

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 342**

**Senator Stivers**

—

**A BILL**

To amend sections 3111.29, 3111.38, 3111.78, 3111.80, 1  
3111.81, 3111.84, 3119.43, 3119.60, 3119.61, 2  
3119.63, 3119.72, 3119.76, 3119.77, 3119.82, 3  
3119.88, 3121.01, 3121.02, 3121.035, 3121.12, 4  
3121.29, 3121.33, 3121.34, 3123.031, 3123.04, 5  
3123.05, 3123.06, 3123.14, 3123.34, 3123.72, 6  
3123.821, and 3123.822, to enact sections 3111.801 7  
and 3119.631, and to repeal section 3121.11 of the 8  
Revised Code to amend the Child Support Laws. 9  
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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3111.29, 3111.38, 3111.78, 3111.80, 11  
3111.81, 3111.84, 3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 12  
3119.76, 3119.77, 3119.82, 3119.88, 3121.01, 3121.02, 3121.035, 13  
3121.12, 3121.29, 3121.33, 3121.34, 3123.031, 3123.04, 3123.05, 14  
3123.06, 3123.14, 3123.34, 3123.72, 3123.821, and 3123.822 be 15  
amended and sections 3111.801 and 3119.631 of the Revised Code be 16  
enacted to read as follows: 17

**Sec. 3111.29.** Once an acknowledgment of paternity becomes 18  
final under section 3111.25 of the Revised Code, the mother or 19  
other custodian or guardian of the child may file a complaint 20  
pursuant to section 2151.231 of the Revised Code in the juvenile 21

court or other court with jurisdiction under section 2101.022 or 22  
2301.03 of the Revised Code of the county in which the child or 23  
the guardian or legal custodian of the child resides requesting 24  
that the court order the father or mother to pay an amount for the 25  
support of the child, or may contact the child support enforcement 26  
agency for assistance in obtaining ~~the order, or may request that~~ 27  
~~an administrative officer of a child support enforcement agency~~ 28  
~~issue an administrative order for the payment of child support~~ 29  
~~pursuant to section 3111.81 of the Revised Code~~ a child support 30  
order as defined in section 3119.01 of the Revised Code. 31

**Sec. 3111.38.** At the request of a person described in 33  
division (A) of section 3111.04 of the Revised Code and upon 34  
completion and filing of an application for services administered 35  
under Title IV-D of the "Social Security Act," 88 Stat. 2351 36  
(1975), 42 U.S.C. 651, as amended, the child support enforcement 37  
agency of the county in which a child resides or in which the 38  
guardian or legal custodian of the child resides shall determine 39  
the existence or nonexistence of a parent and child relationship 40  
between an alleged father and the child. 41

**Sec. 3111.78.** A parent, guardian, or legal custodian of a 42  
child, the person with whom the child resides, or the child 43  
support enforcement agency of the county in which the child, 44  
parent, guardian, or legal custodian of the child resides may do 45  
either of the following to require a man to pay support and 46  
provide for the health care needs of the child if the man is 47  
presumed to be the natural father of the child under section 48  
3111.03 of the Revised Code: 49

(A) If the presumption is not based on an acknowledgment of 50  
paternity, file a complaint pursuant to section 2151.231 of the 51

Revised Code in the juvenile court or other court with 52  
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 53  
of the county in which the child, parent, guardian, or legal 54  
custodian resides; 55

~~(B) Ask an administrative officer of a child support 56  
enforcement agency to issue an administrative order pursuant to 57  
section 3111.81 of the Revised Code; 58~~

~~(C) Contact a child support enforcement agency for to request 59  
assistance in obtaining an order for support and the provision of 60  
health care for the child. 61~~

**Sec. 3111.80.** ~~If a request for issuance of an administrative 62  
support order is made under section 3111.29 or 3111.78 of the 63  
Revised Code or~~ Upon receipt of a completed application for 64  
services administered under Title IV-D of the "Social Security 65  
Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, or other 66  
IV-D referral, if an administrative officer issues an 67  
administrative order determining the existence of a parent and 68  
child relationship under section 3111.46 of the Revised Code, if a 69  
presumption of paternity exists under section 3111.03 of the 70  
Revised Code, or if a duty of support otherwise exists under 71  
section 3103.031 or Chapter 3115. of the Revised Code, the 72  
administrative officer shall schedule an administrative hearing to 73  
determine, in accordance with Chapters 3119. and 3121. of the 74  
Revised Code, the amount of child support any parent is required 75  
to pay, the method of payment of child support, and the method of 76  
providing for the child's health care. The administrative hearing 77  
shall be conducted by an administrative officer assigned by the 78  
agency. 79

The administrative officer shall send the mother and the 80  
father of the child notice of the date, time, place, and purpose 81  
of the administrative hearing. With respect to an administrative 82

hearing scheduled pursuant to an administrative order determining, 83  
pursuant to section 3111.46 of the Revised Code, the existence of 84  
a parent and child relationship, the officer shall attach the 85  
notice of the administrative hearing to the order and send it in 86  
accordance with that section. The notice shall include the request 87  
described in section 3111.801 of the Revised Code, that if either 88  
the mother or the father of the child fails to comply with a 89  
request for information in accordance with that section, the child 90  
support enforcement agency is permitted to make reasonable 91  
assumptions regarding the information the person failed to provide 92  
and the agency shall proceed with the determination of support in 93  
the same manner as if all requested information had been supplied. 94  
The Rules of Civil Procedure shall apply regarding the sending of 95  
the notice and any summons related to the hearing, except to the 96  
extent the ~~civil~~ rules, by their nature, are clearly inapplicable 97  
and except that references in the ~~civil~~ rules to the court or the 98  
clerk of the court shall be construed as being references to the 99  
child support enforcement agency or the administrative officer. 100

The hearing shall be held no later than sixty days after the 101  
~~request is made under section 3111.29 or 3111.78 of the Revised~~ 102  
~~Code or an administrative officer issues an administrative order~~ 103  
~~determining the existence of a parent and child relationship under~~ 104  
~~section 3111.46 of the Revised Code~~ Title IV-D application is 105  
submitted to or the Title IV-D referral is received by the child 106  
support enforcement agency and the agency has sufficient 107  
information to complete service of process. The hearing shall not 108  
be held earlier than thirty days after the officer gives the 109  
mother and father notice of the hearing. If the mother or father 110  
fails to comply with a request for information in accordance with 111  
section 3111.801 of the Revised Code, the child support 112  
enforcement agency may proceed in accordance with section 3119.72 113  
of the Revised Code, make reasonable assumptions regarding the 114  
information the person failed to provide, and proceed with the 115

determination of support in the same manner as if all requested 116  
information had been supplied. 117

