

RULE 37 CHILD SUPPORT, CASH MEDICAL SUPPORT AND HEALTH INSURANCE

(A) In all cases involving the establishment or modification of an order for support of minor children, the order shall include provisions for all of the following:

(1) Which parent or party has accessible private health insurance available for the minor child(ren) at a reasonable cost, if any.

(2) For any period of time that private health insurance is in effect, the amount of monthly child support to be paid by the obligor and the allocation of uninsured extraordinary health care expenses.

(3) For any period of time that private health insurance is not in effect, the amount of monthly child support to be paid by the obligor, the amount of cash medical support to be paid by the obligor, and the allocation of uninsured extraordinary health care expenses in excess of amount paid for cash medical support.

(4) The effective date of the order.

(B) In the event the order includes a deviation from the child support guidelines and/or cash medical support, either by court order or by agreement of the parties, there shall be separate Findings of Fact and Conclusions of Law stating the following:

(1) The amount of child support and cash medical support calculated pursuant to the applicable child support worksheet;

(2) The specific reasons or circumstances justifying the deviation;

(3) A finding that the amount of child support and/or cash medical support calculated pursuant to the guideline worksheet is unjust or inappropriate and not in the best interests of the child(ren), or, in the case of shared parenting, is also not in the best interest of one or both the parents;

(4) The amount of child support and/or cash medical support, if any, to be paid by the obligor to the obligee.

(C) No support order may contain a deviation, waiver, agreement or other provision for either party not to pay cash medical support during any period of time that cash medical support would be payable to the Office of Child Support because any child subject to the order is a Medicaid recipient unless the Ohio Department of Job and Family Services is joined as party to the action and expressly agrees to such a provision.

(D) Suggested Provisions

The following language will be applicable in most cases. It should be used as a template and may be modified to suit the circumstances of the particular case.

Health Care

Mother Father Both Parents Neither Parent Legal Custodian Other: _____ (check applicable person) has/have accessible private health insurance available to him/her/them at a reasonable cost.

Mother Father Both Parents Neither Parent Legal Custodian Other: _____ (check applicable person) shall provide private health insurance for the benefit of the child(ren) for so long as the duty to support is in effect or until further order of the court.

Monthly Child Support/Cash Medical Support

The effective date of the support order is: _____ .

During any time on or after the effective date of this order that private health insurance is in effect, the following orders shall apply:

1. _____ shall pay child support of \$ _____ , per month, per child, for a total of \$ _____ per month, plus processing charge, pursuant to the child support worksheet.

2. _____ shall pay _____ % and _____ shall pay _____ % of all extraordinary medical and other health care expenses for the child(ren), which are defined as uncovered medical and other health care expenses exceeding \$100.00 per child per calendar year.

During any time on or after the effective date of this order that private health insurance is not in effect, the following orders shall apply:

1. _____ shall pay child support of \$ _____ per month, per child, for a total of \$ _____ , per month, plus processing charge, and \$ _____ per month, per child, for a total of \$ _____ per month, in cash medical support, plus processing charge, pursuant to the child support worksheet.

2. _____ shall pay _____ % and _____ shall pay _____ % of all extraordinary medical and other health care expenses for the child(ren), which are defined as all medical and other health care expenses exceeding the amount paid by the obligor for cash medical support per calendar year.

Deviations – Findings of Fact and Conclusions of Law

Pursuant to the child support guidelines, _____ would have an obligation to pay child support of \$ _____ per month, per child, for a total of \$ _____ per month, and, if private health insurance were not in effect, cash medical support of \$ _____ per month, per child, for a total of \$ _____ per month.

However, the parties agree and the court so finds that the guideline amount of child support is unjust or inappropriate and not in the best interest of the child or, in the case of shared parenting, is also not in the best interest of the parties, for the following reasons: _____

Therefore, (Check applicable provision)

neither party shall pay child support to the other until further order of the court.

_____ shall pay child support of \$ _____ per month, per child, for a total of \$ _____ per month, plus processing charge.

The parties further agree and the court so finds that in the event that cash medical support becomes payable to the obligee under the child support guidelines, as determined by the court or the Child Support Enforcement Agency, the guideline amount of cash medical support shall not be paid, but cash medical support shall be ordered as follows:

not be paid to the obligee for the following reasons: _____

be paid to the obligee in the amount of \$ _____ per month, per child, for a total of \$ _____ per month, plus processing charge, for the following reasons:

In the event that cash medical support is payable to the Office of Child Support pursuant to R.C. 3119.30(D), _____ shall pay cash medical support of \$ _____ per month, per child, for a total of \$ _____ per month, plus processing charge.

Effective 1/1/09