

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 561**

**Representative Slaby, M.**

**Cosponsors: Representatives Adams, J., Huffman, Grossman, Duffey,  
Garland**

**—**

**A B I L L**

To amend sections 3111.29, 3111.38, 3111.49, 3111.78, 1  
3111.80, 3111.81, 3111.84, 3119.30, 3119.38, 2  
3119.43, 3119.60, 3119.61, 3119.63, 3119.72, 3  
3119.76, 3119.77, 3119.82, 3119.87, 3119.88, 4  
3119.89, 3119.90, 3119.91, 3119.92, 3121.01, 5  
3121.02, 3121.035, 3121.12, 3121.29, 3121.33, 6  
3121.34, 3123.031, 3123.04, 3123.05, 3123.06, 7  
3123.14, 3123.25, 3123.27, 3123.30, 3123.31, 8  
3123.34, 3123.35, 3123.72, 3123.821, and 3123.822, 9  
to enact sections 3111.801 and 3119.631, and to 10  
repeal section 3121.11 of the Revised Code to 11  
amend the Child Support Laws. 12

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

**Section 1.** That sections 3111.29, 3111.38, 3111.49, 3111.78, 13  
3111.80, 3111.81, 3111.84, 3119.30, 3119.38, 3119.43, 3119.60, 14  
3119.61, 3119.63, 3119.72, 3119.76, 3119.77, 3119.82, 3119.87, 15  
3119.88, 3119.89, 3119.90, 3119.91, 3119.92, 3121.01, 3121.02, 16  
3121.035, 3121.12, 3121.29, 3121.33, 3121.34, 3123.031, 3123.04, 17  
3123.05, 3123.06, 3123.14, 3123.25, 3123.27, 3123.30, 3123.31, 18  
3123.34, 3123.35, 3123.72, 3123.821, and 3123.822 be amended and 19

sections 3111.801 and 3119.631 of the Revised Code be enacted to 20  
read as follows: 21

**Sec. 3111.29.** Once an acknowledgment of paternity becomes 22  
final under section 3111.25 of the Revised Code, the mother or 23  
other custodian or guardian of the child may file a complaint 24  
pursuant to section 2151.231 of the Revised Code in the juvenile 25  
court or other court with jurisdiction under section 2101.022 or 26  
2301.03 of the Revised Code of the county in which the child or 27  
the guardian or legal custodian of the child resides requesting 28  
that the court order the father or mother to pay an amount for the 29  
support of the child, or may contact the child support enforcement 30  
agency for assistance in obtaining ~~the order, or may request that~~ 31  
~~an administrative officer of a child support enforcement agency~~ 32  
~~issue an administrative order for the payment of child support~~ 33  
~~pursuant to section 3111.81 of the Revised Code~~ a child support 34  
order as defined in section 3119.01 of the Revised Code. 35

**Sec. 3111.38.** At the request of a person described in 36  
division (A) of section 3111.04 of the Revised Code and upon 37  
completion and filing of an application for services administered 38  
under Title IV-D of the "Social Security Act," 88 Stat. 2351 39  
(1975), 42 U.S.C. 651, as amended, or other IV-D referral the 40  
child support enforcement agency of the county in which a child 41  
resides or in which the guardian or legal custodian of the child 42  
resides shall determine the existence or nonexistence of a parent 43  
and child relationship between an alleged father and the child. 44

**Sec. 3111.49.** The mother, alleged father, and guardian or 45  
legal custodian of a child may object to an administrative order 46  
determining the existence or nonexistence of a parent and child 47  
relationship by bringing, within ~~thirty~~ fourteen days after the 48  
date the administrative officer issues the order, an action under 49

sections 3111.01 to 3111.18 of the Revised Code in the juvenile 50  
court or other court with jurisdiction under section 2101.022 or 51  
2301.03 of the Revised Code in the county in which the child 52  
support enforcement agency that employs the administrative officer 53  
who issued the order is located. If the action is not brought 54  
within the ~~thirty-day~~ fourteen-day period, the administrative 55  
order is final and enforceable by a court and may not be 56  
challenged in an action or proceeding under Chapter 3111. of the 57  
Revised Code. 58

**Sec. 3111.78.** A parent, guardian, or legal custodian of a 59  
child, the person with whom the child resides, or the child 60  
support enforcement agency of the county in which the child, 61  
parent, guardian, or legal custodian of the child resides may do 62  
either of the following to require a man to pay support and 63  
provide for the health care needs of the child if the man is 64  
presumed to be the natural father of the child under section 65  
3111.03 of the Revised Code: 66

(A) If the presumption is not based on an acknowledgment of 67  
paternity, file a complaint pursuant to section 2151.231 of the 68  
Revised Code in the juvenile court or other court with 69  
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 70  
of the county in which the child, parent, guardian, or legal 71  
custodian resides; 72

~~(B) Ask an administrative officer of a child support 73  
enforcement agency to issue an administrative order pursuant to 74  
section 3111.81 of the Revised Code;~~ 75

~~(C) Contact a child support enforcement agency for to request 76  
assistance in obtaining an order for support and the provision of 77  
health care for the child. 78~~

**Sec. 3111.80.** ~~If a request for issuance of an administrative 79~~

~~support order is made under section 3111.29 or 3111.78 of the~~ 80  
~~Revised Code or~~ Upon receipt of a completed application for 81  
services administered under Title IV-D of the "Social Security 82  
Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, or other 83  
IV-D referral, if an administrative officer issues an 84  
administrative order determining the existence of a parent and 85  
child relationship under section 3111.46 of the Revised Code, if a 86  
presumption of paternity exists under section 3111.03 of the 87  
Revised Code, or if a duty of support otherwise exists under 88  
section 3103.031 or Chapter 3115. of the Revised Code, the 89  
administrative officer shall schedule an administrative hearing to 90  
determine, in accordance with Chapters 3119. and 3121. of the 91  
Revised Code, the amount of child support any parent is required 92  
to pay, the method of payment of child support, and the method of 93  
providing for the child's health care. The administrative hearing 94  
shall be conducted by an administrative officer assigned by the 95  
agency. 96

The administrative officer shall send the mother and the 97  
father of the child notice of the date, time, place, and purpose 98  
of the administrative hearing. With respect to an administrative 99  
hearing scheduled pursuant to an administrative order determining, 100  
pursuant to section 3111.46 of the Revised Code, the existence of 101  
a parent and child relationship, the officer shall attach the 102  
notice of the administrative hearing to the order and send it in 103  
accordance with that section. The notice shall include the request 104  
described in section 3111.801 of the Revised Code, that if either 105  
the mother or the father of the child fails to comply with a 106  
request for information in accordance with that section, the child 107  
support enforcement agency is permitted to make reasonable 108  
assumptions regarding the information the person failed to provide 109  
and the agency shall proceed with the determination of support in 110  
the same manner as if all requested information had been supplied. 111

The Rules of Civil Procedure shall apply regarding the sending of the notice and any summons related to the hearing, except to the extent the ~~civil~~ rules, by their nature, are clearly inapplicable and except that references in the ~~civil~~ rules to the court or the clerk of the court shall be construed as being references to the child support enforcement agency or the administrative officer.

The hearing shall be held no later than sixty days after the ~~request is made under section 3111.29 or 3111.78 of the Revised Code or an administrative officer issues an administrative order determining the existence of a parent and child relationship under section 3111.46 of the Revised Code~~ Title IV-D application is submitted to or the Title IV-D referral is received by the child support enforcement agency and the agency has sufficient information to complete service of process. The hearing shall not be held earlier than thirty days after the officer gives the mother and father notice of the hearing. If the mother or father fails to comply with a request for information in accordance with section 3111.801 of the Revised Code, the child support enforcement agency may proceed in accordance with section 3119.72 of the Revised Code, make reasonable assumptions regarding the information the person failed to provide, and proceed with the determination of support in the same manner as if all requested information had been supplied.

