

The MLPC is a partnership among: Advocates for Basic Legal Equality, Inc. (ABLE), Legal Aid of Western Ohio, Inc. (LAWO), Dayton Children's Hospital, Five Rivers Health Centers, and the Community Health Centers of Greater Dayton.

OBTAINING CHILD SUPPORT

Who is Eligible for Child Support?

- » *If parents of a child are not living together or are not married to each other, one parent may be required to pay child support to the other parent or provide health insurance for the child.*
- » *Paternity must be established before a child support or health care order can be made.*
- » *Child support, under most circumstances, continues until the child reaches age 18 or graduates from high school, whichever is later. To receive child support after the child turns 18, the child must be attending a high school on a full-time basis; support terminates on the child's 19th birthday. If the child is disabled, child support can continue after age 19.*
- » *Child support is always modifiable.*

Determining Child Support Amount:

Both parents provide financial information including: wage information, deductions for health insurance premiums, daycare, union dues, consideration of other children of the parent living in the home, and child support or alimony actually paid pursuant to a court order. If one parent does not provide income information, income can be imputed (or assigned) to that parent and the parent will not receive all income credits that they are entitled to receive.

Establishing a Child Support Order:

Administrative hearing process at the Child Support Enforcement Agency (CSEA): The county CSEA is required to provide assistance in establishing, modifying, and enforcing a child support order and establishing and enforcing health insurance coverage orders.

CSEA Administrative Process:

- 1) *CSEA will obtain financial information from both parents.*
- 2) *A meeting will be held before a child support hearing officer. This person will review financial documentation and determine the child support amount.*
- 3) *If either party disagrees with the child support amounts, an appeal can be filed and a hearing held.*
- 4) *The administrative order takes effect from the date of the hearing decision.*
- 5) *CSEA orders cannot provide retroactive (past) child support.*

CSEA Modifications: CSEA only does modifications under limited circumstances, including:

- 1) *There is a 30% change in income of the person paying child support which will last 6 months;*
- 2) *It has been three years since a child support review; Reviews occur every year if the child's household is receiving OWF;*
- 3) *There has been a layoff or termination of employment beyond the parent's control;*
- 4) *A parent becomes permanently disabled which reduces their working ability;*
- 5) *A parent has been called up to active military duty.*



Any legal information provided in this publication is the sole responsibility of ABLE. This publication is intended only as general information and should not be relied on as specific legal advice for any individual case or circumstances. **For legal advice applicable to your individual situation, please ask your medical provider for a referral to the MLPC, contact ABLE at (937) 228-8104, or consult with an attorney of your choice.**

mlpc.ablelaw.org/miamivalley

The Medical-Legal Partnership for Children | Miami Valley

WORKING TOGETHER FOR CHILDREN'S HEALTH

The MLPC is a partnership among: Advocates for Basic Legal Equality, Inc. (ABLE), Legal Aid of Western Ohio, Inc. (LAWO), Dayton Children's Hospital, Five Rivers Health Centers, and the Community Health Centers of Greater Dayton.

PAGE 2

OBTAINING CHILD SUPPORT

Child Support Enforcement Agencies:

- » [Montgomery County](#) (937) 225-4600
- » [Green County](#) (937) 562-6200
- » [Clark County](#) (937) 327-1700
- » [Wood County](#) (937) 440-3470

Obtaining Child Support through Court Action:

Domestic Relations Court: If a divorce is filed, the Court will issue an Order regarding custody and child support for each child of the marriage. For any child not a child of the marriage, the Domestic Relations Court can either issue a custody and child support order or refer the matter to Juvenile Court.

Juvenile Court: Child Support Requests can be filed in Juvenile Court if:

- » *Parents have never been married. The parent seeking support must attach proof of paternity to their complaint unless paternity was established by the Juvenile Court.*
- » *The child is in the legal custody of someone other than the parents or if child protective services (CSB) has ever had legal custody or protective services over the child(ren).*
- » *The parents are married individuals who are living separate and apart and want orders for child support but do not want to be divorced or legally separated.*

CSEA will file Complaints to establish child support orders in Juvenile Court on behalf of the custodian of the children or on behalf of the person having possession of the children. If CSEA files the Complaint, there is no cost to the person seeking child support; the CSEA attorney will handle the legal side of the case. The person seeking support can also file their own Motion but will have to provide financial documentation for all parties to the Court.

Court Modifications:

For either Court, the person seeking modification must file a Motion to Modify the Child Support Order with the Court. An arrearage statement from CSEA must be attached to the Motion.

Unless the Court agrees to a waiver of the filing cost, there is a charge for filing the Motion. The person filing the Motion has to prove to the Court that the modification being requested is appropriate at a hearing before a Magistrate. Verification of income for both parties and proof of any deductions will have to be presented to the Court by the party filing the Motion.



Any legal information provided in this publication is the sole responsibility of ABLE. This publication is intended only as general information and should not be relied on as specific legal advice for any individual case or circumstances. **For legal advice applicable to your individual situation, please ask your medical provider for a referral to the MLPC, contact ABLE at (937) 228-8104, or consult with an attorney of your choice.**

mlpc.ablelaw.org/miamivalley