

As Introduced

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 631

**REPRESENTATIVES Flannery, Britton, Rhine, Fedor, Strahorn, Carano,
DeBose, Cirelli, Sullivan, Barrett, Allen**

A B I L L

To amend sections 109.65, 313.121, 2111.06, 2111.08, 1
2151.23, 2151.27, 2151.33, 2152.021, 2301.03, 2
2307.50, 2317.02, 2317.023, 2701.03, 2705.031, 3
2901.30, 2919.231, 3101.01, 3105.21, 3105.63, 4
3105.65, 3107.15, 3109.03, 3109.042, 3109.05, 5
3109.06, 3109.09, 3109.11, 3109.12, 3109.21, 6
3109.22, 3109.24 to 3109.35, 3109.37, 3109.41, 7
3109.42, 3109.43, 3109.44, 3109.45, 3109.46, 8
3109.47, 3111.13, 3111.26, 3111.31, 3113.31, 9
3115.16, 3119.01, 3119.02, 3119.022, 3119.023, 10
3119.07, 3119.09, 3119.23, 3119.63, 3119.82, 11
3119.87, 3119.964, 3125.03, 3125.06, 3125.43, 12
3313.205, 3313.672, 3313.96, 3313.98, 3319.321, 13
3321.01, 3323.01, 3333.26, 3701.503, 3902.13, 14
5104.011, 5120.652, 5120.653, 5123.01, and 5153.16; 15
to amend, for the purpose of adopting new section 16
numbers as indicated in parentheses, sections 17
3109.03 (3110.02), 3109.042 (3110.03), 3109.06 18
(3110.06), 3109.07 (3110.07), 3109.11 (3110.90), 19
3109.12 (3110.91), 3109.21 (3110.60), 3109.22 20
(3110.61), 3109.23 (3110.62), 3109.24 (3110.63), 21
3109.25 (3110.64), 3109.26 (3110.65), 3109.27 22
(3110.66), 3109.28 (3110.67), 3109.29 (3110.68), 23
3109.30 (3110.69), 3109.31 (3110.70), 3109.32 24

(3110.71), 3109.33 (3110.72), 3109.34 (3110.73), 25
3109.35 (3110.74), 3109.36 (3110.75), 3109.37 26
(3110.76), 3109.41 (3110.79), 3109.42 (3110.80), 27
3109.43 (3110.81), 3109.44 (3110.82), 3109.45 28
(3110.83), 3109.46 (3110.84), 3109.47 (3110.85), 29
and 3109.48 (3110.86); to enact sections 3110.01, 30
3110.04, 3110.05, 3110.08, 3110.09, 3110.10, 31
3110.11, 3110.111, 3110.112, 3110.113, 3110.114, 32
3110.14, 3110.15, 3110.16, 3110.17, 3110.20, 33
3110.21, 3110.22, 3110.221, 3110.23, 3110.24, 34
3110.25, 3110.28, 3110.281, 3110.29, 3110.291, 35
3110.292, 3110.293, 3110.30, 3110.31, 3110.32, 36
3110.33, 3110.331, 3110.332, 3110.333, 3110.334, 37
3110.335, 3110.336, 3110.337, 3110.34, 3110.341, 38
3110.342, 3110.35, 3110.36, 3110.361, 3110.362, 39
3110.363, 3110.364, 3110.365, 3110.366, 3110.37, 40
3110.38, 3110.42, 3110.421, 3110.422, 3110.43, 41
3110.431, 3110.432, 3110.433, 3110.44, 3110.45, 42
3110.451, 3110.452, 3110.453, 3110.46, 3110.461, 43
3110.462, 3110.463, 3110.464, 3110.465, 3110.47, 44
3110.471, 3110.472, 3110.50 to 3110.57, 3110.571, 45
3110.572, 3110.573, 3110.89, 3110.891, 3110.892, 46
3110.893, 3110.894, 3110.895, 3110.896, 3110.897, 47
and 3110.94; and to repeal sections 3109.04, 48
3109.041, 3109.051, 3109.052, 3109.053, 3109.401, 49
3119.08, and 3119.24 of the Revised Code to amend, 50
reorganize, and recodify the child custody, 51
parenting time, and visitation laws governing 52
domestic relations cases. 53

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.65, 313.121, 2111.06, 2111.08, 54

2151.23, 2151.27, 2151.33, 2152.021, 2301.03, 2307.50, 2317.02, 55
2317.023, 2701.03, 2705.031, 2901.30, 2919.231, 3101.01, 3105.21, 56
3105.63, 3105.65, 3107.15, 3109.03, 3109.042, 3109.05, 3109.06, 57
3109.09, 3109.11, 3109.12, 3109.21, 3109.22, 3109.24, 3109.25, 58
3109.26, 3109.27, 3109.28, 3109.29, 3109.30, 3109.31, 3109.32, 59
3109.33, 3109.34, 3109.35, 3109.37, 3109.41, 3109.42, 3109.43, 60
3109.44, 3109.45, 3109.46, 3109.47, 3111.13, 3111.26, 3111.31, 61
3113.31, 3115.16, 3119.01, 3119.02, 3119.022, 3119.023, 3119.07, 62
3119.09, 3119.23, 3119.63, 3119.82, 3119.87, 3119.964, 3125.03, 63
3125.06, 3125.43, 3313.205, 3313.672, 3313.96, 3313.98, 3319.321, 64
3321.01, 3323.01, 3333.26, 3701.503, 3902.13, 5104.011, 5120.652, 65
5120.653, 5123.01, and 5153.16 be amended, sections 3109.03 66
(3110.02), 3109.042 (3110.03), 3109.06 (3110.06), 3109.07 67
(3110.07), 3109.11 (3110.90), 3109.12 (3110.91), 3109.21 68
(3110.60), 3109.22 (3110.61), 3109.23 (3110.62), 3109.24 69
(3110.63), 3109.25 (3110.64), 3109.26 (3110.65), 3109.27 70
(3110.66), 3109.28 (3110.67), 3109.29 (3110.68), 3109.30 71
(3110.69), 3109.31 (3110.70), 3109.32 (3110.71), 3109.33 72
(3110.72), 3109.34 (3110.73), 3109.35 (3110.74), 3109.36 73
(3110.75), 3109.37 (3110.76), 3109.41 (3110.79), 3109.42 74
(3110.80), 3109.43 (3110.81), 3109.44 (3110.82), 3109.45 75
(3110.83), 3109.46 (3110.84), 3109.47 (3110.85), and 3109.48 76
(3110.86) be amended for the purpose of adopting new section 77
numbers as indicated in parentheses, and sections 3110.01, 78
3110.04, 3110.05, 3110.08, 3110.09, 3110.10, 3110.11, 3110.111, 79
3110.112, 3110.113, 3110.114, 3110.14, 3110.15, 3110.16, 3110.17, 80
3110.20, 3110.21, 3110.22, 3110.221, 3110.23, 3110.24, 3110.25, 81
3110.28, 3110.281, 3110.29, 3110.291, 3110.292, 3110.293, 3110.30, 82
3110.31, 3110.32, 3110.33, 3110.331, 3110.332, 3110.333, 3110.334, 83
3110.335, 3110.336, 3110.337, 3110.34, 3110.341, 3110.342, 84
3110.35, 3110.36, 3110.361, 3110.362, 3110.363, 3110.364, 85
3110.365, 3110.366, 3110.37, 3110.38, 3110.42, 3110.421, 3110.422, 86

3110.43, 3110.431, 3110.432, 3110.433, 3110.44, 3110.45, 3110.451, 87
3110.452, 3110.453, 3110.46, 3110.461, 3110.462, 3110.463, 88
3110.464, 3110.465, 3110.47, 3110.471, 3110.472, 3110.50, 3110.51, 89
3110.52, 3110.53, 3110.54, 3110.55, 3110.56, 3110.57, 3110.571, 90
3110.572, 3110.573, 3110.89, 3110.891, 3110.892, 3110.893, 91
3110.894, 3110.895, 3110.896, 3110.897, and 3110.94 of the Revised 92
Code be enacted to read as follows: 93

Sec. 109.65. (A) As used in this section, "minor," "missing 94
child," and "missing children" have the same meanings as in 95
section 2901.30 of the Revised Code. 96

(B) There is hereby created within the office of the attorney 97
general the missing children clearinghouse. The attorney general 98
shall administer the clearinghouse. The clearinghouse is 99
established as a central repository of information to coordinate 100
and improve the availability of information regarding missing 101
children, which information shall be collected and disseminated by 102
the clearinghouse to assist in the location of missing children. 103
The clearinghouse shall act as an information repository separate 104
from and in addition to law enforcement agencies within this 105
state. 106

(C) The missing children clearinghouse may perform any of the 107
following functions: 108

(1) The establishment of services to aid in the location of 109
missing children that include, but are not limited to, any of the 110
following services: 111

(a) Assistance in the preparation and dissemination of flyers 112
identifying and describing missing children and their abductors; 113
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(b) The development of informational forms for the reporting 115
of missing children that may be used by parents, guardians, and 116

law enforcement officials to facilitate the location of a missing child; 117
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(c) The provision of assistance to public and private organizations, boards of education, nonpublic schools, preschools, child care facilities, and law enforcement agencies in planning and implementing voluntary programs to fingerprint children. 119
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(2) The establishment and operation of a toll-free telephone line for supplemental reports of missing children and reports of sightings of missing children; 123
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(3) Upon the request of any person or entity and upon payment of any applicable fee established by the attorney general under division (H) of this section, the provision to the person or entity who makes the request of a copy of any information possessed by the clearinghouse that was acquired or prepared pursuant to division (E)(3) of this section; 126
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(4) The performance of liaison services between individuals and public and private agencies regarding procedures for handling and responding to missing children reports; 132
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(5) The participation as a member in any networks of other missing children centers or clearinghouses; 135
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(6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children. 137
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(D) If a board of education is notified by school personnel that a missing child is attending any school under the board's jurisdiction, or if the principal or chief administrative officer of a nonpublic school is notified by school personnel that a missing child is attending that school, the board or the principal or chief administrative officer immediately shall give notice of that fact to the missing children clearinghouse and to the law enforcement agency with jurisdiction over the area where the 140
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missing child resides. 148

(E)(1) The attorney general, in cooperation with the 149
department of job and family services, shall establish a "missing 150
child educational program" within the missing children 151
clearinghouse that shall perform the functions specified in 152
divisions (E)(1) to (3) of this section. The program shall operate 153
under the supervision and control of the attorney general in 154
accordance with procedures that the attorney general shall develop 155
to implement divisions (E)(1) to (3) of this section. The attorney 156
general shall cooperate with the department of education in 157
developing and disseminating information acquired or prepared 158
pursuant to division (E)(3) of this section. 159

(2) Upon the request of any board of education in this state 160
or any nonpublic school in this state, the missing child 161
educational program shall provide to the board or school a 162
reasonable number of copies of the information acquired or 163
prepared pursuant to division (E)(3) of this section. 164

Upon the request of any board of education in this state or 165
any nonpublic school in this state that, pursuant to section 166
3313.96 of the Revised Code, is developing an information program 167
concerning missing children issues and matters, the missing child 168
educational program shall provide to the board or nonpublic school 169
assistance in developing the information program. The assistance 170
may include, but is not limited to, the provision of any or all of 171
the following: 172

(a) If the requesting entity is a board of education of a 173
school district, sample policies on missing and exploited children 174
issues to assist the board in complying with section 3313.205 of 175
the Revised Code; 176

(b) Suggested safety curricula regarding missing children 177
issues, including child safety and abduction prevention issues; 178

(c) Assistance in developing, with local law enforcement agencies, prosecuting attorneys, boards of education, school districts, and nonpublic schools, cooperative programs for fingerprinting children;	179 180 181 182
(d) Other assistance to further the goals of the program.	183
(3) The missing child educational program shall acquire or prepare informational materials relating to missing children issues and matters. These issues and matters include, but are not limited to, the following:	184 185 186 187
(a) The types of missing children;	188
(b) The reasons why and how minors become missing children, the potential adverse consequences of a minor becoming a missing child, and, in the case of minors who are considering running away from home or from the care, custody, and control of their parents, parent who is the residential parent and legal custodian , guardian, legal custodian, or another person responsible for them, alternatives that may be available to address their concerns and problems;	189 190 191 192 193 194 195 196
(c) Offenses under federal law that could relate to missing children and other provisions of federal law that focus on missing children;	197 198 199
(d) Offenses under the Revised Code that could relate to missing children, including, but not limited to, kidnapping, abduction, unlawful restraint, child stealing, interference with custody, endangering children, domestic violence, abuse of a child and contributing to the dependency, neglect, unruliness, or delinquency of a child, sexual offenses, drug offenses, prostitution offenses, and obscenity offenses, and other provisions of the Revised Code that could relate to missing children;	200 201 202 203 204 205 206 207 208
(e) Legislation being considered by the general assembly,	209

legislatures of other states, the congress of the United States,	210
and political subdivisions in this or any other state to address	211
missing children issues;	212
(f) Sources of information on missing children issues;	213
(g) State, local, federal, and private systems for locating	214
and identifying missing children;	215
(h) Law enforcement agency programs, responsibilities, and	216
investigative techniques in missing children matters;	217
(i) Efforts on the community level in this and other states,	218
concerning missing children issues and matters, by governmental	219
entities and private organizations;	220
(j) The identification of private organizations that, among	221
their primary objectives, address missing children issues and	222
matters;	223
(k) How to avoid becoming a missing child and what to do if	224
one becomes a missing child;	225
(l) Efforts that schools, parents, and members of a community	226
can undertake to reduce the risk that a minor will become a	227
missing child and to quickly locate or identify a minor if he	228
becomes a missing child, including, but not limited to,	229
fingerprinting programs.	230
(F) Each year the missing children clearinghouse shall issue	231
a report describing its performance of the functions specified in	232
division (E) of this section and shall provide a copy of the	233
report to the speaker of the house of representatives, the	234
president of the senate, the governor, the superintendent of the	235
bureau of criminal identification and investigation, and the	236
director of job and family services.	237
(G) Any state agency or political subdivision of this state	238
that operates a missing children program or a clearinghouse for	239

information about missing children shall coordinate its activities
with the missing children clearinghouse.

(H) The attorney general shall determine a reasonable fee to
be charged for providing to any person or entity other than a
state or local law enforcement agency of this or any other state,
a law enforcement agency of the United States, a board of
education of a school district in this state, a nonpublic school
in this state, a governmental entity in this state, or a public
library in this state, pursuant to division (A)(3) of this
section, copies of any information acquired or prepared pursuant
to division (E)(3) of this section. The attorney general shall
collect the fee prior to sending or giving copies of any
information to any person or entity for whom or which this
division requires the fee to be charged and shall deposit the fee
into the missing children fund created by division (I) of this
section.

(I) There is hereby created in the state treasury the missing
children fund that shall consist of all moneys awarded to the
state by donation, gift, or bequest, all other moneys received for
purposes of this section, and all fees collected pursuant to this
section or section 109.64 of the Revised Code. The attorney
general shall use the moneys in the missing children fund only for
purposes of the office of the attorney general acquiring or
preparing information pursuant to division (E)(3) of this section.

(J) The failure of the missing children clearinghouse to
undertake any function or activity authorized in this section does
not create a cause of action against the state.

Sec. 313.121. (A) As used in this section, "parent" means
either parent, except that if one parent has been designated the
residential parent ~~and legal custodian~~ of the child, "parent"
means the designated residential parent ~~and legal custodian~~, and

if a person other than a parent is the child's legal guardian, 271
"parent" means the legal guardian. 272

(B) If a child under two years of age dies suddenly when in 273
apparent good health, the death shall be reported immediately to 274
the coroner of the county in which the death occurred, as required 275
by section 313.12 of the Revised Code. Except as provided in 276
division (C) of this section, the coroner or deputy coroner shall 277
perform an autopsy on the child. The autopsy shall be performed in 278
accordance with public health council rules adopted under section 279
313.122 of the Revised Code. The coroner or deputy coroner may 280
perform research procedures and tests when performing the autopsy. 281

(C) A coroner or deputy coroner is not required to perform an 283
autopsy if the coroner of the county in which the death occurred 284
or a court with jurisdiction over the deceased body determines 285
under section 313.131 of the Revised Code that an autopsy is 286
contrary to the religious beliefs of the child. If the coroner or 287
the court makes such a determination, the coroner shall notify the 288
health district or department of health with jurisdiction in the 289
area in which the child's parent resides. For purposes of this 290
division, the religious beliefs of the parents of a child shall be 291
considered to be the religious beliefs of the child. 292

(D) If the child's parent makes a written or verbal request 294
for the preliminary results of the autopsy after the results are 295
available, the coroner, or a person designated by ~~him~~ the coroner, 296
shall give the parent an oral statement of the preliminary 297
results. 298

The coroner, within a reasonable time after the final results 299
of the autopsy are reported, shall send written notice of the 300
results to the state department of health, the health district or 301
department with jurisdiction in the area in which the child's 302

parent resides, and, upon the request of a parent of the child, to 303
the child's attending physician. Upon the written request of a 304
parent of the child and the payment of the transcript fee required 305
by section 313.10 of the Revised Code, the coroner shall send 306
written notice of the final results to that parent. The notice 307
sent to the state department of health shall include all of the 308
information specified by rule of the public health council adopted 309
under section 313.122 of the Revised Code. 310

(E) On the occurrence of any of the following, the health 311
district or department with jurisdiction in the area in which the 312
child's parent resides shall offer the parent any counseling or 313
other supportive services it has available: 314

(1) When it learns through any source that an autopsy is 315
being performed on a child under two years of age who died 316
suddenly when in apparent good health; 317

(2) When it receives notice that the final result of an 318
autopsy performed pursuant to this section concluded that the 319
child died of sudden infant death syndrome; 320

(3) When it is notified by the coroner that, pursuant to 321
division (C) of this section, an autopsy was not performed. 322

(F) When a health district or department receives notice that 323
the final result of an autopsy performed pursuant to this section 324
concluded that the child died of sudden infant death syndrome or 325
that, pursuant to division (C) of this section, an autopsy was not 326
performed but sudden infant death syndrome may have been the cause 327
of death, it shall offer the child's parent information about 328
sudden infant death syndrome. The state department of health shall 329
ensure that current information on sudden infant death syndrome is 330
available for distribution by health districts and departments. 331

Sec. 2111.06. If the powers of the person appointed as 333
guardian of a minor or incompetent are not limited by the order of 334
appointment, such person shall be guardian both of the person and 335
estate of the ward. In every instance the court shall appoint the 336
same person as guardian of the person and estate of any such ward, 337
unless in the opinion of the court the interests of the ward will 338
be promoted by the appointment of different persons as guardians 339
of the person and of the estate. 340

A guardian of the person of a minor shall be appointed as to 341
a minor having neither father nor mother, or whose parents are 342
unsuitable persons to have the custody and tuition of such minor, 343
or whose interests, in the opinion of the court, will be promoted 344
thereby. A guardian of the person shall have the custody and 345
provide for the maintenance of the ward, and if the ward is a 346
minor, such guardian shall also provide for the education of such 347
ward. 348

Before exercising its jurisdiction to appoint a guardian of a 349
minor, the court shall comply with the jurisdictional standards of 350
sections ~~3109.21 to 3109.37~~ 3110.60 to 3110.76 of the Revised 351
Code. 352

Sec. 2111.08. The wife and husband are the joint natural 353
guardians of their minor children and are equally charged with 354
their care, nurture, welfare, and education and the care and 355
management of their estates. The wife and husband have equal 356
powers, rights, and duties and neither parent has any right 357
paramount to the right of the other concerning the ~~parental rights~~ 358
parenting functions and responsibilities for the care of the minor 359
or the right to be the residential parent ~~and legal custodian~~ of 360
the minor, the control of the services or the earnings of such 361
minor, or any other matter affecting the minor; provided that if 362
either parent, to the exclusion of the other, is maintaining and 363

supporting the child, that parent shall have the paramount right 364
to control the services and earnings of the child. Neither parent 365
shall forcibly take a child from the guardianship of the parent 366
who is the residential parent ~~and legal custodian~~ of the child. 367

If the wife and husband live apart, the court may award the 368
guardianship of a minor to either parent, and the state in which 369
the parent who is the residential parent ~~and legal custodian~~ or 370
who otherwise has the lawful custody of the minor resides has 371
jurisdiction to determine questions concerning the minor's 372
guardianship. 373

Sec. 2151.23. (A) The juvenile court has exclusive original 374
jurisdiction under the Revised Code as follows: 375

(1) Concerning any child who on or about the date specified 376
in the complaint, indictment, or information is alleged to have 377
violated section 2151.87 of the Revised Code or an order issued 378
under that section or to be a juvenile traffic offender or a 379
delinquent, unruly, abused, neglected, or dependent child and, 380
based on and in relation to the allegation pertaining to the 381
child, concerning the parent, guardian, or other person having 382
care of a child who is alleged to be an unruly or delinquent child 383
for being an habitual or chronic truant; 384

(2) Subject to division (V) of section 2301.03 of the Revised 385
Code, to determine the custody of any child not a ward of another 386
court of this state; 387

(3) To hear and determine any application for a writ of 388
habeas corpus involving the custody of a child; 389

(4) To exercise the powers and jurisdiction given the probate 390
division of the court of common pleas in Chapter 5122. of the 391
Revised Code, if the court has probable cause to believe that a 392
child otherwise within the jurisdiction of the court is a mentally 393
ill person subject to hospitalization by court order, as defined 394

in section 5122.01 of the Revised Code;	395
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	396
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	398
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	408
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	410
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	414
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	418
(11) Subject to division (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter	420

3115. of the Revised Code;	426
(12) Concerning an action commenced under section 121.38 of the Revised Code;	427 428
(13) To hear and determine violations of section 3321.38 of the Revised Code;	429 430
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	431 432 433 434 435
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.85 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.85 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40.	436 437 438 439 440 441 442 443
(B) Except as provided in division (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	444 445 446
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	447 448 449 450
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	451 452 453
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	454 455

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;

(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;

(6) To hear and determine a motion filed under section 3119.961 of the Revised Code.

(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.

(D) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including jurisdiction to modify the judgment and decree of the court of common pleas as the same relate to the custody and support of children.

(E) The juvenile court, except as provided in division (I) of section 2301.03 of the Revised Code, has jurisdiction to hear and

determine the case of any child certified to the court by any 487
court of competent jurisdiction if the child comes within the 488
jurisdiction of the juvenile court as defined by this section. 489

(F)(1) The juvenile court shall exercise its jurisdiction in 490
child custody matters in accordance with Chapter 3110. of the 491
Revised Code and sections ~~3109.04, 3109.21 to 3109.36, and~~ 5103.20 492
to 5103.28 of the Revised Code. 493

(2) The juvenile court shall exercise its jurisdiction in 494
child support matters in accordance with section 3109.05 of the 495
Revised Code. 496

(G) Any juvenile court that makes or modifies an order for 497
child support shall comply with Chapters 3119., 3121., 3123., and 498
3125. of the Revised Code. If any person required to pay child 499
support under an order made by a juvenile court on or after April 500
15, 1985, or modified on or after December 1, 1986, is found in 501
contempt of court for failure to make support payments under the 502
order, the court that makes the finding, in addition to any other 503
penalty or remedy imposed, shall assess all court costs arising 504
out of the contempt proceeding against the person and require the 505
person to pay any reasonable attorney's fees of any adverse party, 506
as determined by the court, that arose in relation to the act of 507
contempt. 508

(H) If a child who is charged with an act that would be an 509
offense if committed by an adult was fourteen years of age or 510
older and under eighteen years of age at the time of the alleged 511
act and if the case is transferred for criminal prosecution 512
pursuant to section 2152.12 of the Revised Code, the juvenile 513
court does not have jurisdiction to hear or determine the case 514
subsequent to the transfer. The court to which the case is 515
transferred for criminal prosecution pursuant to that section has 516
jurisdiction subsequent to the transfer to hear and determine the 517
case in the same manner as if the case originally had been 518

commenced in that court, including, but not limited to,
jurisdiction to accept a plea of guilty or another plea authorized
by Criminal Rule 11 or another section of the Revised Code and
jurisdiction to accept a verdict and to enter a judgment of
conviction pursuant to the Rules of Criminal Procedure against the
child for the commission of the offense that was the basis of the
transfer of the case for criminal prosecution, whether the
conviction is for the same degree or a lesser degree of the
offense charged, for the commission of a lesser-included offense,
or for the commission of another offense that is different from
the offense charged.

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(I) If a person under eighteen years of age allegedly commits
an act that would be a felony if committed by an adult and if the
person is not taken into custody or apprehended for that act until
after the person attains twenty-one years of age, the juvenile
court does not have jurisdiction to hear or determine any portion
of the case charging the person with committing that act. In those
circumstances, divisions (A) and (B) of section 2152.12 of the
Revised Code do not apply regarding the act, and the case charging
the person with committing the act shall be a criminal prosecution
commenced and heard in the appropriate court having jurisdiction
of the offense as if the person had been eighteen years of age or
older when the person committed the act. All proceedings
pertaining to the act shall be within the jurisdiction of the
court having jurisdiction of the offense, and that court has all
the authority and duties in the case that it has in other criminal
cases in that court.

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Sec. 2151.27. (A)(1) Subject to division (A)(2) of this
section, any person having knowledge of a child who appears to
have violated section 2151.87 of the Revised Code or to be a
juvenile traffic offender or to be an unruly, abused, neglected,
or dependent child may file a sworn complaint with respect to that

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child in the juvenile court of the county in which the child has a residence or legal settlement or in which the violation, unruliness, abuse, neglect, or dependency allegedly occurred. If an alleged abused, neglected, or dependent child is taken into custody pursuant to division (D) of section 2151.31 of the Revised Code or is taken into custody pursuant to division (A) of section 2151.31 of the Revised Code without the filing of a complaint and placed into shelter care pursuant to division (C) of that section, a sworn complaint shall be filed with respect to the child before the end of the next day after the day on which the child was taken into custody. The sworn complaint may be upon information and belief, and, in addition to the allegation that the child committed the violation or is an unruly, abused, neglected, or dependent child, the complaint shall allege the particular facts upon which the allegation that the child committed the violation or is an unruly, abused, neglected, or dependent child is based.

(2) Any person having knowledge of a child who appears to be an unruly child for being an habitual truant may file a sworn complaint with respect to that child and the parent, guardian, or other person having care of the child in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend public school. The sworn complaint may be upon information and belief and shall contain the following allegations:

(a) That the child is an unruly child for being an habitual truant and, in addition, the particular facts upon which that allegation is based;

(b) That the parent, guardian, or other person having care of the child has failed to cause the child's attendance at school in violation of section 3321.38 of the Revised Code and, in addition, the particular facts upon which that allegation is based.

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(B) If a child, before arriving at the age of eighteen years, allegedly commits an act for which the child may be adjudicated an unruly child and if the specific complaint alleging the act is not filed or a hearing on that specific complaint is not held until after the child arrives at the age of eighteen years, the court has jurisdiction to hear and dispose of the complaint as if the complaint were filed and the hearing held before the child arrived at the age of eighteen years.

(C) If the complainant in a case in which a child is alleged to be an abused, neglected, or dependent child desires permanent custody of the child or children, temporary custody of the child or children, whether as the preferred or an alternative disposition, or the placement of the child in a planned permanent living arrangement, the complaint shall contain a prayer specifically requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement.

(D) Any person with standing under applicable law may file a complaint for the determination of any other matter over which the juvenile court is given jurisdiction by section 2151.23 of the Revised Code. The complaint shall be filed in the county in which the child who is the subject of the complaint is found or was last known to be found.

(E) A public children services agency, acting pursuant to a complaint or an action on a complaint filed under this section, is not subject to the requirements of section ~~3109.27~~ 3110.66 of the Revised Code.

(F) Upon the filing of a complaint alleging that a child is an unruly child, the court may hold the complaint in abeyance pending the child's successful completion of actions that constitute a method to divert the child from the juvenile court system. The method may be adopted by a county pursuant to

divisions (D) and (E) of section 121.37 of the Revised Code or it
may be another method that the court considers satisfactory. If
the child completes the actions to the court's satisfaction, the
court may dismiss the complaint. If the child fails to complete
the actions to the court's satisfaction, the court may consider
the complaint.

Sec. 2151.33. (A) Pending hearing of a complaint filed under
section 2151.27 of the Revised Code or a motion filed or made
under division (B) of this section and the service of citations,
the juvenile court may make any temporary disposition of any child
that it considers necessary to protect the best interest of the
child and that can be made pursuant to division (B) of this
section. Upon the certificate of one or more reputable practicing
physicians, the court may summarily provide for emergency medical
and surgical treatment that appears to be immediately necessary to
preserve the health and well-being of any child concerning whom a
complaint or an application for care has been filed, pending the
service of a citation upon the child's parents, guardian, or
custodian. The court may order the parents, guardian, or
custodian, if the court finds the parents, guardian, or custodian
able to do so, to reimburse the court for the expense involved in
providing the emergency medical or surgical treatment. Any person
who disobeys the order for reimbursement may be adjudged in
contempt of court and punished accordingly.

If the emergency medical or surgical treatment is furnished
to a child who is found at the hearing to be a nonresident of the
county in which the court is located and if the expense of the
medical or surgical treatment cannot be recovered from the
parents, legal guardian, or custodian of the child, the board of
county commissioners of the county in which the child has a legal
settlement shall reimburse the court for the reasonable cost of
the emergency medical or surgical treatment out of its general

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(B)(1) After a complaint, petition, writ, or other document
initiating a case dealing with an alleged or adjudicated abused,
neglected, or dependent child is filed and upon the filing or
making of a motion pursuant to division (C) of this section, the
court, prior to the final disposition of the case, may issue any
of the following temporary orders to protect the best interest of
the child:

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(a) An order granting temporary custody of the child to a
particular party;

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(b) An order for the taking of the child into custody
pursuant to section 2151.31 of the Revised Code pending the
outcome of the adjudicatory and dispositional hearings;

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(c) An order limiting or eliminating parenting time rights
granted under former section 3109.051 or 3109.12 of the Revised
Code or an order granting, limiting, or eliminating ~~parenting time~~
~~or~~ visitation rights with respect to the child;

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(d) An order requiring a party to vacate a residence that
will be lawfully occupied by the child;

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(e) An order requiring a party to attend an appropriate
counseling program that is reasonably available to that party;

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(f) Any other order that restrains or otherwise controls the
conduct of any party which conduct would not be in the best
interest of the child.

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(2) Prior to the final disposition of a case subject to
division (B)(1) of this section, the court shall do both of the
following:

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(a) Issue an order pursuant to Chapters 3119. to 3125. of the
Revised Code requiring the parents, guardian, or person charged
with the child's support to pay support for the child.

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(b) Issue an order requiring the parents, guardian, or person charged with the child's support to continue to maintain any health insurance coverage for the child that existed at the time of the filing of the complaint, petition, writ, or other document, or to obtain health insurance coverage in accordance with sections 3119.30 to 3119.58 of the Revised Code.

(C)(1) A court may issue an order pursuant to division (B) of this section upon its own motion or if a party files a written motion or makes an oral motion requesting the issuance of the order and stating the reasons for it. Any notice sent by the court as a result of a motion pursuant to this division shall contain a notice that any party to a juvenile proceeding has the right to be represented by counsel and to have appointed counsel if the person is indigent.

(2) If a child is taken into custody pursuant to section 2151.31 of the Revised Code and placed in shelter care, the public children services agency or private child placing agency with which the child is placed in shelter care shall file or make a motion as described in division (C)(1) of this section before the end of the next day immediately after the date on which the child was taken into custody and, at a minimum, shall request an order for temporary custody under division (B)(1)(a) of this section.

(3) A court that issues an order pursuant to division (B)(1)(b) of this section shall comply with section 2151.419 of the Revised Code.

(D) The court may grant an ex parte order upon its own motion or a motion filed or made pursuant to division (C) of this section requesting such an order if it appears to the court that the best interest and the welfare of the child require that the court issue the order immediately. The court, if acting on its own motion, or the person requesting the granting of an ex parte order, to the extent possible, shall give notice of its intent or of the request

to the parents, guardian, or custodian of the child who is the
subject of the request. If the court issues an ex parte order, the
court shall hold a hearing to review the order within seventy-two
hours after it is issued or before the end of the next day after
the day on which it is issued, whichever occurs first. The court
shall give written notice of the hearing to all parties to the
action and shall appoint a guardian ad litem for the child prior
to the hearing.

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The written notice shall be given by all means that are
reasonably likely to result in the party receiving actual notice
and shall include all of the following:

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(1) The date, time, and location of the hearing;

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(2) The issues to be addressed at the hearing;

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(3) A statement that every party to the hearing has a right
to counsel and to court-appointed counsel, if the party is
indigent;

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(4) The name, telephone number, and address of the person
requesting the order;

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(5) A copy of the order, except when it is not possible to
obtain it because of the exigent circumstances in the case.

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If the court does not grant an ex parte order pursuant to a
motion filed or made pursuant to division (C) of this section or
its own motion, the court shall hold a shelter care hearing on the
motion within ten days after the motion is filed. The court shall
give notice of the hearing to all affected parties in the same
manner as set forth in the Juvenile Rules.

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(E) The court, pending the outcome of the adjudicatory and
dispositional hearings, shall not issue an order granting
temporary custody of a child to a public children services agency
or private child placing agency pursuant to this section, unless

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the court determines and specifically states in the order that the continued residence of the child in the child's current home will be contrary to the child's best interest and welfare and the court complies with section 2151.419 of the Revised Code.

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(F) Each public children services agency and private child placing agency that receives temporary custody of a child pursuant to this section shall maintain in the child's case record written documentation that it has placed the child, to the extent that it is consistent with the best interest, welfare, and special needs of the child, in the most family-like setting available and in close proximity to the home of the parents, custodian, or guardian of the child.

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(G) For good cause shown, any court order that is issued pursuant to this section may be reviewed by the court at any time upon motion of any party to the action or upon the motion of the court.

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Sec. 2152.021. (A)(1) Subject to division (A)(2) of this section, any person having knowledge of a child who appears to be a juvenile traffic offender or to be a delinquent child may file a sworn complaint with respect to that child in the juvenile court of the county in which the child has a residence or legal settlement or in which the traffic offense or delinquent act allegedly occurred. The sworn complaint may be upon information and belief, and, in addition to the allegation that the child is a delinquent child or a juvenile traffic offender, the complaint shall allege the particular facts upon which the allegation that the child is a delinquent child or a juvenile traffic offender is based.

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If a child appears to be a delinquent child who is eligible for a serious youthful offender dispositional sentence under section 2152.11 of the Revised Code and if the prosecuting

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attorney desires to seek a serious youthful offender dispositional 770
sentence under section 2152.13 of the Revised Code in regard to 771
the child, the prosecuting attorney of the county in which the 772
alleged delinquency occurs may initiate a case in the juvenile 773
court of the county by presenting the case to a grand jury for 774
indictment, by charging the child in a bill of information as a 775
serious youthful offender pursuant to section 2152.13 of the 776
Revised Code, by requesting a serious youthful offender 777
dispositional sentence in the original complaint alleging that the 778
child is a delinquent child, or by filing with the juvenile court 779
a written notice of intent to seek a serious youthful offender 780
dispositional sentence. 781

(2) Any person having knowledge of a child who appears to be 782
a delinquent child for being an habitual or chronic truant may 783
file a sworn complaint with respect to that child and the parent, 784
guardian, or other person having care of the child in the juvenile 785
court of the county in which the child has a residence or legal 786
settlement or in which the child is supposed to attend public 787
school. The sworn complaint may be upon information and belief and 788
shall contain the following allegations: 789

(a) That the child is a delinquent child for being a chronic 790
truant or an habitual truant who previously has been adjudicated 791
an unruly child for being a habitual truant and, in addition, the 792
particular facts upon which that allegation is based; 793

(b) That the parent, guardian, or other person having care of 794
the child has failed to cause the child's attendance at school in 795
violation of section 3321.38 of the Revised Code and, in addition, 796
the particular facts upon which that allegation is based. 797

(B) Any person with standing under applicable law may file a 798
complaint for the determination of any other matter over which the 799
juvenile court is given jurisdiction by section 2151.23 of the 800
Revised Code. The complaint shall be filed in the county in which 801

the child who is the subject of the complaint is found or was last
known to be found.

(C) Within ten days after the filing of a complaint or the
issuance of an indictment, the court shall give written notice of
the filing of the complaint or the issuance of an indictment and
of the substance of the complaint or indictment to the
superintendent of a city, local, exempted village, or joint
vocational school district if the complaint or indictment alleges
that a child committed an act that would be a criminal offense if
committed by an adult, that the child was sixteen years of age or
older at the time of the commission of the alleged act, and that
the alleged act is any of the following:

(1) A violation of section 2923.122 of the Revised Code that
relates to property owned or controlled by, or to an activity held
under the auspices of, the board of education of that school
district;

(2) A violation of section 2923.12 of the Revised Code, of a
substantially similar municipal ordinance, or of section 2925.03
of the Revised Code that was committed on property owned or
controlled by, or at an activity held under the auspices of, the
board of education of that school district;

(3) A violation of section 2925.11 of the Revised Code that
was committed on property owned or controlled by, or at an
activity held under the auspices of, the board of education of
that school district, other than a violation of that section that
would be a minor drug possession offense if committed by an adult;

(4) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised
Code, or a violation of former section 2907.12 of the Revised
Code, that was committed on property owned or controlled by, or at
an activity held under the auspices of, the board of education of

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that school district, if the victim at the time of the commission 833
of the alleged act was an employee of the board of education of 834
that school district; 835

(5) Complicity in any violation described in division (C)(1), 836
(2), (3), or (4) of this section that was alleged to have been 837
committed in the manner described in division (C)(1), (2), (3), or 838
(4) of this section, regardless of whether the act of complicity 839
was committed on property owned or controlled by, or at an 840
activity held under the auspices of, the board of education of 841
that school district. 842

(D) A public children services agency, acting pursuant to a 843
complaint or an action on a complaint filed under this section, is 844
not subject to the requirements of section ~~3109.27~~ 3110.66 of the 845
Revised Code. 846

(E) For purposes of the record to be maintained by the clerk 847
under division (B) of section 2152.71 of the Revised Code, when a 848
complaint is filed that alleges that a child is a delinquent 849
child, the court shall determine if the victim of the alleged 850
delinquent act was sixty-five years of age or older or permanently 851
and totally disabled at the time of the alleged commission of the 852
act. 853

Sec. 2301.03. (A) In Franklin county, the judges of the court 854
of common pleas whose terms begin on January 1, 1953, January 2, 855
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 856
successors, shall have the same qualifications, exercise the same 857
powers and jurisdiction, and receive the same compensation as 858
other judges of the court of common pleas of Franklin county and 859
shall be elected and designated as judges of the court of common 860
pleas, division of domestic relations. They shall have all the 861
powers relating to juvenile courts, and all cases under Chapters 862
2151. and 2152. of the Revised Code, all parentage proceedings 863

under Chapter 3111. of the Revised Code over which the juvenile 864
court has jurisdiction, and all divorce, dissolution of marriage, 865
legal separation, and annulment cases shall be assigned to them. 866
In addition to the judge's regular duties, the judge who is senior 867
in point of service shall serve on the children services board and 868
the county advisory board and shall be the administrator of the 869
domestic relations division and its subdivisions and departments. 870

(B) In Hamilton county: 871
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(1) The judge of the court of common pleas, whose term begins 873
on January 1, 1957, and successors, and the judge of the court of 874
common pleas, whose term begins on February 14, 1967, and 875
successors, shall be the juvenile judges as provided in Chapters 876
2151. and 2152. of the Revised Code, with the powers and 877
jurisdiction conferred by those chapters. 878

(2) The judges of the court of common pleas whose terms begin 879
on January 5, 1957, January 16, 1981, and July 1, 1991, and 880
successors, shall be elected and designated as judges of the court 881
of common pleas, division of domestic relations, and shall have 882
assigned to them all divorce, dissolution of marriage, legal 883
separation, and annulment cases coming before the court. On or 884
after the first day of July and before the first day of August of 885
1991 and each year thereafter, a majority of the judges of the 886
division of domestic relations shall elect one of the judges of 887
the division as administrative judge of that division. If a 888
majority of the judges of the division of domestic relations are 889
unable for any reason to elect an administrative judge for the 890
division before the first day of August, a majority of the judges 891
of the Hamilton county court of common pleas, as soon as possible 892
after that date, shall elect one of the judges of the division of 893
domestic relations as administrative judge of that division. The 894
term of the administrative judge shall begin on the earlier of the 895

first day of August of the year in which the administrative judge 896
is elected or the date on which the administrative judge is 897
elected by a majority of the judges of the Hamilton county court 898
of common pleas and shall terminate on the date on which the 899
administrative judge's successor is elected in the following year. 900

In addition to the judge's regular duties, the administrative 901
judge of the division of domestic relations shall be the 902
administrator of the domestic relations division and its 903
subdivisions and departments and shall have charge of the 904
employment, assignment, and supervision of the personnel of the 905
division engaged in handling, servicing, or investigating divorce, 906
dissolution of marriage, legal separation, and annulment cases, 907
including any referees considered necessary by the judges in the 908
discharge of their various duties. 909

The administrative judge of the division of domestic 910
relations also shall designate the title, compensation, expense 911
allowances, hours, leaves of absence, and vacations of the 912
personnel of the division, and shall fix the duties of its 913
personnel. The duties of the personnel, in addition to those 914
provided for in other sections of the Revised Code, shall include 915
the handling, servicing, and investigation of divorce, dissolution 916
of marriage, legal separation, and annulment cases and counseling 917
and conciliation services that may be made available to persons 918
requesting them, whether or not the persons are parties to an 919
action pending in the division. 920

The board of county commissioners shall appropriate the sum 921
of money each year as will meet all the administrative expenses of 922
the division of domestic relations, including reasonable expenses 923
of the domestic relations judges and the division counselors and 924
other employees designated to conduct the handling, servicing, and 925
investigation of divorce, dissolution of marriage, legal 926
separation, and annulment cases, conciliation and counseling, and 927

all matters relating to those cases and counseling, and the 928
expenses involved in the attendance of division personnel at 929
domestic relations and welfare conferences designated by the 930
division, and the further sum each year as will provide for the 931
adequate operation of the division of domestic relations. 932

The compensation and expenses of all employees and the salary 933
and expenses of the judges shall be paid by the county treasurer 934
from the money appropriated for the operation of the division, 935
upon the warrant of the county auditor, certified to by the 936
administrative judge of the division of domestic relations. 937

The summonses, warrants, citations, subpoenas, and other 938
writs of the division may issue to a bailiff, constable, or staff 939
investigator of the division or to the sheriff of any county or 940
any marshal, constable, or police officer, and the provisions of 941
law relating to the subpoenaing of witnesses in other cases shall 942
apply insofar as they are applicable. When a summons, warrant, 943
citation, subpoena, or other writ is issued to an officer, other 944
than a bailiff, constable, or staff investigator of the division, 945
the expense of serving it shall be assessed as a part of the costs 946
in the case involved. 947

(3) The judge of the court of common pleas of Hamilton county 948
whose term begins on January 3, 1997, and the successor to that 949
judge whose term begins on January 3, 2003, shall each be elected 950
and designated for one term only as the drug court judge of the 951
court of common pleas of Hamilton county. The successors to the 952
judge whose term begins on January 3, 2003, shall be elected and 953
designated as judges of the general division of the court of 954
common pleas of Hamilton county and shall not have the authority 955
granted by division (B)(3) of this section. The drug court judge 956
may accept or reject any case referred to the drug court judge 957
under division (B)(3) of this section. After the drug court judge 958
accepts a referred case, the drug court judge has full authority 959

over the case, including the authority to conduct arraignment, 960
accept pleas, enter findings and dispositions, conduct trials, 961
order treatment, and if treatment is not successfully completed 962
pronounce and enter sentence. 963

A judge of the general division of the court of common pleas 964
of Hamilton county and a judge of the Hamilton county municipal 965
court may refer to the drug court judge any case, and any 966
companion cases, the judge determines meet the criteria described 967
under divisions (B)(3)(a) and (b) of this section. If the drug 968
court judge accepts referral of a referred case, the case, and any 969
companion cases, shall be transferred to the drug court judge. A 970
judge may refer a case meeting the criteria described in divisions 971
(B)(3)(a) and (b) of this section that involves a violation of a 972
term of probation to the drug court judge, and, if the drug court 973
judge accepts the referral, the referring judge and the drug court 974
judge have concurrent jurisdiction over the case. 975

A judge of the general division of the court of common pleas 976
of Hamilton county and a judge of the Hamilton county municipal 977
court may refer a case to the drug court judge under division 978
(B)(3) of this section if the judge determines that both of the 979
following apply: 980

(a) One of the following applies: 981

(i) The case involves a drug abuse offense, as defined in 982
section 2925.01 of the Revised Code, that is a felony of the third 983
or fourth degree if the offense is committed prior to July 1, 984
1996, a felony of the third, fourth, or fifth degree if the 985
offense is committed on or after July 1, 1996, or a misdemeanor. 986

(ii) The case involves a theft offense, as defined in section 987
2913.01 of the Revised Code, that is a felony of the third or 988
fourth degree if the offense is committed prior to July 1, 1996, a 989
felony of the third, fourth, or fifth degree if the offense is 990

committed on or after July 1, 1996, or a misdemeanor, and the	991
defendant is drug or alcohol dependent or in danger of becoming	992
drug or alcohol dependent and would benefit from treatment.	993
	994
(b) All of the following apply:	995
(i) The case involves a probationable offense or a case in	996
which a mandatory prison term is not required to be imposed.	997
(ii) The defendant has no history of violent behavior.	998
(iii) The defendant has no history of mental illness.	999
(iv) The defendant's current or past behavior, or both, is	1000
drug or alcohol driven.	1001
(v) The defendant demonstrates a sincere willingness to	1002
participate in a fifteen-month treatment process.	1003
(vi) The defendant has no acute health condition.	1004
(vii) If the defendant is incarcerated, the county prosecutor	1005
approves of the referral.	1006
(4) If the administrative judge of the court of common pleas	1007
of Hamilton county determines that the volume of cases pending	1008
before the drug court judge does not constitute a sufficient	1009
caseload for the drug court judge, the administrative judge, in	1010
accordance with the Rules of Superintendence for Courts of Common	1011
Pleas, shall assign individual cases to the drug court judge from	1012
the general docket of the court. If the assignments so occur, the	1013
administrative judge shall cease the assignments when the	1014
administrative judge determines that the volume of cases pending	1015
before the drug court judge constitutes a sufficient caseload for	1016
the drug court judge.	1017
(C) In Lorain county, the judges of the court of common pleas	1018
whose terms begin on January 3, 1959, January 4, 1989, and January	1019
2, 1999, and successors, shall have the same qualifications,	1020

exercise the same powers and jurisdiction, and receive the same 1021
compensation as the other judges of the court of common pleas of 1022
Lorain county and shall be elected and designated as the judges of 1023
the court of common pleas, division of domestic relations. They 1024
shall have all of the powers relating to juvenile courts, and all 1025
cases under Chapters 2151. and 2152. of the Revised Code, all 1026
parentage proceedings over which the juvenile court has 1027
jurisdiction, and all divorce, dissolution of marriage, legal 1028
separation, and annulment cases shall be assigned to them, except 1029
cases that for some special reason are assigned to some other 1030
judge of the court of common pleas. 1031

(D) In Lucas county: 1032

(1) The judges of the court of common pleas whose terms begin 1033
on January 1, 1955, and January 3, 1965, and successors, shall 1034
have the same qualifications, exercise the same powers and 1035
jurisdiction, and receive the same compensation as other judges of 1036
the court of common pleas of Lucas county and shall be elected and 1037
designated as judges of the court of common pleas, division of 1038
domestic relations. All divorce, dissolution of marriage, legal 1039
separation, and annulment cases shall be assigned to them. 1040

The judge of the division of domestic relations, senior in 1041
point of service, shall be considered as the presiding judge of 1042
the court of common pleas, division of domestic relations, and 1043
shall be charged exclusively with the assignment and division of 1044
the work of the division and the employment and supervision of all 1045
other personnel of the domestic relations division. 1046

(2) The judges of the court of common pleas whose terms begin 1047
on January 5, 1977, and January 2, 1991, and successors shall have 1048
the same qualifications, exercise the same powers and 1049
jurisdiction, and receive the same compensation as other judges of 1050
the court of common pleas of Lucas county, shall be elected and 1051
designated as judges of the court of common pleas, juvenile 1052

division, and shall be the juvenile judges as provided in Chapters 1053
2151. and 2152. of the Revised Code with the powers and 1054
jurisdictions conferred by those chapters. In addition to the 1055
judge's regular duties, the judge of the court of common pleas, 1056
juvenile division, senior in point of service, shall be the 1057
administrator of the juvenile division and its subdivisions and 1058
departments and shall have charge of the employment, assignment, 1059
and supervision of the personnel of the division engaged in 1060
handling, servicing, or investigating juvenile cases, including 1061
any referees considered necessary by the judges of the division in 1062
the discharge of their various duties. 1063

The judge of the court of common pleas, juvenile division, 1064
senior in point of service, also shall designate the title, 1065
compensation, expense allowance, hours, leaves of absence, and 1066
vacation of the personnel of the division and shall fix the duties 1067
of the personnel of the division. The duties of the personnel, in 1068
addition to other statutory duties include the handling, 1069
servicing, and investigation of juvenile cases and counseling and 1070
conciliation services that may be made available to persons 1071
requesting them, whether or not the persons are parties to an 1072
action pending in the division. 1073

(3) If one of the judges of the court of common pleas, 1074
division of domestic relations, or one of the judges of the 1075
juvenile division is sick, absent, or unable to perform that 1076
judge's judicial duties or the volume of cases pending in that 1077
judge's division necessitates it, the duties shall be performed by 1078
the judges of the other of those divisions. 1079

(E) In Mahoning county: 1080

(1) The judge of the court of common pleas whose term began 1081
on January 1, 1955, and successors, shall have the same 1082
qualifications, exercise the same powers and jurisdiction, and 1083
receive the same compensation as other judges of the court of 1084

common pleas of Mahoning county, shall be elected and designated 1085
as judge of the court of common pleas, division of domestic 1086
relations, and shall be assigned all the divorce, dissolution of 1087
marriage, legal separation, and annulment cases coming before the 1088
court. In addition to the judge's regular duties, the judge of the 1089
court of common pleas, division of domestic relations, shall be 1090
the administrator of the domestic relations division and its 1091
subdivisions and departments and shall have charge of the 1092
employment, assignment, and supervision of the personnel of the 1093
division engaged in handling, servicing, or investigating divorce, 1094
dissolution of marriage, legal separation, and annulment cases, 1095
including any referees considered necessary in the discharge of 1096
the various duties of the judge's office. 1097

The judge also shall designate the title, compensation, 1098
expense allowances, hours, leaves of absence, and vacations of the 1099
personnel of the division and shall fix the duties of the 1100
personnel of the division. The duties of the personnel, in 1101
addition to other statutory duties, include the handling, 1102
servicing, and investigation of divorce, dissolution of marriage, 1103
legal separation, and annulment cases and counseling and 1104
conciliation services that may be made available to persons 1105
requesting them, whether or not the persons are parties to an 1106
action pending in the division. 1107

(2) The judge of the court of common pleas whose term began 1108
on January 2, 1969, and successors, shall have the same 1109
qualifications, exercise the same powers and jurisdiction, and 1110
receive the same compensation as other judges of the court of 1111
common pleas of Mahoning county, shall be elected and designated 1112
as judge of the court of common pleas, juvenile division, and 1113
shall be the juvenile judge as provided in Chapters 2151. and 1114
2152. of the Revised Code, with the powers and jurisdictions 1115
conferred by those chapters. In addition to the judge's regular 1116

duties, the judge of the court of common pleas, juvenile division, 1117
shall be the administrator of the juvenile division and its 1118
subdivisions and departments and shall have charge of the 1119
employment, assignment, and supervision of the personnel of the 1120
division engaged in handling, servicing, or investigating juvenile 1121
cases, including any referees considered necessary by the judge in 1122
the discharge of the judge's various duties. 1123

The judge also shall designate the title, compensation, 1124
expense allowances, hours, leaves of absence, and vacation of the 1125
personnel of the division and shall fix the duties of the 1126
personnel of the division. The duties of the personnel, in 1127
addition to other statutory duties, include the handling, 1128
servicing, and investigation of juvenile cases and counseling and 1129
conciliation services that may be made available to persons 1130
requesting them, whether or not the persons are parties to an 1131
action pending in the division. 1132

(3) If a judge of the court of common pleas, division of 1133
domestic relations or juvenile division, is sick, absent, or 1134
unable to perform that judge's judicial duties, or the volume of 1135
cases pending in that judge's division necessitates it, that 1136
judge's duties shall be performed by another judge of the court of 1137
common pleas. 1138

(F) In Montgomery county: 1139

(1) The judges of the court of common pleas whose terms begin 1140
on January 2, 1953, and January 4, 1977, and successors, shall 1141
have the same qualifications, exercise the same powers and 1142
jurisdiction, and receive the same compensation as other judges of 1143
the court of common pleas of Montgomery county and shall be 1144
elected and designated as judges of the court of common pleas, 1145
division of domestic relations. These judges shall have assigned 1146
to them all divorce, dissolution of marriage, legal separation, 1147
and annulment cases. 1148

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the assignment and division of the work of the division and shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any necessary referees, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12, 2301.18, and 2301.19 of the Revised Code. The judge of the division of domestic relations, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties.

