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**REPRESENTATIVES Reidelbach, G. Smith, Britton, McGregor, R. Miller,
D. Miller, Williams, Kilbane, Kearns, Jolivette, Hughes, Otterman, Schmidt,
Patton, Coates, Cates, Willamowski, Ogg, Latell, Flowers, Rhine, Roman,
Fessler
SENATOR Spada**

A B I L L

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
3119.40, 3119.46, 3119.47, 3119.48, 3119.49, 4
3119.491, 3119.50, 3119.52, 3119.53, 3119.54, 5
3119.56, 3119.57, 3119.58, 3119.76, 3121.03, 6
3121.035, 3121.27, 3121.58, 3121.67, 3121.896, 7
3123.01, 3123.03, 3123.031, 3123.04, 3123.05, 8
3123.06, 3123.062, 3123.17, 3123.25, 3123.42, 9
3123.53, 3123.62, 3123.66, 3123.67, 3123.92, 10
3924.48, 3924.49, and 4705.021; to amend, for the 11
purpose of adopting new section numbers as 12
indicated in parentheses, sections 3119.31 13
(3119.32), 3119.33 (3119.46), 3119.34 (3119.47), 14
3119.35 (3119.48), 3119.37 (3119.49), 3119.38 15
(3119.50), 3119.40 (3119.43), 3119.46 (3119.352), 16
3119.47 (3119.42), 3119.48 (3119.361), 3119.49 17
(3119.362), 3119.491 (3119.363), 3119.50 18
(3119.364), 3119.52 (3119.421), 3119.53 (3119.422), 19
3119.57 (3119.44), 3119.58 (3119.45), 3123.031 20
(3123.033), and 3123.062 (3123.07); to enact new 21

sections 3119.31, 3119.33, 3119.34, 3119.35, 22
3119.37, 3119.38, 3119.40, 3119.41, 3119.51, 23
3123.031, 3123.061, and 3123.18 and sections 24
3119.29, 3119.291, 3119.351, 3119.36, 3119.39, 25
3123.021, 3123.022, 3123.023, 3123.032, 3123.034, 26
3123.171, 3123.181, 3123.182, and 3123.183; and to 27
repeal sections 3119.41, 3119.43, 3119.44, 3119.45, 28
3119.51, 3123.061, 3123.07, 3123.071, and 3123.18 29
of the Revised Code to revise the law governing 30
child support enforcement and to declare an 31
emergency. 32

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

Section 1. That sections 1349.01, 2151.231, 2151.33, 2151.49, 33
3111.81, 3113.07, 3119.01, 3119.30, 3119.301, 3119.31, 3119.33, 34
3119.34, 3119.35, 3119.38, 3119.40, 3119.46, 3119.47, 3119.48, 35
3119.49, 3119.491, 3119.50, 3119.52, 3119.53, 3119.54, 3119.56, 36
3119.57, 3119.58, 3119.76, 3121.03, 3121.035, 3121.27, 3121.58, 37
3121.67, 3121.896, 3123.01, 3123.03, 3123.031, 3123.04, 3123.05, 38
3123.06, 3123.062, 3123.17, 3123.25, 3123.42, 3123.53, 3123.62, 39
3123.66, 3123.67, 3123.92, 3924.48, 3924.49, and 4705.021 be 40
amended, sections 3119.31 (3119.32), 3119.33 (3119.46), 3119.34 41
(3119.47), 3119.35 (3119.48), 3119.37 (3119.49), 3119.38 42
(3119.50), 3119.40 (3119.43), 3119.46 (3119.352), 3119.47 43
(3119.42), 3119.48 (3119.361), 3119.49 (3119.362), 3119.491 44
(3119.363), 3119.50 (3119.364), 3119.52 (3119.421), 3119.53 45
(3119.422), 3119.57 (3119.44), 3119.58 (3119.45), 3123.031 46
(3123.033), and 3123.062 (3123.07) be amended for the purpose of 47
adopting new section numbers as indicated in parentheses, and new 48
sections 3119.31, 3119.33, 3119.34, 3119.35, 3119.37, 3119.38, 49
3119.40, 3119.41, 3119.51, 3123.031, 3123.061, and 3123.18 and 50
sections 3119.29, 3119.291, 3319.351, 3119.36, 3119.39, 3123.021, 51

3123.022, 3123.023, 3123.032, 3123.034, 3123.171, 3123.181, 52
3123.182, and 3123.183 of the Revised Code be enacted to read as 53
follows: 54

Sec. 1349.01. (A) As used in this section: 55

(1) "Consumer reporting agency" has the same meaning as in 56
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a. 57

(2) "Court" means the division of the court of common pleas 58
having jurisdiction over actions for divorce, annulment, 59
dissolution of marriage, legal separation, child support, or 60
spousal support. 61

(3) "Health insurance coverage" means hospital, surgical, or 62
medical expense coverage provided under any health insurance or 63
health care policy, contract, or plan or any other health benefits 64
arrangement. 65

(4) "Provider" has the same meaning as in section 3902.11 of 66
the Revised Code. 67

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

expenses would have been covered but for the failure of the party 82
to obtain the coverage, if the former spouse, any of the children, 83
or a person responsible for the children, provides the following 84
to the provider or collection agency: 85

(1) A copy of the court order requiring the party to obtain 87
health insurance coverage for the former spouse or children. 88

(2) Reasonable assistance in locating the party and obtaining 89
information about the party's health insurance coverage. 90

(C) If the requirements of divisions (B)(1) and (2) of this 91
section are not met, the provider or collection agency may collect 92
the hospital, surgical, or medical expenses both from the former 93
spouse or person responsible for the children and from the party 94
who failed to obtain the coverage. If the requirements of 95
divisions (B)(1) and (2) are met, the provider or collection 96
agency may collect or attempt to collect the expenses only from 97
the party. 98

A party required to obtain health insurance coverage for a 99
former spouse or children who fails to obtain the coverage is 100
liable to the provider for the hospital, surgical, or medical 101
expenses incurred by the provider as a result of the failure to 102
obtain the coverage. This section does not prohibit a former 103
spouse or person responsible for the children from initiating an 104
action to enforce the order requiring the party to obtain health 105
insurance for the former spouse or children or to collect any 106
amounts the former spouse or person responsible for the children 107
pays for hospital, surgical, or medical expenses for which the 108
party is responsible under the order requiring the party to obtain 109
health insurance for the former spouse or children. 110

(D)(1) If the requirements of divisions (B)(1) and (2) of 111
this section are met, both of the following restrictions shall 112
apply: 113

(a) No collection agency or provider of hospital, surgical, or medical services may report to a consumer reporting agency, for inclusion in the credit file or credit report of the former spouse or person responsible for the children, any information relative to the nonpayment of expenses for the services incurred by the provider, if the nonpayment is the result of the failure of the party responsible for obtaining health insurance coverage to obtain health insurance coverage.

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

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

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

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

(3)(a) A provider of hospital, surgical, or medical services,

or a collection agency, may report to a consumer reporting agency, 145
for inclusion in the credit file or credit report of that party, 146
any information relative to the nonpayment of expenses for the 147
services incurred by the provider, if the nonpayment is the result 148
of the failure of the party responsible for obtaining health 149
insurance coverage to obtain such coverage. 150

(b) A consumer reporting agency may include in the credit 151
file or credit report of the party responsible for obtaining 152
health insurance coverage, any information relative to the 153
nonpayment of any hospital, surgical, or medical expenses incurred 154
by a provider, if the nonpayment is the result of the failure of 155
that party to obtain health insurance coverage. 156

(4) If any information described in division (D)(2) of this 157
section is placed in the credit file or credit report of the 158
former spouse or person responsible for the children, the consumer 159
reporting agency shall remove the information from the credit file 160
and credit report if the former spouse or person responsible for 161
the children provides the agency with the information required in 162
divisions (B)(1) and (2) of this section. If the agency fails to 163
remove the information from the credit file or credit report 164
pursuant to the terms of the "Fair Credit Reporting Act," 84 Stat. 165
1128, 15 U.S.C. 1681a, within a reasonable time after receiving 166
the information required by divisions (B)(1) and (2) of this 167
section, the former spouse may initiate an action to require the 168
agency to remove the information. 169

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

agency fails to remove the information from the credit file or
credit report immediately after the party meets the burden, the
party may initiate an action to require the agency to remove the
information.

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

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The parties to an action under this section may raise the
issue of the existence or nonexistence of a parent-child
relationship, unless a final and enforceable determination of the
issue has been made with respect to the parties pursuant to
Chapter 3111. of the Revised Code or an acknowledgment of
paternity signed by the child's parents has become final pursuant
to former section 3111.211 or 5101.314 or section 2151.232,
3111.25, or 3111.821 of the Revised Code. If a complaint is filed
under this section and an issue concerning the existence or
nonexistence of a parent-child relationship is raised, the court
shall treat the action as an action pursuant to sections 3111.01
to 3111.18 of the Revised Code. An order issued in an action under
this section does not preclude a party to the action from bringing
a subsequent action pursuant to sections 3111.01 to 3111.18 of the
Revised Code if the issue concerning the existence or nonexistence

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of the parent-child relationship was not determined with respect
to the party pursuant to a proceeding under this section, a
proceeding under Chapter 3111. of the Revised Code, or an
acknowledgment of paternity that has become final under former
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

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providing the emergency medical or surgical treatment. Any person 241
who disobeys the order for reimbursement may be adjudged in 242
contempt of court and punished accordingly. 243

If the emergency medical or surgical treatment is furnished 244
to a child who is found at the hearing to be a nonresident of the 245
county in which the court is located and if the expense of the 246
medical or surgical treatment cannot be recovered from the 247
parents, legal guardian, or custodian of the child, the board of 248
county commissioners of the county in which the child has a legal 249
settlement shall reimburse the court for the reasonable cost of 250
the emergency medical or surgical treatment out of its general 251
fund. 252

(B)(1) After a complaint, petition, writ, or other document 253
initiating a case dealing with an alleged or adjudicated abused, 254
neglected, or dependent child is filed and upon the filing or 255
making of a motion pursuant to division (C) of this section, the 256
court, prior to the final disposition of the case, may issue any 257
of the following temporary orders to protect the best interest of 258
the child: 259