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

(A) A copy of the mother's and father's most recently filed

federal income tax return and all supporting schedules and 143  
documents; 144

(B) A copy of all pay stubs obtained by the mother and father 145  
within the immediately preceding six months; 146

(C) A copy of all other records evidencing the receipt of any 147  
other salary, wages, or compensation by the mother and father 148  
within the immediately preceding six months; 149

(D) A list of the group health insurance and health care 150  
policies, contracts, and plans available to the father and mother 151  
and their costs; 152

(E) The current health insurance or health care policy, 153  
contract, or plan under which the father and mother are enrolled 154  
and its cost; 155

(F) If the mother or father is a member of the uniformed 156  
services and is on active military duty, a copy of the mother's or 157  
father's leave and earnings statement; 158

(G) Any other information necessary to properly establish the 159  
child support order. 160

**Sec. 3111.81.** After the hearing under section 3111.80 of the 161  
Revised Code is completed, the administrative officer may issue an 162  
administrative order for the payment of support and provision for 163  
the child's health care. The order shall become effective on the 164  
date of the administrative hearing. The order shall do all of the 165  
following in accordance with Chapters 3119. and 3121. of the 166  
Revised Code: 167

(A) Require periodic payments of support that may vary in 168  
amount, except that, if it is in the best interest of the child, 169  
the administrative officer may order the purchase of an annuity in 170  
lieu of periodic payments of support if the purchase agreement 171  
provides that any remaining principal will be transferred to the 172

ownership and control of the child on the child's attainment of 173  
the age of majority; 174

(B) Require the parents to provide for the health care needs 175  
of the child in accordance with sections 3119.29 to 3119.56 of the 176  
Revised Code; 177

(C) Include a notice that contains the information described 178  
in section 3111.84 of the Revised Code informing the mother and 179  
the father that the administrative order is final and enforceable 180  
by a court and of the right to object to the order by bringing an 181  
action for the payment of support and provision of the child's 182  
health care under section 2151.231 of the Revised Code ~~and the~~ 183  
~~effect of a failure to timely bring the action.~~ 184

**Sec. 3111.84.** The mother or father of a child who is the 185  
subject of an administrative support order may object to the order 186  
by bringing an action for the payment of support and provision for 187  
the child's health care under section 2151.231 of the Revised Code 188  
in the juvenile court or other court with jurisdiction under 189  
section 2101.022 or 2301.03 of the Revised Code of the county in 190  
which the child support enforcement agency that ~~employs the~~ 191  
~~administrative officer~~ issues the order is located. The 192  
administrative support order shall remain in effect during the 193  
pendency of the objection. The action shall be brought not later 194  
than ~~thirty~~ fourteen days after the date of the issuance of the 195  
administrative support order. ~~If neither the mother nor the father~~ 196  
~~brings an action for the payment of support and provision for the~~ 197  
~~child's health care within that thirty day period, the~~ The 198  
administrative support order is final and enforceable by a court 199  
as of the date it is issued and may be modified only as provided 200  
in Chapters 3119., 3121., and 3123. of the Revised Code. 201

**Sec. 3119.30.** (A) In any action or proceeding in which a 202

child support order is issued or modified, the court, with respect 203  
to court child support orders, and the child support enforcement 204  
agency, with respect to administrative child support orders, shall 205  
determine the person or persons responsible for the health care of 206  
the children subject to the child support order and shall include 207  
provisions for the health care of the children in the child 208  
support order. The order shall specify that the obligor and 209  
obligee are both liable for the health care of the children who 210  
are not covered by private health insurance or cash medical 211  
support as calculated in accordance with section 3119.022 or 212  
3119.023 of the Revised Code, as applicable. 213

(B) Based on information provided to the court or to the 214  
child support enforcement agency under section 3119.31 of the 215  
Revised Code, the order shall include one of the following: 216

(1) A requirement that both the obligor and the obligee 217  
obtain private health insurance coverage for the children if 218  
coverage is available for the children at a reasonable cost to 219  
both the obligor and the obligee and dual coverage would provide 220  
for coordination of medical benefits without unnecessary 221  
duplication of coverage. 222

(2) A requirement that the obligee obtain private health 223  
insurance coverage for the children if coverage is available 224  
through any group policy, contract, or plan available to the 225  
obligee and is available at a more reasonable cost than coverage 226  
is available to the obligor; 227

(3) A requirement that the obligor obtain private health 228  
insurance coverage for the children if coverage is available 229  
through any group policy, contract, or plan available to the 230  
obligor at a more reasonable cost than coverage is available to 231  
the obligee; 232

(4) If health insurance coverage for the children is not 233

available at a reasonable cost to the obligor or the obligee at 234  
the time the court or child enforcement agency issues the order, a 235  
requirement that the obligor or the obligee immediately inform the 236  
child support enforcement agency that private health insurance 237  
coverage for the children has become available to either the 238  
obligor or obligee. The child support enforcement agency shall 239  
determine if the private health insurance coverage is available at 240  
a reasonable cost and if coverage is reasonable, division (B)(2) 241  
or (3) shall apply, as applicable. 242

(C) When a child support order is issued or modified, and the 243  
obligor's gross income is one hundred fifty per cent or more of 244  
the federal poverty level for an individual, the order shall 245  
include the amount of cash medical support to be paid by the 246  
obligor that is either five per cent of the obligor's adjusted 247  
gross income or the obligor's share of the United States 248  
department of agriculture estimated annual health care expenditure 249  
per child as determined in accordance with federal law and 250  
regulation, whichever is the lower amount. The amount of cash 251  
medical support paid by the obligor shall be paid during any 252  
period after the court or child support enforcement agency issues 253  
or modifies the order in which the children are not covered by 254  
private health insurance. 255

(D) Any cash medical support paid pursuant to division (C) of 256  
this section shall be paid by the obligor to either the obligee if 257  
the children are not ~~Medicaid~~ medicaid recipients, or to the 258  
office of child support to defray the cost of ~~Medicaid~~ medicaid 259  
expenditures if the children are ~~Medicaid~~ medicaid recipients. The 260  
child support enforcement agency administering the court or 261  
administrative order shall amend the amount of monthly child 262  
support obligation to reflect the amount paid when private health 263  
insurance is not provided, as calculated in the current order 264  
pursuant to section 3119.022 or 3119.023 of the Revised Code, as 265

applicable. 266

The child support enforcement agency shall give the obligor 267  
notice in accordance with Chapter 3121. of the Revised Code and 268  
provide the obligor an opportunity ~~to be heard~~ for an 269  
administrative hearing if the obligor believes there is a mistake 270  
of fact regarding the availability of private health insurance at 271  
a reasonable cost as determined under division (B) of this 272  
section. The obligor shall file a written request with the agency 273  
requesting the administrative hearing not later than fourteen days 274  
after the notice is issued. 275

(E) The obligor shall begin payment of any cash medical 276  
support on the first day of the month immediately following the 277  
month in which private health insurance coverage is unavailable or 278  
terminates and shall cease payment on the last day of the month 279  
immediately preceding the month in which private health insurance 280  
coverage begins or resumes. During the period when cash medical 281  
support is required to be paid, the obligor or obligee must 282  
immediately inform the child support enforcement agency that 283  
health insurance coverage for the children has become available. 284

**Sec. 3119.38.** A person who receives a notice of medical 285  
support enforcement activity under section 3119.35 of the Revised 286  
Code may file a written request for an administrative hearing with 287  
the child support enforcement agency that issued ~~it regarding the~~ 288  
notice. The hearing shall address whether a mistake of fact was 289  
made in the national medical support notice referred to in the 290  
notice ~~of medical support enforcement activity~~ issued by the 291  
agency. The request must be filed not later than ~~seven business~~ 292  
fourteen days after the date on which the notice of medical 293  
support enforcement activity is sent. 294

If the person makes a timely request, the agency shall 295  
conduct ~~an~~ the administrative hearing not later than ten days 296

after the date on which the person files the request for the 297  
hearing. Not later than five days before the date on which the 298  
hearing is to be conducted, the agency shall send the person and 299  
any other individual the agency determines appropriate written 300  
notice of the date, time, place, and purpose of the hearing. The 301  
notice to the person and any other appropriate individual also 302  
shall indicate that the person may present testimony and evidence 303  
at the hearing only in regard to the issue of whether a mistake of 304  
fact has been made in the national medical support notice. 305

At the hearing, the agency shall determine whether there is a 306  
mistake of fact in the national medical support notice. The agency 307  
shall send its determination to the person. That agency's 308  
determination is final unless, within ~~seven-business~~ fourteen days 309  
after the agency ~~makes~~ issues its determination, the person files 310  
a written motion with the court for a hearing to determine whether 311  
there is still a mistake of fact in the national medical support 312  
notice. 313

If an agency's determination becomes final under this 314  
section, the agency shall take further action as required by 315  
section 3119.41 of the Revised Code. 316

**Sec. 3119.43.** If the person required to obtain health 317  
insurance coverage pursuant to a child support order issued in 318  
accordance with section 3119.30 of the Revised Code does not 319  
obtain the required coverage within thirty days after the order is 320  
issued, the child support enforcement agency ~~shall~~ may notify the 321  
court that issued the court child support order or, with respect 322  
to an administrative child support order, the court of common 323  
pleas of the county in which the agency is located, in writing of 324  
the failure of the person to comply with the child support order. 325  
The court may punish the person for contempt under Chapter 2705. 326  
of the Revised Code for the failure. 327

