

As Reported by the House Civil and Commercial Law Committee

124th General Assembly

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Sub. H. B. No. 208

**REPRESENTATIVES Raga, Willamowski, Grendell, Manning, Jones, Latta,
DePiero, Seitz**

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 15
judgment, court order, or administrative determination or order 16
that determines that the person or a male minor referred to in 17
division (B) of section 3109.19 of the Revised Code is the father 18
of a child or from a child support order under which the person or 19

male minor is the obligor. ~~The~~ Except as otherwise provided in 20
this section, the person shall file the motion in the juvenile 21
division of the court or other court with jurisdiction under 22
section 2101.022 or 2301.03 of the Revised Code of common pleas of 23
the county in which the original judgment, court order, 24
~~administrative determination or order,~~ or child support order was 25
made, ~~except that, if~~ or issued or in the division of the court of 26
common pleas of the county that has jurisdiction involving the 27
administrative determination or order. If the determination of 28
paternity is an acknowledgment of paternity that has become final 29
under section 2151.232, 3111.25, or 3111.821 of the Revised Code 30
or former section 3111.211 or 5101.314 of the Revised Code, the 31
person shall file the motion in the juvenile court or other court 32
with jurisdiction of the county in which the person or the child 33
who is the subject of the acknowledgment resides. 34

(B) On the motion of any adverse party or on its own motion, 35
the court in which an action is brought under this section may 36
transfer the action to the county in which an adverse party 37
resides when it appears to the court that the location of the 38
original venue presents a hardship for that adverse party. 39

Sec. 3121.441. (A) Notwithstanding the provisions of this 40
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 41
and 5107.20 of the Revised Code providing for the office of child 42
support in the department of job and family services to collect, 43
withhold, or deduct spousal support, when a court pursuant to 44
section 3105.18 or 3105.65 of the Revised Code issues or modifies 45
an order requiring an obligor to pay spousal support or grants or 46
modifies a decree of dissolution of marriage incorporating a 47
separation agreement that provides for spousal support, or at any 48
time after the issuance, granting, or modification of an order or 49
decree of that type, the court may permit the obligor to make the 50

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 is hereby repealed.

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