

Order Termination

A GUIDE TO ADDRESSING FREQUENTLY ASKED QUESTIONS



Sherri Bevan Walsh
Prosecuting Attorney
Summit County, Ohio

Where can I get more information?

If you need additional information about your case or services available, contact your CSEA support specialist.

Mailing Address

P.O. Box 80598
Akron, Ohio 44308-0598

Street Address

175 S. Main Street,
Akron, Ohio 44308

Hours of Operation

8:00 a.m. – 4:30 p.m.
(Monday – Friday)

Telephone

(330) 643-2765
Toll Free (800) 726-2765

Fax

(330) 643-2745

Website

<http://www.co.summit.oh.us/prosecutor/childsupp.htm>

<http://www.ifs.ohio.gov/county/cntydir.stm>

<http://ocse.acf.hhs.gov/int/directories/index.cfm?fuseaction=main.extivdlist>

When should my child support order terminate?

There are many reasons why a child support order should be terminated, including:

- Emancipation of the child (see definition #1)
- Marriage of the child
- Deportation of the child
- Child's enlistment in the armed services
- A change in the legal custody of the child, including when permanent custody is awarded to a public children services agency or a court order terminates an obligor's parental rights. (see definition #1)
- Death of the child or obligor
- Adoption of the child

Reasons for termination other than those listed above cannot be accomplished through the Administrative Termination process and must be pursued privately through the courts.

How does the Child Support Enforcement Agency know when to terminate support for my child?

It is the responsibility of both parents to notify CSEA of any reason for which support should terminate. This includes notifying the agency when your child is expected to emancipate.

Although it is preferred that notice be given to the agency in writing, either parent may contact the agency by phone or in person to report this information. The agency will complete an investigation within 20 calendar days of receiving notice to verify this information.

If CSEA has not received notification from either parent that support should terminate, the agency will complete an investigation near the child's 18th birthday to determine if support should continue or terminate based on the child's high school attendance.

What if my child is being home-schooled or attends an alternative education program?

Most home schooling programs and alternative education programs are approved by the State of Ohio, meaning they are "recognized" and "accredited." Upon notification that a child is receiving this type of schooling, CSEA will require proof that the program is state-approved.

CSEA will consider all information from both parties when determining whether support should continue or terminate.

In what situation might child support continue past the age of majority (18 years old)?

There are reasons why support may continue past the age of eighteen other than the fact the child has not yet graduated but is still attending a recognized and accredited school or program. If a child is deemed disabled (mentally or physically) by a court, support can be awarded so long as the child remains disabled despite their age. Child Support may also continue past emancipation, such as during college, if this agreement is incorporated into a Separation Agreement in a Decree of Divorce or Dissolution.

How will I know that the Agency is proposing to terminate or continue support for my child?

Once CSEA has completed an investigation, a Notice of Termination of Support or a Notice of Continuation of Support will be sent to the parties.

If the agency is recommending Termination of Support, the notice will include:

- The reason for the Termination
- The amount of the arrears and how much should be paid toward this arrearage
- Whether there is still a child support order in existence for remaining "unemancipated" children
- Any overpayments in support made to the Obligee

If the agency is recommending Continuation of Support, the notice will include the reason why this decision was made.

Both Notices will explain Administrative & Court Hearing rights and how to request a hearing if you are not in agreement with the decision made by the Hearing Officer.

What is the emancipation / termination process?

When the Support Officer receives the required documentation they will review the case to determine that all monies due have been paid in full. Each party will be sent "Findings and Recommendations" which will indicate the results of the Support Officer's review. Each party will have thirty (30) days to object to the Support Officer's results and request an Administrative Hearing at the agency.

The law allows for CSEA to request an "Order to Impound" (hold) any monies being paid for the child being emancipated if it appears that the case is paid in full. This includes our administrative processing fees.

Any monies impounded (on hold) can ONLY be released with a court or administrative order. When a hearing is requested, additional time is needed to complete the process and monies may continue to be deducted and sent to the agency.

Please be advised that although the child support obligation of the child being emancipated may be reduced or terminated, the original support amount must continue to be paid until the arrears are paid in full.

Either party may file a Motion to Emancipate or Terminate on their own in the court that issued their original order.

I am court-ordered to carry medical insurance on my child. Does my obligation to carry insurance end when my child emancipates?

Yes, if child support terminates due to emancipation, your legal obligation to carry medical insurance also terminates unless it is otherwise stated to continue in your court order. If a National Medical Support Notice has been issued to your employer requiring them to enroll your child pursuant to a court order, then the agency must issue a notice to your employer advising them that your court-ordered obligation has ended and that they should consult you for instruction on whether insurance should stop or continue.

Helpful Definitions:

Emancipation - Generally, the time of emancipation is the month and year in which a child reaches the age of majority. Unless otherwise stated in an original order, current state law generally provides that if a child reaches the age of 18 and is not attending an accredited school on a full-time basis or if a child reaches the age of 19 regardless of school enrollment, the child is considered emancipated for purposes of child support.

Legal Custody -Custody has been appointed by the courts or the parties have consented to a change in legal custody in which an order has been filed with the court. If no order has been filed with a court regarding a change, then a change in only physical custody exists. A change in physical custody is NOT a reason for termination of support.

Administrative Hearing -Upon receipt of either a Notice of Termination of Support or a Notice of Continuation of Support, either party has the right to request an Administrative Hearing. This hearing is conducted by a Hearing Officer at the Child Support Enforcement Agency, and each party is provided an opportunity to submit information which the Hearing Officer will consider when making a ruling on the matter. Results of the hearing are mailed to the parties. Either party will then have the opportunity to request a Court Hearing.