(2) The judges of the court of common pleas whose terms begin on January 1, 1953, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code.

In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their

duties. The duties of the personnel, in addition to other 1181
statutory duties, shall include the handling, servicing, and 1182
investigation of juvenile cases and of any counseling and 1183
conciliation services that are available upon request to persons, 1184
whether or not they are parties to an action pending in the 1185
division. 1186

If one of the judges of the court of common pleas, division 1187
of domestic relations, or one of the judges of the court of common 1188
pleas, juvenile division, is sick, absent, or unable to perform 1189
that judge's duties or the volume of cases pending in that judge's 1190
division necessitates it, the duties of that judge may be 1191
performed by the judge or judges of the other of those divisions. 1192

(G) In Richland county, the judge of the court of common 1193
pleas whose term begins on January 1, 1957, and successors, shall 1194
have the same qualifications, exercise the same powers and 1195
jurisdiction, and receive the same compensation as the other 1196
judges of the court of common pleas of Richland county and shall 1197
be elected and designated as judge of the court of common pleas, 1198
division of domestic relations. That judge shall have all of the 1199
powers relating to juvenile courts, and all cases under Chapters 1200
2151. and 2152. of the Revised Code, all parentage proceedings 1201
over which the juvenile court has jurisdiction, and all divorce, 1202
dissolution of marriage, legal separation, and annulment cases 1203
shall be assigned to that judge, except in cases that for some 1204
special reason are assigned to some other judge of the court of 1205
common pleas. 1206

(H) In Stark county, the judges of the court of common pleas 1207
whose terms begin on January 1, 1953, January 2, 1959, and January 1208
1, 1993, and successors, shall have the same qualifications, 1209
exercise the same powers and jurisdiction, and receive the same 1210
compensation as other judges of the court of common pleas of Stark 1211
county and shall be elected and designated as judges of the court 1212

of common pleas, division of domestic relations. They shall have 1213
all the powers relating to juvenile courts, and all cases under 1214
Chapters 2151. and 2152. of the Revised Code, all parentage 1215
proceedings over which the juvenile court has jurisdiction, and 1216
all divorce, dissolution of marriage, legal separation, and 1217
annulment cases, except cases that are assigned to some other 1218
judge of the court of common pleas for some special reason, shall 1219
be assigned to the judges. 1220

The judge of the division of domestic relations, second most 1221
senior in point of service, shall have charge of the employment 1222
and supervision of the personnel of the division engaged in 1223
handling, servicing, or investigating divorce, dissolution of 1224
marriage, legal separation, and annulment cases, and necessary 1225
referees required for the judge's respective court. 1226

The judge of the division of domestic relations, senior in 1227
point of service, shall be charged exclusively with the 1228
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 1229
of the Revised Code and with the assignment and division of the 1230
work of the division and the employment and supervision of all 1231
other personnel of the division, including, but not limited to, 1232
that judge's necessary referees, but excepting those employees who 1233
may be appointed by the judge second most senior in point of 1234
service. The senior judge further shall serve in every other 1235
position in which the statutes permit or require a juvenile judge 1236
to serve. 1237

(I) In Summit county: 1238

(1) The judges of the court of common pleas whose terms begin 1239
on January 4, 1967, and January 6, 1993, and successors, shall 1240
have the same qualifications, exercise the same powers and 1241
jurisdiction, and receive the same compensation as other judges of 1242
the court of common pleas of Summit county and shall be elected 1243
and designated as judges of the court of common pleas, division of 1244

domestic relations. The judges of the division of domestic 1245
relations shall have assigned to them and hear all divorce, 1246
dissolution of marriage, legal separation, and annulment cases 1247
that come before the court. Except in cases that are subject to 1248
the exclusive original jurisdiction of the juvenile court, the 1249
judges of the division of domestic relations shall have assigned 1250
to them and hear all cases pertaining to paternity, custody, 1251
visitation, child support, or the allocation of ~~parental rights~~ 1252
parenting functions and responsibilities for the care of children 1253
and all post-decree proceedings arising from any case pertaining 1254
to any of those matters. The judges of the division of domestic 1255
relations shall have assigned to them and hear all proceedings 1256
under the uniform interstate family support act contained in 1257
Chapter 3115. of the Revised Code. 1258

The judge of the division of domestic relations, senior in 1259
point of service, shall be the administrator of the domestic 1260
relations division and its subdivisions and departments and shall 1261
have charge of the employment, assignment, and supervision of the 1262
personnel of the division, including any necessary referees, who 1263
are engaged in handling, servicing, or investigating divorce, 1264
dissolution of marriage, legal separation, and annulment cases. 1265
That judge also shall designate the title, compensation, expense 1266
allowances, hours, leaves of absence, and vacations of the 1267
personnel of the division and shall fix their duties. The duties 1268
of the personnel, in addition to other statutory duties, shall 1269
include the handling, servicing, and investigation of divorce, 1270
dissolution of marriage, legal separation, and annulment cases and 1271
of any counseling and conciliation services that are available 1272
upon request to all persons, whether or not they are parties to an 1273
action pending in the division. 1274

(2) The judge of the court of common pleas whose term begins 1275
on January 1, 1955, and successors, shall have the same 1276

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qualifications, exercise the same powers and jurisdiction, and
receive the same compensation as other judges of the court of
common pleas of Summit county, shall be elected and designated as
judge of the court of common pleas, juvenile division, and shall
be, and have the powers and jurisdiction of, the juvenile judge as
provided in Chapters 2151. and 2152. of the Revised Code. Except
in cases that are subject to the exclusive original jurisdiction
of the juvenile court, the judge of the juvenile division shall
not have jurisdiction or the power to hear, and shall not be
assigned, any case pertaining to paternity, custody, visitation,
child support, or the allocation of ~~parental rights~~ parenting
functions and responsibilities for the care of children or any
post-decree proceeding arising from any case pertaining to any of
those matters. The judge of the juvenile division shall not have
jurisdiction or the power to hear, and shall not be assigned, any
proceeding under the uniform interstate family support act
contained in Chapter 3115. of the Revised Code.

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The juvenile judge shall be the administrator of the juvenile
division and its subdivisions and departments and shall have
charge of the employment, assignment, and supervision of the
personnel of the juvenile division, including any necessary
referees, who are engaged in handling, servicing, or investigating
juvenile cases. The judge also shall designate the title,
compensation, expense allowances, hours, leaves of absence, and
vacation of the personnel of the division and shall fix their
duties. The duties of the personnel, in addition to other
statutory duties, shall include the handling, servicing, and
investigation of juvenile cases and of any counseling and
conciliation services that are available upon request to persons,
whether or not they are parties to an action pending in the
division.

(J) In Trumbull county, the judges of the court of common 1308

pleas whose terms begin on January 1, 1953, and January 2, 1977,
and successors, shall have the same qualifications, exercise the
same powers and jurisdiction, and receive the same compensation as
other judges of the court of common pleas of Trumbull county and
shall be elected and designated as judges of the court of common
pleas, division of domestic relations. They shall have all the
powers relating to juvenile courts, and all cases under Chapters
2151. and 2152. of the Revised Code, all parentage proceedings
over which the juvenile court has jurisdiction, and all divorce,
dissolution of marriage, legal separation, and annulment cases
shall be assigned to them, except cases that for some special
reason are assigned to some other judge of the court of common
pleas.

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(K) In Butler county:

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(1) The judges of the court of common pleas whose terms begin
on January 1, 1957, and January 4, 1993, and successors, shall
have the same qualifications, exercise the same powers and
jurisdiction, and receive the same compensation as other judges of
the court of common pleas of Butler county and shall be elected
and designated as judges of the court of common pleas, division of
domestic relations. The judges of the division of domestic
relations shall have assigned to them all divorce, dissolution of
marriage, legal separation, and annulment cases coming before the
court, except in cases that for some special reason are assigned
to some other judge of the court of common pleas. The judge senior
in point of service shall be charged with the assignment and
division of the work of the division and with the employment and
supervision of all other personnel of the domestic relations
division.

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The judge senior in point of service also shall designate the
title, compensation, expense allowances, hours, leaves of absence,
and vacations of the personnel of the division and shall fix their

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duties. The duties of the personnel, in addition to other 1341
statutory duties, shall include the handling, servicing, and 1342
investigation of divorce, dissolution of marriage, legal 1343
separation, and annulment cases and providing any counseling and 1344
conciliation services that the division makes available to 1345
persons, whether or not the persons are parties to an action 1346
pending in the division, who request the services. 1347

(2) The judges of the court of common pleas whose terms begin 1348
on January 3, 1987, and January 2, 2003, and successors, shall 1349
have the same qualifications, exercise the same powers and 1350
jurisdiction, and receive the same compensation as other judges of 1351
the court of common pleas of Butler county, shall be elected and 1352
designated as judges of the court of common pleas, juvenile 1353
division, and shall be the juvenile judges as provided in Chapters 1354
2151. and 2152. of the Revised Code, with the powers and 1355
jurisdictions conferred by those chapters. The judge of the court 1356
of common pleas, juvenile division, who is senior in point of 1357
service, shall be the administrator of the juvenile division and 1358
its subdivisions and departments. The judge, senior in point of 1359
service, shall have charge of the employment, assignment, and 1360
supervision of the personnel of the juvenile division who are 1361
engaged in handling, servicing, or investigating juvenile cases, 1362
including any referees whom the judge considers necessary for the 1363
discharge of the judge's various duties. 1364

The judge, senior in point of service, also shall designate 1365
the title, compensation, expense allowances, hours, leaves of 1366
absence, and vacation of the personnel of the division and shall 1367
fix their duties. The duties of the personnel, in addition to 1368
other statutory duties, include the handling, servicing, and 1369
investigation of juvenile cases and providing any counseling and 1370
conciliation services that the division makes available to 1371
persons, whether or not the persons are parties to an action 1372

pending in the division, who request the services. 1373

(3) If a judge of the court of common pleas, division of 1374
domestic relations or juvenile division, is sick, absent, or 1375
unable to perform that judge's judicial duties or the volume of 1376
cases pending in the judge's division necessitates it, the duties 1377
of that judge shall be performed by the other judges of the 1378
domestic relations and juvenile divisions. 1379

(L)(1) In Cuyahoga county, the judges of the court of common 1380
pleas whose terms begin on January 8, 1961, January 9, 1961, 1381
January 18, 1975, January 19, 1975, and January 13, 1987, and 1382
successors, shall have the same qualifications, exercise the same 1383
powers and jurisdiction, and receive the same compensation as 1384
other judges of the court of common pleas of Cuyahoga county and 1385
shall be elected and designated as judges of the court of common 1386
pleas, division of domestic relations. They shall have all the 1387
powers relating to all divorce, dissolution of marriage, legal 1388
separation, and annulment cases, except in cases that are assigned 1389
to some other judge of the court of common pleas for some special 1390
reason. 1391

(2) The administrative judge is administrator of the domestic 1392
relations division and its subdivisions and departments and has 1393
the following powers concerning division personnel: 1394

(a) Full charge of the employment, assignment, and 1395
supervision; 1396

(b) Sole determination of compensation, duties, expenses, 1397
allowances, hours, leaves, and vacations. 1398

(3) "Division personnel" include persons employed or referees 1399
engaged in hearing, servicing, investigating, counseling, or 1400
conciliating divorce, dissolution of marriage, legal separation 1401
and annulment matters. 1402

(M) In Lake county: 1403

(1) The judge of the court of common pleas whose term begins 1404
on January 2, 1961, and successors, shall have the same 1405
qualifications, exercise the same powers and jurisdiction, and 1406
receive the same compensation as the other judges of the court of 1407
common pleas of Lake county and shall be elected and designated as 1408
judge of the court of common pleas, division of domestic 1409
relations. The judge shall be assigned all the divorce, 1410
dissolution of marriage, legal separation, and annulment cases 1411
coming before the court, except in cases that for some special 1412
reason are assigned to some other judge of the court of common 1413
pleas. The judge shall be charged with the assignment and division 1414
of the work of the division and with the employment and 1415
supervision of all other personnel of the domestic relations 1416
division. 1417

The judge also shall designate the title, compensation, 1418
expense allowances, hours, leaves of absence, and vacations of the 1419
personnel of the division and shall fix their duties. The duties 1420
of the personnel, in addition to other statutory duties, shall 1421
include the handling, servicing, and investigation of divorce, 1422
dissolution of marriage, legal separation, and annulment cases and 1423
providing any counseling and conciliation services that the 1424
division makes available to persons, whether or not the persons 1425
are parties to an action pending in the division, who request the 1426
services. 1427

(2) The judge of the court of common pleas whose term begins 1428
on January 4, 1979, and successors, shall have the same 1429
qualifications, exercise the same powers and jurisdiction, and 1430
receive the same compensation as other judges of the court of 1431
common pleas of Lake county, shall be elected and designated as 1432
judge of the court of common pleas, juvenile division, and shall 1433
be the juvenile judge as provided in Chapters 2151. and 2152. of 1434
the Revised Code, with the powers and jurisdictions conferred by 1435

those chapters. The judge of the court of common pleas, juvenile
division, shall be the administrator of the juvenile division and
its subdivisions and departments. The judge shall have charge of
the employment, assignment, and supervision of the personnel of
the juvenile division who are engaged in handling, servicing, or
investigating juvenile cases, including any referees whom the
judge considers necessary for the discharge of the judge's various
duties.

The judge also shall designate the title, compensation,
expense allowances, hours, leaves of absence, and vacation of the
personnel of the division and shall fix their duties. The duties
of the personnel, in addition to other statutory duties, include
the handling, servicing, and investigation of juvenile cases and
providing any counseling and conciliation services that the
division makes available to persons, whether or not the persons
are parties to an action pending in the division, who request the
services.

(3) If a judge of the court of common pleas, division of
domestic relations or juvenile division, is sick, absent, or
unable to perform that judge's judicial duties or the volume of
cases pending in the judge's division necessitates it, the duties
of that judge shall be performed by the other judges of the
domestic relations and juvenile divisions.

(N) In Erie county, the judge of the court of common pleas
whose term begins on January 2, 1971, and successors, shall have
the same qualifications, exercise the same powers and
jurisdiction, and receive the same compensation as the other judge
of the court of common pleas of Erie county and shall be elected
and designated as judge of the court of common pleas, division of
domestic relations. The judge shall have all the powers relating
to juvenile courts, and shall be assigned all cases under Chapters
2151. and 2152. of the Revised Code, parentage proceedings over

which the juvenile court has jurisdiction, and divorce, 1468
dissolution of marriage, legal separation, and annulment cases, 1469
except cases that for some special reason are assigned to some 1470
other judge. 1471

(0) In Greene county: 1472

(1) The judge of the court of common pleas whose term begins 1473
on January 1, 1961, and successors, shall have the same 1474
qualifications, exercise the same powers and jurisdiction, and 1475
receive the same compensation as the other judges of the court of 1476
common pleas of Greene county and shall be elected and designated 1477
as the judge of the court of common pleas, division of domestic 1478
relations. The judge shall be assigned all divorce, dissolution of 1479
marriage, legal separation, annulment, uniform reciprocal support 1480
enforcement, and domestic violence cases and all other cases 1481
related to domestic relations, except cases that for some special 1482
reason are assigned to some other judge of the court of common 1483
pleas. 1484

The judge shall be charged with the assignment and division 1485
of the work of the division and with the employment and 1486
supervision of all other personnel of the division. The judge also 1487
shall designate the title, compensation, hours, leaves of absence, 1488
and vacations of the personnel of the division and shall fix their 1489
duties. The duties of the personnel of the division, in addition 1490
to other statutory duties, shall include the handling, servicing, 1491
and investigation of divorce, dissolution of marriage, legal 1492
separation, and annulment cases and the provision of counseling 1493
and conciliation services that the division considers necessary 1494
and makes available to persons who request the services, whether 1495
or not the persons are parties in an action pending in the 1496
division. The compensation for the personnel shall be paid from 1497
the overall court budget and shall be included in the 1498
appropriations for the existing judges of the general division of 1499

the court of common pleas. 1500

(2) The judge of the court of common pleas whose term begins 1501
on January 1, 1995, and successors, shall have the same 1502
qualifications, exercise the same powers and jurisdiction, and 1503
receive the same compensation as the other judges of the court of 1504
common pleas of Greene county, shall be elected and designated as 1505
judge of the court of common pleas, juvenile division, and, on or 1506
after January 1, 1995, shall be the juvenile judge as provided in 1507
Chapters 2151. and 2152. of the Revised Code with the powers and 1508
jurisdiction conferred by those chapters. The judge of the court 1509
of common pleas, juvenile division, shall be the administrator of 1510
the juvenile division and its subdivisions and departments. The 1511
judge shall have charge of the employment, assignment, and 1512
supervision of the personnel of the juvenile division who are 1513
engaged in handling, servicing, or investigating juvenile cases, 1514
including any referees whom the judge considers necessary for the 1515
discharge of the judge's various duties. 1516

The judge also shall designate the title, compensation, 1517
expense allowances, hours, leaves of absence, and vacation of the 1518
personnel of the division and shall fix their duties. The duties 1519
of the personnel, in addition to other statutory duties, include 1520
the handling, servicing, and investigation of juvenile cases and 1521
providing any counseling and conciliation services that the court 1522
makes available to persons, whether or not the persons are parties 1523
to an action pending in the court, who request the services. 1524

(3) If one of the judges of the court of common pleas, 1525
general division, is sick, absent, or unable to perform that 1526
judge's judicial duties or the volume of cases pending in the 1527
general division necessitates it, the duties of that judge of the 1528
general division shall be performed by the judge of the division 1529
of domestic relations and the judge of the juvenile division. 1530

(P) In Portage county, the judge of the court of common 1531

pleas, whose term begins January 2, 1987, and successors, shall 1532
have the same qualifications, exercise the same powers and 1533
jurisdiction, and receive the same compensation as the other 1534
judges of the court of common pleas of Portage county and shall be 1535
elected and designated as judge of the court of common pleas, 1536
division of domestic relations. The judge shall be assigned all 1537
divorce, dissolution of marriage, legal separation, and annulment 1538
cases coming before the court, except in cases that for some 1539
special reason are assigned to some other judge of the court of 1540
common pleas. The judge shall be charged with the assignment and 1541
division of the work of the division and with the employment and 1542
supervision of all other personnel of the domestic relations 1543
division. 1544

The judge also shall designate the title, compensation, 1545
expense allowances, hours, leaves of absence, and vacations of the 1546
personnel of the division and shall fix their duties. The duties 1547
of the personnel, in addition to other statutory duties, shall 1548
include the handling, servicing, and investigation of divorce, 1549
dissolution of marriage, legal separation, and annulment cases and 1550
providing any counseling and conciliation services that the 1551
division makes available to persons, whether or not the persons 1552
are parties to an action pending in the division, who request the 1553
services. 1554

(Q) In Clermont county, the judge of the court of common 1555
pleas, whose term begins January 2, 1987, and successors, shall 1556
have the same qualifications, exercise the same powers and 1557
jurisdiction, and receive the same compensation as the other 1558
judges of the court of common pleas of Clermont county and shall 1559
be elected and designated as judge of the court of common pleas, 1560
division of domestic relations. The judge shall be assigned all 1561
divorce, dissolution of marriage, legal separation, and annulment 1562
cases coming before the court, except in cases that for some 1563

special reason are assigned to some other judge of the court of
common pleas. The judge shall be charged with the assignment and
division of the work of the division and with the employment and
supervision of all other personnel of the domestic relations
division.

The judge also shall designate the title, compensation,
expense allowances, hours, leaves of absence, and vacations of the
personnel of the division and shall fix their duties. The duties
of the personnel, in addition to other statutory duties, shall
include the handling, servicing, and investigation of divorce,
dissolution of marriage, legal separation, and annulment cases and
providing any counseling and conciliation services that the
division makes available to persons, whether or not the persons
are parties to an action pending in the division, who request the
services.

(R) In Warren county, the judge of the court of common pleas,
whose term begins January 1, 1987, and successors, shall have the
same qualifications, exercise the same powers and jurisdiction,
and receive the same compensation as the other judges of the court
of common pleas of Warren county and shall be elected and
designated as judge of the court of common pleas, division of
domestic relations. The judge shall be assigned all divorce,
dissolution of marriage, legal separation, and annulment cases
coming before the court, except in cases that for some special
reason are assigned to some other judge of the court of common
pleas. The judge shall be charged with the assignment and division
of the work of the division and with the employment and
supervision of all other personnel of the domestic relations
division.

The judge also shall designate the title, compensation,
expense allowances, hours, leaves of absence, and vacations of the
personnel of the division and shall fix their duties. The duties

of the personnel, in addition to other statutory duties, shall
include the handling, servicing, and investigation of divorce,
dissolution of marriage, legal separation, and annulment cases and
providing any counseling and conciliation services that the
division makes available to persons, whether or not the persons
are parties to an action pending in the division, who request the
services.

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(S) In Licking county, the judge of the court of common
pleas, whose term begins January 1, 1991, and successors, shall
have the same qualifications, exercise the same powers and
jurisdiction, and receive the same compensation as the other
judges of the court of common pleas of Licking county and shall be
elected and designated as judge of the court of common pleas,
division of domestic relations. The judge shall be assigned all
divorce, dissolution of marriage, legal separation, and annulment
cases, all cases involving parenting time orders issued under
former section 3109.051 or 3109.12 of the Revised Code that are
still in effect, all cases arising under Chapter 3111. of the
Revised Code, all proceedings involving child support, the
allocation of ~~parental rights~~ parenting functions and
responsibilities for the care of children and the designation for
the children of a place of residence and the person who has the
legal custodian, parenting time duty to care for them, and
visitation, and all post-decree proceedings and matters arising
from those cases and proceedings, except in cases that for some
special reason are assigned to another judge of the court of
common pleas. The judge shall be charged with the assignment and
division of the work of the division and with the employment and
supervision of the personnel of the division.

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The judge shall designate the title, compensation, expense
allowances, hours, leaves of absence, and vacations of the
personnel of the division and shall fix the duties of the

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personnel of the division. The duties of the personnel of the
division, in addition to other statutory duties, shall include the
handling, servicing, and investigation of divorce, dissolution of
marriage, legal separation, and annulment cases, cases involving
parenting time orders issued under former section 3109.051 or
3109.12 of the Revised Code that are still in effect, cases
arising under Chapter 3111. of the Revised Code, and proceedings
involving child support, the allocation of ~~parental rights~~
parenting functions and responsibilities for the care of children
and the designation for the children of a place of residence and
the person who has the legal custodian, parenting time duty to
care for them, and visitation and providing any counseling and
conciliation services that the division makes available to
persons, whether or not the persons are parties to an action
pending in the division, who request the services.

(T) In Allen county, the judge of the court of common pleas,
whose term begins January 1, 1993, and successors, shall have the
same qualifications, exercise the same powers and jurisdiction,
and receive the same compensation as the other judges of the court
of common pleas of Allen county and shall be elected and
designated as judge of the court of common pleas, division of
domestic relations. The judge shall be assigned all divorce,
dissolution of marriage, legal separation, and annulment cases,
all cases involving parenting time orders issued under former
section 3109.051 or 3109.12 of the Revised Code that are still in
effect, all cases arising under Chapter 3111. of the Revised Code,
all proceedings involving child support, the allocation of
~~parental rights~~ parenting functions and responsibilities for the
care of children and the designation for the children of a place
of residence and the person who has the legal custodian, parenting
time duty to care for them, and visitation, and all post-decree
proceedings and matters arising from those cases and proceedings,

except in cases that for some special reason are assigned to 1660
another judge of the court of common pleas. The judge shall be 1661
charged with the assignment and division of the work of the 1662
division and with the employment and supervision of the personnel 1663
of the division. 1664

The judge shall designate the title, compensation, expense 1665
allowances, hours, leaves of absence, and vacations of the 1666
personnel of the division and shall fix the duties of the 1667
personnel of the division. The duties of the personnel of the 1668
division, in addition to other statutory duties, shall include the 1669
handling, servicing, and investigation of divorce, dissolution of 1670
marriage, legal separation, and annulment cases, cases involving 1671
parenting time orders issued under former section 3109.051 or 1672
3109.12 of the Revised Code that are still in effect, cases 1673
arising under Chapter 3111. of the Revised Code, and proceedings 1674
involving child support, the allocation of ~~parental rights~~ 1675
parenting functions and responsibilities for the care of children 1676
and the designation for the children of a place of residence and 1677
the person who has the legal custodian, parenting time duty to 1678
care for them, and visitation, and providing any counseling and 1679
conciliation services that the division makes available to 1680
persons, whether or not the persons are parties to an action 1681
pending in the division, who request the services. 1682

(U) In Medina county, the judge of the court of common pleas 1683
whose term begins January 1, 1995, and successors, shall have the 1684
same qualifications, exercise the same powers and jurisdiction, 1685
and receive the same compensation as other judges of the court of 1686
common pleas of Medina county and shall be elected and designated 1687
as judge of the court of common pleas, division of domestic 1688
relations. The judge shall be assigned all divorce, dissolution of 1689
marriage, legal separation, and annulment cases, all cases 1690
involving parenting time orders issued under former section 1691

3109.051 or 3109.12 of the Revised Code that are still in effect, 1692
all cases arising under Chapter 3111. of the Revised Code, all 1693
proceedings involving child support, the allocation of ~~parental~~ 1694
~~rights~~ parenting functions and responsibilities for the care of 1695
children and the designation for the children of a place of 1696
residence and the person who has the legal ~~custodian,~~ ~~parenting~~ 1697
~~time~~ duty to care for them, and visitation, and all post-decree 1698
proceedings and matters arising from those cases and proceedings, 1699
except in cases that for some special reason are assigned to 1700
another judge of the court of common pleas. The judge shall be 1701
charged with the assignment and division of the work of the 1702
division and with the employment and supervision of the personnel 1703
of the division. 1704

The judge shall designate the title, compensation, expense 1705
allowances, hours, leaves of absence, and vacations of the 1706
personnel of the division and shall fix the duties of the 1707
personnel of the division. The duties of the personnel, in 1708
addition to other statutory duties, include the handling, 1709
servicing, and investigation of divorce, dissolution of marriage, 1710
legal separation, and annulment cases, cases involving parenting 1711
time orders issued under former section 3109.051 or 3109.12 of the 1712
Revised Code that are still in effect, cases arising under Chapter 1713
3111. of the Revised Code, and proceedings involving child 1714
support, the allocation of ~~parental rights~~ parenting functions and 1715
responsibilities for the care of children and the designation for 1716
the children of a place of residence and the person who has the 1717
legal ~~custodian,~~ ~~parenting time~~ duty to care for them, and 1718
visitation, and providing counseling and conciliation services 1719
that the division makes available to persons, whether or not the 1720
persons are parties to an action pending in the division, who 1721
request the services. 1722

(V) In Fairfield county, the judge of the court of common 1723

pleas whose term begins January 2, 1995, and successors, shall 1724
have the same qualifications, exercise the same powers and 1725
jurisdiction, and receive the same compensation as the other 1726
judges of the court of common pleas of Fairfield county and shall 1727
be elected and designated as judge of the court of common pleas, 1728
division of domestic relations. The judge shall be assigned all 1729
divorce, dissolution of marriage, legal separation, and annulment 1730
cases, all cases involving parenting time orders issued under 1731
former section 3109.051 or 3109.12 of the Revised Code that are 1732
still in effect, all cases arising under Chapter 3111. of the 1733
Revised Code, all proceedings involving child support, the 1734
allocation of ~~parental rights~~ parenting functions and 1735
responsibilities for the care of children and the designation for 1736
the children of a place of residence and the person who has the 1737
legal custodian, parenting time duty to care for them, and 1738
visitation, and all post-decree proceedings and matters arising 1739
from those cases and proceedings, except in cases that for some 1740
special reason are assigned to another judge of the court of 1741
common pleas. The judge also has concurrent jurisdiction with the 1742
probate-juvenile division of the court of common pleas of 1743
Fairfield county with respect to and may hear cases to determine 1744
the custody of a child, as defined in section 2151.011 of the 1745
Revised Code, who is not the ward of another court of this state, 1746
cases that are commenced by a parent, guardian, or custodian of a 1747
child, as defined in section 2151.011 of the Revised Code, to 1748
obtain an order requiring a parent of the child to pay child 1749
support for that child when the request for that order is not 1750
ancillary to an action for divorce, dissolution of marriage, 1751
annulment, or legal separation, a criminal or civil action 1752
involving an allegation of domestic violence, an action for 1753
support under Chapter 3115. of the Revised Code, or an action that 1754
is within the exclusive original jurisdiction of the 1755
probate-juvenile division of the court of common pleas of 1756

Fairfield county and that involves an allegation that the child is 1757
an abused, neglected, or dependent child, and post-decree 1758
proceedings and matters arising from those types of cases. 1759

The judge of the domestic relations division shall be charged 1760
with the assignment and division of the work of the division and 1761
with the employment and supervision of the personnel of the 1762
division. 1763

The judge shall designate the title, compensation, expense 1764
allowances, hours, leaves of absence, and vacations of the 1765
personnel of the division and shall fix the duties of the 1766
personnel of the division. The duties of the personnel of the 1767
division, in addition to other statutory duties, shall include the 1768
handling, servicing, and investigation of divorce, dissolution of 1769
marriage, legal separation, and annulment cases, cases involving 1770
parenting time orders issued under former section 3109.051 or 1771
3109.12 of the Revised Code that are still in effect, cases 1772
arising under Chapter 3111. of the Revised Code, and proceedings 1773
involving child support, the allocation of ~~parental rights~~ 1774
parenting functions and responsibilities for the care of children 1775
and the designation for the children of a place of residence and 1776
the person who has the legal custodian, parenting time duty to 1777
care for them, and visitation, and providing any counseling and 1778
conciliation services that the division makes available to 1779
persons, regardless of whether the persons are parties to an 1780
action pending in the division, who request the services. When the 1781
judge hears a case to determine the custody of a child, as defined 1782
in section 2151.011 of the Revised Code, who is not the ward of 1783
another court of this state or a case that is commenced by a 1784
parent, guardian, or custodian of a child, as defined in section 1785
2151.011 of the Revised Code, to obtain an order requiring a 1786
parent of the child to pay child support for that child when the 1787
request for that order is not ancillary to an action for divorce, 1788

dissolution of marriage, annulment, or legal separation, a 1789
criminal or civil action involving an allegation of domestic 1790
violence, an action for support under Chapter 3115. of the Revised 1791
Code, or an action that is within the exclusive original 1792
jurisdiction of the probate-juvenile division of the court of 1793
common pleas of Fairfield county and that involves an allegation 1794
that the child is an abused, neglected, or dependent child, the 1795
duties of the personnel of the domestic relations division also 1796
include the handling, servicing, and investigation of those types 1797
of cases. 1798

(W)(1) In Clark county, the judge of the court of common 1799
pleas whose term begins on January 2, 1995, and successors, shall 1800
have the same qualifications, exercise the same powers and 1801
jurisdiction, and receive the same compensation as other judges of 1802
the court of common pleas of Clark county and shall be elected and 1803
designated as judge of the court of common pleas, domestic 1804
relations division. The judge shall have all the powers relating 1805
to juvenile courts, and all cases under Chapters 2151. and 2152. 1806
of the Revised Code and all parentage proceedings under Chapter 1807
3111. of the Revised Code over which the juvenile court has 1808
jurisdiction shall be assigned to the judge of the division of 1809
domestic relations. All divorce, dissolution of marriage, legal 1810
separation, annulment, uniform reciprocal support enforcement, and 1811
other cases related to domestic relations shall be assigned to the 1812
domestic relations division, and the presiding judge of the court 1813
of common pleas shall assign the cases to the judge of the 1814
domestic relations division and the judges of the general 1815
division. 1816

(2) In addition to the judge's regular duties, the judge of 1817
the division of domestic relations shall serve on the children 1818
services board and the county advisory board. 1819

(3) If the judge of the court of common pleas of Clark 1820

county, division of domestic relations, is sick, absent, or unable 1821
to perform that judge's judicial duties or if the presiding judge 1822
of the court of common pleas of Clark county determines that the 1823
volume of cases pending in the division of domestic relations 1824
necessitates it, the duties of the judge of the division of 1825
domestic relations shall be performed by the judges of the general 1826
division or probate division of the court of common pleas of Clark 1827
county, as assigned for that purpose by the presiding judge of 1828
that court, and the judges so assigned shall act in conjunction 1829
with the judge of the division of domestic relations of that 1830
court. 1831

(X) In Scioto county, the judge of the court of common pleas 1832
whose term begins January 2, 1995, and successors, shall have the 1833
same qualifications, exercise the same powers and jurisdiction, 1834
and receive the same compensation as other judges of the court of 1835
common pleas of Scioto county and shall be elected and designated 1836
as judge of the court of common pleas, division of domestic 1837
relations. The judge shall be assigned all divorce, dissolution of 1838
marriage, legal separation, and annulment cases, all cases 1839
involving parenting time orders issued under former section 1840
3109.051 or 3109.12 of the Revised Code that are still in effect, 1841
all cases arising under Chapter 3111. of the Revised Code, all 1842
proceedings involving child support, the allocation of ~~parental~~ 1843
~~rights~~ parenting functions and responsibilities for the care of 1844
children and the designation for the children of a place of 1845
residence and the person who has the legal custodian, ~~parenting~~ 1846
~~time~~ duty to care for them, visitation, and all post-decree 1847
proceedings and matters arising from those cases and proceedings, 1848
except in cases that for some special reason are assigned to 1849
another judge of the court of common pleas. The judge shall be 1850
charged with the assignment and division of the work of the 1851
division and with the employment and supervision of the personnel 1852

of the division. 1853

The judge shall designate the title, compensation, expense 1854
allowances, hours, leaves of absence, and vacations of the 1855
personnel of the division and shall fix the duties of the 1856
personnel of the division. The duties of the personnel, in 1857
addition to other statutory duties, include the handling, 1858
servicing, and investigation of divorce, dissolution of marriage, 1859
legal separation, and annulment cases, cases involving parenting 1860
time orders issued under former section 3109.051 or 3109.12 of the 1861
Revised Code that are still in effect, cases arising under Chapter 1862
3111. of the Revised Code, and proceedings involving child 1863
support, the allocation of ~~parental rights~~ parenting functions and 1864
responsibilities for the care of children and the designation for 1865
the children of a place of residence and the person who has the 1866
legal custodian, parenting-time duty to care for them, and 1867
visitation, and providing counseling and conciliation services 1868
that the division makes available to persons, whether or not the 1869
persons are parties to an action pending in the division, who 1870
request the services. 1871

(Y) In Auglaize county, the judge of the probate and juvenile 1872
divisions of the Auglaize county court of common pleas also shall 1873
be the administrative judge of the domestic relations division of 1874
the court and shall be assigned all divorce, dissolution of 1875
marriage, legal separation, and annulment cases coming before the 1876
court. The judge shall have all powers as administrator of the 1877
domestic relations division and shall have charge of the personnel 1878
engaged in handling, servicing, or investigating divorce, 1879
dissolution of marriage, legal separation, and annulment cases, 1880
including any referees considered necessary for the discharge of 1881
the judge's various duties. 1882

(Z)(1) In Marion county, the judge of the court of common 1883
pleas whose term begins on February 9, 1999, and the successors to 1884

that judge, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Marion county and shall be elected and designated as judge of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, that judge, and the successors to that judge, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases involving parenting time orders issued under former section 3109.051 or 3109.12 of the Revised Code that are still in effect, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of ~~parental rights~~ parenting functions and responsibilities for the care of children and the designation for the children of a place of residence and the person who has the legal custodian, parenting time duty to care for them, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings shall be assigned to that judge and the successors to that judge. Except as provided in division (Z)(2) of this section and notwithstanding any other provision of any section of the Revised Code, on and after February 9, 2003, the judge of the court of common pleas of Marion county whose term begins on February 9, 1999, and the successors to that judge, shall have all the powers relating to the probate division of the court of common pleas of Marion county in addition to the powers previously specified in this division, and shall exercise concurrent jurisdiction with the judge of the probate division of that court over all matters that are within the jurisdiction of the probate division of that court under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division of that court otherwise specified in division (Z)(1) of this section.

(2) The judge of the domestic relations-juvenile-probate 1918
division of the court of common pleas of Marion county or the 1919
judge of the probate division of the court of common pleas of 1920
Marion county, whichever of those judges is senior in total length 1921
of service on the court of common pleas of Marion county, 1922
regardless of the division or divisions of service, shall serve as 1923
the clerk of the probate division of the court of common pleas of 1924
Marion county. 1925

(3) On and after February 9, 2003, all references in law to 1926
"the probate court," "the probate judge," "the juvenile court," or 1927
"the judge of the juvenile court" shall be construed, with respect 1928
to Marion county, as being references to both "the probate 1929
division" and "the domestic relations-juvenile-probate division" 1930
and as being references to both "the judge of the probate 1931
division" and "the judge of the domestic relations- 1932
juvenile-probate division." On and after February 9, 2003, all 1933
references in law to "the clerk of the probate court" shall be 1934
construed, with respect to Marion county, as being references to 1935
the judge who is serving pursuant to division (Z)(2) of this 1936
section as the clerk of the probate division of the court of 1937
common pleas of Marion county. 1938

(AA) In Muskingum county, the judge of the court of common 1939
pleas whose term begins on January 2, 2003, and successors, shall 1940
have the same qualifications, exercise the same powers and 1941
jurisdiction, and receive the same compensation as the other 1942
judges of the court of common pleas of Muskingum county and shall 1943
be elected and designated as the judge of the court of common 1944
pleas, division of domestic relations. The judge shall be assigned 1945
and hear all divorce, dissolution of marriage, legal separation, 1946
and annulment cases and all proceedings under the uniform 1947
interstate family support act contained in Chapter 3115. of the 1948
Revised Code. Except in cases that are subject to the exclusive 1949

original jurisdiction of the juvenile court, the judge shall be 1950
assigned and hear all cases pertaining to paternity, visitation, 1951
child support, the allocation of ~~parental rights~~ parenting 1952
functions and responsibilities for the care of children, and the 1953
designation for the children of a place of residence and the 1954
person who has the legal custodian duty to care for them, and all 1955
post-decree proceedings arising from any case pertaining to any of 1956
those matters. 1957

(BB) If a judge of the court of common pleas, division of 1958
domestic relations, or juvenile judge, of any of the counties 1959
mentioned in this section is sick, absent, or unable to perform 1960
that judge's judicial duties or the volume of cases pending in the 1961
judge's division necessitates it, the duties of that judge shall 1962
be performed by another judge of the court of common pleas of that 1963
county, assigned for that purpose by the presiding judge of the 1964
court of common pleas of that county to act in place of or in 1965
conjunction with that judge, as the case may require. 1966

Sec. 2307.50. (A) As used in this section: 1967

(1) "Child stealing crime" means a violation of sections 1968
2905.01, 2905.02, 2905.03, and 2919.23 of the Revised Code or 1969
section 2905.04 of the Revised Code as it existed prior to the 1970
effective date of this amendment. 1971

(2) "Minor" means a person under eighteen years of age. 1972

(3) "Parental or guardianship interest" means that a parent 1973
of a minor is the residential parent ~~and legal custodian~~ of the 1974
minor and has the rights corresponding to that capacity, that a 1975
parent of a minor ~~is the parent other than~~ is not the residential 1976
parent of the minor and has a right of access to the minor, that 1977
the parents of a minor have ~~parental rights~~ parenting functions 1978
and responsibilities for the care of the minor and are the 1979
residential parents ~~and legal custodians~~ of the child, or that any 1980

other person has a right of custody or access to a minor as ~~his~~ 1981
the minor's guardian or other custodian. 1982

(B) Except as provided in division (D) of this section, if a 1983
minor is the victim of a child stealing crime and if, as a result 1984
of that crime, the minor's parents, parent who is the residential 1985
parent ~~and legal custodian~~, parent who is not the residential 1986
parent ~~and legal custodian~~, guardian, or other custodian is 1987
deprived of a parental or guardianship interest in the minor, the 1988
parents, parent who is the residential parent ~~and legal custodian~~, 1989
parent who is not the residential parent ~~and legal custodian~~, 1990
guardian, or other custodian may maintain a civil action against 1991
the offender to recover damages for interference with the parental 1992
or guardianship interest. In the civil action, the plaintiffs may 1993
recover all of the following: 1994

(1) Full compensatory damages, including, but not limited to, 1995
damages for the mental suffering and anguish incurred by the 1996
plaintiffs, damages for the loss of society of the minor, and, if 1997
applicable, damages for the loss of the minor's services and 1998
damages for expenses incurred by the plaintiffs in locating or 1999
recovering the minor; 2000

(2) Punitive damages; 2001

(3) Reasonable attorney's fees; 2002

(4) Costs of bringing the civil action. 2003

(C) In a civil action brought pursuant to this section, the 2004
trier of fact may determine that the minor was the victim of a 2005
child stealing crime and that the defendant committed the crime, 2006
regardless of whether the defendant has been convicted of or 2007
pleaded guilty to a child stealing crime. 2008

(D) This section does not create a civil action for one 2009
parent against the other parent who commits a child stealing crime 2010
against the parent's own child. 2011

Sec. 2317.02. The following persons shall not testify in 2012
certain respects: 2013

(A) An attorney, concerning a communication made to the 2014
attorney by a client in that relation or the attorney's advice to 2015
a client, except that the attorney may testify by express consent 2016
of the client or, if the client is deceased, by the express 2017
consent of the surviving spouse or the executor or administrator 2018
of the estate of the deceased client and except that, if the 2019
client voluntarily testifies or is deemed by section 2151.421 of 2020
the Revised Code to have waived any testimonial privilege under 2021
this division, the attorney may be compelled to testify on the 2022
same subject; 2023

(B)(1) A physician or a dentist concerning a communication 2024
made to the physician or dentist by a patient in that relation or 2025
the physician's or dentist's advice to a patient, except as 2026
otherwise provided in this division, division (B)(2), and division 2027
(B)(3) of this section, and except that, if the patient is deemed 2028
by section 2151.421 of the Revised Code to have waived any 2029
testimonial privilege under this division, the physician may be 2030
compelled to testify on the same subject. 2031

The testimonial privilege established under this division 2032
does not apply, and a physician or dentist may testify or may be 2033
compelled to testify, in any of the following circumstances: 2034

(a) In any civil action, in accordance with the discovery 2035
provisions of the Rules of Civil Procedure in connection with a 2036
civil action, or in connection with a claim under Chapter 4123. of 2037
the Revised Code, under any of the following circumstances: 2038

(i) If the patient or the guardian or other legal 2039
representative of the patient gives express consent; 2040

(ii) If the patient is deceased, the spouse of the patient or 2041

the executor or administrator of the patient's estate gives 2042
express consent; 2043

(iii) If a medical claim, dental claim, chiropractic claim, 2044
or optometric claim, as defined in section 2305.11 of the Revised 2045
Code, an action for wrongful death, any other type of civil 2046
action, or a claim under Chapter 4123. of the Revised Code is 2047
filed by the patient, the personal representative of the estate of 2048
the patient if deceased, or the patient's guardian or other legal 2049
representative. 2050

(b) In any civil action concerning court-ordered treatment or 2051
services received by a patient, if the court-ordered treatment or 2052
services were ordered as part of a case plan journalized under 2053
section 2151.412 of the Revised Code or the court-ordered 2054
treatment or services are necessary or relevant to dependency, 2055
neglect, or abuse or temporary or permanent custody proceedings 2056
under Chapter 2151. of the Revised Code. 2057

(c) In any criminal action concerning any test or the results 2058
of any test that determines the presence or concentration of 2059
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 2060
patient's blood, breath, urine, or other bodily substance at any 2061
time relevant to the criminal offense in question. 2062

(d) In any criminal action against a physician or dentist. In 2063
such an action, the testimonial privilege established under this 2064
division does not prohibit the admission into evidence, in 2065
accordance with the Rules of Evidence, of a patient's medical or 2066
dental records or other communications between a patient and the 2067
physician or dentist that are related to the action and obtained 2068
by subpoena, search warrant, or other lawful means. A court that 2069
permits or compels a physician or dentist to testify in such an 2070
action or permits the introduction into evidence of patient 2071
records or other communications in such an action shall require 2072
that appropriate measures be taken to ensure that the 2073

confidentiality of any patient named or otherwise identified in
the records is maintained. Measures to ensure confidentiality that
may be taken by the court include sealing its records or deleting
specific information from its records.

(2)(a) If any law enforcement officer submits a written
statement to a health care provider that states that an official
criminal investigation has begun regarding a specified person or
that a criminal action or proceeding has been commenced against a
specified person, that requests the provider to supply to the
officer copies of any records the provider possesses that pertain
to any test or the results of any test administered to the
specified person to determine the presence or concentration of
alcohol, a drug of abuse, or alcohol and a drug of abuse in the
person's blood, breath, or urine at any time relevant to the
criminal offense in question, and that conforms to section
2317.022 of the Revised Code, the provider, except to the extent
specifically prohibited by any law of this state or of the United
States, shall supply to the officer a copy of any of the requested
records the provider possesses. If the health care provider does
not possess any of the requested records, the provider shall give
the officer a written statement that indicates that the provider
does not possess any of the requested records.

(b) If a health care provider possesses any records of the
type described in division (B)(2)(a) of this section regarding the
person in question at any time relevant to the criminal offense in
question, in lieu of personally testifying as to the results of
the test in question, the custodian of the records may submit a
certified copy of the records, and, upon its submission, the
certified copy is qualified as authentic evidence and may be
admitted as evidence in accordance with the Rules of Evidence.
Division (A) of section 2317.422 of the Revised Code does not
apply to any certified copy of records submitted in accordance

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with this division. Nothing in this division shall be construed to
limit the right of any party to call as a witness the person who
administered the test to which the records pertain, the person
under whose supervision the test was administered, the custodian
of the records, the person who made the records, or the person
under whose supervision the records were made.

