

**As Passed by the House**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. H. B. No. 208**

**REPRESENTATIVES Raga, Willamowski, Grendell, Manning, Jones, Latta, DePiero, Seitz, Allen, Barrett, Carano, Beatty, DeWine, Gilb, Niehaus, Fessler, Flowers, Hughes, Key, Kilbane, Woodard, Barnes, Hagan, Evans, Latell, Patton, Husted, Williams, Schmidt, Buehrer, Roman, Faber, Young, Aslanides, Flannery, White, Collier, Peterson, Coates, Webster, Perry, Cirelli, S. Smith, G. Smith, Widowfield, Strahorn, Reidelbach, Hollister, D. Miller, R. Miller, Bocchieri, Sferra, Otterman, Womer Benjamin, Salerno**

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**A B I L L**

To amend section 3119.961 and to enact section 1  
3121.441 of the Revised Code to give courts 2  
authority to permit direct payment of spousal 3  
support in cases involving no minor children, 4  
instead of requiring payment through the Department 5  
of Job and Family Services and to clarify the court 6  
of common pleas' jurisdiction in a motion for 7  
relief from a final judgment or administrative 8  
determination of parentage or related child 9  
support. 10

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3119.961 be amended and section 11  
3121.441 of the Revised Code be enacted to read as follows: 12

**Sec. 3119.961.** (A) Notwithstanding the provisions to the 13  
contrary in ~~civil rule~~ Civil Rule 60(B) and in accordance with 14

this section, a person may file a motion for relief from a final judgment, court order, or administrative determination or order that determines that the person or a male minor referred to in division (B) of section 3109.19 of the Revised Code is the father of a child or from a child support order under which the person or male minor is the obligor. The Except as otherwise provided in this section, the person shall file the motion in the juvenile division of the court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of common pleas of the county in which the original judgment, court order, administrative determination or order, or child support order was made, except that, if or issued or in the division of the court of common pleas of the county that has jurisdiction involving the administrative determination or order. If the determination of paternity is an acknowledgment of paternity that has become final under section 2151.232, 3111.25, or 3111.821 of the Revised Code or former section 3111.211 or 5101.314 of the Revised Code, the person shall file the motion in the juvenile court or other court with jurisdiction of the county in which the person or the child who is the subject of the acknowledgment resides.

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

Sec. 3121.441. (A) Notwithstanding the provisions of this chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 and 5107.20 of the Revised Code providing for the office of child support in the department of job and family services to collect, withhold, or deduct spousal support, when a court pursuant to section 3105.18 or 3105.65 of the Revised Code issues or modifies

an order requiring an obligor to pay spousal support or grants or  
modifies a decree of dissolution of marriage incorporating a  
separation agreement that provides for spousal support, or at any  
time after the issuance, granting, or modification of an order or  
decree of that type, the court may permit the obligor to make the  
spousal support payments directly to the obligee instead of to the  
office if the obligee and the obligor have no minor children born  
as a result of their marriage and the obligee has not assigned the  
spousal support amounts to the department pursuant to section  
5101.59 or 5107.20 of the Revised Code.

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(B) A court that permits an obligor to make spousal support  
payments directly to the obligee pursuant to division (A) of this  
section shall order the obligor to make the spousal support  
payments as a check, as a money order, or in any other form that  
establishes a clear record of payment.

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(C) If a court permits an obligor to make spousal support  
payments directly to an obligee pursuant to division (A) of this  
section and the obligor is in default in making any spousal  
support payment to the obligee, the court, upon motion of the  
obligee or on its own motion, may rescind the permission granted  
under that division. After the rescission, the court shall  
determine the amount of arrearages in the spousal support payments  
and order the obligor to make to the office of child support in  
the department of job and family services any spousal support  
payments that are in arrears and any future spousal support  
payments. Upon the issuance of the order of the court under this  
division, the provisions of this chapter, Chapters 3119., 3123.,  
and 3125., and sections 3770.071 and 5107.20 of the Revised Code  
apply with respect to the collection, withholding, or deduction of  
the obligor's spousal support payments that are the subject of  
that order of the court.

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**Section 2.** That existing section 3119.961 of the Revised Code 77  
is hereby repealed. 78