Sec. 3111.801. If an administrative officer schedules an 118  
administrative support hearing in accordance with section 3111.80 119  
of the Revised Code, the administrative officer shall include in 120  
the notice described in section 3111.80 of the Revised Code a 121  
request that the mother and father provide the agency, not later 122  
than the date scheduled for formally beginning the administrative 123  
hearing, all of the following: 124

(A) A copy of the mother's and father's most recently filed 125  
federal income tax return; 126

(B) A copy of all pay stubs obtained by the mother and father 127  
within the immediately preceding six months; 128

(C) A copy of all other records evidencing the receipt of any 129  
other salary, wages, or compensation by the mother and father 130  
within the immediately preceding six months; 131

(D) A list of the group health insurance and health care 132  
policies, contracts, and plans available to the father and mother 133  
and their costs; 134

(E) The current health insurance or health care policy, 135  
contract, or plan under which the father and mother are enrolled 136  
and its cost; 137

(F) If the mother or father is a member of the uniformed 138  
services and is on active military duty, a copy of the mother's or 139  
father's internal revenue service form W-2, "Wage and Tax 140  
Statement," and a copy of a statement detailing the mother's or 141  
father's earnings and leave with the uniformed services; 142

(G) Any other information necessary to properly establish the 143  
child support order. 144

**Sec. 3111.81.** After the hearing under section 3111.80 of the Revised Code is completed, the administrative officer may issue an administrative order for the payment of support and provision for the child's health care. The order shall become effective on the date of the administrative hearing. The order shall do all of the following in accordance with Chapters 3119. and 3121. of the Revised Code:

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

(B) Require the parents to provide for the health care needs of the child in accordance with sections 3119.29 to 3119.56 of the Revised Code;

(C) Include a notice that contains the information described in section 3111.84 of the Revised Code informing the mother and the father that the administrative order is final and enforceable by a court and of the right to object to the order by bringing an action for the payment of support and provision of the child's health care under section 2151.231 of the Revised Code ~~and the effect of a failure to timely bring the action.~~

**Sec. 3111.84.** The mother or father of a child who is the subject of an administrative support order may object to the order by bringing an action for the payment of support and provision for the child's health care 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 child support enforcement agency that employs the 175  
administrative officer is located. The administrative support 176  
order shall remain in effect during the pendency of the objection. 177  
The action shall be brought not later than thirty days after the 178  
date of the issuance of the administrative support order. ~~If~~ 179  
~~neither the mother nor the father brings an action for the payment~~ 180  
~~of support and provision for the child's health care within that~~ 181  
~~thirty day period, the~~ The administrative support order is final 182  
and enforceable by a court as of the date it is issued and may be 183  
modified only as provided in Chapters 3119., 3121., and 3123. of 184  
the Revised Code. 185

**Sec. 3119.43.** If the person required to obtain health 186  
insurance coverage pursuant to a child support order issued in 187  
accordance with section 3119.30 of the Revised Code does not 188  
obtain the required coverage within thirty days after the order is 189  
issued, the child support enforcement agency shall notify the 190  
court that issued the court child support order or, with respect 191  
to an administrative child support order, the court of common 192  
pleas of the county in which the agency is located, in writing of 193  
the failure of the person to comply with the child support order. 194  
The court may punish the person for contempt under Chapter 2705. 195  
of the Revised Code for the failure. 196

**Sec. 3119.60.** If a child support enforcement agency, 197  
periodically or on request of an obligor or obligee who has 198  
completed and filed an application for services administered under 199  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 200  
U.S.C. 651, as amended, plans to review a child support order in 201  
accordance with the rules adopted pursuant to section 3119.76 of 202  
the Revised Code or otherwise plans to review a child support 203  
order, it shall do all of the following prior to formally 204

beginning the review: 205

(A) Establish a date certain on which the review will 206  
formally begin; 207

(B) Except as otherwise provided in section 3119.771 of the 208  
Revised Code, at least ~~forty-five~~ thirty days before formally 209  
beginning the review, send the obligor and the obligee notice by 210  
ordinary mail of the planned review ~~and~~, of the date when the 211  
review will formally begin, and that the review may revise any 212  
addition or adjustment to any payment on arrearages in accordance 213  
with section 3123.21 of the Revised Code; 214

(C)(1) Request the obligor to provide the agency, no later 215  
than the scheduled date for formally beginning the review, with 216  
all of the following: 217

(a) A copy of the obligor's federal income tax return from 218  
the previous year; 219

(b) A copy of all pay stubs obtained by the obligor within 220  
the preceding six months; 221

(c) A copy of all other records evidencing the receipt of any 222  
other salary, wages, or compensation by the obligor within the 223  
preceding six months; 224

(d) A list of the group health insurance and health care 225  
policies, contracts, and plans available to the obligor and their 226  
costs; 227

(e) The current health insurance or health care policy, 228  
contract, or plan under which the obligor is enrolled and its 229  
cost; 230

(f) If the obligor is a member of the uniformed services and 231  
is on active military duty, a copy of the obligor's Internal 232  
Revenue Service form W-2, "Wage and Tax Statement," and a copy of 233  
a statement detailing the obligor's earnings and leave with the 234



uniformed services;	235
(g) Any other information necessary to properly review the child support order.	236 237
(2) Request the obligee to provide the agency, no later than the scheduled date for formally beginning the review, with all of the following:	238 239 240
(a) A copy of the obligee's federal income tax return from the previous year;	241 242
(b) A copy of all pay stubs obtained by the obligee within the preceding six months;	243 244
(c) A copy of all other records evidencing the receipt of any other salary, wages, or compensation by the obligee within the preceding six months;	245 246 247
(d) A list of the group health insurance and health care policies, contracts, and plans, including the tricare program offered by the United States department of defense, available to the obligee and their costs;	248 249 250 251
(e) The current health insurance or health care policy, contract, or plan under which the obligee is enrolled and its cost;	252 253 254
(f) Any other information necessary to properly review the child support order.	255 256
(D) Include in the notice sent pursuant to division (B) of this section, one of the following:	257 258
(1) If the child support order being reviewed is a court child support order, a notice that a willful failure to provide the documents and other information requested pursuant to division (C) of this section is contempt of court <u>or the agency may make reasonable assumptions with respect to the information the person did not provide, in accordance with section 3119.72 of the Revised</u>	259 260 261 262 263 264

