

As Introduced

124th General Assembly
Regular Session
2001-2002

H. B. No. 657

REPRESENTATIVES Reidelbach, G. Smith, Britton, McGregor

A BILL

To amend sections 1349.01, 2151.231, 2151.33, 2151.49, 1
3111.81, 3113.07, 3119.01, 3119.30, 3119.301, 2
3119.31, 3119.33, 3119.34, 3119.35, 3119.38, 3
3119.46, 3119.47, 3119.48, 3119.49, 3119.491, 4
3119.50, 3119.52, 3119.53, 3119.54, 3119.56, 5
3119.57, 3119.58, 3119.76, 3121.03, 3121.035, 6
3121.27, 3121.58, 3121.67, 3121.896, 3123.01, 7
3123.03, 3123.031, 3123.04, 3123.05, 3123.06, 8
3123.062, 3123.17, 3123.25, 3123.42, 3123.53, 9
3123.62, 3123.66, 3123.67, 3123.92, 3924.48, 10
3924.49, and 4705.021; to amend, for the purpose of 11
adopting new section numbers as indicated in 12
parentheses, sections 3119.31 (3119.32), 3119.33 13
(3119.45), 3119.34 (3119.46), 3119.35 (3119.47), 14
3119.37 (3119.48), 3119.38 (3119.49), 3119.46 15
(3119.39), 3119.47 (3119.40), 3119.48 (3119.351), 16
3119.49 (3119.352), 3119.491 (3119.353), 3119.50 17
(3119.354), 3119.52 (3119.361), 3119.53 (3119.362), 18
3119.57 (3119.41), 3119.58 (3119.43), 3123.031 19
(3123.033), and 3123.062 (3123.07); to enact new 20
sections 3119.31, 3119.33, 3119.34, 3119.35, 21
3119.37, 3119.44, 3119.50, 3123.031, 3123.061, and 22
3123.18 and sections 3119.29, 3119.331, 3319.36, 23
3119.363, 3123.021, 3123.022, 3123.023, 3123.032, 24
3123.034, 3123.171, 3123.181, 3123.182, and 25

3123.183; and to repeal sections 3119.40, 3119.41, 26
3119.43, 3119.44, 3119.45, 3119.51, 3123.061, 27
3123.07, 3123.071, and 3123.18 of the Revised Code 28
to revise the law governing child support 29
enforcement and to declare an emergency. 30

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

Section 1. That sections 1349.01, 2151.231, 2151.33, 2151.49, 31
3111.81, 3113.07, 3119.01, 3119.30, 3119.301, 3119.31, 3119.33, 32
3119.34, 3119.35, 3119.38, 3119.46, 3119.47, 3119.48, 3119.49, 33
3119.491, 3119.50, 3119.52, 3119.53, 3119.54, 3119.56, 3119.57, 34
3119.58, 3119.76, 3121.03, 3121.035, 3121.27, 3121.58, 3121.67, 35
3121.896, 3123.01, 3123.03, 3123.031, 3123.04, 3123.05, 3123.06, 36
3123.062, 3123.17, 3123.25, 3123.42, 3123.53, 3123.62, 3123.66, 37
3123.67, 3123.92, 3924.48, 3924.49, and 4705.021 be amended, 38
sections 3119.31 (3119.32), 3119.33 (3119.45), 3119.34 (3119.46), 39
3119.35 (3119.47), 3119.37 (3119.48), 3119.38 (3119.49), 3119.46 40
(3119.39), 3119.47 (3119.40), 3119.48 (3119.351), 3119.49 41
(3119.352), 3119.491 (3119.353), 3119.50 (3119.354), 3119.52 42
(3119.361), 3119.53 (3119.362), 3119.57 (3119.41), 3119.58 43
(3119.43), 3123.031 (3123.033), and 3123.062 (3123.07) be amended 44
for the purpose of adopting new section numbers as indicated in 45
parentheses, and new sections 3119.31, 3119.33, 3119.34, 3119.35, 46
3119.37, 3119.44, 3119.50, 3123.031, 3123.061, and 3123.18 and 47
sections 3119.29, 3119.331, 3319.36, 3119.363, 3123.021, 3123.022, 48
3123.023, 3123.032, 3123.034, 3123.171, 3123.181, 3123.182, and 49
3123.183 of the Revised Code be enacted to read as follows: 50

Sec. 1349.01. (A) As used in this section: 52

(1) "Consumer reporting agency" has the same meaning as in 53

the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a. 54

(2) "Court" means the division of the court of common pleas 55
having jurisdiction over actions for divorce, annulment, 56
dissolution of marriage, legal separation, child support, or 57
spousal support. 58

(3) "Health insurance coverage" means hospital, surgical, or 59
medical expense coverage provided under any health insurance or 60
health care policy, contract, or plan or any other health benefits 61
arrangement. 62

(4) "Provider" has the same meaning as in section 3902.11 of 63
the Revised Code. 64

(B) If, pursuant to an action for divorce, annulment, 65
dissolution of marriage, or legal separation, the court determines 66
that a party who is a resident of this state is responsible for 67
obtaining health insurance coverage for the party's former spouse 68
or children or if, pursuant to a child support order issued in 69
accordance with sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 3119.56 of the 70
Revised Code, the court requires a party who is a resident of this 71
state to obtain health insurance coverage for the children who are 72
the subject of the child support order, and the party fails to 73
obtain such coverage, no provider or collection agency shall 74
collect or attempt to collect from the former spouse, children, or 75
person responsible for the children, any reimbursement of any 76
hospital, surgical, or medical expenses incurred by the provider 77
for services rendered to the former spouse or children, which 78
expenses would have been covered but for the failure of the party 79
to obtain the coverage, if the former spouse, any of the children, 80
or a person responsible for the children, provides the following 81
to the provider or collection agency: 82

(1) A copy of the court order requiring the party to obtain 83
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health insurance coverage for the former spouse or children. 85

(2) Reasonable assistance in locating the party and obtaining 86
information about the party's health insurance coverage. 87

(C) If the requirements of divisions (B)(1) and (2) of this 88
section are not met, the provider or collection agency may collect 89
the hospital, surgical, or medical expenses both from the former 90
spouse or person responsible for the children and from the party 91
who failed to obtain the coverage. If the requirements of 92
divisions (B)(1) and (2) are met, the provider or collection 93
agency may collect or attempt to collect the expenses only from 94
the party. 95

A party required to obtain health insurance coverage for a 96
former spouse or children who fails to obtain the coverage is 97
liable to the provider for the hospital, surgical, or medical 98
expenses incurred by the provider as a result of the failure to 99
obtain the coverage. This section does not prohibit a former 100
spouse or person responsible for the children from initiating an 101
action to enforce the order requiring the party to obtain health 102
insurance for the former spouse or children or to collect any 103
amounts the former spouse or person responsible for the children 104
pays for hospital, surgical, or medical expenses for which the 105
party is responsible under the order requiring the party to obtain 106
health insurance for the former spouse or children. 107

(D)(1) If the requirements of divisions (B)(1) and (2) of 108
this section are met, both of the following restrictions shall 109
apply: 110

(a) No collection agency or provider of hospital, surgical, 111
or medical services may report to a consumer reporting agency, for 112
inclusion in the credit file or credit report of the former spouse 113
or person responsible for the children, any information relative 114
to the nonpayment of expenses for the services incurred by the 115

provider, if the nonpayment is the result of the failure of the 116
party responsible for obtaining health insurance coverage to 117
obtain health insurance coverage. 118

(b) No consumer reporting agency shall include in the credit 119
file or credit report of the former spouse or person responsible 120
for the children, any information relative to the nonpayment of 121
any hospital, surgical, or medical expenses incurred by a provider 122
as a result of the party's failure to obtain the coverage. 123

(2) If the requirements of divisions (B)(1) and (2) of this 124
section are not met, both of the following provisions shall apply: 125

(a) A provider of hospital, surgical, or medical services, or 126
a collection agency, may report to a consumer reporting agency, 127
for inclusion in the credit file or credit report of the former 128
spouse or person responsible for the children, any information 129
relative to the nonpayment of expenses for the services incurred 130
by the provider, if the nonpayment is the result of the failure of 131
the party responsible for obtaining health insurance coverage to 132
obtain such coverage. 133

(b) A consumer reporting agency may include in the credit 134
file or credit report of the former spouse or person responsible 135
for the children, any information relative to the nonpayment of 136
any hospital, surgical, or medical expenses incurred by the 137
provider, if the nonpayment is the result of the failure of the 138
party responsible for obtaining health insurance coverage to 139
obtain such coverage. 140

(3)(a) A provider of hospital, surgical, or medical services, 141
or a collection agency, may report to a consumer reporting agency, 142
for inclusion in the credit file or credit report of that party, 143
any information relative to the nonpayment of expenses for the 144
services incurred by the provider, if the nonpayment is the result 145
of the failure of the party responsible for obtaining health 146

insurance coverage to obtain such coverage. 147

(b) A consumer reporting agency may include in the credit 148
file or credit report of the party responsible for obtaining 149
health insurance coverage, any information relative to the 150
nonpayment of any hospital, surgical, or medical expenses incurred 151
by a provider, if the nonpayment is the result of the failure of 152
that party to obtain health insurance coverage. 153

(4) If any information described in division (D)(2) of this 154
section is placed in the credit file or credit report of the 155
former spouse or person responsible for the children, the consumer 156
reporting agency shall remove the information from the credit file 157
and credit report if the former spouse or person responsible for 158
the children provides the agency with the information required in 159
divisions (B)(1) and (2) of this section. If the agency fails to 160
remove the information from the credit file or credit report 161
pursuant to the terms of the "Fair Credit Reporting Act," 84 Stat. 162
1128, 15 U.S.C. 1681a, within a reasonable time after receiving 163
the information required by divisions (B)(1) and (2) of this 164
section, the former spouse may initiate an action to require the 165
agency to remove the information. 166

If any information described in division (D)(3) of this 167
section is placed in the party's credit file or credit report, the 168
party has the burden of proving that the party is not responsible 169
for obtaining the health insurance coverage or, if responsible, 170
that the expenses incurred are not covered expenses. If the party 171
meets that burden, the agency shall remove the information from 172
the party's credit file and credit report immediately. If the 173
agency fails to remove the information from the credit file or 174
credit report immediately after the party meets the burden, the 175
party may initiate an action to require the agency to remove the 176
information. 177

Sec. 2151.231. The parent, guardian, or custodian of a child, 178
the person with whom a child resides, or the child support 179
enforcement agency of the county in which the child, parent, 180
guardian, or custodian of the child resides may bring an action in 181
a juvenile court or other court with jurisdiction under section 182
2101.022 or 2301.03 of the Revised Code under this section 183
requesting the court to issue an order requiring a parent of the 184
child to pay an amount for the support of the child without regard 185
to the marital status of the child's parents. No action may be 186
brought under this section against a person presumed to be the 187
parent of a child based on an acknowledgment of paternity that has 188
not yet become final under former section 3111.211 or 5101.314 or 189
section 2151.232, 3111.25, or 3111.821 of the Revised Code. 190

The parties to an action under this section may raise the 191
issue of the existence or nonexistence of a parent-child 192
relationship, unless a final and enforceable determination of the 193
issue has been made with respect to the parties pursuant to 194
Chapter 3111. of the Revised Code or an acknowledgment of 195
paternity signed by the child's parents has become final pursuant 196
to former section 3111.211 or 5101.314 or section 2151.232, 197
3111.25, or 3111.821 of the Revised Code. If a complaint is filed 198
under this section and an issue concerning the existence or 199
nonexistence of a parent-child relationship is raised, the court 200
shall treat the action as an action pursuant to sections 3111.01 201
to 3111.18 of the Revised Code. An order issued in an action under 202
this section does not preclude a party to the action from bringing 203
a subsequent action pursuant to sections 3111.01 to 3111.18 of the 204
Revised Code if the issue concerning the existence or nonexistence 205
of the parent-child relationship was not determined with respect 206
to the party pursuant to a proceeding under this section, a 207
proceeding under Chapter 3111. of the Revised Code, or an 208
acknowledgment of paternity that has become final under former 209

section 3111.211 or 5101.314 or section 2151.232, 3111.25, or
3111.821 of the Revised Code. An order issued pursuant to this
section shall remain effective until an order is issued pursuant
to sections 3111.01 to 3111.18 of the Revised Code that a
parent-child relationship does not exist between the alleged
father of the child and the child or until the occurrence of an
event described in section 3119.88 of the Revised Code that would
require the order to terminate.