(3)(a) If the testimonial privilege described in division
(B)(1) of this section does not apply as provided in division
(B)(1)(a)(iii) of this section, a physician or dentist may be
compelled to testify or to submit to discovery under the Rules of
Civil Procedure only as to a communication made to the physician
or dentist by the patient in question in that relation, or the
physician's or dentist's advice to the patient in question, that
related causally or historically to physical or mental injuries
that are relevant to issues in the medical claim, dental claim,
chiropractic claim, or optometric claim, action for wrongful
death, other civil action, or claim under Chapter 4123. of the
Revised Code.

(b) If the testimonial privilege described in division (B)(1)
of this section does not apply to a physician or dentist as
provided in division (B)(1)(c) of this section, the physician or
dentist, in lieu of personally testifying as to the results of the
test in question, may submit a certified copy of those results,
and, upon its submission, the certified copy is qualified as
authentic evidence and may be admitted as evidence in accordance
with the Rules of Evidence. Division (A) of section 2317.422 of
the Revised Code does not apply to any certified copy of results
submitted in accordance with this division. Nothing in this
division shall be construed to limit the right of any party to
call as a witness the person who administered the test in
question, the person under whose supervision the test was
administered, the custodian of the results of the test, the person

who compiled the results, or the person under whose supervision 2138
the results were compiled. 2139

(4) The testimonial privilege described in division (B)(1) of 2140
this section is not waived when a communication is made by a 2141
physician to a pharmacist or when there is communication between a 2142
patient and a pharmacist in furtherance of the physician-patient 2143
relation. 2144

(5)(a) As used in divisions (B)(1) to (4) of this section, 2145
"communication" means acquiring, recording, or transmitting any 2146
information, in any manner, concerning any facts, opinions, or 2147
statements necessary to enable a physician or dentist to diagnose, 2148
treat, prescribe, or act for a patient. A "communication" may 2149
include, but is not limited to, any medical or dental, office, or 2150
hospital communication such as a record, chart, letter, 2151
memorandum, laboratory test and results, x-ray, photograph, 2152
financial statement, diagnosis, or prognosis. 2153

(b) As used in division (B)(2) of this section, "health care 2154
provider" means a hospital, ambulatory care facility, long-term 2155
care facility, pharmacy, emergency facility, or health care 2156
practitioner. 2157

(c) As used in division (B)(5)(b) of this section: 2158

(i) "Ambulatory care facility" means a facility that provides 2159
medical, diagnostic, or surgical treatment to patients who do not 2160
require hospitalization, including a dialysis center, ambulatory 2161
surgical facility, cardiac catheterization facility, diagnostic 2162
imaging center, extracorporeal shock wave lithotripsy center, home 2163
health agency, inpatient hospice, birthing center, radiation 2164
therapy center, emergency facility, and an urgent care center. 2165
"Ambulatory health care facility" does not include the private 2166
office of a physician or dentist, whether the office is for an 2167
individual or group practice. 2168

(ii) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	2169 2170 2171
(iii) "Health care practitioner" has the same meaning as in section 4769.01 of the Revised Code.	2172 2173
(iv) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	2174 2175
(v) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; an adult care facility, as defined in section 3722.01 of the Revised Code; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.	2176 2177 2178 2179 2180 2181 2182 2183 2184
(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.	2185 2186
(6) Divisions (B)(1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, and dentists.	2187 2188 2189
(7) Nothing in divisions (B)(1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 or 2305.33 of the Revised Code upon physicians who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B)(7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.	2190 2191 2192 2193 2194 2195 2196 2197 2198 2199

(C) A member of the clergy, rabbi, priest, or regularly 2200
ordained, accredited, or licensed minister of an established and 2201
legally cognizable church, denomination, or sect, when the member 2202
of the clergy, rabbi, priest, or minister remains accountable to 2203
the authority of that church, denomination, or sect, concerning a 2204
confession made, or any information confidentially communicated, 2205
to the member of the clergy, rabbi, priest, or minister for a 2206
religious counseling purpose in the member of the clergy's, 2207
rabbi's, priest's, or minister's professional character; however, 2208
the member of the clergy, rabbi, priest, or minister may testify 2209
by express consent of the person making the communication, except 2210
when the disclosure of the information is in violation of a sacred 2211
trust; 2212

(D) Husband or wife, concerning any communication made by one 2213
to the other, or an act done by either in the presence of the 2214
other, during coverture, unless the communication was made, or act 2215
done, in the known presence or hearing of a third person competent 2216
to be a witness; and such rule is the same if the marital relation 2217
has ceased to exist; 2218

(E) A person who assigns a claim or interest, concerning any 2219
matter in respect to which the person would not, if a party, be 2220
permitted to testify; 2221

(F) A person who, if a party, would be restricted under 2222
section 2317.03 of the Revised Code, when the property or thing is 2223
sold or transferred by an executor, administrator, guardian, 2224
trustee, heir, devisee, or legatee, shall be restricted in the 2225
same manner in any action or proceeding concerning the property or 2226
thing. 2227

(G)(1) A school guidance counselor who holds a valid educator 2228
license from the state board of education as provided for in 2229
section 3319.22 of the Revised Code, a person licensed under 2230
Chapter 4757. of the Revised Code as a professional clinical 2231

counselor, professional counselor, social worker, or independent 2232
social worker, or registered under Chapter 4757. of the Revised 2233
Code as a social work assistant concerning a confidential 2234
communication received from a client in that relation or the 2235
person's advice to a client unless any of the following applies: 2236

(a) The communication or advice indicates clear and present 2237
danger to the client or other persons. For the purposes of this 2238
division, cases in which there are indications of present or past 2239
child abuse or neglect of the client constitute a clear and 2240
present danger. 2241

(b) The client gives express consent to the testimony. 2242

(c) If the client is deceased, the surviving spouse or the 2243
executor or administrator of the estate of the deceased client 2244
gives express consent. 2245

(d) The client voluntarily testifies, in which case the 2246
school guidance counselor or person licensed or registered under 2247
Chapter 4757. of the Revised Code may be compelled to testify on 2248
the same subject. 2249

(e) The court in camera determines that the information 2250
communicated by the client is not germane to the counselor-client 2251
or social worker-client relationship. 2252

(f) A court, in an action brought against a school, its 2253
administration, or any of its personnel by the client, rules after 2254
an in-camera inspection that the testimony of the school guidance 2255
counselor is relevant to that action. 2256

(g) The testimony is sought in a civil action and concerns 2257
court-ordered treatment or services received by a patient as part 2258
of a case plan journalized under section 2151.412 of the Revised 2259
Code or the court-ordered treatment or services are necessary or 2260
relevant to dependency, neglect, or abuse or temporary or 2261
permanent custody proceedings under Chapter 2151. of the Revised 2262

Code. 2263

(2) Nothing in division (G)(1) of this section shall relieve 2264
a school guidance counselor or a person licensed or registered 2265
under Chapter 4757. of the Revised Code from the requirement to 2266
report information concerning child abuse or neglect under section 2267
2151.421 of the Revised Code. 2268

(H) A mediator acting under a mediation order issued under 2269
division (A) of former section 3109.052 of the Revised Code or 2270
section 3110.09, 3110.14, 3110.15, or 3110.361 of the Revised Code 2271
or otherwise issued in any proceeding for divorce, dissolution, 2272
legal separation, annulment, or the allocation of ~~parental rights~~ 2273
parenting functions and responsibilities for the care of children, 2274
in any action or proceeding, other than a criminal, delinquency, 2275
child abuse, child neglect, or dependent child action or 2276
proceeding, that is brought by or against either parent who takes 2277
part in mediation in accordance with the order and that pertains 2278
to the mediation process, to any information discussed or 2279
presented in the mediation process, to the allocation of ~~parental~~ 2280
~~rights~~ parenting functions and responsibilities for the care of 2281
the parents' children, or to the ~~awarding~~ award of parenting time 2282
rights that was made pursuant to former section 3109.051 or 2283
3109.12 of the Revised Code in relation to their children; 2284

(I) A communications assistant, acting within the scope of 2285
the communication assistant's authority, when providing 2286
telecommunications relay service pursuant to section 4931.35 of 2287
the Revised Code or Title II of the "Communications Act of 1934," 2288
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 2289
made through a telecommunications relay service. Nothing in this 2290
section shall limit the obligation of a communications assistant 2291
to divulge information or testify when mandated by federal law or 2292
regulation or pursuant to subpoena in a criminal proceeding. 2293

Nothing in this section shall limit any immunity or privilege 2294

granted under federal law or regulation. 2295

(J)(1) A chiropractor in a civil proceeding concerning a 2296
communication made to the chiropractor by a patient in that 2297
relation or the chiropractor's advice to a patient, except as 2298
otherwise provided in this division. The testimonial privilege 2299
established under this division does not apply, and a chiropractor 2300
may testify or may be compelled to testify, in any civil action, 2301
in accordance with the discovery provisions of the Rules of Civil 2302
Procedure in connection with a civil action, or in connection with 2303
a claim under Chapter 4123. of the Revised Code, under any of the 2304
following circumstances: 2305

(a) If the patient or the guardian or other legal 2306
representative of the patient gives express consent. 2307

(b) If the patient is deceased, the spouse of the patient or 2308
the executor or administrator of the patient's estate gives 2309
express consent. 2310

(c) If a medical claim, dental claim, chiropractic claim, or 2311
optometric claim, as defined in section 2305.11 of the Revised 2312
Code, an action for wrongful death, any other type of civil 2313
action, or a claim under Chapter 4123. of the Revised Code is 2314
filed by the patient, the personal representative of the estate of 2315
the patient if deceased, or the patient's guardian or other legal 2316
representative. 2317

(2) If the testimonial privilege described in division (J)(1) 2318
of this section does not apply as provided in division (J)(1)(c) 2319
of this section, a chiropractor may be compelled to testify or to 2320
submit to discovery under the Rules of Civil Procedure only as to 2321
a communication made to the chiropractor by the patient in 2322
question in that relation, or the chiropractor's advice to the 2323
patient in question, that related causally or historically to 2324
physical or mental injuries that are relevant to issues in the 2325

medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code. 2326
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(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding. 2329
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(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a chiropractor to ~~diagnosis~~ diagnose, treat, or act for a patient. A communication may include, but is not limited to, any chiropractic, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis. 2332
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Sec. 2317.023. (A) As used in this section: 2341

(1) "Mediation" means a nonbinding process for the resolution of a dispute in which both of the following apply: 2342
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(a) A person who is not a party to the dispute serves as mediator to assist the parties to the dispute in negotiating contested issues. 2344
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(b) A court, administrative agency, non-for-profit community mediation provider, or other public body appoints the mediator or refers the dispute to the mediator, or the parties, engage the mediator. 2347
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(2) "Mediation communication" means a communication made in the course of and relating to the subject matter of a mediation. 2351
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(B) A mediation communication is confidential. Except as provided in division (C) of this section, no person shall disclose a mediation communication in a civil proceeding or in an 2353
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administrative proceeding. 2356

(C) Division (B) of this section does not apply in the 2357
following circumstances: 2358

(1) Except as provided in division (H) of section 2317.02 2359
~~and, division (C) of former section 3109.052, and section 3110.453~~ 2360
of the Revised Code, to the disclosure by any person of a 2361
mediation communication made by a mediator if all parties to the 2362
mediation and the mediator consent to the disclosure; 2363

(2) To the disclosure by a person other than the mediator of 2364
a mediation communication made by a person other than the mediator 2365
if all parties consent to the disclosure; 2366

(3) To the disclosure of a mediation communication if 2367
disclosure is required pursuant to section 2921.22 of the Revised 2368
Code; 2369

(4) To the disclosure of a mediation communication if a 2370
court, after a hearing, determines that the disclosure does not 2371
circumvent Evidence Rule 408, that the disclosure is necessary in 2372
the particular case to prevent a manifest injustice, and that the 2373
necessity for disclosure is of sufficient magnitude to outweigh 2374
the importance of protecting the general requirement of 2375
confidentiality in mediation proceedings. 2376

(D) This section does not prevent or inhibit the disclosure, 2377
discovery, or admission into evidence of a statement, document, or 2378
other matter that is a mediation communication but that, prior to 2379
its use in a mediation proceeding, was subject to discovery or 2380
admission under law or a rule of evidence or was subject to 2381
disclosure as a public record pursuant to section 149.43 of the 2382
Revised Code. This section does not affect the admissibility of a 2383
written settlement agreement signed by the parties to a mediation 2384
or the status of a written settlement agreement as a public record 2385
under section 149.43 of the Revised Code. 2386

Sec. 2701.03. (A) If a judge of the court of common pleas 2387
allegedly is interested in a proceeding pending before the court, 2388
allegedly is related to or has a bias or prejudice for or against 2389
a party to a proceeding pending before the court or a party's 2390
counsel, or allegedly otherwise is disqualified to preside in a 2391
proceeding pending before the court, any party to the proceeding 2392
or the party's counsel may file an affidavit of disqualification 2393
with the clerk of the supreme court in accordance with division 2394
(B) of this section. 2395

(B) An affidavit of disqualification filed under section 2396
2101.39 or 2501.13 of the Revised Code or division (A) of this 2397
section shall be filed with the clerk of the supreme court not 2398
less than seven calendar days before the day on which the next 2399
hearing in the proceeding is scheduled and shall include all of 2400
the following: 2401

(1) The specific allegations on which the claim of interest, 2402
bias, prejudice, or disqualification is based and the facts to 2403
support each of those allegations or, in relation to an affidavit 2404
filed against a judge of a court of appeals, a specific allegation 2405
that the judge presided in the lower court in the same proceeding 2406
and the facts to support that allegation; 2407

(2) The jurat of a notary public or another person authorized 2408
to administer oaths or affirmations; 2409

(3) A certificate indicating that a copy of the affidavit has 2410
been served on the probate judge, judge of a court of appeals, or 2411
judge of a court of common pleas against whom the affidavit is 2412
filed and on all other parties or their counsel; 2413

(4) The date of the next scheduled hearing in the proceeding 2414
or, if there is no hearing scheduled, a statement that there is no 2415
hearing scheduled. 2416

(C)(1) Except as provided in division (C)(2) of this section, 2417
when an affidavit of disqualification is presented to the clerk of 2418
the supreme court for filing under division (B) of this section, 2419
all of the following apply: 2420

(a) The clerk of the supreme court shall accept the affidavit 2421
for filing and shall forward the affidavit to the chief justice of 2422
the supreme court. 2423

(b) The supreme court shall send notice of the filing of the 2424
affidavit to the probate court served by the judge if the 2425
affidavit is filed against a probate court judge, to the clerk of 2426
the court of appeals served by the judge if the affidavit is filed 2427
against a judge of a court of appeals, or to the clerk of the 2428
court of common pleas served by the judge if the affidavit is 2429
filed against a judge of a court of common pleas. 2430

(c) Upon receipt of the notice under division (C)(1)(b) of 2431
this section, the probate court, the clerk of the court of 2432
appeals, or the clerk of the court of common pleas shall enter the 2433
fact of the filing of the affidavit on the docket of the probate 2434
court, the docket of the court of appeals, or the docket in the 2435
proceeding in the court of common pleas. 2436

(2) The clerk of the supreme court shall not accept an 2437
affidavit of disqualification presented for filing under division 2438
(B) of this section if it is not timely presented for filing or 2439
does not satisfy the requirements of divisions (B)(2), (3), and 2440
(4) of this section. 2441

(D)(1) Except as provided in divisions (D)(2) to (4) of this 2442
section, if the clerk of the supreme court accepts an affidavit of 2443
disqualification for filing under divisions (B) and (C) of this 2444
section, the affidavit deprives the judge against whom the 2445
affidavit was filed of any authority to preside in the proceeding 2446
until the chief justice of the supreme court, or a justice of the 2447

supreme court designated by the chief justice, rules on the 2448
affidavit pursuant to division (E) of this section. 2449

(2) A judge against whom an affidavit of disqualification has 2450
been filed under divisions (B) and (C) of this section may do any 2451
of the following that is applicable: 2452

(a) If, based on the scheduled hearing date, the affidavit 2453
was not timely filed, the judge may preside in the proceeding. 2454

(b) If the proceeding is a domestic relations proceeding, the 2455
judge may issue any temporary order relating to spousal support 2456
pendente lite and the support, maintenance, and allocation of 2457
~~parental rights~~ parenting functions and responsibilities for the 2458
care of children. 2459

(c) If the proceeding pertains to a complaint brought 2460
pursuant to Chapter 2151. or 2152. of the Revised Code, the judge 2461
may issue any temporary order pertaining to the relation and 2462
conduct of any other person toward a child who is the subject of a 2463
complaint as the interest and welfare of the child may require. 2464

(3) A judge against whom an affidavit of disqualification has 2465
been filed under divisions (B) and (C) of this section may 2466
determine a matter that does not affect a substantive right of any 2467
of the parties. 2468

(4) If the clerk of the supreme court accepts an affidavit of 2469
disqualification for filing under divisions (B) and (C) of this 2470
section, if the chief justice of the supreme court, or a justice 2471
of the supreme court designated by the chief justice, denies the 2472
affidavit of disqualification pursuant to division (E) of this 2473
section, and if, after the denial, a second or subsequent 2474
affidavit of disqualification regarding the same judge and the 2475
same proceeding is filed by the same party who filed or on whose 2476
behalf was filed the affidavit that was denied or by counsel for 2477
the same party who filed or on whose behalf was filed the 2478

affidavit that was denied, the judge against whom the second or
subsequent affidavit is filed may preside in the proceeding prior
to the ruling of the chief justice of the supreme court, or a
justice designated by the chief justice, on the second or
subsequent affidavit.

(E) If the clerk of the supreme court accepts an affidavit of
disqualification for filing under divisions (B) and (C) of this
section and if the chief justice of the supreme court, or any
justice of the supreme court designated by the chief justice,
determines that the interest, bias, prejudice, or disqualification
alleged in the affidavit does not exist, the chief justice or the
designated justice shall issue an entry denying the affidavit of
disqualification. If the chief justice of the supreme court, or
any justice of the supreme court designated by the chief justice,
determines that the interest, bias, prejudice, or disqualification
alleged in the affidavit exists, the chief justice or the
designated justice shall issue an entry that disqualifies that
judge from presiding in the proceeding and either order that the
proceeding be assigned to another judge of the court of which the
disqualified judge is a member, to a judge of another court, or to
a retired judge.

Sec. 2705.031. (A) As used in this section, "Title IV-D case"
has the same meaning as in section 3125.01 of the Revised Code.

(B)(1) Any party who has a legal claim to any support ordered
for a child, spouse, or former spouse may initiate a contempt
action for failure to pay the support. In Title IV-D cases, the
contempt action for failure to pay support also may be initiated
by an attorney retained by the party who has the legal claim, the
prosecuting attorney, or an attorney of the department of job and
family services or the child support enforcement agency.

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(2) Any parent who has been allocated parenting functions and 2511
responsibilities under a parenting order issued under Chapter 2512
3110. of the Revised Code, any parent who ~~is granted~~ has 2513
time rights under a parenting time order or decree issued pursuant 2514
to former section 3109.051 or 3109.12 of the Revised Code, any 2515
person who is granted visitation rights under a visitation order 2516
or decree issued pursuant to former section 3109.051, 3109.11, or 2517
3109.12 of the Revised Code, pursuant to section 3110.89, 3110.90, 2518
or 3110.91 of the Revised Code, or pursuant to any other provision 2519
of the Revised Code, or any other person who is subject to any 2520
parenting time or visitation order or decree or parenting order, 2521
may initiate a contempt action for a failure to comply with, or an 2522
interference with, the order or decree. 2523

(C) In any contempt action initiated pursuant to division (B) 2524
of this section, the accused shall appear upon the summons and 2525
order to appear that is issued by the court. The summons shall 2526
include all of the following: 2527

(1) Notice that failure to appear may result in the issuance 2528
of an order of arrest, and in cases involving alleged failure to 2529
pay support, the issuance of an order for the payment of support 2530
by withholding an amount from the personal earnings of the accused 2531
or by withholding or deducting an amount from some other asset of 2532
the accused; 2533

(2) Notice that the accused has a right to counsel, and that 2534
if indigent, the accused must apply for a public defender or court 2535
appointed counsel within three business days after receipt of the 2536
summons; 2537

(3) Notice that the court may refuse to grant a continuance 2538
at the time of the hearing for the purpose of the accused 2539
obtaining counsel, if the accused fails to make a good faith 2540
effort to retain counsel or to obtain a public defender; 2541

(4) Notice of the potential penalties that could be imposed 2542
upon the accused, if the accused is found guilty of contempt for 2543
failure to pay support or for a failure to comply with, or an 2544
interference with, a parenting time or visitation order or decree. 2545

(D) If the accused is served as required by the Rules of 2546
Civil Procedure or by any special statutory proceedings that are 2547
relevant to the case, the court may order the attachment of the 2548
person of the accused upon failure to appear as ordered by the 2549
court. 2550

(E) The imposition of any penalty for contempt under section 2551
2705.05 of the Revised Code shall not eliminate any obligation of 2552
the accused to pay any past, present, or future support obligation 2553
or any obligation of the accused to comply with or refrain from 2554
interfering with the parenting time or visitation order or decree. 2555
The court shall have jurisdiction to make a finding of contempt 2556
for the failure to pay support and to impose the penalties set 2557
forth in section 2705.05 of the Revised Code in all cases in which 2558
past due support is at issue even if the duty to pay support has 2559
terminated, and shall have jurisdiction to make a finding of 2560
contempt for a failure to comply with, or an interference with, a 2561
parenting time or visitation order or decree and to impose the 2562
penalties set forth in section 2705.05 of the Revised Code in all 2563
cases in which the failure or interference is at issue even if the 2564
parenting time or visitation order or decree no longer is in 2565
effect. 2566

Sec. 2901.30. (A) As used in sections 2901.30 to 2901.32 of 2567
the Revised Code: 2568

(1) "Information" means information that can be integrated 2569
into the computer system and that relates to the physical or 2570
mental description of a minor including, but not limited to, 2571
height, weight, color of hair and eyes, use of eyeglasses or 2572

contact lenses, skin coloring, physical or mental handicaps, 2573
special medical conditions or needs, abnormalities, problems, 2574
scars and marks, and distinguishing characteristics, and other 2575
information that could assist in identifying a minor including, 2576
but not limited to, full name and nickname, date and place of 2577
birth, age, names and addresses of parents and other relatives, 2578
fingerprints, dental records, photographs, social security number, 2579
driver's license number, credit card numbers, bank account 2580
numbers, and clothing. 2581

(2) "Minor" means a person under eighteen years of age. 2582

(3) "Missing children" or "missing child" means either of the 2583
following: 2584

(a) A minor who has run away from or who otherwise is missing 2585
from the home of, or the care, custody, and control of, the 2586
minor's parents, parent who is the residential parent ~~and legal~~ 2587
~~custodian~~, guardian, legal custodian, or other person having 2588
responsibility for the care of the minor; 2589

(b) A minor who is missing and about whom there is reason to 2590
believe the minor could be the victim of a violation of section 2591
2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a 2592
violation of section 2905.04 of the Revised Code as it existed 2593
prior to ~~the effective date of this amendment~~ July 1, 1996. 2594

(B) When a law enforcement agency in this state that has 2595
jurisdiction in the matter is informed that a minor is or may be a 2596
missing child and that the person providing the information wishes 2597
to file a missing child report, the law enforcement agency shall 2598
take that report. Upon taking the report, the law enforcement 2599
agency shall take prompt action upon it, including, but not 2600
limited to, concerted efforts to locate the missing child. No law 2601
enforcement agency in this state shall have a rule or policy that 2602
prohibits or discourages the filing of or the taking of action 2603

upon a missing child report, within a specified period following 2604
the discovery or formulation of a belief that a minor is or could 2605
be a missing child. 2606

(C) If a missing child report is made to a law enforcement 2607
agency in this state that has jurisdiction in the matter, the law 2608
enforcement agency shall gather readily available information 2609
about the missing child and integrate it into the national crime 2610
information center computer within twelve hours following the 2611
making of the report. The law enforcement agency shall make 2612
reasonable efforts to acquire additional information about the 2613
missing child following the transmittal of the initially available 2614
information, and promptly integrate any additional information 2615
acquired into such computer systems. 2616

Whenever a law enforcement agency integrates information 2617
about a missing child into the national crime information center 2618
computer, the law enforcement agency promptly shall notify the 2619
missing child's parents, parent who is the residential parent ~~and~~ 2620
~~legal custodian~~, guardian, or legal custodian, or any other person 2621
responsible for the care of the missing child, that it has so 2622
integrated the information. 2623

The parents, parent who is the residential parent ~~and legal~~ 2624
~~custodian~~, guardian, legal custodian, or other person responsible 2625
for the care of the missing child shall provide available 2626
information upon request, and may provide information voluntarily, 2627
to the law enforcement agency during the information gathering 2628
process. The law enforcement agency also may obtain available 2629
information about the missing child from other persons, subject to 2630
constitutional and statutory limitations. 2631

(D) Upon the filing of a missing child report, the law 2632
enforcement agency involved promptly shall make a reasonable 2633
attempt to notify other law enforcement agencies within its county 2634
and, if the agency has jurisdiction in a municipal corporation or 2635

township that borders another county, to notify the law enforcement agency for the municipal corporation or township in the other county with which it shares the border, that it has taken a missing child report and may be requesting assistance or cooperation in the case, and provide relevant information to the other law enforcement agencies. The agency may notify additional law enforcement agencies, appropriate public children services agencies, about the case, request their assistance or cooperation in the case, and provide them with relevant information.

Upon request from a law enforcement agency, a public children services agency shall grant the law enforcement agency access to all information concerning a missing child that the agency possesses that may be relevant to the law enforcement agency in investigating a missing child report concerning that child. The information obtained by the law enforcement agency shall be used only to further the investigation to locate the missing child.

(E) Upon request, law enforcement agencies in this state shall provide assistance to, and cooperate with, other law enforcement agencies in their investigation of missing child cases.

The information in any missing child report made to a law enforcement agency shall be made available, upon request, to law enforcement personnel of this state, other states, and the federal government when the law enforcement personnel indicate that the request is to aid in identifying or locating a missing child or the possible identification of a deceased minor who, upon discovery, cannot be identified.

(F) When a missing child has not been located within thirty days after the date on which the missing child report pertaining to the child was filed with a law enforcement agency, that law enforcement agency shall request the missing child's parents, parent who is the residential parent ~~and legal custodian,~~

guardian, or legal custodian, or any other person responsible for 2668
the care of the missing child, to provide written consent for the 2669
law enforcement agency to contact the missing child's dentist and 2670
request the missing child's dental records. Upon receipt of such 2671
written consent, the dentist shall release a copy of the missing 2672
child's dental records to the law enforcement agency and shall 2673
provide and encode the records in such form as requested by the 2674
law enforcement agency. The law enforcement agency then shall 2675
integrate information in the records into the national crime 2676
information center computer in order to compare the records to 2677
those of unidentified deceased persons. This division does not 2678
prevent a law enforcement agency from seeking consent to obtain 2679
copies of a missing child's dental records, or prevent a missing 2680
child's parents, parent who is the residential parent ~~and legal~~ 2681
~~custodian~~, guardian, or legal custodian, or any other person 2682
responsible for the care of the missing child, from granting 2683
consent for the release of copies of the missing child's dental 2684
records to a law enforcement agency, at any time. 2685

(G) A missing child's parents, parent who is the residential 2686
parent ~~and legal custodian~~, guardian, or legal custodian, or any 2687
other persons responsible for the care of a missing child, 2688
immediately shall notify the law enforcement agency with which 2689
they filed the missing child report whenever the child has 2690
returned to their home or to their care, custody, and control, has 2691
been released if the missing child was the victim of an offense 2692
listed in division (A)(3)(b) of this section, or otherwise has 2693
been located. Upon such notification or upon otherwise learning 2694
that a missing child has returned to the home of, or to the care, 2695
custody, and control of the missing child's parents, parent who is 2696
the residential parent ~~and legal custodian~~, guardian, legal 2697
custodian, or other person responsible for the missing child's 2698
care, has been released if the missing child was the victim of an 2699
offense listed in division (A)(3)(b) of this section, or otherwise 2700

has been located, the law enforcement agency involved promptly 2701
shall integrate the fact that the minor no longer is a missing 2702
child into the national crime information center computer. 2703

(H) Nothing contained in this section shall be construed to 2704
impair the confidentiality of services provided to runaway minors 2705
by shelters for runaway minors pursuant to sections 5119.64 to 2706
5119.68 of the Revised Code. 2707

Sec. 2919.231. (A) No person, by using physical harassment or 2708
threats of violence against another person, shall interfere with 2709
the other person's initiation or continuance of, or attempt to 2710
prevent the other person from initiating or continuing, an action 2711
to issue or modify a support order under Chapter 3115. or under 2712
section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2713
2151.49, 3105.18, 3105.21, 3105.65, 3109.05, 3109.19, 3111.13, 2714
3113.04, 3113.07, or 3113.31 of the Revised Code. 2715

(B) Whoever violates this section is guilty of interfering 2716
with an action to issue or modify a support order, a misdemeanor 2717
of the first degree. If the offender previously has been convicted 2718
of or pleaded guilty to a violation of this section or of section 2719
3111.19 of the Revised Code, interfering with an action to issue 2720
or modify a support order is a felony of the fifth degree. 2721

Sec. 3101.01. Male persons of the age of eighteen years, and 2723
female persons of the age of sixteen years, not nearer of kin than 2724
second cousins, and not having a husband or wife living, may be 2725
joined in marriage. A minor must first obtain the consent of the 2726
minor's parents, surviving parent, parent who is designated the 2727
residential parent ~~and legal custodian~~ of the child by a court of 2728
competent jurisdiction, guardian, or any one of the following who 2729
has been awarded permanent custody of the minor by a court 2730
exercising juvenile jurisdiction: 2731

(A) An adult person; 2732

(B) The department of job and family services or any child 2733
welfare organization certified by such department; 2734

(C) A public children services agency. 2735

A minor shall not be required to obtain the consent of a 2736
parent who resides in a foreign country, has neglected or 2737
abandoned such minor for a period of one year or longer 2738
immediately preceding the application for a marriage license, has 2739
been adjudged incompetent, is an inmate of a state mental or 2740
correctional institution, has been permanently deprived of 2741
parental rights and responsibilities for the care of the child and 2742
the right to have the child live with the parent and to be the 2743
legal custodian of the child by a court exercising juvenile 2744
jurisdiction, or has been deprived of parental rights and 2745
responsibilities for the care of the child and the right to have 2746
the child live with the parent and to be the legal custodian of 2747
the child by the appointment of a guardian of the person of the 2748
minor by the probate court or by any other court of competent 2749
jurisdiction. 2750

Sec. 3105.21. (A) Upon satisfactory proof of the causes in 2751
the complaint for divorce, annulment, or legal separation, the 2752
court of common pleas shall make an order for the disposition, 2753
care, and maintenance of the children of the marriage, as is in 2754
their best interests, and in accordance with ~~section 3109.04~~ 2755
Chapter 3110. of the Revised Code. 2756

(B) Upon the failure of proof of the causes in the complaint, 2757
the court may make the order for the disposition, care, and 2758
maintenance of any dependent child of the marriage as is in the 2759
child's best interest, and in accordance with ~~section 3109.04~~ 2760
Chapter 3110. of the Revised Code. 2761

(C) Any court of common pleas that makes or modifies an order for child support under this section shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If any person required to pay child support under an order made under this section on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

Sec. 3105.63. (A)(1) A petition for dissolution of marriage shall be signed by both spouses and shall have attached and incorporated a separation agreement agreed to by both spouses. The separation agreement shall provide for a division of all property; spousal support; ~~if there are minor children of the marriage, the allocation of parental rights and responsibilities for the care of the minor children, the designation of a residential parent and legal custodian of the minor children, child support, and parenting time rights;~~ and, if the spouses so desire, an authorization for the court to modify the amount or terms of spousal support provided in the separation agreement. If there are minor children of the marriage, the spouses ~~may~~ shall address the allocation of the ~~parental rights~~ parenting functions and responsibilities for the care of the minor children ~~by including in the separation agreement a plan under which both parents will have shared rights and responsibilities for the care of the minor children. The spouses shall file the plan with the petition for dissolution of marriage and shall include in the plan the provisions described in division (G) of section 3109.04 of the Revised Code and child support in compliance with Chapter 3110. of~~

<u>the Revised Code.</u>	2794
(2) The division of property in the separation agreement shall include any participant account, as defined in section 148.01 of the Revised Code, of either of the spouses, to the extent of the following:	2795 2796 2797 2798
(a) The moneys that have been deferred by a continuing member or participating employee, as defined in that section, and that have been transmitted to the Ohio public employees deferred compensation board during the marriage and any income that is derived from the investment of those moneys during the marriage;	2799 2800 2801 2802 2803
(b) The moneys that have been deferred by an officer or employee of a municipal corporation and that have been transmitted to the governing board, administrator, depository, or trustee of the deferred compensation program of the municipal corporation during the marriage and any income that is derived from the investment of those moneys during the marriage;	2804 2805 2806 2807 2808 2809
(c) The moneys that have been deferred by an officer or employee of a government unit, as defined in section 148.06 of the Revised Code, and that have been transmitted to the governing board, as defined in that section, during the marriage and any income that is derived from the investment of those moneys during the marriage.	2810 2811 2812 2813 2814 2815
(3) The separation agreement shall not require or permit the division or disbursement of the moneys and income described in division (A)(2) of this section to occur in a manner that is inconsistent with the law, rules, or plan governing the deferred compensation program involved or prior to the time that the spouse in whose name the participant account is maintained commences receipt of the moneys and income credited to the account in accordance with that law, rules, and plan.	2816 2817 2818 2819 2820 2821 2822 2823
(B) An amended separation agreement may be filed at any time	2824

prior to or during the hearing on the petition for dissolution of marriage. Upon receipt of a petition for dissolution of marriage, the court may cause an investigation to be made pursuant to the Rules of Civil Procedure.

(C) If a petition for dissolution of marriage contains an authorization for the court to modify the amount or terms of spousal support provided in the separation agreement, the modification shall be in accordance with section 3105.18 of the Revised Code.

Sec. 3105.65. (A) If, at the time of the hearing, either spouse is not satisfied with the separation agreement or does not wish a dissolution of the marriage and if neither spouse files a motion pursuant to division (C) of this section to convert the action to an action for divorce, the court shall dismiss the petition and refuse to validate the proposed separation agreement.

(B) If, upon review of the testimony of both spouses and of the report of the investigator pursuant to the Rules of Civil Procedure, the court approves the separation agreement and any amendments to it agreed upon by the parties, it shall grant a decree of dissolution of marriage that incorporates the separation agreement and, if there are minor children of the marriage, a parenting order approved under Chapter 3110. of the Revised Code. ~~If the separation agreement contains a plan for the exercise of shared parenting by the spouses, the court shall review the plan in accordance with the provisions of division (D)(1) of section 3109.04 of the Revised Code that govern the review of a pleading or motion requesting shared parenting jointly submitted by both spouses to a marriage. A decree of dissolution of marriage has the same effect upon the property rights of the parties, including rights of dower and inheritance, as a decree of divorce. The court has full power to enforce its decree and retains jurisdiction to~~

modify all matters pertaining to the allocation of ~~parental rights~~ 2856
parenting functions and responsibilities for the care of the 2857
children, to the designation of of a residential parent ~~and legal~~ 2858
~~custodian~~ of the children, to child support, to parenting time of 2859
parents with the children granted under an order issued under 2860
former section 3109.051 or 3109.12 of the Revised Code, and to 2861
visitation for persons who are not the children's parents. The 2862
court, only in accordance with division (E)(2) of section 3105.18 2863
of the Revised Code, may modify the amount or terms of spousal 2864
support. 2865

(C) At any time before a decree of dissolution of marriage 2866
has been granted under division (B) of this section, either spouse 2867
may convert the action for dissolution of marriage into a divorce 2868
action by filing a motion with the court in which the action for 2869
dissolution of marriage is pending for conversion of the action 2870
for dissolution of marriage. The motion shall contain a complaint 2871
for divorce that contains grounds for a divorce and that otherwise 2872
complies with the Rules of Civil Procedure and this chapter. The 2873
divorce action then shall proceed in accordance with the Rules of 2874
Civil Procedure in the same manner as if the motion had been the 2875
original complaint in the action, including, but not limited to, 2876
the issuance and service of summons pursuant to Civil Rules 4 to 2877
4.6, except that no court fees shall be charged upon conversion of 2878
the action for dissolution of marriage into a divorce action under 2879
this division. 2880

Sec. 3107.15. (A) A final decree of adoption and an 2881
interlocutory order of adoption that has become final as issued by 2882
a court of this state, or a decree issued by a jurisdiction 2883
outside this state as recognized pursuant to section 3107.18 of 2884
the Revised Code, shall have the following effects as to all 2885
matters within the jurisdiction or before a court of this state, 2886
whether issued before or after May 30, 1996: 2887

(1) Except with respect to a spouse of the petitioner and 2888
relatives of the spouse, to relieve the biological or other legal 2889
parents of the adopted person of all parental rights and 2890
responsibilities, and to terminate all legal relationships between 2891
the adopted person and the adopted person's relatives, including 2892
the adopted person's biological or other legal parents, so that 2893
the adopted person thereafter is a stranger to the adopted 2894
person's former relatives for all purposes including inheritance 2895
and the interpretation or construction of documents, statutes, and 2896
instruments, whether executed before or after the adoption is 2897
decreed, which do not expressly include the person by name or by 2898
some designation not based on a parent and child or blood 2899
relationship; 2900

(2) To create the relationship of parent and child between 2901
petitioner and the adopted person, as if the adopted person were a 2902
legitimate blood descendant of the petitioner, for all purposes 2903
including inheritance and applicability of statutes, documents, 2904
and instruments, whether executed before or after the adoption is 2905
decreed, and whether executed or created before or after May 30, 2906
1996, which do not expressly exclude an adopted person from their 2907
operation or effect. 2908

(B) Notwithstanding division (A) of this section, if a parent 2909
of a child dies without the relationship of parent and child 2910
having been previously terminated and a spouse of the living 2911
parent thereafter adopts the child, the child's rights from or 2912
through the deceased parent for all purposes, including 2913
inheritance and applicability or construction of documents, 2914
statutes, and instruments, are not restricted or curtailed by the 2915
adoption. 2916

(C) Notwithstanding division (A) of this section, if the 2917
relationship of parent and child has not been terminated between a 2918
parent and that parent's child and a spouse of the other parent of 2919

the child adopts the child, a grandparent's or relative's right to 2920
companionship or visitation pursuant to former section 3109.11 or 2921
section 3110.90 of the Revised Code is not restricted or curtailed 2922
by the adoption. 2923

(D) An interlocutory order of adoption, while it is in force, 2924
has the same legal effect as a final decree of adoption. If an 2925
interlocutory order of adoption is vacated, it shall be as though 2926
void from its issuance, and the rights, liabilities, and status of 2927
all affected persons that have not become vested are governed 2928
accordingly. 2929

Sec. 3109.05. (A)(1) In a divorce, dissolution of marriage, 2930
legal separation, or child support proceeding, the court may order 2931
either or both parents to support or help support their children, 2932
without regard to marital misconduct. In determining the amount 2933
reasonable or necessary for child support, including the medical 2934
needs of the child, the court shall comply with Chapter 3119. of 2935
the Revised Code. 2936

(2) The court, in accordance with Chapter 3119. of the 2937
Revised Code, shall include in each support order made under this 2938
section the requirement that one or both of the parents provide 2939
for the health care needs of the child to the satisfaction of the 2940
court, and the court shall include in the support order a 2941
requirement that all support payments be made through the office 2942
of child support in the department of job and family services. 2943

(3) The court shall comply with Chapters 3119., 3121., 3123., 2944
and 3125. of the Revised Code when it makes or modifies an order 2945
for child support under this section. 2946

(B) The juvenile court has exclusive jurisdiction to enter 2947
the orders in any case certified to it from another court. 2948

(C) If any person required to pay child support under an 2949

order made under division (A) of this section on or after April 2950
15, 1985, or modified on or after December 1, 1986, is found in 2951
contempt of court for failure to make support payments under the 2952
order, the court that makes the finding, in addition to any other 2953
penalty or remedy imposed, shall assess all court costs arising 2954
out of the contempt proceeding against the person and require the 2955
person to pay any reasonable attorney's fees of any adverse party, 2956
as determined by the court, that arose in relation to the act of 2957
contempt and, on or after July 1, 1992, shall assess interest on 2958
any unpaid amount of child support pursuant to section 3123.17 of 2959
the Revised Code. 2960

(D) The court shall not authorize or permit the escrowing, 2961
impoundment, or withholding of any child support payment ordered 2962
under this section or any other section of the Revised Code 2963
because of a denial of or interference with ~~a right of the~~ 2964
parenting functions and responsibilities of a parent under a 2965
parenting order issued under Chapter 3110. of the Revised Code, 2966
parenting time granted to a parent in an order issued under ~~this~~ 2967
former section ~~or section~~ 3109.051 or 3109.12 of the Revised Code 2968
or companionship or visitation granted in an order issued under 2969
~~this section,~~ former section 3109.051, 3109.11, or 3109.12, 2970
section 3110.89, 3110.90, or 3110.91, or any other section of the 2971
Revised Code, or as a method of enforcing the specific provisions 2972
of any such order ~~dealing with parenting time or visitation.~~ 2973

Sec. 3109.09. (A) As used in this section, "parent" means one 2975
of the following: 2976

(1) Both parents unless division (A)(2) or (3) of this 2977
section applies; 2978

(2) The parent designated the residential parent ~~and legal~~ 2979
~~custodian~~ pursuant to an order issued under former section 3109.04 2980

of the Revised Code that is not a shared parenting order; 2981

~~(3) The custodial parent of a child born out of wedlock with~~ 2982
~~respect to whom no custody order has been issued~~ The unmarried 2983
female who gives birth to a child and who is the child's sole 2984
residential parent under section 3110.03 of the Revised Code. 2985

(B) Any owner of property, including any board of education 2986
of a city, local, exempted village, or joint vocational school 2987
district, may maintain a civil action to recover compensatory 2988
damages not exceeding ten thousand dollars and court costs from 2989
the parent of a minor if the minor willfully damages property 2990
belonging to the owner or commits acts cognizable as a "theft 2991
offense," as defined in section 2913.01 of the Revised Code, 2992
involving the property of the owner. The action may be joined with 2993
an action under Chapter 2737. of the Revised Code against the 2994
minor, or the minor and the minor's parent, to recover the 2995
property regardless of value, but any additional damages recovered 2996
from the parent pursuant to this section shall be limited to 2997
compensatory damages not exceeding ten thousand dollars, as 2998
authorized by this section. A finding of willful destruction of 2999
property or of committing acts cognizable as a theft offense is 3000
not dependent upon a prior finding that the child is a delinquent 3001
child or upon the child's conviction of any criminal offense. 3002

(C)(1) If a court renders a judgment in favor of a board of 3003
education of a city, local, exempted village, or joint vocational 3004
school district in an action brought pursuant to division (B) of 3005
this section, if the board of education agrees to the parent's 3006
performance of community service in lieu of full payment of the 3007
judgment, and if the parent who is responsible for the payment of 3008
the judgment agrees to voluntarily participate in the performance 3009
of community service in lieu of full payment of the judgment, the 3010
court may order the parent to perform community service in lieu of 3011
providing full payment of the judgment. 3012

(2) If a court, pursuant to division (C)(1) of this section, orders a parent to perform community service in lieu of providing full payment of a judgment, the court shall specify in its order the amount of the judgment, if any, to be paid by the parent, the type and number of hours of community service to be performed by the parent, and any other conditions necessary to carry out the order.

(D) This section shall not apply to a parent of a minor if the minor was married at the time of the commission of the acts or violations that would otherwise give rise to a civil action commenced under this section.

(E) Any action brought pursuant to this section shall be commenced and heard as in other civil actions.

(F) The monetary limitation upon compensatory damages set forth in this section does not apply to a civil action brought pursuant to section 2307.70 of the Revised Code.

Sec. 3110.01. (A) As used in this chapter:

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code.

(2) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.

(3) "Family file" means a confidential file maintained by a court regarding any person who is a party to a case involving the allocation of parental functions and responsibilities. The file may be one that includes family history, court investigation reports, notes from examinations made pursuant to a court investigation, or other material relevant to the best interests of a child.

(4) "Neglected child" has the same meaning as in section 2151.03 of the Revised Code.

(5) "Parent" means a natural parent or adoptive parent of a 3043
minor child whose parental rights and responsibilities have not 3044
been terminated by a juvenile court or another court. 3045

(6) "Parenting action" means any proceeding for divorce, 3046
dissolution of marriage, legal separation, or annulment involving 3047
the allocation of parenting functions and responsibilities for a 3048
child of the marriage or any proceeding for the allocation of 3049
parenting functions and responsibilities regarding a child. 3050
"Parenting action" includes any proceedings transferred to a 3051
juvenile court under section 3110.05 of the Revised Code. 3052

(7) "Parenting functions and responsibilities" includes the 3053
following: 3054

(a) Providing for the physical and emotional safety and 3055
well-being of the child, including appropriate physical living 3056
arrangements; 3057

(b) Establishing and maintaining a loving, stable, 3058
consistent, and nurturing relationship with the child; 3059

(c) Responsibly attending to the needs of the child for 3060
discipline, support, health, daily personal care, supervision, and 3061
engaging in other activities; 3062

(d) Attending to the appropriate education for the child; 3063

(e) Assisting the child in developing appropriate 3064
interpersonal relationships; 3065

(f) Exercising appropriate judgment regarding the child's 3066
welfare, consistent with the child's development level. 3067

(8) "Parenting order" means an order issued under section 3068
3110.04 of the Revised Code; 3069

(9) "Parental time" means the time a child is under the 3070
physical care and direction of a parent who is exercising 3071
parenting functions and responsibilities for the child pursuant to 3072

a parenting order; 3073

(10) "Record" means any record, document, file, or other material that contains information directly related to a child, including any of the following: 3074
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(a) Records maintained by public and nonpublic schools; 3077

(b) Records maintained by facilities that provide child day-care or publicly funded child day-care, both as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school; 3078
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(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child; 3083
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(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. 3086
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(11) "Relocation of a child" means either of the following: 3090

(a) The parent who is the residential parent for purposes of determining the school the child attends is moving the child to a new residence and the move will cause the child to attend a school in a different school district. 3091
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(b) A parent is moving the child to a residence outside of the geographic area specified in the parenting order. 3095
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(B) For purposes of the Revised Code: 3097

(1) A parent who is granted the care, custody, and control of a child under an order issued pursuant to former section 3109.04 of the Revised Code as it existed prior to April 11, 1991, that is not a shared parenting order is the "residential parent" of the child under the order and is the "residential parent for purposes 3098
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of receiving child support" under the order. 3103

(2) A parent who is primarily allocated the parental rights and responsibilities for the care of a child and is designated as the residential parent and legal custodian of the child under an order issued pursuant to former section 3109.04 of the Revised Code on or after April 11, 1991, that is not a shared parenting order is the "residential parent" of the child under the order and is the "residential parent for purposes of receiving child support" under the order. 3104
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(3) A parent who, under an order issued pursuant to former section 3109.04 of the Revised Code prior to April 11, 1991, that is not a shared parenting order, is not granted custody of a child, is the "parent who is not the residential parent" of the child under the order or is the "parent who is not the residential parent for purposes of receiving child support" of the child under the order. 3112
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(4) A parent who, under an order issued pursuant to former section 3109.04 of the Revised Code on or after April 11, 1991, that is not a shared parenting order, is not primarily allocated the parental rights and responsibilities for the care of a child and is not designated as the residential parent and legal custodian of the child, is the "parent who is not the residential parent" of the child under the order or is the "parent who is not the residential parent for purposes of receiving child support" under the order. 3119
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(5) Unless the context clearly requires otherwise and except as otherwise provided in the order, if a shared parenting order has been issued, each parent, regardless of where the child is physically located or with whom the child is residing at a particular time, as specified in the order, is the "residential parent" of the child. 3128
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(6) If a shared parenting order has been issued, the parent to whom child support is required to be paid under the order is the "residential parent for purposes of receiving child support" under the order. The parent required to pay child support under the order is the "parent who is not the residential parent for purposes of receiving child support" under the order. The designation made in division (B)(6) of this section of one parent as the "residential parent for purposes of receiving child support" and the other parent as the "parent who is not the residential parent for purposes of receiving child support" does not affect the designation in division (B)(5) of this section of each parent as the "residential parent."

(7) Unless the context clearly requires otherwise and except as otherwise provided in the order, a designation in the order of a parent as the residential parent for the purpose of determining the school the child attends, a parent as the custodial parent for purposes of claiming the child as a dependent pursuant to section 152(e) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, or one of the parents' residences as the child's home for purposes of receiving public assistance, does not affect the designation pursuant to division (B)(5) of this section of each parent as the "residential parent" of the child under the order.