Code; 265

(2) If the child support order being reviewed is an 266  
administrative child support order, a notice that if either the 267  
obligor or obligee fails to comply with the request for 268  
information, the agency may ~~bring an action under section 3119.72~~ 269  
~~of the Revised Code requesting that the court find the obligor and~~ 270  
~~the obligee in contempt pursuant to section 2705.02 of the Revised~~ 271  
Code make reasonable assumptions with respect to the information 272  
the person did not provide in accordance with section 3119.72 of 273  
the Revised Code. 274

**Sec. 3119.61.** The child support enforcement agency shall 275  
review an administrative child support order on the date 276  
established pursuant to section 3119.60 of the Revised Code for 277  
formally beginning the review of the order. If the agency 278  
determines that a modification is necessary and in the best 279  
interest of the child subject to the order, the agency shall 280  
calculate the amount the obligor shall pay in accordance with 281  
section 3119.021 of the Revised Code and may add or adjust any 282  
payment on arrearages in accordance with section 3123.21 of the 283  
Revised Code. The agency may not grant a deviation pursuant to 284  
section 3119.23 of the Revised Code from the guidelines set forth 285  
in section 3119.021 of the Revised Code. If the agency can set the 286  
child support the obligor is to pay without granting such a 287  
deviation from the guidelines, the agency shall do the following: 288

(A) Give the obligor and obligee notice, by ordinary mail, of 289  
the revised amount of child support to be paid under the 290  
administrative child support order, of their right to request an 291  
administrative hearing on the revised child support amount, of the 292  
procedures and time deadlines for requesting the hearing, and that 293  
the agency will modify the administrative child support order to 294  
include the revised child support amount unless the obligor or 295

obligee requests an administrative hearing on the revised amount 296  
no later than thirty days after ~~receipt of~~ the notice under this 297  
division is issued; 298

(B) If neither the obligor nor obligee timely requests an 299  
administrative hearing on the revised amount of child support, 300  
modify the administrative child support order to include the 301  
revised child support amount; 302

(C) If the obligor or obligee timely requests an 303  
administrative hearing on the revised amount of child support, do 304  
all of the following: 305

(1) Schedule a hearing on the issue; 306

(2) Give the obligor and obligee notice of the date, time, 307  
and location of the hearing; 308

(3) Conduct the hearing in accordance with the rules adopted 309  
under section 3119.76 of the Revised Code; 310

(4) Redetermine at the hearing a revised amount of child 311  
support to be paid under the administrative child support order, 312  
including any addition or adjustment of any payment on arrearages 313  
in accordance with section 3123.21 of the Revised Code; 314

(5) Modify the order to include the revised amount of child 315  
support; 316

(6) Give notice, by ordinary mail, to the obligor and obligee 317  
of the amount of child support to be paid under the order and that 318  
the obligor and obligee may object to the modified order by 319  
initiating an action under section 2151.231 of the Revised Code in 320  
the juvenile court or other court with jurisdiction under section 321  
2101.022 or 2301.03 of the Revised Code of the county in which the 322  
~~mother, the father, the child, or the guardian or custodian of the~~ 323  
~~child reside~~ child support enforcement agency that issued the 324  
order is located. 325

Except as otherwise provided in section 3119.772 of the Revised Code, if 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.

If the agency cannot set the amount of child support the obligor will pay under the administrative child support order without granting a deviation pursuant to section 3119.23 of the Revised Code, the agency shall bring an action under section 2151.231 of the Revised Code ~~on behalf of the person who requested that the agency review the existing administrative order or, if no one requested the review, on behalf of the obligee,~~ 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 agency is located requesting that the court issue a child support order.

**Sec. 3119.63.** The child support enforcement agency shall review a court child support order on the date established pursuant to section 3119.60 of the Revised Code for formally beginning the review of the order and shall do all of the following:

(A) Calculate a revised amount of child support to be paid under the court child support order, including any addition or adjustment to any payment on arrearages in accordance with section 3123.21 of the Revised Code;

(B) Give the obligor and obligee notice by ordinary mail of the revised amount of child support, of their right to request an administrative hearing on the revised amount, of the procedures and time deadlines for requesting the hearing, and that the revised amount of child support will be submitted to the court for inclusion in a revised court child support order unless the

obligor or obligee requests an administrative hearing on the 357  
proposed change within fourteen days after receipt of the notice 358  
under this division; 359

(C) Give the obligor and obligee notice by ordinary mail that 360  
if the court child support order contains a deviation granted 361  
under section 3119.23 or 3119.24 of the Revised Code or if the 362  
obligor or obligee intends to request a deviation from the child 363  
support amount to be paid under the court child support order, the 364  
obligor and obligee have a right to request a court hearing on the 365  
revised amount of child support without first requesting an 366  
administrative hearing and that the obligor or obligee, in order 367  
to exercise this right, must make the request for a court hearing 368  
no later than fourteen days after receipt of the notice; 369

(D) If neither the obligor nor the obligee timely requests, 370  
pursuant to division (C) of this section, an administrative or 371  
court hearing on the revised amount of child support, submit the 372  
revised amount of child support to the court for inclusion in a 373  
revised court child support order; 374

(E) If the obligor or the obligee timely requests an 375  
administrative hearing on the revised child support amount, 376  
schedule a hearing on the issue, give the obligor and obligee 377  
notice of the date, time, and location of the hearing, conduct the 378  
hearing in accordance with the rules adopted under section 3119.76 379  
of the Revised Code, redetermine at the hearing a revised amount 380  
of child support to be paid under the court child support order, 381  
including any addition or adjustment to any payment on arrearages 382  
in accordance with section 3123.21 of the Revised Code, and give 383  
notice to the obligor and obligee of the revised amount of child 384  
support, that they may request a court hearing on the revised 385  
amount, and that the agency will submit the revised amount of 386  
child support to the court for inclusion in a revised court child 387  
support order, if neither the obligor nor the obligee requests a 388

court hearing on the revised amount of child support; 389

(F) If neither the obligor nor the obligee requests, pursuant 390  
to division (E) of this section, a court hearing on the revised 391  
amount of child support, submit the revised amount of child 392  
support to the court for inclusion in a revised court child 393  
support order. 394

