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A B I L L

To amend sections 3119.60, 3119.61, 3119.71, and 1
3119.74 and to enact sections 3119.77, 3119.771, 2
3119.772, and 3119.773 of the Revised Code to 3
provide for review of a child support order at the 4
request of a member of the uniformed services 5
called to active military service. 6

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

Section 1. That sections 3119.60, 3119.61, 3119.71, and 7
3119.74 be amended and sections 3119.77, 3119.771, 3119.772, and 8

3119.773 of the Revised Code be enacted to read as follows: 9

Sec. 3119.60. If a child support enforcement agency, 10
periodically or on request of an obligor or obligee, plans to 11
review a child support order in accordance with the rules adopted 12
pursuant to section 3119.76 of the Revised Code or otherwise plans 13
to review a child support order, it shall do all of the following 14
prior to formally beginning the review: 15

(A) Establish a date certain on which the review will 16
formally begin; 17

(B) ~~At~~ Except as otherwise provided in section 3119.771 of 18
the Revised Code, at least forty-five days before formally 19
beginning the review, send the obligor and the obligee notice of 20
the planned review and of the date when the review will formally 21
begin; 22

(C)(1) Request the obligor to provide the agency, no later 23
than the scheduled date for formally beginning the review, with 24
all of the following: 25

(a) A copy of the obligor's federal income tax return from 26
the previous year; 27

(b) A copy of all pay stubs obtained by the obligor within 28
the preceding six months; 29

(c) A copy of all other records evidencing the receipt of any 30
other salary, wages, or compensation by the obligor within the 31
preceding six months; 32

(d) A list of the group health insurance and health care 33
policies, contracts, and plans available to the obligor and their 34
costs; 35

(e) The current health insurance or health care policy, 36
contract, or plan under which the obligor is enrolled and its 37

cost; 38

(f) If the obligor is a member of the uniformed services and 39
is on active military duty, a copy of the obligor's Internal 40
Revenue Service form W-2, "Wage and Tax Statement," and a copy of 41
a statement detailing the obligor's earnings and leave with the 42
uniformed services; 43

(g) Any other information necessary to properly review the 44
child support order. 45

(2) Request the obligee to provide the agency, no later than 46
the scheduled date for formally beginning the review, with all of 47
the following: 48

(a) A copy of the obligee's federal income tax return from 49
the previous year; 50

(b) A copy of all pay stubs obtained by the obligee within 51
the preceding six months; 52

(c) A copy of all other records evidencing the receipt of any 53
other salary, wages, or compensation by the obligee within the 54
preceding six months; 55

(d) A list of the group health insurance and health care 56
policies, contracts, and plans, including the tricare program 57
offered by the United States department of defense, available to 58
the obligee and their costs; 59

(e) The current health insurance or health care policy, 60
contract, or plan under which the obligee is enrolled and its 61
cost; 62

(f) Any other information necessary to properly review the 63
child support order. 64

(D) Include in the notice sent pursuant to division (B) of 65
this section, one of the following: 66

(1) If the child support order being reviewed is a court 67

child support order, a notice that a willful failure to provide 68
the documents and other information requested pursuant to division 69
(C) of this section is contempt of court; 70

(2) If the child support order being reviewed is an 71
administrative child support order, a notice that if either the 72
obligor or obligee fails to comply with the request for 73
information, the agency may bring an action under section 3119.72 74
of the Revised Code requesting that the court find the obligor and 75
the obligee in contempt pursuant to section 2705.02 of the Revised 76
Code. 77

Sec. 3119.61. The child support enforcement agency shall 78
review an administrative child support order on the date 79
established pursuant to section 3119.60 of the Revised Code for 80
formally beginning the review of the order. If the agency 81
determines that a modification is necessary and in the best 82
interest of the child subject to the order, the agency shall 83
calculate the amount the obligor shall pay in accordance with 84
section 3119.021 of the Revised Code. The agency may not grant a 85
deviation pursuant to section 3119.23 of the Revised Code from the 86
guidelines set forth in section 3119.021 of the Revised Code. If 87
the agency can set the child support the obligor is to pay without 88
granting such a deviation from the guidelines, the agency shall do 89
the following: 90

