



## Ohio Administrative Code

### Rule 5101:12-57-01.1 Enforcement of order to report private health insurance.

Effective: January 15, 2020

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(A) The provisions of this rule only apply to child support orders issued or modified prior to March 28, 2019, in accordance with section 3119.30 of the Revised Code as adopted under Amended Substitute House Bill 119 of the 127th General Assembly.

(B) A child support order issued or modified pursuant to division (B)(4) of section 3119.30 of the Revised Code requires both parties to the child support order to report available private health insurance coverage to the child support enforcement agency (CSEA).

(1) When a CSEA becomes aware that private health insurance coverage for the child may be available to a party and a health insurance obligor has not been established under the child support order, the CSEA shall conduct an investigation to determine whether private health insurance coverage for the child that is reasonable in cost is available.

The CSEA shall use line 7b of the child support computation worksheet from the most recent child support order to determine reasonable cost.

(2) When the CSEA determines that private health insurance coverage for the child that is reasonable in cost is not available, the CSEA shall issue the JFS 04032, "Notice to Provide Cash Medical Support" (effective or revised effective date as identified in rule 5101:12-57-99 of the Administrative Code), to both parties, notifying the parties of the determination and that:

(a) The cash medical support obligation and the child support obligation when health insurance is not available shall continue; and

(b) Both parties have a right to request a medical support mistake of fact hearing regarding whether private health insurance coverage for the child that is accessible and reasonable in cost is available to either party.



(3) When the CSEA determines that private health insurance coverage for the child that is reasonable in cost is available, the CSEA shall:

(a) Issue the JFS 04033, "Notice to Provide Private Health Insurance" (effective or revised effective date as identified in rule 5101:12-57-99 of the Administrative Code), to both parties, notifying the parties that:

(i) The party to whom the coverage is available is now the health insurance obligor and is ordered to provide the private health insurance coverage for the child;

(ii) The current cash medical support obligation shall cease in accordance with rule 5101:12-47-01.2 of the Administrative Code and the current child support obligation shall be the amount ordered to be paid when health insurance is available; and

(iii) Both parties have a right to request a medical support mistake of fact hearing regarding whether private health insurance coverage for the child that is accessible and reasonable in cost is available to the health insurance obligor.

(b) Issue a copy of the JFS 04033 to the court when the child support order is a court order;

(c) Issue any modified income withholding or deduction notices necessary when the cash medical support stops; and

(d) Enforce the medical support provision to provide the private health insurance in accordance with rules 5101:12-57-10 to 5101:12-57-10.6 of the Administrative Code.

(C) A child support order issued or modified pursuant to division (B)(1), (B)(2), or (B)(3) of section 3119.30 of the Revised Code requires the health insurance obligor(s) to provide private health insurance that is reasonable in cost and both parties to report available coverage to the CSEA when the coverage is not being provided by the health insurance obligor(s) in accordance with the order.

(1) When a CSEA becomes aware that private health insurance coverage for the child is available to one of the parties and cash medical support is to be paid because coverage is not currently being



provided by the health insurance obligor(s) in accordance with the order, the CSEA shall conduct an investigation.

During the investigation, the CSEA shall determine whether private health insurance coverage for the child is available to the party. The CSEA is not required to determine whether the private health insurance coverage is reasonable in cost.

(2) When the CSEA determines that private health insurance coverage for the child is available to the health insurance obligor, the CSEA shall:

(a) Issue the JFS 04031, "Notice Regarding Cash Medical Support Order" (effective or revised effective date as identified in rule 5101:12-57-99 of the Administrative Code), to both parties, notifying the parties that:

(i) The health insurance obligor is ordered to provide the private health insurance coverage for the child;

(ii) The current cash medical support obligation shall cease in accordance with rule 5101:12-47-01.2 of the Administrative Code and the current child support obligation shall be the amount ordered to be paid when health insurance is available; and

(iii) Both parties have a right to a request a medical support mistake of fact hearing regarding whether private health insurance coverage for the child that is accessible and reasonable in cost is available to the health insurance obligor(s);

(b) Issue any modified income withholding notices necessary when the cash medical support order stops; and

(c) Enforce the medical support provision to provide the private health insurance in accordance with rules 5101:12-57-10 to 5101:12-57-10.6 of the Administrative Code.

(3) When the CSEA determines that private health insurance coverage for the child is being provided by the other party, the CSEA shall document the coverage in the case record.



(4) When the CSEA determines that private health insurance coverage for the child is not available to either party, the CSEA shall document the findings in the case record and is not required to take any further action.