

Ohio Child Support Deviations

A practical reference for practitioners: calculate the guideline amount first, then connect any requested deviation to a statutory factor and supporting evidence.

START WITH THE GUIDELINE

Calculate first. Deviate second.

The guideline/worksheet amount is the starting point. After considering the factors in **R.C. 3119.23**, a court may deviate when the guideline amount would be:

UNJUST OR INAPPROPRIATE

+

THEREFORE NOT IN THE BEST INTEREST OF THE CHILD

Authority: R.C. 3119.22

PARENTING TIME: KNOW THE NUMBERS

Court-Ordered Overnights	Effect
0–89	No automatic parenting-time adjustment
90	10% adjustment to annual individual support obligation
91–146	10% adjustment + court SHALL CONSIDER an additional deviation
147+	Same, but if the court does not grant an additional deviation, it must state the facts supporting that decision

Remember:

10% adjustment ≠ deviation. It is part of the statutory calculation under **R.C. 3119.051**.

Once parenting time **exceeds 90 overnights**, **R.C. 3119.231** requires consideration of an *additional* deviation based on extended parenting time or extraordinary parenting-time costs.

At **147+ overnights**, an additional deviation is **not automatic**; declining one requires factual findings. Actual parenting time matters: at the obligee's request, the court may eliminate a previously granted 10% adjustment if the obligor, without just cause, fails to exercise court-ordered parenting time.

R.C. 3119.23 – FOUR FACTOR GROUPS

THE CHILD

- ☐ Special or unusual needs
- ☐ Child's financial resources/earning ability
- ☐ Educational opportunities
- ☐ Extraordinary child-care expenses

Other child-specific circumstances

PARENTING TIME

- ☐ Extended parenting time
- ☐ Extraordinary parenting-time costs
- ☐ Extraordinary travel/exchange expenses

Significant in-kind contributions

MONEY

- ☐ Relative financial resources
- ☐ Disparity in income between parties/households
- ☐ Other assets/resources
- ☐ Actual taxes
- ☐ Other court-ordered payments

Extraordinary work-related expenses

HOUSEHOLDS & LIFESTYLE

- ☐ Benefits from remarriage/shared living expenses
- ☐ Needs of each parent
- ☐ Standard of living/circumstances of each parent
- ☐ Standard of living the child would have enjoyed
- ☐ Responsibility for support of others
- ☐ Post-secondary educational expenses

Any other relevant factor

HIGH-INCOME CASES — R.C. 3119.04

Combined annual income above \$300,000?

The schedule ends. The analysis does not.

Support is determined **case by case**, considering:

THE NEEDS + STANDARD OF LIVING OF THE CHILDREN AND THE PARENTS

The basic combined obligation generally may not be less than the amount calculated at the maximum schedule income unless the court makes the required findings that the amount would be unjust or inappropriate and therefore not in the best interest of the child, obligor, or obligee.

Show the child's actual life:

- ☐ School/tuition
- ☐ Activities, sports, lessons & camps
- ☐ Travel/vacations
- ☐ Housing
- ☐ Transportation
- ☐ Clothing/technology
- ☐ Medical/special needs
- ☐ Child care
- ☐ Historical family spending & lifestyle

High income alone does not answer the support question.

DON'T JUST ASK FOR A DEVIATION — PROVE IT.

If requesting a deviation, give the court:

- ☐ Correct child support worksheet
- ☐ Guideline support amount
- ☐ Applicable statutory factor(s)
- ☐ Evidence supporting the factor(s)

- ☐ Specific dollar or percentage deviation requested
- ☐ Explanation of why the guideline result is unjust/inappropriate
- ☐ Evidence supporting the child's best interest
- ☐ Proposed findings when appropriate

Make the facts concrete:

Do not stop at...

Show the court...

“They have 50/50 parenting time.”

What expenses each parent actually incurs.

“Dad pays for everything.”

Quantify amounts and supporting evidence.

“Mom makes much less.”

How the income disparity affects the child and the two households.

“147 overnights means another reduction.”

The evidence supporting an additional deviation.

“The parties agreed.”

Sufficient facts for the required statutory findings.

THE TAKEAWAY

CALCULATE. Get the income and worksheet right.

CONNECT. Connect the requested deviation to a statutory factor **and** evidence.

EXPLAIN. Explain why the guideline amount is unjust or inappropriate and why the resulting support order serves the child's best interest.

Don't just give the court a number. Give the court the evidence and findings necessary to get to that number.

Key Statutes: R.C. 3119.04 • 3119.051 • 3119.22 • 3119.23 • 3119.231 • 3119.24