(a) An order granting temporary custody of the child to a 260
particular party; 261

(b) An order for the taking of the child into custody 262
pursuant to section 2151.31 of the Revised Code pending the 263
outcome of the adjudicatory and dispositional hearings; 264

(c) An order granting, limiting, or eliminating parenting 265
time or visitation rights with respect to the child; 266

(d) An order requiring a party to vacate a residence that 267
will be lawfully occupied by the child; 268

(e) An order requiring a party to attend an appropriate 269
counseling program that is reasonably available to that party; 270

(f) Any other order that restrains or otherwise controls the 271
conduct of any party which conduct would not be in the best 272
interest of the child. 273

(2) Prior to the final disposition of a case subject to 274
division (B)(1) of this section, the court shall do both of the 275
following: 276

(a) Issue an order pursuant to Chapters 3119. to 3125. of the 277
Revised Code requiring the parents, guardian, or person charged 278
with the child's support to pay support for the child. 279

(b) Issue an order requiring the parents, guardian, or person 280
charged with the child's support to continue to maintain any 281
health insurance coverage for the child that existed at the time 282
of the filing of the complaint, petition, writ, or other document, 283
or to obtain health insurance coverage in accordance with sections 284
~~3119.30~~ 3119.29 to ~~3119.58~~ 3119.56 of the Revised Code. 285
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(C)(1) A court may issue an order pursuant to division (B) of 287
this section upon its own motion or if a party files a written 288
motion or makes an oral motion requesting the issuance of the 289
order and stating the reasons for it. Any notice sent by the court 290
as a result of a motion pursuant to this division shall contain a 291
notice that any party to a juvenile proceeding has the right to be 292
represented by counsel and to have appointed counsel if the person 293
is indigent. 294

(2) If a child is taken into custody pursuant to section 295
2151.31 of the Revised Code and placed in shelter care, the public 296
children services agency or private child placing agency with 297
which the child is placed in shelter care shall file or make a 298
motion as described in division (C)(1) of this section before the 299
end of the next day immediately after the date on which the child 300
was taken into custody and, at a minimum, shall request an order 301

for temporary custody under division (B)(1)(a) of this section. 302

(3) A court that issues an order pursuant to division 303
(B)(1)(b) of this section shall comply with section 2151.419 of 304
the Revised Code. 305

(D) The court may grant an ex parte order upon its own motion 306
or a motion filed or made pursuant to division (C) of this section 307
requesting such an order if it appears to the court that the best 308
interest and the welfare of the child require that the court issue 309
the order immediately. The court, if acting on its own motion, or 310
the person requesting the granting of an ex parte order, to the 311
extent possible, shall give notice of its intent or of the request 312
to the parents, guardian, or custodian of the child who is the 313
subject of the request. If the court issues an ex parte order, the 314
court shall hold a hearing to review the order within seventy-two 315
hours after it is issued or before the end of the next day after 316
the day on which it is issued, whichever occurs first. The court 317
shall give written notice of the hearing to all parties to the 318
action and shall appoint a guardian ad litem for the child prior 319
to the hearing. 320

The written notice shall be given by all means that are 321
reasonably likely to result in the party receiving actual notice 322
and shall include all of the following: 323

(1) The date, time, and location of the hearing; 324

(2) The issues to be addressed at the hearing; 325

(3) A statement that every party to the hearing has a right 326
to counsel and to court-appointed counsel, if the party is 327
indigent; 328

(4) The name, telephone number, and address of the person 329
requesting the order; 330

(5) A copy of the order, except when it is not possible to 331

obtain it because of the exigent circumstances in the case. 332

If the court does not grant an ex parte order pursuant to a 333
motion filed or made pursuant to division (C) of this section or 334
its own motion, the court shall hold a shelter care hearing on the 335
motion within ten days after the motion is filed. The court shall 336
give notice of the hearing to all affected parties in the same 337
manner as set forth in the Juvenile Rules. 338

(E) The court, pending the outcome of the adjudicatory and 339
dispositional hearings, shall not issue an order granting 340
temporary custody of a child to a public children services agency 341
or private child placing agency pursuant to this section, unless 342
the court determines and specifically states in the order that the 343
continued residence of the child in the child's current home will 344
be contrary to the child's best interest and welfare and the court 345
complies with section 2151.419 of the Revised Code. 346

(F) Each public children services agency and private child 347
placing agency that receives temporary custody of a child pursuant 348
to this section shall maintain in the child's case record written 349
documentation that it has placed the child, to the extent that it 350
is consistent with the best interest, welfare, and special needs 351
of the child, in the most family-like setting available and in 352
close proximity to the home of the parents, custodian, or guardian 353
of the child. 354

(G) For good cause shown, any court order that is issued 355
pursuant to this section may be reviewed by the court at any time 356
upon motion of any party to the action or upon the motion of the 357
court. 358

Sec. 2151.49. In every case of conviction under sections 359
2151.01 to 2151.54 of the Revised Code, where imprisonment is 360
imposed as part of the punishment, the juvenile judge may suspend 361
sentence, before or during commitment, upon such condition as the 362

juvenile judge imposes. In the case of conviction for nonsupport 363
of a child who is receiving aid under Chapter 5107. or 5115. of 364
the Revised Code, if the juvenile judge suspends sentence on 365
condition that the person make payments for support, the payment 366
shall be made to the county department of job and family services 367
rather than to the child or custodian of the child. 368

The court, in accordance with sections ~~3119.30~~ 3119.29 to 369
~~3119.58~~ 3119.56 of the Revised Code, shall include in each support 370
order made under this section the requirement that one or both of 371
the parents provide for the health care needs of the child to the 372
satisfaction of the court. 373

Sec. 3111.81. After the hearing under section 3111.80 of the 374
Revised Code is completed, the administrative officer may issue an 375
administrative order for the payment of support and provision for 376
the child's health care. The order shall do all of the following: 377

(A) Require periodic payments of support that may vary in 378
amount, except that, if it is in the best interest of the child, 379
the administrative officer may order the purchase of an annuity in 380
lieu of periodic payments of support if the purchase agreement 381
provides that any ~~remaining principal~~ remaining principal will be 382
transferred to the ownership and control of the child on the 383
child's attainment of the age of majority; 384

(B) Require the parents to provide for the health care needs 385
of the child in accordance with sections ~~3119.30~~ 3119.29 to 386
~~3119.58~~ 3119.56 of the Revised Code; 387

(C) Include a notice that contains the information described 388
in section 3111.84 of the Revised Code informing the mother and 389
the father of the right to object to the order by bringing an 390
action for the payment of support and provision of the child's 391
health care under section 2151.231 of the Revised Code and the 392

effect of a failure to timely bring the action.

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Sec. 3113.07. As used in this section, "executive director" has the same meaning as in section 5153.01 of the Revised Code.

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

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

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(B) As used in this chapter and Chapters 3121., 3123., and

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3125. of the Revised Code:	423
(1) "Administrative child support order" means any order	424
issued by a child support enforcement agency for the support of a	425
child pursuant to section 3109.19 or 3111.81 of the Revised Code	426
or former section 3111.211 of the Revised Code, section 3111.21 of	427
the Revised Code as that section existed prior to January 1, 1998,	428
or section 3111.20 or 3111.22 of the Revised Code as those	429
sections existed prior to the effective date of this section <u>March</u>	430
<u>22, 2001</u> .	431
(2) "Child support order" means either a court child support	432
order or an administrative child support order.	433
(3) "Obligee" means the person who is entitled to receive the	434
support payments under a support order.	435
(4) "Obligor" means the person who is required to pay support	436
under a support order.	437
(5) "Support order" means either an administrative child	438
support order or a court support order.	439
(C) As used in this chapter:	440
(1) "Combined gross income" means the combined gross income	441
of both parents.	442
(2) "Court child support order" means any order issued by a	443
court for the support of a child pursuant to Chapter 3115. of the	444
Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33,	445
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13,	446
3113.04, 3113.07, 3113.31, 3119.65, <u>or</u> 3119.70, or 3123.07 of the	447
Revised Code, or division (B) of former section 3113.21 of the	448
Revised Code.	449
(3) "Court support order" means either a court child support	450
order or an order for the support of a spouse <u>or former spouse</u>	451
issued pursuant to Chapter 3115. of the Revised Code, section	452

3105.18, 3105.65, or 3113.31, ~~or 3123.07~~ of the Revised Code, or 453
division (B) of former section 3113.21 of the Revised Code. 454

(4) "Extraordinary medical expenses" means any uninsured 455
medical expenses incurred for a child during a calendar year that 456
exceed one hundred dollars. 457

(5) "Income" means either of the following: 458

(a) For a parent who is employed to full capacity, the gross 459
income of the parent; 460

(b) For a parent who is unemployed or underemployed, the sum 461
of the gross income of the parent and any potential income of the 462
parent. 463

(6) "Insurer" means any person authorized under Title XXXIX 464
of the Revised Code to engage in the business of insurance in this 465
state, any health insuring corporation, and any legal entity that 466
is self-insured and provides benefits to its employees or members. 467

(7) "Gross income" means, except as excluded in division 468
(C)(7) of this section, the total of all earned and unearned 469
income from all sources during a calendar year, whether or not the 470
income is taxable, and includes income from salaries, wages, 471
overtime pay, and bonuses to the extent described in division (D) 472
of section 3119.05 of the Revised Code; commissions; royalties; 473
tips; rents; dividends; severance pay; pensions; interest; trust 474
income; annuities; social security benefits, including retirement, 475
disability, and survivor benefits that are not means-tested; 476
workers' compensation benefits; unemployment insurance benefits; 477
disability insurance benefits; benefits that are not means-tested 478
and that are received by and in the possession of the veteran who 479
is the beneficiary for any service-connected disability under a 480
program or law administered by the United States department of 481
veterans' affairs or veterans' administration; spousal support 482
actually received; and all other sources of income. "Gross income" 483

includes income of members of any branch of the United States 484
armed services or national guard, including, amounts representing 485
base pay, basic allowance for quarters, basic allowance for 486
subsistence, supplemental subsistence allowance, cost of living 487
adjustment, specialty pay, variable housing allowance, and pay for 488
training or other types of required drills; self-generated income; 489
and potential cash flow from any source. 490