Sec. 3119.631. Upon submission of a recommendation pursuant 395  
to section 3119.63 of the Revised Code for inclusion in a revised 396  
court child support order, the court shall only reconsider the 397  
allocation of the federal income deduction pursuant to section 398  
3119.82 of the Revised Code if a party files a request for a 399  
hearing on the matter. 400

Sec. 3119.72. (A) If either the obligor or the obligee fails 401  
to comply with a request for information made pursuant to section 402  
3111.801, division (C) of section 3119.60 of the Revised Code, ~~one~~ 403  
~~of the following applies:~~ 404

~~(A) If the child support order being reviewed is a court 405  
child support order, failure to comply with a request for 406  
information is contempt of court, and the child support 407  
enforcement agency shall notify the court of the failure to comply 408  
with the request for information. The the agency may request do 409  
either of the following: 410~~

~~(1) Request the court of appropriate jurisdiction of the 411  
county in which the agency is located to issue an order requiring 412  
the parent, the obligor, or the obligee to provide the information 413  
as requested ~~or take;~~ 414~~

~~(2) Take whatever action is necessary to obtain the 415  
information and make any reasonable assumptions necessary with 416  
respect to the information the person ~~in contempt of court~~ did not 417  
provide to ensure a fair and equitable review of the child support 418~~

order ~~or establishment of an administrative order under section~~ 419  
3111.81 of the Revised Code. 420

~~(B) If the child support order being reviewed is an~~ 421  
~~administrative child support order, the agency may request that~~ 422  
~~the court of common pleas of the county in which the agency is~~ 423  
~~located issue an order requiring the obligor or obligee to comply~~ 424  
~~with the agency's request for information. The agency may request~~ 425  
~~that the order require the obligor or obligee to provide the~~ 426  
~~necessary information or permit the agency to take whatever action~~ 427  
~~is necessary to obtain the information and make any reasonable~~ 428  
~~assumptions necessary with respect to the information not provided~~ 429  
~~to ensure a fair and equitable review of the administrative child~~ 430  
~~support order. An obligor or obligee who fails to comply with the~~ 431  
~~court order is in contempt of court. If an obligor or obligee is~~ 432  
~~in contempt of court, the agency may request the court to hold the~~ 433  
~~person who failed to comply in contempt or to permit the agency to~~ 434  
~~take whatever action is necessary to obtain information and make~~ 435  
~~any reasonable assumptions necessary with respect to the income of~~ 436  
~~the person who failed to comply with the request to ensure a fair~~ 437  
~~and equitable review of the administrative child support order.~~ 438

(B) If the agency decides to conduct the review of the child 439  
support order, or issue an administrative order, based on 440  
reasonable assumptions with respect to the information the person 441  
~~in contempt of court~~ did not provide, it shall proceed under 442  
section 3111.81, 3119.61, or 3119.63 of the Revised Code in the 443  
same manner as if all requested information has been received. 444

**Sec. 3119.76.** The director of job and family services shall 445  
adopt rules pursuant to Chapter 119. of the Revised Code 446  
establishing a procedure for determining when existing child 447  
support orders should be reviewed to determine whether it is 448  
necessary and in the best interest of the children who are the 449

subject of the child support order to change the child support 450  
order. The rules shall include, but are not limited to, all of the 451  
following: 452

(A) Any procedures necessary to comply with section 453  
666(a)(10) of Title 42 of the U.S. Code, "Family Support Act of 454  
1988," 102 Stat. 2346, 42 U.S.C. 666(a)(10), as amended, and any 455  
regulations adopted pursuant to, or to enforce, that section; 456

(B) Procedures for determining what child support orders are 457  
to be subject to review upon the request of either the obligor or 458  
the obligee or periodically by the child support enforcement 459  
agency administering the child support order; 460

(C) Procedures for the child support enforcement agency to 461  
periodically review and to review, upon the request of the obligor 462  
or the obligee, any child support order that is subject to review 463  
to determine whether the amount of child support paid under the 464  
child support order should be adjusted in accordance with the 465  
basic child support schedule set forth in section 3119.021 of the 466  
Revised Code or whether the provisions for the child's health care 467  
needs under the child support order should be modified in 468  
accordance with sections 3119.29 to 3119.56 of the Revised Code; 469

(D) Procedures for giving obligors and obligees notice of 470  
their right to request a review of a child support order that is 471  
determined to be subject to review, notice of any proposed 472  
revision of the amount of child support to be paid under the child 473  
support order, notice of the procedures for requesting a hearing 474  
on any proposed revision of the amount of child support to be paid 475  
under a child support order, notice of any administrative hearing 476  
to be held on a proposed revision of the amount of child support 477  
to be paid under a child support order, at least ~~forty-five~~ thirty 478  
days' prior notice of any review of their child support order, ~~and~~ 479  
~~notice that a failure to comply with any request for documents or~~ 480



~~information to be used in the review of a child support order is~~ 481  
~~contempt of court;~~ 482

(E) Procedures for obtaining the necessary documents and 483  
information necessary to review child support orders and for 484  
holding administrative hearings on a proposed revision of the 485  
amount of child support to be paid under a child support order; 486

(F) Procedures for adjusting child support orders in 487  
accordance with the basic child support schedule set forth in 488  
section 3119.021 of the Revised Code and the applicable worksheet 489  
in section 3119.022 or 3119.023 of the Revised Code, through the 490  
line establishing the actual annual obligation; 491

(G) Procedures for adjusting the provisions of the child 492  
support order governing the health care needs of the child 493  
pursuant to sections 3119.29 to 3119.56 of the Revised Code. 494

**Sec. 3119.77.** (A) As used in this section and sections 495  
3119.771, 3119.772, and 3119.773 of the Revised Code: 496

(1) "Active military service" means the performance of active 497  
military duty by a member of the uniformed services for a period 498  
of more than thirty days. 499

(2) "Uniformed services" means any reserve components of the 500  
armed forces of the United States or the Ohio organized militia 501  
when engaged in full-time national guard duty for a period of more 502  
than thirty days. 503

(B) An obligor who is called to active military service in 504  
the uniformed services may request a review of a child support 505  
order for the purpose of modification of the amount of support 506  
required under the order. The request must be submitted to the 507  
child support enforcement agency administering the order. 508

