

Reasons to Request an Early Modification

As stated in the “MODIFICATION” page, there are reasons that the State will allow a party to request a Modification earlier than every three (3) years. Below is the list of the fourteen (14) different criteria that the State has established as reasons to get an early modification. Please note these are administrative reasons to request an early modification through the WCCSEA, you are always welcome to file your own motion with the respective court regarding this issue.

1. The existing order established a minimum or reduced amount of support due to the unemployment or underemployment of the obligor and the obligor is no longer unemployed or underemployed. The requesting party must provide relevant evidence or information supporting an allegation of the obligor’s changed employment status.
2. One party is laid off from work for a time period of at least thirty uninterrupted consecutive days. The layoff must be beyond the party’s control. A party that is laid off because they are a seasonal employee, and this fact was known when setting the child support order, is not eligible to use this criterion to request an early review. The requesting party must provide information indicating that this lay off was beyond the party’s control.
3. One party is laid off due to a plant closing or mass layoff. The party must provide a copy of the notice of the plant closing or mass layoff in accordance with the WARN Act, 29 U.S.C. §2101 et seq. The request for early modification may only be made after the worker’s last day of employment.
4. One party is permanently disabled reducing the ability to earn wages. The party must provide proof from the Social Security Administration and/or a physician’s complete diagnosis and disability determination.
5. One party is institutionalized or incarcerated for the duration of the child’s minority and there is no income or assets available to the party which could be levied or attached for support.
6. One party has experienced an increase or decrease beyond the party’s control in income for a period of at least 6 months that is expected to continue.
7. The child support order is not in compliance with the Ohio Child Support Guidelines due to the termination of the support obligation for a child of the existing support order.
8. The parties have an additional child together that needs to be added to the child support order.
9. The parties want to access available or improved health insurance available to them for the minor child. Proof of such insurance is needed.
10. One party has experienced an increase or decrease in the cost of ordered private health insurance coverage or child care for the child which is expected to result in a change of more than ten percent of the child support obligation.
11. The private health insurance that is currently being provided in accordance with the child support order is no longer reasonable in cost and/or accessible.
12. The obligor has an annual gross income below 150% of the federal poverty level, therefore, should not be ordered to pay cash medical. Proof is required.
13. One party is a member of the uniformed services and is called to active duty for a period of more than 30 days.
14. A temporary order that was established for an active duty uniformed service member is no longer needed as the party is no longer on active duty.