Sec. 3119.60. If a child support enforcement agency, 328  
periodically or on request of an obligor or obligee who has 329  
completed and filed an application for services administered under 330  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 331  
U.S.C. 651, as amended, plans to review a child support order in 332  
accordance with the rules adopted pursuant to section 3119.76 of 333  
the Revised Code or otherwise plans to review a child support 334  
order, it shall do all of the following prior to formally 335  
beginning the review: 336

(A) Establish a date certain on which the review will 337  
formally begin; 338

(B) Except as otherwise provided in section 3119.771 of the 339  
Revised Code, at least ~~forty-five~~ thirty days before formally 340  
beginning the review, send the obligor and the obligee notice by 341  
ordinary mail of the planned review ~~and,~~ of the date when the 342  
review will formally begin, and that the review may revise any 343  
addition or adjustment to any payment on arrearages in accordance 344  
with section 3123.21 of the Revised Code; 345

(C)~~(1)~~ Request the ~~obligor~~ mother and father to provide the 346  
agency, no later than the scheduled date for formally beginning 347  
the review, with all of the following: 348

~~(a)~~(1) A copy of the ~~obligor's~~ mother's and father's federal 349  
income tax return and all supporting schedules and documentation 350  
from the previous year; 351

~~(b)~~(2) A copy of all pay stubs obtained by the ~~obligor~~ mother 352  
and father within the preceding six months; 353

~~(c)~~(3) A copy of all other records evidencing the receipt of 354  
any other salary, wages, or compensation by the ~~obligor~~ mother and 355  
father within the preceding six months; 356

~~(d)~~(4) A list of the group health insurance and health care 357

policies, contracts, and plans available to the ~~obligor~~ mother and father and their costs; 358  
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~~(e)~~(5) The current health insurance or health care policy, 360  
contract, or plan under which the ~~obligor~~ mother or father is 361  
enrolled and its cost; 362

~~(f)~~(6) If the ~~obligor~~ mother or father is a member of the 363  
uniformed services and is on active military duty, a copy of the 364  
~~obligor's Internal Revenue Service form W-2, "Wage and Tax~~ 365  
~~Statement," and a copy of a~~ mother's or father's leave and 366  
earnings statement detailing the ~~obligor's earnings and leave with~~ 367  
~~the uniformed services;~~ 368

~~(g)~~(7) Any other information necessary to properly review the 369  
child support order. 370

~~(2) Request the obligee to provide the agency, no later than~~ 371  
~~the scheduled date for formally beginning the review, with all of~~ 372  
~~the following:~~ 373

~~(a) A copy of the obligee's federal income tax return from~~ 374  
~~the previous year;~~ 375

~~(b) A copy of all pay stubs obtained by the obligee within~~ 376  
~~the preceding six months;~~ 377

~~(c) A copy of all other records evidencing the receipt of any~~ 378  
~~other salary, wages, or compensation by the obligee within the~~ 379  
~~preceding six months;~~ 380

~~(d) A list of the group health insurance and health care~~ 381  
~~policies, contracts, and plans, including the tricare program~~ 382  
~~offered by the United States department of defense, available to~~ 383  
~~the obligee and their costs;~~ 384

~~(e) The current health insurance or health care policy,~~ 385  
~~contract, or plan under which the obligee is enrolled and its~~ 386  
~~cost;~~ 387

~~(f) Any other information necessary to properly review the child support order.~~ 388  
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(D) Include in the notice sent pursuant to division (B) of this section, one of the following: 390  
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(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 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 Code; 392  
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(2) If the child support order being reviewed is an administrative child support order, a notice that if either the ~~obligor mother~~ or ~~obligee father~~ fails to comply with the request for information, the agency may ~~bring an action under section 3119.72 of the Revised Code requesting that the court find the obligor and the obligee in contempt pursuant to section 2705.02 of the Revised Code~~ make reasonable assumptions with respect to the information the person did not provide in accordance with section 3119.72 of the Revised Code. 399  
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**Sec. 3119.61.** The child support enforcement agency shall review an administrative child support order on the date established pursuant to section 3119.60 of the Revised Code for formally beginning the review of the order. If the agency determines that ~~a modification~~ an adjustment is necessary and in the best interest of the child subject to the order, the agency shall calculate the amount the obligor shall pay in accordance with section 3119.021 of the Revised Code and may add or adjust payment on arrearages in accordance with section 3123.21 of the Revised Code. The agency may not grant a deviation pursuant to section 3119.23 of the Revised Code from the guidelines set forth 408  
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in section 3119.021 of the Revised Code. If the agency can set the  
child support the obligor is to pay without granting such a  
deviation from the guidelines, the agency shall do the following:

(A) Give the obligor and obligee notice, by ordinary mail, of  
the revised amount of child support to be paid under the  
administrative child support order, of their right to request an  
administrative hearing on the revised child support amount, of the  
procedures and time deadlines for requesting the hearing, and that  
the agency will modify the administrative child support order to  
include the revised child support amount unless the obligor or  
obligee requests an administrative hearing on the revised amount  
no later than ~~thirty~~ fourteen days after ~~receipt of~~ the notice  
under this division is issued;

(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;

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

(1) Schedule a hearing on the issue;

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

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

(4) Redetermine at the hearing ~~a revised amount of child~~  
support ~~to be paid~~ obligations under the administrative child  
support order, including adding or adjusting a payment on  
arrearages in accordance with section 3123.21 of the Revised Code;

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

support; 449

(6) Give notice, by ordinary mail, to the obligor and obligee 450  
of the amount of child support to be paid under the order and that 451  
the obligor and obligee may object to the modified order by 452  
initiating an action under section 2151.231 of the Revised Code in 453  
the juvenile court or other court with jurisdiction under section 454  
2101.022 or 2301.03 of the Revised Code of the county in which the 455  
~~mother, the father, the child, or the guardian or custodian of the~~ 456  
~~child reside~~ child support enforcement agency that issued the 457  
order is located. 458

Except as otherwise provided in section 3119.772 of the 459  
Revised Code, if the agency modifies an existing administrative 460  
child support order, the modification shall relate back to the 461  
first day of the month following the date certain on which the 462  
review began under section 3119.60 of the Revised Code. 463

If the agency cannot set the amount of child support the 464  
obligor will pay under the administrative child support order 465  
without granting a deviation pursuant to section 3119.23 of the 466  
Revised Code, the agency shall bring an action under section 467  
2151.231 of the Revised Code ~~on behalf of the person who requested~~ 468  
~~that the agency review the existing administrative order or, if no~~ 469  
~~one requested the review, on behalf of the obligee,~~ in the 470  
juvenile court or other court with jurisdiction under section 471  
2101.022 or 2301.03 of the Revised Code of the county in which the 472  
agency is located requesting that the court issue a child support 473  
order. 474

**Sec. 3119.63.** The child support enforcement agency shall 475  
review a court child support order on the date established 476  
pursuant to section 3119.60 of the Revised Code for formally 477  
beginning the review of the order and shall do all of the 478  
following: 479

(A) Calculate a revised ~~amount of child support to be paid~~ 480  
child support computation worksheet and issue a revised child 481  
support recommendation under the court child support order, 482  
including adding or adjusting a payment on arrearages in 483  
accordance with section 3123.21 of the Revised Code; 484

(B) Give the obligor and obligee notice by ordinary mail of 485  
the revised amount of child support, of their right to request an 486  
administrative hearing on the revised amount, of the procedures 487  
and time deadlines for requesting the hearing, and that the 488  
revised amount of child support will be submitted to the court for 489  
inclusion in a revised court child support order unless the 490  
obligor or obligee requests an administrative hearing on the 491  
proposed change within fourteen days after ~~receipt of~~ the notice 492  
under this division is issued; 493

(C) Give the obligor and obligee notice by ordinary mail that 494  
if the court child support order contains a deviation granted 495  
under section 3119.23 or 3119.24 of the Revised Code or if the 496  
obligor or obligee intends to request a deviation from the child 497  
support amount to be paid under the court child support order, the 498  
obligor and obligee have a right to request a court hearing on the 499  
revised amount of child support without first requesting an 500  
administrative hearing and that the obligor or obligee, in order 501  
to exercise this right, must make the request for a court hearing 502  
no later than fourteen days after ~~receipt of~~ the notice is issued; 503

