

## **Review and Adjustment Frequent Asked Questions**

### **REVIEW REQUESTS**

#### **When can I request a review?**

Your case qualifies for a review 3 years after the order was established or modified. If your support order was established or modified within the past 3 years, it will need to meet one of 14 qualifying events (or “criteria”) that qualify it for a review. <https://www.clermontsupportskids.org/wp-content/uploads/sites/17/2019/08/jfs-1849-request-for-admin.-review.pdf> . If you have any questions about this, please email Lauri Zagar at [lauri.zagar@jfs.ohio.gov](mailto:lauri.zagar@jfs.ohio.gov). If your case does not meet one of the criteria, you will need to file a motion with the court to have your review modified.

#### **My request for review was denied. What can I do to get my order modified?**

Contact the court your order was filed in and ask them how to file a motion to modify. If your order is in the Domestic Relations Court, their number is 513-732-7327. If your order is in the Juvenile Division court, their number is 513-732-7696. Both courts are located at 2340 Clermont Center Drive, Batavia, OH 45103. If you have an attorney, the attorney can file the motion for you.

#### **I can't afford the filing fee to file a motion to modify. What do I do?**

Request they give you an affidavit of indigence that you can fill out and submit to them to see if you qualify to not have to pay the fee.

#### **I requested a review some time ago and never received anything after that.**

If we received it, something should have been mailed out to you, whether or not the case qualified for a review. Please contact Lauri Zagar. Her email is [lauri.zagar@jfs.ohio.gov](mailto:lauri.zagar@jfs.ohio.gov) to make sure we received it and that we have your correct address. If you have trouble receiving things through the mail, we can email or fax the paperwork to you and you can fax, email it back to us or you can receive/drop off information by coming to our office.

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### **REVIEW NOTICE**

#### **What time do I need to be there for the review?**

There is no time scheduled for the review because it is not a hearing. It is a desk review and the modification worker completes a calculation based on the parents' incomes and possibly some relevant child-related expenses (medical insurance and child care).

#### **I know it says there's no need to be there, but I would like to. Can I come in for the review?**

No. However, if you feel the need to sit down with us before the review to explain certain circumstances, or to ask us questions about the review process, please contact Lauri Zagar at [lauri.zagar@jfs.ohio.gov](mailto:lauri.zagar@jfs.ohio.gov) . You can come in to go over your information with us. You may also contact us after the review is completed if you have any questions regarding it.

## **How long is this going to take?**

Once the review is completed, if there are no objections, the order will be put into effect 14 days following the date the recommendation was mailed. If the obligor is employed, a withholding order will be mailed to their employer for the newly modified amount. If an objection is submitted, and an administrative hearing is scheduled, it will be held in about 15 days from the time it is scheduled. If a court hearing is scheduled, it will take longer, depending on the available hearing times the court has available. The parties will have another objection period to submit an objection in writing (if they so choose) after the hearing decision has been mailed.

## **Why is this being done?**

Either one of the parties of the case requested the review or the case appeared on a computer-generated report of cases that met criteria that, in accordance with Ohio state law (ORC 3119), required us to review the case.

## **I have custody and the obligor on my case receives Social Security. What should I do?**

Go to your local Social Security office to apply to see if the child(ren) qualify to receive Social Security benefits from the obligor's claim. If they are approved, let us know how much the child(ren) will receive and you or the obligor may request a modification review as the amount the child(ren) receive will have an impact on the child support order.

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## **SUBMITTING YOUR FINANCIAL INFORMATION**

### **What documents do you need?**

For most people, we need six months of paystubs, your most recent tax return (or the past three years' tax returns if self-employed or working a variable income job), and the 5-page review notice questionnaire filled out and returned. If you are unemployed and are receiving unemployment compensation, Social Security, disability or any other source of income we need any documentation you have regarding how much you receive from all sources of income.

### **I'm the custodial parent. Do I need to fill this out? Why?**

Yes. We need both parents' incomes in our calculation. This is in accordance with Ohio state law. You can review the Ohio Child Support Calculator at the following link: <https://ohiochildsupportcalculator.ohio.gov/home.html>

### **What will happen if I don't turn anything in?**

If you requested the review, it will be dismissed if paperwork is not returned. You will have to request the review again to have it reviewed by us. It will be scheduled for 30 days in advance and if you do not turn in your paperwork by that date, your review will be dismissed again.

If you did not request the review, we may be able to obtain your income information from your employer(s) or we may impute an income you are apparently capable of making. If no income information is available to us, we may cite you into court on a contempt for failure to provide financial information. If you do not appear at this hearing, a bench warrant may be issued for your arrest.

