



Ohio Administrative Code

Rule 5101:12-60-05.1 Initiation of an administrative review.

Effective: January 15, 2020

(A) Every thirty-six months after the date of the most recent child support order, the child support enforcement agency (CSEA) with administrative responsibility for the child support order shall initiate an administrative review of a case in which the child is currently receiving Ohio works first benefits. Unless a court has determined that a review and adjustment of the child support order is not in the best interest of the child, the CSEA shall presume that an administrative review is in the best interest of the child.

When a caretaker has received a good cause waiver determination, the CSEA shall issue a JFS 01867, "Right to Request an Administrative Review of the Support Order" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code) to the caretaker.

(1) When the caretaker or the other party to the child support order wants an administrative review, the CSEA shall proceed in accordance with this rule.

(2) When neither the caretaker nor the other party wants an administrative review, the CSEA is not required to proceed with the administrative review.

(B) The CSEA shall immediately initiate a review and adjustment upon discovery that a child support order does not include the medical support provision to either provide health insurance coverage that is reasonable in cost for the child or to report any available health care coverage to the CSEA or court.

(C) The CSEA may initiate an administrative review and adjustment when a child support order was issued or modified in accordance with section 3119.30 of the Revised Code as that section existed before the implementation of Amended Substitute House Bill 119 of the 127th General Assembly and:

(1) There is a medical support provision for both parents to report when private health insurance



coverage for the child becomes available;

(2) One of the parents reports that private health insurance coverage for the child has become available; and

(3) A health insurance obligor has not been identified.

(D) Any party may initiate an administrative review every thirty-six months from the date of the most recent support order by:

(1) Completing and submitting the JFS 01849, "Request for an Administrative Review of the Child Support Order" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to the CSEA.

(2) Applying for an administrative review at the CSEA in the county of residence. When the county of residence is not the county with administrative responsibility, the CSEA in the county of residence shall transfer the JFS 01849 to the CSEA with administrative responsibility within two business days of receipt of the JFS 01849. The CSEA with administrative responsibility may request assistance from the CSEA in the county of residence in obtaining additional information in order to proceed with the administrative review process.

(E) Any party may initiate an administrative review by submitting the JFS 01849 to the CSEA sooner than thirty-six months when any of the following circumstances applies:

(1) The existing child support order established a minimum or a reduced child support obligation based on the guidelines due to the unemployment or underemployment of one of the parents and that parent is no longer unemployed or underemployed. The requesting party must provide to the CSEA evidence or information supporting an allegation of the change in the employment status.

(2) Either parent has become unemployed or been laid off, the unemployment or lay off is beyond the parent's control, and the unemployment or lay off has continued uninterrupted for thirty consecutive days. The requesting party must provide to the CSEA evidence of the unemployment or lay off, including evidence that the unemployment or lay off is beyond the parent's control. When the



amount of the existing child support obligation was calculated based on the annualized income of an individual who is employed in a seasonal occupation, and the cause of the request for a review is a seasonal lay off, then the parent does not meet the criteria for an administrative review under this section.

(3) Either parent has become unemployed due to a plant closing or mass lay off as defined in the Worker Adjustment and Retraining Notification (WARN) Act, 29 U.S.C. 2101 to 2109 (8/4/1988). The administrative review request may only be made after the worker's last day of employment. The worker's last day of employment is considered the date of that worker's lay off. The worker must provide to the CSEA a copy of the notice of the plant closing or mass lay off provided pursuant to the WARN Act.

(4) Either parent has become permanently disabled, reducing his or her earning ability. The requesting party must provide to the CSEA verification of receipt of benefits administered by the social security administration due to the permanent disability or a physician's complete diagnosis and permanent disability determination.

(5) Either parent has been institutionalized and cannot pay support for the duration of the child's minority and no income or assets are available to the parent that could be levied or attached for support. The requesting party must provide evidence of the institutionalization and the inability to pay support during the child's minority.

(6) Either parent is incarcerated and will be for more than one hundred eighty calendar days. "Incarcerated" has the same meaning as in division (Q) of section 3119.05 of the Revised Code. The requesting party is to provide evidence of the incarceration.

(7) Either parent has experienced a thirty per cent decrease that is beyond the parent's control, or an increase in gross income or income-producing assets for a period of at least six months that can reasonably be expected to continue for an extended period of time. The requesting party must provide to the CSEA evidence or information supporting an allegation of a change in status.

(8) The child support order is not in compliance with the guidelines because the child support obligation has terminated for one or more children and a support obligation still exists for another



child subject to the support order.

(9) In administrative child support orders over which a court has not taken jurisdiction, to consolidate children of the same parents for whom a duty of support has been established into a single administrative child support order that is in compliance with the guidelines.

(10) Any party requests access to available or improved health care coverage for the child. The requesting party must provide to the CSEA evidence or information supporting the allegation that access to new or improved health care coverage is available.

(11) Either parent has experienced an increase or decrease in the cost of child care or ordered health care coverage. When the newly reported cost of child care or health care coverage would change the existing support obligation by more than ten per cent, then the parent meets the criteria for an administrative review. The requesting party must provide to the CSEA evidence or information supporting an allegation of an increase or decrease in the cost of health care or child care. When the request is based on a change in the cost of health care, the requesting party must provide to the CSEA evidence regarding the total, actual out-of-pocket cost for health insurance premiums paid for the coverage.

(12) The health care coverage that is currently being provided in accordance with the support order is no longer accessible or reasonable in cost. The requesting party must provide to the CSEA evidence or information supporting an allegation that the health care coverage is no longer accessible or reasonable in cost.

(13) The child support order contains a medical support provision for cash medical support issued prior to March 28, 2019 and the obligor reports that his or her annual gross income is now below one hundred fifty per cent of the federal poverty level for an individual. The obligor must provide to the CSEA evidence or information supporting an allegation that his or her annual gross income is below one hundred fifty per cent of the federal poverty level for an individual.

(14) The obligor is a member of the uniformed services and is called to active military service for a period of more than thirty days.



(15) An obligor who received a temporary support order adjustment pursuant to rule 5101:12-60-05.2 of the Administrative Code has notified the CSEA that the obligor's term of active military service has ended and has provided written documentation sufficient to establish that the obligor's employer has violated the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 to 4333 (10/9/1996).

(F) The CSEA shall provide a JFS 01849 to a party requesting an administrative review within three business days of the request.

(G) The CSEA is not required to administratively review or adjust a child support order when any party elects to proceed through court, either through self-representation or through private counsel, or an action has been filed with the court by either party that may have an impact on the administrative review. When a party elects to proceed through the court and the court subsequently dismisses the action, the CSEA may administratively review the child support order in accordance with this rule.