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The court, in accordance with sections ~~3119.30~~ 3119.29 to
~~3119.58~~ 3119.56 of the Revised Code, shall include in each support
order made under this section the requirement that one or both of
the parents provide for the health care needs of the child to the
satisfaction of the court.

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Sec. 2151.33. (A) Pending hearing of a complaint filed under
section 2151.27 of the Revised Code or a motion filed or made
under division (B) of this section and the service of citations,
the juvenile court may make any temporary disposition of any child
that it considers necessary to protect the best interest of the
child and that can be made pursuant to division (B) of this
section. Upon the certificate of one or more reputable practicing
physicians, the court may summarily provide for emergency medical
and surgical treatment that appears to be immediately necessary to
preserve the health and well-being of any child concerning whom a
complaint or an application for care has been filed, pending the
service of a citation upon the child's parents, guardian, or
custodian. The court may order the parents, guardian, or
custodian, if the court finds the parents, guardian, or custodian
able to do so, to reimburse the court for the expense involved in
providing the emergency medical or surgical treatment. Any person
who disobeys the order for reimbursement may be adjudged in
contempt of court and punished accordingly.

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If the emergency medical or surgical treatment is furnished 241
to a child who is found at the hearing to be a nonresident of the 242
county in which the court is located and if the expense of the 243
medical or surgical treatment cannot be recovered from the 244
parents, legal guardian, or custodian of the child, the board of 245
county commissioners of the county in which the child has a legal 246
settlement shall reimburse the court for the reasonable cost of 247
the emergency medical or surgical treatment out of its general 248
fund. 249

(B)(1) After a complaint, petition, writ, or other document 250
initiating a case dealing with an alleged or adjudicated abused, 251
neglected, or dependent child is filed and upon the filing or 252
making of a motion pursuant to division (C) of this section, the 253
court, prior to the final disposition of the case, may issue any 254
of the following temporary orders to protect the best interest of 255
the child: 256

(a) An order granting temporary custody of the child to a 257
particular party; 258

(b) An order for the taking of the child into custody 259
pursuant to section 2151.31 of the Revised Code pending the 260
outcome of the adjudicatory and dispositional hearings; 261

(c) An order granting, limiting, or eliminating parenting 262
time or visitation rights with respect to the child; 263

(d) An order requiring a party to vacate a residence that 264
will be lawfully occupied by the child; 265

(e) An order requiring a party to attend an appropriate 266
counseling program that is reasonably available to that party; 267

(f) Any other order that restrains or otherwise controls the 268
conduct of any party which conduct would not be in the best 269
interest of the child. 270

(2) Prior to the final disposition of a case subject to 271
division (B)(1) of this section, the court shall do both of the 272
following: 273

(a) Issue an order pursuant to Chapters 3119. to 3125. of the 274
Revised Code requiring the parents, guardian, or person charged 275
with the child's support to pay support for the child. 276

(b) Issue an order requiring the parents, guardian, or person 277
charged with the child's support to continue to maintain any 278
health insurance coverage for the child that existed at the time 279
of the filing of the complaint, petition, writ, or other document, 280
or to obtain health insurance coverage in accordance with sections 281
~~3119.30~~ 3119.29 to ~~3119.58~~ 3119.56 of the Revised Code. 282
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(C)(1) A court may issue an order pursuant to division (B) of 284
this section upon its own motion or if a party files a written 285
motion or makes an oral motion requesting the issuance of the 286
order and stating the reasons for it. Any notice sent by the court 287
as a result of a motion pursuant to this division shall contain a 288
notice that any party to a juvenile proceeding has the right to be 289
represented by counsel and to have appointed counsel if the person 290
is indigent. 291

(2) If a child is taken into custody pursuant to section 292
2151.31 of the Revised Code and placed in shelter care, the public 293
children services agency or private child placing agency with 294
which the child is placed in shelter care shall file or make a 295
motion as described in division (C)(1) of this section before the 296
end of the next day immediately after the date on which the child 297
was taken into custody and, at a minimum, shall request an order 298
for temporary custody under division (B)(1)(a) of this section. 299

(3) A court that issues an order pursuant to division 300
(B)(1)(b) of this section shall comply with section 2151.419 of 301

the Revised Code. 302

(D) The court may grant an ex parte order upon its own motion 303
or a motion filed or made pursuant to division (C) of this section 304
requesting such an order if it appears to the court that the best 305
interest and the welfare of the child require that the court issue 306
the order immediately. The court, if acting on its own motion, or 307
the person requesting the granting of an ex parte order, to the 308
extent possible, shall give notice of its intent or of the request 309
to the parents, guardian, or custodian of the child who is the 310
subject of the request. If the court issues an ex parte order, the 311
court shall hold a hearing to review the order within seventy-two 312
hours after it is issued or before the end of the next day after 313
the day on which it is issued, whichever occurs first. The court 314
shall give written notice of the hearing to all parties to the 315
action and shall appoint a guardian ad litem for the child prior 316
to the hearing. 317

The written notice shall be given by all means that are 318
reasonably likely to result in the party receiving actual notice 319
and shall include all of the following: 320

(1) The date, time, and location of the hearing; 321

(2) The issues to be addressed at the hearing; 322

(3) A statement that every party to the hearing has a right 323
to counsel and to court-appointed counsel, if the party is 324
indigent; 325

(4) The name, telephone number, and address of the person 326
requesting the order; 327

(5) A copy of the order, except when it is not possible to 328
obtain it because of the exigent circumstances in the case. 329

If the court does not grant an ex parte order pursuant to a 330
motion filed or made pursuant to division (C) of this section or 331

its own motion, the court shall hold a shelter care hearing on the
motion within ten days after the motion is filed. The court shall
give notice of the hearing to all affected parties in the same
manner as set forth in the Juvenile Rules.

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(E) The court, pending the outcome of the adjudicatory and
dispositional hearings, shall not issue an order granting
temporary custody of a child to a public children services agency
or private child placing agency pursuant to this section, unless
the court determines and specifically states in the order that the
continued residence of the child in the child's current home will
be contrary to the child's best interest and welfare and the court
complies with section 2151.419 of the Revised Code.

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(F) Each public children services agency and private child
placing agency that receives temporary custody of a child pursuant
to this section shall maintain in the child's case record written
documentation that it has placed the child, to the extent that it
is consistent with the best interest, welfare, and special needs
of the child, in the most family-like setting available and in
close proximity to the home of the parents, custodian, or guardian
of the child.

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(G) For good cause shown, any court order that is issued
pursuant to this section may be reviewed by the court at any time
upon motion of any party to the action or upon the motion of the
court.

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Sec. 2151.49. In every case of conviction under sections
2151.01 to 2151.54 of the Revised Code, where imprisonment is
imposed as part of the punishment, the juvenile judge may suspend
sentence, before or during commitment, upon such condition as the
juvenile judge imposes. In the case of conviction for nonsupport
of a child who is receiving aid under Chapter 5107. or 5115. of
the Revised Code, if the juvenile judge suspends sentence on

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condition that the person make payments for support, the payment 363
shall be made to the county department of job and family services 364
rather than to the child or custodian of the child. 365

The court, in accordance with sections ~~3119.30~~ 3119.29 to 366
~~3119.58~~ 3119.56 of the Revised Code, shall include in each support 367
order made under this section the requirement that one or both of 368
the parents provide for the health care needs of the child to the 369
satisfaction of the court. 370

Sec. 3111.81. After the hearing under section 3111.80 of the 371
Revised Code is completed, the administrative officer may issue an 372
administrative order for the payment of support and provision for 373
the child's health care. The order shall do all of the following: 374

(A) Require periodic payments of support that may vary in 375
amount, except that, if it is in the best interest of the child, 376
the administrative officer may order the purchase of an annuity in 377
lieu of periodic payments of support if the purchase agreement 378
provides that any ~~remaining principal~~ remaining principal will be 379
transferred to the ownership and control of the child on the 380
child's attainment of the age of majority; 381

(B) Require the parents to provide for the health care needs 382
of the child in accordance with sections ~~3119.30~~ 3119.29 to 383
~~3119.58~~ 3119.56 of the Revised Code; 384

(C) Include a notice that contains the information described 385
in section 3111.84 of the Revised Code informing the mother and 386
the father of the right to object to the order by bringing an 387
action for the payment of support and provision of the child's 388
health care under section 2151.231 of the Revised Code and the 389
effect of a failure to timely bring the action. 390

Sec. 3113.07. As used in this section, "executive director" 391

has the same meaning as in section 5153.01 of the Revised Code. 392

Sentence may be suspended, if a person, after conviction 393
under section 3113.06 of the Revised Code and before sentence 394
thereunder, appears before the court of common pleas in which such 395
conviction took place and enters into bond to the state in a sum 396
fixed by the court at not less than five hundred dollars, with 397
sureties approved by such court, conditioned that such person will 398
pay, so long as the child remains a ward of the public children 399
services agency or a recipient of aid pursuant to Chapter 5107. or 400
5115. of the Revised Code, to the executive director thereof or to 401
a trustee to be named by the court, for the benefit of such agency 402
or if the child is a recipient of aid pursuant to Chapter 5107. or 403
5115. of the Revised Code, to the county department of job and 404
family services, the reasonable cost of keeping such child. The 405
amount of such costs and the time of payment shall be fixed by the 406
court. 407

The court, in accordance with sections ~~3119.30~~ 3119.29 to 408
~~3119.58~~ 3119.56 of the Revised Code, shall include in each support 409
order made under this section the requirement that one or both of 410
the parents provide for the health care needs of the child to the 411
satisfaction of the court. 412

Sec. 3119.01. (A) As used in the Revised Code, "child support 413
enforcement agency" means a child support enforcement agency 414
designated under former section 2301.35 of the Revised Code prior 415
to October 1, 1997, or a private or government entity designated 416
as a child support enforcement agency under section 307.981 of the 417
Revised Code. 418

(B) As used in this chapter and Chapters 3121., 3123., and 419
3125. of the Revised Code: 420

(1) "Administrative child support order" means any order 421

issued by a child support enforcement agency for the support of a
child pursuant to section 3109.19 or 3111.81 of the Revised Code
or former section 3111.211 of the Revised Code, section 3111.21 of
the Revised Code as that section existed prior to January 1, 1998,
or section 3111.20 or 3111.22 of the Revised Code as those
sections existed prior to ~~the effective date of this section~~ March
22, 2001.

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(2) "Child support order" means either a court child support
order or an administrative child support order.

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

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

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(5) "Support order" means either an administrative child
support order or a court support order.

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(C) As used in this chapter:

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(1) "Combined gross income" means the combined gross income
of both parents.

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(2) "Court child support order" means any order issued by a
court for the support of a child pursuant to Chapter 3115. of the
Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33,
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13,
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70, ~~or 3123.07~~ of the
Revised Code, or division (B) of former section 3113.21 of the
Revised Code.

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(3) "Court support order" means either a court child support
order or an order for the support of a spouse or former spouse
issued pursuant to Chapter 3115. of the Revised Code, section
3105.18, 3105.65, or 3113.31, ~~or 3123.07~~ of the Revised Code, or
division (B) of former section 3113.21 of the Revised Code.

