



Ohio Administrative Code

Rule 5101:12-45-15 Grandparent's request for child support for grandchild.

Effective: October 15, 2018

(A) This rule describes the process for the child support enforcement agency (CSEA) to establish an administrative child support order for a child born to parents who are unmarried and unemancipated.

(B) For the purposes of rules in division 5101:12 of the Administrative Code, "minor" means an individual under the age of eighteen years.

(C) In accordance with section 3109.19 of the Revised Code, when a child (hereafter child) is born to parents who are unmarried and unemancipated (hereafter minors) and a parent of one of the minors (hereafter grandparent) is providing support for the child, the grandparent who is providing support for the child may request the CSEA in the county in which the child resides to:

(1) Determine the existence of a parent and child relationship, if necessary; and

(2) Issue an administrative child support order, pursuant to rules 5101:12-45-05 to 5101:12-45-05.3 of the Administrative Code, requiring all of the grandparents to pay child support for the child.

(D) On receipt of a request, the CSEA shall schedule an administrative child support hearing to determine, in accordance with Chapters 3119., 3121., 3123., and 3125. of the Revised Code, the amount of child support the grandparents are required to pay, the method of paying the child support, and the method of providing for the child's health care needs.

(1) The CSEA shall hold the administrative child support hearing no later than sixty days from the date the request is received.

(2) The CSEA shall issue a notice of administrative hearing to establish a child support order to the grandparents, in accordance with rule 5101:12-30-10 of the Administrative Code, at least thirty days before the date the administrative child support hearing is to be held.



(E) In accordance with division (C)(1) of section 3109.19 of the Revised Code, the CSEA shall calculate the child support amount using the income of all the grandparents instead of the income of the minors.

(1) When the maternal or paternal grandparents are divorced or were never married, the CSEA shall calculate their income as if they were married to one another and then order each grandparent to pay his or her respective percentage of the child support imposed, based on his or her percentage of income.

(2) When a child support order issued pursuant to section 2151.23, 2151.231, 2151.232, 3111.13, or 3111.81 of the Revised Code requires one of the minors to pay child support for the child, the amount the minor is required to pay shall be deducted from any amount that the grandparents are required to pay.

(F) The CSEA shall issue an administrative child support order to require the grandparents to pay child support. The administrative order shall also provide for the health care needs of the child.

(1) In accordance with section 3111.81 of the Revised Code, the administrative child support order shall:

(a) Require periodic payments of child support that may vary in amount, except that, if it is in the best interest of the child, the administrative officer may order the purchase of an annuity in lieu of periodic payments of child support if the purchase agreement provides that any remaining principal will be transferred to the ownership and control of the child on the child's attainment of the age of majority; and

(b) Require the grandparents to provide for the health care needs of the child in accordance with sections 3119.29 to 3119.56 of the Revised Code.

(2) In accordance with division (C)(2) of section 3109.19 of the Revised Code, the CSEA shall include the following paragraph in the administrative child support order:



The grandparents may object to the administrative child support order by filing a complaint pursuant to division (B)(2) of section 3109.19 of the Revised Code with the court requesting that the court issue an order requiring the grandparents to pay child support for the child and provide for the child's health care needs; the complaint may be filed no later than thirty days after the date of the issuance of the administrative child support order; and, if none of the grandparents file a complaint pursuant to division (B)(2) of section 3109.19 of the Revised Code, the administrative child support order is final and enforceable by a court and may be modified and enforced only in accordance with Chapters 3119., 3121., 3123., and 3125. of the Revised Code.

(3) The CSEA shall include in the administrative child support order the provisions contained in divisions (D) and (E) of section 3109.19 and section 3121.29 of the Revised Code.

(G) When the CSEA receives notice that the administrative child support order should terminate, as described in division (D) of section 3109.19 of the Revised Code, the CSEA shall comply with rule 5101:12-60-50 of the Administrative Code.