### **I haven't worked in years. What do you need from me?**

Please provide information including the last date of employment, how much you were being paid, and why you are no longer employed. If you are receiving income from any source, let us know the source and how much. If you filed a tax return on this income, we'll need a copy of the return. If you are medically unable to work and are not receiving disability or Social Security, you'll need to have your doctor fill out this form <https://clermontsupportskids.org/wp-content/uploads/sites/17/2017/10/physicianstatement171002.pdf>. Otherwise, we will have to impute at least a minimum wage income to you in our calculation.

### **I'm currently unemployed. What do you need from me?**

If you are receiving unemployment compensation, please include a statement that shows how much you receive. If not, we will need to know why you are ineligible for unemployment compensation and what circumstances caused your loss of employment.

### **I'm receiving public assistance. What information do you need from me?**

If you will continue to receive public assistance past the review date, the income used for your calculation will most likely be zero, so paystubs from a past job are not necessary. Please fill out the 5-page questionnaire that was mailed to you as much as it applies to you. If you have any other sources of income, let us know. A spouse's income is not includable, so we don't need to know that. If you will be no longer receiving public assistance by the time of the review and will be working, we will need to know what your new income will be.

### **I'm on Social Security Disability. What do you need from me?**

Please include a statement/letter from Social Security that shows how much you receive per month. If the child(ren) of this order also receive Social Security from your claim and you have information on how much they receive, please send us a copy of this information as well.

### **I'm self employed and don't have paystubs. What do you need from me to prove my income?**

That depends on how long you've been self-employed in the business you are currently engaged in. Please let us when you started the business. If you have been doing it for over three years and filed tax returns for those three years, please give us a copy of all three returns, including the Schedule C or other schedule (ex. Schedule E) that breaks down your revenue and expenses. If it has been less than a year and you haven't yet filed taxes, please give us a spreadsheet showing your income and expenses.

### **Do I need to give you information on how much my current spouse earns?**

No. Their income is not used in our calculation.

### **I pay a babysitter to watch my children and received a child care affidavit. What do I do with this?**

Have the babysitter fill in the information including how much they charge you to watch the child(ren) of this order. They must sign this form and have it notarized. Notaries can be found at many banks and we also have notaries here who will notarize child support related paperwork for free. The link to the form is <https://clermontsupportskids.org/wp-content/uploads/sites/17/2017/10/affidavitofchildcare171002.pdf>

### **Should I include bill statements for things such as rent/mortgage, utilities, etc.?**

No. These are not factored into the calculation. The only expenses that may be factored in are for health insurance and child care for the child(ren) of the order only.

### **Question “C” on page 1 asked how much I pay for child care. Does this include child care for child(ren) listed in question “E”?**

No. It must be child care for the child(ren) of the order that is being modified only.

### **Question “E” on page 2 asked how many minor children I have – does this include the child(ren) of this order?**

No. It also doesn't include any stepchildren you have and does not include children who are 18 years old even if they are still living with you and dependent on you. It only includes your biological children or any children who have been legally adopted by you. If a court has ordered you to have custody of a child who is not your biological child and you have not legally adopted that child, do not include the child.

### **The form asks for insurance cost on page 4 (“M”). What do I enter?**

Question “L” states “Cost of Health Care insurance”. If your employer offers employee-plus-child(ren) coverage, it would be how much the coverage costs you per month. It is the actual out of pocket cost per month.

### **Do I need to include dental, vision and prescription costs along with major medical when providing insurance information?**

Yes. If the child(ren) of the order are covered by those policies, we need the insurance costs of those as well.

### **My current spouse's employer provides the health insurance. Do you need to know how much it costs?**

No. A spouse's insurance cost is not factored into the calculation, in accordance with state laws. We need to know the insurance company's name, address, and the policy number and group number. We also need to know your spouse's name, date of birth and social security number so that we may set them up on our computer as being the person who provides insurance on your case. Without this information, if we order you to provide insurance, a notice will issue to your employer instructing them to enroll your child(ren) in their insurance policy. This can also effect the support amount you receive so it is important to report this information.

### **I am (or my significant other is) pregnant. How does that child factor into the calculation?**

A child cannot be factored in until they are born. If the child is born by the date of the review, we can factor them into the calculation, but you must let us know this happened before we do the review. If they are born or adopted within the objection period (14 days after the review is mailed), submit an objection to the review in writing and we can schedule a hearing to factor the child into the calculation.

### **The child(ren) of this order are on Medicaid. How does that affect things?**

If the obligor has insurance available at a reasonable cost, we will order they provide the insurance regardless of whether or not the child(ren) are covered by Medicaid. Once the child(ren) have been enrolled, the insurance company is considered the primary insurer and any co-pays or deductibles the policy has will be paid by Medicaid.