(D) If neither the obligor nor the obligee timely requests, 504  
pursuant to division (C) of this section, an administrative or 505  
court hearing on the revised amount of child support, submit the 506  
revised amount of child support to the court for inclusion in a 507  
revised court child support order; 508

(E) If the obligor or the obligee timely requests an 509  
administrative hearing on the revised child support amount, 510  
schedule a hearing on the issue, give the obligor and obligee 511

notice of the date, time, and location of the hearing, conduct the 512  
hearing in accordance with the rules adopted under section 3119.76 513  
of the Revised Code, ~~redetermine~~ and determine at the hearing a 514  
revised ~~amount of child support to be paid~~ obligations under the 515  
court child support order, ~~and including adding or adjusting a~~ 516  
payment on arrearages in accordance with section 3123.21 of the 517  
Revised Code. 518

(F) If an agency determines a revised support obligation 519  
under division (E) of this section, give notice to the obligor and 520  
obligee of the revised amount of child support, that they may 521  
request a court hearing on the revised amount within fourteen days 522  
after notice of the revised amount is issued, and that the agency 523  
will submit the revised amount of child support to the court for 524  
inclusion in a revised court child support order, if neither the 525  
obligor nor the obligee requests a court hearing on the revised 526  
amount of child support; 527

~~(F)~~(G) If neither the obligor nor the obligee requests, 528  
pursuant to division ~~(E)~~(F) of this section, a court hearing on 529  
the revised amount of child support, submit the revised amount of 530  
child support to the court for inclusion in a revised court child 531  
support order. 532

Sec. 3119.631. Upon submission of a recommendation pursuant 533  
to section 3119.63 of the Revised Code for inclusion in a revised 534  
court child support order, the court shall only reconsider the 535  
allocation of the federal income deduction pursuant to section 536  
3119.82 of the Revised Code if a party files a request for a 537  
hearing on the matter. 538

Sec. 3119.72. (A) If either the obligor or the obligee fails 539  
to comply with a request for information made pursuant to section 540  
3111.801 or division (C) of section 3119.60 of the Revised Code, 541

~~one of the following applies:~~ 542

~~(A) If the child support order being reviewed is a court 543  
child support order, failure to comply with a request for 544  
information is contempt of court, and the child support 545  
enforcement agency shall notify the court of the failure to comply 546  
with the request for information. The the agency may request do 547  
either of the following: 548~~

~~(1) Request the court of appropriate jurisdiction of the 549  
county in which the agency is located to issue an order requiring 550  
the parent, the obligor, or the obligee to provide the information 551  
as requested or take whatever action is necessary to obtain the 552  
information and make; 553~~

~~(2) Make any reasonable assumptions necessary with respect to 554  
the information the person in contempt of court did not provide to 555  
ensure a fair and equitable review of the child support order or 556  
establishment of an administrative order under section 3111.81 of 557  
the Revised Code. 558~~

~~(B) If the child support order being reviewed is an 559  
administrative child support order, the agency may request that 560  
the court of common pleas of the county in which the agency is 561  
located issue an order requiring the obligor or obligee to comply 562  
with the agency's request for information. The agency may request 563  
that the order require the obligor or obligee to provide the 564  
necessary information or permit the agency to take whatever action 565  
is necessary to obtain the information and make any reasonable 566  
assumptions necessary with respect to the information not provided 567  
to ensure a fair and equitable review of the administrative child 568  
support order. An obligor or obligee who fails to comply with the 569  
court order is in contempt of court. If an obligor or obligee is 570  
in contempt of court, the agency may request the court to hold the 571  
person who failed to comply in contempt or to permit the agency to 572~~

~~take whatever action is necessary to obtain information and make 573  
any reasonable assumptions necessary with respect to the income of 574  
the person who failed to comply with the request to ensure a fair 575  
and equitable review of the administrative child support order. 576~~

(B) If the agency decides to conduct the review of the child 577  
support order, or issue an administrative order, based on 578  
reasonable assumptions with respect to the information the person 579  
~~in contempt of court~~ did not provide, it shall proceed under 580  
section 3111.81, 3119.61, or 3119.63 of the Revised Code in the 581  
same manner as if all requested information has been received. 582

**Sec. 3119.76.** The director of job and family services shall 583  
adopt rules pursuant to Chapter 119. of the Revised Code 584  
establishing a procedure for determining when existing child 585  
support orders should be reviewed to determine whether it is 586  
necessary and in the best interest of the children who are the 587  
subject of the child support order to change the child support 588  
order. The rules shall include, but are not limited to, all of the 589  
following: 590

(A) Any procedures necessary to comply with section 591  
666(a)(10) of Title 42 of the U.S. Code, "Family Support Act of 592  
1988," 102 Stat. 2346, 42 U.S.C. 666(a)(10), as amended, and any 593  
regulations adopted pursuant to, or to enforce, that section; 594

(B) Procedures for determining what child support orders are 595  
to be subject to review upon the request of either the obligor or 596  
the obligee or periodically by the child support enforcement 597  
agency administering the child support order; 598

(C) Procedures for the child support enforcement agency to 599  
periodically review and to review, upon the request of the obligor 600  
or the obligee, any child support order that is subject to review 601  
to determine whether the amount of child support paid under the 602  
child support order should be adjusted in accordance with the 603

basic child support schedule set forth in section 3119.021 of the Revised Code or whether the provisions for the child's health care needs under the child support order should be modified in accordance with sections 3119.29 to 3119.56 of the Revised Code;

(D) Procedures for giving obligors and obligees notice of their right to request a review of a child support order that is determined to be subject to review, notice of any proposed revision of the amount of child support to be paid under the child support order, notice of the procedures for requesting a hearing on any proposed revision of the amount of child support to be paid under a child support order, notice of any administrative hearing to be held on a proposed revision of the amount of child support to be paid under a child support order, at least ~~forty-five~~ thirty days' prior notice of any review of their child support order, ~~and notice that a failure to comply with any request for documents or information to be used in the review of a child support order is contempt of court;~~

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

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

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

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

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

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

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

(C) An obligor who makes a request under division (B) of this section must indicate that the reason for the modification is the obligor's active military service and provide with the request any orders or other appropriate documentation specifying the commencement date of the obligor's active military service and the monthly monetary compensation for that service. The obligor also shall submit documentation on all other outside income.

(D) The obligor may provide the child support enforcement agency with a military power of attorney executed pursuant to 10 U.S.C. ~~10446~~ 1044b 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.

**Sec. 3119.82.** ~~Whenever~~ Except when issuing a revised support order as recommended pursuant to section 3119.63 of the Revised Code, whenever a court issues, or whenever ~~it~~ a court modifies, reviews, or otherwise reconsiders a court child support order, ~~it~~ or upon the request of any party, the court shall designate which

parent may claim the children who are the subject of the court 666  
child support order as dependents for federal income tax purposes 667  
as set forth in section 151 of the "Internal Revenue Code of 668  
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. If the parties 669  
agree on which parent should claim the children as dependents, the 670  
court shall designate that parent as the parent who may claim the 671  
children. If the parties do not agree, the court, in its order, 672  
may permit the parent who is not the residential parent and legal 673  
custodian to claim the children as dependents for federal income 674  
tax purposes only if the court determines that this furthers the 675  
best interest of the children and, with respect to orders the 676  
court modifies, reviews, or reconsiders, the payments for child 677  
support are substantially current as ordered by the court for the 678  
year in which the children will be claimed as dependents. In cases 679  
in which the parties do not agree which parent may claim the 680  
children as dependents, the court shall consider, in making its 681  
determination, any net tax savings, the relative financial 682  
circumstances and needs of the parents and children, the amount of 683  
time the children spend with each parent, the eligibility of 684  
either or both parents for the federal earned income tax credit or 685  
other state or federal tax credit, and any other relevant factor 686  
concerning the best interest of the children. 687

If the court determines that the parent who is not the 688  
residential parent and legal custodian may claim the children as 689  
dependents for federal income tax purposes, it shall order the 690  
residential parent to take whatever action is necessary pursuant 691  
to section 152 of the "Internal Revenue Code of 1986," 100 Stat. 692  
2085, 26 U.S.C. 1, as amended, to enable the parent who is not the 693  
residential parent and legal custodian to claim the children as 694  
dependents for federal income tax purposes in accordance with the 695  
order of the court. Any willful failure of the residential parent 696  
to comply with the order of the court is contempt of court. 697

