



## Ohio Administrative Code

### Rule 5101:12-45-10 Calculation of the support obligations.

Effective: January 15, 2020

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(A) The child support enforcement agency (CSEA) shall comply with the requirements contained within this rule and rule 5101:12-1-17 of the Administrative Code when calculating or adjusting the child support and cash medical support obligations contained within a child support order.

(B) The CSEA shall not deviate from the guidelines.

(1) When a deviation is desired by either party, the requesting party shall petition the appropriate court.

(2) In accordance with section 3119.63 of the Revised Code, when a court child support order under review contains a deviation granted under section 3119.06, 3119.22, 3119.23, 3119.231, or 3119.24 of the Revised Code, the CSEA shall do one of the following:

(a) Apply the deviation from the existing order to the revised amount of child support, provided that the agency can determine the monetary or percentage value of the deviation with respect to the court child support order; or

(b) Not apply the deviation from the existing order to the revised amount of child support, when the CSEA can not determine the monetary or percentage value of the deviation.

(3) The CSEA shall indicate on the JFS 07724, "Administrative Adjustment Recommendation" (effective or revised effective date as identified in rule 5101:12-45-99 of the Administrative Code) whether the court-ordered deviation has been applied in accordance with paragraph (B)(2) of this rule.

(C) In accordance with division (C)(17) of section 3119.01 of the Revised Code, the CSEA may impute potential income to a parent when the CSEA determines that the parent is voluntarily unemployed or underemployed.



(1) Imputed income may be based on what the parent would have earned if fully employed as determined from the following criteria:

- (a) The parent's prior employment experience;
- (b) The parent's education;
- (c) The parent's physical and mental disabilities, if any;
- (d) The availability of employment in the geographic area in which the parent resides;
- (e) The prevailing wage and salary levels in the geographic area in which the parent resides;
- (f) The parent's special skills and training;
- (g) Whether there is evidence that the parent has the ability to earn the imputed income;
- (h) The age and special needs of the child subject to the child support order (hereafter "child");
- (i) The parent's increased earning capacity because of experience;
- (j) The parent's decreased earning capacity because of a felony conviction; or
- (k) Any other relevant factor.

(2) Income may also be imputed from any non income-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the CSEA, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, when the income is significant.

(D) In accordance with division (I) of section 3119.05 of the Revised Code, unless it would be unjust or inappropriate and therefore not in the best interest of the child, a CSEA shall not determine



a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if any of the following conditions exists:

(1) The parent is receiving recurring monetary income from means-tested public assistance benefits, including cash assistance payments under the Ohio works first program established under Chapter 5107. of the Revised Code, general assistance under former Chapter 5113. of the Revised Code, supplemental security income, or means-tested veterans' benefits; or

(2) The parent is approved for social security disability insurance benefits because of a mental or physical disability, or the court or CSEA determines that the parent is unable to work based on medical documentation that includes a physician's diagnosis and a physician's opinion regarding the parent's mental or physical disability and inability to work; or

(3) The parent has proven that the parent has made continuous and diligent efforts without success to find and accept employment, including temporary employment, part-time employment, or employment at less than the parent's previous salary or wage; or

(4) The parent is complying with court-ordered family reunification efforts in a child abuse, neglect, or dependency proceeding, to the extent that compliance with those efforts limits the parent's ability to earn income; or

(5) The parent is institutionalized for a period of twelve months or more with no other available income or assets.

(E) In accordance with division (J) of section 3119.05 of the Revised Code, when a court or agency calculates the income of a parent, it will not determine a parent to be voluntarily unemployed or underemployed and will not impute income to that parent if the parent is incarcerated.

"Incarcerated" has the same meaning as in division (Q) of section 3119.05 of the Revised Code.

(F) In accordance with division (L) of section 3119.05 of the Revised Code, a CSEA may disregard a parent's additional income from overtime or additional employment when the agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances.



(G) In accordance with division (M) of section 3119.05 of the Revised Code, if both parents involved in the immediate child support determination have a prior order for support relative to a minor child or children born to both parents, the CSEA shall collect information about the existing order or orders and consider those together with the current calculation for support to ensure that the total of all orders for all children of the parties does not exceed the amount that would have been ordered if all children were addressed in a single proceeding.

To determine the amount of the child support obligation, including cash medical, the CSEA shall calculate the guidelines using the total number of common children between the parties to determine what the ordered child support amount would have been if all children were being addressed in a single order. Subtract from that amount the total of any existing current child support obligations for common children between the parties.

(1) When the calculation results in a balance of zero or greater, the balance becomes the obligation amount for the new child support obligation, or;

(2) When the calculation results in a balance that is less than zero, the resulting child support obligation shall be zero.

(H) In accordance with section 3119.051 of the Revised Code, the support obligation shall be reduced by ten per cent of the amount of the individual support obligation for the parent(s) when a court has issued or is issuing a court-ordered parenting time order that equals or exceeds ninety overnights per year. This reduction may be in addition to the other deviations and reductions.

(I) In accordance with section 3119.04 of the Revised Code, in determining the amount of child support to be paid under any child support order issued or adjusted by the CSEA:

(1) When the combined annual income of both parents falls below eight thousand four hundred dollars, the CSEA shall apply the minimum support amount in accordance with section 3119.06 of the Revised Code. The CSEA, in its discretion and in appropriate circumstances, may issue a minimum support order of less than eighty dollars a month or issue an order not requiring the obligor to pay any child support amount. The circumstances under which a CSEA may issue an order include



the nonresidential parent's medically verified or documented physical or mental disability or institutionalization in a facility for persons with a mental illness or any other circumstances considered appropriate by the CSEA.

(2) The CSEA shall enter the figure, determination, and supporting findings on the JFS 07719, "Administrative Order for Child Support and Medical Support" (effective or revised effective date as identified in rule 5101:12-45-99 of the Administrative Code) or JFS 07724.

(3) When the combined annual income of both parents is greater than the maximum amount listed on the JFS 07767, "Basic Child Support Schedule" (effective or revised effective date as identified in rule 5101:12-1-99 of the Administrative Code), the CSEA shall determine the amount of the obligor's child support obligation on a case-by-case basis and shall consider the needs and the standard of living of the child and of the parents.

The CSEA shall compute a basic combined child support obligation that is no less than the obligation that would have been computed under the basic child support schedule and applicable worksheet for a combined annual income equal to the maximum annual incomes listed on the JFS 07767, unless the CSEA determines that it would be unjust or inappropriate and therefore not in the best interest of the child, obligor, or obligee to order that amount. When the CSEA makes such a determination, the CSEA shall enter the figure, determination, and supporting findings of fact in an addendum to the JFS 07719 or JFS 07724.

(J) In determining the amount of cash medical support to be paid under any child support order issued or adjusted by the CSEA, the CSEA shall calculate the cash medical support obligation in accordance with this rule and with rule 5101:12-1-17 of the Administrative Code. The cash medical support amount shall be ordered based on the number of children subject to the order and split between the parties using the parents' income share.

(K) When calculating the appropriate amount of child support and cash medical support to be paid under a child support order, the CSEA shall determine the appropriate parent(s) to provide health care coverage for the children.