

In re:	)	
_____	)	Case No.: _____
	)	
	)	
_____ ,	)	
Plaintiff	)	Judge: _____
	)	
v.	)	
	)	
_____ ,	)	<b><u>Child Support Agreement</u></b>
Defendant	)	<b><u>(Private Health Insurance)</u></b>
	)	
_____	)	

This matter came on for hearing this \_\_\_\_\_, 20\_\_.

**Child Support Stipulations and Findings:**

The parties have reached an agreement regarding child support based upon the following stipulations:

Regarding the Mother: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Regarding the Father: \_\_\_\_\_

\_\_\_\_\_



determined by the guideline worksheet, is \$\_\_\_\_\_ when private health insurance **is** provided and \$\_\_\_\_\_ when private health insurance **is not** provided. The parties agree that the actual annual obligation would be unjust and inappropriate and would not be in the best interest of the minor child(ren) for the following reason(s): \_\_\_\_\_

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The parties agree that a deviation in the amount of \$\_\_\_\_\_ annually would be appropriate. The child support order, stated below, deviates accordingly from the actual annual obligation.

The worksheet(s) used to compute child support and cash medical support under R.C. 3119.022 or 3119.023 is/are attached as Exhibit(s) \_\_\_\_\_.

### **Medical Support stipulations and findings:**

The parties have submitted the Private Health Insurance Questionnaire providing a list of any private health insurance policies, contracts or plans available to them pursuant to R.C. 3119.31.

The health insurance plan is accessible for the following reason:

- The plan provides primary care service within thirty miles of the child's residence.
- The residents in part or all of the child's immediate geographic areas customarily travel a farther distance than thirty miles for primary care services.
- Primary care services are only available to the child by public transportation.
- The cost of the private health insurance to the father does not exceed 5% of the annual gross income (line 7b of the Guideline Worksheet).
- The cost of the private health insurance to the mother does not exceed 5% of the annual gross income (line 7b of the Guideline Worksheet).
- The parties agree that the  father  mother  both father and mother shall obtain and maintain private health insurance that exceeds the health insurance maximum for that parent. The  father  mother has requested to obtain or maintain the private health insurance that exceeds the health insurance maximum for that parent.

- The parties agree that this court should find that it is in the best interest of the child for the parent to obtain and maintain private health insurance that exceeds 5% of that parent's annual gross income and the cost does not impose an undue financial burden on either parent pursuant to the following facts and circumstances: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

Regarding the parent(s) as the obligor(s):

- The income of the mother:
  - does not equal or exceed 150% of the federal poverty guideline and therefore the mother is not required to provide medical health insurance or make cash medical payments.
  - equals or exceeds 150% of the federal poverty guideline and therefore the mother is required to provide medical health insurance or make cash medical payments.
- The income of the father:
  - does not equal or exceed 150% of the federal poverty guideline and therefore the father is not required to provide medical health insurance or make cash medical payments.
  - equals or exceeds 150% of the federal poverty guideline and therefore the father is required to provide medical health insurance or make cash medical payments.

**Child Support and Cash Medical Support:**

***Monthly Support Obligation:***

- As to the mother as child support obligor:**  
 For purposes of this decision, \_\_\_\_\_ (SSN \*\*\*-\*\*-\_\_\_\_\_  
 \_\_\_\_\_; DOB \_\_\_\_\_) is the child support obligor (pays support) and \_\_\_\_\_ is the child support obligee (receives support)  in SETS number \_\_\_\_\_.

It is Ordered, Adjudged and Decreed that when private health insurance is being provided by a party in accordance with this order for the child in this

action, the obligor as the mother, \_\_\_\_\_, shall pay child support in the sum of \$\_\_\_\_\_ per month (\$\_\_\_\_\_ per child) plus 2% fee to CJFS-OCSS, to be disbursed to the obligee, \_\_\_\_\_, and/or assigns as approved by this Court.

It is Ordered, Adjudged and Decreed that when private health insurance is not being provided by a party in accordance with this order for the child in this action, the obligor as the mother, \_\_\_\_\_, shall pay child support in the sum of \$\_\_\_\_\_ per month (\$\_\_\_\_\_ per child) plus 2% fee to CJFS-OCSS, to be disbursed to the obligee, \_\_\_\_\_, and/or assigns as approved by this Court.