**Sec. 3119.87.** The parent who is the residential parent and 698  
legal custodian of a child for whom a child support order is 699  
issued or the person who otherwise has custody of a child for whom 700  
a child support order is issued immediately shall notify, and the 701  
obligor under a child support order may notify, the child support 702  
enforcement agency administering the child support order of any 703  
reason for which the child support order should terminate. Nothing 704  
in this section shall preclude a person from notifying the agency 705  
that a reason for which a child support order should terminate is 706  
imminent. With respect to a court child support order, a willful 707  
failure to notify the child support enforcement agency as required 708  
by this division is contempt of court. 709

**Sec. 3119.88.** (A) Reasons for which a child support order 710  
should administratively terminate include all of the following: 711

~~(A)~~(1) The ~~child's attainment of~~ child attains the age of 712  
majority if the child no longer attends an accredited high school 713  
on a full-time basis and the child support order requires support 714  
to continue past the age of majority only if the child 715  
continuously attends such a high school after attaining that age; 716

~~(B)~~(2) The child ~~ceasing~~ ceases to attend an accredited high 717  
school on a full-time basis after attaining the age of majority, 718  
if the child support order requires support to continue past the 719  
age of majority only if the child continuously attends such a high 720  
school after attaining that age; 721

~~(C)~~(3) A court child support order specifies a termination 722  
date for the order that is after a child reaches nineteen years of 723  
age and the date specified in the order has been reached; 724

(4) The child's death; 725

~~(D)~~(5) The child's marriage; 726

~~(E)~~(6) The child's emancipation; 727

<del>(F)</del> (7) The child's enlistment in the armed services;	728
<del>(G)</del> (8) The child's deportation;	729
<del>(H)</del> (9) Change of legal custody of the child;	730
<u>(10) The child's adoption;</u>	731
<u>(11) The obligor's death;</u>	732
<u>(12) The grandparent to whom support is being paid or a</u>	733
<u>grandparent who is paying support reports that the grandparent's</u>	734
<u>support order should terminate as a result of one of the events</u>	735
<u>described in division (D) of section 3109.19 of the Revised Code;</u>	736
<u>(13) Marriage of the obligor under a child support order to</u>	737
<u>the obligee.</u>	738
<u>(B) A child support order may be terminated or suspended by</u>	739
<u>the court for any of the reasons listed in division (A) of this</u>	740
<u>section and, unless otherwise prohibited by law, any other</u>	741
<u>appropriate reasons brought to the attention of the court.</u>	742
<b>Sec. 3119.89.</b> (A) Upon receipt of a notice pursuant to	743
section 3119.87 of the Revised Code <u>and upon completion and filing</u>	744
<u>of an application for services under Title IV-D of the "Social</u>	745
<u>Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended,</u>	746
the child support enforcement agency administering a child support	747
order, within twenty days after receipt of the notice, shall	748
complete an investigation. The agency administering a child	749
support order may conduct an investigation upon its own initiative	750
if it otherwise has reason to believe that there may be a reason	751
for which the order should terminate. <u>Nothing in sections 3119.86</u>	752
<u>to 3119.94 of the Revised Code shall preclude the agency from</u>	753
<u>initiating an investigation under this section before a reason for</u>	754
<u>which the order should terminate has occurred.</u> The agency's	755
investigation shall determine the following:	756
(1) Whether any reason exists for which the order should	757

terminate;	758
(2) Whether there are other children subject to the order;	759
(3) Whether the obligor owes any arrearages under the order;	760
(4) Whether the agency believes it is necessary to continue withholding or deduction pursuant to a notice or order described in section 3121.03 of the Revised Code for the other children or arrearages;	761 762 763 764
(5) Whether child support amounts paid pursuant to the order being investigated should be impounded because continuation of receipt and disbursement would lead to an overpayment by the obligor.	765 766 767 768
(B) If the agency, pursuant to the investigation under division (A) of this section, determines that other children are subject to the child support order and that it is necessary to continue withholding or deduction for the other children, the agency shall divide the child support due annually and per month under the order by the number of children who are the subject of the order and subtract the amount due for the child for whom the order should be terminated from the total child support amount due annually and per month. The resulting annual and per month child support amount shall be included in the results of the agency's investigation as the recommended child support amount due annually and monthly under a revised child support order. If arrearage amounts are owed, those amounts may be included as part of the recommended child support amount. The investigation under division (A) of this section shall not include a review pursuant to sections 3119.60 to 3119.76 of the Revised Code of any other children subject to the child support order.	769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785
<b>Sec. 3119.90.</b> (A) If, pursuant to an investigation conducted under section 3119.89 of the Revised Code, the child support	786 787

enforcement agency determines both that a child support order 788  
should terminate and that child support amounts paid pursuant to 789  
the order should be impounded because continuation of receipt and 790  
disbursement would lead to an overpayment by the obligor, the 791  
agency shall do the following: 792

(1) With respect to a court child support order, immediately 793  
notify the court that issued the order of the results of its 794  
investigation and submit to the court an order impounding any 795  
funds received for the child pursuant to the court child support 796  
order that was under investigation; 797

(2) With respect to an administrative child support order, 798  
issue an administrative order impounding any funds received for 799  
the child pursuant to the administrative child support order that 800  
was under investigation. 801

(B) A child support enforcement agency that conducts an 802  
investigation of a child support order shall give the obligor and 803  
obligee under the order notice of the results of its investigation 804  
and a copy of any court or administrative impound order issued 805  
pursuant to division (A) of this section. The obligor and obligee 806  
also shall be given all of the following: 807

(1) Notice of their right to request an administrative 808  
hearing regarding any conclusions of the investigation; 809

(2) Notice of the procedures and time deadlines for 810  
requesting the hearing; 811

(3)(a) Notice that the conclusions of the investigations will 812  
be issued as an administrative order by the agency if the 813  
underlying order is an administrative child support order; 814

(b) Notice that the conclusions of the investigations will be 815  
submitted to the court for inclusion into a revised or terminated 816  
court child support order with no further court hearing if the 817

underlying order is a court child support order. 818

(4) Notice that no revised administrative or court child 819  
support order will be issued if either the obligor or obligee 820  
requests an administrative hearing on the investigation 821  
conclusions within ~~thirty~~ fourteen days after ~~receipt of the~~ 822  
notice is issued under this division. 823

**Sec. 3119.91.** If an obligor or obligee under a child support 824  
order timely requests an administrative hearing pursuant to 825  
section 3119.90 of the Revised Code, the child support enforcement 826  
agency shall schedule a hearing on the issue, give the parties 827  
notice of the date, time, and location of the hearing, and conduct 828  
the hearing. On completion of the hearing, the child support 829  
enforcement agency shall issue a decision. The decision shall 830  
include a notice stating that the obligor or obligee may object to 831  
the decision by filing a motion within ~~thirty~~ fourteen days after 832  
the issuance of the decision in one of the following courts 833  
requesting a determination as to whether the order should be 834  
terminated or whether any other appropriate determination 835  
regarding the order should be made: 836

(A) With respect to a court child support order, in the court 837  
that issued the order or that otherwise has jurisdiction over the 838  
order; 839

(B) With respect to an administrative child support order, 840  
the juvenile court or other court with jurisdiction under section 841  
2101.022 or 2301.03 of the Revised Code of the county in which the 842  
agency that issued the order is located. 843

The notice shall also state that if neither the obligor nor 844  
the obligee files the motion within the ~~thirty-day~~ fourteen-day 845  
period, the administrative hearing decision is final and will be 846  
filed with the court or in the administrative case file. 847

**Sec. 3119.92.** If the obligor, the obligee, or both file a 848  
motion as described in section 3119.91 of the Revised Code within 849  
the ~~thirty-day~~ fourteen-day period, the court shall set the case 850  
for a hearing for a determination as to whether the support order 851  
should be terminated or whether the court should take any other 852  
appropriate action. On the filing of the motion, the court shall 853  
issue an order directing that the impoundment order issued by the 854  
child support enforcement agency regarding support amounts 855  
received for the child remain in effect while the motion is 856  
pending. If neither the obligor nor the obligee files a motion as 857  
described in section 3119.91 of the Revised Code within the 858  
~~thirty-day~~ fourteen-day period, the administrative hearing 859  
decision is final and will be filed with the court or in the 860  
administrative case file. 861

**Sec. 3121.01.** As used in this chapter: 862

(A) "~~Court~~ Administrative child support order," "child 863  
support order," "court child support order," "court support 864  
order," ~~and~~ "obligee," "obligor," "personal earnings," and 865  
"support order" have the same meanings as in section 3119.01 of 866  
the Revised Code. 867

(B) "Default" means any failure to pay under a support order 868  
that is an amount greater than or equal to the amount of support 869  
payable under the support order for one month. 870