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(4) "Extraordinary medical expenses" means any uninsured 452
medical expenses incurred for a child during a calendar year that 453
exceed one hundred dollars. 454

(5) "Income" means either of the following: 455

(a) For a parent who is employed to full capacity, the gross 456
income of the parent; 457

(b) For a parent who is unemployed or underemployed, the sum 458
of the gross income of the parent and any potential income of the 459
parent. 460

(6) "Insurer" means any person authorized under Title XXXIX 461
of the Revised Code to engage in the business of insurance in this 462
state, any health insuring corporation, and any legal entity that 463
is self-insured and provides benefits to its employees or members. 464

(7) "Gross income" means, except as excluded in division 465
(C)(7) of this section, the total of all earned and unearned 466
income from all sources during a calendar year, whether or not the 467
income is taxable, and includes income from salaries, wages, 468
overtime pay, and bonuses to the extent described in division (D) 469
of section 3119.05 of the Revised Code; commissions; royalties; 470
tips; rents; dividends; severance pay; pensions; interest; trust 471
income; annuities; social security benefits, including retirement, 472
disability, and survivor benefits that are not means-tested; 473
workers' compensation benefits; unemployment insurance benefits; 474
disability insurance benefits; benefits that are not means-tested 475
and that are received by and in the possession of the veteran who 476
is the beneficiary for any service-connected disability under a 477
program or law administered by the United States department of 478
veterans' affairs or veterans' administration; spousal support 479
actually received; and all other sources of income. "Gross income" 480
includes income of members of any branch of the United States 481
armed services or national guard, including, amounts representing 482

base pay, basic allowance for quarters, basic allowance for 483
subsistence, supplemental subsistence allowance, cost of living 484
adjustment, specialty pay, variable housing allowance, and pay for 485
training or other types of required drills; self-generated income; 486
and potential cash flow from any source. 487

"Gross income" does not include any of the following: 488

(a) Benefits received from means-tested government 489
administered programs, including Ohio works first; prevention, 490
retention, and contingency; means-tested veterans' benefits; 491
supplemental security income; food stamps; disability assistance; 492
or other assistance for which eligibility is determined on the 493
basis of income or assets; 494

(b) Benefits for any service-connected disability under a 495
program or law administered by the United States department of 496
veterans' affairs or veterans' administration that are not 497
means-tested, that have not been distributed to the veteran who is 498
the beneficiary of the benefits, and that are in the possession of 499
the United States department of veterans' affairs or veterans' 500
administration; 501

(c) Child support received for children who were not born or 502
adopted during the marriage at issue; 503

(d) Amounts paid for mandatory deductions from wages such as 504
union dues but not taxes, social security, or retirement in lieu 505
of social security; 506

(e) Nonrecurring or unsustainable income or cash flow items; 507

(f) Adoption assistance and foster care maintenance payments 508
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 509
501, 42 U.S.C.A. 670 (1980), as amended. 510

(8) "Nonrecurring or unsustainable income or cash flow item" 511
means an income or cash flow item the parent receives in any year 512

or for any number of years not to exceed three years that the
parent does not expect to continue to receive on a regular basis.
"Nonrecurring or unsustainable income or cash flow item" does not
include a lottery prize award that is not paid in a lump sum or
any other item of income or cash flow that the parent receives or
expects to receive for each year for a period of more than three
years or that the parent receives and invests or otherwise uses to
produce income or cash flow for a period of more than three years.

(9)(a) "Ordinary and necessary expenses incurred in
generating gross receipts" means actual cash items expended by the
parent or the parent's business and includes depreciation expenses
of business equipment as shown on the books of a business entity.

(b) Except as specifically included in "ordinary and
necessary expenses incurred in generating gross receipts" by
division (C)(9)(a) of this section, "ordinary and necessary
expenses incurred in generating gross receipts" does not include
depreciation expenses and other noncash items that are allowed as
deductions on any federal tax return of the parent or the parent's
business.

(10) "Personal earnings" means compensation paid or payable
for personal services, however denominated, and includes wages,
salary, commissions, bonuses, draws against commissions, profit
sharing, vacation pay, or any other compensation.

(11) "Potential income" means both of the following for a
parent who the court pursuant to a court support order, or a child
support enforcement agency pursuant to an administrative child
support order, determines is voluntarily unemployed or voluntarily
underemployed:

(a) Imputed income that the court or agency determines the
parent would have earned if fully employed as determined from the
following criteria:

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(i) The parent's prior employment experience;	544
(ii) The parent's education;	545
(iii) The parent's physical and mental disabilities, if any;	546
(iv) The availability of employment in the geographic area in which the parent resides;	547 548
(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	549 550
(vi) The parent's special skills and training;	551
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	552 553
(viii) The age and special needs of the child for whom child support is being calculated under this section;	554 555
(ix) The parent's increased earning capacity because of experience;	556 557
(x) Any other relevant factor.	558
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	559 560 561 562 563
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	564 565
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents,	566 567 568 569 570 571 572

including company cars, free housing, reimbursed meals, and other
benefits, if the reimbursements are significant and reduce
personal living expenses.

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(14) "Split parental rights and responsibilities" means a
situation in which there is more than one child who is the subject
of an allocation of parental rights and responsibilities and each
parent is the residential parent and legal custodian of at least
one of those children.

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(15) "Worksheet" means the applicable worksheet that is used
to calculate a parent's child support obligation as set forth in
sections 3119.022 and 3119.023 of the Revised Code.

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Sec. 3119.29. As used in this section and sections 3119.30 to
3119.56 of the Revised Code:

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(A) "Custodial parent" means a parent who has been designated
by the court as the residential parent and legal custodian of a
child pursuant to a divorce, dissolution, legal separation,
annulment, or child custody proceeding.

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(B) "Health plan administrator" means any person authorized
under Title XXXIX of the Revised Code to engage in the business of
insurance in this state, any health insuring corporation, and any
legal entity that is self-insured and provides benefits to its
employees or members.

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(C) "National medical support notice" means a form required
by the "Child Support Performance and Incentive Act of 1998," P.L.
105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as amended, and
jointly developed and promulgated by the secretary of health and
human services and the secretary of labor in federal regulations
adopted under that act.

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(D) "Noncustodial parent" means a person who has been a party
to a divorce, dissolution, legal separation, annulment, or child

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custody proceeding but has not been designated by the court as a residential parent and legal custodian of the child.

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(E) "Parent responsible for the health care of the children" means the parent determined by the court under a court child support order or by the child support enforcement agency under an administrative child support order to provide health insurance coverage for the children pursuant to section 3119.30 of the Revised Code.

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(F) "State medical support notice" means a notice prescribed by the department of job and family services pursuant to section 3119.39 of the Revised Code.

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Sec. 3119.30. In any action or proceeding in which a child support order is issued or modified, the court, with respect to court child support orders, and the child support enforcement agency, with respect to administrative child support orders, shall determine the parent responsible for the health care of the children subject to the child support order ~~and~~. The determination shall be made based on information provided to the court or to the child support enforcement agency under section 3119.31 of the Revised Code. The order shall include ~~in the order~~ one of the following:

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(A) A requirement that the obligor under the child support order obtain health insurance coverage for the children if coverage is available at a reasonable cost through a group policy, contract, or plan offered by the obligor's employer or through any other group policy, contract, or plan available to the obligor and is not available for a more reasonable cost through a group policy, contract, or plan available to the obligee;

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(B) A requirement that the obligee obtain health insurance coverage for the children if coverage is available through a group policy, contract, or plan offered by the obligee's employer or

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through any other group policy, contract, or plan available to the
obligee and is available at a more reasonable cost than coverage
is available to the obligor;

(C) If health insurance coverage for the children is not
available at a reasonable cost through a group policy, contract,
or plan offered by the obligor's or obligee's employer or through
any other group policy, contract, or plan available to the obligor
or the obligee, a requirement that the obligor and the obligee
share liability for the cost of the medical and health care needs
of the children, under an equitable formula established by the
court, with respect to a court child support order, or the child
support enforcement agency, with respect to an administrative
child support order, and a requirement that if, after the issuance
of the order, health insurance coverage for the children becomes
available at a reasonable cost through a group policy, contract,
or plan offered by the obligor's or obligee's employer or through
any other group policy, contract, or plan available to the obligor
or obligee, the obligor or obligee to whom the coverage becomes
available immediately inform the court, with respect to a court
child support order, or the child support enforcement agency, with
respect to an administrative child support order;

(D) A requirement that both the obligor and the obligee
obtain health insurance coverage for the children if coverage is
available for the children at a reasonable cost to both the
obligor and the obligee and dual coverage by both parents would
provide for coordination of medical benefits without unnecessary
duplication of coverage.

Sec. 3119.301. An order issued pursuant to former section
3111.241 or 3113.217 of the Revised Code as those sections existed
prior to January 1, 1998, that was not terminated on or after that
date, and that provides for the health care needs of children

subject to a child support order shall be considered to be a 665
requirement included as part of the child support order. The child 666
support order shall be considered to have been issued in 667
accordance with former section 3111.241 or 3113.217 of the Revised 668
Code as those sections existed on and after January 1, 1998, and 669
prior to ~~the effective date of this section~~ March 22, 2001. A 670
child support order issued in accordance with, or any notice 671
issued under, former section 3111.241 or 3113.217 of the Revised 672
Code as those sections existed prior to ~~the effective date of this~~ 673
~~section~~ March 22, 2001, that was not terminated on or after that 674
date shall be subject to sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 675
3119.56 of the Revised Code on and after that date. 676

Sec. 3119.31. In any action or proceeding in which a court or 677
child support enforcement agency is determining the parent 678
responsible for the health care of the children who are or will be 679
the subject of a child support order, each parent shall provide to 680
the court or child support enforcement agency a list of any group 681
health insurance policies, contracts, or plans available at a 682
reasonable cost to the parent and the names of the plan 683
administrators. 684

~~Sec. 3119.31~~ 3119.32. A child support order shall contain all 685
of the following: 686

(A) ~~If the obligor, or both the obligor and obligee, are a~~ 687
parent is required under section 3119.30 of the Revised Code to 688
provide health insurance coverage for the children, a requirement 689
that ~~whoever is required to obtain the health insurance coverage~~ 690
~~do all of the following:~~ 691

~~(1) Provide the parent provide to the other with parent, not~~ 692
later than thirty days after the issuance of the order, 693
information regarding the benefits, limitations, and exclusions of 694

the coverage, copies of any insurance forms necessary to receive 695
reimbursement, payment, or other benefits under the coverage, and 696
a copy of any necessary insurance cards; 697

~~(2) Submit a copy of the child support order issued pursuant 698
to section 3119.30 of the Revised Code to the insurer at the time 699
of making application to enroll the children under the health 700
insurance policy, contract, or plan; 701~~

~~(3) Furnish written proof to the child support enforcement 702
agency of compliance with this division. 703~~

~~(B) A list of the group health insurance policies, contracts, 704
and plans that the court, with respect to a court child support 705
order, or the child support enforcement agency, with respect to an 706
administrative child support order, determines are available at a 707
reasonable cost to the obligor or to the obligee and the name of 708
the insurer that issues each policy, contract, or plan; 709~~

~~(C) A statement setting forth the name, address, and 710
telephone number of the individual who is to be reimbursed for 711
out-of-pocket medical, optical, hospital, dental, or prescription 712
expenses paid for each child and a statement that the insurer 713
health plan administrator that provides the health insurance 714
coverage for the children may continue making payment for medical, 715
optical, hospital, dental, or prescription services directly to 716
any health care provider in accordance with the applicable health 717
insurance policy, contract, or plan; 718~~

~~(D)(C) A requirement that the obligor and the obligee a 719
parent responsible for the health care of the children or both 720
parents designate the children as covered dependents under any 721
health insurance policy, contract, or plan for which they contract 722
the parent contracts; 723~~