It is further Ordered, Adjudged and Decreed that when private health insurance is not being provided by a party in accordance with this order for the child in this action, the child support obligor shall pay cash medical support in the sum of \$\_\_\_\_\_ per month (\$\_\_\_\_\_ per child) plus 2% fee through CJFS-OCSS.

It is further ordered that support should be paid through Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio, 43218-2372 as final child support. Payment shall be made directly to the Cuyahoga Job and Family Services until a wage attachment takes effect.

- The first payment is due on\_\_\_\_\_.
- All payments are suspended effective \_\_\_\_\_ for the following reason:\_\_\_\_\_

\_\_\_\_\_. The first payment under this order shall be due on the first day of the first month immediately following:\_\_\_\_\_

**Method of Payment by Mother:**

- It is further ordered that the child support obligor's employer, \_\_\_\_\_ located at \_\_\_\_\_ and any successor employers or successor income source, deduct pursuant to the R.C. 3121 from the personal earnings of the mother \$\_\_\_\_\_ per month, plus a fee of 2%, and remit same to Ohio Child Support Payment Central, P.O. Box 182394, Columbus, Ohio 43281-2394.

- As the child support obligor has non-exempt funds on deposit in an

account at a financial institution:

It is therefore ordered, adjudged and decreed that a withholding or deduction notice shall issue to:

Financial Institution: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

The child support obligor shall immediately notify the CJFS-OCSS of the number and description of the account from which support shall be deducted, and the name, branch, business address and routing number of the financial institution if not set forth above.

As the support obligor has no attachable income source and has the ability to post a cash bond:

It is therefore ordered, adjudged and decreed that the support obligor, \_\_\_\_\_, post a cash bond in the amount of \$\_\_\_\_\_ with the Clerk of the Juvenile Court. When the support obligor begins to receive income from a payor, she may request that the court cancel its bond order and instead issue a notice requiring the withholding of an amount from her income for support in accordance with R.C. 3121.03(A). When the child support obligor begins to receive income from a payor, the court will collect on the bond if the court determines that payments due under this support order have not been made and that the amount that has not been paid is at least equal to the support owed for one month under this support order. The court shall issue a notice requiring the withholding of an amount from the support obligor's income for support in accordance with R.C. 3121.03(A).

The support obligor has no attachable income and has no ability to post a cash bond.

**As to the father as child support obligor:**

For purposes of this decision, \_\_\_\_\_ (SSN \*\*\*-\*\*-\_\_\_\_; DOB \_\_\_\_\_) is the child support obligor (pays support) and \_\_\_\_\_ is the child support obligee (receives support)  in SETS number \_\_\_\_\_.

It is Ordered, Adjudged and Decreed that when private health insurance is being provided by a party in accordance with this order for the child in this action, the obligor as the father, \_\_\_\_\_, shall pay child

support in the sum of \$\_\_\_\_\_ per month (\$\_\_\_\_\_ per child) plus 2% fee to CJFS-OCSS, to be disbursed to the obligee, \_\_\_\_\_, and/or assigns as approved by this Court.

It is Ordered, Adjudged and Decreed that when private health insurance is not being provided by a party in accordance with this order for the child in this action, the obligor as the father, \_\_\_\_\_, shall pay child support in the sum of \$\_\_\_\_\_ per month (\$\_\_\_\_\_ per child) plus 2% fee to CJFS-OCSS, to be disbursed to the obligee, \_\_\_\_\_, and/or assigns as approved by this Court.

It is further Ordered, Adjudged and Decreed that when private health insurance is not being provided by a party in accordance with this order for the child in this action, the child support obligor shall pay cash medical support in the sum of \$\_\_\_\_\_ per month (\$\_\_\_\_\_ per child) plus 2% fee through CJFS-OCSS.

It is further ordered that support should be paid through Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio, 43218-2372 as final child support. Payment shall be made directly to the Cuyahoga Job and Family Services until a wage attachment takes effect.

- The first payment is due on\_\_\_\_\_.
- All payments are suspended effective \_\_\_\_\_ for the following reason:\_\_\_\_\_

\_\_\_\_\_. The first payment under this order shall be due on the first day of the first month immediately following:\_\_\_\_\_

**Method of Payment by Father:**

- It is further ordered that the child support obligor's employer, \_\_\_\_\_ located at \_\_\_\_\_ and any successor employers or successor income source, deduct pursuant to the R.C. 3121 from the personal earnings of the father \$\_\_\_\_\_ per month, plus a fee of 2%, and remit same to Ohio Child Support Payment Central, P.O. Box 182394, Columbus, Ohio 43281-2394.

