upon receipt of any moneys pursuant to division (H)(3)(a) of this section, the division of child support shall pay the amount of the lump-sum payment that is necessary to discharge all of the obligor's arrearages to the obligee and, within two business days after its receipt of the money, any amount that is remaining after the payment of the arrearages to the obligor.

(c) Any court that issued an order prior to December 1, 1986, requiring an employer to withhold an amount from an obligor's personal earnings for the payment of support shall issue a supplemental order that does not change the original order or the related support order requiring the employer to do

all of the following:

(i) No later than the earlier of forty-five days before a lump-sum payment is to be made or, if the obligor's right to a lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, notify the child support enforcement agency of any lump-sum payment of any kind of one hundred fifty dollars or more that is to be paid to the obligor;

(ii) Hold the lump-sum payment for thirty days after the date on which it would otherwise be paid to the obligor, if the lump-sum payment is sick pay, a lump-sum payment of retirement benefits or contributions, or profit-sharing payments or distributions;

(iii) Upon order of the court, pay any specified amount of the lump-sum payment to the division of child support.

(d) If an employer knowingly fails to notify the child support enforcement agency in accordance with division (D) of this section of any lump-sum payment to be made to an obligor, the employer is liable for any support payment not made to the obligee as a result of its knowing failure to give the notice as required by that division.

(I)(1) Any support order, or modification of a support order, that is subject to this section shall contain the date of birth and social security number of the obligor.

(2) No withholding or deduction notice described in division (D) or court order described in division (D)(3) or (4) of this section shall contain any information other than the information specifically required by division (A), (B), (C), or (D) of this section or by any other section of the Revised Code and any additional information that the issuing court determines may be necessary to comply with the notice.

(J) No withholding or deduction notice described in division (D) or court order described in division (D)(3) or (4) of this section and issued under division (A), (B), or (C) of this section or any other section of the Revised Code shall be terminated solely because the obligor pays any part or all of the arrearages under the support order.

(K)(1) Except as provided in division (K)(2) of this section and section 2301.42 of the Revised Code and the rules adopted pursuant to division (C) of that section, if child support arrearages are owed by an obligor to the obligee and to the department of human services, any payments received on the arrearages by the division of child support first shall be paid to the obligee until the arrearages owed to the obligee are paid in full.

(2) Division (K)(1) of this section does not apply to the collection of past-due child support from refunds of paid federal taxes pursuant to section

5101.32 of the Revised Code or of overdue child support from refunds of paid state income taxes pursuant to sections 5101.321 and 5747.121 of the Revised Code.

(L)(1) Each court with jurisdiction to issue support orders or orders establishing the existence or nonexistence of a parent and child relationship shall establish rules of court to ensure that the following percentage of all actions to establish the existence or nonexistence of a parent and child relationship, to establish a support requirement, or to modify a previously issued support order be completed within the following time limits:

(a) Seventy-five per cent of all of the actions shall be completed within six months after they were initially filed;

(b) Ninety per cent of all of the actions shall be completed within twelve months after they were initially filed.

(2) If a case involves complex legal issues requiring full judicial review, the court shall issue a temporary support order within the time limits set forth in division (L)(1) of this section, which temporary order shall be in effect until a final support order is issued in the case. All cases in which the imposition of a notice or order under division (D) of this section is contested shall be completed within the period of time specified by law for completion of the case. The failure of a court to complete a case within the required period does not affect the ability of any court to issue any order under this section or any other section of the Revised Code for the payment of support, does not provide any defense to any order for the payment of support that is issued under this section or any other section of the Revised Code, and does not affect any obligation to pay support.

(3)(a) In any Title IV-D case, the judge, when necessary to satisfy the federal requirement of expedited process for obtaining and enforcing support orders, shall appoint magistrates to make findings of fact and recommendations for the judge's approval in the case. All magistrates appointed pursuant to this division shall be attorneys admitted to the practice of law in this state. If the court appoints a magistrate pursuant to this division, the court may appoint any additional administrative and support personnel for the magistrate.

(b) Any magistrate appointed pursuant to division (L)(3)(a) of this section may perform any of the following functions:

(i) The taking of testimony and keeping of a record in the case;

(ii) The evaluation of evidence and the issuance of recommendations to establish, modify, and enforce support orders;

(iii) The acceptance of voluntary acknowledgments of support liability and stipulated agreements setting the amount of support to be paid;

(iv) The entering of default orders if the obligor does not respond to notices in the case within a reasonable time after the notices are issued;

(v) Any other functions considered necessary by the court.