(8) The following designations in a parenting order issued under section 3110.04 of the Revised Code or interim parenting order do not affect the designation required under section 3110.111 of the Revised Code of each parent as the "residential parent" of the child:

(a) Designation of a parent as the residential parent for the purpose of determining the school the child attends;

(b) Designation of a parent as the custodial parent for purposes of claiming the child as a dependent pursuant to section

<u>151 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26</u>	3166
<u>U.S.C.A. 1, as amended;</u>	3167
<u>(c) Designation of one of the parents' residences as the</u>	3168
<u>child's home for purposes of receiving public assistance;</u>	3169
<u>(d) Designation of a parent as residential parent for</u>	3170
<u>purposes of receiving child support;</u>	3171
<u>(e) Designation of a parent as the residential parent for any</u>	3172
<u>other purpose, including the enforcement of an international</u>	3173
<u>treaty and state and federal criminal laws;</u>	3174
<u>(f) Designation of the parent responsible for the provision</u>	3175
<u>of health, dental, and vision insurance for the child;</u>	3176
<u>(g) Designation of a parent as the residential parent for</u>	3177
<u>purposes of receiving health, dental, and vision insurance</u>	3178
<u>reimbursements for the child.</u>	3179
<u>(9) "Shared parenting order" means an order issued under</u>	3180
<u>former section 3109.04 of the Revised Code that allocates to both</u>	3181
<u>parents the parental rights and responsibilities for the care of</u>	3182
<u>the child and requires them to share all or some of the physical</u>	3183
<u>and legal care of the child. "Shared parenting order" includes an</u>	3184
<u>order issued under former section 3109.04 of the Revised Code as</u>	3185
<u>it existed prior to April 11, 1991, that grants joint custody,</u>	3186
<u>care, and control of a child.</u>	3187
Sec. 3109.03 3110.02. When husband and wife are living	3188
separate and apart from each other, or are divorced, and the	3189
question as to the parental rights <u>parenting functions</u> and	3190
responsibilities for the care of their children and the place of	3191
residence and <u>the person who is to have the legal custodian of</u>	3192
<u>duty to care for</u> their children is brought before a court of	3193
competent jurisdiction, they shall stand upon an equality as to	3194
the parental rights <u>parenting functions</u> and responsibilities for	3195

the care of their children and the place of residence and the 3196
person who is to have the legal custodian of duty to care for 3197
their children, so far as parenthood is involved. 3198

Sec. ~~3109.042~~ 3110.03. An unmarried female who gives birth to 3199
a child is the sole residential parent ~~and legal custodian~~ of the 3200
child until a court of competent jurisdiction issues an order 3201
designating another person as the residential parent ~~and legal~~ 3202
~~custodian~~. A court designating the residential parent ~~and legal~~ 3203
~~custodian~~ of a child described in this section shall treat the 3204
mother and father as standing upon an equality when making the 3205
designation. 3206

Sec. 3110.04. Except as otherwise determined under section 3207
3110.05 of the Revised Code, in a parenting action the court shall 3208
issue an order allocating parental functions and responsibilities 3209
for the child. The court shall include in the order a parenting 3210
plan created and filed under sections 3110.09 to 3110.114 of the 3211
Revised Code and approved by the court under section 3110.14, 3212
3110.15, or 3110.16 of the Revised Code. 3213

The parenting order shall be incorporated into any decree of 3214
divorce, dissolution of marriage, legal separation, or annulment. 3215
The order shall include all notices required by the Revised Code 3216
or court rules. 3217

Sec. 3110.05. If a court finds, pursuant to a parenting 3218
action and with respect to any child under eighteen years of age, 3219
that it is in the best interest of the child for neither parent to 3220
be allocated the parental functions and responsibilities regarding 3221
the child, it may commit the child to the care of a relative of 3222
the child or certify a copy of its findings, together with as much 3223
of the record and the further information, in narrative form or 3224
otherwise, that it considers necessary or as the juvenile court 3225

requests, to the juvenile court for further proceedings. On the 3226
certification, the juvenile court has exclusive jurisdiction of 3227
the parenting action. 3228

If the juvenile court, after receiving jurisdiction over a 3229
parenting action, determines that it is in the best interest of 3230
the child for neither parent to be allocated the parental 3231
functions and responsibilities regarding the child, it may commit 3232
the child to the care of a relative of the child. 3233

Sec. ~~3109.06~~ 3110.06. Any court, other than a juvenile court, 3234
that has jurisdiction in any case respecting the allocation of 3235
~~parental rights~~ parenting functions and responsibilities for the 3236
care of a child under eighteen years of age and the designation of 3237
the child's place of residence and the person who is to have the 3238
legal custodian duty to care for the child or in any case 3239
respecting the support of a child under eighteen years of age, 3240
may, on its own motion or on motion of any interested party, with 3241
the consent of the juvenile court, certify the record in the case 3242
or so much of the record and such further information, in 3243
narrative form or otherwise, as the court deems necessary or the 3244
juvenile court requests, to the juvenile court for further 3245
proceedings; upon the certification, the juvenile court shall have 3246
exclusive jurisdiction. 3247

In cases in which the court of common pleas finds the parents 3248
unsuitable to have the ~~parental rights~~ parenting functions and 3249
responsibilities for the care of the child or children and 3250
unsuitable to provide the place of residence and to be the person 3251
who is to have the legal custodian of duty to care for the child 3252
or children, consent of the juvenile court shall not be required 3253
to such certification. This section applies to actions pending on 3254
August 28, 1951. 3255

In any case in which a court of common pleas, or other court 3256

having jurisdiction, has issued an order that allocates parental 3257
rights and responsibilities prior to the effective date of this 3258
amendment or allocates parenting functions and responsibilities 3259
under Chapter 3110. of the Revised Code for the care of minor 3260
children and designates their place of residence and the person 3261
who is to have the legal custodian of duty to care for the minor 3262
children, has made an order for support of minor children, or has 3263
done both, the jurisdiction of the court shall not abate upon the 3264
death of the person awarded custody but shall continue for all 3265
purposes during the minority of the children. The court, upon its 3266
own motion or the motion of either parent or of any interested 3267
person acting on behalf of the children, may proceed to make 3268
further disposition of the case in the best interests of the 3269
children and subject to sections ~~3109.42~~ 3110.80 to ~~3109.48~~ 3270
3110.86 of the Revised Code. If the children are under eighteen 3271
years of age, it may certify them, pursuant to this section, to 3272
the juvenile court of any county for further proceedings. After 3273
certification to a juvenile court, the jurisdiction of the court 3274
of common pleas, or other court, shall cease, except as to any 3275
payments of spousal support due for the spouse and support 3276
payments due and unpaid for the children at the time of the 3277
certification. 3278

Any disposition made pursuant to this section, whether by a 3279
juvenile court after a case is certified to it, or by any court 3280
upon the death of a person awarded custody of a child, shall be 3281
made in accordance with ~~sections 3109.04 and 3109.42 to 3109.48~~ of 3282
~~the Revised Code~~ this chapter. If an appeal is taken from a 3283
decision made pursuant to this section that allocates ~~parental~~ 3284
~~rights~~ parenting functions and responsibilities for the care of a 3285
minor child and designates the child's place of residence and the 3286
person who is to have the legal custodian duty to care for the 3287
child, the court of appeals shall give the case calendar priority 3288

and handle it expeditiously. 3289

Sec. ~~3109.07~~ 3110.07. An appeal to the court of appeals may 3290
be had pursuant to the Rules of Appellate Procedure and, to the 3291
extent not in conflict with those rules, Chapter 2505. of the 3292
Revised Code. 3293

Sec. 3110.08. In determining the best interest of a child 3294
when allocating the parenting functions and responsibilities 3295
regarding the child in a parenting action, a court shall consider 3296
all relevant factors including: 3297

(A) The wishes of the child's parents regarding the child's 3298
care, including any oral or written agreements made voluntarily 3299
and knowingly by the parents; 3300

(B) If the court has interviewed the child pursuant to 3301
section 3110.42 of the Revised Code, the wishes and concerns of 3302
the child, as expressed to the court; 3303

(C) The child's interaction and interrelationship with 3304
siblings, relatives and any other person who may significantly 3305
affect the child's best interest; 3306

(D) The child's involvement with the child's physical 3307
surroundings, school, community, and other significant activities; 3308

(E) The mental and physical health of all persons involved in 3309
the situation; 3310

(F) Whether either parent has failed repeatedly and without 3311
just cause to be financially responsible for the child as 3312
specified in a court order; 3313

(G) The relative strength, nature, and stability of the 3314
child's relationship with each parent; 3315

(H) The willingness of the parents to effectively communicate 3316
with each other regarding the best interests of the child; 3317

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<u>(I) Whether either parent has repeatedly and without just</u>	3319
<u>cause denied the other parent access to the child, which access</u>	3320
<u>was granted by court order;</u>	3321
<u>(J) Whether either parent has established a residence, or is</u>	3322
<u>planning to establish a residence, outside this state;</u>	3323
<u>(K) Each parent's past performance of parenting functions and</u>	3324
<u>responsibilities and potential for future performance of parenting</u>	3325
<u>functions and responsibilities;</u>	3326
<u>(L) The age, emotional needs, and developmental level of the</u>	3327
<u>child;</u>	3328
<u>(M) Each parent's employment and activity schedules;</u>	3329
<u>(N) The child's school and child care schedule;</u>	3330
<u>(O) Any recommendation of the child's guardian ad litem;</u>	3331
<u>(P) Any mediation report filed with the court under section</u>	3332
<u>3110.451 of the Revised Code;</u>	3333
<u>(Q) Any report of an investigation conducted under section</u>	3334
<u>3110.43 of the Revised Code that is admitted into evidence;</u>	3335
<u>(R) The failure of any party to attend a parenting education</u>	3336
<u>seminar conducted under sections 3110.50 to 3110.56 of the Revised</u>	3337
<u>Code.</u>	3338
<u>Sec. 3110.09. In any parenting action, the parents must</u>	3339
<u>participate in mediation to reach agreement on the terms of a</u>	3340
<u>parenting plan for possible future incorporation into a parenting</u>	3341
<u>order. If the parents have not participated in mediation prior to,</u>	3342
<u>or are not participated in mediation at the time of, commencement</u>	3343
<u>of the parenting action, the court shall order the parents to</u>	3344
<u>participate in mediation under section 3110.45 of the Revised Code</u>	3345
<u>to obtain agreement on a parenting plan.</u>	3346

Sec. 3110.10. (A) In a parenting action, the parents shall 3347
file with the court one of the following after completing 3348
mediation: 3349

(1) A parenting plan that is agreed to by both of the parents 3350
containing all required elements. 3351

(2) If the parents cannot reach agreement on all required 3352
elements of a parenting plan, a partial parenting plan containing 3353
elements agreed to by the parents and separate parenting plan 3354
supplements that address each parent's wishes concerning the 3355
elements not agreed to. 3356

(3) If the parents cannot reach agreement on any of the 3357
required elements of a parenting plan, separate parenting plans. 3358

(B) If either or both parents fail to file a plan or 3359
supplement as required under this section, the court shall issue 3360
an order requiring the parent or parents to make the appropriate 3361
filing. 3362

Sec. 3110.11. All parenting plans shall provide for the 3363
allocation of parenting functions and responsibilities for all 3364
aspects of each child's daily needs consistent with the child's 3365
age and development, and shall address the following elements: 3366

(A) The child's physical living arrangements; 3367

(B) The time the child will spend with each parent during 3368
weekdays, weekends, holidays, days of special meaning, vacations, 3369
and other times, and any transportation responsibilities involved; 3370

(C) The child's communication with a parent during the time 3371
the child is with the other parent; 3372

(D) Each parent's responsibility for the child's support 3373
under section 3109.05 and Chapters 3119., 3121., 3123., and 3125. 3374
of the Revised Code, including health insurance and the payment of 3375

<u>health care expenses not covered by insurance;</u>	3376
<u>(E) The child's school placement and extracurricular activities;</u>	3377
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<u>(F) Arrangement and payment for child care;</u>	3379
<u>(G) Allocation of the responsibility and authority to make decisions regarding the child's health care, education, religious upbringing, extracurricular activities, daily personal care, discipline, privileges, supervision, and any other matter related to the welfare of the child;</u>	3380
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<u>(H) Which parent may claim the child as a dependent for income tax purposes;</u>	3385
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<u>(I) Parental access to school and health care records of, school activities involving, and day-care facilities attended by the child;</u>	3387
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<u>(J) The manner in which disputes between the parents regarding parenting functions and responsibilities under the plan and modification of those functions and responsibilities under the plan are to be resolved;</u>	3390
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<u>(K) Any geographical limitations regarding where either parent may take the child or where the child may reside while the parent is exercising parental time with the child.</u>	3394
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<u>Sec. 3110.111. A parenting plan shall designate each parent as the residential parent of each child who is the subject of the plan during the time the parent is exercising parental time with the child under the plan. In addition, the parenting plan may make the following designations regarding either parent as appropriate:</u>	3397
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<u>(A) If child support is to be paid by one parent to the other, the parent to receive the support shall be designated the</u>	3403
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residential parent for purposes of receiving child support; 3405

(B) In order to determine which parent may claim the child as a dependent for income tax purposes, one of the parents shall be designated the custodial parent for purposes of claiming the child as dependent pursuant to section 151 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 3406
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(C) If necessary for purposes of receiving public assistance, either parent's home shall be designated as the child's home for purposes of receiving public assistance; 3411
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(D) In order to determine the school district of attendance for the child, either parent shall be designated the residential parent for the purpose of determining the school the child attends; 3414
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(E) For any other purpose, including the enforcement of an international treaty and state and federal criminal laws, a parent shall be designated the residential parent for that specific purpose; 3418
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(F) If necessary for the provision of health, dental, and vision insurance for the child, a parent shall be designated the parent responsible for the provision of health, dental, and vision insurance for the child; 3422
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(G) If necessary for the purpose of receiving health, dental, or vision insurance reimbursements, a parent shall be designated the residential parent for purposes of receiving health, dental, or vision insurance reimbursements for the child. 3426
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Sec. 3110.112. Each court of common pleas shall adopt sample parenting plans for use by parents in creating parenting plans. The sample plans shall be based on the age appropriate parenting access plans set forth in appendix C of the report of the Ohio task force on family law and children issued June 20, 2001, and 3430
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titled "family law reform: minimizing conflict, maximizing families." 3435
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Sec. 3110.113. Sample parenting plans and informational material shall be provided to all parents during a parent education seminar conducted pursuant to section 3110.50 or 3110.51 of the Revised Code. The sample plans shall be used for purposes of mediation and by the courts as guidelines. 3437
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Sec. 3110.114. The existence of sample parenting plans does not create a presumption for their use. No sample parenting plan shall be presumed to be more acceptable than any other sample plan. 3442
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Sec. 3110.14. The court considering a parenting action shall approve a mutually agreed on parenting plan filed under section 3110.10 of the Revised Code if the plan is in the best interest of the children who are the subject of the plan. If it determines that the plan, in whole or in part, is not in the best interest of the children, the court shall explain the reasons for its determination to the parents. The court may order the parties to participate in mediation under section 3110.45 of the Revised Code to address the court's concerns. 3446
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If the parents file a new mutually agreed on parenting plan following mediation, the court shall approve it if it is in the best interest of the children. If the new plan, in whole or in part, is not in the best interest of the children, the court shall hold a hearing to determine a parenting plan for the children. 3455
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The court shall hold a hearing to determine a parenting plan for the children if, after mediation, the parties return without having made changes to the plan that address the court's concerns to the satisfaction of the court. 3460
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If after determining that an agreed plan is not in the best interest of the children, either in whole or in part, and the court does not order mediation, it shall hold a hearing to determine a parenting plan for the children. 3464
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The court shall give notice to the parents of the date, time, and place of a hearing to be held under this section. The notice shall inform the parents that the hearing is for the purpose of determining and approving a parenting plan for the children. At the conclusion of the hearing or following it, the court shall determine the elements of the parenting plan and approve the plan. The court shall consider the best interest of the children when determining and approving the plan. The court shall include as elements of the approved plan those provisions of the mutually agreed plan that the court did not find to be contrary to the best interest of the children. 3468
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Sec. 3110.15. If the parents have filed a partial parenting plan under section 3110.10 of the Revised Code containing elements agreed to by the parties and separate parenting plan supplements that address each parent's wishes concerning the elements not agreed to, the court shall review the partial parenting plan to determine whether it is in the best interest of the children. If the parents have filed a partial parenting plan containing elements agreed to by the parties but only one parent or neither parent files a supplement concerning the elements not agreed to by the parents, the court shall review the partial parenting plan to determine whether it is in the best interest of the children. If it determines that the partial plan is not in the children's best interest, the court shall hold a hearing to determine the elements of a parenting plan. If it determines that the partial plan is in the children's best interest, the court shall hold a hearing to determine the elements of the parenting plan not addressed in the partial plan. 3479
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The court shall give notice to the parents of the date, time, and place of the hearing. If the partial parenting plan was determined not to be in the best interest of the children, the notice shall inform the parents that the hearing is for the purpose of determining and approving a parenting plan for the children. If the partial parenting plan was determined to be in the children's best interest, the notice shall inform the parent that the hearing is for the purpose of determining the elements of the parenting plan not addressed in the partial plan and to approve the parenting plan. At the hearing, the court shall consider the elements of the partial plan and any supplements that were filed. At the conclusion of the hearing or after it, the court shall determine the elements of the parenting plan and approve the plan. The court shall consider the best interest of the children when determining and approving the plan. The court shall include in the plan those provisions of the partial plan and the supplements that the court finds to be in the best interest of the children.

Sec. 3110.16. (A) If either of the following applies, the court considering a parenting action shall hold a hearing to determine the elements of the parenting plan:

(1) Under division (C) of section 3110.10 of the Revised Code the parents have filed parenting plans or only one parent has filed a parenting plan.

(2) No parenting plan or partial parenting plan has been filed under section 3110.10 of the Revised Code.

(B) The court shall give notice to the parents of the date, time, and place of the hearing. The notice shall inform the parents that the hearing is conducted for the purpose of determining and approving a parenting plan for the children. At the hearing, the court shall consider any parenting plan that was

filed. The court shall consider the best interest of the children
when determining and approving the plan. At the conclusion of the
hearing or after it, the court shall determine the elements of the
parenting plan and approve the plan.

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Sec. 3110.17. In determining or approving a parenting plan, a
court considering a parenting action shall not consider or draw a
presumption from an interim parenting order, give preference to a
parent because of that parent's financial status or condition, or
give preference to a parent because of the parent's gender.

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Sec. 3110.20. A court considering a parenting action may
impose any limitations or restrictions in a parenting order if the
court finds, based on a preponderance of the evidence, that the
limitations or restrictions are reasonably calculated to protect
the child from physical, sexual, or emotional abuse that could
result if the limitations or restrictions were not imposed.

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Sec. 3110.21. (A) If any of the factors described in division
(B) of this section are found to be present, a court considering a
parenting action may limit or restrict the following in a
parenting order:

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(1) The right of a parent to receive notice under section
3110.32 of the Revised Code of a change of address or under
section 3110.33 of the Revised Code of relocation of the child;

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(2) The authority of a parent to make decisions regarding the
child;

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(3) The right of a parent to have access to the child's
records and school activities and to any child care facility
attended by the child.

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(B) If a court finds any of the following to be present, the
court may impose any of the limitations or restrictions described

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<u>in division (A) of this section in a parenting order regarding a</u>	3556
<u>parent:</u>	3557
<u>(1) A parent's willful neglect or substantial nonperformance</u>	3558
<u>of parenting functions;</u>	3559
<u>(2) A parent's long-term emotional or physical impairment</u>	3560
<u>that interferes with parenting functions;</u>	3561
<u>(3) A parent's impairment from drug, alcohol, or other</u>	3562
<u>substance abuse that interferes with parenting functions;</u>	3563
<u>(4) A parent's absence or the substantial impairment of</u>	3564
<u>emotional ties between the parent and the child;</u>	3565
<u>(5) Conduct by a parent that creates a danger of serious</u>	3566
<u>damage to the child's psychological development;</u>	3567
<u>(6) That a parent has denied the other parent's access to the</u>	3568
<u>child for protracted periods of time without good cause;</u>	3569
<u>(7) A parent's physical, sexual, or a pattern of emotional</u>	3570
<u>abuse of a child;</u>	3571
<u>(8) A parent's physical, sexual, or a pattern of emotional</u>	3572
<u>abuse of the child's other parent;</u>	3573
<u>(9) A parent's act or acts of domestic violence as defined in</u>	3574
<u>section 3113.31 of the Revised Code, a sexual assault by a parent,</u>	3575
<u>or an assault that caused serious physical harm to a person or</u>	3576
<u>placed another person in fear of imminent serious physical harm;</u>	3577
	3578
<u>(10) Any other factor related to a parent that affects the</u>	3579
<u>best interest of a child.</u>	3580
<u>Sec. 3110.22. (A) A court considering a parenting action may</u>	3581
<u>impose limitations in a parenting order that restrict the contact</u>	3582
<u>a parent may have with the parent's child if the parent:</u>	3583

<u>(1) Has been convicted of or pleaded guilty under Chapter</u>	3584
<u>2907. of the Revised Code to a sexual offense;</u>	3585
<u>(2) Has been convicted of or pleaded guilty to any criminal</u>	3586
<u>offense involving any act that resulted in a child being an abused</u>	3587
<u>child or a neglected child;</u>	3588
<u>(3) Has been determined to be the perpetrator of the abusive</u>	3589
<u>or neglectful act that is the basis of an adjudication of a child</u>	3590
<u>as an abused child or neglected child;</u>	3591
<u>(4) Has been convicted of or pleaded guilty to a violation of</u>	3592
<u>section 2919.25 of the Revised Code involving a victim who at the</u>	3593
<u>time of the commission of the offense was a member of the family</u>	3594
<u>or household that is the subject of the current parenting action;</u>	3595
	3596
<u>(5) Has been convicted of or pleaded guilty to an offense</u>	3597
<u>involving a victim who at the time of the commission of the</u>	3598
<u>offense was a member of the family or household that is the</u>	3599
<u>subject of the current parenting action and caused physical harm</u>	3600
<u>to the victim in the commission of the offense;</u>	3601
<u>(6) Has acted in a manner resulting in a child being an</u>	3602
<u>abused child or a neglected child.</u>	3603
<u>(B) The court may also impose restrictions on the contact a</u>	3604
<u>parent has with the parent's child if the contact occurs in the</u>	3605
<u>presence of a person to whom division (A) of this section applies</u>	3606
<u>or the parent permits contact with such a person outside of the</u>	3607
<u>parent's presence.</u>	3608
<u>Sec. 3110.221. Notwithstanding section 3110.22 of the Revised</u>	3609
<u>Code, if it finds both of the following, based on clear and</u>	3610
<u>convincing evidence, the court considering a parenting action may</u>	3611
<u>choose not to impose limitations restricting contact between a</u>	3612
<u>parent who would otherwise be subject to that section and that</u>	3613

parent's child: 3614

(A) Contact between the parent or person described in section 3110.22 of the Revised Code and the child is not likely to result in physical, sexual, or emotional abuse of the child or endanger the safety of the other parent; 3615
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(B) The probability of the parent or person again engaging in the conduct described in divisions (A) to (F) of section 3110.22 of the Revised Code is so remote that it would not be in the child's best interests to limit or restrict contact. 3619
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Sec. 3110.23. If a court considering a parenting action finds, based on clear and convincing evidence, that limitations on parental contact with a child will not adequately protect the child from an unreasonable risk of harm or abuse, the court may prohibit that parent from having contact with the parent's child. If the court makes that finding, it shall enter its findings and conclusions in writing on its record. 3623
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Sec. 3110.24. If a court considering a parenting action imposes limitations in a parenting order that require all physical contact between a parent and the parent's child to be supervised, the court shall approve a person to supervise the contact who accepts the limitations, agrees to strictly adhere to those limitations, and is willing and able to protect the child from harm. The court shall remove a person from the supervision duty on a finding that the person has failed to meet these conditions. 3630
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Sec. 3110.25. If a court considering a parenting action finds that an allegation by a parent that section 3110.22 of the Revised Code applies with respect to the other parent was made in bad faith or without a reasonable basis in fact, the court shall award the offended parent attorney fees and all reasonable litigation 3638
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expenses without regard to the offending parent's ability to pay. 3643
The court shall also provide the offended parent additional 3644
contact with the child as compensation for any contact with the 3645
child that was not exercised because of the allegation. 3646

Sec. 3110.28. The parents who are the subject of a parenting 3647
order may mutually agree to modify the parenting plan that has 3648
been incorporated into the order. The parents shall submit a 3649
proposed agreed entry to the court with jurisdiction over the 3650
parenting order for consideration of whether the court should 3651
issue a new parenting order that includes the modification. 3652

Sec. 3110.281. On submission under section 3110.28 of the 3653
Revised Code of an agreed entry, the court shall determine whether 3654
to approve the entry and issue a new parenting order or reject the 3655
entry. The court shall base its determination on the best interest 3656
of the children who are the subject of the parenting order. If the 3657
court rejects the entry, it shall state its reasons on the record. 3658

Sec. 3110.29. Either of the parents who are the subject of a 3660
parenting order may file a motion with the court that has 3661
jurisdiction over the order requesting modification of the order. 3662
The motion shall specify the modification requested. 3663

Sec. 3110.291. A court shall not modify a parenting order 3664
unless it finds that there has been a change in circumstances of 3665
the child or either parent since the parenting order was issued, 3666
the modification is in the best interest of the child, and one of 3667
the following applies: 3668

(A) Both parents agree to the proposed modification. 3669

(B) The change of circumstances occurred with the consent of 3670

the parent who did not file the motion under section 3110.29 of 3671
the Revised Code. 3672

(C) The advantages of the proposed modification to the child 3673
outweigh any harm that could result. 3674

Sec. 3110.292. If a motion requesting a modification is filed 3675
under section 3110.29 of the Revised Code less than one year after 3676
the parenting order is issued, to determine that a change of 3677
circumstances has occurred the court must find, based on clear and 3678
convincing evidence, that a change has occurred in the 3679
circumstances of the child or either parent since the parenting 3680
order was issued. If a motion requesting a modification is filed 3681
under section 3110.29 of the Revised Code a year or more after the 3682
parenting order is issued, to determine that a change of 3683
circumstances has occurred the court finding must be based on a 3684
preponderance of the evidence. 3685

In determining the existence of a change of circumstances, 3686
the court shall consider the evidence as it existed at the time of 3687
the filing of the motion under section 3110.29 of the Revised 3688
Code. 3689

Sec. 3110.293. On a motion under section 3110.29 of the 3690
Revised Code, the court may modify a parenting order by approving 3691
the modification requested, if the court determines that the 3692
modification is authorized under section 3110.291 of the Revised 3693
Code. 3694

Sec. 3110.30. A court with jurisdiction over a parenting 3695
order may, on its own motion and at any time, modify one of the 3696
following provisions in the parenting plan incorporated into the 3697
parenting order because of a change of circumstances of the child 3698
or either parent that has occurred since the order was issued: 3699

(A) The provisions for child support amounts, health insurance coverage for the children, payment responsibility for uninsured medical expenses, and who may claim the children who are the subject of the order as a tax exemption for income tax purposes; 3700
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(B) The provisions governing mediation or dispute resolution; 3705
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(C) The provisions governing the parental time of either parent, but only to the extent the modification meets all of the following requirements: 3707
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(1) Does not have the effect of changing the child's residence or school the child may attend; 3710
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(2) Does not exceed fifteen full days per calendar year or three full days in a calendar month; 3712
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(3) Is based on a change in either parent's employment schedule that makes the existing provisions governing the parental time of either parent impracticable. 3714
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Sec. 3110.31. Relocation of a child without compliance with sections 3110.33 to 3110.35 of the Revised Code shall not be considered a change of circumstances supporting a modification of a parenting order, except for purposes of modifying the order to expand the parenting functions and responsibilities for the child to be exercised by the parent injured by the relocation. A court with jurisdiction over a parenting order may consider a parent's repeated and unreasonable denial of, or interference with, the parental time of the other parent under the order as a change of circumstances. 3717
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Sec. 3110.32. Any person subject to a parenting order who intends to change residence shall notify both parents, any person 3727
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who has companionship or visitation rights granted pursuant to 3729
section 3110.89 or 3110.91 of the Revised Code with a child who is 3730
the subject of the parenting order, and the court with 3731
jurisdiction over the order. The notice shall be in writing and 3732
contain the street and mailing address and telephone number of the 3733
new residence and the date of the intended move to the new 3734
residence. 3735

Sec. 3110.33. A parent subject to a parenting order who 3736
intended to make a change of residence that would cause relocation 3737
of a child who is the subject of the order shall give notice of 3738
the intended relocation to the other parent, any person entitled 3739
to companionship or visitation rights granted under section 3740
3110.89 or 3110.91 of the Revised Code, and the court with 3741
jurisdiction over the order. The notice shall be in writing and 3742
contain all of the following: 3743

(A) The street and mailing address and the telephone number 3744
of the new residence; 3745

(B) The date of the intended move to the new residence; 3746

(C) A brief statement of the reason for the move; 3747

(D) A request for court approval of the relocation of the 3748
child; 3749

(E) A proposed revised parenting plan; 3750

(F) A proposed revised companionship or visitation schedule, 3751
if applicable; 3752

(G) Notice that the parent who is not relocating has thirty 3753
days from the date of receipt of the notice to object to the 3754
relocation of the child pursuant to section 3110.332 of the 3755
Revised Code; 3756

(H) If applicable, notice that the person who has 3757

companionship or visitation rights with the child has thirty days 3758
from the date of receipt of the notice to request a modification 3759
to the companionship or visitation order pursuant to section 3760
3110.332 of the Revised Code. 3761

Sec. 3110.331. The parent proposing relocation of a child 3762
shall file the notice required by section 3110.33 of the Revised 3763
Code with the court that has jurisdiction over the parenting order 3764
and shall send the notice to all persons who are subject to the 3765
order or who have been granted companionship or visitation rights 3766
not later than sixty days prior to the intended date of relocation 3767
or not later than ten days after the parent intending to relocate 3768
knew or should have known the parent was going to relocate to the 3769
new residence. The notice shall be sent by certified mail to each 3770
person's last known address. 3771

Sec. 3110.332. The parent who is not proposing the relocation 3772
of a child who is the subject of a parenting order has thirty days 3773
after receipt of notice under section 3110.33 of the Revised Code 3774
to file a motion with the court with jurisdiction over the order 3775
objecting to the relocation of the child. Each person who has been 3776
granted companionship or visitation rights with a child who is the 3777
subject of a parenting order has thirty days after receipt of 3778
notice of the relocation of the child under section 3110.33 of the 3779
Revised Code to file a motion with the court requesting that the 3780
court modify the companionship or visitation order to accommodate 3781
the relocation. The motion requesting that the court modify the 3782
companionship or visitation order shall contain a proposed revised 3783
companionship or visitation schedule. 3784

Sec. 3110.333. If no objection to the notice of relocation 3785
and no request to modify companionship or visitation rights is 3786
made under section 3110.332 of the Revised Code, the court shall 3787

issue an order approving the relocation of the child in accordance 3788
with the notice filed under section 3110.33 of the Revised Code 3789
and shall treat that notice as a request under section 3110.28 of 3790
the Revised Code for modification of the parenting plan 3791
incorporated into the parenting order. 3792

If no request to modify companionship or visitation rights is 3793
requested under section 3110.332 of the Revised Code, the court 3794
shall issue an order approving the relocation of the child in 3795
accordance with the notice filed under section 3110.33 of the 3796
Revised Code and shall terminate the existing companionship or 3797
visitation order. 3798

Sec. 3110.334. If the parent who is not attempting to 3799
relocate a child makes a timely objection to the notice of 3800
relocation given pursuant to section 3110.332 of the Revised Code 3801
or a person with companionship or visitation rights makes a timely 3802
request for modification of the companionship or visitation order 3803
under that section, the court shall schedule a hearing on the 3804
objection or request and provide notice to the parties of the 3805
date, time, and location of the hearing. The hearing must be held 3806
not later than fourteen days after the objection motion or 3807
companionship or visitation modification motion is filed with the 3808
court. If the hearing is held pursuant to an objection to 3809
relocation, the court shall address at the hearing the issue of 3810
whether to permit the relocation of the child. If the hearing is 3811
held pursuant to a request to modify a prior companionship or 3812
visitation order, the court shall address at the hearing whether 3813
to revise the companionship or visitation order. Not later than 3814
seven days after the hearing was commenced, the court shall issue 3815
its determination. The court shall base its determination 3816
regarding whether to permit relocation on the best interest of the 3817
child sought to be relocated and after consideration of the 3818
factors described in section 3110.336 of the Revised Code. The 3819

court shall make its determination regarding whether to revise the 3820
prior companionship or visitation order in accordance with section 3821
3110.891 of the Revised Code. 3822

Sec. 3110.335. If the court, under section 3110.334 of the 3823
Revised Code, approves the relocation of a child, the court shall 3824
treat the notice of relocation as a modification request under 3825
section 3110.29 of the Revised Code. The court shall treat the 3826
approved relocation as a change of circumstances of the child and 3827
the parents. Section 3110.292 of the Revised Code does not apply 3828
to the court's determination. 3829

If the court, under section 3110.334 of the Revised Code, 3830
prohibits relocation of the child, the court shall not make any 3831
modification to the parenting order or the parenting plan 3832
incorporated into that order. 3833

Sec. 3110.336. In addressing, under section 3110.334 of the 3834
Revised Code, a motion objecting to the relocation of a child, the 3835
court shall consider the following factors: 3836

(A) The reason either parent is seeking or objecting to 3837
relocation of the child; 3838

(B) Whether there is a realistic opportunity to preserve the 3839
relationship between the child and the parent who is not 3840
relocating, if relocation of the child is approved; 3841

(C) The age and developmental level of the child; the 3842
physical, emotional, and educational needs of the child; the 3843
special needs of the child; and the impact relocation of the child 3844
would be likely to have on the child; 3845

(D) Whether the relocation of the child, if approved, would 3846
enhance the quality of life for both the child and the parent 3847
intending to relocate, including financial or emotional benefits 3848

and educational or health opportunities; 3849

(E) Any other factor the court considers relevant. 3850

Sec. 3110.337. If a parent fails to provide the notices 3851
required by section 3110.32 or 3110.33 of the Revised Code, the 3852
court may consider the failure as follows: 3853

(A) A factor when determining whether to approve the 3854
relocation of a child; 3855

(B) A basis for awarding attorney fees and court costs to a 3856
parent when the court is addressing a motion made under section 3857
3110.29 of the Revised Code to modify a parenting order or any 3858
other action brought as a result of the failure; 3859

(C) A basis for a finding of contempt if notice of the 3860
requirement that was not complied with was included in the prior 3861
parenting order. 3862

Sec. 3110.34. A parent required to give notice under section 3863
3110.32 or 3110.33 of the Revised Code may file a motion with the 3864
court requesting that information about the location of the new 3865
residence not be included in either notice because of the fear 3866
that the parent's or child's health, safety, or welfare would be 3867
jeopardized by the inclusion of the information. The motion must 3868
state with specificity the reason for the fear. Unless otherwise 3869
provided in section 3110.342 of the Revised Code, the parent shall 3870
send notice of the motion to the other parent and any other person 3871
who has been granted companionship or visitation rights with the 3872
child under an order issued pursuant to section 3110.89 or 3110.91 3873
of the Revised Code. The notice shall be sent by certified mail to 3874
the parent's or person's last known address. 3875

Sec. 3110.341. On the filing of a motion under section 3876
3110.34 of the Revised Code, the court shall schedule a hearing 3877

and, unless otherwise provided in section 3110.342 of the Revised Code, send the other parent and any person with companionship or visitation rights with the child notice of the date, time, and location of the hearing. The court shall conduct the hearing not later than seven days after the motion is filed. At the hearing, the court shall determine whether the health, safety, or welfare of the parent who filed the motion or the child will be jeopardized by inclusion of the information identifying the location of the new residence.

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At the conclusion of the hearing, the court shall make a determination. If the court determines that the parent's or child's health, safety, or welfare will not be jeopardized, the court shall order that the information identifying the location of the new residence be included in either notice required under section 3110.32 or 3110.33 of the Revised Code. If the court determines that the parent's or child's health, safety, or welfare will be jeopardized, the court may order any of the following: that the information not be disclosed, that the parent is not required to provide the notice otherwise required by section 3110.32 or 3110.33 of the Revised Code, or that any other action be taken to protect the health, safety, and welfare of the parent and child.

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Sec. 3110.342. On the request of a parent filing a motion under section 3110.34 of the Revised Code, the court may conduct the proceedings and issue a determination under section 3110.341 of the Revised Code ex parte. If the court holds the hearing ex parte, the court shall not require notice of the motion under section 3110.34 of the Revised Code to be sent to the other parent or any person who has been granted companionship or visitation rights with the child, as the court determines appropriate. The court shall not send notice of the date, time, and place of the hearing to the other parent or any person granted companionship or

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visitation rights with the child, as the court determines 3910
appropriate, if the court holds the proceedings and issues an 3911
order ex parte. 3912

If the court issues an ex parte order, it shall conduct, as 3913
soon as possible after the issuance of the order, a hearing in the 3914
presence of the other parent or person who has companionship or 3915
visitation rights with the child and who was denied notice of and 3916
the opportunity to be heard at the ex parte hearing, not later 3917
than the next day on which the court is scheduled to conduct 3918
business after the day on which the ex parte order was issued to 3919
determine whether the order should remain in effect, be modified, 3920
or be revoked. The hearing shall be conducted in accordance with 3921
section 3110.341 of the Revised Code. 3922

Sec. 3110.35. Hearings conducted under sections 3110.334, 3923
3110.341, and 3110.342 of the Revised Code shall be given priority 3924
scheduling on the court calendar. 3925

Sec. 3110.36. Either or both parents who are subject to a 3926
parenting order may file a motion in the court that has 3927
jurisdiction over the order requesting its enforcement if a 3928
violation of the order has occurred or appears to be about to 3929
occur. 3930

Sec. 3110.361. On the filing of a motion under section 3931
3110.36 of the Revised Code, the court shall issue an order 3932
requiring the parties to engage in mediation pursuant to section 3933
3110.45 of the Revised Code to address the actual or anticipated 3934
violation and the reasons for either, unless the motion contains a 3935
request for a hearing in lieu of mediation for good cause stated 3936
in the motion. If the court determines that good cause exists, the 3937
court shall order a hearing to be conducted under section 3110.363 3938
of the Revised Code. 3939

Sec. 3110.362. The court shall find a parent who fails to complete mediation ordered under section 3110.361 of the Revised Code in contempt of court and shall issue an order requiring a hearing under section 3110.363 of the Revised Code on the issues raised in the enforcement motion. If mediation fails to resolve the issues raised by the enforcement motion, the court shall order a hearing under that section.

Sec. 3110.363. A court that orders a hearing under section 3110.361 or 3110.362 of the Revised Code shall notify the parents of the date, time, and place of the hearing. The hearing shall be held not later than forty-five days after the date of the order requiring the hearing. At the hearing, the court shall address the issues raised in the motion filed under section 3110.36 of the Revised Code.

Sec. 3110.364. (A) At the conclusion of a hearing under section 3110.363 of the Revised Code, the court may, in addition to any remedy available under the Revised Code to enforce a parenting order, issue an order to do one of the following:

(1) Modify the order by doing one of the following:

(a) Specifying a detailed schedule of parental time of each parent;

(b) Imposing additional terms and conditions on the provisions of the existing parenting plan that govern the allocation of parental time with the child;

(c) Ordering additional parental time to compensate a parent for the wrongful deprivation of parental time by the other parent, if the additional parental time is in the best interest of the child;

(2) Require the parent who violated or appears likely to

violate the parenting order to post a bond or other security in 3969
the amount determined by the court; 3970

(3) Require either or both parents to attend counseling or 3971
educational seminars to focus on the impact that violation of a 3972
parenting order has on the children who are the subject of the 3973
order; 3974

(4) Award the prevailing party expenses, including attorney 3975
fees, filing fees, or court costs incurred in any action or 3976
proceeding brought to enforce the parenting order; 3977

(5) Terminate, suspend, or modify any spousal support order 3978
issued regarding the parents to the extent permitted by the order 3979
pursuant to sections 3105.18 and 3105.65 of the Revised Code. 3980

(B) An order issued under this section shall include both of 3981
the following: 3982

(1) A notice of the remedies the court may impose under this 3983
section; 3984

(2) A notice in substantially the following form: 3985

"If a person is found to have violated a parenting order, the 3986
person may be found in contempt and be subject to fine, 3987
imprisonment, or both." 3988

Sec. 3110.365. The presiding judge of the court of each 3989
county with jurisdiction over parenting actions shall establish by 3990
local rule of court the form of the motions that may be filed 3991
under section 3110.36 of the Revised Code and establish an easy to 3992
understand guide explaining the process of parenting order 3993
enforcement established under sections 3110.36 to 3110.366 of the 3994
Revised Code. 3995

Sec. 3110.366. The court may impose a fee for the filing of a 3996
motion under section 3110.36 of the Revised Code. 3997

Sec. 3110.37. All interim parenting orders issued by a court 3998
under a parenting action under Rule 75 of the Ohio Rules of Civil 3999
Procedure shall provide for the allocation of parenting functions 4000
and responsibilities for the child's daily needs, consistent with 4001
the child's age and developmental level. Sections 3110.11, 4002
3110.111, and 3110.20 to 3110.25 of the Revised Code shall apply 4003
regarding interim parenting orders to the extent they are 4004
applicable and in the best interest of the child. 4005

Sec. 3110.38. If a court considering a parenting action 4006
imposes, as part of an interim parenting order, any limitations or 4007
restrictions under sections 3110.20 to 3110.25 of the Revised Code 4008
pursuant to an ex parte proceeding based on allegations obtained 4009
in an affidavit or testimony not subject to cross-examination, the 4010
court shall hold a hearing not later than fourteen days after the 4011
issuance of the order to determine whether the limitations or 4012
restrictions should be terminated, modified, or allowed to remain 4013
in effect. 4014

Sec. 3110.42. When considering a child's best interest for 4015
the purpose of making an allocation of parenting functions and 4016
responsibilities for the care of the child and resolving any 4017
issues related to the making of that allocation, the court in a 4018
parenting action may, and on the request of either parent shall, 4019
interview the child regarding the child's wishes and concerns. 4020

Sec. 3110.421. When a court interviews a child pursuant to 4021
section 3110.42 of the Revised Code all of the following apply: 4022

(A) The court may appoint a guardian ad litem for the child; 4023

(B) The court may designate a mental health professional to 4024
conduct the interview of the child; 4025

(C) The interview shall be conducted in chambers or another location designated by the judge or magistrate, and no person other than the child, the child's guardian ad litem or attorney, the judge or magistrate, the judge or magistrate's designee, and any necessary court personnel shall be present. A record shall be made of the interview, for the exclusive use of any reviewing court.

Sec. 3110.422. No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the child's wishes and concerns regarding the allocation of parenting functions and responsibilities with respect to the child. No court, in determining the child's best interest for the purposes of making its allocation of the parenting functions and responsibilities for the care of the child or for purposes of resolving any issues related to the making of that allocation, shall accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes and concerns regarding those matters.

Sec. 3110.43. Prior to issuing a parenting order or approving a parenting plan pursuant to this chapter, the court in a parenting action may cause an evaluation to be made as to the character, family relations, past conduct, and the parenting functions and arrangements of each parent, and may order the parents and their minor children submit to substance abuse, medical, psychological, and psychiatric examinations. If the court has joined as a party to any parenting action a person who has significant contact with the child and is significantly involved in the child's life, the court may order that person to submit to tests, examinations, or evaluations concerning the person's medical, psychological, or psychiatric condition or any substance abuse by the person.

Sec. 3110.431. A court shall appoint an evaluator to conduct an evaluation under section 3110.43 of the Revised Code and to conduct or arrange to be conducted the medical, psychological, psychiatric, and substance abuse examinations. The court shall set the compensation for the evaluator. The compensation shall be paid by the court or taxed as costs of the parenting action by the court. 4057
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Sec. 3110.432. On completion of an evaluation under section 3110.43 of the Revised Code, the evaluator shall prepare a report. When preparing the report, the evaluator may consult any person who may have information about the child and potential parenting arrangements. 4064
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Sec. 3110.433. An evaluation report prepared under section 3110.432 of the Revised Code shall be filed in the family file for the family of the child and persons being evaluated. If the report is introduced into evidence in any proceeding, the evaluator shall be subject to cross-examination by either parent concerning the report in accordance with the Ohio Rules of Evidence. 4069
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Sec. 3110.44. A family file shall be made available to the counsel of record for each parent or to any parent not represented by counsel in a parenting action. The file shall be made available not later than thirty days prior to the final hearing in the action, unless a shorter period of time is required by the court for good cause. 4075
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Sec. 3110.45. Mediation ordered under section 3110.09, 3110.14, 3110.15, or 3110.361 of the Revised Code shall be conducted in accordance with procedures adopted by local court 4082
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rule. Mediation shall be conducted by a person who has the 4085
qualifications specified in those rules. 4086

Sec. 3110.451. On completion of mediation under section 4087
3110.45 of the Revised Code, the mediator and the parents shall 4088
jointly file a report of the results of the mediation process with 4089
the court that ordered the mediation. The report shall indicate 4090
only whether agreement has been reached on any of the issues that 4091
were the subject of mediation, and, if agreement has been reached, 4092
the content and details of the agreement. No mediation report 4093
shall contain any background information concerning the mediation 4094
process or any information discussed or presented in the process. 4095
The court shall consider the mediation report when it allocates 4096
the parenting functions and responsibilities for the care of the 4097
children pursuant to a parenting action. The court is not bound by 4098
the mediation report and shall consider the best interest of the 4099
children when making that allocation. 4100

Sec. 3110.452. A court that orders mediation in accordance 4101
with section 3110.45 of the Revised Code may order the parents to 4102
pay the cost of mediation, unless either or both of the parents 4103
file a motion requesting that the court waive the requirement. On 4104
the filing of a motion requesting the waiver, the court, for good 4105
cause shown, may waive the requirement or may require one of the 4106
parents to pay for mediation. 4107

Sec. 3110.453. If a court orders mediation in accordance with 4108
section 3110.45 of the Revised Code, the mediator shall not be 4109
made a party to, and shall not be called as a witness or testify 4110
in, any action or proceeding, other than a criminal, delinquency, 4111
child abuse, child neglect, or dependent child action or 4112
proceeding, that is brought by or against either parent and 4113
pertains to the mediation process, any information discussed or 4114

presented in the mediation process, or the allocation of parenting functions and responsibilities for the care of the parents' children. The mediator shall not be made a party to, or be called as a witness or testify in, such an action or proceeding even if both parents give their prior consent to the mediator being made a party to or being called as a witness or to testify in the action or proceeding. 4115
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Sec. 3110.46. In any parenting action, the court may, and on the motion of either parent shall, appoint a guardian ad litem for the child. 4122
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Sec. 3110.461. A guardian ad litem may be an attorney, a trained mental health professional, or a qualified volunteer if one is available and the appointment is appropriate. If appointed as a guardian ad litem for a child, an attorney may not serve as the child's attorney at the same time. A court may establish additional qualifications a person must meet to be eligible for appointment as a guardian ad litem. 4125
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Sec. 3110.462. A guardian ad litem is to serve the best interest of the child and owes a duty of candor to the appointing court. The guardian ad litem shall perform any functions necessary to protect the best interest of the child, including investigation, participation in mediation, making recommendations, monitoring court proceedings in the parenting action, and filing any motions and other court papers that are in the best interest of the child. The court shall require the guardian ad litem to faithfully discharge the guardian ad litem's duties. 4132
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Sec. 3110.463. A guardian ad litem shall be served with all pleadings and given notice of all hearings and other proceedings in the same manner as service is made or notice is given to the 4141
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parties to the action. The guardian ad litem is subject to 4144
cross-examination, if called by either party to testify. 4145

Sec. 3110.464. The court appointing a guardian ad litem may 4146
fix the compensation of the guardian and shall tax the 4147
compensation as costs to either or both of the parents, as the 4148
court determines appropriate. 4149

Sec. 3110.465. On the failure of a person to faithfully 4150
discharge the duties of a guardian ad litem, the appointing court 4151
shall discharge the person and appoint another person as the 4152
guardian ad litem for the child. 4153

Sec. 3110.47. In any parenting action, the court may appoint 4154
an attorney for the child. 4155

Sec. 3110.471. The attorney appointed for a child under 4156
section 3110.47 of the Revised Code shall be served with all 4157
pleadings and be given notice of all hearings and other 4158
proceedings in the same manner as service is made or notice is 4159
given to the parents in the action. 4160

Sec. 3110.472. The court appointing an attorney under section 4161
3110.47 of the Revised Code may determine the compensation of the 4162
attorney and shall tax the compensation to either or both of the 4163
parents, as may be appropriate. 4164

Sec. 3110.50. In any proceeding for divorce, dissolution of 4165
marriage, legal separation, or annulment involving a child, the 4166
court shall order the parents to attend a parenting education 4167
seminar. Unless there is good cause for delay, the parents shall 4168
attend and complete this seminar not later than forty-five days 4169
after service of process, or as soon thereafter as the next class 4170

is scheduled. The attendance and completion of the seminar by each 4171
parent shall be reported to the court and shall be made a part of 4172
the record of the proceeding. 4173

Sec. 3110.51. In any proceeding for the allocation of 4174
parenting functions and responsibilities for the care of a child 4175
involving parents that are not married to each other, the court 4176
shall order the parents to attend and complete a parent education 4177
seminar. If a specialized education program for parents who have 4178
never been married is available, the court shall order those 4179
parents to attend the program. 4180

Sec. 3110.52. A court may order any person with companionship 4181
or visitation rights under an order issued pursuant to section 4182
3110.89, 3110.90, or 3110.91 of the Revised Code to attend a 4183
parenting education seminar. 4184

Sec. 3110.53. The court, in a proceeding involving the 4185
allocation of parenting functions and responsibilities for a 4186
child, may order the child to attend classes and counseling 4187
appropriate to the child's needs. 4188

Sec. 3110.54. On the filing of a complaint initiating a 4189
divorce, legal separation, or annulment proceeding involving the 4190
allocation of the parenting functions and responsibilities for a 4191
child or a proceeding for the allocation of the parenting 4192
functions and responsibilities for a child, the clerk of the court 4193
shall include with the service of summons or pleadings on the 4194
parent being served, and by regular mail to the party initiating 4195
the proceeding, either a notice of a specific date and time for 4196
attendance at a parent education seminar or a schedule of the 4197
dates and times of classes. The notice will include a list of 4198
sanctions that may be imposed for failure to comply with the court 4199

order to attend the seminar. On the filing of a pleading 4200
initiating a proceeding for dissolution of marriage that involves 4201
the allocation of the parenting functions and responsibilities for 4202
a child, the clerk shall send notice to both parents by regular 4203
mail. 4204

Sec. 3110.55. The court shall impose on the participants the 4205
costs of the seminars, classes, or counseling imposed under 4206
sections 3110.50, 3110.51, 3110.52, and 3110.53 of the Revised 4207
Code, except that if the court determines that a participant is 4208
indigent, the court shall not impose the costs on that 4209
participant. 4210

Sec. 3110.56. On the motion of a parent, and for good cause, 4211
the court may waive the requirement for the parent to attend a 4212
parenting education seminar ordered under section 3110.50 or 4213
3110.51 of the Revised Code. 4214

Sec. 3110.57. Subject to section 3125.16 of the Revised Code 4215
and division (F) of section 3319.321 of the Revised Code, each 4216
parent subject to a parenting order shall have equal access to any 4217
records of a child who is the subject of that order, to the school 4218
activities of the child, and to any child day-care center that is, 4219
or that in the future may be, attended by the child, unless a 4220
limitation or restriction is imposed under sections 3110.20 to 4221
3110.25 or section 3110.571 of the Revised Code limiting or 4222
restricting the access of either parent. In the absence of any 4223
court order restricting or limiting access, neither parent may 4224
limit or restrict the access of the other parent that is permitted 4225
under this section. 4226

Sec. 3110.571. If, in the best interest of the child subject 4227
of a parenting order, a court orders that a parent is not to be 4228

permitted access to a child's records, school activities, and 4229
child day-care center to the extent provided in section 3110.57 of 4230
the Revised Code, the court shall specify the terms, conditions, 4231
or limitations on the parent's access in the parenting order and 4232
shall enter written findings of fact and conclusions of law on its 4233
record. 4234

Sec. 3110.572. Any person who knowingly fails to comply with 4235
the access provisions of section 3110.57 of the Revised Code or 4236
any limitations or restrictions imposed under sections 3110.20 to 4237
3110.25 or section 3110.571 of the Revised Code is in contempt of 4238
court. In addition to any other penalty or remedy imposed, the 4239
court may order a person found in contempt under this section to 4240
reimburse the person injured reasonable attorney fees and court 4241
costs incurred in any contempt proceeding, regardless of the need 4242
for payment or the person found in contempt's ability to pay. 4243

Sec. 3110.573. Neither parent under a parenting order shall 4244
have access to confidential law enforcement investigatory records 4245
regarding the child who is the subject of the order. 4246

Sec. ~~3109.21~~ 3110.60. As used in sections ~~3109.21~~ 3110.60 to 4247
~~3109.37~~ 3110.76 of the Revised Code: 4248

(A) "Contestant" means a parent of a child who claims a right 4249
to be the residential parent ~~and legal custodian~~ of the child or 4250
claims parenting time rights pursuant to an order issued under 4251
former section 3109.051 or 3109.12 of the Revised Code or an order 4252
issued by a court of another state with respect to the child, or a 4253
person, other than a parent of a child, who claims a right to 4254
custody or visitation rights with respect to the child. 4255

(B) "Parenting determination" means a court decision and 4256
court orders and instructions that, in relation to the parents of 4257

a child, allocates ~~parental rights~~ parenting functions and 4258
responsibilities for the care of the child, including any 4259
designation of parenting time rights pursuant to an order issued 4260
under former section 3109.051 or 3109.12 of the Revised Code or an 4261
order issued by a court of another state, and designates a 4262
residential parent ~~and legal custodian~~ of the child or that, in 4263
relation to any other person, provides for the custody of a child, 4264
including visitation rights. It does not include a decision 4265
relating to child support or any other monetary obligation of any 4266
person. 4267

(C) "Parenting proceeding" includes proceedings in which a 4268
parenting determination is one of several issues, such as an 4269
action for divorce or separation, and includes child neglect and 4270
dependency proceedings. 4271

(D) "Decree" or "parenting decree" means a parenting 4272
determination contained in a judicial decree or order made in a 4273
parenting proceeding, and includes an initial decree and a 4274
modification decree. 4275

(E) "Home state" means the state in which the child, 4276
immediately preceding the time involved, lived with the child's 4277
parents, a parent, or a person acting as parent, for at least six 4278
consecutive months, and in the case of a child less than six 4279
months old the state in which the child lived from birth with any 4280
of the persons mentioned. Periods of temporary absence of any of 4281
the named persons are counted as part of the six-month or other 4282
period. 4283

(F) "Initial decree" means the first parenting decree 4284
concerning a particular child. 4285

(G) "Modification decree" means a parenting decree that 4286
modifies or replaces a prior decree, whether made by the court 4287
that rendered the prior decree or by another court. 4288

(H) "Physical custody" means actual possession and control of a child. 4289
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(I) "Person acting as parent" means a person, other than a parent, who has physical custody of a child and who either has been awarded custody by a court or claims a right to custody. 4291
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Sec. ~~3109.22~~ 3110.61. (A) No court of this state that has jurisdiction to make a parenting determination relative to a child shall exercise that jurisdiction unless one of the following applies: 4294
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(1) This state is the home state of the child at the time of commencement of the proceeding, or this state had been the child's home state within six months before commencement of the proceeding and the child is absent from this state because of ~~his~~ the child's removal or retention by a parent who claims a right to be the residential parent ~~and legal custodian~~ of a child or by any other person claiming ~~his~~ the child's custody or is absent from this state for other reasons, and a parent or person acting as parent continues to live in this state; 4298
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(2) It is in the best interest of the child that a court of this state assumes jurisdiction because the child and ~~his~~ the child's parents, or the child and at least one contestant, have a significant connection with this state, and there is available in this state substantial evidence concerning the child's present or future care, protection, training, and personal relationships; 4307
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(3) The child is physically present in this state and either has been abandoned or it is necessary in an emergency to protect the child because ~~he~~ the child has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent; 4313
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(4) It appears that no other state would have jurisdiction under prerequisites substantially in accordance with division (A) 4317
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(1), (2), or (3) of this section, or a court in another state has
declined to exercise jurisdiction on the ground that this state is
the more appropriate forum to make a parenting determination
relative to the child, and it is in the best interest of the child
that this court assume jurisdiction.

