Frequently Asked Questions about Child Support

What is child support?
Child support is financial support for a minor child that is calculated and established by either a county Child Support Enforcement Agency (CSEA), or a court. Informal payments or tangible items, like diapers or groceries, are not considered child support for purposes of satisfying a child support order. Child support is different from spousal support, which is financial support for the maintenance of a former spouse as part of a proceeding that terminates a marriage.

What are some common child support terms you should know?
The “obligor” or “payor” is the parent who pays support. The “obligee” or “payee” is the parent who receives support. Child support is calculated by the CSEA or a court using a mathematic formula referred to as Child Support Guidelines. This calculation is contained in a child support “worksheet,” which is required by CSEAs and courts when making a support order. In addition to a child support order, the CSEA or court will also calculate an additional “cash medical support” order. This is an additional payment to help defray costs for medical expenses.

How is child support established?
Child support is established by either the county Child Support Enforcement Agency (CSEA) or court. When a parent caring for a child receives public assistance through Ohio Works First (OWF cash assistance), the CSEA will automatically take steps to establish a child support order. The parent who receives the assistance is required to cooperate with the CSEA in establishing a support order, with some exceptions for domestic violence situations.

A parent who does not receive public assistance can still obtain child support through the CSEA by completing an application for services. The CSEA can be helpful if the parent does not know where the obligor, typically a father, lives. The CSEA has parent locator services and other systems to determine where someone lives and works in order to establish a support order.

The courts can also establish a child support order. This can be initiated through a complaint to establish paternity and support, or as part of a custody or divorce proceeding. Courts also review child support orders established by the CSEA when either parent disagrees with how the CSEA calculated the support; the parent files objections to the order with CSEA or the court, and a hearing is scheduled with the court. R.C. 3119.22-3119.24
How is child support calculated?
The CSEA and the court follow Child Support Guidelines, which are incorporated into the child support worksheet. While these calculations could be performed by hand, the CSEA, the court, and virtually all domestic and family law attorneys use specifically-designed child support software. Child support calculations take into account the parents’ or parties’ gross income. You may be able to calculate approximate child support amounts using the Ohio Department of Job and Family Services’ child support calculator: https://ohiochildsupportcalculator.ohio.gov/home.html

What income is counted?
Gross income can include income from employment, self-employment, worker’s compensation benefits, unemployment compensation, and certain disability payments, such as Social Security Disability (SSD).

What income is not counted?
Gross income does not include means-tested public assistance such as Ohio Works First (OWF) or Supplemental Security Income (SSI). Those programs are income-based and are not included.

What if the obligor or obligee is not working?
If either or both of the parents are not working, the CSEA or the court can still assign that individual income in the amount that the person could or should be earning. This determination is called “imputing” income, and it is made when someone is voluntarily unemployed or voluntarily underemployed. Generally, a court will not impute income to a person if he or she is receiving means-tested public assistance (R.C. 3119.05(I)(1)). In addition, income should not be imputed to someone who is unable to work through no fault of their own. This can happen when someone is unable to work because of disability or injury, but has not yet been approved for disability payments. Another example may be a parent who has to stay at home in order to care for a disabled child.

R.C. 3119.06 establishes a minimum support order of $80, which may be reduced. However, no enforcement action should be taken if obligor is determined to be receiving means-tested public assistance.

What other information is used to calculate child support?
Child support calculations will take into account additional information for both parents, including:(a) health insurance premium expenses for the family; (b) work-related or school-related day care expenses; (c) other biological or adopted children; and (d) other benefits received by or on behalf of the minor child (e.g., SSD derivative benefits).

What is the relationship between child support and health insurance coverage?
When child support is calculated, the CSEA and the court also review health insurance coverage for the children. R.C. 3119.29 and 3119.30. If a parent is paying for private health insurance for a child, that parent will receive credit in the child support calculation.
for the health insurance premiums for the family. A parent will be required to obtain health insurance if available at a “reasonable cost.” Reasonable cost is defined as equal to, or less than, 5% of parent’s gross income.