~~(E)(D) A requirement that the obligor, the obligee, or both 724
of them under a formula established by the court, with respect to 725~~

a court child support order, or the child support enforcement 726
agency, with respect to an administrative child support order, pay 727
co-payment or deductible costs required under the health insurance 728
policy, contract, or plan that covers the children; 729

~~(F)~~(E) A notice that the employer of the ~~obligor or obligee~~ 730
parent required to obtain health insurance coverage is required to 731
release to the other parent or the child support enforcement 732
agency on written request any necessary information on the health 733
insurance coverage, including the name and address of the ~~insurer~~ 734
health plan administrator and any policy, contract, or plan 735
number, and to otherwise comply with this section and any order or 736
notice issued under this section; 737

~~(G)~~(F) A statement setting forth the full name and date of 738
birth of each child who is the subject of the child support order; 739

~~(H)~~(G) A requirement that the obligor and the obligee comply 740
with any requirement described in section 3119.30 of the Revised 741
Code and divisions (A) and ~~(D)~~(C) of this section that is 742
contained in an order issued in compliance with this section no 743
later than thirty days after the issuance of the order; 744

~~(I)~~ A notice that if the ~~obligor or obligee fails to obtain~~ 745
~~health insurance coverage required by a child support order, the~~ 746
~~child support enforcement agency shall comply with sections~~ 747
~~3119.40 and 3119.41 of the Revised Code to obtain a court order~~ 748
~~requiring the obligor or obligee to obtain the health insurance~~ 749
~~coverage;~~ 750

~~(J)~~(H) A notice that states the following: "If the person 751
required to obtain health care insurance coverage for the children 752
subject to this child support order obtains new employment ~~and the~~ 753
~~health insurance coverage for the children is provided through the~~ 754
~~previous employer~~, the agency shall comply with the requirements 755
of ~~sections 3119.43 and 3119.44~~ section 3119.331 of the Revised 756
Code, which may result in the issuance of a notice requiring the 757

new employer to take whatever action is necessary to enroll the 758
children in health care insurance coverage provided by the new 759
employer." 760

Sec. 3119.33. (A)(1) A child support enforcement agency shall 761
send the national medical support notice to the employer of a 762
parent responsible for the health care of the children who are the 763
subject of a child support order if either of the following is the 764
case: 765

(a) The parent is the noncustodial parent and is required by 766
an administrative child support order to obtain health insurance 767
coverage for the children through the parent's employer. 768

(b) The parent is the noncustodial parent and is required by 769
a court child support order to obtain health insurance coverage 770
for the child through the parent's employer, and the court 771
requires the child support enforcement agency to send the notice 772
to the parent's employer. 773

(2) The child support enforcement agency shall act in 774
accordance with federal regulations governing the national medical 775
support notice and rules adopted by the department of job and 776
family services under section 3119.50 of the Revised Code. 777

(B)(1) A child support enforcement agency shall send the 778
state medical support notice to the employer of a parent 779
responsible for the health care of the children who are the 780
subject of a child support order if either of the following is the 781
case: 782

(a) The parent is the custodial parent and is required by an 783
administrative child support order to obtain health insurance 784
coverage for the children through the parent's employer. 785

(b) The parent is the custodial parent and is required by a 786
court child support order to obtain health insurance coverage for 787

the child through the parent's employer, and the court requires 788
the child support enforcement agency to send the notice to the 789
parent's employer. 790

(2) The child support enforcement agency shall act in 791
accordance with rules adopted by the department of job and family 792
services under section 3119.50 of the Revised Code. 793

Sec. 3119.331. (A) Not later than the business day after 794
receipt of a notice under section 3121.895 of the Revised Code of 795
a new hire match, a child support enforcement agency shall send to 796
a parent's new employer a national medical support notice if both 797
of the following apply: 798

(1) The parent is the parent responsible for the health care 799
of the children. 800

(2) The parent is the noncustodial parent. 801

(B) Not later than the business day after receipt of a notice 802
under section 3121.895 of the Revised Code of a new hire match, a 803
child support enforcement agency shall send to a parent's new 804
employer a state medical support notice if both of the following 805
apply: 806

(1) The parent is the parent responsible for the health care 807
of the children. 808

(2) The parent is the custodial parent. 809

Sec. 3119.34. If a parent responsible for the health care of 810
the children provides coverage through a group policy, contract, 811
or plan not provided by the parent's employer, the child support 812
enforcement agency shall send a state medical support notice to 813
the health plan administrator for the policy, contract, or plan. 814
The agency shall act in accordance with rules adopted by the 815
department of job and family services under section 3119.50 of the 816

Revised Code.

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Sec. 3119.35. (A) On receipt of a national medical support notice sent pursuant to division (A) of section 3119.33 or division (A) of section 3119.331 of the Revised Code, an employer shall do one of the following not later than twenty business days after the date specified in the notice:

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(1) If the person named in the national medical support notice is a current employee and health insurance coverage of the person's children is available through the employer, complete and comply with the notice in accordance with its instructions, federal regulations, and any rules adopted by the department of job and family services under section 3119.50 of the Revised Code and send the appropriate portion of the notice to the health plan administrator;

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(2) If the person named in the notice is not a current employee, health insurance coverage of the person's children is not available through the employer, or the employer determines that coverage of the children would cause the total amount of income withholding and health insurance contributions from the person's income to exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), complete the notice in accordance with its instructions, federal regulations, and any rules adopted by the department of job and family services under section 3119.50 of the Revised Code and return the completed notice to the child support enforcement agency.

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(B) On receipt of a state medical support notice sent pursuant to division (B) of section 3119.33 or division (B) of section 3119.331 of the Revised Code, the employer shall do one of the following not later than twenty business days after the date

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specified in the notice:

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(1) If the person named in the notice is a current employee and health insurance coverage of the person's children is available through the employer, complete and comply with the notice in accordance with its instructions and any rules adopted by the department of job and family services under section 3119.50 of the Revised Code and send the appropriate portion of the notice to the health plan administrator;

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(2) If the person named in the notice is not a current employee, health insurance coverage of the person's children is not available through the employer, or the employer determines that coverage of the children would cause the total amount of income withholding and health insurance contributions from the person's income to exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), complete the notice in accordance with its instructions and any rules adopted by the department of job and family services under section 3119.50 of the Revised Code and return the completed notice to the child support enforcement agency.

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Sec. ~~3119.48~~ 3119.351. During the time that any child support order issued in accordance with section 3119.30 of the Revised Code, ~~an order issued under section 3119.41 of the Revised Code,~~ or a notice issued pursuant to section ~~3119.44~~ 3119.33 or 3119.331 of the Revised Code is in effect and after the employer has received a copy of the order or notice, the employer of the ~~obligor or obligee~~ person required to provide health insurance coverage shall comply with the order or notice.

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Sec. ~~3119.49~~ 3119.352. On written request from the other parent or the child support enforcement agency, the employer of the ~~obligor or obligee~~ a parent required to provide health

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insurance coverage shall release to the other parent and the 877
agency all information about the health insurance coverage that is 878
necessary to ensure compliance with section 3119.30 of the Revised 879
Code, ~~an order~~ a notice issued under section ~~3119.41~~ 3119.33 of 880
the Revised Code, or a notice issued under section ~~3119.44~~ 881
3119.331 of the Revised Code, including the name and address of 882
the ~~insurer~~ health plan administrator, and any policy, contract, 883
or plan number. 884

Sec. ~~3119.491~~ 3119.353. Information provided by an employer 885
pursuant to section ~~3119.49~~ 3119.352 of the Revised Code shall be 886
used only for the purpose of the enforcement of an order issued in 887
accordance with section 3119.30 of the Revised Code, ~~an order~~ a 888
notice issued under section ~~3119.41~~ 3119.33 of the Revised Code, 889
or a notice issued pursuant to section ~~3119.44~~ 3119.331 of the 890
Revised Code. 891

Sec. ~~3119.50~~ 3119.354. Any employer who receives a copy of an 892
order or notice described in section 3119.30, ~~3119.41~~ 3119.33, or 893
~~3119.44~~ 3119.331 of the Revised Code shall notify the child 894
support enforcement agency of any change in or the termination of 895
the health insurance coverage that is maintained pursuant to the 896
order or notice. 897

Sec. 3119.36. (A) On receipt of a national medical support 898
notice sent by an employer under division (A)(1) of section 899
3119.35 of the Revised Code, a health plan administrator shall 900
complete and comply with the notice in accordance with its 901
instructions, federal regulations, and any rules adopted by the 902
department of job and family services under section 3119.50 of the 903
Revised Code. 904

(B) On receipt of a state medical support notice sent by a 905

child support enforcement agency under section 3119.34 of the 906
Revised Code or an employer under division (B)(1) of section 907
3119.35 of the Revised Code, a health plan administrator shall 908
complete and comply with the notice in accordance with its 909
instructions and any rules adopted by the department of job and 910
family services under section 3119.50 of the Revised Code. 911

Sec. ~~3119.52~~ 3119.361. ~~An insurer~~ A health plan administrator 912
that provides health insurance coverage for the children who are 913
the subject of a child support order in accordance with the child 914
support order, ~~an order issued under section 3119.41 of the~~ 915
~~Revised Code,~~ or a notice issued pursuant to section ~~3119.44~~ 916
3119.34 or 3119.35 of the Revised Code, shall reimburse the parent 917
who is designated to receive reimbursement in the child support 918
order for covered out-of-pocket medical, optical, hospital, 919
dental, or prescription expenses incurred on behalf of the 920
children. 921

Sec. ~~3119.53~~ 3119.362. Nothing in sections ~~3119.30~~ 3119.29 to 922
~~3119.58~~ 3119.56 of the Revised Code shall be construed to require 923
~~an insurer~~ a health plan administrator to accept for enrollment 924
any child who does not meet the underwriting standards of the 925
health insurance or health care policy, contract, or plan for 926
which application is made. 927

Sec. 3119.363. A health plan administrator that receives a 928
state medical support notice pursuant to section 3119.34 of the 929
Revised Code shall send written notice to the child support 930
enforcement agency of any change in or the termination of the 931
health insurance coverage that is maintained pursuant to the 932
notice. 933

Sec. 3119.37. (A) A child support enforcement agency that 934

receives a national medical support notice or state medical 935
support notice returned by an employer pursuant to division (A)(2) 936
or (B)(2) of section 3119.35 of the Revised Code or a written 937
notice from a health plan administrator pursuant to section 938
3119.363 of the Revised Code shall do one of the following: 939

(1) If the requirement for health insurance coverage is 940
pursuant to a court child support order, send written notice of 941
the returned notice to the court that issued the order; 942

(2) If the requirement for health insurance coverage is 943
pursuant to an administrative child support order, correct the 944
order in accordance with section 3119.30 of the Revised Code. 945

(B) A court that receives a returned notice pursuant to 946
division (A)(1) of this section shall correct the child support 947
order in accordance with section 3119.30 of the Revised Code. 948

Sec. ~~3119.46~~ 3119.39. The department of job and family 949
services shall adopt standard forms for the state medical support 950
notices required by division (B) of section ~~3119.44~~ 3119.33, 951
division (B) of section 3119.331, and section 3119.34 of the 952
Revised Code. All child support enforcement agencies shall use the 953
forms in issuing notices as required under ~~that section~~ those 954
sections. 955

Sec. ~~3119.47~~ 3119.40. A child support order issued in 956
accordance with section 3119.30 of the Revised Code, ~~any order~~ 957
~~issued under section 3119.41 of the Revised Code,~~ or notice issued 958
pursuant to section ~~3119.44~~ 3119.33, 3119.331, or 3119.34 of the 959
Revised Code is binding on the obligor and the obligee, their 960
employers, and any ~~insurer~~ health plan administrator that provides 961
health insurance coverage for either of them or their children. 962

~~Sec. 3119.57~~ 3119.41. Whoever violates a court child support order issued in accordance with section 3119.30 of the Revised Code, ~~or an order issued under section 3119.41 of the Revised Code,~~ may be punished as for contempt under Chapter 2705. of the Revised Code.

