

As Reported by the House Juvenile and Family Law Committee

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Sub. H. B. No. 149

**Representatives Fessler, Seitz, Williams, Gilb, Brinkman, Perry, Reidelbach,
Walcher, Book, Harwood, Hollister, Mason, S. Smith, Widowfield,
Willamowski**

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 emergency 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) Any other information necessary to properly review the 39
child support order. 40

(2) Request the obligee to provide the agency, no later than 41
the scheduled date for formally beginning the review, with all of 42
the following: 43

(a) A copy of the obligee's federal income tax return from 44
the previous year; 45

(b) A copy of all pay stubs obtained by the obligee within 46
the preceding six months; 47

(c) A copy of all other records evidencing the receipt of any 48

other salary, wages, or compensation by the obligee within the 49
preceding six months; 50

(d) A list of the group health insurance and health care 51
policies, contracts, and plans available to the obligee and their 52
costs; 53

(e) The current health insurance or health care policy, 54
contract, or plan under which the obligee is enrolled and its 55
cost; 56

(f) Any other information necessary to properly review the 57
child support order. 58

(D) Include in the notice sent pursuant to division (B) of 59
this section, one of the following: 60

(1) If the child support order being reviewed is a court 61
child support order, a notice that a willful failure to provide 62
the documents and other information requested pursuant to division 63
(C) of this section is contempt of court; 64

(2) If the child support order being reviewed is an 65
administrative child support order, a notice that if either the 66
obligor or obligee fails to comply with the request for 67
information, the agency may bring an action under section 3119.72 68
of the Revised Code requesting that the court find the obligor and 69
the obligee in contempt pursuant to section 2705.02 of the Revised 70
Code. 71

Sec. 3119.61. The child support enforcement agency shall 72
review an administrative child support order on the date 73
established pursuant to section 3119.60 of the Revised Code for 74
formally beginning the review of the order. If the agency 75
determines that a modification is necessary and in the best 76
interest of the child subject to the order, the agency shall 77
calculate the amount the obligor shall pay in accordance with 78

section 3119.021 of the Revised Code. The agency may not grant a 79
deviation pursuant to section 3119.23 of the Revised Code from the 80
guidelines set forth in section 3119.021 of the Revised Code. If 81
the agency can set the child support the obligor is to pay without 82
granting such a deviation from the guidelines, the agency shall do 83
the following: 84

(A) Give the obligor and obligee notice of the revised amount 85
of child support to be paid under the administrative child support 86
order, of their right to request an administrative hearing on the 87
revised child support amount, of the procedures and time deadlines 88
for requesting the hearing, and that the agency will modify the 89
administrative child support order to include the revised child 90
support amount unless the obligor or obligee requests an 91
administrative hearing on the revised amount no later than thirty 92
days after receipt of the notice under this division; 93

(B) If neither the obligor nor obligee timely requests an 94
administrative hearing on the revised amount of child support, 95
modify the administrative child support order to include the 96
revised child support amount; 97

(C) If the obligor or obligee timely requests an 98
administrative hearing on the revised amount of child support, do 99
all of the following: 100

(1) Schedule a hearing on the issue; 101

(2) Give the obligor and obligee notice of the date, time, 102
and location of the hearing; 103

(3) Conduct the hearing in accordance with the rules adopted 104
under section 3119.76 of the Revised Code; 105

(4) Redetermine at the hearing a revised amount of child 106
support to be paid under the administrative child support order; 107

(5) Modify the order to include the revised amount of child 108

support; 109

(6) Give notice to the obligor and obligee of the amount of 110
child support to be paid under the order and that the obligor and 111
obligee may object to the modified order by initiating an action 112
under section 2151.231 of the Revised Code in the juvenile court 113
or other court with jurisdiction under section 2101.022 or 2301.03 114
of the Revised Code of the county in which the mother, the father, 115
the child, or the guardian or custodian of the child reside. 116

If Except as otherwise provided in section 3119.772 of the 117
Revised Code, if the agency modifies an existing administrative 118
child support order, the modification shall relate back to the 119
first day of the month following the date certain on which the 120
review began under section 3119.60 of the Revised Code. 121

If the agency cannot set the amount of child support the 122
obligor will pay under the administrative child support order 123
without granting a deviation pursuant to section 3119.23 of the 124
Revised Code, the agency shall bring an action under section 125
2151.231 of the Revised Code on behalf of the person who requested 126
that the agency review the existing administrative order or, if no 127
one requested the review, on behalf of the obligee, in the 128
juvenile court or other court with jurisdiction under section 129
2101.022 or 2301.03 of the Revised Code of the county in which the 130
agency is located requesting that the court issue a child support 131
order. 132