(C) "Financial institution" means a bank, savings and loan 871  
association, or credit union, or a regulated investment company or 872  
mutual fund. 873

(D) "Income" means any form of monetary payment, including 874  
personal earnings; workers' compensation payments; unemployment 875  
compensation benefits to the extent permitted by, and in 876  
accordance with, sections 3121.07 and 4141.284 of the Revised 877

Code, and federal law governing the department of job and family 878  
services; pensions; annuities; allowances; private or governmental 879  
retirement benefits; disability or sick pay; insurance proceeds; 880  
lottery prize awards; federal, state, or local government benefits 881  
to the extent that the benefits can be withheld or deducted under 882  
the law governing the benefits; any form of trust fund or 883  
endowment; lump sum payments, including a one-time pay supplement 884  
of one hundred fifty dollars or more paid under section 124.183 of 885  
the Revised Code; and any other payment in money. 886

(E) "Intercept directive" means a document sent by a child 887  
support enforcement agency to a payor that either requires the 888  
payor to transmit all or any portion of a lump sum payment to the 889  
office of child support if the obligor is in default or has any 890  
arrearages under a support order, or that requires the payor to 891  
immediately pay the full amount of the lump sum payment to the 892  
obligor if the obligor is not under a default order and does not 893  
have any arrearages under the order, in accordance with section 894  
3121.12 of the Revised Code. 895

(F) "Payor" means any person or entity that pays or 896  
distributes income to an obligor, including an obligor if the 897  
obligor is self-employed; an employer; an employer paying an 898  
obligor's workers' compensation benefits; the public employees 899  
retirement board; the governing entity of a municipal retirement 900  
system; the board of trustees of the Ohio police and fire pension 901  
fund; the state teachers retirement board; the school employees 902  
retirement board; the state highway patrol retirement board; a 903  
provider, as defined in section 3305.01 of the Revised Code; the 904  
bureau of workers' compensation; or any other person or entity 905  
other than the department of job and family services with respect 906  
to unemployment compensation benefits paid pursuant to Chapter 907  
4141. of the Revised Code. 908

**Sec. 3121.02.** In any action in which a support order is 909  
issued or modified, one of the following shall apply, as 910  
appropriate, to ensure that withholding or deduction from the 911  
income or assets of the obligor is available from the commencement 912  
of the support order for the collection of the support and any 913  
arrearages that occur: 914

(A) The court, with respect to a court support order, or the 915  
child support enforcement agency, with respect to an 916  
administrative child support order, shall require the withholding 917  
or deduction of income or assets of the obligor under section 918  
3121.03 of the Revised Code. 919

(B) The court, with respect to a court support order, shall 920  
issue another type of court order under division (C) or (D) of 921  
section 3121.03 of the Revised Code ~~or~~, section 3121.04, 3121.05, 922  
or 3121.06, or division (C) of section 3121.12 of the Revised 923  
Code. 924

(C) The agency, with respect to an administrative child 925  
support order, shall ~~issue an administrative order, or~~ request 926  
that the court issue a court order, under division (C) or (D) of 927  
section 3121.03 of the Revised Code ~~or section 3121.12 of the~~ 928  
~~Revised Code.~~ 929

**Sec. 3121.035.** Within fifteen days after an obligor under a 930  
support order is located following issuance or modification of the 931  
support order, the court or child support enforcement agency that 932  
issued or modified the support order, or the agency, pursuant to 933  
an agreement with the court with respect to a court support order, 934  
shall do either of the following: 935

(A) If a withholding or deduction notice described in section 936  
3121.03 of the Revised Code is appropriate, send the notice by 937  
regular mail or ~~via secure federally managed data transmission~~ 938

~~interface~~ electronic means to each person required to comply with 939  
it; 940

(B) If an order described in section 3121.03, 3121.04 to 941  
3121.08, or 3121.12 of the Revised Code is appropriate, issue and 942  
send the appropriate order. 943

**Sec. 3121.12.** (A) On receipt of a notice that a lump sum 944  
payment of one hundred fifty dollars or more is to be paid to the 945  
obligor, ~~the court, with respect to a court support order, or the~~ 946  
~~child support enforcement agency, with respect to an~~ 947  
~~administrative child support order,~~ shall do either of the 948  
following: 949

(1) If the obligor is in default under the support order or 950  
has any arrearages under the support order, issue an ~~order~~ 951  
intercept directive requiring the transmittal of the lump sum 952  
payment, or any portion of the lump sum payment sufficient to pay 953  
the arrearage in full, to the office of child support; 954

(2) If the obligor is not in default under the support order 955  
and does not have any arrearages under the support order, issue an 956  
~~order directing the person who gave the notice to the court or~~ 957  
~~agency to immediately pay~~ intercept directive requiring the 958  
immediate release of the full amount of the lump sum payment to 959  
the obligor. 960

(B) Any moneys received by the office of child support 961  
pursuant to ~~division (A) of~~ this section shall be distributed in 962  
accordance with rules adopted under section 3121.71 of the Revised 963  
Code. 964

(C) ~~A court that issued an order~~ In the case of a notice of a 965  
lump sum payment made in accordance with a support order issued 966  
prior to January 1, 1998, requiring an employer to withhold an 967  
amount from an obligor's personal earnings for the payment of 968

support, the child support enforcement agency that receives 969  
notification of the lump sum payment from the payor shall notify 970  
the court that issued the order, and the court shall issue a 971  
supplemental order that does not change the original order or the 972  
related support order requiring the employer to do all of the 973  
following: 974

(1) No later than the earlier of forty-five days before a 975  
lump sum payment is to be made or, if the obligor's right to a 976  
lump sum payment is determined less than forty-five days before it 977  
is to be made, the date on which that determination is made, 978  
notify the child support enforcement agency of any lump sum 979  
payment of any kind of one hundred fifty dollars or more that is 980  
to be paid to the obligor; 981

(2) Hold the lump sum payment for thirty days after the date 982  
on which it would otherwise be paid to the obligor; 983

(3) On order of the court, pay any specified amount of the 984  
lump sum payment to the office of child support. 985

(D) ~~An employer~~ A payor that knowingly fails to notify the 986  
child support enforcement agency in accordance with this section 987  
or section 3121.03 of the Revised Code of any lump sum payment to 988  
be made to an obligor is liable for any support payment not made 989  
to the obligee as a result of its knowing failure to give the 990  
notice. 991

**Sec. 3121.29.** Each support order, or modification of a 992  
support order, shall contain a notice that states the following in 993  
boldface type and in all capital letters: 994

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 995  
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 996  
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 997  
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 998

CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF 999  
ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 1000  
WHICHEVER ISSUED THE SUPPORT ORDER. IF YOU ARE THE OBLIGOR UNDER A 1001  
CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED 1002  
NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, 1003  
\$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. 1004  
IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY 1005  
A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU 1006  
MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO 1007  
\$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS. 1008

IF YOU ARE AN OBLIGOR OR AN OBLIGEE, AND YOU FAIL TO GIVE THE 1009  
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY 1010  
NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD 1011  
SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF THE 1012  
CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE 1013  
THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING 1014  
ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR 1015  
PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, 1016  
DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR 1017  
INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN 1018  
FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO 1019  
OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION." 1020

**Sec. 3121.33.** The withholding or deduction notices ~~and~~ other 1021  
orders issued under sections 3121.03~~7~~, and 3121.04 to 3121.06 of 1022  
the Revised Code, and intercept directives issued under section 1023  
3121.12 of the Revised Code, and the notices that require the 1024  
obligor to notify the child support enforcement agency 1025  
administering the support order of any change in the obligor's 1026  
employment status or of any other change in the status of the 1027  
obligor's assets, are final and enforceable by the court. 1028

**Sec. 3121.34.** A person required to comply with withholding or 1029

deduction notices described in section 3121.03 of the Revised Code 1030  
shall determine the manner of withholding or deducting from the 1031  
specific requirement included in the notices without the need for 1032  
any amendment to the support order, and a person required to 1033  
comply with an order described in sections 3121.03, and 3121.04 to 1034  
3121.06 of the Revised Code, and or an intercept directive issued 1035  
under section 3121.12 of the Revised Code shall comply without the 1036  
need for any amendment to the support order. 1037

**Sec. 3123.031.** The default notice shall contain all of the 1038  
following: 1039

(A) The date on which it is ~~sent~~ issued; 1040

(B) A statement that the obligor is in default under a 1041  
support order; 1042

(C) The amount of arrearages the obligor owes due to the 1043  
default as of the date the default notice is ~~sent~~ issued; 1044

