



Judicial Impact Statement

www.ohiojudges.org

Updated 2015

Prepared By Louis Tobin, Esq., Legislative Analyst

PARENTAL DUTY OF SUPPORT - AGE LIMIT/SCHOOL ENROLLMENT

Looking for a Sponsor

TITLE INFORMATION

To amend section 3119.86 of the Revised Code to establish statutory authority to extend child support beyond age 19 when a student is continuously attending a recognized and accredited high school, or is being home schooled, on a full-time or full-time equivalency basis.

IMPACT SUMMARY

This proposal will bring clarity to the law, decrease court caseload and court workload, improve the administration of justice and increase public confidence in the law.

BACKGROUND

Under current law, child support generally discontinues when a child reaches the age of majority. In Ohio, a person reaches the age of majority at age 18 as long as they are under no legal disability. Section 3119.86 of the Revised Code creates several exceptions to this general rule that permit a court to order child support to continue beyond age 18 under certain circumstances. Specifically, a court has the authority to order child support beyond age 18 if (a) a child is mentally or physically disabled and is incapable of supporting or maintaining himself or herself, (b) the child's parents have agreed to continue support beyond age 18 pursuant to a separation agreement that was incorporated into the decree of divorce or dissolution, or (c) if the child continuously attends a recognized and accredited high school on a full-time basis on and after the child's 18th birthday. An administrative child support order may extend beyond age 18 only if the child continuously attends a recognized and accredited high school on a full-time basis on and after the child's 18th birthday. Neither a court child support order that has been extended under 3119.86(A)(1)(c) nor an administrative order extended under 3119.86(A)(2) can be extended beyond the child's 19th birthday.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.

The current wording of section 3119.86(A)(1)(c), (2), and (B) creates three distinct issues for courts, CSEA's, practitioners and litigants. First, the language prevents courts from continuing child support in cases where a child turns 19 during high school but who is nevertheless continuously working to obtain a high school diploma. Second, the language is unclear as to what constitutes attendance on a "full-time basis." This creates problems in cases where a child is being schooled by an internet based program that has been approved by his or her high school and in cases where the child is still enrolled in high school but is obtaining college credits through a post secondary education option program. Third, the language lacks clarity regarding the authority of courts to order support in cases where the child is being home schooled.

RECOMMENDATION

Ohio judges propose amending R.C. 3119.86 to eliminate the age limitation when a student is continuously attending a recognized and accredited high school, or is being home schooled, on a full-time or full-time equivalent basis.