(C) An obligor who makes a request under division (B) of this 509  
section must indicate that the reason for the modification is the 510

obligor's active military service and provide with the request any 511  
orders or other appropriate documentation specifying the 512  
commencement date of the obligor's active military service and the 513  
monthly monetary compensation for that service. The obligor also 514  
shall submit documentation on all other outside income. 515

(D) The obligor may provide the child support enforcement 516  
agency with a military power of attorney executed pursuant to 10 517  
U.S.C. ~~10446~~ 1044b designating another individual to act in the 518  
administrative review and modification on behalf of the obligor. 519  
By designating another individual to so act on behalf of the 520  
obligor, the obligor waives any right of an appearance and any 521  
right to request a stay of the action or proceeding. 522

**Sec. 3119.82.** ~~Whenever~~ Except when including a revised 523  
support order as recommended pursuant to section 3119.63 of the 524  
Revised Code, whenever a court issues, or whenever ~~it~~ a court 525  
modifies, reviews, or otherwise reconsiders a court child support 526  
order, ~~it~~ or upon the request of any party, the court shall 527  
designate which parent may claim the children who are the subject 528  
of the court child support order as dependents for federal income 529  
tax purposes as set forth in section 151 of the "Internal Revenue 530  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. If the 531  
parties agree on which parent should claim the children as 532  
dependents, the court shall designate that parent as the parent 533  
who may claim the children. If the parties do not agree, the 534  
court, in its order, may permit the parent who is not the 535  
residential parent and legal custodian to claim the children as 536  
dependents for federal income tax purposes only if the court 537  
determines that this furthers the best interest of the children 538  
and, with respect to orders the court modifies, reviews, or 539  
reconsiders, the payments for child support are substantially 540  
current as ordered by the court for the year in which the children 541  
will be claimed as dependents. In cases in which the parties do 542

not agree which parent may claim the children as dependents, the 543  
court shall consider, in making its determination, any net tax 544  
savings, the relative financial circumstances and needs of the 545  
parents and children, the amount of time the children spend with 546  
each parent, the eligibility of either or both parents for the 547  
federal earned income tax credit or other state or federal tax 548  
credit, and any other relevant factor concerning the best interest 549  
of the children. 550

If the court determines that the parent who is not the 551  
residential parent and legal custodian may claim the children as 552  
dependents for federal income tax purposes, it shall order the 553  
residential parent to take whatever action is necessary pursuant 554  
to section 152 of the "Internal Revenue Code of 1986," 100 Stat. 555  
2085, 26 U.S.C. 1, as amended, to enable the parent who is not the 556  
residential parent and legal custodian to claim the children as 557  
dependents for federal income tax purposes in accordance with the 558  
order of the court. Any willful failure of the residential parent 559  
to comply with the order of the court is contempt of court. 560

**Sec. 3119.88.** (A) Reasons for which a child support order 561  
should administratively terminate include all of the following: 562

~~(A)~~(1) The child's attainment of the age of majority if the 563  
child no longer attends an accredited high school on a full-time 564  
basis and the child support order requires support to continue 565  
past the age of majority only if the child continuously attends 566  
such a high school after attaining that age; 567

~~(B)~~(2) The child ceasing to attend an accredited high school 568  
on a full-time basis after attaining the age of majority, if the 569  
child support order requires support to continue past the age of 570  
majority only if the child continuously attends such a high school 571  
after attaining that age; 572

<del>(C)</del> (3) The child's death;	573
<del>(D)</del> (4) The child's marriage;	574
<del>(E)</del> (5) The child's emancipation;	575
<del>(F)</del> (6) The child's enlistment in the armed services;	576
<del>(G)</del> (7) The child's deportation;	577
<del>(H)</del> (8) Change of legal custody of the child;	578
<u>(9) Marriage of the obligor under a child support order to the obligee.</u>	579 580
<u>(B) A child support order may be terminated or suspended by the court for any of the reasons listed in division (A) of this section and, unless otherwise prohibited by law, any other appropriate reasons brought to the attention of the court.</u>	581 582 583 584
<b>Sec. 3121.01.</b> As used in this chapter:	585
(A) " <del>Court</del> <u>Administrative</u> child support order," " <u>child support order</u> ," " <u>court child support order</u> ," "court support order," <del>and</del> " <u>obligee</u> ," " <u>obligor</u> ," "personal earnings," <del>and</del> " <u>support order</u> " have the same meanings as in section 3119.01 of the Revised Code.	586 587 588 589 590
(B) "Default" means any failure to pay under a support order that is an amount greater than or equal to the amount of support payable under the support order for one month.	591 592 593
(C) "Financial institution" means a bank, savings and loan association, or credit union, or a regulated investment company or mutual fund.	594 595 596
(D) "Income" means any form of monetary payment, including personal earnings; workers' compensation payments; unemployment compensation benefits to the extent permitted by, and in accordance with, sections 3121.07 and 4141.284 of the Revised Code, and federal law governing the department of job and family	597 598 599 600 601

services; pensions; annuities; allowances; private or governmental 602  
retirement benefits; disability or sick pay; insurance proceeds; 603  
lottery prize awards; federal, state, or local government benefits 604  
to the extent that the benefits can be withheld or deducted under 605  
the law governing the benefits; any form of trust fund or 606  
endowment; lump sum payments, including a one-time pay supplement 607  
of one hundred fifty dollars or more paid under section 124.183 of 608  
the Revised Code; and any other payment in money. 609

(E) "Intercept directive" means a document sent by a child 610  
support enforcement agency to a payor that either requires the 611  
payor to transmit all or any portion of a lump sum payment to the 612  
office of child support if the obligor is in default or has any 613  
arrearages under a support order, or that requires the payor to 614  
immediately pay the full amount of the lump sum payment to the 615  
obligor if the obligor is not under a default order and does not 616  
have any arrearages under the order, in accordance with section 617  
3121.12 of the Revised Code. 618

(F) "Payor" means any person or entity that pays or 619  
distributes income to an obligor, including an obligor if the 620  
obligor is self-employed; an employer; an employer paying an 621  
obligor's workers' compensation benefits; the public employees 622  
retirement board; the governing entity of a municipal retirement 623  
system; the board of trustees of the Ohio police and fire pension 624  
fund; the state teachers retirement board; the school employees 625  
retirement board; the state highway patrol retirement board; a 626  
provider, as defined in section 3305.01 of the Revised Code; the 627  
bureau of workers' compensation; or any other person or entity 628  
other than the department of job and family services with respect 629  
to unemployment compensation benefits paid pursuant to Chapter 630  
4141. of the Revised Code. 631