"Gross income" does not include any of the following: 491

(a) Benefits received from means-tested government 492
administered programs, including Ohio works first; prevention, 493
retention, and contingency; means-tested veterans' benefits; 494
supplemental security income; food stamps; disability assistance; 495
or other assistance for which eligibility is determined on the 496
basis of income or assets; 497

(b) Benefits for any service-connected disability under a 498
program or law administered by the United States department of 499
veterans' affairs or veterans' administration that are not 500
means-tested, that have not been distributed to the veteran who is 501
the beneficiary of the benefits, and that are in the possession of 502
the United States department of veterans' affairs or veterans' 503
administration; 504

(c) Child support received for children who were not born or 505
adopted during the marriage at issue; 506

(d) Amounts paid for mandatory deductions from wages such as 507
union dues but not taxes, social security, or retirement in lieu 508
of social security; 509

(e) Nonrecurring or unsustainable income or cash flow items; 510

(f) Adoption assistance and foster care maintenance payments 511
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 512
501, 42 U.S.C.A. 670 (1980), as amended. 513

(8) "Nonrecurring or unsustainable income or cash flow item" 514
means an income or cash flow item the parent receives in any year 515
or for any number of years not to exceed three years that the 516
parent does not expect to continue to receive on a regular basis. 517
"Nonrecurring or unsustainable income or cash flow item" does not 518
include a lottery prize award that is not paid in a lump sum or 519
any other item of income or cash flow that the parent receives or 520
expects to receive for each year for a period of more than three 521
years or that the parent receives and invests or otherwise uses to 522
produce income or cash flow for a period of more than three years. 523

(9)(a) "Ordinary and necessary expenses incurred in 524
generating gross receipts" means actual cash items expended by the 525
parent or the parent's business and includes depreciation expenses 526
of business equipment as shown on the books of a business entity. 527

(b) Except as specifically included in "ordinary and 528
necessary expenses incurred in generating gross receipts" by 529
division (C)(9)(a) of this section, "ordinary and necessary 530
expenses incurred in generating gross receipts" does not include 531
depreciation expenses and other noncash items that are allowed as 532
deductions on any federal tax return of the parent or the parent's 533
business. 534

(10) "Personal earnings" means compensation paid or payable 535
for personal services, however denominated, and includes wages, 536
salary, commissions, bonuses, draws against commissions, profit 537
sharing, vacation pay, or any other compensation. 538

(11) "Potential income" means both of the following for a 539
parent who the court pursuant to a court support order, or a child 540
support enforcement agency pursuant to an administrative child 541
support order, determines is voluntarily unemployed or voluntarily 542
underemployed: 543

(a) Imputed income that the court or agency determines the 544

parent would have earned if fully employed as determined from the	545
following criteria:	546
(i) The parent's prior employment experience;	547
(ii) The parent's education;	548
(iii) The parent's physical and mental disabilities, if any;	549
(iv) The availability of employment in the geographic area in	550
which the parent resides;	551
(v) The prevailing wage and salary levels in the geographic	552
area in which the parent resides;	553
(vi) The parent's special skills and training;	554
(vii) Whether there is evidence that the parent has the	555
ability to earn the imputed income;	556
(viii) The age and special needs of the child for whom child	557
support is being calculated under this section;	558
(ix) The parent's increased earning capacity because of	559
experience;	560
(x) Any other relevant factor.	561
(b) Imputed income from any nonincome-producing assets of a	562
parent, as determined from the local passbook savings rate or	563
another appropriate rate as determined by the court or agency, not	564
to exceed the rate of interest specified in division (A) of	565
section 1343.03 of the Revised Code, if the income is significant.	566
(12) "Schedule" means the basic child support schedule set	567
forth in section 3119.021 of the Revised Code.	568
(13) "Self-generated income" means gross receipts received by	569
a parent from self-employment, proprietorship of a business, joint	570
ownership of a partnership or closely held corporation, and rents	571
minus ordinary and necessary expenses incurred by the parent in	572
generating the gross receipts. "Self-generated income" includes	573

expense reimbursements or in-kind payments received by a parent
from self-employment, the operation of a business, or rents,
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) "Health plan administrator" means any entity authorized
under Title XXXIX of the Revised Code to engage in the business of
insurance in this state, any health insuring corporation, any
legal entity that is self-insured and provides benefits to its
employees or members, and the administrator of any such entity or
corporation.

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(B) "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 as modified by the department of job and
family services under section 3119.291 of the Revised Code.

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(C) "Person required to provide health insurance coverage"
means the obligor, obligee, or both, required by the court under a

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court child support order or by the child support enforcement agency under an administrative child support order to provide health insurance coverage pursuant to section 3119.30 of the Revised Code. 604
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Sec. 3119.291. The department of job and family services shall modify the national medical support notice, as necessary, to make the notice and its instructions apply to the person required to provide health insurance coverage for the children who are the subject of an order issued under section 3119.30 of the Revised Code. 608
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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 person responsible for the health care of the children subject to the child support order and. The determination shall be 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: 615
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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; 625
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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 632
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through any other group policy, contract, or plan available to the 635
obligee and is available at a more reasonable cost than coverage 636
is available to the obligor; 637

(C) If health insurance coverage for the children is not 638
available at a reasonable cost through a group policy, contract, 639
or plan offered by the obligor's or obligee's employer or through 640
any other group policy, contract, or plan available to the obligor 641
or the obligee, a requirement that the obligor and the obligee 642
share liability for the cost of the medical and health care needs 643
of the children, under an equitable formula established by the 644
court, with respect to a court child support order, or the child 645
support enforcement agency, with respect to an administrative 646
child support order, and a requirement that if, after the issuance 647
of the order, health insurance coverage for the children becomes 648
available at a reasonable cost through a group policy, contract, 649
or plan offered by the obligor's or obligee's employer or through 650
any other group policy, contract, or plan available to the obligor 651
or obligee, the obligor or obligee to whom the coverage becomes 652
available immediately inform the court, with respect to a court 653
child support order, or the child support enforcement agency, with 654
respect to an administrative child support order; 655

(D) A requirement that both the obligor and the obligee 656
obtain health insurance coverage for the children if coverage is 657
available for the children at a reasonable cost to both the 658
obligor and the obligee and dual coverage ~~by both parents~~ would 659
provide for coordination of medical benefits without unnecessary 660
duplication of coverage. 661

Sec. 3119.301. An order issued pursuant to former section 662
3111.241 or 3113.217 of the Revised Code as those sections existed 663
prior to January 1, 1998, that was not terminated on or after that 664
date, and that provides for the health care needs of children 665

subject to a child support order shall be considered to be a 666
requirement included as part of the child support order. The child 667
support order shall be considered to have been issued in 668
accordance with former section 3111.241 or 3113.217 of the Revised 669
Code as those sections existed on and after January 1, 1998, and 670
prior to ~~the effective date of this section~~ March 22, 2001. A 671
child support order issued in accordance with, or any notice 672
issued under, former section 3111.241 or 3113.217 of the Revised 673
Code as those sections existed prior to ~~the effective date of this~~ 674
~~section~~ March 22, 2001, that was not terminated on or after that 675
date shall be subject to sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 676
3119.56 of the Revised Code on and after that date. 677

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

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

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

~~(1) Provide~~ provide to the other with, not later than thirty 692
days after the issuance of the order, information regarding the 693
benefits, limitations, and exclusions of the coverage, copies of 694
any insurance forms necessary to receive reimbursement, payment, 695

or other benefits under the coverage, and a copy of any necessary insurance cards; 696
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~~(2) Submit a copy of the child support order issued pursuant to section 3119.30 of the Revised Code to the insurer at the time of making application to enroll the children under the health insurance policy, contract, or plan;~~ 698
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~~(3) Furnish written proof to the child support enforcement agency of compliance with this division.~~ 702
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~~(B) A list of the group health insurance policies, contracts, and plans that the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, determines are available at a reasonable cost to the obligor or to the obligee and the name of the insurer that issues each policy, contract, or plan;~~ 704
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~~(C) A statement setting forth the name, address, and telephone number of the individual who is to be reimbursed for out-of-pocket medical, optical, hospital, dental, or prescription expenses paid for each child and a statement that the insurer health plan administrator that provides the health insurance coverage for the children may continue making payment for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the applicable health insurance policy, contract, or plan;~~ 710
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~~(D)(C) A requirement that the obligor and the obligee a person required to provide health insurance coverage for the children designate the children as covered dependents under any health insurance policy, contract, or plan for which they contract the person contracts;~~ 719
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~~(E)(D) A requirement that the obligor, the obligee, or both of them under a formula established by the court, with respect to a court child support order, or the child support enforcement~~ 724
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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
~~person~~ required to obtain health insurance coverage is required to 731
release to the other parent, any person subject to an order issued 732
under section 3109.19 of the Revised Code, or the child support 733
enforcement agency on written request any necessary information on 734
the health insurance coverage, including the name and address of 735
the ~~insurer~~ health plan administrator and any policy, contract, or 736
plan number, and to otherwise comply with this section and any 737
order or notice issued under this section; 738

~~(G)~~(F) A statement setting forth the full name and date of 739
birth of each child who is the subject of the child support order; 740

~~(H)~~(G) A requirement that the obligor and the obligee comply 741
with any requirement described in section 3119.30 of the Revised 742
Code and divisions (A) and ~~(D)~~(C) of this section that is 743
contained in an order issued in compliance with this section no 744
later than thirty days after the issuance of the order; 745

~~(I)~~ A notice that if the obligor or obligee fails to obtain 746
health insurance coverage required by a child support order, the 747
child support enforcement agency shall comply with sections 748
3119.40 and 3119.41 of the Revised Code to obtain a court order 749
requiring the obligor or obligee to obtain the health insurance 750
coverage; 751