~~Sec. 3119.58~~ 3119.43. If ~~an obligor~~ a parent is found in contempt under Chapter 2705. for failing to comply with a court child support order issued in accordance with section 3119.30 of the Revised Code, ~~or an order issued under section 3119.41 of the Revised Code, to enforce a court child support order's health insurance provisions~~ and the ~~obligor~~ parent previously has been found in contempt under that chapter, the court shall consider the ~~obligor's~~ failure to comply with the order as a change in circumstances for the purpose of modification of the amount of support due under the court child support order issued in accordance with section 3119.30 of the Revised Code.

Sec. 3119.44. (A) Not later than fifteen calendar days after amounts withheld under a withholding notice issued pursuant to a court child support order are received by the office of child support in the department of job and family services, a parent may file a written motion for a court hearing to contest any withholding for the purpose of providing health insurance coverage for the children under the order. The court shall hold a hearing on the request as soon as possible, but not later than ten calendar days after the request is filed. Not later than five calendar days before the date on which the hearing is to be held, the court shall send both parents written notice by regular mail of the date, time, place, and purpose of the hearing. The hearing shall be limited to a determination of whether there is a mistake of fact in the withholding for health insurance coverage. If the

court determines there is a mistake of fact in the withholding, it 993
shall immediately correct the order. If withholding is no longer 994
required, the court shall immediately send a notice to the 995
employer. 996

(B) Not later than fifteen calendar days after amounts 997
withheld under a withholding notice issued pursuant to an 998
administrative child support order are received by the office of 999
child support in the department of job and family services, a 1000
parent may file a written request with the child support 1001
enforcement agency for a hearing to contest the withholding for 1002
the purpose of providing health insurance coverage for the 1003
children under the order. The agency shall hold a hearing on the 1004
request as soon as possible, but not later than ten calendar days 1005
after the request is filed. Not later than five calendar days 1006
before the date on which the hearing is to be held, the agency 1007
shall send both parents written notice by regular mail of the 1008
date, time, place, and purpose of the hearing. The hearing shall 1009
be limited to a determination of whether there is a mistake of 1010
fact in the withholding for health insurance coverage. If the 1011
agency determines there is a mistake of fact in the withholding, 1012
it shall immediately correct the order. If withholding is no 1013
longer required, the agency shall immediately send a notice to the 1014
employer. 1015

(C) Withholdings required by an order issued under section 1016
3119.30 of the Revised Code shall commence and continue 1017
uninterrupted unless the court or child support enforcement agency 1018
determines under this section that the withholding is no longer 1019
required. 1020

Sec. ~~3119.33~~ 3119.45. An obligee under Either party to a 1021
court child support order may file a motion with the court that 1022
issued the order requesting that the court modify the order to 1023

require the obligor other party to obtain health insurance 1024
coverage for the children who are the subject of the order. An 1025
~~obligor under a court child support order may file a motion with~~ 1026
~~the court that issued the order requesting that the court modify~~ 1027
~~the order to require the obligee to obtain health insurance~~ 1028
~~coverage for those children.~~ 1029

Sec. ~~3119.34~~ 3119.46. On the filing of a motion described in 1030
section ~~3119.33~~ 3119.45 of the Revised Code, the court shall order 1031
the child support enforcement agency to conduct an investigation 1032
to determine whether the obligor or obligee has satisfactory 1033
health insurance coverage for the children. Upon completion of its 1034
investigation, the agency shall inform the court, in writing, of 1035
its determination. 1036

Sec. ~~3119.35~~ 3119.47. If the court determines that neither 1037
the obligor nor the obligee has satisfactory health insurance 1038
coverage for the children, it shall modify the court child support 1039
order in accordance with sections 3119.30 and ~~3119.31~~ 3119.32 of 1040
the Revised Code. 1041

Sec. ~~3119.37~~ 3119.48. An obligor or obligee under a court 1042
child support order may file a motion with the court that issued 1043
the order requesting that the court modify the amount of child 1044
support required to be paid under the order because that amount 1045
does not adequately cover the medical needs of the child. 1046

Sec. ~~3119.38~~ 3119.49. On the filing of a motion described in 1047
section ~~3119.37~~ 3119.48 of the Revised Code, the court shall 1048
determine whether the amount of child support required to be paid 1049
under the court child support order adequately covers the medical 1050
needs of the child and whether to modify the order. 1051

Sec. 3119.50. The department of job and family services shall 1052
adopt rules in accordance with Chapter 119. of the Revised Code as 1053
appropriate to implement the requirements of sections 3119.29 to 1054
3119.56 of the Revised Code. 1055

Sec. 3119.54. If ~~an obligee under~~ either party to a child 1056
support order issued in accordance with section 3119.30 of the 1057
Revised Code is eligible for medical assistance under Chapter 1058
5111. or 5115. of the Revised Code and the ~~obligor~~ other party has 1059
obtained health insurance coverage, the ~~obligee~~ party eligible for 1060
medical assistance shall notify any physician, hospital, or other 1061
provider of medical services for which medical assistance is 1062
available of the name and address of the ~~obligor's~~ other party's 1063
insurer and of the number of the ~~obligor's~~ other party's health 1064
insurance or health care policy, contract, or plan. Any physician, 1065
hospital, or other provider of medical services for which medical 1066
assistance is available under Chapter 5111. or 5115. of the 1067
Revised Code who is notified under this division of the existence 1068
of a health insurance or health care policy, contract, or plan 1069
with coverage for children who are eligible for medical assistance 1070
shall first bill the insurer for any services provided for those 1071
children. If the insurer fails to pay all or any part of a claim 1072
filed under this section and the services for which the claim is 1073
filed are covered by Chapter 5111. or 5115. of the Revised Code, 1074
the physician, hospital, or other medical services provider shall 1075
bill the remaining unpaid costs of the services in accordance with 1076
Chapter 5111. or 5115. of the Revised Code. 1077

Sec. 3119.56. ~~An obligor who fails to comply with~~ Either 1078
party to a child support order issued in accordance with section 1079
3119.30 of the Revised Code, ~~or an~~ who fails to comply with the 1080
~~order issued under section 3119.41 of the Revised Code,~~ is liable 1081

to the ~~obligee~~ other party for any medical expenses incurred as a 1082
result of the failure to comply with the order. ~~An obligee who~~ 1083
~~fails to comply with a child support order issued in accordance~~ 1084
~~with section 3119.30 of the Revised Code, or an order issued under~~ 1085
~~section 3119.41 of the Revised Code, is liable to the obligor for~~ 1086
~~any medical expenses incurred as a result of the failure to comply~~ 1087
~~with the order.~~ 1088

Sec. 3119.76. The director of job and family services shall 1089
adopt rules pursuant to Chapter 119. of the Revised Code 1090
establishing a procedure for determining when existing child 1091
support orders should be reviewed to determine whether it is 1092
necessary and in the best interest of the children who are the 1093
subject of the child support order to change the child support 1094
order. The rules shall include, but are not limited to, all of the 1095
following: 1096

(A) Any procedures necessary to comply with section 1097
666(a)(10) of Title 42 of the U.S. Code, "Family Support Act of 1098
1988," 102 Stat. 2346, 42 U.S.C. 666(a)(10), as amended, and any 1099
regulations adopted pursuant to, or to enforce, that section; 1100

(B) Procedures for determining what child support orders are 1101
to be subject to review upon the request of either the obligor or 1102
the obligee or periodically by the child support enforcement 1103
agency administering the child support order; 1104

(C) Procedures for the child support enforcement agency to 1105
periodically review and to review, upon the request of the obligor 1106
or the obligee, any child support order that is subject to review 1107
to determine whether the amount of child support paid under the 1108
child support order should be adjusted in accordance with the 1109
basic child support schedule set forth in section 3119.021 of the 1110
Revised Code or whether the provisions for the child's health care 1111
needs under the child support order should be modified in 1112

accordance with sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 3119.56 of the Revised Code; 1113
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(D) Procedures for giving obligors and obligees notice of their right to request a review of a child support order that is determined to be subject to review, notice of any proposed revision of the amount of child support to be paid under the child support order, notice of the procedures for requesting a hearing on any proposed revision of the amount of child support to be paid under a child support order, notice of any administrative hearing to be held on a proposed revision of the amount of child support to be paid under a child support order, at least forty-five days' prior notice of any review of their child support order, and notice that a failure to comply with any request for documents or information to be used in the review of a child support order is contempt of court; 1115
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(E) Procedures for obtaining the necessary documents and information necessary to review child support orders and for holding administrative hearings on a proposed revision of the amount of child support to be paid under a child support order; 1128
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(F) Procedures for adjusting child support orders in accordance with the basic child support schedule set forth in section 3119.021 of the Revised Code and the applicable worksheet in section 3119.022 or 3119.023 of the Revised Code, through the line establishing the actual annual obligation; 1132
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(G) Procedures for adjusting the provisions of the child support order governing the health care needs of the child pursuant to sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 3119.56 of the Revised Code. 1137
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Sec. 3121.03. If a court or child support enforcement agency that issued or modified a support order, or the agency administering the support order, is required by the Revised Code 1141
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to issue one or more withholding or deduction notices described in 1144
this section or other orders described in this section, the court 1145
or agency shall issue one or more of the following types of 1146
notices or orders, as appropriate, for payment of the support and 1147
also, if required by the Revised Code or the court, to pay any 1148
arrearages: 1149

(A)(1) If the court or the child support enforcement agency 1150
determines that the obligor is receiving income from a payor, the 1151
court or agency shall require the payor to do all of the 1152
following: 1153

(a) Withhold from the obligor's income a specified amount for 1154
support in satisfaction of the support order and begin the 1155
withholding no later than fourteen business days following the 1156
date the notice is mailed to the payor under section 3121.035, 1157
3121.896, 3123.021, or 3123.06 of the Revised Code and division 1158
(A)(2) of this section or, if the payor is an employer, no later 1159
than the first pay period that occurs after fourteen business days 1160
following the date the notice is mailed; 1161

(b) Send the amount withheld to the office of child support 1162
in the department of job and family services pursuant to section 1163
3121.43 of the Revised Code immediately but not later than seven 1164
business days after the date the obligor is paid; 1165

(c) Continue the withholding at intervals specified in the 1166
notice until further notice from the court or child support 1167
enforcement agency. 1168

To the extent possible, the amount specified to be withheld 1169
shall satisfy the amount ordered for support in the support order 1170
plus any arrearages owed by the obligor under any prior support 1171
order that pertained to the same child or spouse, notwithstanding 1172
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 1173
2716.041, and 2716.05 of the Revised Code. However, in no case 1174

shall the sum of the amount to be withheld and any fee withheld by 1175
the payor as a charge for its services exceed the maximum amount 1176
permitted under section 303(b) of the "Consumer Credit Protection 1177
Act," 15 U.S.C. 1673(b). 1178

(2) A court or agency that imposes an income withholding 1179
requirement shall, within the applicable time specified in section 1180
3119.80, 3119.81, 3121.035, 3121.896, 3123.021, or 3123.06 of the 1181
Revised Code, send to the obligor's payor by regular mail a notice 1182
that contains all of the information applicable to withholding 1183
notices set forth in section 3121.037 of the Revised Code. The 1184
notice is final and is enforceable by the court. 1185

(B)(1) If the court or child support enforcement agency 1186
determines that the obligor has funds that are not exempt under 1187
the laws of this state or the United States from execution, 1188
attachment, or other legal process and are on deposit in an 1189
account in a financial institution under the jurisdiction of the 1190
court that issued the court support order, or in the case of an 1191
administrative child support order, under the jurisdiction of the 1192
common pleas court of the county in which the agency that issued 1193
or is administering the order is located, the court or agency may 1194
require any financial institution in which the obligor's funds are 1195
on deposit to do all of the following: 1196

