



## Ohio Administrative Code

### Rule 5101:12-60-05 Administrative review and adjustment process.

Effective: January 15, 2020

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(A) This rule and its supplemental rules describe the procedures for the administrative review and adjustment of child support orders. The child support enforcement agency (CSEA) shall proceed in accordance with this rule and its supplemental rules when a IV-D application as described in paragraph (A) of rule 5101:12-10-01.1 of the Administrative Code or a IV-D referral as described in paragraph (B) of rule 5101:12-10-01.1 of the Administrative Code that has been completed and filed with the CSEA.

(B) The following terms and definitions are applicable to this rule and its supplemental rules:

(1) "Adjustment" means a change in the:

(a) Amount of a current child support obligation;

(b) Amount of an ordered payment on arrears;

(c) Amount of a current cash medical support obligation; or

(d) Medical support provision:

(i) To provide health care coverage for the child subject to the child support order; or

(ii) To provide cash medical support; or

(iii) For the shared responsibility of uncovered health care expenses.

(2) "Date certain" means the date on which the administrative review of the child support order is initially scheduled to be conducted.



(3) "Date of the most recent support order" means the effective date of the last child support order, which was issued as a result of a calculation using the Ohio child support guidelines, including a no-change order.

(4) "Evidence" may include but is not limited to: a written statement, letter, or affidavit by the requesting party or a person with personal knowledge of the circumstances; a letter or other documentation from the requesting party's current or past employer, pay stubs, other employment records; written communication from the state or county department of job and family services documenting the receipt of or approval of eligibility for public assistance or unemployment compensation benefits; or any other relevant documentation.

(5) "Guidelines" refers to the Ohio child support guidelines:

(a) As set forth in Chapter 3119. of the Revised Code, prior to March 28, 2019; or

(b) As set forth in accordance with rule 5101:12-1-17 of the Administrative Code, on or after March 28, 2019.

(6) "Non-requesting party" means the person who did not submit the JFS 01849, "Request for Administrative Review of the Support Order" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), or, in an administrative review initiated by the CSEA, the obligor.

(7) "Parent" means a mother or father of the child of the support order.

(8) "Party" or "parties" means the obligee, which may be a caretaker or any individual or entity with legal or physical custody of the child, and/or the obligor(s) to a child support order.

When a party has a legal guardian or an authorized representative, the legal guardian or an authorized representative may submit documentation on behalf of the party.

(9) "Review" means an objective evaluation of information necessary to determine:



(a) Child support and cash medical support obligations based on the application of the guidelines; and

(b) Medical support provisions identified in paragraph (B)(1)(d) of this rule.

(C) The CSEA shall use the guidelines:

(1) As set forth in Chapter 3119. of the Revised Code for administrative reviews initially scheduled to be reviewed prior to March 28, 2019; or

(2) As set forth in accordance with rules 5101:12-1-17 and 5101:12-45-10 of the Administrative Code for administrative reviews initially scheduled to be reviewed on or after March 28, 2019; and

(3) As a rebuttable presumption in the administrative review and adjustment of a child support order. The CSEA shall not deviate from the use of the guidelines in calculating and recommending a revised amount.

(D) When an administrative review indicates that an adjustment is appropriate, the CSEA shall recommend the adjustment of the child support order. An adjustment is only appropriate when:

(1) The recommended amount of a child support obligation or a cash medical support obligation is more than ten per cent different than the existing obligation; or

(2) There is a change in a medical support provision identified in paragraph (B)(1)(d)(i) or (B)(1)(d)(ii) of this rule. A change in the medical support provision identified in paragraph (B)(1)(d)(iii) of this rule alone does not warrant an adjustment.

(E) The CSEA shall only administratively review and adjust the child support obligation, the cash medical support obligation, the payment on arrears, and the medical support provisions identified in paragraph (B)(1)(d) of this rule that may be contained in a child support order. The CSEA shall not review or adjust other provisions of the order such as tax exemptions, the allocation of the parental rights and responsibilities for the care of the child, or spousal support.

(F) The CSEA shall not conduct an administrative review and adjustment on the payment on an



arrears only case.

(G) In providing support enforcement program services, including an administrative review and adjustment, the CSEA and its contracted agents (e.g., prosecutors, attorneys, administrative officers) represent the best interests of the state of Ohio and not the recipient of services or the recipient's personal interest, when that interest is contrary to the interest of the state of Ohio.

(H) Every thirty-six months after the date of the most recent child support order, the Ohio department of job and family services, office of child support will issue a JFS 07049, "Notice of Right to Request Review of Child and Medical Support Order" (effective or revised effective date as identified in rule 5101:12-60-99 of the Administrative Code), to notify each party of the right to request an administrative review. The JFS 07049 provides the parties with the procedures for requesting an administrative review and the appropriate place and manner in which the request should be made.