(4) The child support enforcement agency may conduct administrative reviews of support orders to obtain voluntary notices or court orders under division (D) of this section and to correct any errors in the amount of any arrearages owed by an obligor. The obligor and the obligee shall be notified of the time, date, and location of the administrative review at least fourteen days before it is held.

(M)(1) The termination of a support obligation or a support order does not abate the power of any court to collect overdue and unpaid support or to punish any person for a failure to comply with an order of the court or to pay any support as ordered in the terminated support order and does not abate the authority of a child support enforcement agency to issue, in accordance with this section, any notice described in division (D) of this section or of a court to issue, in accordance with this section, any court order as described in division (D)(3) or (4) of this section; to collect any support due or arrearage under the support order.

(2) Any court that has the authority to issue a support order shall have all powers necessary to enforce that support order, and all other powers, set forth in this section.

(3) Except as provided in division (M)(4) of this section, a court may not retroactively modify an obligor's duty to pay a delinquent support payment.

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

(N) If an obligor is in default under a support order and has a claim against another person of more than one thousand dollars, the obligor shall notify the child support enforcement agency of the claim, the nature of the claim, and the name of the person against whom the claim exists. If an obligor is in default under a support order and has a claim against another person or is a party in an action for any judgment, the child support enforcement agency or the agency's attorney, on behalf of the obligor, immediately shall file with the court in which the action is pending a motion to intervene in the action or a creditor's bill. The motion to intervene shall be prepared and filed pursuant to Civil Rules 5 and 24(A) and (C).

Nothing in this division shall preclude an obligee from filing a motion

to intervene in any action or a creditor's bill.

(O) If an obligor is receiving unemployment compensation benefits, an amount may be deducted from those benefits for purposes of child support, in accordance with section 2301.371 and division (D)(4) of section 4141.28 of the Revised Code. Any deduction from a source in accordance with those provisions is in addition to, and does not preclude, any withholding or deduction for purposes of support under divisions (A) to (N) of this section.

(P) As used in this section, and in sections 3113.211 to ~~3113.217~~ 3113.219 of the Revised Code:

(1) "Financial institution" means a bank, savings and loan association, or credit union, or a regulated investment company or mutual fund in which a person who is required to pay child support has funds on deposit that are not exempt under the law of this state or the United States from execution, attachment, or other legal process.

(2) "Title IV-D case" means any case in which the child support enforcement agency is enforcing the child support order pursuant to Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended.

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

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

(5) "Support order" means an order for the payment of support and, for orders issued or modified on or after December 31, 1993, includes any notices described in division (D) or (H) of this section that are issued in accordance with this section.

(6) "Support" means child support, spousal support, and support for a spouse or former spouse.

(7) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes, but is not limited to, wages, salary, commissions, bonuses, draws against commissions, profit sharing, and vacation pay.

(8) "Default" has the same meaning as in section 2301.34 of the Revised Code.

(9) "Payor" means any person or entity that pays or distributes income to an obligor, including the obligor, if the obligor is self employed; an employer; an employer that is paying the obligor's workers' compensation benefits; the public employees retirement board; the board of trustees, or other governing entity of a municipal retirement system; the board of trustees of the police and firemen's disability and pension fund; the state

teachers retirement board; the school employees retirement board; the state highway patrol retirement board; the bureau of workers' compensation; or any other person or entity, except the bureau of employment services with respect to unemployment compensation benefits paid pursuant to Chapter 4141. of the Revised Code.

(Q) As used in this section, "income" means any form of monetary payment, including personal earnings; workers' compensation payments; unemployment compensation benefits to the extent permitted by, and in accordance with, section 2301.371 of the Revised Code, division (D)(4) of section 4141.28 of the Revised Code, and federal law governing the bureau of employment services; pensions; annuities; allowances; private or governmental retirement benefits; disability or sick pay; insurance proceeds; lottery prize awards; federal, state, or local government benefits to the extent that the benefits can be withheld or deducted under the law governing the benefits; any form of trust fund or endowment; lump-sum payments; and any other payment in money.

SECTION 2. That existing sections 124.10, 1901.19, 2329.66, 2329.70, 2333.21, 2335.19, 2716.01, 2716.02, 2716.03, 2716.04, 2716.05, 2716.06, 2716.11, 2716.13, 2716.21, 3111.23, and 3113.21 of the Revised Code are hereby repealed.

SECTION 3. Sections 2716.02 and 2716.03 of the Revised Code are presented in this act as a composite of those sections as amended by both Am. H.B. 193 and Am. Sub. S.B. 150 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

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

Director, Legislative Service Commission.

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

Secretary of State.

File No. _____ Effective Date _____