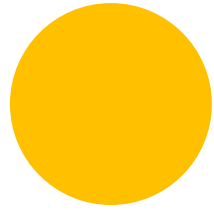
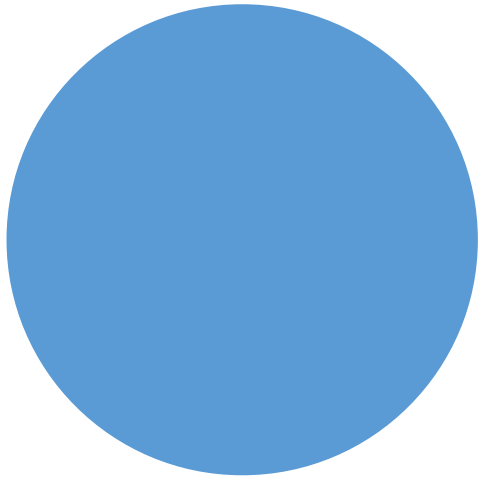




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Panel Discussion: Ohio Child Support Law

Magistrate Janet L. Kleckner & Deborah C. Watkins, Esq.



Child Support Updates

June 4, 2019 Akron Bar Association
Family Law Committee

Magistrate Janet Kleckner, Summit
County Domestic Relations Court

Deborah Watkins, Chief Assistant
Prosecutor, Summit County CSEA



Part One

Changes in the Statute

To Review-
Calculating
adjusted
annual gross
income

Gross income (lines 1-6)

Minus adjustment for other children (line 9)

Minus adjustment for health insurance premiums (line 10)

Minus adjustment for spousal support paid (line 11)

= Adjusted annual gross income (line 13)

Limitation on imputing income

Potential income for a parent who is voluntarily underemployed or unemployed is added to line 6.

ORC 3119.05(I): unless unjust, inappropriate... a parent is NOT voluntarily unemployed or underemployed if:

- (1) receives means-tested income (SSI, Cash public assistance, VA)
- (2) receives Social Security Disability <note: can still use actual amount on line 5>
- (3) continuous and diligent efforts to find employment w/o success
- (4) complying with court-ordered family reunification efforts
- (5) incarcerated/institutionalized for 12 months or more



Adjustments for other children— line 9

Adjustment for all other children parent has a “duty to support.”

Regardless of whether support is actually paid for other children

Regardless of whether support is even ordered for other children



How to calculate the adjustment for other children

Determine

Determine support obligation for total number of children of this Parent based on individual Parent income (line 9d)

Divide by

Divide by total number of children of Parent to get 'per capita' support obligation. (line 9e)

Multiply

Multiply 'per capita' amount by number of 'other' children of this Parent. (line 9f)

Equals

=Adjustment for other children not of this order

Example

- Gross income for Parent totals \$75,000
- One child in this case
- Four other children (five total)
- Support for 5 = \$18,366
- Divided by 5 = \$3,673.20 (per capita)
- Times 4 (other children) = \$14,692.80
- \$14,692.80 = adjustment to income

The Result?

- Support for one child with \$75,000 income = \$10,251.
- \$75,000 minus \$14,692.80 = \$60,307.20
- Support for one child with \$60,307.20 income = \$9,283.
- A reduction of \$968 per year.





About Health Insurance— line 10

First off— Who
should be
ordered to
provide health
insurance
coverage?

- The **obligee** parent is rebuttably presumed to be the parent who provides private health insurance coverage for the children.
- Presumption can be rebutted in four ways

As follows: How can the presumption be rebutted?



- (1) Obligor already carries insurance at reasonable cost;
- (2) Obligor carries insurance not at reasonable cost, but wants to continue carrying;
- (3) Obligor can obtain insurance at reasonable cost through employer or other source
- (4) Obligee is a non-parent that has no duty to provide medical support (i.e. caretaker or agency)



So, what if Insurance is NOT available to either at a reasonable cost?

- Then, the Presumption is NOT rebutted

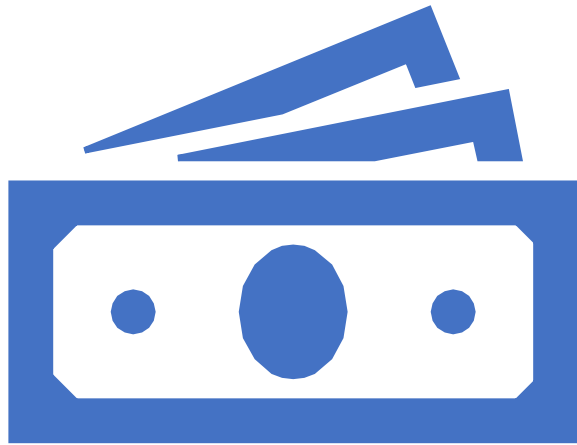
Then, if the presumption is not rebutted...