~~(J)~~(H) A notice that states the following: "If the person 752
required to obtain health care insurance coverage for the children 753
subject to this child support order obtains new employment ~~and the~~ 754
~~health insurance coverage for the children is provided through the~~ 755
~~previous employer~~, the agency shall comply with the requirements 756
of ~~sections 3119.43 and 3119.44~~ section 3119.34 of the Revised 757
Code, which may result in the issuance of a notice requiring the 758

new employer to take whatever action is necessary to enroll the 759
children in health care insurance coverage provided by the new 760
employer." 761

Sec. 3119.33. A child support enforcement agency shall send 762
the national medical support notice to the employer of a person 763
required to provide health insurance coverage for the children who 764
are the subject of a child support order. The child support 765
enforcement agency shall act in accordance with federal 766
regulations governing the national medical support notice and 767
rules adopted by the department of job and family services under 768
section 3119.51 of the Revised Code. 769

Sec. 3119.34. Not later than the business day after receipt 770
of a notice under section 3121.895 of the Revised Code of a new 771
hire match, a child support enforcement agency shall send to a 772
person's new employer a national medical support notice if the 773
person is the person required to provide health insurance coverage 774
for the children who are the subject of a child support order. 775

Sec. 3119.35. At the same time that a child support 776
enforcement agency sends a national medical support notice under 777
section 3119.33 or 3119.34 of the Revised Code to the employer of 778
a person required to provide health insurance coverage for 779
children who are the subject of a child support order, the agency 780
shall send a notice of medical support enforcement activity to 781
that person. 782

Sec. 3119.351. The notice of medical support enforcement 783
activity shall contain all of the following: 784

(A) The date on which it is sent; 785

(B) A statement that the person has been designated as a 786
person required to provide health insurance coverage for children 787

who are the subject of a child support order; 788

(C) A statement that a national medical support notice has 789
been sent to the person's employer; 790

(D) A statement of the purpose of the national medical 791
support notice, of what it will require of the person's employer 792
and any applicable health plan administrator, and that amounts 793
will be withheld from the person's income to pay for health 794
insurance for the children; 795

(E) A statement of the person's right to contest the national 796
medical support notice through mistake of fact proceedings; 797

(F) An explanation of the mistake of fact proceedings 798
available to the person and the actions the person must take to 799
pursue those proceedings. 800

Sec. ~~3119.46~~ 3119.352. The department of job and family 801
services shall adopt a standard forms form for the notices notice 802
of medical support enforcement activity required by section 803
3119.44 3119.35 of the Revised Code. All child support enforcement 804
agencies shall use the forms form in issuing notices the notice 805
under that section. 806

Sec. 3119.36. On receipt of a national medical support notice 807
sent pursuant to section 3119.33 or section 3119.34 of the Revised 808
Code, an employer shall do one of the following not later than 809
twenty business days after the date specified in the notice: 810
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(A) If the person named in the national medical support 812
notice is a current employee and health insurance coverage of the 813
children is available through the employer, complete and comply 814
with the notice in accordance with its instructions, federal 815
regulations, and any rules adopted by the department of job and 816

family services under section 3119.51 of the Revised Code and send
the appropriate portion of the notice to the health plan
administrator;

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(B) If the person named in the notice is not a current
employee, health insurance coverage of the 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 3119.51 of the Revised Code and
return the completed notice to the child support enforcement
agency.

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Sec. ~~3119.48~~ 3119.361. 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 3119.34
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~~ 3119.362. On written request from the other
parent, any person subject to an order issued under section
3109.19 of the Revised Code, or the child support enforcement
agency, the employer of ~~the obligor or obligee~~ a person required
to provide health insurance coverage under a child support order
shall release to the other parent, person, and the agency all
information about the health insurance coverage that is necessary
to ensure compliance with section 3119.30 of the Revised Code, ~~an~~

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~~order a notice~~ issued under section ~~3119.41~~ 3119.33 of the Revised 848
Code, or a notice issued under section ~~3119.44~~ 3119.34 of the 849
Revised Code, including the name and address of the ~~insurer~~ health 850
plan administrator, and any policy, contract, or plan number. 851

Sec. ~~3119.491~~ 3119.363. Information provided by an employer 852
pursuant to section ~~3119.49~~ 3119.362 of the Revised Code shall be 853
used only for the purpose of the enforcement of an order issued in 854
accordance with section 3119.30 of the Revised Code, ~~an order a~~ 855
notice issued under section ~~3119.41~~ 3119.33 of the Revised Code, 856
or a notice issued pursuant to section ~~3119.44~~ 3119.34 of the 857
Revised Code. 858

Sec. ~~3119.50~~ 3119.364. Any employer who receives a copy of an 859
order or notice described in section 3119.30, ~~3119.41~~ 3119.33, or 860
~~3119.44~~ 3119.34 of the Revised Code shall notify the child support 861
enforcement agency of any change in or the termination of the 862
health insurance coverage that is maintained pursuant to the order 863
or notice. 864

Sec. 3119.37. On receipt of a national medical support notice 865
sent by an employer under section 3119.36 of the Revised Code, a 866
health plan administrator shall complete and comply with the 867
notice in accordance with its instructions, federal regulations, 868
and any rules adopted by the department of job and family services 869
under section 3119.51 of the Revised Code. 870

Sec. 3119.38. A person who receives a notice of medical 871
support enforcement activity under section 3119.35 of the Revised 872
Code may file a written request for an administrative hearing with 873
the child support enforcement agency that issued it regarding 874
whether a mistake of fact was made in the national medical support 875
notice referred to in the notice of medical support enforcement 876

activity. The request must be filed not later than seven business 877
days after the date on which the notice of medical support 878
enforcement activity is sent. 879

If the person makes a timely request, the agency shall 880
conduct an administrative hearing not later than ten days after 881
the date on which the person files the request for the hearing. 882
Not later than five days before the date on which the hearing is 883
to be conducted, the agency shall send the person and any other 884
individual the agency determines appropriate written notice of the 885
date, time, place, and purpose of the hearing. The notice to the 886
person and any other appropriate individual also shall indicate 887
that the person may present testimony and evidence at the hearing 888
only in regard to the issue of whether a mistake of fact has been 889
made in the national medical support notice. 890

At the hearing, the agency shall determine whether there is a 891
mistake of fact in the national medical support notice. The agency 892
shall send its determination to the person. That agency's 893
determination is final unless, within seven business days after 894
the agency makes its determination, the person files a written 895
motion with the court for a hearing to determine whether there is 896
still a mistake of fact in the national medical support notice. 897

If an agency's determination becomes final under this 898
section, the agency shall take further action as required by 899
section 3119.41 of the Revised Code. 900

Sec. 3119.39. If a person who has received a notice of 902
medical support enforcement activity under section 3119.35 of the 903
Revised Code fails to make a timely request under section 3119.38 904
of the Revised Code for an administrative hearing, the notice of 905
medical support enforcement activity becomes a final determination 906
of the child support enforcement agency that issued that notice 907
that no mistake of fact exists in the national medical support 908

notice referred to in the notice of medical support enforcement activity. When an agency's determination becomes final, the agency shall take further action as required by section 3119.41 of the Revised Code.

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Sec. 3119.40. If a person who received a notice of medical support enforcement activity files a timely written motion for a court hearing to determine whether there is still a mistake of fact in the national medical support notice referred to in the notice of medical support enforcement activity, the court shall hold a hearing as soon as possible, but not later than ten days, after the motion is filed. Not later than five days before the date the court hearing is to be held, the court shall send the person and any other individual the agency determines appropriate written notice by regular mail of the date, time, place, and purpose of that hearing. The hearing shall be limited to a determination of whether there is a mistake of fact in the national medical support notice.

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At the hearing, the court shall determine whether there is a mistake of fact in the national medical support notice. On conclusion of the hearing, the court shall make its determination. The determination is final. The court shall take further action as provided in section 3119.41 of the Revised Code.

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Sec. 3119.41. If either a court, under section 3119.40 of the Revised Code, or child support enforcement agency, under section 3119.38 or 3119.39 of the Revised Code, makes a final determination that no mistake of fact exists in a national medical support notice referred to in a notice of medical support enforcement activity sent to a person, the national medical support notice shall remain in effect. If a court or agency determines that a mistake of fact does exist under the national medical support notice, the court or agency, as appropriate, shall

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take whatever action is necessary regarding the notice, which may include correction or termination of the notice.

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If a mistake of fact proceeding is instituted under section 3119.38 or 3119.40 of the Revised Code, withholding of amounts pursuant to a national medical support notice shall continue in accordance with the notice until the court or agency, as appropriate, terminates or corrects the notice. If the notice is corrected, withholding shall occur in accordance with the corrected notice.

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Sec. ~~3119.47~~ 3119.42. A child support order issued in accordance with section 3119.30 of the Revised Code, ~~any order issued under section 3119.41 of the Revised Code,~~ or notice issued pursuant to section ~~3119.44~~ 3119.33 or 3119.34 of the Revised Code is binding on the obligor and the obligee, their employers, and any ~~insurer~~ health plan administrator that provides health insurance coverage for either of them or their children.

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Sec. ~~3119.52~~ 3119.421. ~~An insurer~~ A health plan administrator that provides health insurance coverage for the children who are the subject of a child support order in accordance with the child support order, ~~an order issued under section 3119.41 of the Revised Code,~~ or a notice issued sent by an employer pursuant to section ~~3119.44~~ 3119.36 of the Revised Code, shall reimburse the ~~parent~~ individual who is designated to receive reimbursement in the child support order for covered out-of-pocket medical, optical, hospital, dental, or prescription expenses incurred on behalf of the children.