- As the child support obligor has non-exempt funds on deposit in an account at a financial institution:

It is therefore ordered, adjudged and decreed that a withholding or deduction notice shall issue to:

Financial Institution: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

The child support obligor shall immediately notify the CJFS-OCSS of the number and description of the account from which support shall be deducted, and the name, branch, business address and routing number of the financial institution if not set forth above.

As the support obligor has no attachable income source and has the ability to post a cash bond:

It is therefore ordered, adjudged and decreed that the support obligor, \_\_\_\_\_, post a cash bond in the amount of \$\_\_\_\_\_, with the Clerk of the Juvenile Court. When the support obligor begins to receive income from a payor, she may request that the court cancel its bond order and instead issue a notice requiring the withholding of an amount from his income for support in accordance with R.C. 3121.03(A). When the child support obligor begins to receive income from a payor, the court will collect on the bond if the court determines that payments due under this support order have not been made and that the amount that has not been paid is at least equal to the support owed for one month under this support order. The court shall issue a notice requiring the withholding of an amount from the support obligor's income for support in accordance with R.C. 3121.03(A).

The support obligor has no attachable income and has no ability to post a cash bond.

***Duties of Child Support Obligor and Obligees:***

It is further ordered that \_\_\_\_\_, as child support obligor(s) shall be responsible for paying child support as ordered directly to the Ohio Child Support Payment Central until a wage deduction/ attachment takes effect. All payments shall include the following: The Child Support Obligor's name, Social Security Number, SETS case number, and Juvenile Court case number.

It is further ordered that the child support obligor(s) seek employment and immediately notify the Cuyahoga Job and Family Services, P.O. BOX 93318,



Cleveland, Ohio 44101-5318, in writing, upon obtaining any income or upon obtaining ownership of any asset with a value of \$500.00 or more.

It is further ordered that the child support obligor(s), if unemployed, register with OhioMeansJobs.

It is further ordered that child support obligor(s) immediately notify the CJFS-OCSS, in writing, of any change in employment, including self-employment, including the nature of any new employment, the name and business address of any new employer and the availability of any other sources of income that can be the subject of a withholding order.

It is further ordered that child support obligor(s) notify the CJFS-OCSS, in writing, immediately upon commencement of employment, including self-employment, of the receipt of any Workers' Compensation payment, the receipt of any other source of income, or the opening of an account in a financial institution; and to include in the notification a description of the nature of the employment, the name and business address of the employer.

The child support obligee is directed to file a Title IV-D Application with the Cuyahoga Job and Family Services - Office of Child Support Services within fourteen (14) days of the final custody decision so that CJFS-OCSS may administer this order.

**Federal Income Tax Exemption:**

Pursuant to R.C. 3119.82, the parties agree that the following person(s) shall claim the child(ren) who is/are the subject of this order as (a) dependent(s) for federal income tax purposes:

- mother, \_\_\_\_\_.
- father, \_\_\_\_\_.
- legal custodian/guardian, \_\_\_\_\_.
- both parties according to the following terms, \_\_\_\_\_

The residential parent, legal custodian or guardian, \_\_\_\_\_, shall take whatever action is necessary pursuant to section 152 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, to enable the parent who is not the residential parent or legal custodian to claim the child as a dependent for federal income tax purposes, in accordance with the order of the court. Any willful failure of the residential

parent to comply with the order of the court is contempt of court.

**Child(ren)'s Health Insurance:**

***Unreimbursed/Uncovered Healthcare Expenses:***

In accordance with R.C. 3119.30 and 3119.32(D) the obligee(s) and obligor(s) are liable for the health care of the child who is not covered by private health insurance or cash medical support as calculated in accordance with R.C. 3119.022 or 3119.023, as applicable.

The obligee(s) and obligor(s) shall pay the costs of all future health care needs and expenses of the child, including ordinary and extraordinary medical or dental expenses, when private health insurance coverage is not available and the cost of the co-payment or deductible costs required under the health insurance policy, contract or plan that covers the child with private health insurance is available. These costs include medical, hospital, dental, orthodontic, ophthalmologic and optical expenses.

