

As Reported by the House Health and Family Services Committee

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 657

REPRESENTATIVES Reidelbach, G. Smith, Britton, McGregor, R. Miller,
D. Miller, Williams, Kilbane, Kearns, Jolivette

A BILL

To amend sections 1349.01, 2151.231, 2151.33, 2151.49, 1
3111.81, 3113.07, 3119.01, 3119.30, 3119.301, 2
3119.31, 3119.33, 3119.34, 3119.35, 3119.38, 3
3119.40, 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

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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

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(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, 114
or medical services may report to a consumer reporting agency, for 115
inclusion in the credit file or credit report of the former spouse 116

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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,
for inclusion in the credit file or credit report of that party,
any information relative to the nonpayment of expenses for the

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 177
credit report immediately after the party meets the burden, the 178
party may initiate an action to require the agency to remove the 179

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 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

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

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If the emergency medical or surgical treatment is furnished 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
motion within ten days after the motion is filed. The court shall
give notice of the hearing to all affected parties in the same
manner as set forth in the Juvenile Rules.

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

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

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

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

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condition that the person make payments for support, the payment 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. 393

Sec. 3113.07. As used in this section, "executive director" 394

has the same meaning as in section 5153.01 of the Revised Code. 395

Sentence may be suspended, if a person, after conviction 396
under section 3113.06 of the Revised Code and before sentence 397
thereunder, appears before the court of common pleas in which such 398
conviction took place and enters into bond to the state in a sum 399
fixed by the court at not less than five hundred dollars, with 400
sureties approved by such court, conditioned that such person will 401
pay, so long as the child remains a ward of the public children 402
services agency or a recipient of aid pursuant to Chapter 5107. or 403
5115. of the Revised Code, to the executive director thereof or to 404
a trustee to be named by the court, for the benefit of such agency 405
or if the child is a recipient of aid pursuant to Chapter 5107. or 406
5115. of the Revised Code, to the county department of job and 407
family services, the reasonable cost of keeping such child. The 408
amount of such costs and the time of payment shall be fixed by the 409
court. 410

The court, in accordance with sections ~~3119.30~~ 3119.29 to 411
~~3119.58~~ 3119.56 of the Revised Code, shall include in each support 412
order made under this section the requirement that one or both of 413
the parents provide for the health care needs of the child to the 414
satisfaction of the court. 415

Sec. 3119.01. (A) As used in the Revised Code, "child support 416
enforcement agency" means a child support enforcement agency 417
designated under former section 2301.35 of the Revised Code prior 418
to October 1, 1997, or a private or government entity designated 419
as a child support enforcement agency under section 307.981 of the 420
Revised Code. 421

(B) As used in this chapter and Chapters 3121., 3123., and 422
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
child pursuant to section 3109.19 or 3111.81 of the Revised Code
or former section 3111.211 of the Revised Code, section 3111.21 of
the Revised Code as that section existed prior to January 1, 1998,
or section 3111.20 or 3111.22 of the Revised Code as those
sections existed prior to ~~the effective date of this section~~ March
22, 2001.

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

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

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

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

(C) As used in this chapter:

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

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

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

(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

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

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

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

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

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

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

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(i) The parent's prior employment experience;	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 which the parent resides;	550 551
(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	552 553
(vi) The parent's special skills and training;	554
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	555 556
(viii) The age and special needs of the child for whom child support is being calculated under this section;	557 558
(ix) The parent's increased earning capacity because of experience;	559 560
(x) Any other relevant factor.	561
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	562 563 564 565 566
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	567 568
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents,	569 570 571 572 573 574 575

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
court child support order or by the child support enforcement
agency under an administrative child support order to provide

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health insurance coverage pursuant to section 3119.30 of the 606
Revised Code. 607

Sec. 3119.291. The department of job and family services 608
shall modify the national medical support notice, as necessary, to 609
make the notice and its instructions apply to the person required 610
to provide health insurance coverage for the children who are the 611
subject of an order issued under section 3119.30 of the Revised 612
Code. 613