(A) Give the obligor and obligee notice of the revised amount 91
of child support to be paid under the administrative child support 92
order, of their right to request an administrative hearing on the 93
revised child support amount, of the procedures and time deadlines 94
for requesting the hearing, and that the agency will modify the 95
administrative child support order to include the revised child 96
support amount unless the obligor or obligee requests an 97
administrative hearing on the revised amount no later than thirty 98

days after receipt of the notice under this division;	99
(B) If neither the obligor nor obligee timely requests an administrative hearing on the revised amount of child support, modify the administrative child support order to include the revised child support amount;	100 101 102 103
(C) If the obligor or obligee timely requests an administrative hearing on the revised amount of child support, do all of the following:	104 105 106
(1) Schedule a hearing on the issue;	107
(2) Give the obligor and obligee notice of the date, time, and location of the hearing;	108 109
(3) Conduct the hearing in accordance with the rules adopted under section 3119.76 of the Revised Code;	110 111
(4) Redetermine at the hearing a revised amount of child support to be paid under the administrative child support order;	112 113
(5) Modify the order to include the revised amount of child support;	114 115
(6) Give notice to the obligor and obligee of the amount of child support to be paid under the order and that the obligor and obligee may object to the modified order by initiating an action under section 2151.231 of the Revised Code in the juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code of the county in which the mother, the father, the child, or the guardian or custodian of the child reside.	116 117 118 119 120 121 122
If <u>Except as otherwise provided in section 3119.772 of the Revised Code, if</u> the agency modifies an existing administrative child support order, the modification shall relate back to the first day of the month following the date certain on which the review began under section 3119.60 of the Revised Code.	123 124 125 126 127
If the agency cannot set the amount of child support the	128

obligor will pay under the administrative child support order 129
without granting a deviation pursuant to section 3119.23 of the 130
Revised Code, the agency shall bring an action under section 131
2151.231 of the Revised Code on behalf of the person who requested 132
that the agency review the existing administrative order or, if no 133
one requested the review, on behalf of the obligee, in the 134
juvenile court or other court with jurisdiction under section 135
2101.022 or 2301.03 of the Revised Code of the county in which the 136
agency is located requesting that the court issue a child support 137
order. 138

Sec. 3119.71. ~~If~~ Except as otherwise provided in section 139
3119.772 of the Revised Code: 140

(A) If the obligor or obligee does not request a court 141
hearing on the revised child support amount determined by the 142
child support enforcement agency and filed with the court pursuant 143
to section 3119.63 of the Revised Code and the court modifies the 144
order to include the revised amount pursuant to section 3119.65 of 145
the Revised Code, the modification shall relate back to the first 146
day of the month following the date certain on which the review of 147
the court child support order began pursuant to division (A) of 148
section 3119.60 of the Revised Code. ~~If~~ 149

(B) If the obligor or obligee requests a court hearing on the 150
revised child support amount and the court, after conducting a 151
hearing, modifies the court child support amount under the order, 152
the modification shall relate back to the first day of the month 153
following the date on which the review of the court child support 154
order began pursuant to division (A) of section 3119.60 of the 155
Revised Code. 156

Sec. 3119.74. In addition to administrative reviews conducted 157
pursuant to sections 3119.60 to 3119.63 and section 3119.771 of 158

the Revised Code, a child support enforcement agency may conduct 159
administrative reviews of support orders to do the following: 160

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(A) Obtain voluntary notices or court orders under section 162
3121.03 of the Revised Code; 163

(B) Correct any errors in the amount of any arrearage owed by 164
an obligor. 165

The agency shall notify the obligor and obligee of the time, 166
date, and location of the administrative review at least fourteen 167
days before the hearing is held. 168

Sec. 3119.77. (A) As used in this section and sections 169
3119.771, 3119.772, and 3119.773 of the Revised Code: 170

(1) "Active military service" means the performance of active 171
military duty by a member of the uniformed services for a period 172
of more than thirty days. 173

(2) "Uniformed services" means any reserve components of the 174
armed forces of the United States or the Ohio organized militia 175
when engaged in full-time national guard duty for a period of more 176
than thirty days. 177

(B) An obligor who is called to active military service in 178
the uniformed services may request a review of a child support 179
order for the purpose of modification of the amount of support 180
required under the order. The request must be submitted to the 181
child support enforcement agency administering the order. 182

(C) An obligor who makes a request under division (B) of this 183
section must indicate that the reason for the modification is the 184
obligor's active military service and provide with the request any 185
orders or other appropriate documentation specifying the 186
commencement date of the obligor's active military service and the 187

monthly monetary compensation for that service. The obligor also
shall submit documentation on all other outside income.