- Each party shall share the costs in the same proportion as the guideline percentage on line 16 for current support, currently \_\_\_\_\_% paid by the father and \_\_\_\_\_% paid by the mother.
- These costs shall be shared equally between the parties.
- The first \$100.00 per year of these expenses is the responsibility of \_\_\_\_\_.

Each party shall make payment the party who paid the original healthcare cost within (30) days of receipt of any of said expenses forwarded from that party.

***Private Health Insurance:***

It is further ordered, pursuant to R.C. 3119.30(B), that:

- Both father and mother shall carry private health insurance covering the child(ren).
- The father shall provide private health insurance covering the child(ren).
- The mother shall provide private health insurance covering the child(ren).

If, after the issuance of this order, health insurance for the child becomes

available at a reasonable cost through a group policy, contract, or plan offered by the child support obligor's or child support obligee's employer or through any other group policy, contract or plan available to the child support obligor or child support obligee, the child support obligor or the child support obligee to whom the coverage becomes available shall immediately inform CJFS-OCSS.

Whereupon CJFS-OCSS shall determine if the private health insurance is available at a reasonable cost and if coverage is reasonable, CJFS-OCSS shall order that party who has the insurance available to obtain private health insurance.

\_\_\_\_\_  is  are hereby designated as the Health Insurance Obligor  s until further order of the court.

It is further ordered, pursuant to R.C. 3119.32(C), that the health insurance obligor(s) designate the child named herein as a covered dependent under any private health insurance policy, contract or plan for which  he  she  they contract(s).

The health insurance obligor shall enroll and/or maintain health insurance coverage through:

**Father**

Name of employer/group/individual: \_\_\_\_\_  
Address of employer/group/individual: \_\_\_\_\_  
Name of health plan: \_\_\_\_\_  
Name of insurance company: \_\_\_\_\_  
Claims address of insurance company: \_\_\_\_\_  
\_\_\_\_\_  
Customer service telephone number: \_\_\_\_\_  
Group number: \_\_\_\_\_  
Identification/subscriber number: \_\_\_\_\_

**Mother**

Name of employer/group/individual: \_\_\_\_\_  
Address of employer/group/individual: \_\_\_\_\_  
Name of health plan: \_\_\_\_\_  
Name of insurance company: \_\_\_\_\_  
Claims address of insurance company: \_\_\_\_\_

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Customer service telephone number: \_\_\_\_\_  
Group number: \_\_\_\_\_  
Identification/subscriber number: \_\_\_\_\_

It is further ordered that the child(ren) listed below shall be designated as a covered dependent under the above-listed health care policy, contract or insurance plan.

<u>Full name of each child:</u>	<u>Date of Birth:</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

It is further ordered, pursuant to R.C. 3119.32(A), the health insurance obligor shall, not later than thirty days after the issuance of the order, supply the other party with information regarding the benefits, limitations and exclusion of the health insurance coverage, copies of any insurance forms necessary to receive reimbursement, payment or other benefits under the health insurance coverage, and a copy of any necessary insurance cards.

The following individual(s) shall be reimbursed for out-of-pocket medical, optical, hospital, dental or prescription expenses paid for the child:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone number: \_\_\_\_\_

The health plan administrator of the health insurer that provides that private health insurance coverage for the child may continue making payment for medical, optical, hospital, dental or prescription services directly to any health care provider in accordance with the applicable private health insurance policy, contract or plan pursuant to R.C. 3119.32(B).

The employer of the person required to obtain private health insurance coverage is required to release to the other parent, or any person subject to an order issued under R.C. 3109.19 or by the CJFS-OCSS, on written request, any necessary information on the private health insurance coverage, including the name and address of the health plan administrator

and any policy, contract or plan number and to otherwise comply with R.C. 3119.32 and any order issued under this section.

It is further ordered that the parties shall comply with any requirement described in R.C. 3119.30 and 3119.32(A) and (C) that is contained in any order issued in compliance with this section no later than thirty (30) days after the issuance of this order.

Any employer who receives a copy of an order issued under R.C. 3119.30, or a notice under R.C. 3119.33 or 3119.34 shall notify the CJFS-OCSS of any change in or the termination of health insurance coverage that is maintained pursuant to the order or notice.