(a) Deduct from the obligor's account a specified amount for 1197
support in satisfaction of the support order and begin the 1198
deduction no later than fourteen business days following the date 1199
the notice was mailed to the financial institution under section 1200
3121.035 or 3123.06 of the Revised Code and division (B)(2) of 1201
this section; 1202

(b) Send the amount deducted to the office of child support 1203
in the department of job and family services pursuant to section 1204
3121.43 of the Revised Code immediately but not later than seven 1205
business days after the date the latest deduction was made; 1206

(c) Provide the date on which the amount was deducted; 1207

(d) Continue the deduction at intervals specified in the 1208
notice until further notice from the court or child support 1209
enforcement agency. 1210

To the extent possible, the amount to be deducted shall 1211
satisfy the amount ordered for support in the support order plus 1212
any arrearages that may be owed by the obligor under any prior 1213
support order that pertained to the same child or spouse, 1214
notwithstanding the limitations of sections 2329.66, 2329.70, and 1215
2716.13 of the Revised Code. 1216

(2) A court or agency that imposes a deduction requirement 1217
shall, within the applicable period of time specified in section 1218
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 1219
to the financial institution by regular mail a notice that 1220
contains all of the information applicable to deduction notices 1221
set forth in section 3121.037 of the Revised Code. The notice is 1222
final and is enforceable by the court. 1223

(C) With respect to any court support order it issues, a 1224
court may issue an order requiring the obligor to enter into a 1225
cash bond with the court. The court shall issue the order as part 1226
of the court support order or, if the court support order has 1227
previously been issued, as a separate order. The cash bond shall 1228
be in a sum fixed by the court at not less than five hundred nor 1229
more than ten thousand dollars, conditioned that the obligor will 1230
make payment as previously ordered and will pay any arrearages 1231
under any prior court support order that pertained to the same 1232
child or spouse. 1233

The order, along with an additional order requiring the 1234
obligor to immediately notify the child support enforcement 1235
agency, in writing, if the obligor begins to receive income from a 1236
payor, shall be attached to and served on the obligor at the same 1237

time as service of the court support order or, if the court
support order has previously been issued, as soon as possible
after the issuance of the order under this section. The additional
order requiring notice by the obligor shall state all of the
following:

(1) That when the obligor begins to receive income from a
payor the obligor may request that the court cancel its bond order
and instead issue a notice requiring the withholding of an amount
from income for support in accordance with this section;

(2) 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 court 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 court
support order and will issue a notice requiring the withholding of
an amount from income for support in accordance with this section.
The notice 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 section unless the court determines that the obligor
has the ability to do so.

A child support enforcement agency may not issue a cash bond
order. If a child support enforcement agency is required to issue
a withholding or deduction notice under this section with respect
to a court support order but the agency determines that no
withholding or deduction notice would be appropriate, the agency
may request that the court issue a cash bond order under this
section, and upon the request, the court may issue the order.

(D)(1) If the obligor under a court support order is

unemployed, has no income, and does not have an account at any
financial institution, or on request of a child support
enforcement agency under division (D)(1) or (2) of this section,
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 on obtaining employment,
obtaining any income, or 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 court support order or, if a court support order has previously
been issued, as a separate order. If a child support enforcement
agency is required to issue a withholding or deduction notice
under this section with respect to a court support order but
determines that no withholding or deduction notice would be
appropriate, the agency may request that the court issue a court
order under division (D)(1) of this section, and, on the request,
the court may issue the order.

(2) If the obligor under an administrative child support
order is unemployed, has no income, and does not have an account
at any financial institution, the agency shall issue an
administrative 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 agency shall
include in the order a requirement that the obligor notify the
agency on obtaining employment or income, or ownership of any
asset with a value of five hundred dollars or more. The agency 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." If an obligor fails to comply with
an administrative order issued pursuant to division (D)(2) of this
section, the agency shall submit a request to a court for the
court to issue an order under division (D)(1) of this section.

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Sec. 3121.035. Within fifteen days after an obligor under a
support order is located following issuance or modification of the
support order ~~or within fifteen days after default under a support
order, whichever is applicable~~, the court or child support
enforcement agency that issued or modified the support order, or
the agency, pursuant to an agreement with the court with respect
to a court support order, shall do either of the following:

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(A) If a withholding or deduction notice described in section
3121.03 of the Revised Code is appropriate, send the notice by
regular mail to each person required to comply with it;

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(B) If an order described in section 3121.03, 3121.04 to
3121.08, or 3121.12 of the Revised Code is appropriate, issue and
send the appropriate order.

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Sec. 3121.27. (A) A court or child support enforcement agency
shall include in any order for support it issues a general
provision that states the following:

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"All 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 order issued in accordance with
Chapters 3119., 3121., 3123., and 3125. of the Revised Code or a

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withdrawal directive issued pursuant to sections 3123.24 to 1331
3123.38 of the Revised Code and shall be forwarded to the obligee 1332
in accordance with Chapters 3119., 3121., 3123., and 3125. of the 1333
Revised Code." 1334

(B) All support orders issued prior to ~~December 31, 1993,~~ 1335
~~that have not been modified or subject to division (B) of former~~ 1336
~~section 3113.21 of the Revised Code or sections 3123.02 to~~ 1337
~~3123.071 of the Revised Code, regarding a default under the order~~ 1338
~~on or after that date March 22, 2001, shall be considered to~~ 1339
contain the general provision described in this section and shall 1340
be enforced and modified in the same manner as a support order 1341
issued on or after ~~December 31, 1993~~ that date. 1342

Sec. 3121.58. If an obligor fails to ~~pay the~~ make the payment 1343
required ~~administrative charge amount with each current support~~ 1344
~~payment due in increments specified under the support order by~~ 1345
division (B) of section 3119.28 of the Revised Code, the office of 1346
child support shall maintain a separate arrearage account of that 1347
amount for the obligor. The office shall not deduct the unpaid 1348
amount from any support payment due the obligee under the support 1349
order. 1350

Sec. 3121.67. The office of child support may enter into 1351
contracts with public entities or private vendors for the 1352
collection of amounts due under support orders or for the 1353
performance of other administrative duties of the office. The 1354
office may contract with a public or private entity for the 1355
collection of arrearages owed under any child support order for 1356
which a court or a child support enforcement agency has found the 1357
obligor in default pursuant to a final and enforceable order 1358
issued pursuant to sections ~~3123.02~~ 3123.01 to ~~3123.071~~ 3123.07 of 1359
the Revised Code. Each contract shall comply with the rules 1360
adopted pursuant to section 3121.71 of the Revised Code. 1361

Sec. 3121.896. Not later than the business day after receipt 1362
of the notice described in section 3121.895 of the Revised Code, 1363
the child support enforcement agency administering the support 1364
order shall send a withholding notice to the employer pursuant to 1365
section 3121.03 of the Revised Code, unless the employee's income 1366
is not subject to withholding, and shall take any other 1367
appropriate action under Chapters 3119., 3121., 3123., and 3125. 1368
of the Revised Code. Identification of a default under section 1369
3123.02 of the Revised Code does not in any way affect the 1370
requirement that a withholding notice be sent to an employer under 1371
this section within the time required by this section. 1372

Sec. 3123.01. As used in this chapter: 1373

(A) "Court support order" and "personal earnings" have the 1374
same meanings as in section 3119.01 of the Revised Code. 1375

(B) "Default," "financial institution," "income," and "payor" 1376
have the same meanings as in section 3121.01 of the Revised Code. 1377
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(C) "Default notice" means the notice required by section 1379
3123.03 of the Revised Code. 1380

(D) "Period of default" means the period beginning on the 1381
date a default under a support order is identified and ending on 1382
the date the total arrearage amount owed under the order is paid. 1383

Sec. 3123.021. If an obligor under a support order is 1384
identified as being in default under the order and is also 1385
identified under section 3121.895 of the Revised Code as obtaining 1386
employment, the withholding notice issued under section 3121.03 of 1387
the Revised Code in accordance with section 3121.896 of the 1388
Revised Code shall require the arrearage amount resulting from the 1389
default to be withheld in addition to current support amounts. 1390

If an obligor under a support order is identified as being in default under the order and is also identified through a source other than section 3121.895 of the Revised Code as obtaining employment, the child support enforcement agency administering the order shall send a withholding notice to the employer pursuant to section 3121.03 of the Revised Code, unless the employee's income is not subject to withholding, not less than two business days after discovery of the employment. The withholding notice shall require the arrearage amount resulting from the default to be withheld in addition to current support amounts.

Section 3123.21 of the Revised Code applies to a withholding notice issued in accordance with this section beginning on the date it is issued and ending on the date the period of default ends.

Sec. 3123.022. The issuance of a withholding notice in accordance with section 3123.021 of the Revised Code does not affect the obligor's right to contest pursuant to sections 3123.04 and 3123.05 of the Revised Code an identification of default or the amount of arrearages identified under the default.

The timely filing of a written request or motion for an administrative or court hearing under section 3123.04 or 3123.05 of the Revised Code does not cause the suspension of a withholding notice issued in accordance with section 3123.021 of the Revised Code.

Sec. 3123.023. At the time it issues a withholding notice in accordance with section 3123.021 of the Revised Code the child support enforcement agency shall notify the obligee that the notice is being issued.

Sec. 3123.03. (A) ~~As used in this section, "period of~~

~~default" means the time period beginning on the date a default 1420
under a support order is identified and ending on the date the 1421
total arrearage amount owed because of the default under the order 1422
is paid. 1423~~

~~(B) Within fifteen calendar days after the identification of 1424
a default under a support order, the child support enforcement 1425
agency shall send advance notice to the obligor if the default 1426
occurs prior to the date the office of child support in the 1427
department of job and family services authorizes centralized 1428
collection and disbursement of support amounts under the support 1429
order in default. On and after that date, the office shall send 1430
the advance a default notice to the obligor. The agency or office, 1431
as appropriate, shall send the advance notice to the obligor only 1432
once for each period of default. The advance default notice shall 1433
include a notice describing summary of the actions that may be 1434
taken against the obligor if the court or agency makes a final and 1435
enforceable determination that the obligor is in default. If the 1436
location of the obligor is unknown at the time of the 1437
identification of a default under the support order, the agency or 1438
office, as appropriate, shall send the advance default notice to 1439
the obligor within fifteen days after the agency locates the 1440
obligor obligor's last known address. 1441~~

~~(C) An advance notice to an obligor required by this section 1442
shall contain all of the following: 1443~~

~~(1) A statement of the date on which the advance notice is 1444
sent, a statement that the obligor is in default under a support 1445
order, the amount of arrearages owed by the obligor due to the 1446
default as determined by the court or the child support 1447
enforcement agency, the types of withholding or deduction 1448
requirements and related notices described in section 3121.03 of 1449
the Revised Code or the types of court orders described in 1450
sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised 1451~~

~~Code that will be issued to pay support and any arrearages, and
the amount that will be withheld or deducted pursuant to those
requirements;~~ 1452
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~~(2) 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 section
3121.03 of the Revised Code or any court order described in
sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised
Code that is issued will not be discontinued solely because the
obligor pays any arrearages;~~ 1455
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~~(3) An explanation of the administrative and court action
that will take place if the obligor contests the inclusion of any
of the provisions;~~ 1464
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~~(4) 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 whether a mistake of
fact was made in the notice.~~ 1467
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Sec. 3123.031. The default notice shall contain all of the
following: 1473
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(A) The date on which it is sent; 1475

(B) A statement that the obligor is in default under a
support order; 1476
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(C) The amount of arrearages the obligor owes due to the
default as of the date the default notice is sent; 1478
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(D) A statement that any arrearages owed by the obligor that
arise after the default notice is sent and during the period of 1480
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default will be added to the obligor's total child support 1482
obligation and will be subject to collection efforts without 1483
further default notice; 1484