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Sec. ~~3119.53~~ 3119.422. Nothing in sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 3119.56 of the Revised Code shall be construed to require ~~an insurer~~ a health plan administrator to accept for enrollment any child who does not meet the underwriting standards of the

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health insurance or health care policy, contract, or plan for 970
which application is made. 971

Sec. ~~3119.40~~ 3119.43. If ~~an obligor or obligee~~ the person 972
required to obtain health insurance coverage pursuant to a child 973
support order issued in accordance with section 3119.30 of the 974
Revised Code does not obtain the required coverage within thirty 975
days after the order is issued, the child support enforcement 976
agency shall notify the court that issued the court child support 977
order or, with respect to an administrative child support order, 978
the court of common pleas of the county in which the agency is 979
located, in writing of the failure of the ~~obligor or obligee~~ 980
person to comply with the child support order. 981

Sec. ~~3119.57~~ 3119.44. Whoever violates a court child support 982
order issued in accordance with section 3119.30 of the Revised 983
Code, ~~or an order issued under section 3119.41 of the Revised~~ 984
~~Code,~~ may be punished as for contempt under Chapter 2705. of the 985
Revised Code. 986

Sec. ~~3119.58~~ 3119.45. If ~~an obligor~~ a person is found in 987
contempt under Chapter 2705. for failing to comply with a court 988
child support order issued in accordance with section 3119.30 of 989
the Revised Code, ~~or an order issued under section 3119.41 of the~~ 990
~~Revised Code, to enforce a court child support order's health~~ 991
~~insurance provisions~~ and the ~~obligor~~ person previously has been 992
found in contempt under that chapter, the court shall consider the 993
~~obligor's~~ failure to comply with the order as a change in 994
circumstances for the purpose of modification of the amount of 995
support due under the court child support order issued in 996
accordance with section 3119.30 of the Revised Code to which the 997
person is subject. 998

Sec. ~~3119.33~~ 3119.46. An obligee or obligor under a court 999
child support order may file a motion with the court that issued 1000
the order requesting that the court modify the order ~~to require~~ 1001
~~the obligor to obtain~~ with regard to health insurance coverage for 1002
the children who are the subject of the order. ~~An obligor under a~~ 1003
~~court child support order may file a motion with the court that~~ 1004
~~issued the order requesting that the court modify the order to~~ 1005
~~require the obligee to obtain health insurance coverage for those~~ 1006
~~children.~~ 1007

Sec. ~~3119.34~~ 3119.47. On the filing of a motion described in 1008
section ~~3119.33~~ 3119.46 of the Revised Code, the court shall order 1009
the child support enforcement agency to conduct an investigation 1010
to determine whether ~~the obligor or obligee has~~ satisfactory 1011
health insurance coverage for the children is available to the 1012
obligor or obligee, both the obligor and obligee, or the obligor 1013
and obligee together. Upon completion of its investigation, the 1014
agency shall ~~inform~~ provide to the court, in writing, ~~of its~~ 1015
~~determination~~ the information it has obtained through its 1016
investigation, including a list of available coverage and the 1017
costs of the coverage. 1018

Sec. ~~3119.35~~ 3119.48. If a motion is filed pursuant to 1019
section 3119.46 of the Revised Code, the court ~~determines that~~ 1020
~~neither the obligor nor the obligee has satisfactory health~~ 1021
~~insurance coverage for the children, it shall~~ may modify the court 1022
child support order ~~in accordance with~~ pursuant to sections 1023
3119.30 and ~~3119.31~~ 3119.32 of the Revised Code and based on 1024
information received from the child support enforcement agency 1025
pursuant to section 3119.47 of the Revised Code. 1026

Sec. ~~3119.37~~ 3119.49. An obligor or obligee under a court 1027

child support order may file a motion with the court that issued 1028
the order requesting that the court modify the amount of child 1029
support required to be paid under the order because that amount 1030
does not adequately cover the medical needs of the child. 1031

Sec. ~~3119.38~~ 3119.50. On the filing of a motion described in 1032
section ~~3119.37~~ 3119.49 of the Revised Code, the court shall 1033
determine whether the amount of child support required to be paid 1034
under the court child support order adequately covers the medical 1035
needs of the child and whether to modify the order. 1036

Sec. 3119.51. The department of job and family services shall 1037
adopt rules in accordance with Chapter 119. of the Revised Code as 1038
appropriate to implement the requirements of sections 3119.29 to 1039
3119.56 of the Revised Code. 1040

Sec. 3119.54. If ~~an obligee under~~ either party to a child 1041
support order issued in accordance with section 3119.30 of the 1042
Revised Code is eligible for medical assistance under Chapter 1043
5111. or 5115. of the Revised Code and the ~~obligor~~ other party has 1044
obtained health insurance coverage, the ~~obligee~~ party eligible for 1045
medical assistance shall notify any physician, hospital, or other 1046
provider of medical services for which medical assistance is 1047
available of the name and address of the ~~obligor's~~ other party's 1048
insurer and of the number of the ~~obligor's~~ other party's health 1049
insurance or health care policy, contract, or plan. Any physician, 1050
hospital, or other provider of medical services for which medical 1051
assistance is available under Chapter 5111. or 5115. of the 1052
Revised Code who is notified under this division of the existence 1053
of a health insurance or health care policy, contract, or plan 1054
with coverage for children who are eligible for medical assistance 1055
shall first bill the insurer for any services provided for those 1056
children. If the insurer fails to pay all or any part of a claim 1057

filed under this section and the services for which the claim is 1058
filed are covered by Chapter 5111. or 5115. of the Revised Code, 1059
the physician, hospital, or other medical services provider shall 1060
bill the remaining unpaid costs of the services in accordance with 1061
Chapter 5111. or 5115. of the Revised Code. 1062

Sec. 3119.56. An obligor or obligee who fails to comply with 1063
a child support order issued in accordance with section 3119.30 of 1064
the Revised Code, ~~or an order issued under section 3119.41 of the~~ 1065
~~Revised Code,~~ is liable to the obligee other for any medical 1066
expenses incurred as a result of the failure to comply with the 1067
order. ~~An obligee who fails to comply with a child support order~~ 1068
~~issued in accordance with section 3119.30 of the Revised Code, or~~ 1069
~~an order issued under section 3119.41 of the Revised Code, is~~ 1070
~~liable to the obligor for any medical expenses incurred as a~~ 1071
~~result of the failure to comply with the order.~~ 1072

Sec. 3119.76. The director of job and family services shall 1073
adopt rules pursuant to Chapter 119. of the Revised Code 1074
establishing a procedure for determining when existing child 1075
support orders should be reviewed to determine whether it is 1076
necessary and in the best interest of the children who are the 1077
subject of the child support order to change the child support 1078
order. The rules shall include, but are not limited to, all of the 1079
following: 1080

(A) Any procedures necessary to comply with section 1081
666(a)(10) of Title 42 of the U.S. Code, "Family Support Act of 1082
1988," 102 Stat. 2346, 42 U.S.C. 666(a)(10), as amended, and any 1083
regulations adopted pursuant to, or to enforce, that section; 1084

(B) Procedures for determining what child support orders are 1085
to be subject to review upon the request of either the obligor or 1086
the obligee or periodically by the child support enforcement 1087

agency administering the child support order; 1088

(C) Procedures for the child support enforcement agency to 1089
periodically review and to review, upon the request of the obligor 1090
or the obligee, any child support order that is subject to review 1091
to determine whether the amount of child support paid under the 1092
child support order should be adjusted in accordance with the 1093
basic child support schedule set forth in section 3119.021 of the 1094
Revised Code or whether the provisions for the child's health care 1095
needs under the child support order should be modified in 1096
accordance with sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 3119.56 of the 1097
Revised Code; 1098

(D) Procedures for giving obligors and obligees notice of 1099
their right to request a review of a child support order that is 1100
determined to be subject to review, notice of any proposed 1101
revision of the amount of child support to be paid under the child 1102
support order, notice of the procedures for requesting a hearing 1103
on any proposed revision of the amount of child support to be paid 1104
under a child support order, notice of any administrative hearing 1105
to be held on a proposed revision of the amount of child support 1106
to be paid under a child support order, at least forty-five days' 1107
prior notice of any review of their child support order, and 1108
notice that a failure to comply with any request for documents or 1109
information to be used in the review of a child support order is 1110
contempt of court; 1111

(E) Procedures for obtaining the necessary documents and 1112
information necessary to review child support orders and for 1113
holding administrative hearings on a proposed revision of the 1114
amount of child support to be paid under a child support order; 1115

(F) Procedures for adjusting child support orders in 1116
accordance with the basic child support schedule set forth in 1117
section 3119.021 of the Revised Code and the applicable worksheet 1118
in section 3119.022 or 3119.023 of the Revised Code, through the 1119

line establishing the actual annual obligation; 1120

(G) Procedures for adjusting the provisions of the child 1121
support order governing the health care needs of the child 1122
pursuant to sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 3119.56 of the 1123
Revised Code. 1124

Sec. 3121.03. If a court or child support enforcement agency 1125
that issued or modified a support order, or the agency 1126
administering the support order, is required by the Revised Code 1127
to issue one or more withholding or deduction notices described in 1128
this section or other orders described in this section, the court 1129
or agency shall issue one or more of the following types of 1130
notices or orders, as appropriate, for payment of the support and 1131
also, if required by the Revised Code or the court, to pay any 1132
arrearages: 1133

(A)(1) If the court or the child support enforcement agency 1134
determines that the obligor is receiving income from a payor, the 1135
court or agency shall require the payor to do all of the 1136
following: 1137

(a) Withhold from the obligor's income a specified amount for 1138
support in satisfaction of the support order and begin the 1139
withholding no later than fourteen business days following the 1140
date the notice is mailed to the payor under section 3121.035, 1141
3121.896, 3123.021, or 3123.06 of the Revised Code and division 1142
(A)(2) of this section or, if the payor is an employer, no later 1143
than the first pay period that occurs after fourteen business days 1144
following the date the notice is mailed; 1145

(b) Send the amount withheld to the office of child support 1146
in the department of job and family services pursuant to section 1147
3121.43 of the Revised Code immediately but not later than seven 1148
business days after the date the obligor is paid; 1149

(c) Continue the withholding at intervals specified in the 1150
notice until further notice from the court or child support 1151
enforcement agency. 1152

To the extent possible, the amount specified to be withheld 1153
shall satisfy the amount ordered for support in the support order 1154
plus any arrearages owed by the obligor under any prior support 1155
order that pertained to the same child or spouse, notwithstanding 1156
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 1157
2716.041, and 2716.05 of the Revised Code. However, in no case 1158
shall the sum of the amount to be withheld and any fee withheld by 1159
the payor as a charge for its services exceed the maximum amount 1160
permitted under section 303(b) of the "Consumer Credit Protection 1161
Act," 15 U.S.C. 1673(b). 1162