- Obligee parent **will be named** as the health insurance obligor
- Obligee parent required to obtain private insurance not later than 30 days after it becomes available at reasonable cost, and to
- Inform CSEA when private insurance has been obtained.

And the Obligor?

- If private insurance becomes available at reasonable cost
- ***Shall*** notify CSEA
- ***May*** seek modification of the order for health insurance coverage

Once you determine the health insurance obligor, how do you calculate the adjustment for Out-of-Pocket Health Insurance Premiums? (line 10)



- Health Insurance Obligor(s) receive an income adjustment that equals the TOTAL, ACTUAL out-of-pocket costs for premiums paid by the parent.
- Do NOT pro-rate. Do NOT calculate the marginal cost.

Spousal Support Adjustment (line 11)

- Deduction from gross income for all spousal support paid
- Includes current and former spouses



All of the above
adjustments lead
to



Adjusted annual gross income (line 13)



Basic Child Support Calculation (see line 18)

Two Step Process

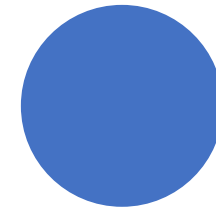
- Amount parent would pay with only his/her individual income (line 18a.)
- Income Shares amount parent would pay using combined income (lines 18b-c)

Self Sufficiency Reserve

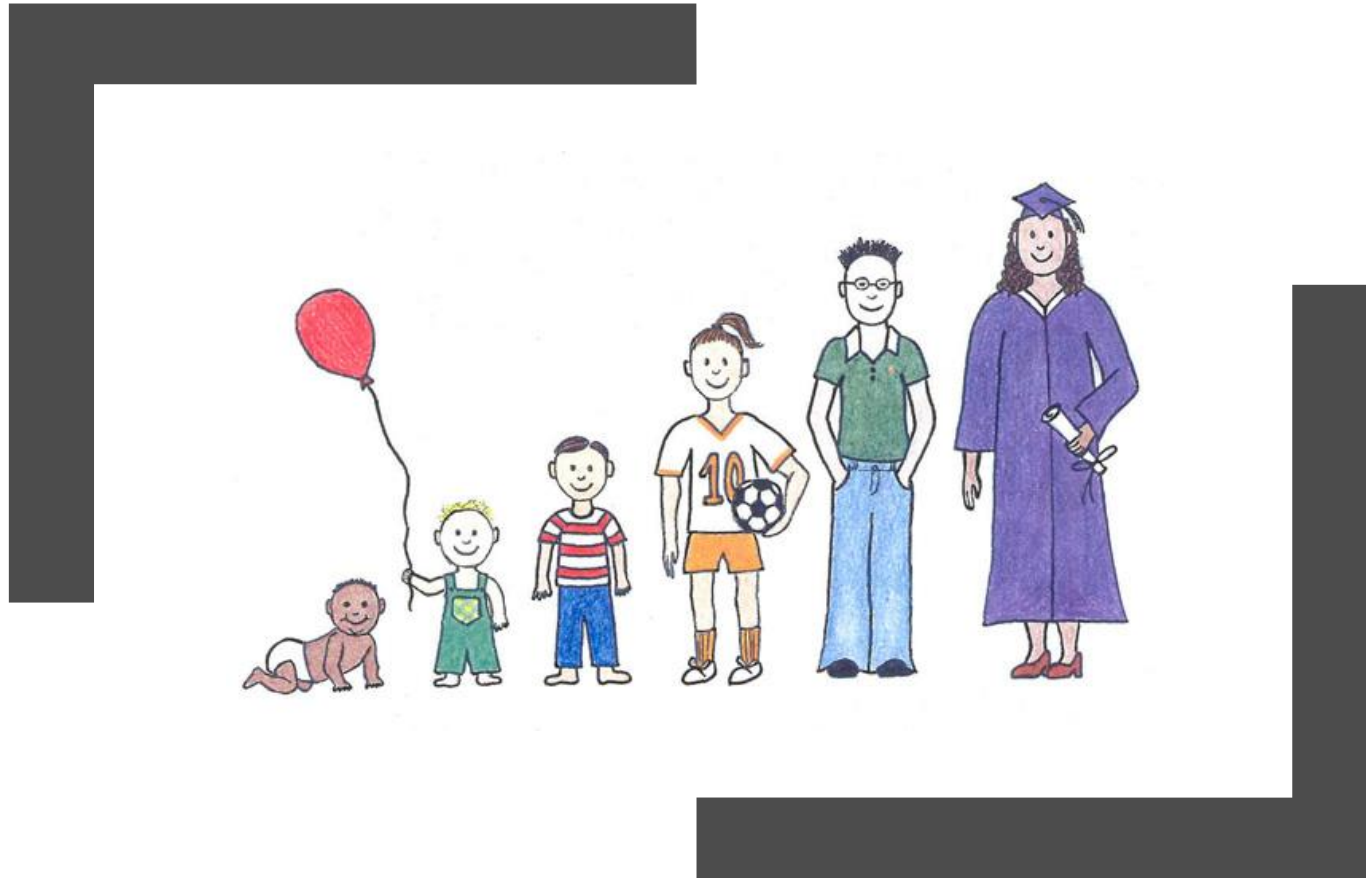
- Line 19
- Obligor receives a 10% credit if the Court has issued/is issuing a parenting time order that equals or exceed ninety overnights per year.
- Current Summit Standard Parenting Time Order does NOT equal or exceed 90 overnights



