

Child Support Orders Can Be Modified

Q: I've just lost my job, but I owe child support. Can I get my support obligation reduced?

A: You may be able to have your support obligation modified, either by asking your Child Support Enforcement Agency (CSEA) for an administrative review or by going to court to ask that your support order be modified. Whether you ask for a CSEA review or go to court to request a modification, there is no guarantee of a particular outcome. By asking for a review, parties always assume the risk that a modification may increase their child support obligation, although it also may go down or remain the same.

Q: What, exactly, is a child support modification?

A: Through the CSEA's administrative review process, also known as the "modification" process, the child support obligation is reviewed to reflect the current financial situation of both parties. The amount of child support paid may be modified, depending on the result of the review. Either parent or guardian can ask for a change in the support order.

If either party decides to seek child support modification through court, or either party has filed a court action that might have an impact on the administrative review, the CSEA is not required to review or adjust a child support order.

Q: Can I ask for a CSEA review anytime I want?

A: No. Child support orders may be reviewed every 36 months from the date the order was established or from the date of the last review, and the review process takes up to several months to complete from the time of the initial request. Under certain circumstances, some orders may be reviewed sooner.

Q: Under what circumstances can I request a review before the 36-month period is over?

A: There are many circumstances that would allow you to ask for an early review, including (to name a few): unemployment or a layoff from work for 30 days or longer, a permanent disability, a significant (30 percent) decrease or increase in income, incarceration or institutionalization for the duration of the child's minority with no income or assets available to pay child support, active military duty, and an increase or decrease in the cost of child care or health insurance.

Q: How will I know if my case is eligible for the CSEA's review?

A: If the CSEA finds that your case is eligible, the CSEA will contact both parties within 15 days from the time of your request. The CSEA will ask you and the other party to submit information within 45 days (or sooner if you both waive the 45-day period). Based on that information, the CSEA will determine if the agency can modify the support order. If, however, you have requested a

review, but fail to return the requested paperwork, the review will be dismissed.

Q: What are the possible outcomes of a CSEA review?

A: The CSEA may recommend: 1) no change; 2) increase in current child support; 3) decrease in current child support; and/or 4) addition of a medical support order. If there is a change in the amount of child support to be paid, the paying party will start paying the new amount on the first day of the month after the modification was scheduled for review.

Q: What if I disagree with the results of the CSEA's review and modification recommendation?

A: If you disagree with the CSEA's finding, you may request an administrative hearing. A request form will be included with the notification of the CSEA's recommendation. A hearing officer for the CSEA will conduct the hearing, which is usually scheduled 15 days or less from the time you requested it. The hearing officer will consider the information you submitted, as well as any other evidence presented at the hearing. The hearing officer will then issue an administrative order and mail the decision to each party within 10 days of the time of the hearing. If you disagree with the administrative hearing decision, you may appeal that decision and request an additional hearing. Check with your local CSEA for proper procedure and forms.

Q: Where can I get more information?

A: Visit www.ocda.us or contact your local Child Support Enforcement Agency.

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This "Law You Can Use" consumer legal information column was provided by the Ohio State Bar Association. It was prepared by the Ohio CSEA Directors' Association (OCDA).

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