

## Requesting an Administrative Adjustment Review FAQs

### **Who can request an administrative adjustment review of a child support order?**

Any CSEA client may request that their case be reviewed for adjustment in the amount of the child support obligation. However, in order to be eligible for this review, you must be enrolled for Title IV-D services and your support order must be at least three years old. If your last support order is less than three years old, we can only perform a modification of your case if one of the following criteria has been met (appropriate documentation will be required):

- If the existing order established a minimum or reduced amount of support due to the unemployment or underemployment of one of the parties, and that party is no longer unemployed or underemployed.
- If either party to the order has become unemployed or been laid off, the unemployment or lay off is beyond the party's control, and the unemployment or lay off has continued uninterrupted for 30 consecutive days.
- If either party has become unemployed due to a plant closing or mass lay off as defined in the Worker Adjustment and Retraining Notification Act (WARN).
- If either party has become permanently disabled, reducing his or her earning ability. The CSEA will require medical documentation of the disabling condition.
- If either party has been institutionalized or incarcerated and cannot pay support for the duration of the child's minority and no income or assets are available to the party which could be attached for support.
- If either party has experienced a 30% decrease beyond the party's control, or a 30% increase in income or assets for a period of at least six months and which can reasonably be expected to continue.
- If the order is not in compliance with the Ohio guidelines due to the termination of the support obligation for a child of the existing order.
- If there is an administrative order over which the court has not taken jurisdiction, to consolidate children of the same parents for whom a duty of support has been established into a single administrative order in compliance with the guidelines.
- If either party requests access to available or improved health insurance coverage for the child. (The requesting party must be able to supply to the CSEA relevant information supporting the allegation that access to new and improved insurance is available.)
- If either party has experienced an increase or decrease in the cost of child care or ordered health insurance coverage, if the resulting calculation changed the existing support obligation by more than 10%.
- If health insurance that is currently provided is no longer reasonable in cost or accessible.

- If the Obligor's annual gross income is below 150% of the Federal Poverty Level and should not be ordered to pay cash medical support.
- If the obligor is a member of the uniformed services and is called to active military service for a period of more than 30 days.
- If an obligor who received a temporary support order adjustment has notified the CSEA that the obligor's term of active military service has ended, and the obligor has provided written documentation sufficient to establish that the obligor's employer has violated the Uniformed Services Employment and Reemployment Rights Act.

### **What specific situations would make my case ineligible for a review?**

Any of the following circumstances would make a case ineligible for review:

- We will not proceed with an administrative review of a case if the issue of modifying the support amount is currently pending before the court.
- When the location of the obligor is unknown.
- In cases where the underlying order is not a Lucas County order. In these cases, however, we will assist you by forwarding your request to the appropriate agency.

### **How do I go about initiating an adjustment review?**

In most situations, administrative adjustment reviews are initiated upon the request of either party to the case.

### **Which party does the agency represent during the administrative adjustment review process?**

The support officer conducting the review neither represents nor advocates on behalf of either party. The support officer's job during this review is simply to recalculate the support amount in accordance with the State's current child support guidelines. It is also important to note here that the support officer conducting the review does not have the authority to deviate from Ohio's child support guidelines. If you are requesting a deviation from the guidelines, such a matter would have to be handled in court with representation through private counsel.

### **What are the possible outcomes of the adjustment review process?**

There are three possible outcomes to the adjustment review process. Your child support order may either increase, decrease or remain the same. Your CSEA support officer will not be able to determine what the outcome of this process will be without first having in hand the required financial information from both parties. Results of the adjustment review process will not be given out over the telephone to anyone. Both parties to the case will receive written notification of the outcome of this process by mail.

If there is a change as a result of the modification, the new amount will be effective the First day of the month after the modification was scheduled for review.

***\*\* CSEA cannot predict the result of your modification, and parties take the chance of any of the above-mentioned results occurring.\*\****

### **Can I stop the process once I've requested an adjustment review?**

Any requested review can be stopped prior to its scheduled review date by submitting a written request. Once the case is reviewed, however, the CSEA has no choice but to issue its recommendation.

### **Do I need to be present at the review?**

No. The review is not conducted in the presence of either party. This is actually an independent desk review performed by your CSEA support officer in the most objective manner possible.

### **What happens once an adjustment review is initiated?**

The following chain of events is set in motion upon initiation of an adjustment review:

- Both parties to the case will receive a packet in the mail informing them of the review date. They will be given 45 days to return their completed packets to the CSEA.
- If either of the parties fail to provide the requested information, the CSEA can subpoena an employer for wage verification or exercise its option to make a reasonable assumption as to that party's income. The agency can deny the administrative adjustment review request if the requesting party does not provide all required documentation.

Judicial Orders:

- Once the review has been completed, the CSEA's recommendation is filed with the court and sent out to each party. If you disagree with our findings, you will have 14 days to object to our recommendation. If we receive no objections from either party, an entry will be filed with

- the court and your support order will be adjusted.
- If we do, however, receive an objection to our recommendation within the 14-day period, we will schedule an administrative hearing on your case. Both parties will be notified by mail of this hearing date.
  - Following this administrative hearing, the parties will have 15 days (from the date of the written hearing decision) to request a court hearing should either party decide to appeal our hearing decision.
  - If either party requests a court hearing, the agency file will be forwarded to the court so that a trial date can be set. At this point, the CSEA is out of the picture. Settlement will be obtained in court.

#### Administrative Orders:

- Once the administrative adjustment review has been completed, the agency will forward a copy of its recommendation to both parties via first class mail. If you disagree with our findings, you will have 30 days to object to our recommendation and request an administrative hearing. The recommendation will become the new order. No additional documentation will follow.
- If either party wishes to contest the Administrative Findings and Recommendations, they must file a motion in Juvenile Court or other court with jurisdiction under sections 2101.022 and 2301.03 of the Revised Code of the county in which the mother, the father, the child, or the guardian or custodian of the child resides. At this point, the CSEA is out of the picture. Settlement will be obtained in court.

#### **Can I request an administrative adjustment review in order to modify my alimony/spousal support order?**

The agency has no authority to modify a spousal support order, nor can the agency conduct an administrative adjustment review in order to effect a modification of the payment amount on an "arrears only" case.