

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

PLAINTIFF

CASE NO.

VS.

JUDGE

DEFENDANT

MAGISTRATE

MAGISTRATE'S TEMPORARY ORDER

This matter came before the magistrate upon the request of the (Plaintiff / Defendant) for temporary orders pursuant to Civil Rule 75(N) by motion, in the complaint, or in the answer and counterclaim, and proper service by: Certified Mail Personal Publication On opposing counsel Other

Upon consideration of the affidavits of the parties, the magistrate enters the following ORDERS:

1. Residential Parent and Legal Custodian. Plaintiff / Defendant is/are designated the temporary residential parent and legal custodian of the minor child(ren) of the parties:

2. School Placement Parent. Plaintiff / Defendant is/are designated the temporary school placement parent. (Use only if both parents are designated as legal custodians)

3. Parenting Time. Plaintiff / Defendant is/are granted parenting time as follows:

Pursuant to the Local/Long Distance Model Parenting Time Schedule as adopted by Local Rule 27.1, Option which is attached as Exhibit. (Please select the appropriate option in the schedule prior to attaching)

Other:

4. Parenting Seminar. Plaintiff / Defendant shall attend the parenting seminar pursuant to Local Domestic Rule 26 within days if he/she has not already attended.

5. Child Support. Plaintiff / Defendant shall pay temporary child support of \$ per month, and cash medical support of \$ per month, plus 2% processing charge in the amount of \$ per month, for a total monthly amount payable of \$ for the support of the child(ren) of the parties. Support is pursuant to the attached Guideline Child Support worksheet(s) (Exhibit) and adjustments or deviations addressed in §6 below.

Plaintiff's / Defendant's arrearages shall be liquidated at % of the current order.

Counsel for Plaintiff / Defendant shall prepare a Form 1 Withholding Order and IV-D application forthwith and submit it to the Court along with Instructions for Service. The Instructions for Service shall include the parties and the employer, financial institution, or government office where the child support withholding order shall be directed.

6. Adjustments and Deviations to Child Support.

- Child support is adjusted downward by 10% based on the current parenting time order and pursuant to O.R.C. §3119.051. This adjustment is reflected in the attached Guideline Child Support Worksheet.
- The party responsible for paying child support has parenting time between 91 and 146 overnights per year, and as such, guideline child support is unjust and inappropriate, and not in the best interests of the minor child. A downward deviation of \$_____ is applied to the guideline child support order.
- The party responsible for paying child support has parenting time of 147 or more overnights per year, and as such, guideline child support is unjust and inappropriate, and not in the best interests of the minor child. A downward deviation of \$_____ is applied to the guideline child support order.
- The party responsible for paying child support has parenting time of 147 or more overnights per year; however, a deviation to support is not warranted for the following reasons:
 - Guideline Child Support is unjust, inappropriate and not in the best interests of the child(ren) for the following reasons:

7. Medical Insurance.

- Plaintiff** / **Defendant** / **Neither Party** has/have health insurance available at a reasonable cost.
- Plaintiff** / **Defendant** / **Neither Party** shall maintain all current levels of health insurance for the benefit of the: child(ren) Plaintiff/Defendant.
- The obligee shall enroll the children in a private health insurance program as soon as it becomes available at a reasonable cost.
- The Magistrate finds the obligor in this matter is the appropriate party to provide health insurance for the minor children in accordance O.R.C. §3119.30(B)(1).¹
- The Magistrate finds that the party ordered to provide or maintain health insurance for the minor child(ren) does not have it available at a reasonable cost, but the party ordered to provide or maintain health insurance has requested to obtain or maintain the health insurance, and the health insurance cost will not impose a financial burden on either parent.

8. Medical Expenses. Plaintiff and Defendant shall pay extraordinary uncovered medical, dental and other health care expenses of the child(ren) as follows: Plaintiff shall pay _____% and Defendant shall pay _____%.

Extraordinary medical expenses are defined as medical and other health care expenses exceeding **\$388.70** per year, per child, for a total of \$_____.² All expenses shall be submitted to the insurance provider prior to seeking reimbursement or contribution from the other party. Reimbursement shall be made within ____ days.

9. Spousal Support. **Plaintiff** / **Defendant** shall pay temporary spousal support of \$_____ per month. The obligation to pay temporary spousal support shall terminate upon the death of either the Plaintiff or Defendant.