Parenting Time Order Credit



Child Care Expenses- (line 21)

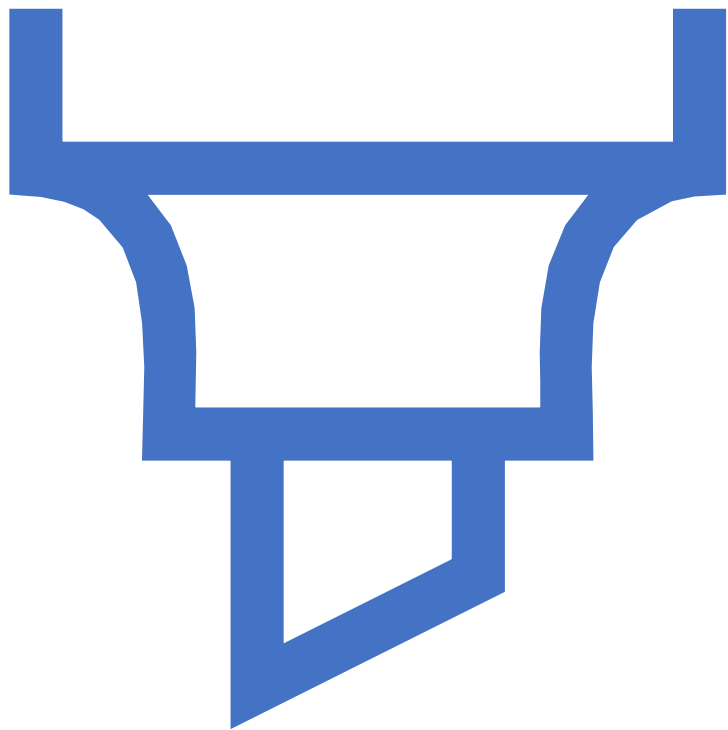


- Age sensitive
- Provide birth date for each child
- Capped amounts at each age level
- Capped percentage for low income obligors

And...finally CASH MEDICAL (line 23)

- **Cash medical support** is **always** calculated and is **always** ordered and is **always** paid
- Cash medical helps define extraordinary medical expenses
- Extraordinary = anything in excess of the total annual cash medical support





Those are the
statutory change
highlights.
And now . . .



Part Two

The “Magic and the Mandatory”



Drafting the New Order– No more flipping

- Q: Where does that *flipping* language go?
 - A: No where. Get rid of it!! The amounts stay the same every month, regardless of private insurance being provided

RECOMMENDED ORDER:

The Child Support Obligor shall pay:

- \$<**monthly child support obligation**> per month, plus 2% processing charge for current child support. *[use line 24 amount, unless deviation, then use line 26]*
- \$<**monthly cash medical support obligation**> per month, plus 2% processing charge for cash medical support. *[use line 27, unless deviation, then use line 29]*
- For a total of \$<**monthly child support obligation + monthly cash medical support obligation**>, plus 2% administrative fees per month (Guideline Worksheet attached).

