Ohio Child Support Dual Calculation Reform

Dear Honorable Legislator,

I respectfully submit this proposal for consideration regarding modernization of Ohio's child support laws in shared physical custody cases.

Ohio's current child support framework was not designed to adequately address situations where both parents substantially exercise parenting responsibilities and possession periods with the child. In many shared parenting cases, one parent may exercise nearly equal parenting time while still being treated as though the other parent bears substantially all financial responsibility. This can create inequitable outcomes, increase litigation, and discourage cooperative parenting arrangements.

This proposal preserves Ohio's existing income shares child support model while introducing a structured dual calculation and offset method specifically for shared physical custody cases. The legislation does not reduce child support overall and does not alter the court's authority to deviate when appropriate. Instead, it ensures that both parents' incomes and actual possession periods exercised are fully considered.

The proposal also increases judicial transparency by requiring written findings regarding income, possession periods exercised, guideline calculations, deviations, and offset determinations. Additionally, it creates accountability where a parent repeatedly fails to exercise court ordered possession periods.

This legislation is intended to promote fairness, consistency, transparency, and stability for Ohio children and families while preserving judicial discretion where supported by evidence.

Thank you for your time and consideration.

Respectfully submitted,

Background and Need for Reform

Ohio utilizes an income shares model for calculating child support under Chapter 3119 of the Ohio Revised Code. While the current framework permits deviations in shared

parenting situations, the statutes do not provide a uniform method for calculating support where both parents substantially exercise parenting responsibilities.

As a result, similarly situated families often receive substantially different outcomes depending on the county or court. In many shared parenting arrangements, courts rely upon theoretical schedules rather than the possession periods actually exercised by each parent. This inconsistency contributes to increased litigation, financial instability, and reduced predictability for families.

The General Assembly finds that:

1. Children benefit when both parents remain actively involved in their lives.
2. Child support calculations should reflect the actual division of parenting responsibilities exercised by the parents.
3. Shared physical custody cases require a transparent and consistent calculation method.
4. Courts should maintain discretion to deviate when necessary to serve the best interests of the child.
5. Judicial findings should be sufficiently detailed to permit meaningful appellate review.
6. Failure to exercise court ordered possession periods may substantially affect the financial burdens carried by the other parent.

This Act modernizes Ohio's child support framework while preserving the existing income shares model and maintaining the best interests of the child as the controlling standard.

Legislative Findings and Purpose

The General Assembly declares that the purpose of this Act is to:

1. Preserve Ohio's existing income shares child support system.
2. Establish a uniform dual calculation and offset method in shared physical custody cases.
3. Ensure that child support calculations reflect possession periods actually exercised.
4. Promote consistency and predictability in child support determinations.
5. Reduce unnecessary litigation arising from inconsistent child support calculations.

6. Require transparency through written judicial findings.
7. Provide remedies where a parent repeatedly fails to exercise possession periods.
8. Protect children from financial instability caused by inconsistent parenting arrangements.

Legislative Draft

Amended by: Robert Garza

Section 1. Amendments to Ohio Revised Code Chapter 3119

3119.051 Shared Physical Custody Definition

(A) As used in this section and sections 3119.052 through 3119.056 of the Revised Code:

(1) “Shared physical custody” means a parenting arrangement in which each parent actually exercises possession periods with the child equal to or greater than one hundred thirty five possession periods within a twelve month period.

(2) “Possession period” means a period of four hours or more during which a parent is exercising physical possession and caregiving responsibility for the child.

(3) Shared physical custody shall be determined based upon possession periods actually exercised by the parties and not solely upon a court ordered schedule or parenting plan.

(B) A court shall not rely exclusively upon a theoretical or anticipated parenting schedule when calculating child support under shared physical custody provisions.

(C) The court may consider reliable documentation including calendars, school records, electronic communications, parenting applications, transportation records, and other competent evidence to determine possession periods actually exercised.

3119.052 Dual Calculation and Offset Method

(A) In any shared physical custody case, the court shall calculate child support using the following method:

(1) Calculate each parent's annual child support obligation under the Ohio child support schedule and worksheet as though that parent were the sole obligor.