(2) A court or agency that imposes an income withholding 1163
requirement shall, within the applicable time specified in section 1164
3119.80, 3119.81, 3121.035, 3121.896, 3123.021, or 3123.06 of the 1165
Revised Code, send to the obligor's payor by regular mail a notice 1166
that contains all of the information applicable to withholding 1167
notices set forth in section 3121.037 of the Revised Code. The 1168
notice is final and is enforceable by the court. 1169

(B)(1) If the court or child support enforcement agency 1170
determines that the obligor has funds that are not exempt under 1171
the laws of this state or the United States from execution, 1172
attachment, or other legal process and are on deposit in an 1173
account in a financial institution under the jurisdiction of the 1174
court that issued the court support order, or in the case of an 1175
administrative child support order, under the jurisdiction of the 1176
common pleas court of the county in which the agency that issued 1177
or is administering the order is located, the court or agency may 1178
require any financial institution in which the obligor's funds are 1179
on deposit to do all of the following: 1180

(a) Deduct from the obligor's account a specified amount for 1181

support in satisfaction of the support order and begin the 1182
deduction no later than fourteen business days following the date 1183
the notice was mailed to the financial institution under section 1184
3121.035 or 3123.06 of the Revised Code and division (B)(2) of 1185
this section; 1186

(b) Send the amount deducted to the office of child support 1187
in the department of job and family services pursuant to section 1188
3121.43 of the Revised Code immediately but not later than seven 1189
business days after the date the latest deduction was made; 1190

(c) Provide the date on which the amount was deducted; 1191

(d) Continue the deduction at intervals specified in the 1192
notice until further notice from the court or child support 1193
enforcement agency. 1194

To the extent possible, the amount to be deducted shall 1195
satisfy the amount ordered for support in the support order plus 1196
any arrearages that may be owed by the obligor under any prior 1197
support order that pertained to the same child or spouse, 1198
notwithstanding the limitations of sections 2329.66, 2329.70, and 1199
2716.13 of the Revised Code. 1200

(2) A court or agency that imposes a deduction requirement 1201
shall, within the applicable period of time specified in section 1202
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 1203
to the financial institution by regular mail a notice that 1204
contains all of the information applicable to deduction notices 1205
set forth in section 3121.037 of the Revised Code. The notice is 1206
final and is enforceable by the court. 1207

(C) With respect to any court support order it issues, a 1208
court may issue an order requiring the obligor to enter into a 1209
cash bond with the court. The court shall issue the order as part 1210
of the court support order or, if the court support order has 1211
previously been issued, as a separate order. The cash bond shall 1212

be in a sum fixed by the court at not less than five hundred nor
more than ten thousand dollars, conditioned that the obligor will
make payment as previously ordered and will pay any arrearages
under any prior court support order that pertained to the same
child or spouse.

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

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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.

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:

(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;

(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.

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:

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

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

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

Sec. 3121.67. The office of child support may enter into contracts with public entities or private vendors for the collection of amounts due under support orders or for the

performance of other administrative duties of the office. The 1338
office may contract with a public or private entity for the 1339
collection of arrearages owed under any child support order for 1340
which a court or a child support enforcement agency has found the 1341
obligor in default pursuant to a final and enforceable order 1342
issued pursuant to sections ~~3123.02~~ 3123.01 to ~~3123.07~~ 3123.07 of 1343
the Revised Code. Each contract shall comply with the rules 1344
adopted pursuant to section 3121.71 of the Revised Code. 1345

Sec. 3121.896. Not later than the business day after receipt 1346
of the notice described in section 3121.895 of the Revised Code, 1347
the child support enforcement agency administering the support 1348
order shall send a withholding notice to the employer pursuant to 1349
section 3121.03 of the Revised Code, unless the employee's income 1350
is not subject to withholding, and shall take any other 1351
appropriate action under Chapters 3119., 3121., 3123., and 3125. 1352
of the Revised Code. Identification of a default under section 1353
3123.02 of the Revised Code does not in any way affect the 1354
requirement that a withholding notice be sent to an employer under 1355
this section within the time required by this section. 1356

Sec. 3123.01. As used in this chapter: 1357

(A) "Court support order" and "personal earnings" have the 1358
same meanings as in section 3119.01 of the Revised Code. 1359

(B) "Default," "financial institution," "income," and "payor" 1360
have the same meanings as in section 3121.01 of the Revised Code. 1361
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(C) "Default notice" means the notice required by section 1363
3123.03 of the Revised Code. 1364

(D) "Period of default" means the period beginning on the 1365
date a default under a support order is identified and ending on 1366

the date the total arrearage amount owed under the order is paid. 1367

Sec. 3123.021. If an obligor under a support order is 1368
identified as being in default under the order and is also 1369
identified under section 3121.895 of the Revised Code as obtaining 1370
employment, the withholding notice issued under section 3121.03 of 1371
the Revised Code in accordance with section 3121.896 of the 1372
Revised Code shall require the arrearage amount resulting from the 1373
default to be withheld in addition to current support amounts. 1374

If an obligor under a support order is identified as being in 1375
default under the order and is also identified through a source 1376
other than section 3121.895 of the Revised Code as obtaining 1377
employment, the child support enforcement agency administering the 1378
order shall send a withholding notice to the employer pursuant to 1379
section 3121.03 of the Revised Code, unless the employee's income 1380
is not subject to withholding, not later than two business days 1381
after discovery of the employment. The withholding notice shall 1382
require the arrearage amount resulting from the default to be 1383
withheld in addition to current support amounts. 1384

Section 3123.21 of the Revised Code applies to a withholding 1385
notice issued in accordance with this section beginning on the 1386
date it is issued and ending on the date the period of default 1387
ends. 1388

Sec. 3123.022. The issuance of a withholding notice in 1389
accordance with section 3123.021 of the Revised Code does not 1390
affect the obligor's right to contest pursuant to sections 3123.04 1391
and 3123.05 of the Revised Code an identification of default or 1392
the amount of arrearages identified under the default. 1393

The timely filing of a written request or motion for an 1394
administrative or court hearing under section 3123.04 or 3123.05 1395
of the Revised Code does not cause the suspension of a withholding 1396

notice issued in accordance with section 3123.021 of the Revised Code. 1397
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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. 1399
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~~Sec. 3123.03. (A) As used in this section, "period of default" means the time period beginning on the date a default under a support order is identified and ending on the date the total arrearage amount owed because of the default under the order is paid.~~ 1403
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~~(B) Within fifteen calendar days after the identification of a default under a support order, the child support enforcement agency shall send advance notice to the obligor if the default occurs prior to the date the office of child support in the department of job and family services authorizes centralized collection and disbursement of support amounts under the support order in default. On and after that date, the office shall send the advance a default notice to the obligor. The agency or office, as appropriate, shall send the advance notice to the obligor only once for each period of default. The advance default notice shall include a notice describing summary of the actions that may be taken against the obligor if the court or agency makes a final and enforceable determination that the obligor is in default. If the location of the obligor is unknown at the time of the identification of a default under the support order, the agency or office, as appropriate, shall send the advance default notice to the obligor within fifteen days after the agency locates the obligor obligor's last known address.~~ 1408
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~~(C) An advance notice to an obligor required by this section~~ 1426

shall contain all of the following: 1427

(1) A statement of the date on which the advance notice is 1428
sent, a statement that the obligor is in default under a support 1429
order, the amount of arrearages owed by the obligor due to the 1430
default as determined by the court or the child support 1431
enforcement agency, the types of withholding or deduction 1432
requirements and related notices described in section 3121.03 of 1433
the Revised Code or the types of court orders described in 1434
sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised 1435
Code that will be issued to pay support and any arrearages, and 1436
the amount that will be withheld or deducted pursuant to those 1437
requirements; 1438

(2) A statement that any notice for the withholding or 1439
deduction of an amount from income or assets apply to all current 1440
and subsequent payors of the obligor and financial institutions in 1441
which the obligor has an account and that any withholding or 1442
deduction requirement and related notice described in section 1443
3121.03 of the Revised Code or any court order described in 1444
sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised 1445
Code that is issued will not be discontinued solely because the 1446
obligor pays any arrearages; 1447

(3) An explanation of the administrative and court action 1448
that will take place if the obligor contests the inclusion of any 1449
of the provisions; 1450

(4) A statement that the contents of the advance notice are 1451
final and are enforceable by the court unless the obligor files 1452
with the child support enforcement agency, within seven days after 1453
the date on which the advance notice is sent, a written request 1454
for an administrative hearing to determine whether a mistake of 1455
fact was made in the notice. 1456

Sec. 3123.031. The default notice shall contain all of the 1457

following: 1458

(A) The date on which it is sent; 1459

(B) A statement that the obligor is in default under a support order; 1460
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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; 1462
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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 default will be added to the obligor's total child support obligation and will be subject to collection efforts without further default notice; 1464
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(E) A statement of the types of withholding or deduction requirements and related notices described in section 3121.03 of the Revised Code or the types of court orders described in sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised Code that will be issued for payment of support and arrearages and the amount that will be withheld or deducted pursuant to those requirements; 1469
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(F) A statement that any notice for the withholding or deduction of an amount from income or assets applies 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 arrearages; 1476
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(G) A statement that the obligor may file with the child support enforcement agency, within seven business days after the date on which the default notice is sent, a written request for an 1485
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<u>administrative hearing under section 3123.04 of the Revised Code;</u>	1488
<u>(H) A statement that, if the obligor files a timely written request for an administrative hearing, the obligor may file with the court, within seven business days after the agency makes its determinations under the administrative hearing, a written motion for a court hearing under section 3123.05 of the Revised Code;</u>	1489 1490 1491 1492 1493
<u>(I) An explanation of the administrative and court action that will take place if the obligor files a timely written request or motion for an administrative or court hearing;</u>	1494 1495 1496
<u>(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;</u>	1497 1498 1499
<u>(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.</u>	1500 1501 1502 1503 1504
<u>Sec. 3123.032.</u> <u>(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:</u>	1505 1506 1507 1508 1509 1510
<u>(1) The obligor is in default under the support order.</u>	1511
<u>(2) The amount of the arrearage owed as a result of the default.</u>	1512 1513
<u>(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.</u>	1514 1515 1516