**Sec. 3121.02.** In any action in which a support order is 632

issued or modified, one of the following shall apply, as 633  
appropriate, to ensure that withholding or deduction from the 634  
income or assets of the obligor is available from the commencement 635  
of the support order for the collection of the support and any 636  
arrearages that occur: 637

(A) The court, with respect to a court support order, or the 638  
child support enforcement agency, with respect to an 639  
administrative child support order, shall require the withholding 640  
or deduction of income or assets of the obligor under section 641  
3121.03 of the Revised Code. 642

(B) The court, with respect to a court support order, shall 643  
issue another type of court order under division (C) or (D) of 644  
section 3121.03 of the Revised Code ~~or~~, section 3121.04, 3121.05, 645  
or 3121.06, or division (C) of section 3121.12 of the Revised 646  
Code. 647

(C) The agency, with respect to an administrative child 648  
support order, shall ~~issue an administrative order, or~~ request 649  
that the court issue a court order, under division (C) or (D) of 650  
section 3121.03 of the Revised Code ~~or section 3121.12 of the~~ 651  
~~Revised Code.~~ 652

**Sec. 3121.035.** Within fifteen days after an obligor under a 653  
support order is located following issuance or modification of the 654  
support order, the court or child support enforcement agency that 655  
issued or modified the support order, or the agency, pursuant to 656  
an agreement with the court with respect to a court support order, 657  
shall do either of the following: 658

(A) If a withholding or deduction notice described in section 659  
3121.03 of the Revised Code is appropriate, send the notice by 660  
regular mail or electronic means to each person required to comply 661  
with it; 662

(B) If an order described in section 3121.03, 3121.04 to 663  
3121.08, or 3121.12 of the Revised Code is appropriate, issue and 664  
send the appropriate order. 665

**Sec. 3121.12.** (A) On receipt of a notice that a lump sum 666  
payment of one hundred fifty dollars or more is to be paid to the 667  
obligor, the ~~court, with respect to a court support order, or the~~ 668  
child support enforcement agency, ~~with respect to an~~ 669  
~~administrative child support order,~~ shall do either of the 670  
following: 671

(1) If the obligor is in default under the support order or 672  
has any arrearages under the support order, issue an ~~order~~ 673  
intercept directive requiring the transmittal of the lump sum 674  
payment, or any portion of the lump sum payment sufficient to pay 675  
the arrearage in full, to the office of child support; 676

(2) If the obligor is not in default under the support order 677  
and does not have any arrearages under the support order, issue an 678  
~~order~~ intercept directive directing the person who gave the notice 679  
to the ~~court or~~ agency to immediately pay the full amount of the 680  
lump sum payment to the obligor. 681

(B) Any moneys received by the office of child support 682  
pursuant to ~~division (A) of~~ this section shall be distributed in 683  
accordance with rules adopted under section 3121.71 of the Revised 684  
Code. 685

(C) ~~A court that issued an order~~ In the case of a notice of a 686  
lump sum payment made in accordance with a support order issued 687  
prior to January 1, 1998, requiring an employer to withhold an 688  
amount from an obligor's personal earnings for the payment of 689  
support, the child support enforcement agency that receives 690  
notification of the lump sum payment from the payor shall notify 691  
the court that issued the order, and the court shall issue a 692  
supplemental order that does not change the original order or the 693

related support order requiring the employer to do all of the 694  
following: 695

(1) No later than the earlier of forty-five days before a 696  
lump sum payment is to be made or, if the obligor's right to a 697  
lump sum payment is determined less than forty-five days before it 698  
is to be made, the date on which that determination is made, 699  
notify the child support enforcement agency of any lump sum 700  
payment of any kind of one hundred fifty dollars or more that is 701  
to be paid to the obligor; 702

(2) Hold the lump sum payment for thirty days after the date 703  
on which it would otherwise be paid to the obligor; 704

(3) On order of the court, pay any specified amount of the 705  
lump sum payment to the office of child support. 706

(D) An employer that knowingly fails to notify the child 707  
support enforcement agency in accordance with this section or 708  
section 3121.03 of the Revised Code of any lump sum payment to be 709  
made to an obligor is liable for any support payment not made to 710  
the obligee as a result of its knowing failure to give the notice. 711

**Sec. 3121.29.** Each support order, or modification of a 712  
support order, shall contain a notice that states the following in 713  
boldface type and in all capital letters: 714

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 715  
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 716  
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 717  
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 718  
CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF 719  
ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 720  
WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR UNDER A 721  
CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED 722  
NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, 723



\$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. 724  
IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY 725  
A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU 726  
MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO 727  
\$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS. 728

IF YOU ARE AN OBLIGOR OR AN OBLIGEE, AND YOU FAIL TO GIVE THE 729  
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY 730  
NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD 731  
SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATIONS OF THE 732  
CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE 733  
THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING 734  
ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR 735  
PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, 736  
DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR 737  
INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN 738  
FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO 739  
OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION." 740

**Sec. 3121.33.** The withholding or deduction notices ~~and~~, other 741  
orders issued under sections 3121.03~~7~~, and 3121.04 to 3121.06, ~~and~~ 742  
an intercept directive issued under section 3121.12 of the Revised 743  
Code, and the notices that require the obligor to notify the child 744  
support enforcement agency administering the support order of any 745  
change in the obligor's employment status or of any other change 746  
in the status of the obligor's assets, are final and enforceable 747  
by the court. 748

**Sec. 3121.34.** A person required to comply with withholding or 749  
deduction notices described in section 3121.03 of the Revised Code 750  
shall determine the manner of withholding or deducting from the 751  
specific requirement included in the notices without the need for 752  
any amendment to the support order, and a person required to 753  
comply with an order described in sections 3121.03~~7~~, and 3121.04 to 754

3121.06 of the Revised Code, and or an intercept directive issued 755  
under section 3121.12 of the Revised Code shall comply without the 756  
need for any amendment to the support order. 757

**Sec. 3123.031.** The default notice shall contain all of the 758  
following: 759

(A) The date on which it is ~~sent~~ issued; 760

(B) A statement that the obligor is in default under a 761  
support order; 762

(C) The amount of arrearages the obligor owes due to the 763  
default as of the date the default notice is ~~sent~~ issued; 764