(B) Except as provided in divisions (A)(3) and (4) of this
section, physical presence in this state of the child, or of the
child and one of the contestants, is not alone sufficient to
confer jurisdiction on a court of this state to make a parenting
determination relative to the child.

(C) Physical presence of the child, while desirable, is not a
prerequisite for jurisdiction to make a parenting determination
relative to the child.

Sec. ~~3109.23~~ 3110.62. (A) Before making a parenting decree,
the court shall give reasonable notice of the parenting proceeding
and opportunity to be heard to the contestants, any parent whose
parental rights previously have not been terminated, and any
person or public agency who has physical custody of the child. If
any of these persons or the public agency is outside this state,
notice and opportunity to be heard shall be given in accordance
with division (B) of this section.

(B) Notice required for the exercise of jurisdiction over a
person or public agency outside this state shall be given either
in accordance with the Rules of Civil Procedure governing service
of process within this state or by one of the following methods:

(1) In the manner prescribed by the law of the place in which
the service is made for service of process in that place in an
action in any of its courts of general jurisdiction;

(2) As directed by the court, including publication, if other
means of notification are ineffective.

(C) Notice under division (B) of this section shall be 4349
served, mailed, delivered, or last published at least twenty days 4350
before any hearing in this state. 4351

(D) Proof of service outside this state may be made by 4352
affidavit of the individual who made the service or in the manner 4353
prescribed by the Rules of Civil Procedure governing service of 4354
process within this state, the order pursuant to which the service 4355
is made, or the law of the place in which the service is made. If 4356
service is made by mail, proof may be a receipt signed by the 4357
addressee or other evidence of delivery to the addressee. 4358

(E) Notice is not required if a person submits to the 4359
jurisdiction of the court. 4360

Sec. ~~3109.24~~ 3110.63. (A) A court of this state shall not 4361
exercise its jurisdiction, if at the time of filing the petition a 4362
parenting proceeding concerning the child was pending in a court 4363
of another state exercising jurisdiction substantially in 4364
conformity with sections ~~3109.21~~ 3110.60 to ~~3109.36~~ 3110.76 of the 4365
Revised Code, unless the proceeding is stayed by the court of the 4366
other state because this state is a more appropriate forum or for 4367
other reasons. 4368

(B) Before hearing the petition in a parenting proceeding, 4369
the court shall examine the pleadings and other information 4370
supplied by the parties under section ~~3109.27~~ 3110.66 of the 4371
Revised Code and shall consult the child parenting and custody 4372
registry established under division (A) of section ~~3109.33~~ 3110.72 4373
of the Revised Code concerning the pendency of parenting 4374
proceedings with respect to the child in other states. If the 4375
court has reason to believe that parenting proceedings may be 4376
pending in another state, it shall direct an inquiry to the state 4377
court administrator or other appropriate official of the other 4378
state. 4379

(C) If a court is informed during the course of a parenting proceeding that a parenting proceeding concerning the child was pending in a court of another state before the court assumed jurisdiction, it shall stay the proceeding and communicate with the court in which the other proceeding is pending for the purpose of litigating the issue in the more appropriate forum and to ensure that information is exchanged in accordance with sections ~~3109.34~~ 3110.73 to ~~3109.36~~ 3110.75 of the Revised Code. If a court of this state has made a parenting decree before being informed of a pending proceeding in a court of another state, it immediately shall inform that court of the fact. If a court of this state is informed that a proceeding was commenced in another state after it assumed jurisdiction, it shall inform the other court for the purpose of litigating the issues in the more appropriate forum.

Sec. ~~3109.25~~ 3110.64. (A) A court that has jurisdiction to make an initial or modification decree may decline to exercise its jurisdiction any time before making a decree if it finds that it is an inconvenient forum to make a parenting determination under the circumstances of the case and that a court of another state is a more appropriate forum.

(B) A finding of inconvenient forum may be made upon the court's own motion or upon motion of a party or a guardian ad litem or other representative of the child.

(C) In determining if it is an inconvenient forum, the court shall consider if it is in the interest of the child that another state assume jurisdiction. For this purpose it may take into account, but is not limited to, any of the following factors:

(1) If another state is or recently was the child's home state;

(2) If another state has a closer connection with the child and ~~his~~ the child's family or with the child and one or more of

the contestants; 4411

(3) If substantial evidence concerning the child's present or 4412
future care, protection, training, and personal relationships is 4413
more readily available in another state; 4414

(4) If the parties have agreed on another forum that is no 4415
less appropriate. 4416

(D) Before determining whether to decline or retain 4417
jurisdiction, the court may communicate with a court of another 4418
state and exchange information pertinent to the assumption of 4419
jurisdiction by either court for the purpose of assuring that 4420
jurisdiction is exercised by the more appropriate court and that a 4421
forum is available to the parties. 4422

(E) If the court finds that it is an inconvenient forum and 4423
that a court of another state is a more appropriate forum, it may 4424
dismiss the proceedings, or may stay the proceedings upon 4425
condition that a custody proceeding be promptly commenced in 4426
another named state or upon any other conditions that may be just 4427
and proper, including the condition that a moving party stipulate 4428
~~his~~ the moving party's consent and submission to the jurisdiction 4429
of the other forum. 4430

(F) The court may decline to exercise its jurisdiction, if a 4431
parenting determination is incidental to an action for divorce or 4432
another proceeding, while retaining jurisdiction over the divorce 4433
or other proceeding. 4434

(G) If it appears to the court that it clearly is an 4435
inappropriate forum, it may require the party who commenced the 4436
proceedings to pay, in addition to the costs of the proceedings in 4437
this state, necessary travel and other expenses, including 4438
attorney's fees, incurred by other parties or their witnesses. 4439
Payment shall be made to the clerk of the court for remittance to 4440
the proper party. 4441

(H) Upon dismissal or stay of proceedings under this section, 4442
the court shall inform the court found to be the more appropriate 4443
forum of this fact, or if the court which would have jurisdiction 4444
in the other state is not certainly known, shall transmit the 4445
information to the clerk of the court for forwarding to the 4446
appropriate court. 4447

(I) Any communication received from another state informing 4448
this state of a finding of inconvenient forum because a court of 4449
this state is the more appropriate forum shall be filed in the 4450
parenting and custody registry of the appropriate court. Upon 4451
assuming jurisdiction, the court of this state shall inform the 4452
original court of this fact. 4453

Sec. ~~3109.26~~ 3110.65. (A) If the petitioner for an initial 4454
decree has wrongfully taken the child from another state or has 4455
engaged in similar conduct, the court may decline to exercise 4456
jurisdiction, if this is just and proper under the circumstances. 4457

(B) Unless required in the interest of the child, the court 4458
shall not exercise its jurisdiction to modify a parenting decree 4459
of another state if the petitioner, without consent of the parent 4460
who is designated the residential parent ~~and legal custodian~~ or 4461
another person entitled to custody, has improperly removed the 4462
child from the physical custody of the parent who is designated 4463
the residential parent ~~and legal custodian~~ or another person 4464
entitled to custody or has improperly retained the child after a 4465
visit or other temporary relinquishment of physical custody. If 4466
the petitioner has violated any other provision of a parenting 4467
decree of another state, the court may decline to exercise its 4468
jurisdiction, if this is just and proper under the circumstances. 4469

(C) In appropriate cases, a court dismissing a petition under 4470
this section may charge the petitioner with necessary travel and 4471
other expenses, including attorney's fees, incurred by other 4472

parties or their witnesses.

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Sec. ~~3109.27~~ 3110.66. (A) Each party in a parenting proceeding, in the party's first pleading or in an affidavit attached to that pleading, shall give information under oath as to the child's present address, the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period. In this pleading or affidavit, each party also shall include all of the following information:

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(1) Whether the party has participated as a party, a witness, or in any other capacity in any other litigation, in this or any other state, that concerned the allocation, between the parents of the same child, of ~~parental rights~~ parenting functions and responsibilities for the care of the child and the designation of the residential parent ~~and legal custodian~~ of the child or that otherwise concerned the custody of the same child;

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(2) Whether the party has information of any parenting proceeding concerning the child pending in a court of this or any other state;

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(3) Whether the party knows of any person who is not a party to the proceeding and has physical custody of the child or claims to be a parent of the child who is designated the residential parent ~~and legal custodian~~ of the child or to have parenting time rights pursuant to an order issued under former section 3109.051 or 3109.12 of the Revised Code or an order issued by a court in another state with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;

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(4) Whether the party previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child or

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previously has been determined, in a case in which a child has
been adjudicated an abused child or a neglected child, to be the
perpetrator of the abusive or neglectful act that was the basis of
the adjudication.

(B) If the declaration under division (A)(1), (2), (3), or
(4) of this section is in the affirmative, the court may require
the declarant to give additional information under oath. The court
may examine the parties under oath as to details of the
information furnished and as to other matters pertinent to the
court's jurisdiction and the disposition of the case.

(C) Each party has a continuing duty to inform the court of
any parenting proceeding concerning the child in this or any other
state of which the party obtained information during this
proceeding.

(D) A public children services agency, acting pursuant to a
complaint or an action on a complaint filed under section 2151.27
of the Revised Code, is not subject to the requirements of this
section.

(E) As used in this section, "abused child" has the same
meaning as in section 2151.031 of the Revised Code, and "neglected
child" has the same meaning as in section 2151.03 of the Revised
Code.

Sec. ~~3109.28~~ 3110.67. If the court learns from information
furnished by the parties pursuant to section ~~3109.27~~ 3110.66 of
the Revised Code or from other sources that a person not a party
to the parenting proceeding has physical custody of the child,
claims to be a parent of the child who has ~~parental rights~~
parenting functions and responsibilities for the care of the child
and who has been designated the residential parent ~~and legal~~
~~custodian~~ of the child, claims to be any other person with custody
of the child, or claims to have parenting time rights pursuant to

an order issued under former section 3109.051 or 3109.12 of the 4535
Revised Code or an order issued by a court in another state or 4536
visitation rights with respect to the child, it shall order that 4537
person to be joined as a party and to be duly notified of the 4538
pendency of the proceeding and of the person's joinder as a party. 4539
If the person joined as a party is outside this state the person 4540
shall be served with process or otherwise notified in accordance 4541
with division (B) of section ~~3109.23~~ 3110.62 of the Revised Code. 4542
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Sec. ~~3109.29~~ 3110.68. (A) The court may order any party to a 4544
parenting proceeding who is in this state to appear personally 4545
before the court. If that party has physical custody of the child, 4546
the court may order that ~~he~~ the party appear personally with the 4547
child. 4548

(B) If a party to a parenting proceeding whose presence is 4549
desired by the court is outside this state with or without the 4550
child, the court may order that the notice given under division 4551
(B) of section ~~3109.23~~ 3110.62 of the Revised Code include a 4552
statement directing that party to appear personally with or 4553
without the child and declaring that failure to appear may result 4554
in a decision adverse to that party. 4555

(C) If a party to a parenting proceeding who is outside this 4556
state is directed to appear under division (B) of this section or 4557
desires to appear personally before the court with or without the 4558
child, the court may require another party to pay to the clerk of 4559
the court travel and other necessary expenses for the appearance 4560
of the party and the child who are outside this state, if this is 4561
just and proper under the circumstances. 4562

Sec. ~~3109.30~~ 3110.69. (A) A parenting decree rendered by a 4563
court of this state that exercises its jurisdiction in conformity 4564

with sections ~~3109.21~~ 3110.60 to ~~3109.36~~ 3110.76 of the Revised 4565
Code binds all parties who have been served in this state or 4566
notified in accordance with division (B) of section ~~3109.23~~ 4567
3110.62 of the Revised Code, or who have submitted to the 4568
jurisdiction of the court, and who have been given an opportunity 4569
to be heard. As to these parties, the parenting decree is 4570
conclusive as to all issues of law and fact decided and as to the 4571
parenting determination made, unless and until that determination 4572
is modified pursuant to law. 4573

(B) The courts of this state shall recognize and enforce an 4574
initial or modification decree of a court of another state if that 4575
court assumed jurisdiction under statutory provisions 4576
substantially in accordance with sections ~~3109.21~~ 3110.60 to 4577
~~3109.36~~ 3110.76 of the Revised Code or if the decree was made 4578
under factual circumstances meeting the jurisdictional standards 4579
of sections ~~3109.21~~ 3110.60 to ~~3109.36~~ 3110.76 of the Revised 4580
Code, so long as the decree has not been modified in accordance 4581
with jurisdictional standards substantially similar to those of 4582
these sections. 4583

Sec. ~~3109.31~~ 3110.70. (A) If a court of another state has 4584
made a parenting decree, a court of this state shall not modify 4585
that decree, unless it appears to the court of this state that the 4586
court that rendered the decree does not now have jurisdiction 4587
under jurisdictional prerequisites substantially in accordance 4588
with sections ~~3109.21~~ 3110.60 to ~~3109.36~~ 3110.76 of the Revised 4589
Code, or has declined to assume jurisdiction to modify the decree, 4590
and the court of this state has jurisdiction. 4591

(B) If a court of this state is authorized under division (A) 4592
of this section and section ~~3109.26~~ 3110.65 of the Revised Code to 4593
modify a parenting decree of another state, it shall give due 4594
consideration to the transcript of the record and other documents 4595
of all previous proceedings submitted to it in accordance with 4596

division (B) of section ~~3109.36~~ 3110.75 of the Revised Code. 4597
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Sec. ~~3109.32~~ 3110.71. (A) A certified copy of a parenting 4599
decree of another state may be filed in the office of the clerk of 4600
any court of this state that renders parenting decrees. The clerk 4601
shall treat the decree in the same manner as a parenting decree of 4602
an appropriate court of this state. Until modified, a parenting 4603
decree so filed has the same effect and shall be enforced in like 4604
manner as a parenting decree rendered by a court of this state. 4605

(B) A person violating a parenting decree of another state 4606
which makes it necessary to enforce the decree in this state may 4607
be required to pay necessary travel and other expenses, including 4608
attorney's fees, incurred by the parent who is designated the 4609
residential parent ~~and legal custodian~~ or his the witnesses of 4610
such parent or by any other party entitled to the custody or ~~his~~ 4611
the witnesses of such other party. 4612

Sec. ~~3109.33~~ 3110.72. (A) The clerk of each court that 4613
renders a parenting decree shall maintain a parenting and custody 4614
registry in which ~~he~~ the clerk shall enter the following: 4615

(1) Certified copies of parenting decrees of other states 4616
received for filing; 4617

(2) Communications as to the pendency of parenting 4618
proceedings in other states; 4619

(3) Communications concerning a finding of inconvenient forum 4620
by a court of another state; 4621

(4) Other communications or documents concerning parenting 4622
proceedings in another state that may affect the jurisdiction of a 4623
court of this state or the disposition to be made by it in a 4624
parenting proceeding. 4625

(B) A clerk who maintains a registry under division (A) of 4626
this section, at the request of the court of another state or at 4627
the request of any person who is affected by or has a legitimate 4628
interest in a parenting decree, shall certify and forward a copy 4629
of the decree to that court or person. 4630

Sec. ~~3109.34~~ 3110.73. (A) A court of this state may request 4631
the appropriate court of another state to hold a hearing to adduce 4632
evidence, to order a party to produce or give evidence under other 4633
procedures of that state, or to have social studies made with 4634
respect to the allocation of ~~parental rights~~ parenting functions 4635
and responsibilities for the care of a child involved in parenting 4636
proceedings pending in the court of this state, with respect to 4637
the designation of a parent as the residential parent ~~and legal~~ 4638
~~custodian~~ of the child, and with respect to the custody of the 4639
child in any other person, and to forward to the court of this 4640
state certified copies of the transcript of the record of the 4641
hearing, the evidence otherwise adduced, or any social studies 4642
prepared in compliance with the request. The cost of the services 4643
may be assessed against the parties or, if necessary, paid from 4644
the county treasury and taxed as costs in the case. 4645

(B) A court of this state may request the appropriate court 4646
of another state to order a party to parenting proceedings pending 4647
in the court of this state to appear in the proceedings, and if 4648
that party has physical custody of the child, to appear with the 4649
child. The request may state that travel and other necessary 4650
expenses of the party and of the child whose appearance is desired 4651
will be assessed against another party or will otherwise be paid. 4652

In addition to other procedural devices available to a party, 4653
any party to a parenting proceeding or a guardian ad litem or 4654
other representative of the child may adduce testimony of 4655
witnesses, including parties and the child, by deposition or 4656

otherwise, in another state. The court on its own motion may
direct that the testimony of a person be taken in another state
and may prescribe the manner in which and the terms upon which the
testimony shall be taken.

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Sec. ~~3109.35~~ 3110.74. (A) Upon request of the court of
another state, the courts of this state that render parenting
decrees may order a person in this state to appear at a hearing to
adduce evidence or to produce or give evidence under other
procedures available in this state or may order social studies to
be made for use in a parenting proceeding in another state. A
certified copy of the transcript of the record of the hearing or
the evidence otherwise adduced and any social studies prepared
shall be forwarded by the clerk of the court to the requesting
court.

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(B) A person within this state may voluntarily give his
testimony or a statement in this state for use in a parenting
proceeding outside this state.

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(C) Upon request of the court of another state, a court of
this state may order a person in this state to appear alone or
with the child in a parenting proceeding in another state. The
court may condition compliance with the request upon assurance by
the other state that travel and other necessary expenses will be
advanced or reimbursed.

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Sec. ~~3109.36~~ 3110.75. (A) In any parenting proceeding in this
state, the court shall preserve the pleadings, orders and decrees,
any record that has been made of its hearings, social studies, and
other pertinent documents until the child reaches eighteen years
of age. Upon appropriate request of the court of another state,
the court shall forward to the other court certified copies of any
or all of such documents.

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(B) If a parenting decree has been rendered in another state 4687
concerning a child involved in a parenting proceeding pending in a 4688
court of this state, the court of this state upon taking 4689
jurisdiction of the case shall request of the court of the other 4690
state a certified copy of the transcript of any court record and 4691
other documents mentioned in division (A) of this section. 4692

Sec. ~~3109.37~~ 3110.76. Upon the request of a party to a 4693
parenting proceeding which raises a question of existence or 4694
exercise of jurisdiction under sections ~~3109.21~~ 3110.60 to ~~3109.36~~ 4695
3110.76 of the Revised Code, the case shall be given calendar 4696
priority and handled expeditiously. 4697

Sec. ~~3109.41~~ 3110.79. As used in sections ~~3109.41~~ 3110.79 to 4698
~~3109.48~~ 3110.86 of the Revised Code: 4699

(A) A person is "convicted of killing" if the person has been 4700
convicted of or pleaded guilty to a violation of section 2903.01, 4701
2903.02, or 2903.03 of the Revised Code. 4702

(B) "Custody order" means an order designating a person as 4703
the residential parent ~~and legal custodian~~ of a child under 4704
Chapter 3110. of the Revised Code or former section 3109.04 of the 4705
Revised Code or any order determining custody of a child under 4706
section 2151.23, 2151.33, 2151.353, 2151.354, 2151.355, 2151.356, 4707
2151.415, 2151.417, or 3113.31 of the Revised Code. 4708

(C) "Visitation order" means an order issued under division 4709
(B)(1)(c) of section 2151.33 ~~or, under~~ section 2151.412, ~~3109.051,~~ 4710
~~3109.12,~~ or 3113.31, or under former section 3109.051 or 3109.12 4711
of the Revised Code. 4712

Sec. ~~3109.42~~ 3110.80. Except as provided in section ~~3109.47~~ 4713
3110.85 of the Revised Code, if a parent is convicted of killing 4714
the other parent of a child, no court shall issue a custody order 4715

designating the parent as the residential parent ~~and legal~~ 4716
~~custodian~~ of the child or granting custody of the child to the 4717
parent. 4718

Sec. ~~3109.43~~ 3110.81. Except as provided in section ~~3109.47~~ 4719
3110.85 of the Revised Code, if a parent is convicted of killing 4720
the other parent of a child, no court shall issue a visitation 4721
order granting the parent visitation rights with the child. 4722

Sec. ~~3109.44~~ 3110.82. Upon receipt of notice that a 4723
visitation order is pending or has been issued granting a parent 4724
visitation rights with a child or a custody order is pending or 4725
has been issued designating a parent as the residential parent ~~and~~ 4726
~~legal custodian~~ of a child or granting custody of a child to a 4727
parent prior to that parent being convicted of killing the other 4728
parent of the child, the court in which the parent is convicted of 4729
killing the other parent shall immediately notify the court in 4730
which the visitation or custody order is pending or that issued 4731
the visitation or custody order of the conviction. 4732

Sec. ~~3109.45~~ 3110.83. On receipt of notice under section 4733
~~3109.44~~ 3110.82 of the Revised Code, a court that issued a 4734
visitation order described in that section shall terminate the 4735
order. 4736

Sec. ~~3109.46~~ 3110.84. If the court to which notice is sent 4737
under section ~~3109.44~~ 3110.82 of the Revised Code is a juvenile 4738
court that issued a custody order described in that section, the 4739
court shall retain jurisdiction over the order. If the court to 4740
which notice is sent is not a juvenile court but the court issued 4741
a custody order described in that section, the court shall 4742
transfer jurisdiction over the custody order to the juvenile court 4743
of the county in which the child has a residence or legal 4744

settlement. 4745

On receipt of the notice in cases in which the custody order 4746
was issued by a juvenile court or after jurisdiction is 4747
transferred, the juvenile court with jurisdiction shall terminate 4748
the custody order. 4749

The termination order shall be treated as a complaint filed 4750
under section 2151.27 of the Revised Code alleging the child 4751
subject of the custody order to be a dependent child. If a 4752
juvenile court issued the terminated custody order under a prior 4753
juvenile proceeding under Chapter 2151. or 2152. of the Revised 4754
Code in which the child was adjudicated an abused, neglected, 4755
dependent, unruly, or delinquent child or a juvenile traffic 4756
offender, the court shall treat the termination order as a new 4757
complaint. 4758

Sec. ~~3109.47~~ 3110.85. (A) A court may do one of the following 4759
with respect to a parent convicted of killing the other parent of 4760
a child if the court determines, by clear and convincing evidence, 4761
that it is in the best interest of the child and the child 4762
consents: 4763

(1) Issue a custody order designating the parent as the 4764
residential parent ~~and legal custodian~~ of the child or granting 4765
custody of the child to that parent; 4766

(2) Issue a visitation order granting that parent visitation 4767
rights with the child. 4768

(B) When considering the ability of a child to consent and 4769
the validity of a child's consent under this section, the court 4770
shall consider the wishes of the child, as expressed directly by 4771
the child or through the child's guardian ad litem, with due 4772
regard for the maturity of the child. 4773

Sec. ~~3109.48~~ 3110.86. No person, with the child of the parent 4774

present, shall visit the parent who has been convicted of killing 4775
the child's other parent unless a court has issued an order 4776
granting the parent visitation rights with the child and the 4777
child's custodian or legal guardian consents to the visit. 4778

Sec. 3110.89. (A) In a divorce, dissolution of marriage, 4779
legal separation, annulment, or child support proceeding that 4780
involves a child, the court may grant reasonable companionship or 4781
visitation rights to any grandparent, any person related to the 4782
child by consanguinity or affinity, or any other person other than 4783
a parent, if all of the following apply: 4784

(1) The grandparent, relative, or other person files a motion 4785
with the court seeking companionship or visitation rights. 4786

(2) The court determines that the grandparent, relative, or 4787
other person has an interest in the welfare of the child. 4788

(3) The court determines that the granting of the 4789
companionship or visitation rights is in the best interest of the 4790
child. 4791

(B) A motion may be filed under division (A) of this section 4792
during the pendency of the divorce, dissolution of marriage, legal 4793
separation, annulment, or child support proceeding or, if a motion 4794
was not filed at that time or was filed at that time and the 4795
circumstances in the case have changed, at any time after a decree 4796
or final order is issued in the case. 4797

Sec. 3110.891. In determining whether to grant companionship 4799
or visitation rights to a grandparent, relative, or other person 4800
pursuant to section 3110.89, 3110.90, or 3110.91 of the Revised 4801
Code, in establishing a specific visitation schedule, and in 4802
determining other visitation matters under section 3110.89, 4803
3110.90, and 3110.91 of the Revised Code, the court shall consider 4804
all of the following factors: 4805

(A) The prior interaction and interrelationships of the child with the persons related by consanguinity or affinity and the person who requested companionship or visitation if that person is not a parent, sibling, or relative of the child; 4806
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(B) The geographical location of the residence of the person requesting companionship or visitation rights with the child and the distance between that person's residence and the child's residence; 4810
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(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule; 4814
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(4) The age of the child; 4818

(5) The child's adjustment to home, school, and community; 4819

(6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to companionship or visitation rights by the grandparent, relative, or other person who requested companionship or visitation rights, as to a specific visitation schedule, or as to other visitation matters, the wishes and concerns of the child, as expressed to the court; 4820
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(7) The health and safety of the child; 4827

(8) The amount of time that will be available for the child to spend with siblings; 4828
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(9) The mental and physical health of all parties; 4830

(10) With respect to a person who requested companionship or visitation rights, the willingness of that person to reschedule missed visitation; 4831
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(11) Whether the person requesting the companionship or visitation rights previously has been convicted of or pleaded 4834
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guilty to any criminal offense involving any act that resulted in 4836
a child being an abused child or a neglected child; whether the 4837
person, in a case in which a child has been adjudicated an abused 4838
child or a neglected child, previously has been determined to be 4839
the perpetrator of the abusive or neglectful act that is the basis 4840
of the adjudication; whether the person previously has been 4841
convicted of or pleaded guilty to a violation of section 2919.25 4842
of the Revised Code involving a victim who at the time of the 4843
commission of the offense was a member of the family or household 4844
that is the subject of the current proceeding; whether the person 4845
previously has been convicted of an offense involving a victim who 4846
at the time of the commission of the offense was a member of the 4847
family or household that is the subject of the current proceeding 4848
and caused physical harm to the victim in the commission of the 4849
offense; and whether there is reason to believe that the person 4850
has acted in a manner resulting in a child being an abused child 4851
or a neglected child; 4852

(12) The wishes and concerns of the child's parents, as 4853
expressed by them to the court; 4854

(13) Any other factor in the best interest of the child. 4855

Sec. 3110.892. When determining whether to grant 4857
companionship or visitation rights to a grandparent, relative, or 4858
other person pursuant to section 3110.89 3110.90, or 3110.91 of 4859
the Revised Code, when establishing a specific visitation 4860
schedule, and when determining other visitation matters under 4861
section 3110.89 3110.90, or 3110.91 of the Revised Code, the court 4862
shall consider all other relevant factors, including all of the 4863
factors listed in section 3110.891 of the Revised Code. In 4864
considering the factors listed in section 3110.891 of the Revised 4865
Code for purposes of determining whether to grant visitation 4866
rights, establishing a specific visitation schedule, determining 4867

other visitation matters, and resolving any issues related to the 4868
making of any determination with respect to visitation rights or 4869
the establishment of any specific visitation schedule, the court 4870
may interview in chambers any or all involved children regarding 4871
their wishes and concerns. If the court interviews any child 4872
concerning the child's wishes and concerns regarding those 4873
visitation matters, the interview shall be conducted in chambers, 4874
and no person other than the child, the child's attorney, the 4875
judge, any necessary court personnel, and, in the judge's 4876
discretion, the attorney of each parent shall be permitted to be 4877
present in the chambers during the interview. No person shall 4878
obtain or attempt to obtain from a child a written or recorded 4879
statement or affidavit setting forth the wishes and concerns of 4880
the child regarding those visitation matters. A court, in 4881
considering the factors listed in section 3110.891 of the Revised 4882
Code for purposes of determining whether to grant any visitation 4883
rights, establishing a visitation schedule, determining other 4884
visitation matters, or resolving any issues related to the making 4885
of any determination with respect to visitation rights or the 4886
establishment of any specific visitation schedule, shall not 4887
accept or consider a written or recorded statement or affidavit 4888
that purports to set forth the child's wishes or concerns 4889
regarding those visitation matters. 4890

Sec. 3110.893. The remarriage of a residential parent of a 4892
child does not affect the authority of a court under this section 4893
to grant reasonable companionship or visitation rights with 4894
respect to the child to any grandparent, any person related by 4895
consanguinity or affinity, or any other person. 4896

Sec. 3110.894. If the court, denies a motion for reasonable 4898
companionship or visitation rights filed under section 3110.89 of 4899
the Revised Code and the movant files a written request for 4900

findings of fact and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.

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Sec. 3110.895. If any person is found in contempt of court for failing to comply with or interfering with any order or decree granting companionship or visitation rights issued pursuant to section 3110.89, 3110.90 or 3110.91 of the Revised Code, or any other provision of the Revised Code, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt, and may award reasonable compensatory visitation to the person whose right of visitation was affected by the failure or interference if such compensatory visitation is in the best interest of the child. Any compensatory visitation awarded under this division shall be included in an order issued by the court and, to the extent possible, shall be governed by the same terms and conditions as was the visitation that was affected by the failure or interference.

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Sec. 3110.896. Any person who requests reasonable companionship or visitation rights with respect to a child under section 3110.89, 3110.90, or 3110.91 of the Revised Code, or any other provision of the Revised Code may file a motion with the court requesting that it waive all or any part of the costs that may accrue in the proceedings. If the court determines that the movant is indigent and that the waiver is in the best interest of the child, the court, in its discretion, may waive payment of all or any part of the costs of those proceedings.

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Sec. 3110.897. The juvenile court has exclusive jurisdiction 4931
to enter the orders in any case certified to it from another 4932
court. 4933

~~Sec. 3109.11~~ 3110.90. If either the father or mother of an 4934
unmarried minor child is deceased, the court of common pleas of 4935
the county in which the minor child resides may grant the parents 4936
and other relatives of the deceased father or mother reasonable 4937
companionship or visitation rights with respect to the minor child 4938
during the child's minority if the parent or other relative files 4939
a complaint requesting reasonable companionship or visitation 4940
rights and if the court determines that the granting of the 4941
companionship or visitation rights is in the best interest of the 4942
minor child. In determining whether to grant any person reasonable 4943
companionship or visitation rights with respect to any child, the 4944
court shall consider all relevant factors, including, but not 4945
limited to, the factors set forth in ~~division (D) of section~~ 4946
~~3109.051~~ 3110.891 of the Revised Code. ~~Divisions (C), (K), and (L)~~ 4947
~~of section 3109.051~~ Sections 3110.892, 3110.895, and 3110.896 of 4948
the Revised Code apply to the determination of reasonable 4949
companionship or visitation rights under this section and to any 4950
order granting any such rights that is issued under this section. 4951
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The remarriage of the surviving parent of the child or the 4953
adoption of the child by the spouse of the surviving parent of the 4954
child does not affect the authority of the court under this 4955
section to grant reasonable companionship or visitation rights 4956
with respect to the child to a parent or other relative of the 4957
child's deceased father or mother. 4958

If the court denies a request for reasonable companionship or 4959
visitation rights made pursuant to this section and the 4960
complainant files a written request for findings of fact and 4961

conclusions of law, the court shall state in writing its findings
of fact and conclusions of law in accordance with Civil Rule 52.

Except as provided in division (E)(6) of section 3113.31 of
the Revised Code, if the court, pursuant to this section, grants
any person companionship or visitation rights with respect to any
child, it shall not require the public children services agency to
provide supervision of or other services related to that person's
exercise of companionship or visitation rights with respect to the
child. This section does not limit the power of a juvenile court
pursuant to Chapter 2151. of the Revised Code to issue orders with
respect to children who are alleged to be abused, neglected, or
dependent children or to make dispositions of children who are
adjudicated abused, neglected, or dependent children or of a
common pleas court to issue orders pursuant to section 3113.31 of
the Revised Code.

Sec. ~~3109.12~~ 3110.91. (A) If a child is born to an unmarried
woman, the parents of the woman and any relative of the woman may
file a complaint requesting the court of common pleas of the
county in which the child resides to grant them reasonable
companionship or visitation rights with the child. If a child is
born to an unmarried woman and if the father of the child has
acknowledged the child and that acknowledgment has become final
pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised
Code or has been determined in an action under Chapter 3111. of
the Revised Code to be the father of the child, ~~the father may~~
~~file a complaint requesting that the court of appropriate~~
~~jurisdiction of the county in which the child resides grant him~~
~~reasonable parenting time rights with the child and the parents of~~
the father and any relative of the father may file a complaint
requesting that the court grant them reasonable companionship or
visitation rights with the child.

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(B) The court may grant the ~~parenting time rights or~~ 4993
companionship or visitation rights requested under division (A) of 4994
this section, if it determines that the granting of the ~~parenting~~ 4995
~~time rights or~~ companionship or visitation rights is in the best 4996
interest of the child. In determining whether to grant reasonable 4997
~~parenting time rights or reasonable~~ companionship or visitation 4998
rights with respect to any child, the court shall consider all 4999
relevant factors, including, but not limited to, the factors set 5000
forth in ~~division (D) of section 3109.051~~ 3110.891 of the Revised 5001
Code. ~~Divisions (C), (K), and (L) of section 3109.051~~ Sections 5002
3110.892, 3110.895, and 3110.896 of the Revised Code apply to the 5003
determination of reasonable ~~parenting time rights or~~ companionship 5004
or visitation rights under this section and to any order granting 5005
any such rights that is issued under this section. 5006

The marriage or remarriage of the mother or father of a child 5007
does not affect the authority of the court under this section to 5008
grant ~~the natural father reasonable parenting time rights or the~~ 5009
parents or relatives of the natural father or the parents or 5010
relatives of the mother of the child reasonable companionship or 5011
visitation rights with respect to the child. 5012

If the court denies a request for ~~reasonable parenting time~~ 5013
~~rights or~~ reasonable companionship or visitation rights made 5014
pursuant to division (A) of this section and the complainant files 5015
a written request for findings of fact and conclusions of law, the 5016
court shall state in writing its findings of fact and conclusions 5017
of law in accordance with Civil Rule 52. 5018

Except as provided in division (E)(6) of section 3113.31 of 5019
the Revised Code, if the court, pursuant to this section, grants 5020
~~parenting time rights or~~ companionship or visitation rights with 5021
respect to any child, it shall not require the public children 5022
services agency to provide supervision of or other services 5023
related to ~~that parent's exercise of parenting time rights with~~ 5024

~~the child or~~ that person's exercise of companionship or visitation 5025
rights with the child. This section does not limit the power of a 5026
juvenile court pursuant to Chapter 2151. of the Revised Code to 5027
issue orders with respect to children who are alleged to be 5028
abused, neglected, or dependent children or to make dispositions 5029
of children who are adjudicated abused, neglected, or dependent 5030
children or of a common pleas court to issue orders pursuant to 5031
section 3113.31 of the Revised Code. 5032

Sec. 3110.94. (A) A custody order issued under former section 5033
3109.04 of the Revised Code or an order issued under former 5034
section 3109.051 or 3109.12 of the Revised Code granting parenting 5035
time rights to a parent with respect to a child shall not be 5036
invalidated by the enactment of the provisions of this chapter 5037
that permit the granting of a parenting order on and after the 5038
effective date of this section. The custody order shall remain in 5039
full force and effect, subject to modification or termination 5040
pursuant to this chapter. The parenting time order shall remain in 5041
full force and effect subject to termination under division (B) of 5042
this section. A parenting time that remains in full force and 5043
effect on and after the effective date of this section may be 5044
enforced but shall not be modified. 5045

(B) Parties to a custody order issued under former section 5046
3109.04 of the Revised Code may file a motion with the court that 5047
issued the order requesting the issuance of a parenting order in 5048
accordance with this chapter. If no order for custody has been 5049
issued or former section 3109.042 of the Revised Code governs 5050
custody of a child, the parents of the child may petition a court 5051
under section 2151.23 of the Revised Code requesting the 5052
allocation of parenting functions and responsibilities for the 5053
child in accordance with this chapter. On the filing of the motion 5054
or pursuant to the action, the court shall allocate the parenting 5055
functions and responsibilities for the child under this chapter. 5056

If it allocates the parenting functions and responsibilities 5057
regarding the child under this chapter, the court shall terminate 5058
any parenting time order regarding the parents and the child 5059
issued under former section 3109.051 or 3109.12 of the Revised 5060
Code. 5061

Sec. 3111.13. (A) The judgment or order of the court 5062
determining the existence or nonexistence of the parent and child 5063
relationship is determinative for all purposes. 5064

(B) If the judgment or order of the court is at variance with 5065
the child's birth record, the court may order that a new birth 5066
record be issued under section 3111.18 of the Revised Code. 5067

(C) Except as otherwise provided in this section, the 5068
judgment or order may contain, at the request of a party and if 5069
not prohibited under federal law, any other provision directed 5070
against the appropriate party to the proceeding, concerning the 5071
duty of support, the payment of all or any part of the reasonable 5072
expenses of the mother's pregnancy and confinement, the furnishing 5073
of bond or other security for the payment of the judgment, or any 5074
other matter in the best interest of the child. After entry of the 5075
judgment or order, the father may petition a court under section 5076
2151.23 of the Revised Code that he be designated the residential 5077
parent and legal custodian of the parenting functions and 5078
responsibilities for the child or for parenting time rights be 5079
allocated between him and the child's mother under Chapter 3110. 5080
of the Revised Code in a proceeding separate from any action to 5081
establish paternity. Additionally, if the mother is unmarried, the 5082
~~father may file a complaint requesting the granting of reasonable~~ 5083
~~parenting time rights, and the parents of the father, any relative~~ 5084
of the father, the parents of the mother, and any relative of the 5085
mother may file a complaint requesting the granting of reasonable 5086
companionship or visitation rights, with the child pursuant to 5087

section ~~3109.12~~ 3110.91 of the Revised Code. 5088

The judgment or order shall contain any provision required by 5089
section 3111.14 of the Revised Code. 5090

(D) Support judgments or orders ordinarily shall be for 5091
periodic payments that may vary in amount. In the best interest of 5092
the child, the purchase of an annuity may be ordered in lieu of 5093
periodic payments of support if the purchase agreement provides 5094
that any remaining principal will be transferred to the ownership 5095
and control of the child on the child's attainment of the age of 5096
majority. 5097

(E) In determining the amount to be paid by a parent for 5098
support of the child and the period during which the duty of 5099
support is owed, a court enforcing the obligation of support shall 5100
comply with Chapters 3119., 3121., 3123., and 3125. of the Revised 5101
Code. 5102

(F)(1) Any court that makes or modifies an order for child 5103
support under this section shall comply with Chapters 3119., 5104
3121., 3123., and 3125. of the Revised Code. If any person 5105
required to pay child support under an order made under this 5106
section on or after April 15, 1985, or modified on or after 5107
December 1, 1986, is found in contempt of court for failure to 5108
make support payments under the order, the court that makes the 5109
finding, in addition to any other penalty or remedy imposed, shall 5110
assess all court costs arising out of the contempt proceeding 5111
against the person and require the person to pay any reasonable 5112
attorney's fees of any adverse party, as determined by the court, 5113
that arose in relation to the act of contempt. 5114

(2) When a court determines whether to require a parent to 5115
pay an amount for that parent's failure to support a child prior 5116
to the date the court issues an order requiring that parent to pay 5117
an amount for the current support of that child, it shall consider 5118
all relevant factors, including, but not limited to, any monetary 5119

contribution either parent of the child made to the support of the child prior to the court issuing the order requiring the parent to pay an amount for the current support of the child.

(3)(a) A court shall not require a parent to pay an amount for that parent's failure to support a child prior to the date the court issues an order requiring that parent to pay an amount for the current support of that child or to pay all or any part of the reasonable expenses of the mother's pregnancy and confinement, if both of the following apply:

(i) At the time of the initial filing of an action to determine the existence of the parent and child relationship with respect to that parent, the child was over three years of age.

(ii) Prior to the initial filing of an action to determine the existence of the parent and child relationship with respect to that parent, the alleged father had no knowledge and had no reason to have knowledge of his alleged paternity of the child.

(b) For purposes of division (F)(4)(a)(ii) of this section, the mother of the child may establish that the alleged father had or should have had knowledge of the paternity of the child by showing, by a preponderance of the evidence, that she performed a reasonable and documented effort to contact and notify the alleged father of his paternity of the child.

(c) A party is entitled to obtain modification of an existing order for arrearages under this division regardless of whether the judgment, court order, or administrative support order from which relief is sought was issued prior to, on, or after October 27, 2000.

(G) As used in this section, "birth record" has the same meaning as in section 3705.01 of the Revised Code.

(H) Unless the court has reason to believe that a person named in the order is a potential victim of domestic violence, any

order issued pursuant to this section finding the existence of a
parent and child relationship shall contain the full names,
addresses, and social security numbers of the mother and father of
the child and the full name and address of the child.

Sec. 3111.26. After an acknowledgment of paternity becomes
final and enforceable, the child is the child of the man who
signed the acknowledgment of paternity, as though born to him in
lawful wedlock. If the mother is unmarried, the man who signed the
acknowledgment of paternity may file a complaint requesting the
granting of ~~reasonable parenting time with the child under section
3109.12~~ a parenting time order allocating the parenting functions
and responsibilities for the child between the parents under
Chapter 3110. of the Revised Code and the parents of the man who
signed the acknowledgment of paternity, any relative of the man
who signed the acknowledgment of paternity, the parents of the
mother, and any relative of the mother may file a complaint
pursuant to ~~that~~ section 3110.91 of the Revised Code requesting
the granting of reasonable companionship or visitation rights with
the child. Once the acknowledgment becomes final the man who
signed the acknowledgment of paternity assumes the parental duty
of support.