- Temporary spousal support shall be paid directly to the recipient spouse by check, money order, or in another form that establishes a clear record of payment. *This option is not available if child support is being paid.*
- Counsel for **Plaintiff** / **Defendant** shall prepare a Form 1 Withholding Order forthwith and submit it to the Court along with Instructions for Service. The Instructions for Service shall include the parties and the employer, financial institution, or government office where the child support withholding order shall

¹ The obligee is presumed to be the appropriate party to carry health insurance in all cases.

² Cash medical will always remain a set amount of \$388.70 per year, per child unless deviated. The deviation should be reflected here and then divided by 12 and multiplied by income shares to determine the monthly amount payable by the obligor in §5 above.

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10. Attorney Fees. **Plaintiff** / **Defendant** shall pay \$ _____ for attorney fees and expenses of this action. Payment shall be made within _____ days as follows:

11. The debts and other obligations of the parties shall be paid as follows:

a) Plaintiff shall pay and save Defendant harmless on the following debts and obligations:

b) Defendant shall pay and save Plaintiff harmless on the following debts and obligations:

c) Other debts and obligations:

12. Additional temporary orders are entered as follows:

13. Payment of Support. Any payments of spousal support ordered to be paid through direct wage withholding and all payments of child support pursuant to this order shall include a 2% processing charge and shall be made to: Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218-2373.

14. Notices. The following orders and notices shall apply to all orders for support:

EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF

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LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVERS LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.

The residential parent or the person who otherwise has custody of a child for whom a support order is issued is also ordered to immediately notify, and the obligor under a support order may notify, the Franklin County Child Support Enforcement Agency of any reason for which the support order should terminate, including but not limited to, the child's attainment of the age of majority if the child no longer attends an accredited high school on a full-time basis and the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age; the child ceasing to attend an accredited high school on a full-time basis after attaining the age of majority, if the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age; or the death, marriage, emancipation, enlistment in the armed services, deportation, change of legal custody, or adoption of the child, or the death of the obligor or marriage of the obligor to the obligee.

All support under this order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate order issued in accordance with chapters 3119., 3121., 3123., and 3125. of the Revised Code or a withdrawal directive issued pursuant to sections 3123.24 to 3123.38 of the Revised Code and shall be forwarded to the obligee in accordance with chapters 3119., 3121., 3123., and 3125. of the Revised Code.

Regardless of the frequency or amount of support payments to be made under the order, the Franklin County Child Support Enforcement Agency shall administer it on a monthly basis in accordance with sections 3121.51 to 3121.54 of the Revised Code. Payments under the order are to be made in a manner ordered by the court or agency, and if the payments are to be made other than on a monthly basis, the required monthly administration by the agency does not affect the frequency or the amount of the support payments to be made under the order.

Pursuant to R.C.3119.30(A), the obligor and obligee are both liable for the health care expenses for the children who are not covered by private health insurance, which shall be in a manner as determined by the court with respect to a court child support order, or by the child support enforcement agency with respect to an administrative child support order.

If private health insurance coverage for the child(ren) is not available at a reasonable cost to the obligor or the obligee at the time the court or agency issues the order, the obligee shall obtain private health insurance coverage for the child(ren) not later than thirty days after it becomes available to the obligee at a reasonable cost, and the obligee shall inform the child support enforcement agency when private health insurance coverage for the children has been obtained. If private health insurance becomes available to the obligor at a reasonable cost, the obligor shall inform the child support enforcement agency and may seek a modification of health insurance coverage from the court with respect to a court child support order, or from the agency with respect to an administrative support order.

Any cash medical support paid pursuant to R.C. 3119.30(C) shall be paid through the department of job and family services by the obligor to either the obligee if the children are not Medicaid recipients, or to the department of Medicaid when a Medicaid assignment is in effect for any child under the support order.

If the obligor, obligee, or both are required pursuant to R.C. Section 3119.30 to provide private health insurance coverage for the children, they shall provide to the other, not later than thirty days after the issuance of the order, information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards.

Any person required to provide private health insurance coverage for the children shall designate the children as covered dependent under any private health insurance policy, contract, or plan for which the person contracts.

This temporary order shall commence forthwith and be in effect until the final hearing of this action or until modified by Journal Entry or Magistrate's Order.

PLAINTIFF

DEFENDANT

COUNSEL FOR PLAINTIFF

COUNSEL FOR DEFENDANT

EFFECTIVE DATE: _____
(unless specifically noted otherwise herein)

GUARDIAN AD LITEM

Signature Page Attached _____
MAGISTRATE

DATE PREPARED: _____