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(D) The obligor may provide the child support enforcement
agency with a military power of attorney executed pursuant to 10
U.S.C. 10446 designating another individual to act in the
administrative review and modification on behalf of the obligor.
By designating another individual to so act on behalf of the
obligor, the obligor waives any right of an appearance and any
right to request a stay of the action or proceeding.

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Sec. 3119.771. (A) A child support enforcement agency that
receives a request for review and modification of a child support
order pursuant to section 3119.77 of the Revised Code shall send
to the obligor and obligee, not later than three business days
after receipt of the request, notice of the review and of the date
it will begin. The child support enforcement agency shall complete
an administrative review in accordance with sections 3119.60 to
3119.63 of the Revised Code. The agency shall consider the
obligor's call to active military service as a change of
circumstances substantial enough to require a review of the child
support amount.

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(B) On receipt of a military power of attorney from an
obligor designating another individual to act for the obligor, the
child support enforcement agency shall allow the individual to act
on the obligor's behalf during the agency's review of the order
and shall provide the other individual with any notices required
to be given under sections 3119.60 to 3119.63 of the Revised Code,
including the notice sent pursuant to division (A) of this
section. If, with respect to the review of a court child support
order under section 3119.63 of the Revised Code, the obligor or
obligee requests a court hearing, the court shall provide the
individual acting on behalf of the obligor with any notices

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required to be given under sections 3119.67 to 3119.69 of the 219
Revised Code. The individual acting on behalf of the obligor may 220
not assert any right to a stay under the Servicemembers Civil 221
Relief Act, 117 Stat. 2835 (2003), 50 App. U.S.C. 501 et. seq., as 222
amended.

(C) If, after the obligor provides written notice of the date 223
of termination of the obligor's active military service pursuant 224
to section 3119.773 of the Revised Code, the obligor provides the 225
child support enforcement agency with written documentation 226
sufficient to establish that the obligor's employer has violated 227
the Uniformed Services Employment and Reemployment Rights Act, 38 228
U.S.C. 4301 to 4333, with regards to the obligor, the child 229
support enforcement agency shall consider this change of 230
circumstance substantial enough to require a review of the 231
obligor's amount of support to be paid under the child support 232
order. 233

Sec. 3119.772. If a child support enforcement agency modifies 234
an administrative child support order, or a court modifies a court 235
child support order, based on an administrative review conducted 236
pursuant to section 3119.771 of the Revised Code, the modification 237
shall relate back to the later of the date the child support 238
enforcement agency sent notice of the review pursuant to division 239
(A) of section 3119.771 of the Revised Code or the first day of 240
the month in which the obligor's active military service begins. 241
The agency or court shall include a provision in the modified 242
order stating that, except as otherwise provided in division (C) 243
of section 3119.771 of the Revised Code, the modification will 244
terminate and the prior amount of support be reinstated as of the 245
first day of the month following the date that the obligor's 246
active military service ends. 247

Sec. 3119.773. If the amount to be paid under a child support order is modified pursuant to an administrative review conducted pursuant to section 3119.771 of the Revised Code, the obligor shall provide written notice of the date of termination of the obligor's active military service to the child support enforcement agency administering the order not later than the last day of the month in which the service ends.

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Section 2. That existing sections 3119.60, 3119.61, 3119.71, and 3119.74 of the Revised Code are hereby repealed.

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Section 3. The General Assembly hereby requests the Supreme Court of Ohio to adopt a rule to provide that child support hearings for an obligor or obligee who is a member of the Ohio organized militia be expedited when the court receives notice that the obligor or obligee has requested a child support hearing.

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