Upon receipt of the notice by CJFS-OCSS that private health insurance coverage is not available at a reasonable cost, cash medical support shall be paid in the amount as determined by the child support worksheet in R.C. 3119.022 or 3119.023, as applicable. The CJFS-OCSS may change the financial obligation of the parties to pay child support in accordance with the terms of the court order and cash medical support without a hearing or additional notice to the parties pursuant to R.C. 3119.32(I). Pursuant to R.C. 3119.30(E), unless otherwise ordered above, the obligor(s) shall begin payment of any cash medical support on the first day of the month immediately following the month in which private health insurance coverage is unavailable or terminates and shall cease payment on the last day of the month immediately preceding the month in which private health insurance coverage begins or resumes.

It is further ordered that employer of each health insurance obligor is hereby notified of the following:

1. The health insurance obligor's employer, and any successor employer, is required to release to the obligee or the CJFS-OCSS, upon written request, any necessary information on the health insurance coverage, including, but not limited to, the name and address of the insurer and any policy, contract, or plan number, and to otherwise comply with R.C. 3119.362 as well as any order of Court issued there under.

2. If the health insurance obligor fails to obtain health insurance coverage for the child as provided in this order, the CJFS-OCSS will comply with R.C. 3119.43 to obtain a court order requiring obligor to obtain health insurance coverage. In addition, any obligor who fails to comply with this order to obtain health insurance coverage for the child, or with a court order issued under R.C. 3119.30, is liable to the obligee for any medical expenses incurred as a result of the failure to comply with this order.

3. If the person required to obtain private health insurance coverage obtains new employment, CJFS-OCSS shall comply with the requirement of R.C. 3119.34, which may result in the issuance of a notice requiring the employer to take whatever action is necessary to enroll the child in private health insurance coverage provided by the new employer.

**Notices and General Information:**

IT IS FURTHER ORDERED, THAT EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CUYAHOGA JOB AND FAMILY SERVICES IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER AND OF ANY CHANGES IN THAT INFORMATION, EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE AGENCY. IF YOU ARE THE OBLIGOR UNDER THE SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO FIFTY DOLLARS (\$50.00) FOR A FIRST OFFENSE, ONE HUNDRED DOLLARS (\$100.00) FOR A SECOND OFFENSE AND FIVE HUNDRED DOLLARS (\$500.00) FOR EACH SUBSEQUENT OFFENSE.

IF YOU ARE AN OBLIGOR AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY NOT RECEIVE NOTICES OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVERS LICENSE, AND RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

It is further ordered that the custodial parent shall immediately notify and the defendant may notify the CJFS-OCSS, in writing, of any reason that would terminate the support order, including, but not limited to, death, marriage, emancipation, incarceration, enlistment in the armed services, deportation, or change of legal or physical custody of the child. Your willful failure to notify the CJFS-OCSS as required is contempt of court.

It is further ordered that the parties be and are hereby notified that all child support ordered by this order shall be withheld or deducted from the wages or assets of the obligor under the order in accordance with R.C. 3121.03 and shall be forwarded to the obligee under the order in accordance with R.C. 3121.03 through 3121.38. The specific withholding or deduction requirements or other appropriate requirements to be used to collect the support shall be set forth in and determined by reference to the notices that

are mailed by the court or CJFS-OCSS in accordance with R.C. 3121.34 through 3121.39 and shall be determined without the need for any amendment to the support order. Those notices and court orders, plus the notices provided by the Court or Agency that require the person who is required to pay the support to notify the CJFS-OCSS of any change in his employment status or of any other change in the status of his assets, are final and enforceable by the court.

\_\_\_\_\_  
Mother

\_\_\_\_\_  
Counsel for Mother

\_\_\_\_\_  
Father

\_\_\_\_\_  
Counsel for Father

\_\_\_\_\_  
Legal Custodian

\_\_\_\_\_  
Counsel for Legal Custodian

\_\_\_\_\_  
Social Worker  
CCDCFS

\_\_\_\_\_  
Assistant Prosecuting Attorney

\_\_\_\_\_  
Guardian ad Litem

\_\_\_\_\_  
Guardian ad Litem

\_\_\_\_\_  
Guardian ad Litem

\_\_\_\_\_

\_\_\_\_\_  
Magistrate  
Date: \_\_\_\_\_