~~Sec. 3123.031~~ 3123.033. The department of job and family 1517
services shall adopt standard forms for the ~~advance~~ default 1518
notice. ~~All courts and child support enforcement agencies shall~~ 1519
~~use those forms, and the support withholding and deduction notice~~ 1520
~~forms adopted under section 3121.0310 of the Revised Code, in~~ 1521
~~complying with this chapter.~~ 1522

Sec. 3123.034. An advance notice issued under section 3123.03 1523
of the Revised Code as that section existed prior to the effective 1524
date of this section shall be treated the same as a default notice 1525
issued under section 3123.03 of the Revised Code as amended by 1526
this act. If an obligor subject to an advance notice has not 1527
exhausted the rights to contest withholding or deduction because 1528
of a mistake of fact pursuant to sections 3123.02 to 3123.071 of 1529
the Revised Code as those sections existed prior to the effective 1530
date of this section, the obligor may proceed in accordance with 1531
sections 3123.03 to 3123.06 of the Revised Code as amended by this 1532
act at the comparable point of the proceedings. 1533

Sec. 3123.04. If An obligor who receives a default notice 1534
under section 3123.03 of the Revised Code may file a written 1535
request for an administrative hearing with the child support 1536
enforcement agency that identified the default regarding whether a 1537
mistake of fact was made in the notice. The request must be filed 1538
not later than seven business days after the date on which the 1539
default notice is sent. 1540

If the obligor ~~requests~~ makes a timely request for a hearing 1541
regarding the advance notice in accordance with division (C)(4) of 1542
section 3123.03 of the Revised Code, the child support enforcement 1543
agency shall conduct an administrative hearing no later than ten 1544
days after the date on which the obligor files the request for the 1545
hearing. No later than five days before the date on which the 1546

hearing is to be conducted, the agency shall send the obligor and 1547
the obligee written notice of the date, time, place, and purpose 1548
of the hearing. The notice to the obligor and obligee also shall 1549
indicate that the obligor may present testimony and evidence at 1550
the hearing only in regard to the issue of whether a mistake of 1551
fact was made in the advance default notice. 1552

At the hearing, the child support enforcement agency shall 1553
determine whether a mistake of fact was made in the advance 1554
default notice. ~~If it determines that a mistake of fact was made,~~ 1555
~~the agency shall determine the provisions that should be changed~~ 1556
~~and included in a corrected notice and shall correct the advance~~ 1557
~~notice accordingly.~~ The agency shall send its determinations to 1558
the obligor. The agency's determinations are final and are 1559
enforceable by the court unless, within seven business days after 1560
the agency makes its determinations, the obligor files a written 1561
motion with the court for a court hearing to determine whether a 1562
mistake of fact still exists in the advance default notice ~~or~~ 1563
~~corrected advance notice.~~ 1564

If an agency's determination becomes final and enforceable 1565
under this section, the agency shall take further action as 1566
required under section 3123.06 of the Revised Code. 1567

Sec. 3123.05. If, within not later than seven business days 1568
after the child support enforcement agency makes its 1569
determinations under section 3123.04 of the Revised Code, the 1570
obligor files a written motion for a court hearing to determine 1571
whether a mistake of fact still exists in the advance default 1572
notice ~~or the corrected advance notice,~~ the court shall hold a 1573
hearing ~~on the request~~ as soon as possible, but ~~no~~ not later than 1574
ten days, after the request motion is filed. ~~If the obligor~~ 1575
~~requests a court hearing, no~~ Not later than five days before the 1576
date on which the court hearing is to be held, the court shall 1577
send the obligor and the obligee written notice by regular mail of 1578

the date, time, place, and purpose of the court hearing. The 1579
hearing shall be limited to a determination of whether there is a 1580
mistake of fact in the ~~advance~~ default notice ~~or the corrected~~ 1581
~~advance notice.~~ 1582

~~If, at a hearing conducted under this section, the court~~ 1583
~~detects a mistake of fact in the advance notice or the corrected~~ 1584
~~advance notice, it shall immediately correct the notice.~~ 1585

At the hearing, the court shall determine whether there is a 1586
mistake of fact in the default notice. On the conclusion of the 1587
hearing, the court shall make its determination. The determination 1588
is final and enforceable. The court shall take further action as 1589
provided in section 3123.06 of the Revised Code. 1590

Sec. 3123.06. ~~On exhaustion of all rights of the obligor to~~ 1591
~~contest the withholding or deduction on the basis of a mistake of~~ 1592
~~fact and no later than the expiration of forty-five days after the~~ 1593
~~issuance of the advance notice under section 3123.03 of the~~ 1594
~~Revised Code~~ (A) If either a court, under section 3123.05 of the 1595
Revised Code, or child support enforcement agency, under section 1596
3123.032 or 3123.04 of the Revised Code, makes a final and 1597
enforceable determination that an obligor is in default under a 1598
support order, one of the following shall apply: 1599

(1) If no withholding notice was issued in accordance with 1600
section 3123.021 of the Revised Code with respect to the order, 1601
the court or ~~child support enforcement~~ agency shall issue one or 1602
more notices requiring withholding or deduction of income or 1603
assets of the obligor in accordance with section 3121.03 of the 1604
Revised Code, or the court shall issue one or more court orders 1605
imposing other appropriate requirements in accordance with 1606
sections 3121.03, 3121.035, 3121.04 to 3121.08, and 3121.12 of the 1607
Revised Code. 1608

(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. 1609
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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 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. 1616
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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. 1623
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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 any 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 1633
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or other appropriate order described under division (A) of this 1641
section beginning on the date it is issued and ending on the date 1642
the period of default ends. 1643

Sec. 3123.061. Section 3123.21 of the Revised Code applies to 1644
a withholding or deduction notice or other appropriate order 1645
issued under section 3123.06 of the Revised Code as that section 1646
existed prior to the effective date of this section beginning on 1647
the date the notice or order was issued and ending on the date the 1648
period of default ends. 1649

Sec. ~~3123.062~~ 3123.07. The failure of the court or office of 1650
child support enforcement agency in the department of job and 1651
family services to give the default notice required by section 1652
~~3123.06~~ 3123.03 of the Revised Code does not affect the ability of 1653
any child support enforcement agency or court to issue any notice 1654
or order for the payment of support, does not provide any defense 1655
to any notice or order for the payment of support, and does not 1656
affect any obligation to pay support. 1657

Sec. 3123.17. (A) When a court issues or modifies a court 1658
support order, the court shall determine the following: 1659

(1) Whether the obligor is in default under a prior court 1660
support order or the court support order being modified; 1661

(2) If the obligor is in default, the date the court support 1662
order went into default and the amount of support arrearages owed 1663
pursuant to the default. 1664

If the court determines the obligor is in default under a 1665
support order, the court shall issue a new order requiring the 1666
obligor to pay support. If the court determines the default was 1667
willful, the court shall ~~shall~~ may assess interest on the arrearage 1668
amount from the date the court specifies as the date of default to 1669

the date the court issues the new order requiring the payment of support and, if interest is assessed, shall compute the interest at the rate specified in section 1343.03 of the Revised Code. The court shall specify in the support order the amount of interest the court assessed against the obligor, if any, and incorporate the amount of interest into the new monthly payment plan.

(B) When a court issues or modifies a court support order, the court may include in the support order a statement ordering either party to pay the costs of the action, including, but not 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 to the obligor and obligee or their authorized representatives 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. 1700
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Sec. 3123.182. During the period a certified pay-off statement issued under section 3123.181 of the Revised Code is valid, the obligee under the support order for which the statement was issued, or a child support enforcement agency on behalf of the obligee, may bring an action to obtain execution on the certified pay-off statement in the common pleas court that issued the support order or, if the order is an administrative child support order, the common pleas court of the county served by the agency that issued the order. The court shall treat the certified pay-off statement as a rebuttable presumption of the amount of the judgment. The court shall not require the reduction of unpaid support payments and installments or arrearages under the support order for which the certified pay-off statement applies to a lump sum for purposes of execution. 1709
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Sec. 3123.183. Nothing in sections 3123.18 to 3123.182 of the Revised Code limits the applicability of section 3123.22 of the Revised Code. 1723
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Sec. 3123.25. (A) If, as a result of information obtained pursuant to an agreement under section 3121.74 of the Revised Code, the office of child support in the department of job and 1726
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family services finds or receives notice that identifies an 1729
obligor in default who maintains an account with a financial 1730
institution, the office shall, within one business day, enter the 1731
information into the case registry established pursuant to section 1732
3121.81 of the Revised Code. 1733

(B) If a child support enforcement agency, after examining 1734
the case registry, determines that an obligor in default under a 1735
support order administered by the agency maintains an account in a 1736
financial institution, the agency shall determine whether the 1737
obligor is subject to a final and enforceable determination of 1738
default made under sections ~~3123.03~~ 3123.01 to ~~3123.071~~ 3123.07 of 1739
the Revised Code. If the obligor is subject to a final and 1740
enforceable determination of default, the agency may issue an 1741
access restriction notice to the financial institution in which 1742
the obligor's account is maintained. 1743

Sec. 3123.42. If either of the following occurs with respect 1744
to an individual who is an obligor under a child support order, 1745
the child support enforcement agency administering the order may 1746
determine whether the individual holds a license issued by a board 1747
or, if possible, whether the individual has applied for, or is 1748
likely to apply for, a license: 1749

(A) A court or child support enforcement agency makes a final 1750
and enforceable determination under sections ~~3123.02~~ 3123.01 to 1751
~~3123.071~~ 3123.07 of the Revised Code that the individual is in 1752
default under the child support order. 1753

(B) The individual fails, after receiving appropriate notice, 1754
to comply with a subpoena or warrant issued by the court or child 1755
support enforcement agency with respect to a proceeding to enforce 1756
the child support order. 1757