Regardless of whether private insurance is provided, a child support order will also include an additional “cash medical support” order. This is an additional payment to help defray costs for medical expenses.

**Can I receive child support AND public assistance at the same time?**

A recipient of cash assistance through OWF, or medical coverage for a child through Medicaid, will likely not be able to receive both at the same time. When an individual receives public assistance, he or she agrees to “assign” any child support received to the State of Ohio. If receiving OWF, an obligee will not receive child support. If a child is receiving Medicaid, obligee will not receive the additional cash medical support. The State keeps these portions as reimbursement for benefits provided to the obligee. Child support is *not* affected by the receipt of food stamps as part of the Supplemental Nutrition Assistance Program (SNAP); one can receive child support and food stamps at the same time.

**What is the difference between the way CSEA and the court calculate child support orders? Which should I use?**

CSEA, generally, must strictly follow child support guidelines. The CSEA is designed to locate obligors, establish paternity, and run basic calculations. The CSEA is typically not the best place to present information on disability if either party is not receiving formal disability payments (SSI, SSD, worker’s compensation, etc.).

The court, however, is better equipped to review a wide range of evidence when determining whether a person should be “imputed” income. Most importantly, R.C. 3119.23 allows the court to make adjustments to the child support calculation contained in the child support worksheet. Whereas the CSEA has to follow the Guidelines formula in the worksheet, the court can take into account a variety of facts and circumstances and “deviate” or adjust the child support obligation. These circumstances include: (a) obligor’s parenting time with the children; (b) obligor’s travel expenses associated with exercising parenting time; (c) other child-related expenses; and (d) and any other factor it determines necessary.

Another important feature of a court’s calculation of child support is that the court can simultaneously address certain child-related tax issues. Pursuant to R.C. 3119.82, the court can decide which parent is able to claim the child as a dependent for tax filing purposes. This court does not address the Earned Income Tax Credit, which can only be claimed by the custodial parent, or person with whom child resides more than ½ of the year. Unlike the Court, the CSEA cannot address child-related tax issues.
How can child support be modified? What happens if an obligor does not pay child support?

Child support can be modified by either the CSEA or the court, but there are important differences about when the review can occur. In addition, child support cannot be modified retroactively; it can only be modified on a going forward basis. Through the CSEA, any child support order can automatically be reviewed every thirty-six (36) months. If someone wants the CSEA to review an order before thirty-six (36) months, that person will have to pass a two-part test. First, he or she will have to show that: (a) he/she was unemployed for longer than 30 days; (b) was disabled; (c) incarcerated; or (c) experienced a 30% reduction or increase in income lasting for more than 6 months. Second, he or she will have to show that there is 10% difference between the revised support order and the prior support orders.

The court is not bound by the same rules as the CSEA. The court can conduct a broader review that can occur anytime. A parent has more ability to produce testimony (e.g., experiencing disability, but not approved for SSI or SSD). If the previous order was based on a “deviation,” then the court would be the best place to review the deviation (CSEA can only review and incorporate deviation if clearly defined; CSEA cannot change the deviation). In addition, there does not need to be a 10% difference in child support orders for the court to make a modification.

What happens if an obligor does not pay child support?

If an obligor does not comply with an order to pay child support, the obligor may be found in contempt, which may be punishable by fines or jail. Contempt can be initiated by CSEA or obligee, directly. An obligor is typically entitled to court-appointed counsel to defend against the contempt.

How to contact LASC:

In Franklin or Madison counties, call 614-241-2001 or 1-888-246-4420 or visit www.columbuslegalaid.org.

In Delaware, Marion, Morrow and Union counties, call 740-383-2161 or 1-888-301-2411 or visit www.columbuslegalaid.org.

How to contact SEOLS:

Call 1-844-302-1800 or visit www.seols.org.

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