Sec. 3111.31. The department of job and family services shall
prepare an acknowledgment of paternity affidavit that includes in
boldface type at the top of the affidavit the rights and
responsibilities of and the due process safeguards afforded to a
person who acknowledges that he is the natural father of a child,
including that if an alleged father acknowledges a parent and
child relationship he assumes the parental duty of support, that
both signators waive any right to bring an action pursuant to
sections 3111.01 to 3111.18 of the Revised Code or make a request
pursuant to section 3111.38 of the Revised Code, other than for

purposes of rescinding the acknowledgment pursuant to section 5182
3111.27 of the Revised Code in order to ensure expediency in 5183
resolving the question of the existence of a parent and child 5184
relationship, that either parent may rescind the acknowledgment 5185
pursuant to section 3111.27 of the Revised Code, that an action 5186
may be brought pursuant to section 3111.28 of the Revised Code, or 5187
a motion may be filed pursuant to section 3119.961 of the Revised 5188
Code, to rescind the acknowledgment, and that the natural father 5189
has the right to petition a court ~~pursuant to section 3109.12 of~~ 5190
~~the Revised Code for an order granting him reasonable parenting~~ 5191
~~time with respect to the child and to petition the court for~~ 5192
~~custody of the child pursuant to section 2151.23 of the Revised~~ 5193
~~Code to have the parenting functions and responsibilities for the~~ 5194
~~child be allocated between him and child's mother under Chapter~~ 5195
~~3110. of the Revised Code.~~ The affidavit shall include all of the 5196
following: 5197

(A) Basic instructions for completing the form, including 5198
instructions that both the natural father and the mother of the 5199
child are required to sign the statement, that they may sign the 5200
statement without being in each other's presence, and that the 5201
signatures must be notarized; 5202

(B) Blank spaces to enter the full name, social security 5203
number, date of birth and address of each parent; 5204

(C) Blank spaces to enter the full name, date of birth, and 5205
the residence of the child; 5206

(D) A blank space to enter the name of the hospital or 5207
department of health code number assigned to the hospital, for use 5208
in situations in which the hospital fills out the form pursuant to 5209
section 3727.17 of the Revised Code; 5210

(E) An affirmation by the mother that the information she 5211
supplied is true to the best of her knowledge and belief and that 5212

she is the natural mother of the child named on the form and 5213
assumes the parental duty of support of the child; 5214

(F) An affirmation by the father that the information he 5215
supplied is true to the best of his knowledge and belief, that he 5216
has received information regarding his legal rights and 5217
responsibilities, that he consents to the jurisdiction of the 5218
courts of this state, and that he is the natural father of the 5219
child named on the form and assumes the parental duty of support 5220
of the child; 5221

(G) Signature lines for the mother of the child and the 5222
natural father; 5223

(H) Signature lines for the notary public; 5224

(I) An instruction to include or attach any other evidence 5225
necessary to complete the new birth record that is required by the 5226
department by rule. 5227

Sec. 3113.31. (A) As used in this section: 5228

(1) "Domestic violence" means the occurrence of one or more 5229
of the following acts against a family or household member: 5230

(a) Attempting to cause or recklessly causing bodily injury; 5231

(b) Placing another person by the threat of force in fear of 5232
imminent serious physical harm or committing a violation of 5233
section 2903.211 or 2911.211 of the Revised Code; 5234

(c) Committing any act with respect to a child that would 5235
result in the child being an abused child, as defined in section 5236
2151.031 of the Revised Code. 5237

(2) "Court" means the domestic relations division of the 5238
court of common pleas in counties that have a domestic relations 5239
division, and the court of common pleas in counties that do not 5240
have a domestic relations division. 5241

(3) "Family or household member" means any of the following:	5242
(a) Any of the following who is residing with or has resided with the respondent:	5243 5244
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	5245 5246
(ii) A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	5247 5248
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	5249 5250 5251 5252
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	5253 5254 5255
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	5256 5257 5258 5259 5260 5261
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	5262 5263 5264
(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.	5265 5266 5267 5268
(C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or	5269 5270 5271

household member, by filing a petition with the court. The 5272
petition shall contain or state: 5273

(1) An allegation that the respondent engaged in domestic 5274
violence against a family or household member of the respondent, 5275
including a description of the nature and extent of the domestic 5276
violence; 5277

(2) The relationship of the respondent to the petitioner, and 5278
to the victim if other than the petitioner; 5279

(3) A request for relief under this section. 5280

(D)(1) If a person who files a petition pursuant to this 5281
section requests an ex parte order, the court shall hold an ex 5282
parte hearing on the same day that the petition is filed. The 5283
court, for good cause shown at the ex parte hearing, may enter any 5284
temporary orders, with or without bond, including, but not limited 5285
to, an order described in division (E)(1)(a), (b), or (c) of this 5286
section, that the court finds necessary to protect the family or 5287
household member from domestic violence. Immediate and present 5288
danger of domestic violence to the family or household member 5289
constitutes good cause for purposes of this section. Immediate and 5290
present danger includes, but is not limited to, situations in 5291
which the respondent has threatened the family or household member 5292
with bodily harm or in which the respondent previously has been 5293
convicted of or pleaded guilty to an offense that constitutes 5294
domestic violence against the family or household member. 5295

(2)(a) If the court, after an ex parte hearing, issues an 5296
order described in division (E)(1)(b) or (c) of this section, the 5297
court shall schedule a full hearing for a date that is within 5298
seven court days after the ex parte hearing. If any other type of 5299
protection order that is authorized under division (E) of this 5300
section is issued by the court after an ex parte hearing, the 5301
court shall schedule a full hearing for a date that is within ten 5302

court days after the ex parte hearing. The court shall give the
respondent notice of, and an opportunity to be heard at, the full
hearing. The court shall hold the full hearing on the date
scheduled under this division unless the court grants a
continuance of the hearing in accordance with this division. Under
any of the following circumstances or for any of the following
reasons, the court may grant a continuance of the full hearing to
a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under
this division, the respondent has not been served with the
petition filed pursuant to this section and notice of the full
hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain
counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not
expire because of a failure to serve notice of the full hearing
upon the respondent before the date set for the full hearing under
division (D)(2)(a) of this section or because the court grants a
continuance under that division.

(3) If a person who files a petition pursuant to this section
does not request an ex parte order, or if a person requests an ex
parte order but the court does not issue an ex parte order after
an ex parte hearing, the court shall proceed as in a normal civil
action and grant a full hearing on the matter.

(E)(1) After an ex parte or full hearing, the court may grant
any protection order, with or without bond, or approve any consent
agreement to bring about a cessation of domestic violence against
the family or household members. The order or agreement may:

- (a) Direct the respondent to refrain from abusing the family or household members; 5334
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- (b) Grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member; 5336
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- (c) When the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing; 5344
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- (d) Temporarily allocate ~~parental rights~~ parenting functions and responsibilities for the care of, ~~or establish temporary parenting time rights with regard to,~~ the minor children, if no other court has determined, or is determining, the allocation of ~~parental rights~~ parenting functions and responsibilities for the minor children ~~or parenting time rights~~; 5352
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- (e) Require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent has a duty to support the petitioner or family or household member; 5358
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- (f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling; 5362
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- (g) Require the respondent to refrain from entering the 5364

residence, school, business, or place of employment of the 5365
petitioner or family or household member; 5366

(h) Grant other relief that the court considers equitable and 5367
fair, including, but not limited to, ordering the respondent to 5368
permit the use of a motor vehicle by the petitioner or other 5369
family or household member and the apportionment of household and 5370
family personal property. 5371

(2) If a protection order has been issued pursuant to this 5372
section in a prior action involving the respondent and the 5373
petitioner or one or more of the family or household members, the 5374
court may include in a protection order that it issues a 5375
prohibition against the respondent returning to the residence or 5376
household. If it includes a prohibition against the respondent 5377
returning to the residence or household in the order, it also 5378
shall include in the order provisions of the type described in 5379
division (E)(7) of this section. This division does not preclude 5380
the court from including in a protection order or consent 5381
agreement, in circumstances other than those described in this 5382
division, a requirement that the respondent be evicted from or 5383
vacate the residence or household or refrain from entering the 5384
residence, school, business, or place of employment of the 5385
petitioner or a family or household member, and, if the court 5386
includes any requirement of that type in an order or agreement, 5387
the court also shall include in the order provisions of the type 5388
described in division (E)(7) of this section. 5389

(3)(a) Any protection order issued or consent agreement 5390
approved under this section shall be valid until a date certain, 5391
but not later than five years from the date of its issuance or 5392
approval. 5393

(b) Subject to the limitation on the duration of an order or 5394
agreement set forth in division (E)(3)(a) of this section, any 5395
order under division (E)(1)(d) of this section shall terminate on 5396

the date that a court in an action for divorce, dissolution of
marriage, or legal separation brought by the petitioner or
respondent issues an order allocating parental rights and
responsibilities for the care of children or on the date that a
juvenile court in an action brought by the petitioner or
respondent issues an order awarding legal custody of minor
children. Subject to the limitation on the duration of an order or
agreement set forth in division (E)(3)(a) of this section, any
order under division (E)(1)(e) of this section shall terminate on
the date that a court in an action for divorce, dissolution of
marriage, or legal separation brought by the petitioner or
respondent issues a support order or on the date that a juvenile
court in an action brought by the petitioner or respondent issues
a support order.

(c) Any protection order issued or consent agreement approved
pursuant to this section may be renewed in the same manner as the
original order or agreement was issued or approved.

(4) A court may not issue a protection order that requires a
petitioner to do or to refrain from doing an act that the court
may require a respondent to do or to refrain from doing under
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this
section unless all of the following apply:

(a) The respondent files a separate petition for a protection
order in accordance with this section.

(b) The petitioner is served notice of the respondent's
petition at least forty-eight hours before the court holds a
hearing with respect to the respondent's petition, or the
petitioner waives the right to receive this notice.

(c) If the petitioner has requested an ex parte order
pursuant to division (D) of this section, the court does not delay
any hearing required by that division beyond the time specified in

that division in order to consolidate the hearing with a hearing 5428
on the petition filed by the respondent. 5429

(d) After a full hearing at which the respondent presents 5430
evidence in support of the request for a protection order and the 5431
petitioner is afforded an opportunity to defend against that 5432
evidence, the court determines that the petitioner has committed 5433
an act of domestic violence or has violated a temporary protection 5434
order issued pursuant to section 2919.26 of the Revised Code, that 5435
both the petitioner and the respondent acted primarily as 5436
aggressors, and that neither the petitioner nor the respondent 5437
acted primarily in self-defense. 5438

(5) No protection order issued or consent agreement approved 5439
under this section shall in any manner affect title to any real 5440
property. 5441

(6)(a) If a petitioner, or the child of a petitioner, who 5442
obtains a protection order or consent agreement pursuant to 5443
division (E)(1) of this section or a temporary protection order 5444
pursuant to section 2919.26 of the Revised Code and is the subject 5445
of a parenting order issued under Chapter 3110. of the Revised 5446
Code, a parenting time order issued pursuant to ~~former~~ section 5447
3109.051 or 3109.12 of the Revised Code, or a visitation or 5448
companionship order issued pursuant to ~~former~~ section 3109.051, 5449
3109.11, or 3109.12 or section 3110.89, 3110.90, or 3110.91 of the 5450
Revised Code or division (E)(1)(d) of this section granting 5451
parenting time rights as that division existed prior to the 5452
effective date of this amendment or granting parenting functions 5453
and responsibilities pursuant to that division on or after the 5454
effective date of this amendment, to the respondent, the court may 5455
require the public children services agency of the county in which 5456
the court is located to provide supervision of the respondent's 5457
exercise of parenting time ~~or rights,~~ visitation or companionship 5458
rights, or parenting functions and responsibilities with respect 5459

to the child for a period not to exceed nine months, if the court
makes the following findings of fact:

~~(i) The child is in danger from the respondent;~~

~~(ii) No other person or agency is available to provide the
supervision.~~

(b) If a child is the subject of a parenting order allocating
parenting functions and responsibilities for a child issued
pursuant to Chapter 3110. of the Revised Code and the order
requires one of the parent's physical contact with the child to be
supervised, the court may require the public children services
agency of the county in which the court is located to provide
supervision of that parent's physical contact with the child.

(c) A court that requires an agency to provide supervision
pursuant to division (E)(6)(a) or (b) of this section shall order
the respondent to reimburse the agency for the cost of providing
the supervision, if it determines that the respondent has
sufficient income or resources to pay that cost.

(7)(a) If a protection order issued or consent agreement
approved under this section includes a requirement that the
respondent be evicted from or vacate the residence or household or
refrain from entering the residence, school, business, or place of
employment of the petitioner or a family or household member, the
order or agreement shall state clearly that the order or agreement
cannot be waived or nullified by an invitation to the respondent
from the petitioner or other family or household member to enter
the residence, school, business, or place of employment or by the
respondent's entry into one of those places otherwise upon the
consent of the petitioner or other family or household member.

(b) Division (E)(7)(a) of this section does not limit any
discretion of a court to determine that a respondent charged with
a violation of section 2919.27 of the Revised Code, with a

violation of a municipal ordinance substantially equivalent to 5491
that section, or with contempt of court, which charge is based on 5492
an alleged violation of a protection order issued or consent 5493
agreement approved under this section, did not commit the 5494
violation or was not in contempt of court. 5495

(F)(1) A copy of any protection order, or consent agreement, 5496
that is issued or approved under this section shall be issued by 5497
the court to the petitioner, to the respondent, and to all law 5498
enforcement agencies that have jurisdiction to enforce the order 5499
or agreement. The court shall direct that a copy of an order be 5500
delivered to the respondent on the same day that the order is 5501
entered. 5502

(2) All law enforcement agencies shall establish and maintain 5503
an index for the protection orders and the approved consent 5504
agreements delivered to the agencies pursuant to division (F)(1) 5505
of this section. With respect to each order and consent agreement 5506
delivered, each agency shall note on the index the date and time 5507
that it received the order or consent agreement. 5508

(3) Regardless of whether the petitioner has registered the 5509
order or agreement in the county in which the officer's agency has 5510
jurisdiction pursuant to division (N) of this section, any officer 5511
of a law enforcement agency shall enforce a protection order 5512
issued or consent agreement approved by any court in this state in 5513
accordance with the provisions of the order or agreement, 5514
including removing the respondent from the premises, if 5515
appropriate. 5516

(G) Any proceeding under this section shall be conducted in 5517
accordance with the Rules of Civil Procedure, except that an order 5518
under this section may be obtained with or without bond. An order 5519
issued under this section, other than an ex parte order, that 5520
grants a protection order or approves a consent agreement, or that 5521
refuses to grant a protection order or approve a consent 5522

agreement, is a final, appealable order. The remedies and 5523
procedures provided in this section are in addition to, and not in 5524
lieu of, any other available civil or criminal remedies. 5525

(H) The filing of proceedings under this section does not 5526
excuse a person from filing any report or giving any notice 5527
required by section 2151.421 of the Revised Code or by any other 5528
law. When a petition under this section alleges domestic violence 5529
against minor children, the court shall report the fact, or cause 5530
reports to be made, to a county, township, or municipal peace 5531
officer under section 2151.421 of the Revised Code. 5532

(I) Any law enforcement agency that investigates a domestic 5533
dispute shall provide information to the family or household 5534
members involved regarding the relief available under this section 5535
and section 2919.26 of the Revised Code. 5536

(J) Notwithstanding any provision of law to the contrary, no 5537
court shall charge a fee for the filing of a petition pursuant to 5538
this section. 5539

(K)(1) The court shall comply with Chapters 3119., 3121., 5540
3123., and 3125. of the Revised Code when it makes or modifies an 5541
order for child support under this section. 5542

(2) If any person required to pay child support under an 5543
order made under this section on or after April 15, 1985, or 5544
modified under this section on or after December 31, 1986, is 5545
found in contempt of court for failure to make support payments 5546
under the order, the court that makes the finding, in addition to 5547
any other penalty or remedy imposed, shall assess all court costs 5548
arising out of the contempt proceeding against the person and 5549
require the person to pay any reasonable attorney's fees of any 5550
adverse party, as determined by the court, that arose in relation 5551
to the act of contempt. 5552

(L)(1) A person who violates a protection order issued or a 5553

consent agreement approved under this section is subject to the 5554
following sanctions: 5555

(a) Criminal prosecution for a violation of section 2919.27 5556
of the Revised Code, if the violation of the protection order or 5557
consent agreement constitutes a violation of that section; 5558

(b) Punishment for contempt of court. 5559

(2) The punishment of a person for contempt of court for 5560
violation of a protection order issued or a consent agreement 5561
approved under this section does not bar criminal prosecution of 5562
the person for a violation of section 2919.27 of the Revised Code. 5563
However, a person punished for contempt of court is entitled to 5564
credit for the punishment imposed upon conviction of a violation 5565
of that section, and a person convicted of a violation of that 5566
section shall not subsequently be punished for contempt of court 5567
arising out of the same activity. 5568

(M) In all stages of a proceeding under this section, a 5569
petitioner may be accompanied by a victim advocate. 5570

(N)(1) A petitioner who obtains a protection order or consent 5571
agreement under this section or a temporary protection order under 5572
section 2919.26 of the Revised Code may provide notice of the 5573
issuance or approval of the order or agreement to the judicial and 5574
law enforcement officials in any county other than the county in 5575
which the order is issued or the agreement is approved by 5576
registering that order or agreement in the other county pursuant 5577
to division (N)(2) of this section and filing a copy of the 5578
registered order or registered agreement with a law enforcement 5579
agency in the other county in accordance with that division. A 5580
person who obtains a protection order issued by a court of another 5581
state may provide notice of the issuance of the order to the 5582
judicial and law enforcement officials in any county of this state 5583
by registering the order in that county pursuant to section 5584

2919.272 of the Revised Code and filing a copy of the registered
order with a law enforcement agency in that county. 5585
5586

(2) A petitioner may register a temporary protection order,
protection order, or consent agreement in a county other than the 5587
county in which the court that issued the order or approved the 5588
agreement is located in the following manner: 5589
5590

(a) The petitioner shall obtain a certified copy of the order
or agreement from the clerk of the court that issued the order or 5591
approved the agreement and present that certified copy to the 5592
clerk of the court of common pleas or the clerk of a municipal 5593
court or county court in the county in which the order or 5594
agreement is to be registered. 5595
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(b) Upon accepting the certified copy of the order or
agreement for registration, the clerk of the court of common 5597
pleas, municipal court, or county court shall place an endorsement 5598
of registration on the order or agreement and give the petitioner 5599
a copy of the order or agreement that bears that proof of 5600
registration. 5601
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(3) The clerk of each court of common pleas, the clerk of
each municipal court, and the clerk of each county court shall 5603
maintain a registry of certified copies of temporary protection 5604
orders, protection orders, or consent agreements that have been 5605
issued or approved by courts in other counties and that have been 5606
registered with the clerk. 5607
5608

(4) If a petitioner who obtains a protection order or consent
agreement under this section or a temporary protection order under 5609
section 2919.26 of the Revised Code wishes to register the order 5610
or agreement in any county other than the county in which the 5611
order was issued or the agreement was approved, pursuant to 5612
divisions (N)(1) to (3) of this section, and if the petitioner is 5613
indigent, both of the following apply: 5614
5615

(a) If the petitioner submits to the clerk of the court that 5616
issued the order or approved the agreement satisfactory proof that 5617
the petitioner is indigent, the clerk may waive any fee that 5618
otherwise would be required for providing the petitioner with a 5619
certified copy of the order or agreement to be used for purposes 5620
of divisions (N)(1) to (3) of this section; 5621

(b) If the petitioner submits to the clerk of the court of 5622
common pleas or the clerk of a municipal court or county court in 5623
the county in which the order or agreement is to be registered 5624
satisfactory proof that the petitioner is indigent, the clerk may 5625
waive any fee that otherwise would be required for accepting for 5626
registration a certified copy of the order or agreement, for 5627
placing an endorsement of registration on the order or agreement, 5628
or for giving the petitioner a copy of the order or agreement that 5629
bears the proof of registration. 5630

Sec. 3115.16. (A) When a responding tribunal of this state 5631
receives a complaint or comparable pleading from an initiating 5632
tribunal or directly pursuant to section 3115.12 of the Revised 5633
Code, it shall cause the complaint or pleading to be filed and 5634
notify the plaintiff where and when it was filed. 5635

(B) A responding tribunal of this state, to the extent 5636
otherwise authorized by law, may do one or more of the following 5637
consistent with applicable sections of Chapters 3105., 3109., 5638
3111., 3113., 3119., 3121., 3123., and 3125. of the Revised Code: 5639

(1) Issue or enforce a support order, modify a child support 5640
order, or determine the existence or nonexistence of a parent and 5641
child relationship; 5642

(2) Order an obligor to comply with a support order, 5643
specifying the amount and the manner of compliance; 5644

(3) Order income withholding; 5645

(4) Determine the amount of any arrearages, and specify a method of payment;	5646 5647
(5) Enforce orders by civil or criminal contempt, or both;	5648
(6) Set aside property for satisfaction of the support order;	5649 5650
(7) Place liens and order execution on the obligor's property;	5651 5652
(8) Order an obligor to keep the support enforcement agency of this state or the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;	5653 5654 5655 5656
(9) Issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;	5657 5658 5659 5660
(10) Order the obligor to seek appropriate employment by specified methods;	5661 5662
(11) Award reasonable attorney's fees and other fees and costs;	5663 5664
(12) Grant any other available remedy.	5665
(C) A responding tribunal or support enforcement agency of this state shall include in a support order issued under sections 3115.01 to 3115.59 of the Revised Code, or in the documents accompanying the order, the calculations on which the support order is based.	5666 5667 5668 5669 5670
(D) A responding tribunal of this state may not condition the payment of a support order issued under sections 3115.01 to 3115.59 of the Revised Code upon compliance by a party with provisions for parenting time <u>granted under an order issued pursuant to former section 3109.051 or 3109.12 of the Revised Code</u>	5671 5672 5673 5674 5675

or by a tribunal of another state or visitation. 5676

(E) If a responding tribunal or support enforcement agency of 5677
this state issues an order under sections 3115.01 to 3115.59 of 5678
the Revised Code, the tribunal or support enforcement agency shall 5679
send a copy of the order to the plaintiff and the defendant and to 5680
the initiating tribunal, if any. 5681

Sec. 3119.01. (A) As used in the Revised Code, "child support 5682
enforcement agency" means a child support enforcement agency 5683
designated under former section 2301.35 of the Revised Code prior 5684
to October 1, 1997, or a private or government entity designated 5685
as a child support enforcement agency under section 307.981 of the 5686
Revised Code. 5687

(B) As used in this chapter and Chapters 3121., 3123., and 5688
3125. of the Revised Code: 5689

(1) "Administrative child support order" means any order 5690
issued by a child support enforcement agency for the support of a 5691
child pursuant to section 3109.19 or 3111.81 of the Revised Code 5692
or former section 3111.211 of the Revised Code, section 3111.21 of 5693
the Revised Code as that section existed prior to January 1, 1998, 5694
or section 3111.20 or 3111.22 of the Revised Code as those 5695
sections existed prior to ~~the effective date of this section~~ March 5696
22, 2001. 5697

(2) "Child support order" means either a court child support 5698
order or an administrative child support order. 5699

(3) "Obligee" means the person who is entitled to receive the 5700
support payments under a support order. 5701

(4) "Obligor" means the person who is required to pay support 5702
under a support order. 5703

(5) "Support order" means either an administrative child 5704
support order or a court support order. 5705

(C) As used in this chapter:	5706
(1) "Combined gross income" means the combined gross income of both parents.	5707 5708
(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, 3119.70, or 3123.07 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	5709 5710 5711 5712 5713 5714 5715
(3) "Court support order" means either a court child support order or an order for the support of a spouse <u>or former spouse</u> issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, <u>3105.65</u> , 3113.31, or 3123.07 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	5716 5717 5718 5719 5720
(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.	5721 5722 5723
(5) "Income" means either of the following:	5724
(a) For a parent who is employed to full capacity, the gross income of the parent;	5725 5726
(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.	5727 5728 5729
(6) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.	5730 5731 5732 5733
(7) "Gross income" means, except as excluded in division (C)(7) of this section, the total of all earned and unearned	5734 5735

income from all sources during a calendar year, whether or not the
income is taxable, and includes income from salaries, wages,
overtime pay, and bonuses to the extent described in division (D)
of section 3119.05 of the Revised Code; commissions; royalties;
tips; rents; dividends; severance pay; pensions; interest; trust
income; annuities; social security benefits, including retirement,
disability, and survivor benefits that are not means-tested;
workers' compensation benefits; unemployment insurance benefits;
disability insurance benefits; benefits that are not means-tested
and that are received by and in the possession of the veteran who
is the beneficiary for any service-connected disability under a
program or law administered by the United States department of
veterans' affairs or veterans' administration; spousal support
actually received; and all other sources of income. "Gross income"
includes income of members of any branch of the United States
armed services or national guard, including, amounts representing
base pay, basic allowance for quarters, basic allowance for
subsistence, supplemental subsistence allowance, cost of living
adjustment, specialty pay, variable housing allowance, and pay for
training or other types of required drills; self-generated income;
and potential cash flow from any source.

"Gross income" does not include any of the following:

(a) Benefits received from means-tested government
administered programs, including Ohio works first; prevention,
retention, and contingency; means-tested veterans' benefits;
supplemental security income; food stamps; disability assistance;
or other assistance for which eligibility is determined on the
basis of income or assets;

(b) Benefits for any service-connected disability under a
program or law administered by the United States department of
veterans' affairs or veterans' administration that are not
means-tested, that have not been distributed to the veteran who is

the beneficiary of the benefits, and that are in the possession of 5768
the United States department of veterans' affairs or veterans' 5769
administration; 5770

(c) Child support received for children who were not born or 5771
adopted during the marriage at issue; 5772

(d) Amounts paid for mandatory deductions from wages such as 5773
union dues but not taxes, social security, or retirement in lieu 5774
of social security; 5775

(e) Nonrecurring or unsustainable income or cash flow items; 5776

(f) Adoption assistance and foster care maintenance payments 5777
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 5778
501, 42 U.S.C.A. 670 (1980), as amended. 5779

(8) "Nonrecurring or unsustainable income or cash flow item" 5780
means an income or cash flow item the parent receives in any year 5781
or for any number of years not to exceed three years that the 5782
parent does not expect to continue to receive on a regular basis. 5783
"Nonrecurring or unsustainable income or cash flow item" does not 5784
include a lottery prize award that is not paid in a lump sum or 5785
any other item of income or cash flow that the parent receives or 5786
expects to receive for each year for a period of more than three 5787
years or that the parent receives and invests or otherwise uses to 5788
produce income or cash flow for a period of more than three years. 5789

(9)(a) "Ordinary and necessary expenses incurred in 5790
generating gross receipts" means actual cash items expended by the 5791
parent or the parent's business and includes depreciation expenses 5792
of business equipment as shown on the books of a business entity. 5793

(b) Except as specifically included in "ordinary and 5794
necessary expenses incurred in generating gross receipts" by 5795
division (C)(9)(a) of this section, "ordinary and necessary 5796
expenses incurred in generating gross receipts" does not include 5797
depreciation expenses and other noncash items that are allowed as 5798

deductions on any federal tax return of the parent or the parent's 5799
business. 5800

(10) "Personal earnings" means compensation paid or payable 5801
for personal services, however denominated, and includes wages, 5802
salary, commissions, bonuses, draws against commissions, profit 5803
sharing, vacation pay, or any other compensation. 5804

(11) "Potential income" means both of the following for a 5805
parent who the court pursuant to a court support order, or a child 5806
support enforcement agency pursuant to an administrative child 5807
support order, determines is voluntarily unemployed or voluntarily 5808
underemployed: 5809

(a) Imputed income that the court or agency determines the 5810
parent would have earned if fully employed as determined from the 5811
following criteria: 5812

(i) The parent's prior employment experience; 5813

(ii) The parent's education; 5814

(iii) The parent's physical and mental disabilities, if any; 5815

(iv) The availability of employment in the geographic area in 5816
which the parent resides; 5817

(v) The prevailing wage and salary levels in the geographic 5818
area in which the parent resides; 5819

(vi) The parent's special skills and training; 5820

(vii) Whether there is evidence that the parent has the 5821
ability to earn the imputed income; 5822

(viii) The age and special needs of the child for whom child 5823
support is being calculated under this section; 5824

(ix) The parent's increased earning capacity because of 5825
experience; 5826

(x) Any other relevant factor. 5827

(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.

(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.

(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.

(14) "~~Split parental rights~~ parenting functions and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities pursuant to former section 3109.04 of the Revised Code or allocation of parenting functions and responsibilities pursuant to Chapter 3110. of the Revised Code and each parent is the residential parent ~~and legal custodian of~~ for purposes of receiving child support for at least one of those children.

(15) "Worksheet" means the applicable worksheet that is used to calculate a parent's child support obligation as set forth in sections 3119.022 and 3119.023 of the Revised Code.

Sec. 3119.02. In any action in which a court child support order is issued or modified, in any other proceeding in which the

court determines the amount of child support that will be ordered 5859
to be paid pursuant to a child support order, or when a child 5860
support enforcement agency determines the amount of child support 5861
that will be paid pursuant to an administrative child support 5862
order, the court or agency shall calculate the amount of the 5863
obligor's child support obligation in accordance with the basic 5864
child support schedule, the applicable worksheet, and the other 5865
provisions of sections 3119.02 to ~~3119.24~~ 3119.23 of the Revised 5866
Code. The court or agency shall specify the support obligation as 5867
a monthly amount due and shall order the support obligation to be 5868
paid in periodic increments as it determines to be in the best 5869
interest of the children. In performing its duties under this 5870
section, the court or agency is not required to accept any 5871
calculations in a worksheet prepared by any party to the action or 5872
proceeding. 5873

Sec. 3119.022. When a court or child support enforcement 5874
agency calculates the amount of child support to be paid pursuant 5875
to a child support order in a proceeding in which one parent is 5876
the residential parent ~~and legal custodian of~~ for purposes of 5877
receiving child support for all of the children who are the 5878
subject of the child support order ~~or in which the court issues a~~ 5879
~~shared parenting order~~, the court or agency shall use a worksheet 5880
identical in content and form to the following: 5881

CHILD SUPPORT COMPUTATION WORKSHEET 5882

~~SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER~~ 5883

FOR PURPOSES OF RECEIVING CHILD SUPPORT 5884

Name of parties 5885

Case No. 5886

Number of minor children 5887

The following parent was designated as residential parent ~~and~~ 5888

legal custodian for purposes of receiving child support:				5889
mother				5890
	Column I	Column II	Column III	5891
	Father	Mother	Combined	5892
INCOME				5893
1.a. Annual gross income from				5894
employment or, when				5895
determined appropriate				5896
by the court or agency,				5897
average annual gross income				5898
from employment over a				5899
reasonable period of years.				5900
(Exclude overtime, bonuses,				5901
self-employment income, or				5902
commissions).....	\$.....	\$.....		5903
b. Amount of overtime,				5904
bonuses, and commissions				5905
(year 1 representing the				5906
most recent year)				5907
	Father	Mother		5908
Yr. 3 \$.....		Yr. 3 \$.....		5909
(Three years ago)		(Three years ago)		5910
Yr. 2 \$.....		Yr. 2 \$.....		5911
(Two years ago)		(Two years ago)		5912
Yr. 1 \$.....		Yr. 1 \$.....		5913
(Last calendar year)		(Last calendar year)		5914
Average \$.....		Average \$.....		5915
(Include in Col. I and/or				5916
Col. II the average of the				5917
three years or the year 1				5918
amount, whichever is less,				5919
if there exists a reasonable				5920
expectation that the total				5921

earnings from overtime and/or			5922
bonuses during the current			5923
calendar year will meet or			5924
exceed the amount that is			5925
the lower of the average			5926
of the three years or the			5927
year 1 amount. If, however,			5928
there exists a reasonable			5929
expectation that the total			5930
earnings from overtime/			5931
bonuses during the current			5932
calendar year will be less			5933
than the lower of the average			5934
of the 3 years or the year 1			5935
amount, include only the			5936
amount reasonably expected			5937
to be earned this year.)... \$..... \$.....			5938
			5939
2. For self-employment income:			5940
a. Gross receipts from			5941
business..... \$..... \$.....			5942
b. Ordinary and necessary			5943
business expenses..... \$..... \$.....			5944
c. 5.6% of adjusted gross			5945
income or the actual			5946
marginal difference between			5947
the actual rate paid by the			5948
self-employed individual			5949
and the F.I.C.A. rate \$..... \$.....			5950
d. Adjusted gross income from			5951
self-employment (subtract			5952
the sum of 2b and 2c from			5953
2a)..... \$..... \$.....			5954

			5955
3.	Annual income from interest and dividends (whether or not taxable).....	\$.....	\$.....
			5956
			5957
			5958
			5959
4.	Annual income from unemployment compensation...	\$.....	\$.....
			5960
			5961
			5962
5.	Annual income from workers' compensation, disability insurance benefits, or social security disability/ retirement benefits.....	\$.....	\$.....
			5963
			5964
			5965
			5966
			5967
			5968
6.	Other annual income (identify).....	\$.....	\$.....
			5969
			5970
			5971
7.	Total annual gross income (add lines 1a, 1b, 2d, and 3-6).....	\$.....	\$.....
			5972
			5973
			5974
			5975
	ADJUSTMENTS TO INCOME		5976
8.	Adjustment for minor children born to or adopted by either parent and another parent who are living with this parent; adjustment does not apply to stepchildren (number of children times federal income tax exemption less child support received, not to exceed the federal tax exemption).....	\$.....	\$.....
			5977
			5978
			5979
			5980
			5981
			5982
			5983
			5984
			5985
			5986
			5987

			5988
9.	Annual court-ordered support		5989
	paid for other children....	\$..... \$.....	5990
			5991
10.	Annual court-ordered spousal		5992
	support paid to any spouse		5993
	or former spouse.....	\$..... \$.....	5994
			5995
11.	Amount of local income taxes		5996
	actually paid or estimated		5997
	to be paid.....	\$..... \$.....	5998
			5999
12.	Mandatory work-related		6000
	deductions such as union		6001
	dues, uniform fees, etc.		6002
	(not including taxes, social		6003
	security, or retirement)...	\$..... \$.....	6004
			6005
13.	Total gross income		6006
	adjustments (add lines		6007
	8 through 12).....	\$..... \$.....	6008
			6009
14.	Adjusted annual gross		6010
	income (subtract line 13		6011
	from line 7).....	\$..... \$.....	6012
			6013
15.	Combined annual income that		6014
	is basis for child support		6015
	order (add line 14, Col. I		6016
	and Col. II).....	\$.....	6017
			6018
16.	Percentage of parent's		6019
	income to total income		6020

a.	Father (divide line 14,	6021
	Col. I, by line 15, Col.	6022
	III).....%	6023
b.	Mother (divide line 14,	6024
	Col. II, by line 15, Col.	6025
	III).....%	6026
		6027
17.	Basic combined child	6028
	support obligation (refer	6029
	to schedule, first column,	6030
	locate the amount nearest	6031
	to the amount on line 15,	6032
	Col. III, then refer to	6033
	column for number of	6034
	children in this family.	6035
	If the income of the	6036
	parents is more than one	6037
	sum but less than another,	6038
	you may calculate the	6039
	difference.).....	\$..... 6040
		6041
18.	Annual support obligation per parent	6042
a.	Father (multiply line 17,	6043
	Col. III, by line 16a).....	\$..... 6044
b.	Mother (multiply line 17,	6045
	Col. III, by line 16b).....	\$..... 6046
		6047
19.	Annual child care expenses	6048
	for children who are the	6049
	subject of this order that	6050
	are work-, employment	6051
	training-, or education-	6052
	related, as approved by	6053

the court or agency			6054
(deduct tax credit from			6055
annual cost, whether or			6056
not claimed).....	\$.....	\$.....	6057
			6058
20. Marginal, out-of-pocket			6059
costs, necessary to provide			6060
for health insurance for			6061
the children who are the			6062
subject of this order.....	\$.....	\$.....	6063
			6064
21. ADJUSTMENTS TO CHILD SUPPORT			6065
Father (only if obligor	Mother (only if obligor		6066
or shared parenting)	or shared parenting)		6067
a. Additions: line 16a	b. Additions: line 16b		6068
times sum of amounts	times sum of amounts		6069
shown on line 19, Col. II	shown on line 19, Col. I		6070
and line 20, Col. II	and line 20, Col. I		6071
\$.....	\$.....		6072
c. Subtractions: line 16b	d. Subtractions: line 16a		6073
times sum of amounts	times sum of amounts		6074
shown on line 19, Col. I	shown on line 19, Col. II		6075
and line 20, Col. I	and line 20, Col. II		6076
\$.....	\$.....		6077
			6078
22. OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT:			6079
a. Father: line 18a plus or minus			6080
the difference between line			
21a minus line 21c			6081
.....	\$.....		6082
b. Mother: line 18b plus or minus			6083
the difference between line			
21b minus line 21d			6084

.....	\$.....	6085
		6086
23. ACTUAL ANNUAL OBLIGATION:		6087
a. (Line 22a or 22b, whichever		6088
line corresponds to the		6089
parent who is the obligor).	\$.....	6090
b. Any non-means-tested		6091
benefits, including social		6092
security and veterans'		6093
benefits, paid to and		6094
received by a child or a		6095
person on behalf of the		6096
child due to death,		6097
disability, or retirement		6098
of the parent.....	\$.....	6099
c. Actual annual obligation		6100
(subtract line 23b from		6101
line 23a).....	\$.....	6102
		6103
24. a. Deviation from sole residential parent support amount shown		6104
on line 23c if amount would be unjust or inappropriate: (see		6105
section 3119.23 of the Revised Code.) (Specific facts and		6106
monetary value must be stated.)		6107
.....		6108
.....		6109
.....		6110
.....		6111
b. Deviation from shared parenting order: (see sections 3119.23		6112
and 3119.24 of the Revised Code.) (Specific facts including		6113
amount of time children spend with each parent, ability of		6114
each parent to maintain adequate housing for children, and		6115
each parent's expenses for children must be stated to justify		6116
deviation.)		6117

.....	6118
.....	6119
.....	6120
.....	6121
.....	6122
25. FINAL FIGURE (This amount	6123
reflects final annual child	6124
support obligation; line	6125
23c plus or minus any	6126
amounts indicated in line	6127
24a or 24b) \$..... Father/Mother,	6128
OBLIGOR	
.....	6129
26. FOR DECREE: Child support	6130
per month (divide obligor's	6131
annual share, line 25, by	6132
12) plus any processing	6133
charge..... \$.....	6134
Prepared by:	6135
Counsel: Pro se:	6136
(For mother/father)	6137
CSEA: Other:	6138
Worksheet Has Been Reviewed and Agreed To:	6139
.....	6140
Mother Date	6141
.....	6142
Father Date	6143
Sec. 3119.023. When a court or child support enforcement	6144
agency calculates the amount of child support to be paid pursuant	6145
to a court child support order in a proceeding in which the	6146
parents have split parental rights <u>parenting functions</u> and	6147
responsibilities with respect to the children who are the subject	6148

Yr. 1 \$.....	Yr. 1 \$.....	6180
(Last calendar year)	(Last calendar year)	6181
Average \$.....	\$.....	6182
(Include in Col. I and/or		6183
Col. II the average of the		6184
three years or the year 1		6185
amount, whichever is less,		6186
if there exists a reasonable		6187
expectation that the total		6188
earnings from overtime and/or		6189
bonuses during the current		6190
calendar year will meet or		6191
exceed the amount that is		6192
the lower of the average		6193
of the three years or the		6194
year 1 amount. If, however,		6195
there exists a reasonable		6196
expectation that the total		6197
earnings from overtime/		6198
bonuses during the current		6199
calendar year will be less		6200
than the lower of the average		6201
of the 3 years or the year 1		6202
amount, include only the		6203
amount reasonably expected		6204
to be earned this year.)... \$..... \$.....		6205
		6206
2. For self-employment income		6207
a. Gross receipts from		6208
business..... \$..... \$.....		6209
b. Ordinary and necessary		6210
business expenses..... \$..... \$.....		6211
c. 5.6% of adjusted gross		6212

income or the actual			6213
marginal difference between			6214
the actual rate paid by the			6215
self-employed individual			6216
and the F.I.C.A. rate	\$.....	\$.....	6217
d. Adjusted gross income from			6218
self-employment (subtract			6219
the sum of 2b and 2c from			6220
2a).....	\$.....	\$.....	6221
			6222
3. Annual income from interest			6223
and dividends (whether or			6224
not taxable).....	\$.....	\$.....	6225
			6226
4. Annual income from			6227
unemployment compensation...	\$.....	\$.....	6228
			6229
5. Annual income from workers'			6230
compensation, disability			6231
insurance benefits or social			6232
security disability			6233
retirement benefits.....	\$.....	\$.....	6234
			6235
6. Other annual income			6236
(identify).....	\$.....	\$.....	6237
			6238
7. Total annual gross income			6239
(add lines 1a, 1b, 2d, and			6240
3-6).....	\$.....	\$.....	6241
			6242
ADJUSTMENTS TO INCOME			6243
8. Adjustment for minor children			6244
born to or adopted by either			6245

parent and another parent who			6246
are living with this parent;			6247
adjustment does not apply			6248
to stepchildren (number of			6249
children times federal income			6250
tax exemption less child			6251
support received, not to			6252
exceed the federal tax			6253
exemption).....	\$.....	\$.....	6254
			6255
9. Annual court-ordered support			6256
paid for other children....	\$.....	\$.....	6257
			6258
10. Annual court-ordered spousal			6259
support paid to any spouse			6260
or former spouse.....	\$.....	\$.....	6261
			6262
11. Amount of local income taxes			6263
actually paid or estimated			6264
to be paid.....	\$.....	\$.....	6265
			6266
12. Mandatory work-related			6267
deductions such as union			6268
dues, uniform fees, etc.			6269
(not including taxes, social			6270
security, or retirement)...	\$.....	\$.....	6271
			6272
13. Total gross income			6273
adjustments (add lines			6274
8 through 12).....	\$.....	\$.....	6275
			6276
14. Adjusted annual gross			6277
income (subtract line 13			6278

from 7).....	\$.....	\$.....	6279
			6280
15. Combined annual income that			6281
is basis for child support			6282
order (add line 14, Col. I			6283
and Col. II).....		\$.....	6284
			6285
16. Percentage of parent's			6286
income to total income			6287
a. Father (divide line 14,			6288
Col. I, by line 15, Col.			6289
III).....%			6290
b. Mother (divide line 14,			6291
Col. II, by line 15, Col.			6292
III).....%			6293
			6294
17. Basic combined child			6295
support obligation (refer			6296
to schedule, first column,			6297
locate the amount nearest			6298
to the amount on line 15,			6299
Col. III, then refer to			6300
column for number of			6301
children with this parent.			6302
If the income of the			6303
parents is more than one			6304
sum but less than another,			6305
you may calculate the			6306
difference).....			6307
			6308
	For children	For children	6309
	for whom the	for whom the	6310
	mother is the	father is the	6311

	residential	residential	6312
	parent and	parent and	6313
	legal custodian	legal custodian	6314
	<u>for purposes</u>	<u>for purposes</u>	6315
	<u>of receiving</u>	<u>of receiving</u>	6316
	<u>child support</u>	<u>child support</u>	6317
	\$.....	\$.....	6318
			6319
18.	Annual support obligation per parent		6320
a.	Of father for children for		6321
	whom mother is the		6322
	residential parent and		6323
	legal custodian <u>for</u>		6324
	<u>purposes of receiving</u>		6325
	<u>child support</u> (multiply		6326
	line 17, Col. I, by line		6327
	16a).....	\$.....	6328
b.	Of mother for children for		6329
	whom the father is the		6330
	residential parent and		6331
	legal custodian <u>for</u>		6332
	<u>purposes of receiving</u>		6333
	<u>child support</u> (multiply		6334
	line 17, Col. II, by line		6335
	16b).....	\$.....	6336
			6337
19.	Annual child care expenses		6338
	for children who are the		6339
	subject of this order that		6340
	are work-, employment		6341
	training-, or education-		6342
	related, as approved by		6343
	the court or agency		6344

(deduct tax credit from			6345
annual cost whether or			6346
not claimed).....	Paid by	Paid by	6347
	father	mother	6348
	\$.....	\$.....	6349
			6350
20. Marginal, out-of-pocket			6351
costs, necessary to provide			6352
for health insurance for			6353
the children who are the			6354
subject of this order.....	Paid by	Paid by	6355
	father	mother	6356
	\$.....	\$.....	6357
			6358
21. ADJUSTMENTS TO CHILD SUPPORT			6359
Father		Mother	6360
a. Additions: line 16a		b. Additions: line 16b	6361
times sum of amounts		times sum of amounts	6362
shown on line 19, Col. II		shown on line 19, Col. I	6363
and line 20, Col. II		and line 20, Col. I	6364
\$.....		\$.....	6365
c. Subtractions: line 16b		d. Subtractions: line 16a	6366
times sum of amounts		times sum of amounts	6367
shown on line 19, Col. I		shown on line 19, Col. II	6368
and line 20, Col. I		and line 20, Col. II	6369
\$.....		\$.....	6370
			6371
22. ACTUAL ANNUAL OBLIGATION:			6372
a. Father: line 18a plus line			6373
21a minus line 21c (if the			6374
amount on line 21c is			6375
greater than or equal to			6376
the amount on line 21a--			6377

enter the number on line		6378
18a in Col. I).....	\$.....	6379
b. Any non-means-tested		6380
benefits, including social		6381
security and veterans'		6382
benefits, paid to and		6383
received by children for		6384
whom the mother is the		6385
residential parent and		6386
legal custodian for		6387
<u>purposes of receiving</u>		6388
<u>child support</u> or a person		6389
on behalf of those children		6390
due to death, disability,		6391
or retirement of the		6392
father.....	\$.....	6393
c. Actual annual obligation of		6394
father (subtract line 22b		6395
from line 22a).....	\$.....	6396
d. Mother: line 18b plus line		6397
21b minus line 21d (if the		6398
amount on line 21d is		6399
greater than or equal to		6400
the amount on line		6401
21b--enter the number on		6402
line 18b in Col. II).....	\$.....	6403
e. Any non-means-tested		6404
benefits, including social		6405
security and veterans'		6406
benefits, paid to and		6407
received by children for		6408
whom the father is the		6409
residential parent and		6410

<u>legal custodian for</u>	6411
<u>purposes of receiving</u>	6412
<u>child support</u> or a person	6413
on behalf of those children	6414
due to death, disability,	6415
or retirement of the	6416
mother.....	\$..... 6417
f. Actual annual obligation	6418
of mother (subtract line 22e	6419
from line 22d).....	\$..... 6420
g. Actual annual obligation	6421
payable (subtract lesser	6422
actual annual obligation	6423
from greater actual annual	6424
obligation using amounts in	6425
lines 22c and 22f to	6426
determine net child support	6427
payable).....	\$..... \$..... 6428
	6429
23. Deviation from split residential parent guideline amount	6430
shown on line 22c or 22f if amount would be unjust or	6431
inappropriate: (see section 3119.23 of the Revised Code.)	6432
(Specific facts and monetary value must be stated.)	6433
.....	6434
.....	6435
.....	6436
.....	6437
	6438
24. FINAL FIGURE (This amount	6439
reflects final annual child	6440
support obligation; line	6441
22g plus or minus any	6442
amounts indicated in line	6443

23.).....	\$..... Father/Mother,	6444
	OBLIGOR	
		6445
25. FOR DECREE: Child support		6446
per month (divide obligor's		6447
annual share, line 24, by		6448
12) plus any processing		6449
charge.....	\$.....	6450
Prepared by:		6451
Counsel:	Pro se:	6452
(For mother/father)		6453
CSEA:	Other:	6454
Worksheet Has Been Reviewed and Agreed To:		6455
.....	6456
Mother	Date	6457
.....	6458
Father	Date	6459
Sec. 3119.07. (A) Except when the parents have split parental		6460
rights <u>parenting functions</u> and responsibilities, a parent's child		6461
support obligation for a child for whom the parent is the		6462
residential parent and legal custodian for purposes of receiving		6463
<u>child support</u> shall be presumed to be spent on that child and		6464
shall not become part of a child support order, and a parent's		6465
child support obligation for a child for whom the parent is not		6466
the residential parent and legal custodian for purposes of		6467
<u>receiving child support</u> shall become part of a child support		6468
order.		6469
(B) If the parents have split parental rights <u>parenting</u>		6470
<u>functions</u> and responsibilities, the child support obligations of		6471
the parents shall be offset, and the court shall issue a child		6472
support order requiring the parent with the larger child support		6473
obligation to pay the net amount pursuant to the child support		6474

order. 6475

(C) ~~If neither parent of a child who is the subject of a~~ 6476
~~child support order is the residential parent and legal custodian~~ 6477
~~of the child and the child resides with a third party who is the~~ 6478
legal custodian of the child pursuant to an order issued under 6479
former section 3109.04 of the Revised Code or section 3110.05 of 6480
the Revised Code, the court shall issue a child support order 6481
requiring ~~each parent~~ the parents to pay that parent's child 6482
support obligation pursuant to the child support order. 6483

Sec. 3119.09. The court shall not authorize or permit the 6484
escrowing, impoundment, or withholding of any child support 6485
payment because of a denial of or interference with parenting time 6486
functions and responsibilities allocated under a parenting order 6487
issued under Chapter 3110. of the Revised Code or with a right of 6488
parenting time granted pursuant to former section 3109.051 or 6489
3109.12 of the Revised Code or visitation ~~included as a specific~~ 6490
~~provision of the child support order or as a method of enforcing~~ 6491
~~the specific provisions of the child support order dealing with~~ 6492
the parenting order, parenting time, or visitation. 6493

Sec. 3119.23. The court may consider any of the following 6494
factors in determining whether to grant a deviation pursuant to 6495
section 3119.22 of the Revised Code: 6496

(A) Special and unusual needs of the children; 6497

(B) Extraordinary obligations for minor children or 6498
obligations for handicapped children who are not stepchildren and 6499
who are not offspring from the marriage or relationship that is 6500
the basis of the immediate child support determination; 6501

(C) Other court-ordered payments; 6502

(D) ~~Extended parenting time or extraordinary costs associated~~ 6503
~~with parenting time, provided that this division does not~~ 6504

~~authorize and shall not be construed as authorizing any deviation~~ 6505
~~from the schedule and the applicable worksheet, through the line~~ 6506
~~establishing the actual annual obligation, or any escrowing,~~ 6507
~~impoundment, or withholding of child support because of a denial~~ 6508
~~of or interference with a right of parenting time granted by court~~ 6509
~~order.~~ Extraordinary circumstances of the parents, including the 6510
following: 6511

(1) The amount of time the children spend with each parent; 6512

(2) The ability of each parent to maintain adequate housing 6513
for the children; 6514

(3) Each parent's expenses, including child care expenses, 6515
school tuition, medical expenses, and dental expenses. 6516

(E) The obligor obtaining additional employment after a child 6517
support order is issued in order to support a second family; 6518

(F) The financial resources and the earning ability of the 6519
child; 6520

(G) Disparity in income between parties or households; 6521

(H) Benefits that either parent receives from remarriage or 6522
sharing living expenses with another person; 6523