(D) A statement that any arrearages owed by the obligor that 765  
arise after the default notice is ~~sent~~ issued and during the 766  
period of default will be added to the obligor's total child 767  
support obligation and will be subject to collection efforts 768  
without further default notice; 769

(E) A statement of the types of withholding or deduction 770  
requirements and related notices described in section 3121.03 of 771  
the Revised Code or the types of court orders described in 772  
sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised 773  
Code that will be issued for payment of support and arrearages and 774  
the amount that will be withheld or deducted pursuant to those 775  
requirements; 776

(F) A statement that any notice for the withholding or 777  
deduction of an amount from income or assets applies to all 778  
current and subsequent payors of the obligor and financial 779  
institutions in which the obligor has an account and that any 780  
withholding or deduction requirement and related notice described 781  
in section 3121.03 of the Revised Code or any court order 782  
described in sections 3121.03, 3121.04 to 3121.08, and 3121.12 of 783  
the Revised Code that is issued will not be discontinued solely 784

because the obligor pays arrearages; 785

(G) A statement that the obligor may file with the child 786  
support enforcement agency, within seven business days after the 787  
date on which the default notice is ~~sent~~ issued, a written request 788  
for an administrative hearing under section 3123.04 of the Revised 789  
Code; 790

(H) A statement that, if the obligor files a timely written 791  
request for an administrative hearing, the obligor may file with 792  
the court, within seven business days after the agency makes its 793  
determinations under the administrative hearing, a written motion 794  
for a court hearing under section 3123.05 of the Revised Code; 795

(I) An explanation of the administrative and court action 796  
that will take place if the obligor files a timely written request 797  
or motion for an administrative or court hearing; 798

(J) An explanation of how a final and enforceable 799  
determination of default and amount of arrearages is made under 800  
sections 3123.032, 3123.04, and 3123.05 of the Revised Code; 801

(K) A statement that a withholding notice may be issued in 802  
accordance with section 3123.021 of the Revised Code if the child 803  
support enforcement agency determines the obligor has obtained 804  
employment and an explanation of the provisions of section 805  
3123.022 of the Revised Code. 806

**Sec. 3123.04.** An obligor who receives a default notice under 807  
section 3123.03 of the Revised Code may file a written request for 808  
an administrative hearing with the child support enforcement 809  
agency that identified the default regarding whether a mistake of 810  
fact was made in the notice. The request must be filed not later 811  
than seven business days after the date on which the default 812  
notice is ~~sent~~ issued. 813

If the obligor makes a timely request for a hearing, the 814

agency shall conduct an administrative hearing no later than ten 815  
days after the date on which the obligor files the request for the 816  
hearing. No later than five days before the date on which the 817  
hearing is to be conducted, the agency shall send the obligor and 818  
the obligee written notice of the date, time, place, and purpose 819  
of the hearing. The notice to the obligor and obligee also shall 820  
indicate that the obligor may present testimony and evidence at 821  
the hearing only in regard to the issue of whether a mistake of 822  
fact was made in the default notice. 823

At the hearing, the child support enforcement agency shall 824  
determine whether a mistake of fact was made in the default 825  
notice. The agency shall send its determinations to the obligor. 826  
The agency's determinations are final and are enforceable by the 827  
court unless, within seven business days after the agency ~~makes~~ 828  
issues its determinations, the obligor files a written motion with 829  
the court for a court hearing to determine whether a mistake of 830  
fact still exists in the default notice. 831

If an agency's determination becomes final and enforceable 832  
under this section, the agency shall take further action as 833  
required under section 3123.06 of the Revised Code. 834

**Sec. 3123.05.** If, not later than seven business days after 835  
the child support enforcement agency ~~makes~~ issues its 836  
determinations under section 3123.04 of the Revised Code, the 837  
obligor files a written motion for a court hearing to determine 838  
whether a mistake of fact still exists in the default notice, the 839  
court shall hold a hearing as soon as possible, but not later than 840  
ten days, after the motion is filed. Not later than five days 841  
before the date on which the court hearing is to be held, the 842  
court shall send the obligor and the obligee written notice by 843  
regular mail of the date, time, place, and purpose of the court 844  
hearing. The hearing shall be limited to a determination of 845

whether there is a mistake of fact in the default notice. 846

At the hearing, the court shall determine whether there is a 847  
mistake of fact in the default notice. On the conclusion of the 848  
hearing, the court shall make its determination. The determination 849  
is final and enforceable. The court shall take further action as 850  
provided in section 3123.06 of the Revised Code. 851

**Sec. 3123.06.** (A) If either a court, under section 3123.05 of 852  
the Revised Code, or child support enforcement agency, under 853  
section 3123.032 or 3123.04 of the Revised Code, makes a final and 854  
enforceable determination that an obligor is in default under a 855  
support order, one of the following shall apply: 856

(1) If no withholding notice was issued in accordance with 857  
section 3123.021 of the Revised Code with respect to the order, 858  
the court or agency shall issue one or more notices requiring 859  
withholding or deduction of income or assets of the obligor in 860  
accordance with section 3121.03 of the Revised Code, or the court 861  
shall issue one or more court orders imposing other appropriate 862  
requirements in accordance with sections 3121.03, 3121.035, 863  
3121.04 to 3121.08, and division (C) of section 3121.12 of the 864  
Revised Code. 865

(2) If a withholding notice was issued in accordance with 866  
section 3123.021 of the Revised Code with respect to the order and 867  
the final and enforceable determination of default altered the 868  
arrearage amount stated in the default notice, the court or 869  
agency, whichever made the determination, shall revise the 870  
withholding notice and may issue, as appropriate, any of the 871  
notices or orders described in division (A)(1) of this section. 872

(3) If a withholding notice was issued in accordance with 873  
section 3123.021 of the Revised Code with respect to the order but 874  
the final and enforceable determination of default did not alter 875

the arrearage amount stated in the default notice, the withholding 876  
notice shall remain in effect. The court or agency, in addition 877  
and as appropriate, may issue any other notice or order described 878  
in division (A)(1) of this section. 879