Sec. 3119.30. In any action or proceeding in which a child 615
support order is issued or modified, the court, with respect to 616
court child support orders, and the child support enforcement 617
agency, with respect to administrative child support orders, shall 618
determine the ~~parent~~ person responsible for the health care of the 619
children subject to the child support order ~~and~~. The determination 620
shall be based on information provided to the court or to the 621
child support enforcement agency under section 3119.31 of the 622
Revised Code. The order shall include ~~in the order~~ one of the 623
following: 624

(A) A requirement that the obligor under the child support 625
order obtain health insurance coverage for the children if 626
coverage is available at a reasonable cost through a group policy, 627
contract, or plan offered by the obligor's employer or through any 628
other group policy, contract, or plan available to the obligor and 629
is not available for a more reasonable cost through a group 630
policy, contract, or plan available to the obligee; 631

(B) A requirement that the obligee obtain health insurance 632
coverage for the children if coverage is available through a group 633
policy, contract, or plan offered by the obligee's employer or 634
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;

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

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

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Sec. 3119.301. An order issued pursuant to former section 3111.241 or 3113.217 of the Revised Code as those sections existed prior to January 1, 1998, that was not terminated on or after that date, and that provides for the health care needs of children subject to a child support order shall be considered to be a requirement included as part of the child support order. The child

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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
~~coveragedo 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 696
insurance cards; 697

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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 agency, with respect to an administrative child support order, pay co-payment or deductible costs required under the health insurance~~ 724
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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 817
the appropriate portion of the notice to the health plan 818

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~~
~~order~~ a notice issued under section ~~3119.41~~ 3119.33 of the Revised
Code, or a notice issued under section ~~3119.44~~ 3119.34 of the

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Revised Code, including the name and address of the ~~insurer~~ health plan administrator, and any policy, contract, or plan number. 850
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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 909
activity. When an agency's determination becomes final, the agency 910

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 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. 942
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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. 949
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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. 956
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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 health insurance or health care policy, contract, or plan for which application is made. 966
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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

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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 Revised Code. 1123
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
arrearsages: 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
this section; 1185
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 1213
more than ten thousand dollars, conditioned that the obligor will 1214
make payment as previously ordered and will pay any arrearages 1215

under any prior court support order that pertained to the same 1216
child or spouse. 1217

The order, along with an additional order requiring the 1218
obligor to immediately notify the child support enforcement 1219
agency, in writing, if the obligor begins to receive income from a 1220
payor, shall be attached to and served on the obligor at the same 1221
time as service of the court support order or, if the court 1222
support order has previously been issued, as soon as possible 1223
after the issuance of the order under this section. The additional 1224
order requiring notice by the obligor shall state all of the 1225
following: 1226

(1) That when the obligor begins to receive income from a 1227
payor the obligor may request that the court cancel its bond order 1228
and instead issue a notice requiring the withholding of an amount 1229
from income for support in accordance with this section; 1230

(2) That when the obligor begins to receive income from a 1231
payor the court will proceed to collect on the bond if the court 1232
determines that payments due under the court support order have 1233
not been made and that the amount that has not been paid is at 1234
least equal to the support owed for one month under the court 1235
support order and will issue a notice requiring the withholding of 1236
an amount from income for support in accordance with this section. 1237
The notice required of the obligor shall include a description of 1238
the nature of any new employment, the name and business address of 1239
any new employer, and any other information reasonably required by 1240
the court. 1241

The court shall not order an obligor to post a cash bond 1242
under this section unless the court determines that the obligor 1243
has the ability to do so. 1244

A child support enforcement agency may not issue a cash bond 1245
order. If a child support enforcement agency is required to issue 1246

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a withholding or deduction notice under this section with respect 1247
to a court support order but the agency determines that no 1248
withholding or deduction notice would be appropriate, the agency 1249
may request that the court issue a cash bond order under this 1250
section, and upon the request, the court may issue the order. 1251

