



OHIO STATE BAR ASSOCIATION

LAW FACTS

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Child Support

Child support is the financial contribution a parent makes to their child's upbringing. Parents who are unmarried, separated or divorcing, may request a child support order from their local child support agency, or the local juvenile or domestic relations court. If the parents are not married at the time the child is born, then paternity will have to be determined before a child support obligation can be established. Paternity may be established through court action, or through your local child support agency via genetic testing, or by signing an acknowledgement. Once paternity has been established, a child support obligation can be established, and this will include an order regarding health care expenses for the child. Parties can consult with an attorney, as well as request services through their local child support enforcement agency.

Who pays the support?

The parent ordered to pay child support is commonly referred to as the Obligor, while the person receiving the child support is the Obligee.

The Obligor is ordered to pay child support to the Obligee in a monthly amount. These payments are required to be paid through the child support enforcement agency, and not directly to the Obligee. The Obligee's share of the child support order is presumed to be spent on the child while in his/her home.

Generally, the non-custodial parent will be deemed the Obligor who pays child support to the custodial parent Obligee. Parents with a shared parenting agreement may also be required to pay child support.

How is support calculated?

Ohio uses an Income Shares model, which assumes that each parent should share in the responsibility for the financial support of the child, in proportion to their income. This formula is designed and based upon the idea that the child is entitled to the same level of financial resources that they would have received if the parents remained together with combined financial resources.

This is accomplished by calculating each parent's financial share for the support of the child, based on their income and adjustments, using a guideline calculation worksheet. Some of the factors taken into consideration in addition to the incomes of each parent are: other children who are entitled to support from each parent, costs of medical insurance, and child care expenses.

The guideline child support calculation is set by law, required to be run in every case, and presumed to be correct unless proven otherwise.

How is child support paid and received?

Child support can be paid by income deduction from an Obligor's work, by bank account withdrawal, or by other means (e.g. check or money order), paid to Ohio Child Support Payment Central.

Payments of child support are then deposited to the Obligee's child support debit card or bank account.

Who provides the health insurance?

The parent who has access to private health insurance at a reasonable cost, will be ordered to provide insurance for the minor child. The health insurance Obligor is not necessarily the same parent ordered to pay child support. The child support enforcement agency will contact the parent's employer to help with enrollment of the child if appropriate.

If health insurance is not available at a reasonable cost to either parent, then the child support Obligor may be required to pay cash medical support.

What is cash medical support?

Cash medical support is part of the child support obligation. It is an additional monetary amount that will be charged to the child support Obligor when private health insurance is not being provided. Cash medical support is paid to the Obligee, or to the State of Ohio if the child is receiving Medicaid.

How long does the child support order last?

In most cases, the current child support order terminates when the child graduates from an accredited high school, or when the child turns 18, whichever comes later. In Ohio, child support will not continue past the child's nineteenth (19) birthday, unless the court orders the support to continue. A child support order can also terminate for other reasons provided in Ohio Revised Code 3119.88.

The termination of the current child support order does not prevent the collection of past due child support amounts.

How are support orders enforced?

An Obligee can enforce a child support order by contacting an attorney or the child support enforcement agency that administers their order to review enforcement options. A child support enforcement agency has many administrative enforcement options available. Enforcement is also available through the court, typically through a contempt or show cause hearing.

Can a child support order be modified?

By law, a child support order automatically qualifies for a review if it has been 36 months (3 years) since the order was established or last reviewed. Ohio law provides 14 reasons for which the child support enforcement agency can review an order prior to 36 months. Regardless of the reason, either party must request a modification of the order by contacting the child support enforcement agency administering the order.

Additionally, a court modification may be requested if there has been a substantial change of circumstances that was not contemplated at the time of the establishment of the original order or the last modification of the child support order. Parties may consult an attorney regarding a court modification.

Can parenting time be denied if a parent doesn't pay support?

No, parenting time and child support are two separate legal issues. Consult an attorney if you have questions regarding parenting time or custody.

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