(B) If a court, under section 3123.05 of the Revised Code, or 880  
an agency, under section 3123.04 of the Revised Code, determines 881  
that no default exists under a support order, the court or agency 882  
shall terminate the default proceedings. If a withholding notice 883  
was issued in accordance with section 3123.021 of the Revised Code 884  
with respect to the order, the court or agency, whichever made the 885  
final and enforceable determination, shall revise the withholding 886  
notice, and may issue, as appropriate, any of the notices or 887  
orders described in division (A)(1) of this section, to collect 888  
current support. 889

(C) A withholding or deduction notice issued under division 890  
(A)(1), (2), or (3) of this section shall require the payment of 891  
arrearages caused by the default along with any payment for 892  
current support. A withholding or deduction notice or other 893  
appropriate order described under this section shall be issued not 894  
later than fifteen days after the determination of default under 895  
the support order becomes final and enforceable. Section 3123.21 896  
of the Revised Code applies to a withholding or deduction notice 897  
or other appropriate order described under division (A) of this 898  
section beginning on the date it is issued and ending on the date 899  
the period of default ends. 900

**Sec. 3123.14.** If a child support order is terminated for any 901  
reason, the obligor under the child support order is or was at any 902  
time in default under the support order and, after the termination 903  
of the order, the obligor owes an arrearage under the order, the 904  
obligee may make application to the child support enforcement 905  
agency that administered the child support order prior to its 906

termination or had authority to administer the child support order 907  
to maintain any administrative or judicial action or proceeding to 908  
enforce the order on behalf of the obligee to obtain a ~~judgment,~~ 909  
~~execution of a judgment through any available procedure, an order,~~ 910  
~~or other~~ relief. If a withholding or deduction notice is issued 911  
pursuant to section 3121.03 of the Revised Code to collect an 912  
arrearage, the amount withheld or deducted from the obligor's 913  
personal earnings, income, or accounts shall be at least equal to 914  
the amount that was withheld or deducted under the terminated 915  
child support order. 916

**Sec. 3123.34.** If a child support enforcement agency 917  
determines that the total amount in an account is the property of 918  
a person who is not the obligor from whom payment is sought, it 919  
shall order the financial institution to release the access 920  
restriction on the account and shall take no further enforcement 921  
action on the account. A copy of this notice shall be sent to the 922  
obligor. If the agency determines that some of the funds in the 923  
account are the property of the person, it shall order the 924  
financial institution to release the access restriction on the 925  
account in that amount and shall take no further enforcement 926  
action on those funds. A copy of this notice shall be sent to the 927  
obligor. The agency shall issue a withdrawal directive pursuant to 928  
section 3123.37 of the Revised Code for the remaining funds 929  
unless, no later than ten days after the agency ~~makes~~ issues its 930  
determination, the person files a written motion with the court of 931  
common pleas of the county served by the child support enforcement 932  
agency for a hearing to determine whether any amount contained in 933  
the account is the property of the person. 934

**Sec. 3123.72.** A child support enforcement agency shall file a 935  
notice requesting that the county recorder discharge the lien if 936

one of the following applies: 937

(A) The lien is satisfied through an action pursuant to 938  
section 3123.74 of the Revised Code. 939

(B) The obligor makes full payment of the arrearage to the 940  
office of child support in the department of job and family 941  
services or, pursuant to sections 3125.27 to 3125.30 of the 942  
Revised Code, to the child support enforcement agency that is the 943  
basis of the lien. 944

~~(C) An appropriate withholding or deduction notice or other 945  
appropriate order described in section 3121.03, 3121.04, 3121.05, 946  
3121.06, or 3121.12 of the Revised Code has been issued to collect 947  
current support and any arrearage due under the support order that 948  
was in default, and the obligor is complying with the notice or 949  
order. 950~~

~~(D) A new support order has been issued or the support order 951  
that was in default has been modified to collect current support 952  
and any arrearage due under the support order that was in default, 953  
and the obligor is complying with the new or modified support 954  
order. 955~~

~~(E)~~ The agency releases the lien pursuant to section 3123.76 956  
of the Revised Code. 957

**Sec. 3123.821.** The office of child support created in the 958  
department of job and family services under section 3125.02 of the 959  
Revised Code shall work with the tax commissioner to collect the 960  
following: 961

(A) Overdue ~~child~~ support from refunds of paid state income 962  
taxes under Chapter 5747. of the Revised Code that are payable to 963  
obligors; 964

(B) Overpaid child support from refunds of paid state income 965



taxes under Chapter 5747. of the Revised Code that are payable to 966  
obligees. 967

**Sec. 3123.822.** No overdue or overpaid ~~child~~ support shall be 968  
collected from refunds of ~~paid~~ state income taxes paid by an 969  
obligor or obligee unless all of the following conditions are met: 970

(A) Any reduction authorized by section 5747.12 of the 971  
Revised Code has first been made, except as otherwise provided in 972  
this section. 973

(B) The refund payable to the obligor or obligee is not less 974  
than twenty-five dollars after any reduction pursuant to section 975  
5747.12 of the Revised Code. 976

(C) Either of the following applies: 977

(1) With respect to overdue ~~child~~ support, the obligor ~~is not~~ 978  
~~less than~~ maintains an arrearage in the payment of support for 979  
~~three months in arrears in the obligor's payment of child support,~~ 980  
and the amount of the total arrearage during each of the three 981  
months is ~~not less than~~ at least one hundred fifty dollars; 982

(2) With respect to overpaid child support, the amount 983  
overpaid is not less than one hundred fifty dollars. 984

Overdue support or overpaid child support shall be collected 985  
from such refunds before any part of the refund is used as a 986  
contribution pursuant to section 5747.113 of the Revised Code. 987

Overdue support or overpaid child support shall be collected from 988  
such refunds before the refund or any part of the refund is 989  
credited against tax due in any subsequent year pursuant to 990  
section 5747.12 of the Revised Code, notwithstanding the consent 991  
of the obligor or obligee for such crediting. 992

**Section 2.** That existing sections 3111.29, 3111.38, 3111.78, 993  
3111.80, 3111.81, 3111.84, 3119.43, 3119.60, 3119.61, 3119.63, 994  
3119.72, 3119.76, 3119.77, 3119.82, 3119.88, 3121.01, 3121.02, 995

3121.035, 3121.12, 3121.29, 3121.33, 3121.34, 3123.031, 3123.04,	996
3123.05, 3123.06, 3123.14, 3123.34, 3123.72, 3123.821, and	997
3123.822 and section 3121.11 of the Revised Code are hereby	998
repealed.	999