



Ohio Revised Code

Section 3119.05 Other computing and calculating guidelines.

Effective: October 17, 2019

Legislation: House Bill 166 - 133rd General Assembly

When a court computes the amount of child support required to be paid under a court child support order or a child support enforcement agency computes the amount of child support to be paid pursuant to an administrative child support order, all of the following apply:

(A) The parents' current and past income and personal earnings shall be verified by electronic means or with suitable documents, including, but not limited to, paystubs, employer statements, receipts and expense vouchers related to self-generated income, tax returns, and all supporting documentation and schedules for the tax returns.

(B) The annual amount of any court-ordered spousal support actually paid, excluding any ordered payment on arrears, shall be deducted from the annual income of that parent to the extent that payment of that court-ordered spousal support is verified by supporting documentation.

(C) The court or agency shall adjust the amount of child support paid by a parent to give credit for children not included in the current calculation. When calculating the adjusted amount, the court or agency shall use the schedule and do the following:

(1) Determine the amount of child support that each parent would be ordered to pay for all children for whom the parent has the legal duty to support, according to each parent's annual income. If the number of children subject to the order is greater than six, multiply the amount for three children in accordance with division (C)(4) of this section to determine the amount of child support.

(2) Compute a child support credit amount for each parent's children who are not subject to this order by dividing the amount determined in division (C)(1) of this section by the total number of children whom the parent is obligated to support and multiplying that number by the number of the parent's children who are not subject to this order.

(3) Determine the adjusted income of the parents by subtracting the credit for minor children not



subject to this order computed under division (C)(2) of this section, from the annual income of each parent for the children each has a duty to support that are not subject to this order.

(4) If the number of children is greater than six, multiply the amount for three children by:

(a) 1.440 for seven children;

(b) 1.540 for eight children;

(c) 1.638 for nine children;

(d) 1.734 for ten children;

(e) 1.827 for eleven children;

(f) 1.919 for twelve children;

(g) 2.008 for thirteen children;

(h) 2.096 for fourteen children;

(i) 2.182 for more than fourteen children.

(D) When the court or agency calculates the annual income of a parent, it shall include the lesser of the following as income from overtime and bonuses:

(1) The yearly average of all overtime, commissions, and bonuses received during the three years immediately prior to the time when the person's child support obligation is being computed;

(2) The total overtime, commissions, and bonuses received during the year immediately prior to the time when the person's child support obligation is being computed.

(E) When the court or agency calculates the annual income of a parent, it shall not include any



income earned by the spouse of that parent.

(F) The court shall issue a separate medical support order for extraordinary medical expenses, including orthodontia, dental, optical, and psychological services.

If the court makes an order for payment of private education, and other appropriate expenses, it shall do so by issuing a separate order.

The court may consider these expenses in adjusting a child support order.

(G) When a court or agency calculates the amount of child support to be paid pursuant to a court child support order or an administrative child support order, the following shall apply:

(1) The court or agency shall apply the basic child support schedule to the parents' combined annual incomes and to each parent's individual income.

(2) If the combined annual income of both parents or the individual annual income of a parent is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined annual income or the individual parent's annual income.

(3) If the annual individual income of either or both of the parents is within the self-sufficiency reserve in the basic child support schedule, the court or agency shall do both of the following:

(a) Calculate the basic child support obligation for the parents using the schedule amount applicable to the combined annual income and the schedule amount applicable to the income in the self-sufficiency reserve;

(b) Determine the lesser of the following amounts to be the applicable basic child support obligation:



- (i) The amount that results from using the combined annual income of the parents not in the self-sufficiency reserve of the schedule; or
 - (ii) The amount that results from using the individual parent's income within the self-sufficiency reserve of the schedule.
- (H) When the court or agency calculates annual income, the court or agency, when appropriate, may average income over a reasonable period of years.
- (I) Unless it would be unjust or inappropriate and therefore not in the best interests of the child, a court or agency 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 exist:
- (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;
 - (2) The parent is approved for social security disability insurance benefits because of a mental or physical disability, or the court or agency 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.
 - (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.
 - (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.
 - (5) The parent is institutionalized for a period of twelve months or more with no other available



income or assets.

(J) When a court or agency calculates the income of a parent, it shall not determine a parent to be voluntarily unemployed or underemployed and shall not impute income to that parent if the parent is incarcerated.

(K) When a court or agency requires a parent to pay an amount for that parent's failure to support a child for a period of time prior to the date the court modifies or issues a court child support order or an agency modifies or issues an administrative child support order for the current support of the child, the court or agency shall calculate that amount using the basic child support schedule, worksheets, and child support laws in effect, and the incomes of the parents as they existed, for that prior period of time.

(L) A court or agency may disregard a parent's additional income from overtime or additional employment when the court or agency finds that the additional income was generated primarily to support a new or additional family member or members, or under other appropriate circumstances.

(M) 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 court or agency 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 judicial or administrative proceeding.

(N) A support obligation of a parent with annual income subject to the self-sufficiency reserve of the basic child support schedule shall not exceed the support obligation that would result from application of the schedule without the reserve.

(O) Any non-means tested benefit received by the child or children subject to the order resulting from the claims of either parent shall be deducted from that parent's annual child support obligation after all other adjustments have been made. If that non-means tested benefit exceeds the child support obligation of the parent from whose claim the benefit is realized, the child support obligation for that parent shall be zero.



(P) As part of the child support calculation, the parents shall be ordered to share the costs of child care. Subject to the limitations in this division, a child support obligor shall pay an amount equal to the obligor's income share of the child care cost incurred for the child or children subject to the order.

(1) The child care cost used in the calculation:

(a) Shall be for the child determined to be necessary to allow a parent to work, or for activities related to employment training;

(b) Shall be verifiable by credible evidence as determined by a court or child support enforcement agency;

(c) Shall exclude any reimbursed or subsidized child care cost, including any state or federal tax credit for child care available to the parent or caretaker, whether or not claimed

(d) Shall not exceed the maximum state-wide average cost estimate as determined in accordance with 45 C.F.R. 98.45.

(2) When the annual income of the obligor is subject to the self-sufficiency reserve of the basic support schedule, the share of the child care cost paid by the obligor shall be equal to the lower of the obligor's income share of the child care cost, or fifty per cent of the child care cost.

(Q) As used in this section, a parent is considered "incarcerated" if the parent is confined under a sentence imposed for an offense or serving a term of imprisonment, jail, or local incarceration, or other term under a sentence imposed by a government entity authorized to order such confinement.