

# ADMINISTRATIVE REVIEW AND ADJUSTMENT PROCESS

## WHAT YOU NEED TO KNOW ABOUT THE MODIFICATION PROCESS

### WHAT IS THE PROCESS FOR A MODIFICATION REVIEW?

The Review process, also known as the Modification process, is the method by which the child support obligation is reviewed to reflect the current financial situation of both parties.

Either parent or guardian can ask for a change in the order.

Child support orders may be reviewed every 36 months from the date the order was established or the date of the last review. Some orders may be reviewed sooner than the required timeframe if certain criteria are met.

The Review process takes up to several months to complete from the initial request to final order.

A IV-D Application is suggested to be on file at the CSEA with administrative responsibility to perform the Review.

#### HELPFUL DEFINITIONS

**IV-D Application**—Parties are encouraged to fill out an application for services if one is not already on file.

**Review**—The process in which a caseworker looks at both parties' income information to see if child support should be changed or if health insurance should be added or changed.

**Adjustment**—An upward or downward change in the amount of child support based on the application of the Ohio guidelines. This may involve adding or changing provisions for the child(ren)'s health care needs through private health insurance.

**County of Jurisdiction**—The CSEA in the county with administrative responsibility for the case will provide all support enforcement program services.

**Good Cause Waiver**—A caretaker of a child who has a requirement to cooperate with the CSEA due to receipt of Ohio Works First (OWF), Medicaid, or Title IV-E Foster Care Maintenance (FCM) benefits may request a good cause waiver of the requirement to cooperate with the CSEA. When the CSEA determines that cooperation from the caretaker is not in the best interests of the child or would make it more difficult for the caretaker or child to escape domestic violence, the CSEA shall approve a good cause waiver.

### WHEN CAN A REVIEW BE REQUESTED?

An early review can be requested if:

- You have been unemployed or laid-off for 30 consecutive days or longer through no fault of your own and the unemployment or layoff is expected to continue.
- You have become unemployed due to a plant closing or mass layoff.
- You are permanently disabled.
- Your child support order was for a reduced or minimum amount based on the non-custodial parent being unemployed or underemployed and the parent is now employed or gainfully employed.
- You or the other party on the case have experienced a 30 percent decrease, which is beyond the party's control, or a 30 percent increase in gross income or income-producing assets for a period of at least six months which can be reasonably expected to continue for an extended period.
- You are incarcerated with no chance of parole or are institutionalized and cannot pay support during the child's minority.
- The order does not comply with the child support guidelines due to the termination of support for a child of the existing order.
- You and the other party have a child in common and you want to add that child to an existing administrative child support order or you want to consolidate two or more existing administrative child support orders for children you have in common.
- You want access to available or improved private health insurance coverage for the child.
- You are the non-custodial parent and a member of the uniformed services and have been called to active military service for a period of more than 30 days.
- Either party has experienced an increase or decrease in the cost of child care or ordered health insurance coverage. When the newly reported cost of child care or health insurance would change the existing support obligation by more than 10 per cent, then the party meets the criteria for an administrative review.
- The child support order was

issued or modified in accordance with section 3119.30 of the Revised Code as adopted under Amended Substitute House Bill 119 of the 127th General Assembly and the private health insurance that is currently being provided in accordance with the support order is no longer accessible or reasonable in cost.

- The child support order contains a medical support provision for cash medical support and the obligor reports that his or her annual gross income is now below 150 per cent of the federal poverty level for an individual.
- An obligor who received a temporary support order adjustment pursuant to rule 5101:12-60-05.2 of the Administrative Code has notified the CSEA that the obligor's term of active military service has ended and has provided written documentation sufficient to establish that the obligor's employer has violated the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 to 4333 (10/9/1996).

## HOW WILL I KNOW IF MY CASE IS ELIGIBLE?

If the CSEA finds that your case is eligible for a review according to Ohio law, the CSEA will contact both parties within 15 days or less from the time of the request. The CSEA will ask that the parties submit

information to the CSEA within 45 days (sooner if both parties waive the 45-day period via a waiver form). Based on that information, the CSEA will then determine if the agency can modify the support order.

If the requesting party fails to return the requested paperwork, the review will be dismissed.

The CSEA has 5 business days from the date certain to mail the results.

### Please Note:

The CSEA cannot predict the outcome of your modification. By asking for a review, the parties always take the risk of their monthly support amounts going up, going down, or staying the same.

## WHAT ARE THE POSSIBLE OUTCOMES OF A REVIEW?

- No Change: (current child support amount and modified amount did NOT change by greater than 10% - Order remains the same).
- Increase in Current Child Support.
- Decrease in Current Child Support
- Addition of a medical support order
- If there is a change as a result of the modification, the new amount will commence the first day of the month after the modification was scheduled for review.

## WHAT IF I DISAGREE WITH THE RESULTS OF THE MODIFICATION?

If you disagree with the agency's finding, you may request an administrative hearing.

A request form will be included with the agency's recommendation. A hearing officer for the CSEA will conduct this hearing. The CSEA will usually schedule a hearing within 15 days or less from the time you made the request for an administrative hearing. The hearing officer will consider the information previously submitted, plus any other evidence presented at the hearing.

The hearing officer will then issue an administrative order and mail his/her decision to each party within 14 days or less from the time of the administrative hearing.

If you disagree with the administrative hearing decision, you may appeal that decision and request an additional hearing. Please check with your local CSEA for proper procedure and forms



## WHAT ELSE DO I NEED TO KNOW ABOUT THE REVIEW PROCESS?

When an existing order is in effect in one county (county of jurisdiction), but one or both parties live in another county, the review will be conducted in the county of jurisdiction.

The review date is a "date certain" or date on which the CSEA will look at your paperwork and run guidelines based on the information the parties submitted. Since the review date is not a hearing, the parties are not required to come to the agency on

that date.

If a Good Cause Waiver is in place, the Agency must proceed with the review after it is requested regardless of having an updated Good Cause Waiver.

If neither party resides in Ohio, the review must be conducted in the non-requesting party's state, unless that party agrees to the review being conducted in the county of the order.

A CSEA is not required to administratively review or adjust a child support order when either party elects to proceed through court or an action has been filed with a court by either party that may have an impact on the administrative review.