Sec. 3123.53. If either of the following occurs with respect 1758

to an individual who is an obligor under a child support order, 1759
the child support enforcement agency administering the child 1760
support order may determine whether the individual holds a 1761
driver's or commercial driver's license, motorcycle operator's 1762
license or endorsement, temporary instruction permit, or 1763
commercial driver's temporary instruction permit issued by the 1764
registrar of motor vehicles or a deputy registrar or, if possible, 1765
whether the individual has applied for or is likely to apply for 1766
that license, endorsement, or permit: 1767

(A) A court or child support enforcement agency makes a final 1768
and enforceable determination under sections ~~3123.02~~ 3123.01 to 1769
~~3123.071~~ 3123.07 of the Revised Code that the individual is in 1770
default under the child support order. 1771

(B) The individual fails, after receiving appropriate notice, 1772
to comply with a subpoena or warrant issued by the court or child 1773
support enforcement agency with respect to a proceeding to enforce 1774
the child support order. 1775

Sec. 3123.62. (A) As used in this section, "recreational 1776
license" means any license, permit, or stamp issued pursuant to 1777
section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the 1778
Revised Code. 1779

(B) If a court or child support enforcement agency makes a 1780
final and enforceable determination pursuant to sections ~~3123.02~~ 1781
3123.01 to ~~3123.071~~ 3123.07 of the Revised Code that an individual 1782
is in default under a child support order, the agency 1783
administering the child support order may determine whether the 1784
individual holds a recreational license or, if possible, whether 1785
the individual has applied for, or is likely to apply for, such a 1786
license. If the agency determines that the individual holds, has 1787
applied for, or is likely to apply for, such a license, it shall 1788
follow procedures that are substantively the same as those set 1789

forth in sections 3123.42 to 3123.46 of the Revised Code and the 1790
division of wildlife shall follow procedures that are 1791
substantively the same as those set forth in sections 3123.47 to 1792
3123.50 of the Revised Code with respect to the license if both of 1793
the following apply: 1794

(1) The division of wildlife has implemented a computer 1795
system that maintains license numbers for licenses issued by the 1796
division, the names of persons to whom licenses are issued, and 1797
the social security numbers of persons to whom licenses are 1798
issued. 1799

(2) The division has established safeguards that eliminate 1800
the risk that social security numbers provided to the division for 1801
the purpose of child support enforcement may be used for purposes 1802
other than those permitted by federal law. 1803

Sec. 3123.66. If a court or a child support enforcement 1804
agency makes a final and enforceable determination pursuant to 1805
sections ~~3123.02~~ 3123.01 to ~~3123.071~~ 3123.07 of the Revised Code 1806
that an obligor is in default under a support order, the agency 1807
administering the support order may assert a lien on real and 1808
personal property of the obligor located in this state. 1809

Sec. 3123.67. The amount of the arrearage due under the 1810
support order determined to be in default pursuant to sections 1811
~~3123.02~~ 3123.01 to ~~3123.071~~ 3123.07 of the Revised Code, and any 1812
amounts due for current support that become an arrearage after the 1813
date the default determination was made, shall be a lien against 1814
all personal property, including after-acquired property, of the 1815
obligor that is situated in this state. The lien may be filed with 1816
the county recorder in each county of the state in which the 1817
personal property is located. The amount of the arrearage due 1818
under the support order determined to be in default and any 1819
amounts due for current support that become an arrearage after the 1820

date the default determination was made, shall be a lien against 1821
real property, including after-acquired property, of the obligor 1822
after the lien is filed with a county recorder of this state in 1823
which the real property is located. A lien may be filed with the 1824
county recorder in each county of the state in which real property 1825
of the obligor is located. In recording the lien, if registered 1826
land is involved, the county recorder shall take all necessary 1827
action required by Chapter 5309. of the Revised Code. The county 1828
recorder may be compensated for liens filed under this section 1829
pursuant to the development of unit costs that are reimbursed 1830
under the provider contract entered into pursuant to Title IV-D of 1831
the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 1832
amended. 1833

Sec. 3123.92. If a court or child support enforcement agency 1834
makes a final and enforceable determination pursuant to sections 1835
~~3123.02~~ 3123.01 to ~~3123.071~~ 3123.07 of the Revised Code that an 1836
obligor is in default under a support order, the child support 1837
enforcement agency administering the support order shall contact 1838
at least one consumer reporting agency in this state and provide 1839
to the consumer reporting agency the obligor's name, address, and 1840
social security number or other identification number and any 1841
other identifying information concerning the obligor the child 1842
support enforcement agency has. A child support enforcement agency 1843
shall not charge a consumer reporting agency a fee for information 1844
provided by the child support enforcement agency pursuant to this 1845
section. 1846

Sec. 3924.48. (A) If a parent of a child is required by a 1847
court or administrative order to provide health care coverage for 1848
the child, and if the parent is eligible for family health care 1849
coverage provided by a health insurer, the health insurer shall do 1850
both of the following: 1851

(1) If the child is otherwise eligible for the coverage, 1852
permit the parent to enroll the child under the family coverage 1853
without regard to any enrollment period restrictions; 1854

(2) If the parent is enrolled under the coverage but fails to 1855
make application to obtain coverage for the child, enroll the 1856
child under the family coverage upon application of the child's 1857
other parent or pursuant to a child support order containing 1858
provisions in compliance with sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 1859
3119.56 of the Revised Code. 1860

(B) The health insurer shall not terminate the child's 1861
coverage unless the health insurer is provided satisfactory 1862
written evidence of either of the following: 1863

(1) The court or administrative order is no longer in effect. 1864
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(2) The child is or will be enrolled under comparable health 1866
care coverage provided by another health insurer, which coverage 1867
will take effect not later than the effective date of the 1868
termination of the current coverage. 1869

(C) As used in this section, "child support order" has the 1870
same meaning as in section 3119.01 of the Revised Code. 1871

Sec. 3924.49. (A) If a parent of a child is required by a 1872
court or administrative order to provide health ~~care~~ insurance 1873
coverage for the child, which coverage is available through an 1874
employer doing business in this state, the employer shall do all 1875
of the following: 1876

(1) If the child is otherwise eligible for the family 1877
coverage, permit the parent to enroll the child under the coverage 1878
without regard to any enrollment period restrictions; 1879

(2) If the parent is enrolled under the coverage but fails to 1880
make application to obtain coverage for the child, enroll the 1881

child under the family coverage upon application of the child's 1882
other parent or pursuant to a child support order containing 1883
provisions in compliance with sections ~~3119.30~~ 3119.29 to ~~3119.58~~ 1884
3119.56 of the Revised Code; 1885

(3) Withhold from the employee's compensation the employee's 1886
share of premiums for the health care coverage, if any, and pay 1887
that amount to the health insurer providing the coverage; 1888

(4) Comply with the requirements of sections 3119.36 to 1889
3119.364 and 3119.42 of the Revised Code and any rules adopted by 1890
the department of job and family services under section 3119.51 of 1891
the Revised Code. 1892

(B) The employer shall not terminate the child's coverage 1893
unless the employer has eliminated family coverage for all of its 1894
employees or unless the employer is provided satisfactory written 1895
evidence of either of the following: 1896

(1) The court or administrative order is no longer in effect. 1897
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(2) The child is or will be enrolled under comparable health 1899
care coverage that will take effect not later than the effective 1900
date of the termination of the current coverage. 1901

(C) As used in this section, "child support order" has the 1902
same meaning as in section 3119.01 of the Revised Code. 1903

Sec. 4705.021. (A) As used in this section: 1904

(1) "Disciplinary counsel" means the disciplinary counsel 1905
appointed by the board of commissioners on grievances and 1906
discipline of the supreme court under the Rules for the Government 1907
of the Bar of Ohio. 1908

(2) "Certified grievance committee" means a duly constituted 1909
and organized committee of the Ohio state bar association or of 1910

one or more local bar associations of the state that complies with 1911
the criteria set forth in rule V, section 3 of the Rules for the 1912
Government of the Bar of Ohio. 1913

(3) "Child support order" has the same meaning as in section 1914
3119.01 of the Revised Code. 1915

(B) If an individual who has been admitted to the bar by 1916
order of the supreme court in compliance with its published rules 1917
is determined pursuant to sections ~~3123.02~~ 3123.01 to ~~3123.071~~ 1918
3123.07 of the Revised Code by a court or child support 1919
enforcement agency to be in default under a support order being 1920
administered or handled by a child support enforcement agency, 1921
that agency may send a notice listing the name and social security 1922
number or other identification number of the individual and a 1923
certified copy of the court or agency determination that the 1924
individual is in default to the secretary of the board of 1925
commissioners on grievances and discipline of the supreme court 1926
and to either the disciplinary counsel or the president, 1927
secretary, and chairperson of each certified grievance committee. 1928

Section 2. That existing sections 1349.01, 2151.231, 2151.33, 1929
2151.49, 3111.81, 3113.07, 3119.01, 3119.30, 3119.301, 3119.31, 1930
3119.33, 3119.34, 3119.35, 3119.37, 3119.38, 3119.40, 3119.46, 1931
3119.47, 3119.48, 3119.49, 3119.491, 3119.50, 3119.52, 3119.53, 1932
3119.54, 3119.56, 3119.57, 3119.58, 3119.76, 3121.03, 3121.035, 1933
3121.27, 3121.58, 3121.67, 3121.896, 3123.01, 3123.03, 3123.031, 1934
3123.04, 3123.05, 3123.06, 3123.062, 3123.17, 3123.25, 3123.42, 1935
3123.53, 3123.62, 3123.66, 3123.67, 3123.92, 3924.48, 3924.49, and 1936
4705.021 and sections 3119.41, 3119.43, 3119.44, 3119.45, 3119.51, 1937
3123.061, 3123.07, 3123.071, and 3123.18 of the Revised Code are 1938
hereby repealed. 1939

Section 3. This act is hereby declared to be an emergency 1940

measure necessary for the immediate preservation of the public	1941
peace, health, and safety. The reason for such necessity is that	1942
federal law requires states to begin using the national medical	1943
support notice in child support enforcement by January 1, 2003,	1944
and this act provides for the notice's use. Therefore, this act	1945
shall go into immediate effect.	1946