(E) A statement of the types of withholding or deduction 1485
requirements and related notices described in section 3121.03 of 1486
the Revised Code or the types of court orders described in 1487
sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised 1488
Code that will be issued for payment of support and arrearages and 1489
the amount that will be withheld or deducted pursuant to those 1490
requirements; 1491

(F) A statement that any notice for the withholding or 1492
deduction of an amount from income or assets applies to all 1493
current and subsequent payors of the obligor and financial 1494
institutions in which the obligor has an account and that any 1495
withholding or deduction requirement and related notice described 1496
in section 3121.03 of the Revised Code or any court order 1497
described in sections 3121.03, 3121.04 to 3121.08, and 3121.12 of 1498
the Revised Code that is issued will not be discontinued solely 1499
because the obligor pays arrearages; 1500

(G) A statement that the obligor may file with the child 1501
support enforcement agency, within seven business days after the 1502
date on which the default notice is sent, a written request for an 1503
administrative hearing under section 3123.04 of the Revised Code; 1504

(H) A statement that, if the obligor files a timely written 1505
request for an administrative hearing, the obligor may file with 1506
the court, within seven business days after the agency makes its 1507
determinations under the administrative hearing, a written motion 1508
for a court hearing under section 3123.05 of the Revised Code; 1509

(I) An explanation of the administrative and court action 1510
that will take place if the obligor files a timely written request 1511
or motion for an administrative or court hearing; 1512

(J) An explanation of how a final and enforceable determination of default and amount of arrearages is made under sections 3123.032, 3123.04, and 3123.05 of the Revised Code; 1513
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(K) A statement that a withholding notice may be issued in accordance with section 3123.021 of the Revised Code if the child support enforcement agency determines the obligor has obtained employment and an explanation of the provisions of section 3123.022 of the Revised Code. 1516
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Sec. 3123.032. (A) If an obligor who has received a default notice under section 3123.03 of the Revised Code fails to make a timely request for an administrative hearing under section 3123.04 of the Revised Code, the default notice becomes a final and enforceable determination by the child support enforcement agency that identified the default of both of the following: 1521
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(1) The obligor is in default under the support order. 1527

(2) The amount of the arrearage owed as a result of the default. 1528
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(B) If an agency's determination becomes final and enforceable under this section, the agency shall take further action as required under section 3123.06 of the Revised Code. 1530
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Sec. ~~3123.031~~ 3123.033. The department of job and family services shall adopt standard forms for the ~~advance default~~ notice. ~~All courts and child support enforcement agencies shall use those forms, and the support withholding and deduction notice forms adopted under section 3121.0310 of the Revised Code, in complying with this chapter.~~ 1533
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Sec. 3123.034. An advance notice issued under section 3123.03 of the Revised Code as that section existed prior to the effective date of this section shall be treated the same as a default notice 1539
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issued under section 3123.03 of the Revised Code as amended by 1542
this act. If an obligor subject to an advance notice has not 1543
exhausted the rights to contest withholding or deduction because 1544
of a mistake of fact pursuant to sections 3123.02 to 3123.071 of 1545
the Revised Code as those sections existed prior to the effective 1546
date of this section, the obligor may proceed in accordance with 1547
sections 3123.03 to 3123.06 of the Revised Code as amended by this 1548
act at the comparable point of the proceedings. 1549

Sec. 3123.04. If An obligor who receives a default notice 1550
under section 3123.03 of the Revised Code may file a written 1551
request for an administrative hearing with the child support 1552
enforcement agency that identified the default regarding whether a 1553
mistake of fact was made in the notice. The request must be filed 1554
not later than seven business days after the date on which the 1555
default notice is sent. 1556

If the obligor ~~requests~~ makes a timely request for a hearing 1557
regarding the advance notice in accordance with division (C)(4) of 1558
section 3123.03 of the Revised Code, the child support enforcement 1559
agency shall conduct an administrative hearing no later than ten 1560
days after the date on which the obligor files the request for the 1561
hearing. No later than five days before the date on which the 1562
hearing is to be conducted, the agency shall send the obligor and 1563
the obligee written notice of the date, time, place, and purpose 1564
of the hearing. The notice to the obligor and obligee also shall 1565
indicate that the obligor may present testimony and evidence at 1566
the hearing only in regard to the issue of whether a mistake of 1567
fact was made in the ~~advance~~ default notice. 1568

At the hearing, the child support enforcement agency shall 1569
determine whether a mistake of fact was made in the ~~advance~~ 1570
default notice. ~~If it determines that a mistake of fact was made,~~ 1571
the agency shall determine the provisions that should be changed 1572

~~and included in a corrected notice and shall correct the advance~~ 1573
~~notice accordingly.~~ The agency shall send its determinations to 1574
the obligor. The agency's determinations are final and are 1575
enforceable by the court unless, within seven business days after 1576
the agency makes its determinations, the obligor files a written 1577
motion with the court for a court hearing to determine whether a 1578
mistake of fact still exists in the ~~advance~~ default notice ~~or~~ 1579
~~corrected advance notice.~~ 1580

If an agency's determination becomes final and enforceable 1581
under this section, the agency shall take further action as 1582
required under section 3123.06 of the Revised Code. 1583

Sec. 3123.05. If, within not later than seven business days 1584
after the child support enforcement agency makes its 1585
determinations under section 3123.04 of the Revised Code, the 1586
obligor files a written motion for a court hearing to determine 1587
whether a mistake of fact still exists in the ~~advance~~ default 1588
notice ~~or the corrected advance notice~~, the court shall hold a 1589
hearing ~~on the request~~ as soon as possible, but ~~no~~ not later than 1590
ten days, after the request motion is filed. ~~If the obligor~~ 1591
~~requests a court hearing, no~~ Not later than five days before the 1592
date on which the court hearing is to be held, the court shall 1593
send the obligor and the obligee written notice by regular mail of 1594
the date, time, place, and purpose of the court hearing. The 1595
hearing shall be limited to a determination of whether there is a 1596
mistake of fact in the ~~advance~~ default notice ~~or the corrected~~ 1597
~~advance notice.~~ 1598

~~If, at a hearing conducted under this section, the court~~ 1599
~~detects a mistake of fact in the advance notice or the corrected~~ 1600
~~advance notice, it shall immediately correct the notice.~~ 1601

At the hearing, the court shall determine whether there is a 1602
mistake of fact in the default notice. On the conclusion of the 1603

hearing, the court shall make its determination. The determination is final and enforceable. The court shall take further action as provided in section 3123.06 of the Revised Code.

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~~Sec. 3123.06. On 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 section 3123.03 of the Revised Code (A) If either a court, under section 3123.05 of the Revised Code, or child support enforcement agency, under section 3123.032 or 3123.04 of the Revised Code, makes a final and enforceable determination that an obligor is in default under a support order, one of the following shall apply:~~

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(1) If no withholding notice was issued in accordance with section 3123.021 of the Revised Code with respect to the order, 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 section 3121.03 of the Revised Code, or the court shall issue one or more court orders imposing other appropriate requirements in accordance with sections 3121.03, 3121.035, 3121.04 to 3121.08, and 3121.12 of the Revised Code.

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(2) If a withholding notice was issued in accordance with section 3123.021 of the Revised Code with respect to the order and the final and enforceable determination of default altered the arrearage amount stated in the default notice, the court or agency, whichever made the determination, shall revise the withholding notice and may issue, as appropriate, any of the notices or orders described in division (A)(1) of this section.

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(3) If a withholding notice was issued in accordance with section 3123.021 of the Revised Code with respect to the order but the final and enforceable determination of default did not alter

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the arrearage amount stated in the default notice, the withholding notice shall remain in effect. The court or agency, in addition and as appropriate, may issue any other notice or order described in division (A)(1) of this section.

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(B) If a court, under section 3123.05 of the Revised Code, or an agency, under section 3123.04 of the Revised Code, determines that no default exists under a support order, the court or agency shall terminate the default proceedings. If a withholding notice was issued in accordance with section 3123.021 of the Revised Code with respect to the order, the court or agency, whichever made the final and enforceable determination, shall revise the withholding notice, and may issue, as appropriate, any of the notices or orders described in division (A)(1) of this section, to collect current support.

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(C) A withholding or deduction notice issued under division (A)(1), (2), or (3) of this section shall require the payment of arrearages caused by the default along with the payment for current support. A withholding or deduction notice or other appropriate order described under this section shall be issued not later than fifteen days after the determination of default under the support order becomes final and enforceable. Section 3123.21 of the Revised Code applies to a withholding or deduction notice or other appropriate order described under division (A) of this section beginning on the date it is issued and ending on the date the period of default ends.

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Sec. 3123.061. Section 3123.21 of the Revised Code applies to a withholding or deduction notice or other appropriate order issued under section 3123.06 of the Revised Code as that section existed prior to the effective date of this section beginning on the date the notice or order was issued and ending on the date the period of default ends.

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Sec. ~~3123.062~~ 3123.07. The failure of the ~~court or office of~~ 1666
child support ~~enforcement agency in the department of job and~~ 1667
family services to give the default notice required by section 1668
~~3123.06~~ 3123.03 of the Revised Code does not affect the ability of 1669
any child support enforcement agency or court to issue any notice 1670
or order for the payment of support, does not provide any defense 1671
to any notice or order for the payment of support, and does not 1672
affect any obligation to pay support. 1673

Sec. 3123.17. (A) When a court issues or modifies a court 1674
support order, the court shall determine the following: 1675

(1) Whether the obligor is in default under a prior court 1676
support order or the court support order being modified; 1677

(2) If the obligor is in default, the date the court support 1678
order went into default and the amount of support arrearages owed 1679
pursuant to the default. 1680

If the court determines the obligor is in default under a 1681
support order, the court shall issue a new order requiring the 1682
obligor to pay support. If the court determines the default was 1683
willful, the court ~~shall~~ may assess interest on the arrearage 1684
amount from the date the court specifies as the date of default to 1685
the date the court issues the new order requiring the payment of 1686
support and, if interest is assessed, shall compute the interest 1687
at the rate specified in section 1343.03 of the Revised Code. The 1688
court shall specify in the support order the amount of interest 1689
the court assessed against the obligor, if any, and incorporate 1690
the amount of interest into the new monthly payment plan. 1691

(B) When a court issues or modifies a court support order, 1693
the court may include in the support order a statement ordering 1694
either party to pay the costs of the action, including, but not 1695

limited to, attorney's fees, fees for genetic tests in contested actions under sections 3111.01 to 3111.18 of the Revised Code, and court costs.

Sec. 3123.171. Notwithstanding section 1343.03 of the Revised Code, interest may be charged on the amount of support arrearages owed pursuant to a default under a child support order only as provided by section 3123.17 of the Revised Code.

Sec. 3123.18. If a court or child support enforcement agency made a final and enforceable determination under sections 3123.02 to 3123.071 of the Revised Code as those sections existed prior to the effective date of this section or makes a final and enforceable determination under sections 3123.01 to 3123.07 of the Revised Code that an obligor is in default under a support order, each payment or installment that was due and unpaid under the support order that is the basis for the default determination plus any arrearage amounts that accrue after the default determination and during the period of default shall be a final judgment which has the full force, effects, and attributes of a judgment entered by a court of this state for which execution may issue under Title XXIII of the Revised Code.

Sec. 3123.181. On the request of an obligor, obligee, or authorized representative of an obligor or obligee, the child support enforcement agency administering the order for which a judgment under section 3123.18 of the Revised Code has arisen shall issue a certified pay-off statement of the total amount due on the judgment as of the time of the request. The certified pay-off statement shall be valid for a period of thirty days after the date it was issued.