Sec. 3119.71. If Except as otherwise provided in section 133
3119.772 of the Revised Code: 134

(A) If the obligor or obligee does not request a court 135
hearing on the revised child support amount determined by the 136
child support enforcement agency and filed with the court pursuant 137
to section 3119.63 of the Revised Code and the court modifies the 138
order to include the revised amount pursuant to section 3119.65 of 139

the Revised Code, the modification shall relate back to the first 140
day of the month following the date certain on which the review of 141
the court child support order began pursuant to division (A) of 142
section 3119.60 of the Revised Code. ~~It~~ 143

(B) If the obligor or obligee requests a court hearing on the 144
revised child support amount and the court, after conducting a 145
hearing, modifies the court child support amount under the order, 146
the modification shall relate back to the first day of the month 147
following the date on which the review of the court child support 148
order began pursuant to division (A) of section 3119.60 of the 149
Revised Code. 150

Sec. 3119.74. In addition to administrative reviews conducted 151
pursuant to sections 3119.60 to 3119.63 and section 3119.771 of 152
the Revised Code, a child support enforcement agency may conduct 153
administrative reviews of support orders to do the following: 154

(A) Obtain voluntary notices or court orders under section 156
3121.03 of the Revised Code; 157

(B) Correct any errors in the amount of any arrearage owed by 158
an obligor. 159

The agency shall notify the obligor and obligee of the time, 160
date, and location of the administrative review at least fourteen 161
days before the hearing is held. 162

Sec. 3119.77. (A) As used in this section and sections 163
3119.771, 3119.772, and 3119.773 of the Revised Code: 164

(1) "Emergency military service" means the performance of 165
active military duty by a member of the uniformed services for a 166
period of more than thirty days in a time of war or emergency. 167

(2) "Uniformed services" means the armed forces of the United 168

States or any reserve components of those forces, the Ohio 169
organized militia when engaged in full-time national guard duty, 170
and any other category of persons designated by the president in 171
time of war or emergency. 172

(B) An obligor who is called to emergency military service in 173
the uniformed services may request a review of a child support 174
order for the purpose of modification of the amount of support 175
required under the order. The request must be submitted to the 176
child support enforcement agency administering the order. 177

(C) An obligor who makes a request under division (B) of this 178
section must indicate that the reason for the modification is the 179
obligor's emergency military service and provide with the request 180
a notarized letter from the obligor's commanding officer or any 181
other appropriate documentation specifying the commencement date 182
of the obligor's emergency military service and the monetary 183
compensation for that service. 184

(D) The obligor may provide the child support enforcement 185
agency with a notarized statement designating another individual 186
to act in the administrative review and modification on behalf of 187
the obligor. 188

Sec. 3119.771. (A) A child support enforcement agency that 189
receives a request for review and modification of a child support 190
order pursuant to section 3119.77 of the Revised Code shall send 191
to the obligor and obligee, not later than three business days 192
after receipt of the request, notice of the review and of the date 193
it will begin. The child support enforcement agency shall complete 194
an administrative review in accordance with sections 3119.60 to 195
3119.63 of the Revised Code. The obligor's call to emergency 196
military service shall be considered by the agency as a change of 197
circumstances substantial enough to require a review of the child 198
support amount. 199

(B) On receipt of a notarized statement 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 obligee with any notices required to be given under sections 3119.67 to 3119.69 of the Revised Code.

Sec. 3119.772. If a child support enforcement agency, with respect to an administrative child support order, or a court, with respect to a court child support order, modifies a child support order based on an administrative review conducted pursuant to section 3119.77 of the Revised Code, the modification shall relate back to the later of the date the child support enforcement agency sent notice of the review pursuant to division (A) of section 3119.771 of the Revised Code or the first day of the month in which the obligor's emergency military service begins. The agency or court shall include a provision in the modified order stating that the modification will terminate and the prior amount of support be reinstated as of the first day of the month following the date that the obligor's emergency military service ends.

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 emergency military service to the child support

<u>enforcement agency administering the order not later than the last</u>	231
<u>day of the month in which the service ends.</u>	232
Section 2. That existing sections 3119.60, 3119.61, 3119.71,	233
and 3119.74 of the Revised Code are hereby repealed.	234