

To: Attorneys who practice in DR Court

From: Judge Beth A. Smith

Date: November 12, 2008

As most of you are probably already aware, **House Bill 199** has been enacted which (A) affects the calculation of child support in Ohio and (B) provides courts with more specific criteria in determining whether a parent should be required to provide private health insurance for minor children. The Mahoning County Domestic Relations Court is going to begin applying the new law immediately.

All of the details of the new law cannot be explained here. However, this e-mail does contain a brief overview of House Bill 199.

New Child Support Worksheets & Cash Medical Support

We now have new Child Support Worksheets which are codified at R.C. 3119.022. Under the new law, Ohio Courts are now required to order the Child Support Obligor to pay **Cash Medical Support** payments to the Child Support Obligees **if the minor children are not covered by private health insurance. Every child support order must contain two child support amounts:** one amount for when the children are covered by private health insurance and a higher amount for when the children are not covered by private health insurance. The child support worksheets have been amended to calculate these two amounts.

Please note that under the new law, the Child Support Obligor is required to automatically begin paying Cash Medical Support if private health insurance is lost after child support is ordered to be paid. The Child Support Obligor is required to pay the correct amount of child support each month depending on whether the children are covered by private health insurance or not. This is a big departure from prior law. **The 2008 USDA Cash Medical Support Schedule is attached.** If the parent's income does not exceed 150% of the Federal Poverty Guidelines, the parent does not have to pay cash medical support. **The 2008 Poverty Guidelines are attached.**

The Court is using **Puritas Springs** computer software to prepare Child Support Worksheets. Some firms are also using **FinPlan**. If you are using these computer programs or another program, please contact the software vendor to make sure you have the most recent version of the program. **As of the date of this email, the most recent release of Puritas Springs is 6.13. The most recent release of FinPlan is 2008.2.**

Accessible and Reasonable Health Insurance

There have also been some changes to the manner in which the Court must decide whether a parent should provide private health insurance to the minor children. R.C. 3119.29 provides generally that for a parent to be ordered to provide private health insurance, the insurance must be accessible and reasonable in cost. As a general rule, private health insurance is considered to be accessible if the **health care providers are within 30 miles of the children** (with some exceptions). Private health insurance is considered to be reasonable in cost if the cost to provide health insurance for the children **does not exceed 5% of the parent's annual gross income**. If the cost to provide private health insurance exceeds 5% of gross income, the Court can still order a parent to provide private health insurance if the court finds it would not impose an undue financial burden. R.C. 3119.302(A)(2)

Revised Mandatory Language for Domestic Relations Orders

For your convenience, attached you will find new Mandatory Language for Domestic Relations Orders containing child support or spousal support. You will have to cut and paste the attached language to use the language which applies in your particular case. Please take a few minutes to read through this Mandatory Language and you will have a better understanding of what the new law requires. In addition to the new required language, we have made some updates to the boilerplate statutory language that continues to be required. We have restructured the same to allow for some greater clarity such as specifying at the outset the effective date of support, the controlling worksheet and updating the word processing “fee” to **processing “charge”** which is terminology now used in the Revised Code.

Notice to Employee to Provide Health Insurance discontinued

It is no longer necessary for you to attach the Notice to Employee to Provide Health Insurance form to your Judgment Entries. All of this language, as revised by H.B. 199, is now going to be included in the Judgment Entry.

Private Health Insurance Questionnaire

Because we need more detailed information about Private Health Insurance under the new law, any person filing a Complaint for Divorce, Answer, Petition for Dissolution, Motion to Modify Allocation of Parental Rights and Responsibilities, or Motion to Modify Child Support is now required to complete and **file the attached Private Health Insurance Questionnaire with the Clerk of Courts which is attached**. This completed form will be placed in the Court's Exhibit File and not kept with the main file.

Affidavit of Income, Expenses and Financial Disclosure Revised

Be advised that a revised Affidavit of Income, Expenses and Financial Disclosure has been created and is attached hereto. **Every Motion to Modify Allocation of Parental Rights and Responsibilities and Motion to Modify Child Support must be accompanied by the revised Affidavit of Income, Expenses and Financial Disclosure.** We have revised it to eliminate all references to health insurance since this is now covered by the Private Health Insurance Questionnaire. We also have made notation that **Sections II, III & IV need not be completed if being filed with post-divorce motions.** Please note that the Affidavit of Income and Expenses is still required to be filed with every Complaint for Divorce, Answer and Petition for Dissolution. Please also note that a copy of 3 recent paystubs and a copy of last year's W-2 Form or Federal Tax Return is required to be attached to the Affidavit.

New Forms on the Website

All of the above Forms and Mandatory Language will shortly be available on the Court's website which may be found at www.mahoningdrcourt.org. The new forms **bear a revision date of November 10, 2008.** Please note that the Private Health Insurance Questionnaire does not have to be typed. We are also in the process of amending the Local Rules to conform to these changes.

We appreciate your cooperation and patience in dealing with these significant changes to Ohio child support law.