PLEASE REMOVE FROM YOUR TEMPLATES:

- Starting on the first day of the month in which private health insurance is being provided in accordance with this order for the child(ren) named above, the Child Support Obligor shall pay \$<current support when private health insurance is provided>per child, per month for current child support plus 2% processing charge, for a total of \$ <total, plus 2%> per month (*Guidelines Worksheet attached*).
- Starting on the first day of the month in which either private health insurance is **no longer** being provided in accordance with this order for the child(ren) named above **OR** a Health Insurance Obligor has not yet been identified as indicated below, the Child Support Obligor shall pay \$<current support when no private health insurance is provided> per child, per month for current child support, and \$<Cash Medical support amount> per child, per month for cash medical support plus 2% processing charge, for a total of \$<total current support when no private health insurance, plus Cash Medical, plus 2%> per month. (*Guidelines Worksheet attached*).



Cash Medical Support

The way it used to be: Cash medical support was charged only when private health insurance was NOT being provided.

The way it is after 3/28/19: Cash medical support is charged EVERY month, regardless of whether either party is providing private health insurance.

Drafting the New Order— Extraordinary Medical Expenses

- Q: Where does that language about the obligee paying the first \$100 of uninsured medical expenses go?
 - A: No where. Get rid of it!!

EXTRAORDINARY MEDICAL EXPENSES

In accordance with ORC section 3119.30 or 3119.32, the **Child Support Obligor** <Insert Obligor name> shall pay <percentage>% and the **Child Support Oblige** <Insert Oblige Name> shall pay <percentage>% of the costs of the uninsured medical expenses incurred for a child during a calendar year that exceeds the total cash medical support amount owed by the parents during that year.



Drafting the New Order— Health Insurance

- Q: Where did that language about “neither have health insurance at a reasonable cost, both shall report when private health insurance becomes available...” go?
 - A: To a galaxy far, far away....

Child Support Obligees are now presumed to be the appropriate parent to provide health insurance, and Obligees **will be ordered** to be the Health Insurance Obligor, **unless** the presumption is rebutted.



Drafting the New Order— Medical Insurance Options

OPTION 1: One parent ordered to provide health insurance

<Parent> shall secure and maintain health insurance for the child(ren) named above, and shall hereafter be referred to as the health insurance obligor for the following reason:

- The child support obligee is rebuttably presumed to be the appropriate parent to provide health insurance coverage for the child(ren).
- The child support obligor has health insurance coverage available for the child that is reasonable in cost.
- The child support obligor already has health insurance coverage in place for the child that is not reasonable in cost, but the child support obligor wishes to be named the health insurance obligor.
- The child support obligor has health insurance coverage available for the child that is not reasonable in cost, but the child support obligor wishes to be named the health insurance obligor.

Drafting the New Order— Medical Insurance Options

OPTION 2: Both parents ordered to provide health insurance

<Parent 1> and <Parent 2> shall each be a health insurance obligor because both parents wish to be named health insurance obligors and already have health insurance coverage in place or have health insurance coverage available for the child(ren).

Drafting the New Order-- Updating the standard notice language

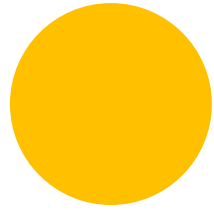
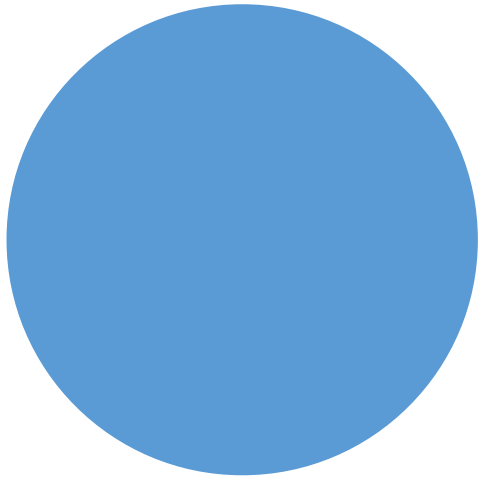
NOTICE TO CHILD SUPPORT OBLIGOR AND OBLIGEE PURSUANT TO ORC SECTION 3121.29

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

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





Questions?

Thank you!