

## **Review and Adjustments (Modification)**

A review and adjustment is a change of the prior support order based upon a substantial change in circumstances of one or both of the parties. If the child is not receiving Public Assistance, a review will only be done at the request of one or both of the parties.

The CSEA is **required** to conduct an administrative review:

- 36 months after the date of the most recent support order when child is currently receiving Ohio Works First benefits. Unless a court has determined that a review and adjustment of the child support order is not in the best interest of the child, the CSEA shall presume that an administrative review is in the best interest of the child.
- The CSEA shall immediately initiate a review and adjustment upon discovery that a child support order does not include the medical support provision to either provide health insurance coverage that is reasonable in cost for the child, or to report any available health care coverage to the CSEA or the court.

The CSEA **may** initiate an administrative review and adjustment when a child support order was issued or modified in accordance with section 3119.30 of the Revised Code as that section existed before the implementation of Amended Substitute House Bill 119 of the 127<sup>th</sup> General Assembly and:

- There is a medical support provision for both parties to report when private health insurance coverage for the child becomes available;
- One of the parties reports that private health insurance coverage for the child has become available; and
- A health insurance obligor has not been identified.

**Either party may initiate an administrative review every thirty-six months from the date of the most recent support order by:**

- Completing and submitting the JFS 1849 “Request for an Administrative Review of the Child Support Order” to the CSEA.

**The CSEA is not required to conduct an administrative review when:**

- Neither party resides in Ohio, unless the request is from a member of the armed services. When the CSEA denies such a request for an administrative review, the CSEA shall notify the requesting party to contact the IV-D agency in the requesting party’s state of residence.
- It has been less than thirty-six months from the date of the most recent child support order and the CSEA determines the request for the administrative review is a frequent request and there is no evidence to support the request. “Frequent Request” is defined as more than one request for an administrative review per party in a three-month period. When the CSEA denies such a request, the CSEA shall notify the requesting party of the denial and the reason for the denial.
- It has been less than thirty-six months from the date of the most recent child support order and the CSEA determines that the requesting party has failed to provide evidence or information to support the administrative review request. When the CSEA denies such a request, the CSEA shall notify the requesting party of the denial and the reason for the denial.

### **REASONS FOR A MODIFICATION PRIOR TO THE 36 MONTH TIMEFRAME**

- A. If the minimum amount of support is ordered based on the Child Support Guideline Schedule at the time the order is entered due to the unemployment or underemployment of the obligor, and information becomes available that the obligor has moved from being unemployed to employed or has changed from being underemployed to obtaining more gainful employment.
- B. Either party to the order has become unemployed or been laid off, the unemployment or lay off is beyond the party's control, and the unemployment or layoff has continued uninterrupted for thirty consecutive days. The party requesting the administrative review must provide the CSEA relevant evidence of the unemployment or layoff, including evidence that the unemployment or layoff is beyond the party's control. If the amount of the existing support order was calculated based on the annualized income of an individual who is employed in a seasonal occupation, and the cause of the request for a review is seasonal lay off, then the party **does not** meet the criteria for an administrative review.
- C. Either party has become unemployed due to a plant closing or mass layoff as defined in the Worker Adjustment and Retraining Notification Act (WARN) 1989, 29U.S.C.2101 ET SEQ. The administrative review request may only be made **after** the worker's last day of employment. The worker's last day of employment is considered the date of that worker's lay off. The worker must provide to the CSEA a copy of the notice of the plant closing or mass layoff provided pursuant to the WARN Act. You can also check the following site for a list of WARN Acts <http://jfs.ohio.gov/warn/>.
- D. Either party to the order becomes permanently disabled reducing his or her earning ability. The disability will be medically verified by the receipt of social security disability benefits and/or physicians' complete diagnosis and permanent disability determination.
- E. The other parent is incarcerated for more than 180 days. The requestor must provide evidence of the incarceration.
- F. The parent is institutionalized and cannot pay support for the duration of the child's minority and no income or assets are available to the parent which could be levied or attached for support. The requestor must provide evidence.
- G. Either party has experienced a 30% (thirty per cent) decrease in gross income which is beyond the party's control or an increase in gross income or income-producing assets for a period of at least six months and which can reasonably be expected to continue for an extended period of time. The party requesting the review must provide the CSEA relevant evidence or information supporting an allegation in a change in status.
- H. The order is not in compliance with the guidelines due to the termination of the support obligation for a child of the existing support obligation.
- I. I have children by the same parent in two or more administrative child support orders and I want to combine the orders into a single administrative order.
- J. I want to access available or improved health care coverage that is available to the child
- K. Either party has experienced an increase or decrease in the cost of childcare or ordered health care coverage. When the newly reported cost of childcare or health insurance would change the existing support obligation by more than ten per cent, then the party meets the criteria for an administrative review. The requesting party must provide to the CSEA evidence or information supporting an allegation of an increase or decrease in the cost of health insurance or childcare. When the request is based on a change in the cost of private health insurance, the requesting party must provide to the CSEA evidence regarding the cost of the total, actual out-of-pocket cost of the health insurance premium.
- L. The child support order was issued or modified in accordance with section 3119.30 (cash medical) of the Revised Code 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 requesting party must provide to the CSEA evidence or information supporting an allegation that the private health insurance is no longer accessible or reasonable in cost.

- M. I am the obligor and I assert that my annual gross income is now below 150% of the federal poverty level and I should not be ordered to pay cash medical support, issued prior to March 28, 2019. (<http://www.aspe.hhs.gov/poverty>)
- N. The obligor is a member of the uniformed services and is called to active military service for a period of more than 30 days. (see rule 5101:12-60-05.2 of the Administrative Code for instructions).
- O. 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** the obligor's employer has violated the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 to 4333.
- P. The health care coverage that is currently being provided in accordance with the child support order is no longer reasonable in cost and/or accessible.

For further information, please contact the Stark County CSEA at 330-451-8930.