(2) Multiply each parent's guideline obligation by one hundred forty percent.

(3) Adjust each parent's resulting obligation according to the percentage of possession periods exercised by the other parent.

(4) Offset the adjusted obligations against one another.

(5) The parent with the higher adjusted obligation shall pay the difference between the two adjusted obligations.

(B) The dual calculation and offset method established under this section shall not replace Ohio's income shares model but shall operate within the existing guideline framework.

(C) The court retains authority to deviate from the calculated amount pursuant to sections 3119.22 and 3119.23 of the Revised Code where application of the guideline amount would be unjust or inappropriate and not in the best interests of the child.

3119.053 Judicial Findings and Deviation Standards

(A) In every shared physical custody case, the court shall enter written findings that include:

(1) Each parent's gross income;

(2) Each parent's adjusted gross income;

(3) The number of possession periods exercised by each parent;

(4) Each parent's guideline child support obligation;

(5) Each parent's adjusted obligation following application of the one hundred forty percent multiplier;

(6) Each parent's possession adjusted obligation;

(7) The final offset amount;

(8) Any deviation applied by the court and the reasons supporting the deviation.

(B) Failure to enter the findings required under this section shall constitute reversible error to the extent permitted under Ohio law.

(C) A deviation shall not be based solely upon a theoretical parenting schedule that is not substantially exercised in practice.

3119.054 Failure to Exercise Possession Periods

(A) In a shared physical custody case, failure by a parent to exercise fourteen or more court ordered possession periods within a twelve month period may constitute a material change in circumstances sufficient to justify modification of child support.

(B) The court may consider evidence demonstrating:

(1) Missed possession periods;

(2) Additional financial burdens assumed by the other parent;

(3) Transportation expenses;

(4) Childcare expenses;

(5) Educational or medical expenses incurred due to the missed possession periods.

(C) Upon finding that a parent willfully failed to exercise court ordered possession periods, the court may award reasonable attorney fees, litigation expenses, and court costs to the other parent.

(D) The court shall consider whether the failure to exercise possession periods was intentional, repeated, and without good cause.

3119.055 Actual Possession Requirement

(A) Child support calculations in shared physical custody cases shall be based upon possession periods actually exercised by the parties.

(B) The court shall not calculate support solely upon a parenting schedule that is not regularly followed in practice.

(C) The court may review updated possession records during modification proceedings to determine whether recalculation is appropriate.

3119.056 Rulemaking and Worksheet Conformity

(A) The Ohio Department of Job and Family Services shall update all child support worksheets, forms, and calculation guidelines necessary to implement sections 3119.051 through 3119.055 of the Revised Code.

(B) Updated worksheets shall include:

(1) Separate calculations for each parent;

(2) The one hundred forty percent adjustment factor;

(3) Possession percentage adjustments;

(4) Offset calculations;

(5) Deviation findings.

(C) The Department shall adopt any rules necessary to implement this Act not later than one hundred eighty days after the effective date.

Section 2. Prospective Application

(A) This Act applies only to:

(1) Actions filed on or after the effective date of this Act; and

(2) Actions pending on the effective date in which no final child support order has been entered.

(B) This Act shall not create a right to retroactive modification of child support previously ordered before the effective date.

Child Support Dual Calculation and Offset Worksheet

Ohio Shared Physical Custody Worksheet

1. Parent A Gross Annual Income: _____
2. Parent B Gross Annual Income: _____
3. Parent A Guideline Obligation: _____
4. Parent B Guideline Obligation: _____
5. Parent A Adjusted Obligation × 1.40: _____
6. Parent B Adjusted Obligation × 1.40: _____
7. Parent A Possession Percentage Exercised: _____
8. Parent B Possession Percentage Exercised: _____
9. Parent A Possession Adjusted Obligation: _____
10. Parent B Possession Adjusted Obligation: _____
11. Offset Amount Between Obligations: _____
12. Final Child Support Obligation: _____
13. Deviations Applied by Court: _____
14. Written Findings Attached: YES / NO