(D)(1) If the obligor under a court support order is 1252
unemployed, has no income, and does not have an account at any 1253
financial institution, or on request of a child support 1254
enforcement agency under division (D)(1) or (2) of this section, 1255
the court shall issue an order requiring the obligor, if able to 1256
engage in employment, to seek employment or participate in a work 1257
activity to which a recipient of assistance under Title IV-A of 1258
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 1259
as amended, may be assigned as specified in section 407(d) of the 1260
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 1261
shall include in the order a requirement that the obligor notify 1262
the child support enforcement agency on obtaining employment, 1263
obtaining any income, or obtaining ownership of any asset with a 1264
value of five hundred dollars or more. The court may issue the 1265
order regardless of whether the obligee to whom the obligor owes 1266
support is a recipient of assistance under Title IV-A of the 1267
"Social Security Act." The court shall issue the order as part of 1268
a court support order or, if a court support order has previously 1269
been issued, as a separate order. If a child support enforcement 1270
agency is required to issue a withholding or deduction notice 1271
under this section with respect to a court support order but 1272
determines that no withholding or deduction notice would be 1273
appropriate, the agency may request that the court issue a court 1274
order under division (D)(1) of this section, and, on the request, 1275
the court may issue the order. 1276

(2) If the obligor under an administrative child support 1277
order is unemployed, has no income, and does not have an account 1278

at any financial institution, the agency shall issue an 1279
administrative order requiring the obligor, if able to engage in 1280
employment, to seek employment or participate in a work activity 1281
to which a recipient of assistance under Title IV-A of the "Social 1282
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 1283
may be assigned as specified in section 407(d) of the "Social 1284
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 1285
include in the order a requirement that the obligor notify the 1286
agency on obtaining employment or income, or ownership of any 1287
asset with a value of five hundred dollars or more. The agency may 1288
issue the order regardless of whether the obligee to whom the 1289
obligor owes support is a recipient of assistance under Title IV-A 1290
of the "Social Security Act." If an obligor fails to comply with 1291
an administrative order issued pursuant to division (D)(2) of this 1292
section, the agency shall submit a request to a court for the 1293
court to issue an order under division (D)(1) of this section. 1294

Sec. 3121.035. Within fifteen days after an obligor under a 1295
support order is located following issuance or modification of the 1296
support order ~~or within fifteen days after default under a support~~ 1297
~~order, whichever is applicable,~~ the court or child support 1298
enforcement agency that issued or modified the support order, or 1299
the agency, pursuant to an agreement with the court with respect 1300
to a court support order, shall do either of the following: 1301

(A) If a withholding or deduction notice described in section 1302
3121.03 of the Revised Code is appropriate, send the notice by 1303
regular mail to each person required to comply with it; 1304

(B) If an order described in section 3121.03, 3121.04 to 1305
3121.08, or 3121.12 of the Revised Code is appropriate, issue and 1306
send the appropriate order. 1307

Sec. 3121.27. (A) A court or child support enforcement agency 1308

shall include in any order for support it issues a general 1309
provision that states the following: 1310

"All support under this order shall be withheld or deducted 1311
from the income or assets of the obligor pursuant to a withholding 1312
or deduction notice or appropriate order issued in accordance with 1313
Chapters 3119., 3121., 3123., and 3125. of the Revised Code or a 1314
withdrawal directive issued pursuant to sections 3123.24 to 1315
3123.38 of the Revised Code and shall be forwarded to the obligee 1316
in accordance with Chapters 3119., 3121., 3123., and 3125. of the 1317
Revised Code." 1318

(B) All support orders issued prior to ~~December 31, 1993,~~ 1319
~~that have not been modified or subject to division (B) of former~~ 1320
~~section 3113.21 of the Revised Code or sections 3123.02 to~~ 1321
~~3123.071 of the Revised Code, regarding a default under the order~~ 1322
~~on or after that date~~ March 22, 2001, shall be considered to 1323
contain the general provision described in this section and shall 1324
be enforced and modified in the same manner as a support order 1325
issued on or after ~~December 31, 1993~~ that date. 1326

Sec. 3121.58. If an obligor fails to ~~pay the~~ make the payment 1327
required ~~administrative charge amount with each current support~~ 1328
~~payment due in increments specified under the support order by~~ 1329
division (B) of section 3119.28 of the Revised Code, the office of 1330
child support shall maintain a separate arrearage account of that 1331
amount for the obligor. The office shall not deduct the unpaid 1332
amount from any support payment due the obligee under the support 1333
order. 1334

Sec. 3121.67. The office of child support may enter into 1335
contracts with public entities or private vendors for the 1336
collection of amounts due under support orders or for the 1337
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 identified as being in default under the order and is also identified under section 3121.895 of the Revised Code as obtaining employment, the withholding notice issued under section 3121.03 of the Revised Code in accordance with section 3121.896 of the Revised Code shall require the arrearage amount resulting from the default to be withheld in addition to current support amounts.