(D) A statement that any arrearages owed by the obligor that 1045  
arise after the default notice is ~~sent~~ issued and during the 1046  
period of default will be added to the obligor's total child 1047  
support obligation and will be subject to collection efforts 1048  
without further default notice; 1049

(E) A statement of the types of withholding or deduction 1050  
requirements and related notices described in section 3121.03 of 1051  
the Revised Code or the types of court orders described in 1052  
sections 3121.03, 3121.04 to 3121.08, and 3121.12 of the Revised 1053  
Code that will be issued for payment of support and arrearages and 1054  
the amount that will be withheld or deducted pursuant to those 1055  
requirements; 1056

(F) A statement that any notice for the withholding or 1057  
deduction of an amount from income or assets applies to all 1058  
current and subsequent payors of the obligor and financial 1059

institutions in which the obligor has an account and that any 1060  
withholding or deduction requirement and related notice described 1061  
in section 3121.03 of the Revised Code or any court order 1062  
described in sections 3121.03, 3121.04 to 3121.08, and 3121.12 of 1063  
the Revised Code that is issued will not be discontinued solely 1064  
because the obligor pays arrearages; 1065

(G) A statement that the obligor may file with the child 1066  
support enforcement agency, within ~~seven-business~~ fourteen days 1067  
after the date on which the default notice is ~~sent~~ issued, a 1068  
written request for an administrative hearing under section 1069  
3123.04 of the Revised Code; 1070

(H) A statement that, if the obligor files a timely written 1071  
request for an administrative hearing, the obligor may file with 1072  
the court, within ~~seven-business~~ fourteen days after the agency 1073  
makes its determinations under the administrative hearing, a 1074  
written motion for a court hearing under section 3123.05 of the 1075  
Revised Code; 1076

(I) An explanation of the administrative and court action 1077  
that will take place if the obligor files a timely written request 1078  
or motion for an administrative or court hearing; 1079

(J) An explanation of how a final and enforceable 1080  
determination of default and amount of arrearages is made under 1081  
sections 3123.032, 3123.04, and 3123.05 of the Revised Code; 1082

(K) A statement that a withholding notice may be issued in 1083  
accordance with section 3123.021 of the Revised Code if the child 1084  
support enforcement agency determines the obligor has obtained 1085  
employment and an explanation of the provisions of section 1086  
3123.022 of the Revised Code. 1087

**Sec. 3123.04.** An obligor who receives a default notice under 1088  
section 3123.03 of the Revised Code may file a written request for 1089

an administrative hearing with the child support enforcement 1090  
agency that identified the default regarding whether a mistake of 1091  
fact was made in the notice. The request must be filed not later 1092  
than ~~seven-business~~ fourteen days after the date on which the 1093  
default notice is ~~sent~~ issued. 1094

If the obligor makes a timely request for a hearing, the 1095  
agency shall conduct an administrative hearing no later than ten 1096  
days after the date on which the obligor files the request for the 1097  
hearing. No later than five days before the date on which the 1098  
hearing is to be conducted, the agency shall send the obligor and 1099  
the obligee written notice of the date, time, place, and purpose 1100  
of the hearing. The notice to the obligor and obligee also shall 1101  
indicate that the obligor may present testimony and evidence at 1102  
the hearing only in regard to the issue of whether a mistake of 1103  
fact was made in the default notice. 1104

At the hearing, the child support enforcement agency shall 1105  
determine whether a mistake of fact was made in the default 1106  
notice. The agency shall send its determinations to the obligor. 1107  
The agency's determinations are final and are enforceable by the 1108  
court unless, within ~~seven-business~~ fourteen days after the agency 1109  
~~makes~~ issues its determinations, the obligor files a written 1110  
motion with the court for a court hearing to determine whether a 1111  
mistake of fact still exists in the default notice. 1112

If an agency's determination becomes final and enforceable 1113  
under this section, the agency shall take further action as 1114  
required under section 3123.06 of the Revised Code. 1115

**Sec. 3123.05.** If, not later than ~~seven-business~~ fourteen days 1116  
after the child support enforcement agency ~~makes~~ issues its 1117  
determinations under section 3123.04 of the Revised Code, the 1118  
obligor files a written motion for a court hearing to determine 1119

whether a mistake of fact still exists in the default notice, the 1120  
court shall hold a hearing as soon as possible, but not later than 1121  
ten days, after the motion is filed. Not later than five days 1122  
before the date on which the court hearing is to be held, the 1123  
court shall send the obligor and the obligee written notice by 1124  
regular mail of the date, time, place, and purpose of the court 1125  
hearing. The hearing shall be limited to a determination of 1126  
whether there is a mistake of fact in the default notice. 1127

At the hearing, the court shall determine whether there is a 1128  
mistake of fact in the default notice. On the conclusion of the 1129  
hearing, the court shall make its determination. The determination 1130  
is final and enforceable. The court shall take further action as 1131  
provided in section 3123.06 of the Revised Code. 1132

**Sec. 3123.06.** (A) If either a court, under section 3123.05 of 1133  
the Revised Code, or child support enforcement agency, under 1134  
section 3123.032 or 3123.04 of the Revised Code, makes a final and 1135  
enforceable determination that an obligor is in default under a 1136  
support order, one of the following shall apply: 1137

(1) If no withholding notice was issued in accordance with 1138  
section 3123.021 of the Revised Code with respect to the order, 1139  
the court or agency shall issue one or more notices requiring 1140  
withholding or deduction of income or assets of the obligor in 1141  
accordance with section 3121.03 of the Revised Code, or the court 1142  
shall issue one or more court orders imposing other appropriate 1143  
requirements in accordance with sections 3121.03, 3121.035, 1144  
3121.04 to 3121.08, and division (C) of section 3121.12 of the 1145  
Revised Code. 1146

(2) If a withholding notice was issued in accordance with 1147  
section 3123.021 of the Revised Code with respect to the order and 1148  
the final and enforceable determination of default altered the 1149

arrearage amount stated in the default notice, the court or 1150  
agency, whichever made the determination, shall revise the 1151  
withholding notice and may issue, as appropriate, any of the 1152  
notices or orders described in division (A)(1) of this section. 1153

(3) If a withholding notice was issued in accordance with 1154  
section 3123.021 of the Revised Code with respect to the order but 1155  
the final and enforceable determination of default did not alter 1156  
the arrearage amount stated in the default notice, the withholding 1157  
notice shall remain in effect. The court or agency, in addition 1158  
and as appropriate, may issue any other notice or order described 1159  
in division (A)(1) of this section. 1160

(B) If a court, under section 3123.05 of the Revised Code, or 1161  
an agency, under section 3123.04 of the Revised Code, determines 1162  
that no default exists under a support order, the court or agency 1163  
shall terminate the default proceedings. If a withholding notice 1164  
was issued in accordance with section 3123.021 of the Revised Code 1165  
with respect to the order, the court or agency, whichever made the 1166  
final and enforceable determination, shall revise the withholding 1167  
notice, and may issue, as appropriate, any of the notices or 1168  
orders described in division (A)(1) of this section, to collect 1169  
current support. 1170

(C) A withholding or deduction notice issued under division 1171  
(A)(1), (2), or (3) of this section shall require the payment of 1172  
arrears caused by the default along with any payment for 1173  
current support. A withholding or deduction notice or other 1174  
appropriate order described under this section shall be issued not 1175  
later than fifteen days after the determination of default under 1176  
the support order becomes final and enforceable. Section 3123.21 1177  
of the Revised Code applies to a withholding or deduction notice 1178  
or other appropriate order described under division (A) of this 1179  
section beginning on the date it is issued and ending on the date 1180  
the period of default ends. 1181

**Sec. 3123.14.** If a child support order is terminated for any 1182  
reason, the obligor under the child support order is or was at any 1183  
time in default under the support order and, after the termination 1184  
of the order, the obligor owes an arrearage under the order, the 1185  
obligee may make application to the child support enforcement 1186  
agency that administered the child support order prior to its 1187  
termination or had authority to administer the child support order 1188  
to maintain any administrative or judicial action or proceeding to 1189  
enforce the order on behalf of the obligee to obtain ~~a judgment,~~ 1190  
~~execution of a judgment through any available procedure, an order,~~ 1191  
~~or other~~ relief. If a withholding or deduction notice is issued 1192  
pursuant to section 3121.03 of the Revised Code to collect an 1193  
arrearage, the amount withheld or deducted from the obligor's 1194  
personal earnings, income, or accounts shall be at least equal to 1195  
the amount that was withheld or deducted under the terminated 1196  
child support order. 1197