Sec. 3123.182. During the period a certified pay-off

statement issued under section 3123.181 of the Revised Code is 1725
valid, the obligee under the support order for which the statement 1726
was issued, or a child support enforcement agency on behalf of the 1727
obligee, may bring an action to obtain execution on the certified 1728
pay-off statement in the common pleas court that issued the 1729
support order or, if the order is an administrative child support 1730
order, the common pleas court of the county served by the agency 1731
that issued the order. The court shall rely on the certified 1732
pay-off statement as conclusive evidence of the amount of the 1733
judgment and shall not require the reduction of unpaid support 1734
payments and installments or arrearages under the support order 1735
for which the certified pay-off statement applies to a lump sum 1736
for purposes of execution. 1737

Sec. 3123.183. Nothing in sections 3123.18 to 3123.182 of the 1738
Revised Code limits the applicability of section 3123.22 of the 1739
Revised Code. 1740

Sec. 3123.25. (A) If, as a result of information obtained 1741
pursuant to an agreement under section 3121.74 of the Revised 1742
Code, the office of child support in the department of job and 1743
family services finds or receives notice that identifies an 1744
obligor in default who maintains an account with a financial 1745
institution, the office shall, within one business day, enter the 1746
information into the case registry established pursuant to section 1747
3121.81 of the Revised Code. 1748

(B) If a child support enforcement agency, after examining 1749
the case registry, determines that an obligor in default under a 1750
support order administered by the agency maintains an account in a 1751
financial institution, the agency shall determine whether the 1752
obligor is subject to a final and enforceable determination of 1753
default made under sections ~~3123.03~~ 3123.01 to ~~3123.07~~ 3123.07 of 1754

the Revised Code. If the obligor is subject to a final and 1755
enforceable determination of default, the agency may issue an 1756
access restriction notice to the financial institution in which 1757
the obligor's account is maintained. 1758

Sec. 3123.42. If either of the following occurs with respect 1759
to an individual who is an obligor under a child support order, 1760
the child support enforcement agency administering the order may 1761
determine whether the individual holds a license issued by a board 1762
or, if possible, whether the individual has applied for, or is 1763
likely to apply for, a license: 1764

(A) A court or child support enforcement agency makes a final 1765
and enforceable determination under sections ~~3123.02~~ 3123.01 to 1766
~~3123.071~~ 3123.07 of the Revised Code that the individual is in 1767
default under the child support order. 1768

(B) The individual fails, after receiving appropriate notice, 1769
to comply with a subpoena or warrant issued by the court or child 1770
support enforcement agency with respect to a proceeding to enforce 1771
the child support order. 1772

Sec. 3123.53. If either of the following occurs with respect 1773
to an individual who is an obligor under a child support order, 1774
the child support enforcement agency administering the child 1775
support order may determine whether the individual holds a 1776
driver's or commercial driver's license, motorcycle operator's 1777
license or endorsement, temporary instruction permit, or 1778
commercial driver's temporary instruction permit issued by the 1779
registrar of motor vehicles or a deputy registrar or, if possible, 1780
whether the individual has applied for or is likely to apply for 1781
that license, endorsement, or permit: 1782

(A) A court or child support enforcement agency makes a final 1783
and enforceable determination under sections ~~3123.02~~ 3123.01 to 1784

~~3123.071~~ 3123.07 of the Revised Code that the individual is in default under the child support order. 1785
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(B) The individual fails, after receiving appropriate notice, to comply with a subpoena or warrant issued by the court or child support enforcement agency with respect to a proceeding to enforce the child support order. 1787
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Sec. 3123.62. (A) As used in this section, "recreational license" means any license, permit, or stamp issued pursuant to section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the Revised Code. 1791
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(B) If a court or child support enforcement agency makes a final and enforceable determination pursuant to sections ~~3123.02~~ 3123.01 to ~~3123.071~~ 3123.07 of the Revised Code that an individual is in default under a child support order, the agency administering the child support order may determine whether the individual holds a recreational license or, if possible, whether the individual has applied for, or is likely to apply for, such a license. If the agency determines that the individual holds, has applied for, or is likely to apply for, such a license, it shall follow procedures that are substantively the same as those set forth in sections 3123.42 to 3123.46 of the Revised Code and the division of wildlife shall follow procedures that are substantively the same as those set forth in sections 3123.47 to 3123.50 of the Revised Code with respect to the license if both of the following apply: 1795
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(1) The division of wildlife has implemented a computer system that maintains license numbers for licenses issued by the division, the names of persons to whom licenses are issued, and the social security numbers of persons to whom licenses are issued. 1810
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(2) The division has established safeguards that eliminate 1815

the risk that social security numbers provided to the division for 1816
the purpose of child support enforcement may be used for purposes 1817
other than those permitted by federal law. 1818

Sec. 3123.66. If a court or a child support enforcement 1819
agency makes a final and enforceable determination pursuant to 1820
sections ~~3123.02~~ 3123.01 to ~~3123.071~~ 3123.07 of the Revised Code 1821
that an obligor is in default under a support order, the agency 1822
administering the support order may assert a lien on real and 1823
personal property of the obligor located in this state. 1824

Sec. 3123.67. The amount of the arrearage due under the 1825
support order determined to be in default pursuant to sections 1826
~~3123.02~~ 3123.01 to ~~3123.071~~ 3123.07 of the Revised Code, and any 1827
amounts due for current support that become an arrearage after the 1828
date the default determination was made, shall be a lien against 1829
all personal property, including after-acquired property, of the 1830
obligor that is situated in this state. The lien may be filed with 1831
the county recorder in each county of the state in which the 1832
personal property is located. The amount of the arrearage due 1833
under the support order determined to be in default and any 1834
amounts due for current support that become an arrearage after the 1835
date the default determination was made, shall be a lien against 1836
real property, including after-acquired property, of the obligor 1837
after the lien is filed with a county recorder of this state in 1838
which the real property is located. A lien may be filed with the 1839
county recorder in each county of the state in which real property 1840
of the obligor is located. In recording the lien, if registered 1841
land is involved, the county recorder shall take all necessary 1842
action required by Chapter 5309. of the Revised Code. The county 1843
recorder may be compensated for liens filed under this section 1844
pursuant to the development of unit costs that are reimbursed 1845
under the provider contract entered into pursuant to Title IV-D of 1846

the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 1847
amended. 1848

Sec. 3123.92. If a court or child support enforcement agency 1849
makes a final and enforceable determination pursuant to sections 1850
~~3123.02~~ 3123.01 to ~~3123.071~~ 3123.07 of the Revised Code that an 1851
obligor is in default under a support order, the child support 1852
enforcement agency administering the support order shall contact 1853
at least one consumer reporting agency in this state and provide 1854
to the consumer reporting agency the obligor's name, address, and 1855
social security number or other identification number and any 1856
other identifying information concerning the obligor the child 1857
support enforcement agency has. A child support enforcement agency 1858
shall not charge a consumer reporting agency a fee for information 1859
provided by the child support enforcement agency pursuant to this 1860
section. 1861

Sec. 3924.48. (A) If a parent of a child is required by a 1862
court or administrative order to provide health care coverage for 1863
the child, and if the parent is eligible for family health care 1864
coverage provided by a health insurer, the health insurer shall do 1865
both of the following: 1866

(1) If the child is otherwise eligible for the coverage, 1867
permit the parent to enroll the child under the family coverage 1868
without regard to any enrollment period restrictions; 1869

(2) If the parent is enrolled under the coverage but fails to 1870
make application to obtain coverage for the child, enroll the 1871
child under the family coverage upon application of the child's 1872
other parent or pursuant to a child support order containing 1873
provisions in compliance with sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 1874
3119.56 of the Revised Code. 1875

(B) The health insurer shall not terminate the child's 1876

coverage unless the health insurer is provided satisfactory
written evidence of either of the following:

(1) The court or administrative order is no longer in effect.

(2) The child is or will be enrolled under comparable health care coverage provided by another health insurer, which coverage will take effect not later than the effective date of the termination of the current coverage.

(C) As used in this section, "child support order" has the same meaning as in section 3119.01 of the Revised Code.

Sec. 3924.49. (A) If a parent of a child is required by a court or administrative order to provide health care coverage for the child, which coverage is available through an employer doing business in this state, the employer shall do all of the following:

(1) If the child is otherwise eligible for the family coverage, permit the parent to enroll the child under the coverage without regard to any enrollment period restrictions;

(2) If the parent is enrolled under the coverage but fails to make application to obtain coverage for the child, enroll the child under the family coverage upon application of the child's other parent or pursuant to a child support order containing provisions in compliance with sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 3119.56 of the Revised Code;

(3) Withhold from the employee's compensation the employee's share of premiums for the health care coverage, if any, and pay that amount to the health insurer providing the coverage;

(4) Comply with the requirements of sections 3119.35 to 3119.40 of the Revised Code and any rules adopted by the department of job and family services under section 3119.50 of the

<u>Revised Code.</u>	1907
(B) The employer shall not terminate the child's coverage unless the employer has eliminated family coverage for all of its employees or unless the employer is provided satisfactory written evidence of either of the following:	1908 1909 1910 1911
(1) The court or administrative order is no longer in effect.	1912 1913
(2) The child is or will be enrolled under comparable health care coverage that will take effect not later than the effective date of the termination of the current coverage.	1914 1915 1916
(C) As used in this section, "child support order" has the same meaning as in section 3119.01 of the Revised Code.	1917 1918
Sec. 4705.021. (A) As used in this section:	1919
(1) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.	1920 1921 1922 1923
(2) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar association or of one or more local bar associations of the state that complies with the criteria set forth in rule V, section 3 of the Rules for the Government of the Bar of Ohio.	1924 1925 1926 1927 1928
(3) "Child support order" has the same meaning as in section 3119.01 of the Revised Code.	1929 1930
(B) If an individual who has been admitted to the bar by order of the supreme court in compliance with its published rules is determined pursuant to sections 3123.02 <u>3123.01</u> to 3123.071 <u>3123.07</u> of the Revised Code by a court or child support enforcement agency to be in default under a support order being	1931 1932 1933 1934 1935

administered or handled by a child support enforcement agency, 1936
that agency may send a notice listing the name and social security 1937
number or other identification number of the individual and a 1938
certified copy of the court or agency determination that the 1939
individual is in default to the secretary of the board of 1940
commissioners on grievances and discipline of the supreme court 1941
and to either the disciplinary counsel or the president, 1942
secretary, and chairperson of each certified grievance committee. 1943

Section 2. That existing sections 1349.01, 2151.231, 2151.33, 1944
2151.49, 3111.81, 3113.07, 3119.01, 3119.30, 3119.301, 3119.31, 1945
3119.33, 3119.34, 3119.35, 3119.37, 3119.38, 3119.46, 3119.47, 1946
3119.48, 3119.49, 3119.491, 3119.50, 3119.52, 3119.53, 3119.54, 1947
3119.56, 3119.57, 3119.58, 3119.76, 3121.03, 3121.035, 3121.27, 1948
3121.58, 3121.67, 3121.896, 3123.01, 3123.03, 3123.031, 3123.04, 1949
3123.05, 3123.06, 3123.062, 3123.17, 3123.25, 3123.42, 3123.53, 1950
3123.62, 3123.66, 3123.67, 3123.92, 3924.48, 3924.49, and 4705.021 1951
and sections 3119.40, 3119.41, 3119.43, 3119.44, 3119.45, 3119.51, 1952
3123.061, 3123.07, 3123.071, and 3123.18 of the Revised Code are 1953
hereby repealed. 1954

Section 3. This act is hereby declared to be an emergency 1955
measure necessary for the immediate preservation of the public 1956
peace, health, and safety. The reason for such necessity is that 1957
federal law requires states to begin using the national medical 1958
support notice in child support enforcement by January 1, 2003, 1959
and this act provides for the notice's use. Therefore, this act 1960
shall go into immediate effect. 1961