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

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

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

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

Code.

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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.

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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.~~

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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.~~

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

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~~(1) A statement of the date on which the advance notice is sent, a statement that the obligor is in default under a support order, the amount of arrearages owed by the obligor due to the default as determined by the court or the child support enforcement agency, 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 to pay support and any arrearages, and the amount that will be withheld or deducted pursuant to those requirements;~~

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

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

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

Sec. 3123.031. The default notice shall contain all of the following:

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<u>(A) The date on which it is sent;</u>	1459
<u>(B) A statement that the obligor is in default under a support order;</u>	1460 1461
<u>(C) The amount of arrearages the obligor owes due to the default as of the date the default notice is sent;</u>	1462 1463
<u>(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;</u>	1464 1465 1466 1467 1468
<u>(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;</u>	1469 1470 1471 1472 1473 1474 1475
<u>(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;</u>	1476 1477 1478 1479 1480 1481 1482 1483 1484
<u>(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 administrative hearing under section 3123.04 of the Revised Code;</u>	1485 1486 1487 1488
<u>(H) A statement that, if the obligor files a timely written</u>	1489

request for an administrative hearing, the obligor may file with 1490
the court, within seven business days after the agency makes its 1491
determinations under the administrative hearing, a written motion 1492
for a court hearing under section 3123.05 of the Revised Code; 1493

(I) An explanation of the administrative and court action 1494
that will take place if the obligor files a timely written request 1495
or motion for an administrative or court hearing; 1496

(J) An explanation of how a final and enforceable 1497
determination of default and amount of arrearages is made under 1498
sections 3123.032, 3123.04, and 3123.05 of the Revised Code; 1499

(K) A statement that a withholding notice may be issued in 1500
accordance with section 3123.021 of the Revised Code if the child 1501
support enforcement agency determines the obligor has obtained 1502
employment and an explanation of the provisions of section 1503
3123.022 of the Revised Code. 1504

Sec. 3123.032. (A) If an obligor who has received a default 1505
notice under section 3123.03 of the Revised Code fails to make a 1506
timely request for an administrative hearing under section 3123.04 1507
of the Revised Code, the default notice becomes a final and 1508
enforceable determination by the child support enforcement agency 1509
that identified the default of both of the following: 1510

(1) The obligor is in default under the support order. 1511

(2) The amount of the arrearage owed as a result of the 1512
default. 1513

(B) If an agency's determination becomes final and 1514
enforceable under this section, the agency shall take further 1515
action as required under section 3123.06 of the Revised Code. 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

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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~~
~~advance notice.~~ 1581
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~~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 1609
section 3123.021 of the Revised Code with respect to the order and 1610

the final and enforceable determination of default altered the 1611
arrearage amount stated in the default notice, the court or 1612
agency, whichever made the determination, shall revise the 1613
withholding notice and may issue, as appropriate, any of the 1614
notices or orders described in division (A)(1) of this section. 1615

(3) If a withholding notice was issued in accordance with 1616
section 3123.021 of the Revised Code with respect to the order but 1617
the final and enforceable determination of default did not alter 1618
the arrearage amount stated in the default notice, the withholding 1619
notice shall remain in effect. The court or agency, in addition 1620
and as appropriate, may issue any other notice or order described 1621
in division (A)(1) of this section. 1622

(B) If a court, under section 3123.05 of the Revised Code, or 1623
an agency, under section 3123.04 of the Revised Code, determines 1624
that no default exists under a support order, the court or agency 1625
shall terminate the default proceedings. If a withholding notice 1626
was issued in accordance with section 3123.021 of the Revised Code 1627
with respect to the order, the court or agency, whichever made the 1628
final and enforceable determination, shall revise the withholding 1629
notice, and may issue, as appropriate, any of the notices or 1630
orders described in division (A)(1) of this section, to collect 1631
current support. 1632

(C) A withholding or deduction notice issued under division 1633
(A)(1), (2), or (3) of this section shall require the payment of 1634
arrears caused by the default along with any payment for 1635
current support. A withholding or deduction notice or other 1636
appropriate order described under this section shall be issued not 1637
later than fifteen days after the determination of default under 1638
the support order becomes final and enforceable. Section 3123.21 1639
of the Revised Code applies to a withholding or deduction notice 1640
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.