**Sec. 3123.25.** (A) If, as a result of information obtained 1198  
pursuant to an agreement under section 3121.74 of the Revised 1199  
Code, the office of child support in the department of job and 1200  
family services finds or receives notice that identifies an 1201  
obligor in default who maintains an account with a financial 1202  
institution, the office shall, within one business day, enter the 1203  
information into the case registry established pursuant to section 1204  
3121.81 of the Revised Code. 1205

(B) If a child support enforcement agency, ~~after examining~~ 1206  
~~the case registry~~ upon notice or discovery of an account, 1207  
determines that an obligor in default under a support order 1208  
administered by the agency maintains an account in a financial 1209  
institution, the agency shall determine whether the obligor is 1210  
subject to a final and enforceable determination of default made 1211  
under sections 3123.01 to 3123.07 of the Revised Code. If the 1212

obligor is subject to a final and enforceable determination of 1213  
default, the agency may issue an access restriction notice to the 1214  
financial institution in which the obligor's account is 1215  
maintained. 1216

**Sec. 3123.27.** The child support enforcement agency ~~shall, no~~ 1217  
~~later than five business days after information is entered into~~ 1218  
~~the case registry under section 3123.25 of the Revised Code, may~~ 1219  
investigate and determine the amount of funds in the account that 1220  
is available to satisfy the obligor's arrearages under a support 1221  
order. The financial institution shall cooperate with the agency's 1222  
investigation. 1223

**Sec. 3123.30.** The notice sent under section 3123.29 of the 1224  
Revised Code shall contain both of the following: 1225

(A) A statement of the date the notice is sent, that another 1226  
of the account holders is an obligor under a support order, the 1227  
name of the obligor, that the support order is in default, the 1228  
amount of the arrearage owed by the obligor as determined by the 1229  
court or child support enforcement agency, the amount that will be 1230  
withdrawn, the type of account from which the amount will be 1231  
withdrawn, and the name of the financial institution from which 1232  
the amount will be withdrawn; 1233

(B) A statement that the person may object to the withdrawal 1234  
by filing with the agency, no later than ~~ten~~ fourteen days after 1235  
the date on which the notice is ~~sent~~ issued, a written request for 1236  
an administrative hearing to determine whether any amount 1237  
contained in the account is the property of the person to whom the 1238  
notice is sent and should not be subject to the withdrawal 1239  
directive. 1240

**Sec. 3123.31.** The person to whom notice is sent under section 1241  
3123.29 of the Revised Code shall have ~~ten~~ fourteen days from the 1242

date the notice is ~~sent~~ issued to object to the withdrawal by 1243  
filing with the child support enforcement agency that sent the 1244  
notice a written request for an administrative hearing to 1245  
determine whether any amount contained in the account is the 1246  
property of that person and should not be subject to the 1247  
withdrawal directive. 1248

**Sec. 3123.34.** If a child support enforcement agency 1249  
determines that the total amount in an account is the property of 1250  
a person who is not the obligor from whom payment is sought, it 1251  
shall order the financial institution to release the access 1252  
restriction on the account and shall take no further enforcement 1253  
action on the account. A copy of this notice shall be sent to the 1254  
obligor. If the agency determines that some of the funds in the 1255  
account are the property of the person, it shall order the 1256  
financial institution to release the access restriction on the 1257  
account in that amount and shall take no further enforcement 1258  
action on those funds. A copy of this notice shall be sent to the 1259  
obligor. The agency shall issue a withdrawal directive pursuant to 1260  
section 3123.37 of the Revised Code for the remaining funds 1261  
unless, no later than ~~ten~~ fourteen days after the agency ~~makes~~ 1262  
issues its determination, the person files a written motion with 1263  
the court of common pleas of the county served by the child 1264  
support enforcement agency for a hearing to determine whether any 1265  
amount contained in the account is the property of the person. 1266

**Sec. 3123.35.** If the person described in section 3123.34 of 1267  
the Revised Code files a timely motion with the court that issued 1268  
the child support order or that is located in the county where the 1269  
child support enforcement agency issued the order, the court shall 1270  
hold a hearing on the request no later than ~~ten~~ fourteen days 1271  
after the request is filed. The person who filed the motion shall 1272

be considered a temporary party for the purposes of objecting to 1273  
the determination made pursuant to section 3123.33 of the Revised 1274  
Code only. No later than five days before the date on which the 1275  
hearing is to be held, the court shall send the person written 1276  
notice by ordinary mail of the date, time, place, and purpose of 1277  
the hearing. The hearing shall be limited to a determination of 1278  
how much, if any, of the amount contained in the account is the 1279  
property of the person. 1280

**Sec. 3123.72.** A child support enforcement agency shall file a 1281  
notice requesting that the county recorder discharge the lien if 1282  
one of the following applies: 1283

(A) The lien is satisfied through an action pursuant to 1284  
section 3123.74 of the Revised Code. 1285

(B) The obligor makes full payment of the arrearage to the 1286  
office of child support in the department of job and family 1287  
services or, pursuant to sections 3125.27 to 3125.30 of the 1288  
Revised Code, to the child support enforcement agency that is the 1289  
basis of the lien. 1290

~~(C) An appropriate withholding or deduction notice or other 1291  
appropriate order described in section 3121.03, 3121.04, 3121.05,~~ 1292  
~~3121.06, or 3121.12 of the Revised Code has been issued to collect 1293  
current support and any arrearage due under the support order that 1294  
was in default, and the obligor is complying with the notice or 1295  
order.~~ 1296

~~(D) A new support order has been issued or the support order 1297  
that was in default has been modified to collect current support 1298  
and any arrearage due under the support order that was in default,~~ 1299  
~~and the obligor is complying with the new or modified support 1300  
order.~~ 1301

~~(E) The agency releases the lien pursuant to section 3123.76 1302~~

of the Revised Code. 1303

**Sec. 3123.821.** The office of child support created in the 1304  
department of job and family services under section 3125.02 of the 1305  
Revised Code shall work with the tax commissioner to collect the 1306  
following: 1307

(A) Overdue ~~child~~ support from refunds of paid state income 1308  
taxes under Chapter 5747. of the Revised Code that are payable to 1309  
obligors; 1310

(B) Overpaid child support from refunds of paid state income 1311  
taxes under Chapter 5747. of the Revised Code that are payable to 1312  
obligees. 1313

**Sec. 3123.822.** No overdue or overpaid ~~child~~ support shall be 1314  
collected from refunds of ~~paid~~ state income taxes paid by an 1315  
obligor or obligee unless all of the following conditions are met: 1316

(A) Any reduction authorized by section 5747.12 of the 1317  
Revised Code has first been made, except as otherwise provided in 1318  
this section. 1319

(B) The refund payable to the obligor or obligee is not less 1320  
than twenty-five dollars after any reduction pursuant to section 1321  
5747.12 of the Revised Code. 1322

(C) Either of the following applies: 1323

(1) With respect to overdue ~~child~~ support, the obligor ~~is not~~ 1324  
~~less than~~ maintains an arrearage in the payment of support for 1325  
~~three months in arrears in the obligor's payment of child support,~~ 1326  
and the amount of the total arrearage during each of the three 1327  
months is ~~not less than~~ at least one hundred fifty dollars; 1328

(2) With respect to overpaid child support, the amount 1329  
overpaid is not less than one hundred fifty dollars. 1330

Overdue support or overpaid child support shall be collected 1331

from such refunds before any part of the refund is used as a 1332  
contribution pursuant to section 5747.113 of the Revised Code. 1333  
Overdue support or overpaid child support shall be collected from 1334  
such refunds before the refund or any part of the refund is 1335  
credited against tax due in any subsequent year pursuant to 1336  
section 5747.12 of the Revised Code, notwithstanding the consent 1337  
of the obligor or obligee for such crediting. 1338

**Section 2.** That existing sections 3111.29, 3111.38, 3111.49, 1339  
3111.78, 3111.80, 3111.81, 3111.84, 3119.30, 3119.38, 3119.43, 1340  
3119.60, 3119.61, 3119.63, 3119.72, 3119.76, 3119.77, 3119.82, 1341  
3119.87, 3119.88, 3319.89, 3119.90, 3119.91, 3119.92, 3121.01, 1342  
3121.02, 3121.035, 3121.12, 3121.29, 3121.33, 3121.34, 3123.031, 1343  
3123.04, 3123.05, 3123.06, 3123.14, 3123.25, 3123.27, 3123.30, 1344  
3123.31, 3123.34, 3123.35, 3123.72, 3123.821, and 3123.822 and 1345  
section 3121.11 of the Revised Code are hereby repealed. 1346