(I) The amount of federal, state, and local taxes actually 6524
paid or estimated to be paid by a parent or both of the parents; 6525

(J) Significant in-kind contributions from a parent, 6526
including, but not limited to, direct payment for lessons, sports 6527
equipment, schooling, or clothing; 6528

(K) The relative financial resources, other assets and 6529
resources, and needs of each parent; 6530

(L) The standard of living and circumstances of each parent 6531
and the standard of living the child would have enjoyed had the 6532
marriage continued or had the parents been married; 6533

(M) The physical and emotional condition and needs of the child; 6534
6535

(N) The need and capacity of the child for an education and the educational opportunities that would have been available to the child had the circumstances requiring a court order for support not arisen; 6536
6537
6538
6539

(O) The responsibility of each parent for the support of others; 6540
6541

(P) Any other relevant factor. 6542

The court may accept an agreement of the parents that assigns a monetary value to any of the factors and criteria listed in this section that are applicable to their situation. 6543
6544
6545

If the court grants a deviation based on division (P) of this section, it shall specifically state in the order the facts that are the basis for the deviation. 6546
6547
6548

Sec. 3119.63. The child support enforcement agency shall review a court child support order on the date established pursuant to section 3119.60 of the Revised Code for formally beginning the review of the order and shall do all of the following: 6549
6550
6551
6552
6553

(A) Calculate a revised amount of child support to be paid under the court child support order; 6554
6555

(B) Give the obligor and obligee notice of the revised amount of child support, of their right to request an administrative hearing on the revised amount, of the procedures and time deadlines for requesting the hearing, and that the revised amount of child support will be submitted to the court for inclusion in a revised court child support order unless the obligor or obligee requests an administrative hearing on the proposed change within fourteen days after receipt of the notice under this division; 6556
6557
6558
6559
6560
6561
6562
6563

6564
(C) Give the obligor and obligee notice that if the court 6565
child support order contains a deviation granted under section 6566
3119.23 ~~or 3119.24~~ of the Revised Code or if the obligor or 6567
obligee intends to request a deviation from the child support 6568
amount to be paid under the court child support order, the obligor 6569
and obligee have a right to request a court hearing on the revised 6570
amount of child support without first requesting an administrative 6571
hearing and that the obligor or obligee, in order to exercise this 6572
right, must make the request for a court hearing no later than 6573
fourteen days after receipt of the notice; 6574

(D) If neither the obligor nor the obligee timely requests, 6575
pursuant to division (C) of this section, an administrative or 6576
court hearing on the revised amount of child support, submit the 6577
revised amount of child support to the court for inclusion in a 6578
revised court child support order; 6579

(E) If the obligor or the obligee timely requests an 6580
administrative hearing on the revised child support amount, 6581
schedule a hearing on the issue, give the obligor and obligee 6582
notice of the date, time, and location of the hearing, conduct the 6583
hearing in accordance with the rules adopted under section 3119.76 6584
of the Revised Code, redetermine at the hearing a revised amount 6585
of child support to be paid under the court child support order, 6586
and give notice to the obligor and obligee of the revised amount 6587
of child support, that they may request a court hearing on the 6588
revised amount, and that the agency will submit the revised amount 6589
of child support to the court for inclusion in a revised court 6590
child support order, if neither the obligor nor the obligee 6591
requests a court hearing on the revised amount of child support; 6592

(F) If neither the obligor nor the obligee requests, pursuant 6593
to division (E) of this section, a court hearing on the revised 6594
amount of child support, submit the revised amount of child 6595

support to the court for inclusion in a revised court child support order. 6596
6597

Sec. 3119.82. Whenever a court issues, or whenever it 6598
modifies, reviews, or otherwise reconsiders a court child support 6599
order, it shall designate which parent may claim the children who 6600
are the subject of the court child support order as dependents for 6601
federal income tax purposes as set forth in section 151 of the 6602
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 6603
amended. If the parties agree on which parent should claim the 6604
children as dependents, the court shall designate that parent as 6605
the parent who may claim the children. If the parties do not 6606
agree, the court, in its order, may permit the parent who is not 6607
the residential parent ~~and legal custodian~~ for purposes of 6608
receiving child support to claim the children as dependents for 6609
federal income tax purposes only if the court determines that this 6610
furthers the best interest of the children and, with respect to 6611
orders the court modifies, reviews, or reconsiders, the payments 6612
for child support are substantially current as ordered by the 6613
court for the year in which the children will be claimed as 6614
dependents. In cases in which the parties do not agree which 6615
parent may claim the children as dependents, the court shall 6616
consider, in making its determination, any net tax savings, the 6617
relative financial circumstances and needs of the parents and 6618
children, the amount of time the children spend with each parent, 6619
the eligibility of either or both parents for the federal earned 6620
income tax credit or other state or federal tax credit, and any 6621
other relevant factor concerning the best interest of the 6622
children. 6623

If the court determines that the parent who is not the 6624
residential parent ~~and legal custodian~~ for purposes of receiving 6625
child support may claim the children as dependents for federal 6626
income tax purposes, it shall order the residential parent for 6627

purposes of receiving child support to take whatever action is 6628
necessary pursuant to section 152 of the "Internal Revenue Code of 6629
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, to enable the 6630
parent who is not the residential parent ~~and legal custodian for~~ 6631
purposes of receiving child support to claim the children as 6632
dependents for federal income tax purposes in accordance with the 6633
order of the court. Any willful failure of the residential parent 6634
for purposes of receiving child support to comply with the order 6635
of the court is contempt of court. 6636

Sec. 3119.87. The parent who is the residential parent ~~and~~ 6637
~~legal custodian of a child for whom~~ for purposes of receiving 6638
child support under a child support order is issued or the person 6639
who otherwise has custody of a child for whom a child support 6640
order is issued immediately shall notify, and the obligor under a 6641
child support order may notify, the child support enforcement 6642
agency administering the child support order of any reason for 6643
which the child support order should terminate. With respect to a 6644
court child support order, a willful failure to notify the child 6645
support enforcement agency as required by this division is 6646
contempt of court. 6647

Sec. 3119.964. (A) If a court grants relief from a judgment, 6648
order, or determination pursuant to section 3119.962 of the 6649
Revised Code and if the person who is relieved or the male minor 6650
has been allocated parenting functions and responsibilities under 6651
a parenting order issued pursuant to Chapter 3110. of the Revised 6652
Code, has been granted parenting time rights pursuant to an order 6653
issued under former section 3109.051 or 3109.12 of the Revised 6654
Code, or if any relative of the person or male minor has been 6655
granted companionship or visitation rights with the child pursuant 6656
to an order issued under former section 3109.051 or 3109.12 or 6657
section 3110.89 or 3110.91 of the Revised Code, the court shall 6658

determine whether the order granting those rights should be 6659
terminated, modified, or continued. 6660

(B) If a court grants relief from a child support order 6661
pursuant to section 3119.962 of the Revised Code and support 6662
arrearages are owed, the court may issue an order canceling that 6663
arrearage. Nothing in this section limits any actions that may be 6664
taken by the person or male minor granted relief under this 6665
section to recover support paid under the child support order from 6666
which relief was granted. 6667

Sec. 3125.03. The office of child support shall establish and 6668
administer a program of child support enforcement that meets the 6669
requirements of Title IV-D of the "Social Security Act," 88 Stat. 6670
2351 (1975), 42 U.S.C. 651, as amended, and any rules adopted 6671
under Title IV-D. The program of child support enforcement shall 6672
include the location of absent parents, establishment of 6673
parentage, establishment and modification of child support orders 6674
and medical support orders, enforcement of support orders, 6675
collection of support obligations, and any other actions 6676
appropriate to child support enforcement. 6677

Absent parents shall be located for any purpose under the 6678
child support enforcement program and for purposes of ~~establishing~~ 6679
~~and enforcing orders issued under former section 3109.04 of the~~ 6680
Revised Code allocating parental rights and responsibilities, and 6681
for purposes of establishing or enforcing parenting orders issued 6682
under Chapter 3110. of the Revised Code allocating parenting 6683
functions and responsibilities, between parents concerning their 6684
children and ~~establishing and enforcing parenting time orders~~ 6685
issued under former section 3109.051 or 3109.12 of the Revised 6686
Code that are still in effect concerning the children. 6687

Sec. 3125.06. The department of job and family services shall 6688

enter into an agreement with the secretary of health and human 6689
services, as authorized by the "Parental Kidnapping Prevention Act 6690
of 1980," 94 Stat. 3572, 42 U.S.C. 663, as amended, under which 6691
the services of the parent locator service established pursuant to 6692
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 6693
U.S.C. 651, as amended, are made available to this state for the 6694
following purposes: 6695

(A) Determining the whereabouts of any absent parent or child 6696
in order to enforce a law with respect to the unlawful taking or 6697
restraint of a child; 6698

(B) ~~Making or enforcing~~ Enforcing a determination made 6699
pursuant to former section 3109.04 of the Revised Code, as to the 6700
allocation, between the parents of a child, of the parental rights 6701
and responsibilities for the care of a child and the designation 6702
of the residential parent and legal custodian of a child or 6703
otherwise as to the custody of a child; 6704

(C) Making or enforcing a determination made under Chapter 6705
3110. of the Revised Code as to the allocation, between the 6706
parents of a child, of the parenting functions and 6707
responsibilities for the care of a child and the designation of 6708
the residential parent of a child or otherwise as to the custody 6709
of the child; 6710

(D) Enforcing a parenting time issued under former section 6711
3109.051 or 3109.12 of the Revised Code order with respect to a 6712
child. 6713

Sec. 3125.43. The department of taxation shall not provide 6714
any information to the office of child support, except as provided 6715
in this section. For purposes of the establishment of paternity, 6716
the establishment, modification, or enforcement of support orders, 6717
and the location of absent parents pursuant to child support 6718

enforcement activities and activities to establish and enforce 6719
orders allocating parenting rights and responsibilities and to 6720
enforce parenting time orders issued under former section 3109.051 6721
or 3109.12 of the Revised Code that are still in effect, the 6722
office is authorized to obtain information concerning the 6723
residential address and income of taxpayers if that information is 6724
contained in the state tax records maintained by the department. 6725
The department shall not provide any information to the office if 6726
the provision of the information is prohibited by state or federal 6727
law. 6728

Sec. 3313.205. The board of education of each school district 6729
shall adopt a written policy with respect to the notification of a 6730
student's parents, parent who is the residential parent ~~and legal~~ 6731
~~custodian~~, guardian, or legal custodian or any other person 6732
responsible for the student within a reasonable time after the 6733
determination that the student is absent from school. The 6734
student's parents, parent who is the residential parent ~~and legal~~ 6735
~~custodian~~, guardian, or legal custodian or any other person 6736
responsible for the student shall provide the school that the 6737
student attends a current address and a telephone number at which 6738
the student's parents, parent who is the residential parent ~~and~~ 6739
~~legal custodian~~, guardian, or legal custodian or any other person 6740
that is responsible for the student can receive notice that the 6741
student is absent from school. 6742

Sec. 3313.672. (A)(1) At the time of ~~his~~ initial entry to a 6743
public or nonpublic school, a pupil shall present to the person in 6744
charge of admission any records given ~~him~~ the pupil by the public 6745
or nonpublic elementary or secondary school ~~he~~ the pupil most 6746
recently attended; a certified copy of an order or decree, or 6747
modification of such an order or decree allocating ~~parental rights~~ 6748
parenting functions and responsibilities for the care of a child 6749

and designating a residential parent ~~and legal custodian~~ of the 6750
child, as provided in division (B) of this section, if that type 6751
of order or decree has been issued; and a certification of birth 6752
issued pursuant to Chapter 3705. of the Revised Code, a comparable 6753
certificate or certification issued pursuant to the statutes of 6754
another state, territory, possession, or nation, or a document in 6755
lieu of a certificate or certification as described in divisions 6756
(A)(1)(a) to (e) of this section. Any of the following shall be 6757
accepted in lieu of a certificate or certification of birth by the 6758
person in charge of admission: 6759

(a) A passport or attested transcript of a passport filed 6760
with a registrar of passports at a point of entry of the United 6761
States showing the date and place of birth of the child; 6762

(b) An attested transcript of the certificate of birth; 6763

(c) An attested transcript of the certificate of baptism or 6764
other religious record showing the date and place of birth of the 6765
child; 6766

(d) An attested transcript of a hospital record showing the 6767
date and place of birth of the child; 6768

(e) A birth affidavit. 6769

(2) Within twenty-four hours of the entry into the school of 6770
a pupil described in division (A)(1) of this section, a school 6771
official shall request the pupil's official records from the 6772
public or nonpublic elementary or secondary school ~~he~~ the pupil 6773
most recently attended. If the public or nonpublic school the 6774
pupil claims to have most recently attended indicates that it has 6775
no record of the pupil's attendance or the records are not 6776
received within fourteen days of the date of request, or if the 6777
pupil does not present a certification of birth described in 6778
division (A)(1) of this section, a comparable certificate or 6779
certification from another state, territory, possession, or 6780

nation, or another document specified in divisions (A)(1)(a) to 6781
(d) of this section, the principal or chief administrative officer 6782
of the school shall notify the law enforcement agency having 6783
jurisdiction in the area where the pupil resides of this fact and 6784
of the possibility that the pupil may be a missing child, as 6785
defined in section 2901.30 of the Revised Code. 6786

(B) Whenever an order or decree allocating ~~parental rights~~ 6787
parenting functions and responsibilities for the care of a child 6788
and designating a residential parent ~~and legal custodian~~ of the 6789
child, including a temporary order, is issued resulting from an 6790
action of divorce, alimony, annulment, or dissolution of marriage, 6791
and the order or decree pertains to a child who is a pupil in a 6792
public or nonpublic school, the residential parent of the child 6793
shall notify the school of those allocations and designations by 6794
providing the person in charge of admission at the pupil's school 6795
with a certified copy of the order or decree that made the 6796
allocation and designation. Whenever there is a modification of 6797
any order or decree allocating ~~parental rights~~ parenting functions 6798
and responsibilities for the care of a child and designating a 6799
residential parent ~~and legal custodian~~ of the child that has been 6800
submitted to a school, the residential parent shall provide the 6801
person in charge of admission at the pupil's school with a 6802
certified copy of the order or decree that makes the modification. 6803

(C) If, at the time of a pupil's initial entry to a public or 6804
nonpublic school, the pupil is under the care of a shelter for 6805
victims of domestic violence, as defined in section 3113.33 of the 6806
Revised Code, the pupil or ~~his~~ the pupil's parent shall notify the 6807
school of that fact. Upon being so informed, the school shall 6808
inform the elementary or secondary school from which it requests 6809
the pupil's records of that fact. 6810

Sec. 3313.96. (A) As used in this section, "minor," "missing 6811
child," and "missing children" have the same meanings as in 6812

section 2901.30 of the Revised Code. 6813

(B) Each board of education shall develop within its district 6814
informational programs for students, parents, and community 6815
members relative to missing children issues and matters. Each of 6816
these boards may request copies of the informational materials 6817
acquired or prepared by the missing children clearinghouse 6818
pursuant to section 109.65 of the Revised Code and may request 6819
assistance from the clearinghouse in developing its programs. 6820
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The principal or chief administrative officer of a nonpublic 6822
school in this state may develop within ~~his~~ the principal's or 6823
officer's school informational programs relative to missing 6824
children issues and matters for students, parents, and community 6825
members. The principal or officer may request copies of the 6826
informational materials acquired or prepared by the missing 6827
children clearinghouse and may request assistance from the 6828
clearinghouse in developing its programs. 6829

(C) Each board of education may develop a fingerprinting 6830
program for students and minors within the district. The principal 6831
or chief administrative officer of a nonpublic school in this 6832
state may develop a fingerprinting program for students of the 6833
school. If developed, the program shall be developed in 6834
conjunction with law enforcement agencies having jurisdiction 6835
within the school district or where the nonpublic school is 6836
located and, in the case of a local school district, in 6837
conjunction with the governing board of the educational service 6838
center. Such law enforcement agencies shall cooperate fully with 6839
the board or nonpublic school in the development of its 6840
fingerprinting program. 6841

If developed, the fingerprinting program shall be developed 6842
for the sole purpose of providing a means by which a missing child 6843
might be located or identified and shall be operated on the 6844

following basis:

(1) No student or minor shall be required to participate in the program.

(2) In order for a student or minor to participate in the program, the parents, parent who is the residential parent ~~and legal custodian~~, guardian, legal custodian, or other person responsible for the student or minor shall authorize the student's or minor's participation by signing a form that shall be developed by the board of education or by the principal or chief administrative officer of the nonpublic school, for the program.

(3) The fingerprinting of students or minors shall be performed by members of the associated law enforcement agencies on fingerprint sheets provided to the school districts or nonpublic schools by the bureau of criminal identification and investigation pursuant to section 109.58 of the Revised Code or on fingerprint sheets or cards otherwise acquired.

(4) All fingerprint cards shall be given to the parents, parent who is the residential parent ~~and legal custodian~~, guardian, legal custodian, or other person responsible for a student or minor after the fingerprinting of the student or minor. No copy of a fingerprinting shall be retained by a law enforcement agency, school, school district, or any other person except the student or minor's parent, guardian, or legal custodian.

(5) The name, sex, hair and eye color, height, weight, and date and place of birth of the student or minor shall be indicated on the fingerprint sheet or card.

(6) The fingerprinting program developed pursuant to this section shall be offered on a periodic basis. Parents, guardians, legal custodians, and residents of the districts or in the communities served by the schools shall be notified periodically of the program and its purpose. These notifications may be given

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by means of memoranda or letters sent to these persons, by 6876
newspaper articles, or by other reasonable means. 6877

(D) This section does not affect any fingerprinting programs 6878
for minors that are provided by private organizations or 6879
governmental entities other than school districts. 6880

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 6881
and division (D) of section 3311.52 of the Revised Code, the 6882
provisions of this section and sections 3313.981 to 3313.983 of 6883
the Revised Code that apply to a city school district do not apply 6884
to a joint vocational or cooperative education school district 6885
unless expressly specified. 6886

(A) As used in this section and sections 3313.981 to 3313.983 6887
of the Revised Code: 6888

(1) "Parent" means either of the natural or adoptive parents 6889
of a student, except under the following conditions: 6890

(a) When the marriage of the natural or adoptive parents of 6891
the student has been terminated by a divorce, dissolution of 6892
marriage, or annulment or the natural or adoptive parents of the 6893
student are living separate and apart under a legal separation 6894
decree and the court has issued an order allocating the parental 6895
rights and responsibilities under former section 3109.04 of the 6896
Revised Code or allocating the parenting functions and 6897
responsibilities under Chapter 3110. of the Revised Code, with 6898
respect to the student, "parent" means the residential parent ~~as~~ 6899
~~designated by the court except that "parent" means either parent~~ 6900
~~when the court issues a shared parenting decree.~~ 6901

(b) When a court has granted temporary or permanent custody 6902
of the student to an individual or agency other than either of the 6903
natural or adoptive parents of the student, "parent" means the 6904
legal custodian of the child. 6905

(c) When a court has appointed a guardian for the student, 6906
"parent" means the guardian of the student. 6907

(2) "Native student" means a student entitled under section 6908
3313.64 or 3313.65 of the Revised Code to attend school in a 6909
district adopting a resolution under this section. 6910

(3) "Adjacent district" means a city, exempted village, or 6911
local school district having territory that abuts the territory of 6912
a district adopting a resolution under this section. 6913

(4) "Adjacent district student" means a student entitled 6914
under section 3313.64 or 3313.65 of the Revised Code to attend 6915
school in an adjacent district. 6916

(5) "Adjacent district joint vocational student" means an 6917
adjacent district student who enrolls in a city, exempted village, 6918
or local school district pursuant to this section and who also 6919
enrolls in a joint vocational school district that does not 6920
contain the territory of the district for which that student is a 6921
native student and does contain the territory of the city, 6922
exempted village, or local district in which the student enrolls. 6923

(6) "Formula amount" has the same meaning as in section 6924
3317.02 of the Revised Code. 6925

(7) "Adjusted formula amount" means the formula amount 6926
multiplied by the cost-of-doing-business factor for a district 6927
defined in section 3317.02 of the Revised Code. 6928

(8) "Poverty line" means the poverty line established by the 6929
director of the United States office of management and budget as 6930
revised by the director of the office of community services in 6931
accordance with section 673(2) of the "Community Services Block 6932
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 6933

(9) "IEP" means an individualized education program defined 6934
by division (E) of section 3323.01 of the Revised Code. 6935

(10) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.

(11) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.

(12) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies:

(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;

(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:

(a) Application procedures, including deadlines for

application and for notification of students and the 6966
superintendent of the applicable district whenever an adjacent or 6967
other district student's application is approved. 6968

(b) Procedures for admitting adjacent or other district 6969
applicants free of any tuition obligation to the district's 6970
schools, including, but not limited to: 6971

(i) The establishment of district capacity limits by grade 6972
level, school building, and education program; 6973

(ii) A requirement that all native students wishing to be 6974
enrolled in the district will be enrolled and that any adjacent or 6975
other district students previously enrolled in the district shall 6976
receive preference over first-time applicants; 6977

(iii) Procedures to ensure that an appropriate racial balance 6978
is maintained in the district schools. 6979

(C) Except as provided in section 3313.982 of the Revised 6980
Code, the procedures for admitting adjacent or other district 6981
students, as applicable, shall not include: 6982

(1) Any requirement of academic ability, or any level of 6983
athletic, artistic, or other extracurricular skills; 6984

(2) Limitations on admitting applicants because of 6985
handicapping conditions, except that a board may refuse to admit a 6986
student receiving services under Chapter 3323. of the Revised 6987
Code, if the services described in the student's IEP are not 6988
available in the district's schools; 6989

(3) A requirement that the student be proficient in the 6990
English language; 6991

(4) Rejection of any applicant because the student has been 6992
subject to disciplinary proceedings, except that if an applicant 6993
has been suspended or expelled by the student's district for ten 6994
consecutive days or more in the term for which admission is sought 6995

or in the term immediately preceding the term for which admission
is sought, the procedures may include a provision denying
admission of such applicant.

(D)(1) Each school board permitting only enrollment of
adjacent district students shall provide information about the
policy adopted under this section, including the application
procedures and deadlines, to the superintendent and the board of
education of each adjacent district and, upon request, to the
parent of any adjacent district student.

(2) Each school board permitting enrollment of other district
students shall provide information about the policy adopted under
this section, including the application procedures and deadlines,
upon request, to the board of education of any other school
district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward
graduation earned in adjacent or other district schools by an
adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging
or prohibiting its native students from applying to enroll in the
schools of an adjacent or any other district that has adopted a
policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native
student in an adjacent or other district in order to maintain an
appropriate racial balance.

(b) The board of education of a district receiving funds
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended,
may adopt a resolution objecting to the enrollment of its native
students in adjacent or other districts if at least ten per cent
of its students are included in the determination of the United
States secretary of education made under section 20 U.S.C.A.

238(a). 7027

(2) If a board objects to enrollment of native students under 7028
this division, any adjacent or other district shall refuse to 7029
enroll such native students unless tuition is paid for the 7030
students in accordance with section 3317.08 of the Revised Code. 7031
An adjacent or other district enrolling such students may not 7032
receive funding for those students in accordance with section 7033
3313.981 of the Revised Code. 7034

(G) The state board of education shall monitor school 7035
districts to ensure compliance with this section and the 7036
districts' policies. The board may adopt rules requiring uniform 7037
application procedures, deadlines for application, notification 7038
procedures, and record-keeping requirements for all school boards 7039
that adopt policies permitting the enrollment of adjacent or other 7040
district students, as applicable. If the state board adopts such 7041
rules, no school board shall adopt a policy that conflicts with 7042
those rules. 7043

(H) A resolution adopted by a board of education under this 7044
section that entirely prohibits the enrollment of students from 7045
adjacent and from other school districts does not abrogate any 7046
agreement entered into under section 3313.841 or 3313.92 of the 7047
Revised Code or any contract entered into under section 3313.90 of 7048
the Revised Code between the board of education adopting the 7049
resolution and the board of education of any adjacent or other 7050
district or prohibit these boards of education from entering into 7051
any such agreement or contract. 7052

(I) Nothing in this section shall be construed to permit or 7053
require the board of education of a city, exempted village, or 7054
local school district to exclude any native student of the 7055
district from enrolling in the district. 7056

Sec. 3319.321. (A) No person shall release, or permit access 7057

to, the names or other personally identifiable information 7058
concerning any students attending a public school to any person or 7059
group for use in a profit-making plan or activity. 7060

(B) No person shall release, or permit access to, personally 7061
identifiable information other than directory information 7062
concerning any student attending a public school, for purposes 7063
other than those identified in division (C), (E), (G), or (H) of 7064
this section, without the written consent of the parent, guardian, 7065
or custodian of each such student who is less than eighteen years 7066
of age, or without the written consent of each such student who is 7067
eighteen years of age or older. 7068

(1) For purposes of this section, "directory information" 7069
includes a student's name, address, telephone listing, date and 7070
place of birth, major field of study, participation in officially 7071
recognized activities and sports, weight and height of members of 7072
athletic teams, dates of attendance, date of graduation, and 7073
awards received. 7074

(2)(a) Except as provided in division (B)(2)(b) of this 7075
section, no school district board of education shall impose any 7076
restriction on the presentation of directory information that it 7077
has designated as subject to release in accordance with the 7078
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 7079
20 U.S.C. 1232q, as amended, to representatives of the armed 7080
forces, business, industry, charitable institutions, other 7081
employers, and institutions of higher education unless such 7082
restriction is uniformly imposed on each of these types of 7083
representatives, except that if a student eighteen years of age or 7084
older or a student's parent, guardian, or custodian has informed 7085
the board that any or all such information should not be released 7086
without such person's prior written consent, the board shall not 7087
release that information without such person's prior written 7088
consent. 7089

(b) The names and addresses of students in grades ten through 7090
twelve shall be released to a recruiting officer for any branch of 7091
the United States armed forces who requests such information, 7092
except that such data shall not be released if the student or 7093
student's parent, guardian, or custodian submits to the board a 7094
written request not to release such data. Any data received by a 7095
recruiting officer shall be used solely for the purpose of 7096
providing information to students regarding military service and 7097
shall not be released to any person other than individuals within 7098
the recruiting services of the armed forces. 7099

(3) Except for directory information and except as provided 7100
in division (E), (G), or (H) of this section, information covered 7101
by this section that is released shall only be transferred to a 7102
third or subsequent party on the condition that such party will 7103
not permit any other party to have access to such information 7104
without written consent of the parent, guardian, or custodian, or 7105
of the student who is eighteen years of age or older. 7106

(4) Except as otherwise provided in this section, any parent 7107
of a student may give the written parental consent required under 7108
this section. Where parents are separated or divorced, the written 7109
parental consent required under this section may be obtained from 7110
either parent, subject to any agreement between such parents or 7111
court order governing the rights of such parents. In the case of a 7112
student whose legal guardian is in an institution, a person 7113
independent of the institution who has no other conflicting 7114
interests in the case shall be appointed by the board of education 7115
of the school district in which the institution is located to give 7116
the written parental consent required under this section. 7117

(5)(a) A Each parent of a student ~~who is not the student's~~ 7118
~~residential parent~~, upon request, shall be permitted access to any 7119
records or information concerning the student under the same terms 7120
and conditions under which access to the records or information is 7121

available to ~~the residential~~ any parent of ~~that~~ a student, 7122
provided that the access of ~~the~~ a parent ~~who is not the~~ 7123
~~residential parent~~ is subject to any agreement between the 7124
parents, to division (F) of this section, and, to the extent 7125
described in division (B)(5)(b) of this section, is subject to any 7126
court order issued pursuant to former section 3109.051 or Chapter 7127
3110. of the Revised Code imposing limitations or restrictions on 7128
the parent's access and any other court order governing the rights 7129
of the parents. 7130

(b) If ~~the residential~~ a parent of a student has presented 7131
the keeper of a record or information that is related to the 7132
student with a copy of an order issued under division (H)(1) of 7133
former section 3109.051 or under Chapter 3110. of the Revised Code 7134
that ~~limits the terms and conditions~~ imposes limitations or 7135
restrictions under which the other parent ~~who is not the~~ 7136
~~residential parent~~ of the student is to have access to records and 7137
information pertaining to the student or with a copy of any other 7138
court order governing the rights of the parents that ~~so~~ imposes 7139
those limits ~~those terms and conditions~~ or restrictions, and if 7140
the order pertains to the record or information in question, the 7141
keeper of the record or information shall provide access to the 7142
other parent ~~who is not the residential parent~~ only to the extent 7143
authorized in the order. If ~~the residential~~ a parent has presented 7144
the keeper of the record or information with ~~such~~ an order 7145
imposing limits or restrictions under which the other parent is to 7146
have access to records and information pertaining to the student, 7147
the keeper of the record shall permit the other parent ~~who is not~~ 7148
~~the residential parent~~ to have access to the record or information 7149
only in accordance with the most recent such order that has been 7150
presented to the keeper by ~~the residential~~ either parent ~~or the~~ 7151
~~parent who is not the residential parent.~~ 7152

(C) Nothing in this section shall limit the administrative 7153

use of public school records by a person acting exclusively in the
person's capacity as an employee of a board of education or of the
state or any of its political subdivisions, any court, or the
federal government, and nothing in this section shall prevent the
transfer of a student's record to an educational institution for a
legitimate educational purpose. However, except as provided in
this section, public school records shall not be released or made
available for any other purpose. Fingerprints, photographs, or
records obtained pursuant to section 3313.96 or 3319.322 of the
Revised Code, or pursuant to division (E) of this section, or any
medical, psychological, guidance, counseling, or other information
that is derived from the use of the fingerprints, photographs, or
records, shall not be admissible as evidence against the minor who
is the subject of the fingerprints, photographs, or records in any
proceeding in any court. The provisions of this division regarding
the administrative use of records by an employee of the state or
any of its political subdivisions or of a court or the federal
government shall be applicable only when the use of the
information is required by a state statute adopted before November
19, 1974, or by federal law.

(D) A board of education may require, subject to division (E)
of this section, a person seeking to obtain copies of public
school records to pay the cost of reproduction and, in the case of
data released under division (B)(2)(b) of this section, to pay for
any mailing costs, which payment shall not exceed the actual cost
to the school.

(E) A principal or chief administrative officer of a public
school, or any employee of a public school who is authorized to
handle school records, shall provide access to a student's records
to a law enforcement officer who indicates that the officer is
conducting an investigation and that the student is or may be a
missing child, as defined in section 2901.30 of the Revised Code.

Free copies of information in the student's record shall be 7186
provided, upon request, to the law enforcement officer, if prior 7187
approval is given by the student's parent, guardian, or legal 7188
custodian. Information obtained by the officer shall be used 7189
solely in the investigation of the case. The information may be 7190
used by law enforcement agency personnel in any manner that is 7191
appropriate in solving the case, including, but not limited to, 7192
providing the information to other law enforcement officers and 7193
agencies and to the bureau of criminal identification and 7194
investigation for purposes of computer integration pursuant to 7195
section 2901.30 of the Revised Code. 7196

(F) No person shall release to a parent of a student who is 7197
not the student's residential parent or to any other person, or 7198
permit a parent of a student who is not the student's residential 7199
parent or permit any other person to have access to, any 7200
information about the location of any elementary or secondary 7201
school to which a student has transferred or information that 7202
would enable the parent who is not the student's residential 7203
parent or the other person to determine the location of that 7204
elementary or secondary school, if the elementary or secondary 7205
school to which the student has transferred and that requested the 7206
records of the student under section 3313.672 of the Revised Code 7207
informs the elementary or secondary school from which the 7208
student's records are obtained that the student is under the care 7209
of a shelter for victims of domestic violence, as defined in 7210
section 3113.33 of the Revised Code. 7211

(G) A principal or chief administrative officer of a public 7212
school, or any employee of a public school who is authorized to 7213
handle school records, shall comply with any order issued pursuant 7214
to division (D)(1) of section 2151.14 of the Revised Code, any 7215
request for records that is properly made pursuant to division 7216
(D)(3)(a) of section 2151.14 or division (A) of section 2151.141 7217

of the Revised Code, and any determination that is made by a court 7218
pursuant to division (D)(3)(b) of section 2151.14 or division 7219
(B)(1) of section 2151.141 of the Revised Code. 7220

(H) Notwithstanding any provision of this section, a 7221
principal of a public school, to the extent permitted by the 7222
"Family Educational Rights and Privacy Act of 1974," shall make 7223
the report required in section 3319.45 of the Revised Code that a 7224
pupil committed any violation listed in division (A) of section 7225
3313.662 of the Revised Code on property owned or controlled by, 7226
or at an activity held under the auspices of, the board of 7227
education, regardless of whether the pupil was sixteen years of 7228
age or older. The principal is not required to obtain the consent 7229
of the pupil who is the subject of the report or the consent of 7230
the pupil's parent, guardian, or custodian before making a report 7231
pursuant to section 3319.45 of the Revised Code. 7232

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 7233
"guardian," or "other person having charge or care of a child" 7234
means either parent unless the parents are separated or divorced 7235
or their marriage has been dissolved or annulled, in which case 7236
"parent" means the parent who is the residential parent ~~and legal~~ 7237
~~custodian~~ of the child. If the child is in the legal or permanent 7238
custody of a person or government agency, "parent" means that 7239
person or government agency. When a child is a resident of a home, 7240
as defined in section 3313.64 of the Revised Code, and the child's 7241
parent is not a resident of this state, "parent," "guardian," or 7242
"other person having charge or care of a child" means the head of 7243
the home. 7244

A child between six and eighteen years of age is "of 7245
compulsory school age" for the purpose of sections 3321.01 to 7246
3321.13 of the Revised Code. A child under six years of age who 7247
has been enrolled in kindergarten also shall be considered "of 7248

compulsory school age" for the purpose of sections 3321.01 to
3321.13 of the Revised Code unless at any time the child's parent
or guardian, at the parent's or guardian's discretion and in
consultation with the child's teacher and principal, formally
withdraws the child from kindergarten. The compulsory school age
of a child shall not commence until the beginning of the term of
such schools, or other time in the school year fixed by the rules
of the board of the district in which the child resides.

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(2) No child shall be admitted to a kindergarten or a first
grade of a public school in a district in which all children are
admitted to kindergarten and the first grade in August or
September unless the child is five or six years of age,
respectively, by the thirtieth day of September of the year of
admittance, or by the first day of a term or semester other than
one beginning in August or September in school districts granting
admittance at the beginning of such term or semester, except that
in those school districts using or obtaining educationally
accepted standardized testing programs for determining entrance,
as approved by the board of education of such districts, the board
shall admit a child to kindergarten or the first grade who fails
to meet the age requirement, provided the child meets necessary
standards as determined by such standardized testing programs. If
the board of education has not established a standardized testing
program, the board shall designate the necessary standards and a
testing program it will accept for the purpose of admitting a
child to kindergarten or first grade who fails to meet the age
requirement. Each child who will be the proper age for entrance to
kindergarten or first grade by the first day of January of the
school year for which admission is requested shall be so tested
upon the request of the child's parent.

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(3) Notwithstanding divisions (A)(2) and (D) of this section,
beginning with the school year that starts in 2001 and continuing

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thereafter the board of education of any district may adopt a 7281
resolution establishing the first day of August in lieu of the 7282
thirtieth day of September as the required date by which students 7283
must have attained the age specified in those divisions. 7284

(B) As used in divisions (C) and (D) of this section, 7285
"successfully completed kindergarten" and "successful completion 7286
of kindergarten" mean that the child has completed the 7287
kindergarten requirements at one of the following: 7288

(1) A public or chartered nonpublic school; 7289

(2) A kindergarten class that is both of the following: 7290

(a) Offered by a day-care provider licensed under Chapter 7291
5104. of the Revised Code; 7292

(b) If offered after July 1, 1991, is directly taught by a 7293
teacher who holds one of the following: 7294

(i) A valid educator license issued under section 3319.22 of 7295
the Revised Code; 7296

(ii) A Montessori preprimary credential or age-appropriate 7297
diploma granted by the American Montessori society or the 7298
association Montessori internationale; 7299

(iii) Certification determined under division (G) of this 7300
section to be equivalent to that described in division 7301
(B)(2)(b)(ii) of this section; 7302

(iv) Certification for teachers in nontax-supported schools 7303
pursuant to section 3301.071 of the Revised Code. 7304

(C) Except as provided in division (D) of this section, no 7305
school district shall admit to the first grade any child who has 7306
not successfully completed kindergarten. 7307

(D) Upon request of a parent, the requirement of division (C) 7308
of this section may be waived by the district's pupil personnel 7309

services committee in the case of a child who is at least six 7310
years of age by the thirtieth day of September of the year of 7311
admittance and who demonstrates to the satisfaction of the 7312
committee the possession of the social, emotional, and cognitive 7313
skills necessary for first grade. 7314

The board of education of each city, local, and exempted 7315
village school district shall establish a pupil personnel services 7316
committee. The committee shall be composed of all of the following 7317
to the extent such personnel are either employed by the district 7318
or employed by the governing board of the educational service 7319
center within whose territory the district is located and the 7320
educational service center generally furnishes the services of 7321
such personnel to the district: 7322

- (1) The director of pupil personnel services; 7323
- (2) An elementary school counselor; 7324
- (3) An elementary school principal; 7325
- (4) A school psychologist; 7326
- (5) A teacher assigned to teach first grade; 7327
- (6) A gifted coordinator. 7328

The responsibilities of the pupil personnel services 7329
committee shall be limited to the issuing of waivers allowing 7330
admittance to the first grade without the successful completion of 7331
kindergarten. The committee shall have no other authority except 7332
as specified in this section. 7333

(E) The scheduling of times for kindergarten classes and 7334
length of the school day for kindergarten shall be determined by 7335
the board of education of a city, exempted village, or local 7336
school district. 7337

(F) Any kindergarten class offered by a day-care provider or 7338
school described by division (B)(1) or (B)(2)(a) of this section 7339

shall be developmentally appropriate. 7340

(G) Upon written request of a day-care provider described by 7341
division (B)(2)(a) of this section, the department of education 7342
shall determine whether certification held by a teacher employed 7343
by the provider meets the requirement of division (B)(2)(b)(iii) 7344
of this section and, if so, shall furnish the provider a statement 7345
to that effect. 7346

Sec. 3323.01. As used in this chapter and Chapter 3321. of 7347
the Revised Code: 7348

(A) "Handicapped child" means a person under twenty-two years 7349
of age who is developmentally handicapped, hearing handicapped, 7350
speech handicapped, visually disabled, severe behavior 7351
handicapped, orthopedically handicapped, multihandicapped, other 7352
health handicapped, specific learning disabled, autistic, or 7353
traumatic brain injured, and by reason thereof requires special 7354
education. 7355

(B) "Special education program" means the required related 7356
services and instruction specifically designed to meet the unique 7357
needs of a handicapped child, including classroom instruction, 7358
home instruction, and instruction in hospitals and institutions 7359
and in other settings. 7360

(C) "Related services" means transportation, and such 7361
developmental, corrective, and other supportive services as may be 7362
required to assist a handicapped child to benefit from special 7363
education, including the early identification and assessment of 7364
handicapped conditions in children, speech pathology and 7365
audiology, psychological services, occupational and physical 7366
therapy, physical education, recreation, counseling services 7367
including rehabilitative counseling, and medical services, except 7368
that such medical services shall be for diagnostic and evaluation 7369
purposes only. 7370

(D) "Appropriate public education" means special education and related services that:	7371
	7372
(1) Are provided at public expense and under public supervision;	7373
	7374
(2) Meet the standards of the state board of education;	7375
(3) Include an appropriate preschool, elementary, or secondary education;	7376
	7377
(4) Are provided in conformity with the individualized education program required under this chapter.	7378
	7379
(E) "Individualized education program" means a written statement for each handicapped child designed to meet the unique needs of a handicapped child, which statement shall include:	7380
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	7382
(1) A statement of the present levels of educational performance of such child;	7383
	7384
(2) A statement of annual goals, including short-term instructional objectives;	7385
	7386
(3) A statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs;	7387
	7388
	7389
(4) A statement of the transition services needed for such child beginning no later than age sixteen and annually thereafter (and, when determined appropriate for such child, beginning at age fourteen or younger), including, when appropriate, a statement of the interagency responsibilities and linkages before the student leaves the school setting;	7390
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	7395
(5) The projected date for initiation and anticipated duration of such services;	7396
	7397
(6) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis,	7398
	7399

whether instructional objectives are being achieved, and whether
current placement is appropriate. 7400
7401

(F) "Other educational agency" means a department, division,
bureau, office, institution, board, commission, committee,
authority, or other state or local agency, other than a school
district or an agency administered by the department of mental
retardation and developmental disabilities, that provides or seeks
to provide special education or related services to handicapped
children. 7402
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(G) "School district" means a city, local, or exempted
village school district. 7409
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(H) "Parents" means either parent. If the parents are
separated or divorced, "parent" means the parent who is the
residential parent ~~and legal custodian~~ of the handicapped child.
Except as used in division (I) of this section and in sections
3323.09 and 3323.141 of the Revised Code, "parents" includes a
child's guardian or custodian. This definition does not apply to
Chapter 3321. of the Revised Code. 7411
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(I) As used in sections 3323.09, 3323.091, 3323.13, and
3323.14 of the Revised Code, "school district of residence" means: 7418
7419

(1) The school district in which the child's parents reside; 7420

(2) If the school district specified in division (I)(1) of
this section cannot be determined, the last school district in
which the child's parents are known to have resided if the
parents' whereabouts are unknown; 7421
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7423
7424

(3) If the school district specified in division (I)(2) of
this section cannot be determined, the school district determined
by the court under section 2151.357 of the Revised Code, or if no
district has been so determined, the school district as determined
by the probate court of the county in which the child resides. The
school district of residence that had been established under this 7425
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section on December 12, 1983, shall remain the child's school 7431
district of residence unless a district of residence can be 7432
determined under division (I)(1) or (2) of this section. 7433

(4) Notwithstanding divisions (I)(1) to (3) of this section, 7434
if a school district is required by section 3313.65 of the Revised 7435
Code to pay tuition for a child, that district shall be the 7436
child's school district of residence. 7437

(J) "County MR/DD board" means a county board of mental 7438
retardation and developmental disabilities. 7439

(K) "Handicapped preschool child" means a handicapped child 7440
who is at least three years of age but is not of compulsory school 7441
age, as defined under section 3321.01 of the Revised Code, and who 7442
is not currently enrolled in kindergarten. 7443

(L) "Transition services" means a coordinated set of 7444
activities for a student, designed within an outcome-oriented 7445
process, that: 7446

(1) Promotes movement from school to post-school activities, 7447
including post-secondary education; vocational training; 7448
integrated employment, including supported employment; continuing 7449
and adult education; adult services; independent living; and 7450
community participation; 7451

(2) Is based upon the individual student's needs, including 7452
taking into account the student's preferences and interests; 7453

(3) Includes instruction, community experiences, the 7454
development of employment and other post-school adult living 7455
objectives, and, when appropriate, acquisition of daily living 7456
skills and functional vocational evaluation. 7457

(M) "Visual disability" for any individual means that one of 7458
the following applies to the individual: 7459

(1) The individual has a visual acuity of 20/200 or less in 7460

the better eye with correcting lenses or has a limited field of
vision in the better eye such that the widest diameter subtends an
angular distance of no greater than twenty degrees.

(2) The individual has a medically indicated expectation of
meeting the requirements of division (M)(1) of this section over a
period of time.

(3) The individual has a medically diagnosed and medically
uncorrectable limitation in visual functioning that adversely
affects the individual's ability to read and write standard print
at levels expected of the individual's peers of comparable ability
and grade level.

(N) "Student with a visual disability" means any person under
twenty-two years of age who has a visual disability.

(O) "Instruction in braille reading and writing" means the
teaching of the system of reading and writing through touch
commonly known as standard English braille.

Sec. 3333.26. (A) Any citizen of this state who has resided
within the state for one year and who was in the active service of
the United States as a soldier, sailor, nurse, or marine between
April 6, 1917, and November 11, 1918, and who has been honorably
discharged from such service, shall be admitted to any school,
college, or university that receives state funds in support
thereof, without being required to pay any tuition or
matriculation fee, but is not relieved from the payment of
laboratory or similar fees.

(B)(1) As used in this division:

(a) "Volunteer firefighter" has the meaning given in division
(B)(1) of section 146.01 of the Revised Code;

(b) "Public service officer" means an Ohio firefighter,
volunteer firefighter, police officer, member of the highway

patrol, employee designated to exercise the powers of police 7491
officers pursuant to section 1545.13 of the Revised Code, or other 7492
peace officer as defined by division (B) of section 2935.01 of the 7493
Revised Code, or a person holding any equivalent position in 7494
another state; 7495

(c) "Qualified former spouse" means the former spouse of a 7496
public service officer who is ~~the~~ one of the following: 7497

(i) The custodial parent of a minor child of that marriage 7498
pursuant to an order allocating the parental rights and 7499
responsibilities for care of the child issued pursuant to former 7500
section 3109.04 of the Revised Code; 7501

(ii) The residential parent of a minor child of that marriage 7502
pursuant to an order allocating parenting functions and 7503
responsibilities for care of the child issued pursuant to Chapter 7504
3110. of the Revised Code. 7505

(2) Any resident of this state who is under twenty-six years 7506
of age, or under thirty years of age if the resident has been 7507
honorably discharged from the armed services of the United States, 7508
and who is the child of a public service officer killed in the 7509
line of duty, and who is admitted to any state university or 7510
college as defined in division (A)(1) of section 3345.12 of the 7511
Revised Code, community college, state community college, 7512
university branch, or technical college, shall not be required to 7513
pay any tuition or any student fee for up to four academic years 7514
of education, which shall be at the undergraduate level. 7515

(3) Any resident of this state who is the spouse or qualified 7516
former spouse of a public service officer killed in the line of 7517
duty, and who is admitted to any state university or college as 7518
defined in division (A)(1) of section 3345.12 of the Revised Code, 7519
community college, state community college, university branch, or 7520
technical college, shall not be required to pay any tuition or any 7521

student fee for up to four academic years of education, which 7522
shall be at the undergraduate level. 7523

(C) Any institution that is not subject to division (B) of 7524
this section and that holds a valid certificate of registration 7525
issued under Chapter 3332., a valid certificate issued under 7526
Chapter 4709., or a valid license issued under Chapter 4713. of 7527
the Revised Code, or that is nonprofit and has a certificate of 7528
authorization issued under section 1713.02 of the Revised Code or 7529
that is a private institution exempt from regulation under Chapter 7530
3332. of the Revised Code as prescribed in section 3333.046 of the 7531
Revised Code that reduces tuition and student fees of a student 7532
who is eligible to attend an institution of higher education under 7533
the provisions of division (B) of this section by an amount 7534
indicated by the Ohio board of regents shall be eligible to 7535
receive a grant in that amount from the board. Each institution 7536
that enrolls students under division (B) of this section shall 7537
report to the board, by the first day of July of each year, the 7538
number of students who were so enrolled and the average amount of 7539
all such tuition and fees waived during the preceding year. The 7540
board shall determine the average amount of all such tuition and 7541
fees waived during the preceding year. The average amount of 7542
tuition and fees waived under division (B) of this section during 7543
the preceding year shall be the amount of grants that 7544
participating institutions shall receive under this division 7545
during the current year, but no grant under this division shall 7546
exceed the tuition and student fees due and payable by the student 7547
prior to the reduction referred to in this division. Such grants 7548
shall be made for four years of undergraduate education of an 7549
eligible student. 7550

Sec. 3701.503. As used in sections 3701.504 to 3701.509 of 7551
the Revised Code: 7552

(A) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent ~~and legal custodian.~~

(B) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.

(C) "Custodian" means, except as used in division (A) of this section, a government agency or an individual, other than the parent or guardian, with legal or permanent custody of a child as defined in section 2151.011 of the Revised Code.

(D) "Hearing screening" means the identification of newborns and infants who may have a hearing impairment, through the use of a physiologic test.

(E) "Hearing evaluation" means evaluation through the use of audiological procedures by an audiologist or physician.

(F) "Hearing impairment" means a loss of hearing in one or both ears in the frequency region important for speech recognition and comprehension.

(G) "Newborn" means a child who is less than thirty days old.

(H) "Infant" means a child who is at least thirty days but less than twenty-four months old.

(I) "Freestanding birthing center" has the same meaning as in section 3702.51 of the Revised Code.

(J) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(K) "Audiologist" means an individual authorized under section 4753.07 of the Revised Code to practice audiology.

(L) "Hospital" means a hospital that has a maternity unit or newborn nursery.

(M) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care.

(N) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

Sec. 3902.13. (A) A plan of health coverage determines its order of benefits using the first of the following that applies:

(1) A plan that does not coordinate with other plans is always the primary plan.

(2) The benefits of the plan that covers a person as an employee, member, insured, or subscriber, other than a dependent, is the primary plan. The plan that covers the person as a dependent is the secondary plan.

