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Bill Analysis
Legislative Service Commission

H.B. 178
127th General Assembly
(As Introduced)

Reps. **Blessing and Harwood, Seitz, J. McGregor, Yuko, Chandler, Letson, Wagoner**

BILL SUMMARY

- Specifies factors a court or child support enforcement agency may consider when determining the "reasonable cost" of health insurance coverage for children subject of a child support order.
- Creates a rebuttable presumption that the reasonable cost of health insurance coverage does not exceed 5% of the person's gross income.

CONTENT AND OPERATION

Health insurance coverage for children subject of a child support order

Current law

Under current law, in any action or proceeding in which the court or child support enforcement agency (CSEA) issues or modifies a child support order, the court or CSEA must also determine the person responsible for the health care of the children subject to the child support order. Each party to a child support proceeding must provide to the court or CSEA a list of any group health insurance policies, contracts, or plans available to the party. Based on this information, the court or CSEA must then include one of the following requirements in the child support order (R.C. 3119.30 and 3119.31):

- (1) That the obligor or obligee¹ obtain health insurance coverage for the children if coverage is available at a reasonable cost² through a group

¹ The "obligor" is the person who must pay the child support, and the "obligee" is the person to whom the child support is paid. These persons are generally, but not always, the parents of the children.

² Current law does not define "reasonable cost."

policy, contract, or plan offered by that person's employer or through any other group policy, contract, or plan available to the person and is not available for a more reasonable cost through a group policy, contract, or plan available to the other person;

- (2) If health insurance coverage for the children is not available at a reasonable cost through a group policy, contract, or plan offered by either the obligor's or obligee's employer or through any other group policy, contract, or plan available to either person, that they share liability for the cost of the medical and health care needs of the children, under an equitable formula established by the court or CSEA, and if after the issuance of the order, health insurance coverage for the children becomes available at a reasonable cost to either, that the person to whom the coverage becomes available immediately inform the court or CSEA;
- (3) That both the obligor and obligee obtain health insurance coverage for the children if coverage is available for the children at a reasonable cost to both and dual coverage would provide for coordination of medical benefits without unnecessary duplication of coverage.

The bill

Under the bill, the court or CSEA may consider any of the factors the court or CSEA uses when granting a deviation from the amount of child support to be paid (see **COMMENT**), and any of the following expenses, when determining the reasonable cost of health insurance for a child subject of a support order:

- (1) Mandatory deductions from wages;
- (2) Rent or mortgage;
- (3) Household utility payments, including expenses for heating, cooling, electric, water, and one telephone;
- (4) Groceries;
- (5) Clothing for minor children;
- (6) Work-related transportation that consists of one car payment and gasoline, oil, car insurance, and maintenance relating to that vehicle;
- (7) Work-related transportation expenses not included under (6);

- (8) Tax consequences of health insurance costs and non-covered health care expenses;
- (9) Other child support orders and other orders to provide for the health care needs of a child;
- (10) Any other expenses or circumstances considered appropriate by the court.

The bill also creates a rebuttable presumption that the reasonable cost of health insurance coverage is one that does not exceed 5% of an individual's gross income. (R.C. 3119.30(B).)

COMMENT

The factors the court or CSEA uses when granting a deviation from the amount of child support to be paid are (R.C. 3119.23):

- (1) Special and unusual needs of the children;
- (2) Extraordinary obligations for minor children or obligations for handicapped children who are not stepchildren and who are not offspring from the marriage or relationship that is the basis of the immediate child support determination;
- (3) Other court-ordered payments;
- (4) Extended parenting time or extraordinary costs associated with parenting time, provided that this does not authorize nor should be construed as authorizing any deviation from the schedule and the applicable worksheet, through the line establishing the actual annual obligation, or any escrowing, impoundment, or withholding of child support because of a denial of or interference with a right of parenting time granted by court order;
- (5) The obligor obtaining additional employment after a child support order is issued in order to support a second family;
- (6) The financial resources and the earning ability of the child;
- (7) Disparity in income between parties or households;
- (8) Benefits that either parent receives from remarriage or sharing living expenses with another person;

- (9) The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;
- (10) Significant in-kind contributions from a parent, including direct payment for lessons, sports equipment, schooling, or clothing;
- (11) The relative financial resources, other assets and resources, and needs of each parent;
- (12) The standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married;
- (13) The physical and emotional condition and needs of the child;
- (14) The need and capacity of the child for an education and the educational opportunities that would have been available to the child had the circumstances requiring a court order for support not arisen;
- (15) The responsibility of each parent for the support of others; and
- (16) Any other relevant factor.

HISTORY

ACTION	DATE
Introduced	04-24-07

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