



## Ohio Administrative Code

### Rule 5101:12-60-05.2 Initiation of temporary adjustment for certain military members.

Effective: February 11, 2019

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(A) This rule describes the circumstances under which an obligor who is a member of the uniformed services may request an administrative review and temporary adjustment of a child support order when called to active military duty pursuant to section 3119.77 of the Revised Code and how the child support enforcement agency (CSEA) shall proceed.

(B) The following definitions are applicable to this rule:

(1) "Active military service" means the performance of active military duty by a member of the uniformed services for a period of more than thirty days.

(2) "Uniformed services" means any reserve component of the armed forces of the United States or the Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.

(C) An obligor in the uniformed services who is called to active military duty may request an administrative review of a child support order. The obligor shall complete and submit 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). The obligor shall indicate on the JFS 01849 that the obligor is a member of the uniformed services called to active military service for a period of more than thirty days and provide with the JFS 01849 any orders or other appropriate documentation specifying the commencement date of the active military service and the monthly monetary compensation for that service.

(D) The CSEA shall consider the obligor's call to active military service as a change of circumstances substantial enough to require an administrative review of the child support order.

(E) The obligor may designate another individual to act on behalf of the obligor in the administrative review and adjustment process by providing the CSEA with a military power of



attorney executed pursuant to 10 U.S.C. 1044b (11/30/1993). The CSEA shall allow the individual identified in the military power of attorney to act on the obligor's behalf during the administrative review and provide the individual with all required administrative review notices.

(F) In accordance with section 3119.773 of the Revised Code, when an amount to be paid under a child support order is adjusted as the result of a request made under this rule, the obligor shall provide to the CSEA written notice of the date of termination of active military service. The notice shall be provided no later than the last day of the month in which the service ended. When an obligor who received a temporary child support order adjustment pursuant to this rule fails to notify the CSEA that the term of active military service ended and the obligee or the CSEA has written documentation that the term of active military service ended, the CSEA shall end the temporary adjustment order and reinstate the prior amount of support as of the first day of the month following the date that the active military service ended.

(G) In accordance with section 3119.772 of the Revised Code, when a child support order is adjusted based on an administrative review completed pursuant to this rule, the adjustment shall relate back to the date the CSEA sent the notification of administrative review, or the first day of the month in which the active military service begins, whichever occurs later.

(H) A child support order adjusted under this rule shall:

(1) Revert to the prior amount of support as of the first day of the month following the date that the obligor's active military service ends; and

(2) Include a statement that the adjustment will end and the prior amount of support will be reinstated as of the first day of the month following the date that the active military service ends, except as otherwise provided in division (C) of section 3119.771 of the Revised Code.