

# **Child Support/Custody Information Session (July 15, 2021)**

Presenter Information:  
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## **1. How can an individual find out who their assigned case manager is? What is the best way to correspond with the case manager?**

The individual can use the web portal to access their case manager information. They would need to create an account, but once they do, they have access to all their case information and forms. The web portal also allows the individual to message the case manager and request an appointment. This is the best route to take for a more immediate response. The portal can be accessed at: <https://jfs.ohio.gov/ocs/CustServWebPortalWelcome2.stm>

## **2. Can an individual consolidate their caseworkers? For instance, if the individual has four different child support orders, could they all be with the same case manager?**

Yes. Prior to the COVID-19 Pandemic, the agency began consolidating those cases that had more than one caseworker assigned. However, not all cases have been corrected. If the individual has multiple caseworkers, they can request to have their cases consolidated. This is more efficient for the individual and for the agency.

## **3. How can an individual apply for a reduction in their monthly child support payment? What is the process to do so and is a cost involved?**

There must be a change of circumstance to request for a reduction in monthly support payments. The change of circumstance could be an income change of more than 10%, which could include unemployment, or incarceration. The individual would have to file paperwork through the originating agency. Child support orders could be issued through the Office of Child Support, Juvenile Court, or Domestic Relations Court. Typically, if the individual was not married, their case would have originated in Juvenile Court.

The cost of filing this paperwork is usually \$150. However, if the person is indigent, they can file a poverty affidavit to see if they qualify to have the filing fees waived. If the individual files any documents, it is highly recommended that they make a copy of what they submitted.

## **4. Does legal aid help with filing fees for custodial issues?**

Legal aid does not typically assist with filing fees for child support. However, the individual may file a poverty affidavit to see if they are eligible to have the fees waived. If the individual is incarcerated, unemployed, or receiving Social Security Income, they are likely to qualify.

**5. If an individual files for custody, do they still have to pay child support to the other parent?**

Filing for custody does not negate paying child support. Even if the individual is granted custody, they may still have to pay child support. The support order depends on a variety of things, not just equal time. A lot of people think that if they have “50/50” custody, they do not have to pay support. This is simply not true. An equation determines the support order, and it takes into account the child or children’s quality of life at each residence, time spent with each parent, income, and some other factors. The equation calculator is found online.

**6. Can an individual request to have their child support order paused or reduced while in custody? If so, can you discuss the process. Lastly, if forms are involved, could probation officer access any form from the Court, or does the individual have to request them directly?**

Yes, and it is encouraged. The individual can contact their caseworker to start the process, or they can access the forms through the online portal. The individual would have to file the motion to have their order reduced. If the individual knows they will be going into custody for a period of time, they can file the motion prior to entering custody, but they would have to have a document on letterhead indicating the anticipated length of custody sentence that they are required to serve. The probation officer could assist with providing the document on letterhead.

**7. What is the easiest way for someone to document that they were incarcerated if they didn’t already provide that information to child support. I (the officer) consistently give out letters verifying that information, is that necessary?**

No, this is not necessary. If the individual did not file a motion to reduce payment prior to entering custody or while they are in custody, the Office of Child Support cannot backtrack and take away any balance that they incurred while incarcerated. Even if the probation officer provided this document, it would not benefit the individual.

**8. I (the officer) have an individual on my caseload who has ongoing custody issues. He does not have a regimented visitation schedule with his ex-wife, so he does not get to see his minor son. He is current with his child support payments. Any suggestions?**

He should contact his caseworker or the help center at the Domestic Relations Court (if that is where his order is filed). He needs to establish a parenting time order. If he already has one, he can ask that it be enforced; however, if he does not have one, he needs to get that put into place. He could also submit a request through Medication to establish a parenting time order.

**9. I (the officer) have an individual on my caseload who has ongoing custody issues. He has taken responsibility to provide physical care for his daughter (who is in 2<sup>nd</sup> grade), as well as his 5-year-old grandson. He does not have legal rights to either child, and he needs guidance as they both have to be enrolled in school.**

As it relates to his daughter, he needs to go to Juvenile Court to file for legal custody. As for his grandson, he is considered a third party, which has its own process. He would need to obtain a grandparent affidavit to allow him to enroll his grandson into the school district; however, it will not give him custody of his grandson. He could put in a request to obtain custody of his grandson, but that would be a separate filing.

**10. Can someone file for joint custody while they are incarcerated (with an upcoming release).**

Yes, they can. The individual would want to file it closer to their release date because if the Court sets a hearing, they need to be present for the motion to move forward. If they miss the hearing, it will get dismissed.

**11. If a driver's license is suspended due to child support, what process does one need to take to attempt to rectify that?**

Provide the individual the handout that was sent out during this training. There is a program, Access to Justice, that individuals can sign up for that helps them get their license back. The program will also help the individual locate a job or a method of income. To keep their license valid, they need to make a reasonable payment towards their outstanding balance.

**12. I (Officer) have had a few male individuals tell me that they were required to give a DNA sample to establish paternity while in custody. What would cause this to happen?**

Yes, if a mother applies for welfare and lists the individual as the child's father, the father's DNA would be collected while he was in custody.

**Additional Information**

The most important aspect of custody/child support is establishing paternity. There are two ways to establish paternity. The individual can report to the Office of Child Support to conduct a swab test free of charge or they can sign an affidavit at the hospital. If the individual signs the affidavit, they have 60 days to get a free test, if they believe they were not the biological parent.

Individuals should always review a copy of their most recent child support order/balance. This can be reviewed or requested at any time. Many individuals can receive a reduction in what they owe if they ask about welfare benefits that were charged to them that were owed to the state. Meaning, if the mother of their child gave birth, and they assessed half of the birth to the father, he can get ask to get those additional fees waived. The individual should ask, "*Is there any funds owed to the state that are included in my child support?*" Individuals may go on the web portal to fill out the correct form for this specific issue.

If an unmarried mother gives birth to a child, she is the parent who has legal custody. In the State of Ohio, legal custody always goes to the mother in this situation. If the father is not involved in a relationship with the mother, and he would like to see his child, he should file for legal custody to get his rights established. \*This is for unmarried individuals only\*

If an individual has an active warrant for child support, they should contact the court to see when the next warrant amnesty day is.

There is a fatherhood initiative program in Cuyahoga and Summit counties. The main contact in Cuyahoga County is Al Grimes. Mr. Grimes has resources for fathers, and his number is 216-698-2869.