### **When it says I need to turn in my tax returns, does that mean I have to show how much of a tax refund check I got?**

No. A “tax return” refers to the tax form that you fill out, aka the “1040” form that shows your income, deductions and credits, and any attached forms and “schedules” that you have sent to the IRS.

### **Does “local tax” mean property tax, income tax, or both?**

Income tax only. This may appear on your paystubs, W-2 and/or a local income tax return. If you file a local income tax return, please give us a copy.

### **I have custody of the child(ren) but I am not their parent. I requested a review and didn’t receive anything. Do I need to turn in my financial information?**

No. We only need the information from the parents of the child. Please contact Lauri Zagar at email address [lauri.zagar@jfs.ohio.gov](mailto:lauri.zagar@jfs.ohio.gov) if you haven’t received information stating when the review will be.

### **I lost the 5-page review notice questionnaire packet that was sent to me. What can I do to get another one?**

Contact us if you wish us to mail it to you ([lauri.zagar@jfs.ohio.gov](mailto:lauri.zagar@jfs.ohio.gov)). You can also download it from the following link: <https://www.clermontsupportskids.org/wp-content/uploads/sites/17/2019/08/jfs-00593-financial-affidavit.pdf>

### **Where should I mail my completed packet and information to?**

Clermont County CSE, 2400 Clermont Center Drive, Suite 107, Batavia, OH 45103.

### **Can I fax it?**

Yes. Our fax number is 513-732-7444.

### **Can I email it?**

Yes. Email to [lauri.zagar@jfs.ohio.gov](mailto:lauri.zagar@jfs.ohio.gov)

### **Can I drop off the information?**

Yes. Our front desk is open 8:00 – 4:30 Monday through Friday. (Please note we are closed on national holidays and the Friday after Thanksgiving.)

### **Is there any way to predict the effect a modification review will have on my order?**

It’s hard in most cases to determine this ahead of time and we do not speculate for that reason. You can go to the following link for the State of Ohio Child Support Calculator <https://ohiochildsupportcalculator.ohio.gov/home.html>  
The Ohio Child Support Calculator will provide an estimate of the support obligations that may be included in a court or

administrative child support order. Be advised that we are making a recommendation and it is not necessarily the final order and is appealable. However, if neither party appeals the recommendation, it will become the new order.

### **How will I know the results of my review?**

They will be mailed to you. If you have a new address, inform us immediately.

### **Where can I find a copy of the Ohio state guidelines that dictate how child support orders are calculated?**

Look up Ohio Revised Code, section 3119 online at <http://codes.ohio.gov/orc/3119> or in a library that includes a currently updated edition of the Ohio Revised Code law books.

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## **RESULTS OF THE REVIEW**

### **Why are there 2 different amounts? How much is my child support going to be?**

Support will be the total of the two amounts plus 2% poundage. In accordance with state law, we are now required to recommend two different amounts: (1) child support the obligor needs to pay for child support. (2) cash medical support which is an additional amount that the obligor needs to pay towards the cost of the health insurance. The obligor would need to pay current support plus the current cash medical.

### **I'm unemployed or employed part-time and there is an amount under "Other Income".**

#### **What is that?**

The "Other Income" is "imputed" income. In accordance with state law, we need to impute an income you are capable of earning even if you are unemployed. If you are medically unable to work, you must provide a doctor's note that states you are unable to work <http://www.clermontsupportskids.org/PhysiciansStatement.pdf> otherwise, an income will be imputed at least minimum wage. If you are working part time, we impute up to 35 hours a week at minimum wage. For example, if you are working 25 hours per week, we would impute 10 hours per week (35 hours per week -25 hours worked per week) at minimum wage.

### **How much is the minimum wage?**

The federal minimum wage in the United States is currently \$7.25 per hour as of this writing (2019). Some states have their own minimum wage amounts that are higher than that. In Ohio, the minimum wage is currently \$8.55 per hour (in 2019). To find out what the minimum wage amount is in the state you live in, click on this link:

<http://www.dol.gov/whd/minwage/america.htm>

### **I'm in the military. Why was BAS and BAH counted?**

This is in accordance with Ohio state law. If you were not in the military, you would have to pay out-of-pocket for your food and housing.

### **I'm in prison and earn very little money. Why does the worksheet state my income is much higher than that?**

In some cases, it is necessary for us to impute a minimum wage to you in our calculation. This is in accordance with Ohio state law in cases where you are incarcerated for a crime of which the custodial parent and/or child(ren) of at least one of your cases are victim(s). Example: criminal non-support.