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

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

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

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

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

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If the court determines the obligor is in default under a
support order, the court shall issue a new order requiring the
obligor to pay support. If the court determines the default was
willful, the court ~~shall~~ may assess interest on the arrearage
amount from the date the court specifies as the date of default to
the date the court issues the new order requiring the payment of
support and, if interest is assessed, shall compute the interest

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at the rate specified in section 1343.03 of the Revised Code. The 1672
court shall specify in the support order the amount of interest 1673
the court assessed against the obligor, if any, and incorporate 1674
the amount of interest into the new monthly payment plan. 1675

(B) When a court issues or modifies a court support order, 1677
the court may include in the support order a statement ordering 1678
either party to pay the costs of the action, including, but not 1679
limited to, attorney's fees, fees for genetic tests in contested 1680
actions under sections 3111.01 to 3111.18 of the Revised Code, and 1681
court costs. 1682

Sec. 3123.171. Notwithstanding section 1343.03 of the Revised 1683
Code, interest may be charged on the amount of support arrearages 1684
owed pursuant to a default under a child support order only as 1685
provided by section 3123.17 of the Revised Code. 1686

Sec. 3123.18. If a court or child support enforcement agency 1687
made a final and enforceable determination under sections 3123.02 1688
to 3123.071 of the Revised Code as those sections existed prior to 1689
the effective date of this section or makes a final and 1690
enforceable determination under sections 3123.01 to 3123.07 of the 1691
Revised Code that an obligor is in default under a support order, 1692
each payment or installment that was due and unpaid under the 1693
support order that is the basis for the default determination plus 1694
any arrearage amounts that accrue after the default determination 1695
and during the period of default shall be a final judgment which 1696
has the full force, effects, and attributes of a judgment entered 1697
by a court of this state for which execution may issue under Title 1698
XXIII of the Revised Code. 1699

Sec. 3123.181. On the request of an obligor, obligee, or 1700
authorized representative of an obligor or obligee, the child 1701

support enforcement agency administering the order for which a 1702
judgment under section 3123.18 of the Revised Code has arisen 1703
shall issue to the obligor and obligee or their authorized 1704
representatives a certified pay-off statement of the total amount 1705
due on the judgment as of the time of the request. The certified 1706
pay-off statement shall be valid for a period of thirty days after 1707
the date it was issued. 1708

Sec. 3123.182. During the period a certified pay-off 1709
statement issued under section 3123.181 of the Revised Code is 1710
valid, the obligee under the support order for which the statement 1711
was issued, or a child support enforcement agency on behalf of the 1712
obligee, may bring an action to obtain execution on the certified 1713
pay-off statement in the common pleas court that issued the 1714
support order or, if the order is an administrative child support 1715
order, the common pleas court of the county served by the agency 1716
that issued the order. The court shall treat the certified pay-off 1717
statement as a rebuttable presumption of the amount of the 1718
judgment. The court shall not require the reduction of unpaid 1719
support payments and installments or arrearages under the support 1720
order for which the certified pay-off statement applies to a lump 1721
sum for purposes of execution. 1722

Sec. 3123.183. Nothing in sections 3123.18 to 3123.182 of the 1723
Revised Code limits the applicability of section 3123.22 of the 1724
Revised Code. 1725

Sec. 3123.25. (A) If, as a result of information obtained 1726
pursuant to an agreement under section 3121.74 of the Revised 1727
Code, the office of child support in the department of job and 1728
family services finds or receives notice that identifies an 1729
obligor in default who maintains an account with a financial 1730

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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

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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
1898

(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
Government of the Bar of Ohio.

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

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

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

Section 3. This act is hereby declared to be an emergency
measure necessary for the immediate preservation of the public

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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