

5101:12-60-50

Termination of support.**(A) Purpose of this rule and its supplementary rules.**

This rule and its supplementary rules describe how the child support enforcement agency (CSEA) with administrative responsibility for a child support order administratively terminates the current child support obligation and the medical support provisions when a required or optional administrative termination reason exists.

(B) Definitions.

The following definitions, unless otherwise noted, apply to rules in division 5101:12 of the Administrative Code:

- (1) "Age of majority" has the same meaning as in section 3109.01 of the Revised Code.
- (2) "Child support order" has the same meaning as in section 3119.01 of the Revised Code. For the purposes of this rule and its supplemental rules, "child support order" includes medical support provisions contained in the child support order.
- (3) "Overpaid child support" has the same meaning as in rule 5101:12-50-20 of the Administrative Code.

(C) Requirement to notify the CSEA of reason for which the child support order should terminate.

In accordance with section 3119.87 of the Revised Code, the parent who is the residential parent and legal custodian of a child for whom a child support order is issued or the person who otherwise has custody of a child for whom a child support order is issued immediately shall notify, and the obligor under a child support order may notify, the CSEA administering the child support order of any reason for which the child support order should terminate. With respect to a court child support order, a willful failure to notify the CSEA as required by section 3119.87 of the Revised Code is contempt of court.

(D) Required administrative termination reasons.

The CSEA shall initiate an administrative termination investigation to determine whether the child support order should terminate when there is a required administrative termination reason. A required administrative termination reason includes all of the following:

- (1) The child's attainment of the age of majority if the child no longer attends an accredited high school on a full-time basis and the child support order requires support to continue past the age of majority only if the child

continuously attends a high school after attaining that age;

(2) The child ceasing to attend an accredited high school on a full-time basis after attaining the age of majority, if the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age;

(3) The child support order states that child support shall not remain in effect after the child reaches nineteen years of age unless, in a court child support order, the order provides that the duty of support continues under circumstances described in division (A)(1)(a) or (A)(1)(b) of section 3119.86 of the Revised Code for any period after the child reaches age nineteen;

(4) The child's death;

(5) The child's marriage;

(6) The child's emancipation;

(7) The child's enlistment in the armed services when the child no longer attends an accredited high school on a full-time basis;

(8) The child's deportation;

(9) A change of legal custody of the child, which includes but is not limited to the granting of permanent custody of the child to a public children services agency or the termination of parental rights of the obligor through another court action;

(10) The child's adoption;

(11) The obligor's death; or

(12) The grandparent to whom support is being paid or a grandparent who is paying support reports that the grandparent's support order should terminate as a result of one of the events described in division (D) of section 3109.19 of the Revised Code.

(E) Optional administrative termination reasons.

The CSEA may elect to initiate an administrative termination investigation to determine whether the child support order should terminate when:

(1) There is an administrative child support order and a court child support order has been issued that involves the same parties and child;

(2) The mother and father of the child marry or remarry one another, the child

resides with the mother and father, and no other person has legal custody of the child; or

(3) A court makes a controlling order determination and the controlling order is not the administrative child support order or court support order that the CSEA is responsible for enforcing.

(F) Reason to terminate the child support order other than a required or an optional administrative termination reason.

(1) When the obligor or obligee requests the CSEA to terminate the child support order and the reason for terminating the child support order is not one of the required administrative termination reasons listed in paragraph (D) of this rule or one of the optional administrative termination reasons listed in paragraph (E) of this rule, the CSEA shall not administratively terminate the child support order. Instead, the CSEA shall issue a JFS 07521, "Notice to Continue Support" (11/2008), to the last known address of the person who requested the termination of the child support order.

(2) The CSEA may elect but is not required to assist the person with filing the action to terminate the child support order with the appropriate court.

(G) Restriction.

In accordance with section 3119.89 of the Revised Code, the CSEA shall not conduct an administrative review and adjustment of the child support order for any other children subject to the child support order until a final administrative or judicial order has been issued regarding the administrative termination investigation's findings and recommendations.

Replaces: Part of 5101:12-60-50
Effective: 11/15/2008
R.C. 119.032 review dates: 11/01/2013

CERTIFIED ELECTRONICALLY

Certification

10/21/2008

Date

Promulgated Under: 119.03
Statutory Authority: 3119.94, 3125.25
Rule Amplifies: 3119.87, 3119.88
Prior Effective Dates: 8/1/90, 4/1/92, 9/1/93, 12/31/93, 1/1/95, 1/1/98,
8/1/98, 12/1/98, 8/1/03, 10/30/03, 9/3/05, 1/1/06