### **Why does it say the other parent's income is zero, when I know they're receiving public assistance or Social Security disability payments?**

In accordance with state law, we cannot count the income they are receiving from public assistance or SSI. We cannot impute an income to them. If in the future, they are no longer receiving public assistance, we can review the case again and an income may be used for them.

### **My current spouse provides insurance for the child(ren) of this order. Why wasn't I given credit for this?**

In accordance with Ohio law, we cannot give credit for the cost of insurance if it is provided by the spouse of a parent on the case. (FYI, We cannot include their income in the calculation either.)

### **I'm the obligor and I can't afford this order. What should I do?**

If you feel the order should be lower, you can submit to us an objection to the order in writing and we will schedule a hearing. There is a form included with the modification review recommendation paperwork you received that can be filled out and returned to us for this specific purpose. You will need to attend the hearing or the order will go through as recommended.

If the court does not rule in favor of a lower order, it may be necessary for you to seek another job in order to afford the order, especially if the income includes imputed ("Other") income. If you are medically unable to work, please have your doctor fill out this form. <http://www.clermontsupportskids.org/PhysiciansStatement.pdf>

### **If I don't agree with the new order, what can I do about it?**

Submit a written objection to the new order that states the reason you are objecting. There is a form included with the recommendation sent to you that you can fill out for this purpose or you can simply write us a letter. If you send a letter without the form, please include your name and case number or Social Security number with it so your case can be identified. The written objection **must be** received by us within 14 days of the date the recommendation was mailed.

### **The review was just done and I just lost my job, but the review includes the income from the job I lost. Should I object to the review or request a new one?**

If the review is still in its objection period (14 days from the date it was mailed to you), you can submit a written objection and have a hearing to factor in the loss of employment. If it is past that time frame, you could submit a written request for another review.

### **A modification has been done and the effective date has passed. Why haven't the child support payments changed?**

Once the new amounts have been determined, a recommendation is mailed out to both parties and they are given the opportunity to object to the new amounts if they don't agree with any of the numbers used to calculate the amounts. They have 14 days from the day the recommendation was mailed to submit the objection. If the review was done near

the end of a month, the objection period will not be over until after the effective date. When implemented, the order will be effective retroactively back to the effective date and, if the obligor's payments are made via a withholding order, a new one will be issued with the new modified amount.

### **The order includes a deviation from the Ohio child support calculation guidelines for shared parenting or other relevant reason(s). Will it be deviated again during this process?**

Possibly. The initial review is an administrative process done by the child support office and we do not have the authority to deviate from the guidelines. The guidelines apply to a case with a standard visitation schedule and not to a shared parenting schedule. The courts have the right to deviate from the guidelines; therefore, in order to have a deviation, you must submit a written objection to the administrative review, stating your reason is because of shared parenting (or other relevant reason). We will then schedule a court hearing for you and you will be notified as to where and when the hearing will be. You must be at the hearing or your objection will be dismissed and the review recommendation that has no deviation will become the order. If you attend the hearing, the court will make a determination as to how much deviation, if any, is currently appropriate in your case.

### **My ex is unemployed. If the order is adjusted in their favor because of this, can it be modified again once they are employed again?**

Yes, but you or your ex must request a review in writing and check box #1 on the review request

<https://www.clermontsupportskids.org/wp-content/uploads/sites/17/2019/08/jfs-1849-request-for-admin.-review.pdf>

### **Why was my review dismissed? Can I still have a review?**

If you requested the review and did not return the questionnaire that was mailed to you and the required documents it lists, your review may be dismissed. You can request another review in writing by filling out the review request form.

<https://www.clermontsupportskids.org/wp-content/uploads/sites/17/2019/08/jfs-1849-request-for-admin.-review.pdf>

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## **OBJECTION HEARING**

### **There is a hearing scheduled on my case. Should I be there?**

Yes. If you cannot attend the hearing, contact us to have it rescheduled if it is an administrative hearing, or contact the court if it is a court hearing. If you requested the hearing, and do not attend it, your objection(s) will be dismissed and the modification recommendation will be upheld.

### **My case has been scheduled for a hearing, but I live too far from Batavia, Ohio to make it to the hearing or will be unable to attend. What should I do?**

If the hearing is an administrative hearing to be held at the child support office, contact Lauri Zagar to let us know you will be calling in for the hearing ([lauri.zagar@jfs.ohio.gov](mailto:lauri.zagar@jfs.ohio.gov) or 513-732-7563). Our phone number is 513-732-7248. If you need to have the hearing re-scheduled, contact us. Each party can request the administrative hearing be rescheduled one time.

If the hearing is before the court, contact the court to make arrangements. If it is at the Domestic Relations Court, call 513-732-7327. If it is the Juvenile Division, call 513-732-7696.



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