

HOUSE BILL 366 Fact Sheet

New Child Support Guidelines Worksheet has finally arrived

After a quarter century without change, an updated version of the Ohio Child Support Guidelines has arrived. House Bill 366 passed out of the Ohio House on June 7, 2018 with a vote of **86-0**. Below are the major changes effected by the new legislation.

1. **The economic tables have been updated.** The last update to the tables was in 1992. The numbers for the tables were from economic data from the 1980s. The new tables are based upon real numbers, like actual earnings. According to research completed over the last 26 years, it has been determined that low income obligors cannot afford the amounts they have been ordered to pay.
2. **Self Sufficiency reserve:** Federal rules now require that all states have a self-sufficiency reserve in the child support tables. The new bill has addresses the self-sufficiency reserve and there is a now a graduated adjustment to the table amounts for low income obligors. (116% of the Federal Poverty Level) The theory is that then these obligors can still maintain a household after payment of child support. In addition, the thought is that if the obligors have orders they can afford to pay, we will end up with more consistent child support payments. The adjustment does phase out as income increases.
3. **The guideline worksheet:** The guideline tables now begin at combined annual gross income of \$ 8,400 and max out at \$300,000.00. The new minimum support order increases from \$ 50.00 to \$80.00 per month.

The guideline tables are also now under rule and not statute (from ORC to OAC) ODJFS must now adopt a standard worksheets and instructions. In addition, the Director of ODJFS must revise the worksheets and manuals as needed but must revise them once every five years. Changes can now be timely made based upon changes to the cost of living consistent with the Consumer Price Index.

4. **Multiple Family Orders:** The bill eliminates the current deductions from a parent's gross income for amounts paid for children under pre-existing support order and amounts for children from another parent not involved in the current child support case. New law treats all children the same by providing a standard income deduction. Each parent's deduction is computed by using economic tables and his or her individual income amount for the total number of his or her children. (This eliminates the result which gives the first child to file for child support the highest order)
5. **Parenting Time Adjustment:** There is a belief that the former tables accounted for parenting time and made an adjustment. That is not true. The new law provides a 10% parenting time adjustment for all standard parenting time orders (90 overnights per year or roughly every other weekend and one night per week) **** At the request of an obligee, that adjustment can be**

eliminated by the court if the obligor, without just cause, fails to exercise court ordered parenting time.

Deviation factor: The court must consider whether to grant a child support deviation for extended parenting time or extraordinary costs associated with parenting time when the court-ordered parenting time exceeds 90 overnights per year. This deviation is in addition to any other adjustments provided if the court ordered parenting time equals or exceed 90 overnights per year.

If parenting time exceeds 147 overnights per year the **court shall consider** a deviation and must issue findings and recommendations if the court chooses not to allow a deviation. It does not, however, mandate deviation. The court must provide supporting facts regarding the denial of all child support deviations, not just substantial deviations, regarding court-ordered parenting time that equals or exceeds 147 overnights per year.

6. **Child Care Credit:** There is now a cap on the child care credit. The credit cannot now exceed the maximum statewide average cost estimates provided by ODJFS. If the obligor's annual income is subject to the self-sufficiency reserve, the obligor's share of the child care cost must be equal to **the lower of the obligor's income share of the child care cost or 50% of the child care cost.**

7. **Imputing Income**

If the following factors exist, the court or CSEA is prevented from determining that a parent is voluntarily unemployed or underemployed;

- The parent is receiving recurring monetary income from general assistance (a form of PA) Expanded now to include General Assistance.
- The parent is approved for Social Security Disability because of a mental or physical disability
- OR the court or CSEA determines that the parent cannot worked based upon medical documents that include a physician's diagnosis that the parent cannot work due to physical or mental disability.
- The parent has proven that he or she has made a continuous and diligent effort, without success, to find and accept employment including temporary employment, part-time employment or employment at less than his or her previous wage
- The parent is complying with court ordered family reunification efforts in a child abuse, neglect, or dependency proceeding which limits the parent's ability to earn income.

8. **Medical support:**

- Child Support OBLIGEE is rebuttably presumed to be the parent to provide coverage. 3119.30(B)

Presumption can be rebutted if

- a. Child support obligor already has health insurance coverage for the child(ren) at a reasonable cost; or

- b. Obligor already has coverage, that while not reasonable in cost, obligor wished to continue to provide; or
- c. Child support obligor can obtain coverage that is reasonable in cost (court/CSEA must consider length of employment and stability of insurance if this is employer-based coverage); or
- d. Obligee is a non-parent or agency
3119.30(B)(1)

Changes will be effective in 2019. This affords ODJFS the opportunity to comply with the new requirements of HB366.

Information obtained in part from OCDA fact sheet (OCDA.us) and Ohio Legislative Commission Analysis of HB 366. <https://www.legislature.ohio.gov/download?key=9008&format=pdf>