(3) When more than one plan covers the same child as a dependent of different parents who are not divorced or separated, the primary plan is the plan of the parent whose birthday falls earlier in the year. The secondary plan is the plan of the parent whose birthday falls later in the year. If both parents have the same birthday, the benefits of the plan that covered the parent the longer is the primary plan. The plan that covered the parent the shorter time is the secondary plan. If the other plan's provision for coordination of benefits does not include the rule contained in this division because it is not subject to regulation under this division, but instead has a rule based on the gender of the parent, and if, as a result, the plans do not agree on the

order of benefits, the rule of the other plan will determine the order of benefits. 7612
7613

(4)(a) Except as provided in division (A)(4)(b) of this section, if more than one plan covers a person as a dependent child of divorced or separated parents, benefits for the child are determined in the following order: 7614
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(i) The plan of the parent who is the residential parent ~~and legal custodian~~ of the child; 7618
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(ii) The plan of the spouse of the parent who is the residential parent ~~and legal custodian~~ of the child; 7620
7621

(iii) The plan of the parent who is not the residential parent ~~and legal custodian~~ of the child. 7622
7623

(b) If the specific terms of a court decree state that one parent is responsible for the health care expenses of the child, the plan of that parent is the primary plan. A parent responsible for the health care pursuant to a court decree must notify the insurer or health insuring corporation of the terms of the decree. 7624
7625
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(5) The primary plan is the plan that covers a person as an employee who is neither laid off or retired, or that employee's dependent. The secondary plan is the plan that covers that person as a laid-off or retired employee, or that employee's dependent. 7629
7630
7631
7632

(6) If none of the rules in divisions (A)(1), (2), (3), (4), and (5) of this section determines the order of benefits, the primary plan is the plan that covered an employee, member, insured, or subscriber longer. The secondary plan is the plan that covered that person the shorter time. 7633
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(B) When a plan of health coverage is determined to be a secondary plan it acts to provide benefits in excess of those provided by the primary plan. 7638
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(C) The secondary plan shall not be required to make payment 7641

in an amount which exceeds the amount it would have paid if it
were the primary plan, but in no event, when combined with the
amount paid by the primary plan, shall payments by the secondary
plan exceed one hundred per cent of expenses allowable under the
provisions of the applicable policies and contracts.

(D) A third-party payer may require a beneficiary to file a
claim with the primary plan before it determines the amount of its
payment obligation, if any, with regard to that claim.

(E) Nothing in this section shall be construed to require a
plan to make a payment until it determines whether it is the
primary plan or the secondary plan and what benefits are payable
under the primary plan.

(F) A plan may obtain any facts and information necessary to
apply the provisions of this section, or supply this information
to any other third-party payer or provider, or any agent of such
third-party payer or provider, without the consent of the
beneficiary. Each person claiming benefits under the plan shall
provide any information necessary to apply the provisions of this
section.

(G) If the amount of payments made by any plan is more than
should have been paid, the plan may recover the excess from
whichever party received the excess payment.

(H) No third-party payer shall administer a plan of health
coverage delivered, issued for delivery, or renewed on or after
June 29, 1988, unless such plan complies with this section.

(I)(1) A third-party payer that is subject to this section
and has reason to believe payment has been made by another
third-party payer for the same service may request from that
third-party payer, and shall be provided by the third-party payer,
such data as necessary to determine whether duplicate payment has
been made.

(2) A third-party payer that meets the criteria of a 7673
secondary payer in accordance with this section may seek repayment 7674
of any duplicate payment that may have been made from the person 7675
to whom it made payment. If the person who received the duplicate 7676
payment is a provider, absent a finding of a court of competent 7677
jurisdiction that the provider has engaged in civil or criminal 7678
fraudulent activities, the request for the return of any duplicate 7679
payment shall be made within three years after the close of the 7680
provider's fiscal year in which the duplicate payment has been 7681
made. 7682

(J) Nothing in this section shall be construed to affect the 7683
prohibition of section 3923.37 of the Revised Code. 7684

(K)(1) No third-party payer shall knowingly fail to comply 7685
with the order of benefits as set forth in division (A) of this 7686
section. 7687

(2) No primary plan shall direct or encourage an insured to 7688
use the benefits of a secondary plan that results in a reduction 7689
of payment by such primary plan. 7690

(L) Whoever violates division (K) of this section is deemed 7691
to have engaged in an unfair and deceptive insurance act or 7692
practice under sections 3901.19 to 3901.26 of the Revised Code, 7693
and is subject to proceedings pursuant to those sections. 7694

Sec. 5104.011. (A) The director of job and family services 7695
shall adopt rules pursuant to Chapter 119. of the Revised Code 7696
governing the operation of child day-care centers, including, but 7697
not limited to, parent cooperative centers, part-time centers, 7698
drop-in centers, and school child centers, which rules shall 7699
reflect the various forms of child day-care and the needs of 7700
children receiving child day-care or publicly funded child 7701
day-care and, no later than January 1, 1992, shall include 7702
specific rules for school child day-care centers that are 7703

developed in consultation with the department of education. The 7704
rules shall not require an existing school facility that is in 7705
compliance with applicable building codes to undergo an additional 7706
building code inspection or to have structural modifications. The 7707
rules shall include the following: 7708

(1) Submission of a site plan and descriptive plan of 7709
operation to demonstrate how the center proposes to meet the 7710
requirements of this chapter and rules adopted pursuant to this 7711
chapter for the initial license application; 7712

(2) Standards for ensuring that the physical surroundings of 7713
the center are safe and sanitary including, but not limited to, 7714
the physical environment, the physical plant, and the equipment of 7715
the center; 7716

(3) Standards for the supervision, care, and discipline of 7717
children receiving child day-care or publicly funded child 7718
day-care in the center; 7719

(4) Standards for a program of activities, and for play 7720
equipment, materials, and supplies, to enhance the development of 7721
each child; however, any educational curricula, philosophies, and 7722
methodologies that are developmentally appropriate and that 7723
enhance the social, emotional, intellectual, and physical 7724
development of each child shall be permissible. As used in this 7725
division, "program" does not include instruction in religious or 7726
moral doctrines, beliefs, or values that is conducted at child 7727
day-care centers owned and operated by churches and does include 7728
methods of disciplining children at child day-care centers. 7729

(5) Admissions policies and procedures, health care policies 7730
and procedures, including, but not limited to, procedures for the 7731
isolation of children with communicable diseases, first aid and 7732
emergency procedures, procedures for discipline and supervision of 7733
children, standards for the provision of nutritious meals and 7734

snacks, and procedures for screening children and employees,	7735
including, but not limited to, any necessary physical examinations	7736
and immunizations;	7737
(6) Methods for encouraging parental participation in the	7738
center and methods for ensuring that the rights of children,	7739
parents, and employees are protected and that responsibilities of	7740
parents and employees are met;	7741
(7) Procedures for ensuring the safety and adequate	7742
supervision of children traveling off the premises of the center	7743
while under the care of a center employee;	7744
(8) Procedures for record keeping, organization, and	7745
administration;	7746
(9) Procedures for issuing, renewing, denying, and revoking a	7747
license that are not otherwise provided for in Chapter 119. of the	7748
Revised Code;	7749
(10) Inspection procedures;	7750
(11) Procedures and standards for setting initial and renewal	7751
license application fees;	7752
(12) Procedures for receiving, recording, and responding to	7753
complaints about centers;	7754
(13) Procedures for enforcing section 5104.04 of the Revised	7755
Code;	7756
(14) A standard requiring the inclusion, on and after July 1,	7757
1987, of a current department of job and family services toll-free	7758
telephone number on each center provisional license or license	7759
which any person may use to report a suspected violation by the	7760
center of this chapter or rules adopted pursuant to this chapter;	7761
	7762
(15) Requirements for the training of administrators and	7763
child-care staff members in first aid, in prevention, recognition,	7764

and management of communicable diseases, and in child abuse 7765
recognition and prevention. Training requirements for child 7766
day-care centers adopted under this division shall be consistent 7767
with divisions (B)(6) and (C)(1) of this section. 7768

(16) Procedures to be used by licensees for checking the 7769
references of potential employees of centers and procedures to be 7770
used by the director for checking the references of applicants for 7771
licenses to operate centers; 7772

(17) Standards providing for the special needs of children 7773
who are handicapped or who require treatment for health conditions 7774
while the child is receiving child day-care or publicly funded 7775
child day-care in the center; 7776

(18) Any other procedures and standards necessary to carry 7777
out this chapter. 7778

(B)(1) The child day-care center shall have, for each child 7779
for whom the center is licensed, at least thirty-five square feet 7780
of usable indoor floor space wall-to-wall regularly available for 7781
the child day-care operation exclusive of any parts of the 7782
structure in which the care of children is prohibited by law or by 7783
rules adopted by the board of building standards. The minimum of 7784
thirty-five square feet of usable indoor floor space shall not 7785
include hallways, kitchens, storage areas, or any other areas that 7786
are not available for the care of children, as determined by the 7787
director, in meeting the space requirement of this division, and 7788
bathrooms shall be counted in determining square footage only if 7789
they are used exclusively by children enrolled in the center, 7790
except that the exclusion of hallways, kitchens, storage areas, 7791
bathrooms not used exclusively by children enrolled in the center, 7792
and any other areas not available for the care of children from 7793
the minimum of thirty-five square feet of usable indoor floor 7794
space shall not apply to: 7795

(a) Centers licensed prior to or on September 1, 1986, that 7796
continue under licensure after that date; 7797

(b) Centers licensed prior to or on September 1, 1986, that 7798
are issued a new license after that date solely due to a change of 7799
ownership of the center. 7800

(2) The child day-care center shall have on the site a safe 7801
outdoor play space which is enclosed by a fence or otherwise 7802
protected from traffic or other hazards. The play space shall 7803
contain not less than sixty square feet per child using such space 7804
at any one time, and shall provide an opportunity for supervised 7805
outdoor play each day in suitable weather. The director may exempt 7806
a center from the requirement of this division, if an outdoor play 7807
space is not available and if all of the following are met: 7808

(a) The center provides an indoor recreation area that has 7810
not less than sixty square feet per child using the space at any 7811
one time, that has a minimum of one thousand four hundred forty 7812
square feet of space, and that is separate from the indoor space 7813
required under division (B)(1) of this section. 7814

(b) The director has determined that there is regularly 7815
available and scheduled for use a conveniently accessible and safe 7816
park, playground, or similar outdoor play area for play or 7817
recreation. 7818

(c) The children are closely supervised during play and while 7819
traveling to and from the area. 7820

The director also shall exempt from the requirement of this 7821
division a child day-care center that was licensed prior to 7822
September 1, 1986, if the center received approval from the 7823
director prior to September 1, 1986, to use a park, playground, or 7824
similar area, not connected with the center, for play or 7825
recreation in lieu of the outdoor space requirements of this 7826

section and if the children are closely supervised both during 7827
play and while traveling to and from the area and except if the 7828
director determines upon investigation and inspection pursuant to 7829
section 5104.04 of the Revised Code and rules adopted pursuant to 7830
that section that the park, playground, or similar area, as well 7831
as access to and from the area, is unsafe for the children. 7832

(3) The child day-care center shall have at least two 7833
responsible adults available on the premises at all times when 7834
seven or more children are in the center. The center shall 7835
organize the children in the center in small groups, shall provide 7836
child-care staff to give continuity of care and supervision to the 7837
children on a day-by-day basis, and shall ensure that no child is 7838
left alone or unsupervised. Except as otherwise provided in 7839
division (E) of this section, the maximum number of children per 7840
child-care staff member and maximum group size, by age category of 7841
children, are as follows: 7842

	Maximum Number of		
Age Category	Children Per	Maximum	
of Children	Child-Care	Group	
	Staff Member	Size	
(a) Infants:			7847
(i) Less than twelve			7848
months old	5:1, or		7849
	12:2 if two		7850
	child-care		7851
	staff members		7852
	are in the room	12	7853
(ii) At least twelve			7854
months old, but			7855
less than eighteen			7856
months old	6:1	12	7857
(b) Toddlers:			7858

(i) At least eighteen months old, but less than thirty months old	7:1	14	7859 7860 7861 7862
(ii) At least thirty months old, but less than three years old	8:1	16	7863 7864 7865
(c) Preschool children:			7866 7867
(i) Three years old	12:1	24	7868
(ii) Four years old and five years old who are not school children	14:1	28	7869 7870 7871 7872
(d) School children:			7873
(i) A child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but is less than eleven years old	18:1	36	7874 7875 7876 7877 7878 7879 7880 7881
(ii) Eleven through fourteen years old	20:1	40	7882 7883
Except as otherwise provided in division (E) of this section, the maximum number of children per child-care staff member and maximum group size requirements of the younger age group shall apply when age groups are combined.			7884 7885 7886 7887
(4)(a) The child day-care center administrator shall show the director both of the following:			7888 7889
(i) Evidence of at least high school graduation or			7890

certification of high school equivalency by the state board of 7891
education or the appropriate agency of another state; 7892

(ii) Evidence of having completed at least two years of 7893
training in an accredited college, university, or technical 7894
college, including courses in child development or early childhood 7895
education, or at least two years of experience in supervising and 7896
giving daily care to children attending an organized group 7897
program. 7898

(b) In addition to the requirements of division (B)(4)(a) of 7899
this section, any administrator employed or designated on or after 7900
September 1, 1986, shall show evidence of, and any administrator 7901
employed or designated prior to September 1, 1986, shall show 7902
evidence within six years after such date of, at least one of the 7903
following: 7904

(i) Two years of experience working as a child-care staff 7905
member in a center and at least four courses in child development 7906
or early childhood education from an accredited college, 7907
university, or technical college, except that a person who has two 7908
years of experience working as a child-care staff member in a 7909
particular center and who has been promoted to or designated as 7910
administrator of that center shall have one year from the time the 7911
person was promoted to or designated as administrator to complete 7912
the required four courses; 7913

(ii) Two years of training, including at least four courses 7914
in child development or early childhood education from an 7915
accredited college, university, or technical college; 7916

(iii) A child development associate credential issued by the 7917
national child development associate credentialing commission; 7918

(iv) An associate or higher degree in child development or 7919
early childhood education from an accredited college, technical 7920
college, or university, or a license designated for teaching in an 7921

associate teaching position in a preschool setting issued by the 7922
state board of education. 7923

(5) All child-care staff members of a child day-care center 7924
shall be at least eighteen years of age, and shall furnish the 7925
director evidence of at least high school graduation or 7926
certification of high school equivalency by the state board of 7927
education or the appropriate agency of another state or evidence 7928
of completion of a training program approved by the department of 7929
job and family services or state board of education, except as 7930
follows: 7931

(a) A child-care staff member may be less than eighteen years 7932
of age if the staff member is either of the following: 7933

(i) A graduate of a two-year vocational child-care training 7934
program approved by the state board of education; 7935

(ii) A student enrolled in the second year of a vocational 7936
child-care training program approved by the state board of 7937
education which leads to high school graduation, provided that the 7938
student performs the student's duties in the child day-care center 7939
under the continuous supervision of an experienced child-care 7940
staff member, receives periodic supervision from the vocational 7941
child-care training program teacher-coordinator in the student's 7942
high school, and meets all other requirements of this chapter and 7943
rules adopted pursuant to this chapter. 7944

(b) A child-care staff member shall be exempt from the 7945
educational requirements of this division if the staff member: 7946

(i) Prior to January 1, 1972, was employed or designated by a 7947
child day-care center and has been continuously employed since 7948
either by the same child day-care center employer or at the same 7949
child day-care center; or 7950

(ii) Is a student enrolled in the second year of a vocational 7951
child-care training program approved by the state board of 7952

education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.

(6) Every child day-care staff member of a child day-care center annually shall complete fifteen hours of inservice training in child development or early childhood education, child abuse recognition and prevention, first aid, and in prevention, recognition, and management of communicable diseases, until a total of forty-five hours of training has been completed, unless the staff member furnishes one of the following to the director:

(a) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college;

(b) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education;

(c) Evidence of a child development associate credential;

(d) Evidence of a preprimary credential from the American Montessori society or the association Montessori international. For the purposes of division (B)(6) of this section, "hour" means sixty minutes.

(7) The administrator of each child day-care center shall prepare at least once annually and for each group of children at the center a roster of names and telephone numbers of parents, custodians, or guardians of each group of children attending the center and upon request shall furnish the roster for each group to the parents, custodians, or guardians of the children in that

group. The administrator may prepare a roster of names and 7984
telephone numbers of all parents, custodians, or guardians of 7985
children attending the center and upon request shall furnish the 7986
roster to the parents, custodians, or guardians of the children 7987
who attend the center. The administrator shall not include in any 7988
roster the name or telephone number of any parent, custodian, or 7989
guardian who requests the administrator not to include the 7990
parent's, custodian's, or guardian's name or number and shall not 7991
furnish any roster to any person other than a parent, custodian, 7992
or guardian of a child who attends the center. 7993

(C)(1) Each child day-care center shall have on the center 7994
premises and readily available at all times at least one 7995
child-care staff member who has completed a course in first aid 7996
and in prevention, recognition, and management of communicable 7997
diseases which is approved by the state department of health and a 7998
staff member who has completed a course in child abuse recognition 7999
and prevention training which is approved by the department of job 8000
and family services. 8001

(2) The administrator of each child day-care center shall 8002
maintain enrollment, health, and attendance records for all 8003
children attending the center and health and employment records 8004
for all center employees. The records shall be confidential, 8005
except as otherwise provided in division (B)(7) of this section 8006
and except that they shall be disclosed by the administrator to 8007
the director upon request for the purpose of administering and 8008
enforcing this chapter and rules adopted pursuant to this chapter. 8009
Neither the center nor the licensee, administrator, or employees 8010
of the center shall be civilly or criminally liable in damages or 8011
otherwise for records disclosed to the director by the 8012
administrator pursuant to this division. It shall be a defense to 8013
any civil or criminal charge based upon records disclosed by the 8014
administrator to the director that the records were disclosed 8015

pursuant to this division.

8016

(3)(a) ~~Any Each parent who is the residential parent and~~ 8017
~~legal custodian~~ of a child enrolled in a child day-care center and 8018
any custodian or guardian of such a child shall be permitted 8019
unlimited access to the center during its hours of operation for 8020
the purposes of contacting their children, evaluating the care 8021
provided by the center, evaluating the premises of the center, or 8022
for other purposes approved by the director. ~~A parent of a child~~ 8023
~~enrolled in a child day-care center who is not the child's~~ 8024
~~residential parent shall be permitted unlimited access to the~~ 8025
~~center during its hours of operation for those purposes under the~~ 8026
~~same terms and conditions under which the residential parent of~~ 8027
~~that child is permitted access to the center for those purposes.~~ 8028
However, the access of the a parent ~~who is not the residential~~ 8029
parent is subject to any agreement between the parents and, to the 8030
extent described in division (C)(3)(b) of this section, is subject 8031
to any ~~terms and conditions limiting~~ limitations or restrictions 8032
imposed on the right of access of the a parent ~~who is not the~~ 8033
~~residential parent~~, as described in division (I) of former section 8034
3109.051 of the Revised Code, that are contained in a parenting 8035
time order or decree issued under ~~that~~ former section, ~~section~~ 8036
3109.051 or 3109.12 of the Revised Code, or ~~any other provision~~ 8037
that are contained in a parenting order issued under Chapter 3110. 8038
of the Revised Code. 8039

(b) If a parent ~~who is the residential parent~~ of a child has 8040
presented the administrator or the administrator's designee with a 8041
copy of a parenting time order or parenting order that ~~limits the~~ 8042
~~terms and conditions~~ imposes limitations or restrictions under 8043
which the a parent ~~who is not the residential parent~~ is to have 8044
access to the center, ~~as described in division (I) of section~~ 8045
~~3109.051 of the Revised Code~~, the other parent ~~who is not the~~ 8046
~~residential parent~~ shall be provided access to the center only to 8047

the extent authorized in the order. If ~~the residential~~ a parent 8048
has presented such an order, the other parent ~~who is not the~~ 8049
~~residential parent~~ shall be permitted access to the center only in 8050
accordance with the most recent order that has been presented to 8051
the administrator or the administrator's designee by ~~the~~ 8052
~~residential~~ either parent ~~or the parent who is not the residential~~ 8053
~~parent.~~ 8054

(c) Upon entering the premises pursuant to division (C)(3)(a) 8055
or (b) of this section, ~~the parent who is the residential parent~~ 8056
~~and legal custodian, the parent who is not the residential parent,~~ 8057
~~or the a parent,~~ custodian, or guardian shall notify the 8058
administrator or the administrator's designee of the parent's, 8059
custodian's, or guardian's presence. 8060

(D) The director of job and family services, in addition to 8061
the rules adopted under division (A) of this section, shall adopt 8062
rules establishing minimum requirements for child day-care 8063
centers. The rules shall include, but not be limited to, the 8064
requirements set forth in divisions (B) and (C) of this section. 8065
Except as provided in section 5104.07 of the Revised Code, the 8066
rules shall not change the square footage requirements of division 8067
(B)(1) or (2) of this section; the maximum number of children per 8068
child-care staff member and maximum group size requirements of 8069
division (B)(3) of this section; the educational and experience 8070
requirements of division (B)(4) of this section; the age, 8071
educational, and experience requirements of division (B)(5) of 8072
this section; the number of inservice training hours required 8073
under division (B)(6) of this section; or the requirement for at 8074
least annual preparation of a roster for each group of children of 8075
names and telephone numbers of parents, custodians, or guardians 8076
of each group of children attending the center that must be 8077
furnished upon request to any parent, custodian, or guardian of 8078
any child in that group required under division (B)(7) of this 8079

section; however, the rules shall provide procedures for 8080
determining compliance with those requirements. 8081

(E)(1) When age groups are combined, the maximum number of 8082
children per child-care staff member shall be determined by the 8083
age of the youngest child in the group, except that when no more 8084
than one child thirty months of age or older receives services in 8085
a group in which all the other children are in the next older age 8086
group, the maximum number of children per child-care staff member 8087
and maximum group size requirements of the older age group 8088
established under division (B)(3) of this section shall apply. 8089

(2) The maximum number of toddlers or preschool children per 8090
child-care staff member in a room where children are napping shall 8091
be twice the maximum number of children per child-care staff 8092
member established under division (B)(3) of this section if all 8093
the following criteria are met: 8094

(a) At least one child-care staff member is present in the 8095
room. 8096

(b) Sufficient child-care staff members are on the child 8097
day-care center premises to meet the maximum number of children 8098
per child-care staff member requirements established under 8099
division (B)(3) of this section. 8100

(c) Naptime preparations are complete and all napping 8101
children are resting or sleeping on cots. 8102

(d) The maximum number established under division (E)(2) of 8103
this section is in effect for no more than one and one-half hours 8104
during a twenty-four-hour day. 8105

(F) The director of job and family services shall adopt rules 8106
pursuant to Chapter 119. of the Revised Code governing the 8107
operation of type A family day-care homes, including, but not 8108
limited to, parent cooperative type A homes, part-time type A 8109
homes, drop-in type A homes, and school child type A homes, which 8110

shall reflect the various forms of child day-care and the needs of 8111
children receiving child day-care. The rules shall include the 8112
following: 8113

(1) Submission of a site plan and descriptive plan of 8114
operation to demonstrate how the type A home proposes to meet the 8115
requirements of this chapter and rules adopted pursuant to this 8116
chapter for the initial license application; 8117

(2) Standards for ensuring that the physical surroundings of 8118
the type A home are safe and sanitary, including, but not limited 8119
to, the physical environment, the physical plant, and the 8120
equipment of the type A home; 8121

(3) Standards for the supervision, care, and discipline of 8122
children receiving child day-care or publicly funded child 8123
day-care in the type A home; 8124

(4) Standards for a program of activities, and for play 8125
equipment, materials, and supplies, to enhance the development of 8126
each child; however, any educational curricula, philosophies, and 8127
methodologies that are developmentally appropriate and that 8128
enhance the social, emotional, intellectual, and physical 8129
development of each child shall be permissible; 8130

(5) Admissions policies and procedures, health care policies 8131
and procedures, including, but not limited to, procedures for the 8132
isolation of children with communicable diseases, first aid and 8133
emergency procedures, procedures for discipline and supervision of 8134
children, standards for the provision of nutritious meals and 8135
snacks, and procedures for screening children and employees, 8136
including, but not limited to, any necessary physical examinations 8137
and immunizations; 8138

(6) Methods for encouraging parental participation in the 8139
type A home and methods for ensuring that the rights of children, 8140
parents, and employees are protected and that the responsibilities 8141

of parents and employees are met;	8142
(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	8143 8144 8145
(8) Procedures for record keeping, organization, and administration;	8146 8147
(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	8148 8149 8150
(10) Inspection procedures;	8151
(11) Procedures and standards for setting initial and renewal license application fees;	8152 8153
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	8154 8155
(13) Procedures for enforcing section 5104.04 of the Revised Code;	8156 8157
(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant this chapter;	8158 8159 8160 8161 8162 8163
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	8164 8165 8166 8167
(16) Procedures to be used by licensees for checking the references of potential employees of type A homes and procedures to be used by the director for checking the references of applicants for licenses to operate type A homes;	8168 8169 8170 8171

(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the type A home;	8172 8173 8174 8175
(18) Standards for the maximum number of children per child-care staff member;	8176 8177
(19) Requirements for the amount of usable indoor floor space for each child;	8178 8179
(20) Requirements for safe outdoor play space;	8180
(21) Qualifications and training requirements for administrators and for child-care staff members;	8181 8182
(22) Procedures for granting a parent who is the residential parent and legal custodian , or a custodian or guardian access to the type A home during its hours of operation;	8183 8184 8185
(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	8186 8187
(24) Any other procedures and standards necessary to carry out this chapter.	8188 8189
(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of type B family day-care homes.	8190 8191 8192
(1) The rules shall include procedures, standards, and other necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult providers:	8193 8194 8195 8196
(a) Persons who provide child day-care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider;	8197 8198 8199 8200 8201

(b) Persons who provide child day-care for eligible children 8202
all of whom are the children of the same caretaker parent. 8203

The rules shall require, and shall include procedures for the 8204
director to ensure, that type B family day-care homes that receive 8205
a limited certification provide child day-care to children in a 8206
safe and sanitary manner. With regard to providers who apply for 8207
limited certification, a provider shall be granted a provisional 8208
limited certification on signing a declaration under oath 8209
attesting that the provider meets the standards for limited 8210
certification. Such provisional limited certifications shall 8211
remain in effect for no more than sixty calendar days and shall 8212
entitle the provider to offer publicly funded child day-care 8213
during the provisional period. Except as otherwise provided in 8214
division (G)(1) of this section, prior to the expiration of the 8215
provisional limited certificate, a county department of job and 8216
family services shall inspect the home and shall grant limited 8217
certification to the provider if the provider meets the 8218
requirements of this division. Limited certificates remain valid 8219
for two years unless earlier revoked. Except as otherwise provided 8220
in division (G)(1) of this section, providers operating under 8221
limited certification shall be inspected annually. 8222

If a provider is a person described in division (G)(1)(a) of 8223
this section or a person described in division (G)(1)(b) of this 8224
section who is a friend of the caretaker parent, the provider and 8225
the caretaker parent may verify in writing to the county 8226
department of job and family services that minimum health and 8227
safety requirements are being met in the home. If such 8228
verification is provided, the county shall waive any inspection 8229
and any criminal records check required by this chapter and grant 8230
limited certification to the provider. 8231

(2) The rules shall provide for safeguarding the health, 8232
safety, and welfare of children receiving child day-care or 8233

publicly funded child day-care in a certified type B home and 8234
shall include the following: 8235

(a) Standards for ensuring that the type B home and the 8236
physical surroundings of the type B home are safe and sanitary, 8237
including, but not limited to, physical environment, physical 8238
plant, and equipment; 8239

(b) Standards for the supervision, care, and discipline of 8240
children receiving child day-care or publicly funded child 8241
day-care in the home; 8242

(c) Standards for a program of activities, and for play 8243
equipment, materials, and supplies to enhance the development of 8244
each child; however, any educational curricula, philosophies, and 8245
methodologies that are developmentally appropriate and that 8246
enhance the social, emotional, intellectual, and physical 8247
development of each child shall be permissible; 8248

(d) Admission policies and procedures, health care, first aid 8249
and emergency procedures, procedures for the care of sick 8250
children, procedures for discipline and supervision of children, 8251
nutritional standards, and procedures for screening children and 8252
authorized providers, including, but not limited to, any necessary 8253
physical examinations and immunizations; 8254

(e) Methods of encouraging parental participation and 8255
ensuring that the rights of children, parents, and authorized 8256
providers are protected and the responsibilities of parents and 8257
authorized providers are met; 8258

(f) Standards for the safe transport of children when under 8259
the care of authorized providers; 8260

(g) Procedures for issuing, renewing, denying, refusing to 8261
renew, or revoking certificates; 8262

(h) Procedures for the inspection of type B family day-care 8263

homes that require, at a minimum, that each type B family day-care	8264
home be inspected prior to certification to ensure that the home	8265
is safe and sanitary;	8266
(i) Procedures for record keeping and evaluation;	8267
(j) Procedures for receiving, recording, and responding to	8268
complaints;	8269
(k) Standards providing for the special needs of children who	8270
are handicapped or who receive treatment for health conditions	8271
while the child is receiving child day-care or publicly funded	8272
child day-care in the type B home;	8273
(l) Requirements for the amount of usable indoor floor space	8274
for each child;	8275
(m) Requirements for safe outdoor play space;	8276
(n) Qualification and training requirements for authorized	8277
providers;	8278
(o) Procedures for granting a parent who is the residential	8279
parent and legal custodian, or a custodian or guardian access to	8280
the type B home during its hours of operation;	8281
(p) Any other procedures and standards necessary to carry out	8282
this chapter.	8283
(H) The director shall adopt rules pursuant to Chapter 119.	8284
of the Revised Code governing the certification of in-home aides.	8285
The rules shall include procedures, standards, and other necessary	8286
provisions for granting limited certification to in-home aides who	8287
provide child day-care for eligible children who are	8288
great-grandchildren, grandchildren, nieces, nephews, or siblings	8289
of the in-home aide or for eligible children whose caretaker	8290
parent is a grandchild, child, niece, nephew, or sibling of the	8291
in-home aide. The rules shall require, and shall include	8292
procedures for the director to ensure, that in-home aides that	8293

receive a limited certification provide child day-care to children 8294
in a safe and sanitary manner. The rules shall provide for 8295
safeguarding the health, safety, and welfare of children receiving 8296
publicly funded child day-care in their own home and shall include 8297
the following: 8298

(1) Standards for ensuring that the child's home and the 8299
physical surroundings of the child's home are safe and sanitary, 8300
including, but not limited to, physical environment, physical 8301
plant, and equipment; 8302

(2) Standards for the supervision, care, and discipline of 8303
children receiving publicly funded child day-care in their own 8304
home; 8305

(3) Standards for a program of activities, and for play 8306
equipment, materials, and supplies to enhance the development of 8307
each child; however, any educational curricula, philosophies, and 8308
methodologies that are developmentally appropriate and that 8309
enhance the social, emotional, intellectual, and physical 8310
development of each child shall be permissible; 8311

(4) Health care, first aid, and emergency procedures, 8312
procedures for the care of sick children, procedures for 8313
discipline and supervision of children, nutritional standards, and 8314
procedures for screening children and in-home aides, including, 8315
but not limited to, any necessary physical examinations and 8316
immunizations; 8317

(5) Methods of encouraging parental participation and 8318
ensuring that the rights of children, parents, and in-home aides 8319
are protected and the responsibilities of parents and in-home 8320
aides are met; 8321

(6) Standards for the safe transport of children when under 8322
the care of in-home aides; 8323

(7) Procedures for issuing, renewing, denying, refusing to 8324

renew, or revoking certificates;	8325
(8) Procedures for inspection of homes of children receiving publicly funded child day-care in their own homes;	8326
(9) Procedures for record keeping and evaluation;	8327
(10) Procedures for receiving, recording, and responding to complaints;	8328
(11) Qualifications and training requirements for in-home aides;	8329
(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child day-care in the child's own home;	8330
(13) Any other procedures and standards necessary to carry out this chapter.	8331
(I) The director of job and family services shall send copies of proposed rules to each licensee and each county director of job and family services and shall give public notice of hearings regarding the rules to each licensee and each county director of job and family services at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. Prior to the effective date of a rule, the director of job and family services shall provide copies of the adopted rule to each licensee and each county director of job and family services.	8332
The county director of job and family services shall send copies of proposed rules to each authorized provider and in-home aide and shall give public notice of hearings regarding the rules to each authorized provider and in-home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. Prior to the effective date of	8333

a rule, the county director of job and family services shall 8355
provide copies of the adopted rule to each authorized provider and 8356
in-home aide. 8357

Additional copies of proposed and adopted rules shall be made 8358
available by the director of job and family services to the public 8359
on request at no charge. 8360

(J) The director of job and family services shall review all 8361
rules adopted pursuant to this chapter at least once every seven 8362
years. 8363

(K) Notwithstanding any provision of the Revised Code, the 8364
director of job and family services shall not regulate in any way 8365
under this chapter or rules adopted pursuant to this chapter, 8366
instruction in religious or moral doctrines, beliefs, or values. 8367

Sec. 5120.652. To participate in the prison nursery program, 8368
each eligible inmate selected by the department shall do all the 8369
following: 8370

(A) Agree in writing to do all the following: 8371

(1) Comply with any program, educational, counseling, and 8372
other requirements established for the program by the department 8373
of rehabilitation and correction; 8374

(2) If eligible, have the child participate in the medicaid 8375
program or a health insurance program; 8376

(3) Accept the normal risks of childrearing; 8377

(4) Abide by any court decisions regarding the allocation of 8378
parental rights and responsibilities made under former section 8379
3109.04 of the Revised Code or the allocation of parenting 8380
functions and responsibilities made under Chapter 3110. of the 8381
Revised Code with respect to the child. 8382

(B) Assign to the department any rights to support from any 8383

other person, excluding support assigned pursuant to section 8384
5107.20 of the Revised Code and medical support assigned pursuant 8385
to section 5101.59 of the Revised Code; 8386

(C) Specify with whom the child is to be placed in the event 8387
the inmate's participation in the program is terminated for a 8388
reason other than release from imprisonment. 8389

Sec. 5120.653. An inmate's participation in the prison 8390
nursery program may be terminated by the department of 8391
rehabilitation and correction if one of the following occurs: 8392

(A) The inmate fails to comply with the agreement entered 8393
into under division (A) of section 5120.652 of the Revised Code. 8394

(B) The inmate's child becomes seriously ill, cannot meet 8395
medical criteria established by the department of rehabilitation 8396
and correction for the program, or otherwise cannot safely 8397
participate in the program. 8398

(C) A court issues ~~an a parenting order that designates a~~ 8399
~~person other than the inmate as the child's residential parent and~~ 8400
~~legal custodian under Chapter 3110. of the Revised Code that~~ 8401
imposes limitations or restrictions on the inmate's contact or 8402
other interaction with the child. 8403

(D) A juvenile court, in an action brought pursuant to 8404
division (A)(2) of section 2151.23 of the Revised Code, grants 8405
custody of the child to a person other than the inmate. 8406

(E) An order is issued pursuant to section ~~3109.04~~ 3110.05 of 8407
the Revised Code ~~granting shared parenting of~~ committing the child 8408
to a relative of the child. 8409

(F) An order of disposition regarding the child is issued 8410
pursuant to division (A)(2), (3), or (4) of section 2151.353 of 8411
the Revised Code granting temporary, permanent, or legal custody 8412
of the child to a person, other than the inmate, or to a public 8413

children services agency or private child placing agency.	8414
(G) The inmate is released from imprisonment.	8415
Sec. 5123.01. As used in this chapter:	8416
(A) "Chief medical officer" means the licensed physician appointed by the managing officer of an institution for the mentally retarded with the approval of the director of mental retardation and developmental disabilities to provide medical treatment for residents of the institution.	8417 8418 8419 8420 8421
(B) "Chief program director" means a person with special training and experience in the diagnosis and management of the mentally retarded, certified according to division (C) of this section in at least one of the designated fields, and appointed by the managing officer of an institution for the mentally retarded with the approval of the director to provide habilitation and care for residents of the institution.	8422 8423 8424 8425 8426 8427 8428
(C) "Comprehensive evaluation" means a study, including a sequence of observations and examinations, of a person leading to conclusions and recommendations formulated jointly, with dissenting opinions if any, by a group of persons with special training and experience in the diagnosis and management of persons with mental retardation or a developmental disability, which group shall include individuals who are professionally qualified in the fields of medicine, psychology, and social work, together with such other specialists as the individual case may require.	8429 8430 8431 8432 8433 8434 8435 8436 8437
(D) "Education" means the process of formal training and instruction to facilitate the intellectual and emotional development of residents.	8438 8439 8440
(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more	8441 8442 8443

effectively with the demands of the resident's own person and of 8444
the resident's environment and in raising the level of the 8445
resident's physical, mental, social, and vocational efficiency. 8446
Habilitation includes but is not limited to programs of formal, 8447
structured education and training. 8448

(F) "Habilitation center services" means services provided by 8449
a habilitation center certified by the department of mental 8450
retardation and developmental disabilities under section 5123.041 8451
of the Revised Code and covered by the medicaid program pursuant 8452
to rules adopted under section 5111.041 of the Revised Code. 8453

(G) "Health officer" means any public health physician, 8454
public health nurse, or other person authorized or designated by a 8455
city or general health district. 8456

(H) "Home and community-based services" means medicaid-funded 8457
home and community-based services provided under a medicaid 8458
component the department of mental retardation and developmental 8459
disabilities administers pursuant to section 5111.871 of the 8460
Revised Code. 8461

(I) "Indigent person" means a person who is unable, without 8462
substantial financial hardship, to provide for the payment of an 8463
attorney and for other necessary expenses of legal representation, 8464
including expert testimony. 8465

(J) "Institution" means a public or private facility, or a 8466
part of a public or private facility, that is licensed by the 8467
appropriate state department and is equipped to provide 8468
residential habilitation, care, and treatment for the mentally 8469
retarded. 8470

(K) "Licensed physician" means a person who holds a valid 8471
certificate issued under Chapter 4731. of the Revised Code 8472
authorizing the person to practice medicine and surgery or 8473
osteopathic medicine and surgery, or a medical officer of the 8474

government of the United States while in the performance of the 8475
officer's official duties. 8476

(L) "Managing officer" means a person who is appointed by the 8477
director of mental retardation and developmental disabilities to 8478
be in executive control of an institution for the mentally 8479
retarded under the jurisdiction of the department. 8480

(M) "Medicaid" has the same meaning as in section 5111.01 of 8481
the Revised Code. 8482

(N) "Medicaid case management services" means case management 8483
services provided to an individual with mental retardation or 8484
other developmental disability that the state medicaid plan 8485
requires. 8486

(O) "Mentally retarded person" means a person having 8487
significantly subaverage general intellectual functioning existing 8488
concurrently with deficiencies in adaptive behavior, manifested 8489
during the developmental period. 8490

(P) "Mentally retarded person subject to institutionalization 8491
by court order" means a person eighteen years of age or older who 8492
is at least moderately mentally retarded and in relation to whom, 8493
because of the person's retardation, either of the following 8494
conditions exist: 8495

(1) The person represents a very substantial risk of physical 8496
impairment or injury to self as manifested by evidence that the 8497
person is unable to provide for and is not providing for the 8498
person's most basic physical needs and that provision for those 8499
needs is not available in the community; 8500

(2) The person needs and is susceptible to significant 8501
habilitation in an institution. 8502

(Q) "A person who is at least moderately mentally retarded" 8503
means a person who is found, following a comprehensive evaluation, 8504

to be impaired in adaptive behavior to a moderate degree and to be 8505
functioning at the moderate level of intellectual functioning in 8506
accordance with standard measurements as recorded in the most 8507
current revision of the manual of terminology and classification 8508
in mental retardation published by the American association on 8509
mental retardation. 8510

(R) As used in this division, "substantial functional 8511
limitation," "developmental delay," and "established risk" have 8512
the meanings established pursuant to section 5123.011 of the 8513
Revised Code. 8514

"Developmental disability" means a severe, chronic disability 8515
that is characterized by all of the following: 8516

(1) It is attributable to a mental or physical impairment or 8517
a combination of mental and physical impairments, other than a 8518
mental or physical impairment solely caused by mental illness as 8519
defined in division (A) of section 5122.01 of the Revised Code. 8520

(2) It is manifested before age twenty-two. 8521

(3) It is likely to continue indefinitely. 8522

(4) It results in one of the following: 8523

(a) In the case of a person under three years of age, at 8524
least one developmental delay or an established risk; 8525

(b) In the case of a person at least three years of age but 8526
under six years of age, at least two developmental delays or an 8527
established risk; 8528

(c) In the case of a person six years of age or older, a 8529
substantial functional limitation in at least three of the 8530
following areas of major life activity, as appropriate for the 8531
person's age: self-care, receptive and expressive language, 8532
learning, mobility, self-direction, capacity for independent 8533
living, and, if the person is at least sixteen years of age, 8534

capacity for economic self-sufficiency. 8535

(5) It causes the person to need a combination and sequence 8536
of special, interdisciplinary, or other type of care, treatment, 8537
or provision of services for an extended period of time that is 8538
individually planned and coordinated for the person. 8539

(S) "Developmentally disabled person" means a person with a 8540
developmental disability. 8541

(T) "State institution" means an institution that is 8542
tax-supported and under the jurisdiction of the department. 8543

(U) "Residence" and "legal residence" have the same meaning 8544
as "legal settlement," which is acquired by residing in Ohio for a 8545
period of one year without receiving general assistance prior to 8546
July 17, 1995, under former Chapter 5113. of the Revised Code, 8547
disability assistance under Chapter 5115. of the Revised Code, or 8548
assistance from a private agency that maintains records of 8549
assistance given. A person having a legal settlement in the state 8550
shall be considered as having legal settlement in the assistance 8551
area in which the person resides. No adult person coming into this 8552
state and having a spouse or minor children residing in another 8553
state shall obtain a legal settlement in this state as long as the 8554
spouse or minor children are receiving public assistance, care, or 8555
support at the expense of the other state or its subdivisions. For 8556
the purpose of determining the legal settlement of a person who is 8557
living in a public or private institution or in a home subject to 8558
licensing by the department of job and family services, the 8559
department of mental health, or the department of mental 8560
retardation and developmental disabilities, the residence of the 8561
person shall be considered as though the person were residing in 8562
the county in which the person was living prior to the person's 8563
entrance into the institution or home. Settlement once acquired 8564
shall continue until a person has been continuously absent from 8565
Ohio for a period of one year or has acquired a legal residence in 8566

another state. A woman who marries a man with legal settlement in 8567
any county immediately acquires the settlement of her husband. The 8568
legal settlement of a minor is that of the parents, surviving 8569
parent, sole parent, parent who is designated the residential 8570
parent ~~and legal custodian~~ by a court, other adult having 8571
permanent custody awarded by a court, or guardian of the person of 8572
the minor, provided that: 8573

(1) A minor female who marries shall be considered to have 8574
the legal settlement of her husband and, in the case of death of 8575
her husband or divorce, she shall not thereby lose her legal 8576
settlement obtained by the marriage. 8577

(2) A minor male who marries, establishes a home, and who has 8578
resided in this state for one year without receiving general 8579
assistance prior to July 17, 1995, under former Chapter 5113. of 8580
the Revised Code, disability assistance under Chapter 5115. of the 8581
Revised Code, or assistance from a private agency that maintains 8582
records of assistance given shall be considered to have obtained a 8583
legal settlement in this state. 8584

(3) The legal settlement of a child under eighteen years of 8585
age who is in the care or custody of a public or private child 8586
caring agency shall not change if the legal settlement of the 8587
parent changes until after the child has been in the home of the 8588
parent for a period of one year. 8589

No person, adult or minor, may establish a legal settlement 8590
in this state for the purpose of gaining admission to any state 8591
institution. 8592

(V)(1) "Resident" means, subject to division (R)(2) of this 8593
section, a person who is admitted either voluntarily or 8594
involuntarily to an institution or other facility pursuant to 8595
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 8596
Code subsequent to a finding of not guilty by reason of insanity 8597

or incompetence to stand trial or under this chapter who is under
observation or receiving habilitation and care in an institution.

(2) "Resident" does not include a person admitted to an
institution or other facility under section 2945.39, 2945.40,
2945.401, or 2945.402 of the Revised Code to the extent that the
reference in this chapter to resident, or the context in which the
reference occurs, is in conflict with any provision of sections
2945.37 to 2945.402 of the Revised Code.

(W) "Respondent" means the person whose detention,
commitment, or continued commitment is being sought in any
proceeding under this chapter.

(X) "Working day" and "court day" mean Monday, Tuesday,
Wednesday, Thursday, and Friday, except when such day is a legal
holiday.

(Y) "Prosecutor" means the prosecuting attorney, village
solicitor, city director of law, or similar chief legal officer
who prosecuted a criminal case in which a person was found not
guilty by reason of insanity, who would have had the authority to
prosecute a criminal case against a person if the person had not
been found incompetent to stand trial, or who prosecuted a case in
which a person was found guilty.

(Z) "Court" means the probate division of the court of common
pleas.

Sec. 5153.16. (A) Except as provided in section 2151.422 of
the Revised Code, in accordance with rules of the department of
job and family services, and on behalf of children in the county
whom the public children services agency considers to be in need
of public care or protective services, the public children
services agency shall do all of the following:

(1) Make an investigation concerning any child alleged to be

an abused, neglected, or dependent child; 8628

(2) Enter into agreements with the parent, guardian, or other 8629
person having legal custody of any child, or with the department 8630
of job and family services, department of mental health, 8631
department of mental retardation and developmental disabilities, 8632
other department, any certified organization within or outside the 8633
county, or any agency or institution outside the state, having 8634
legal custody of any child, with respect to the custody, care, or 8635
placement of any child, or with respect to any matter, in the 8636
interests of the child, provided the permanent custody of a child 8637
shall not be transferred by a parent to the public children 8638
services agency without the consent of the juvenile court; 8639
8640

(3) Accept custody of children committed to the public 8641
children services agency by a court exercising juvenile 8642
jurisdiction; 8643

(4) Provide such care as the public children services agency 8644
considers to be in the best interests of any child adjudicated to 8645
be an abused, neglected, or dependent child the agency finds to be 8646
in need of public care or service; 8647

(5) Provide social services to any unmarried girl adjudicated 8648
to be an abused, neglected, or dependent child who is pregnant 8649
with or has been delivered of a child; 8650

(6) Make available to the bureau for children with medical 8651
handicaps of the department of health at its request any 8652
information concerning a crippled child found to be in need of 8653
treatment under sections 3701.021 to 3701.028 of the Revised Code 8654
who is receiving services from the public children services 8655
agency; 8656

(7) Provide temporary emergency care for any child considered 8657
by the public children services agency to be in need of such care, 8658

without agreement or commitment; 8659

(8) Find certified foster homes, within or outside the 8660
county, for the care of children, including handicapped children 8661
from other counties attending special schools in the county; 8662

(9) Subject to the approval of the board of county 8663
commissioners and the state department of job and family services, 8664
establish and operate a training school or enter into an agreement 8665
with any municipal corporation or other political subdivision of 8666
the county respecting the operation, acquisition, or maintenance 8667
of any children's home, training school, or other institution for 8668
the care of children maintained by such municipal corporation or 8669
political subdivision; 8670

(10) Acquire and operate a county children's home, establish, 8671
maintain, and operate a receiving home for the temporary care of 8672
children, or procure certified foster homes for this purpose; 8673
8674

(11) Enter into an agreement with the trustees of any 8675
district children's home, respecting the operation of the district 8676
children's home in cooperation with the other county boards in the 8677
district; 8678

(12) Cooperate with, make its services available to, and act 8679
as the agent of persons, courts, the department of job and family 8680
services, the department of health, and other organizations within 8681
and outside the state, in matters relating to the welfare of 8682
children, except that the public children services agency shall 8683
not be required to provide supervision of or other services 8684
related to the exercise of parenting functions and 8685
responsibilities under a parenting order issued pursuant to 8686
Chapter 3110. of the Revised Code, parenting time rights granted 8687
pursuant to former section 3109.051 or 3109.12 of the Revised 8688
Code, or companionship or visitation rights granted pursuant to 8689

former section 3109.051, 3109.11, or 3109.12 or section 3110.89, 8690
3110.90, or 3110.91 of the Revised Code unless a juvenile court, 8691
pursuant to Chapter 2151. of the Revised Code, or a common pleas 8692
court, pursuant to division (E)(6) of section 3113.31 of the 8693
Revised Code, requires the provision of supervision or other 8694
services related to the exercise of the parenting functions and 8695
responsibilities, parenting time rights, or companionship or 8696
visitation rights; 8697

(13) Make investigations at the request of any superintendent 8698
of schools in the county or the principal of any school concerning 8699
the application of any child adjudicated to be an abused, 8700
neglected, or dependent child for release from school, where such 8701
service is not provided through a school attendance department; 8702
8703

(14) Administer funds provided under Title IV-E of the 8704
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 8705
amended, in accordance with rules adopted under section 5101.141 8706
of the Revised Code; 8707

(15) In addition to administering Title IV-E adoption 8708
assistance funds, enter into agreements to make adoption 8709
assistance payments under section 5153.163 of the Revised Code; 8710

(16) Implement a system of risk assessment, in accordance 8711
with rules adopted by the director of job and family services, to 8712
assist the public children services agency in determining the risk 8713
of abuse or neglect to a child; 8714

(17) Enter into a plan of cooperation with the board of 8715
county commissioners under section 307.983 of the Revised Code and 8716
comply with the partnership agreement the board enters into under 8717
section 307.98 of the Revised Code and contracts the board enters 8718
into under sections 307.981 and 307.982 of the Revised Code that 8719
affect the public children services agency; 8720

(18) Make reasonable efforts to prevent the removal of an 8721
alleged or adjudicated abused, neglected, or dependent child from 8722
the child's home, eliminate the continued removal of the child 8723
from the child's home, or make it possible for the child to return 8724
home safely, except that reasonable efforts of that nature are not 8725
required when a court has made a determination under division 8726
(A)(2) of section 2151.419 of the Revised Code; 8727

(19) Make reasonable efforts to place the child in a timely 8728
manner in accordance with the permanency plan approved under 8729
division (E) of section 2151.417 of the Revised Code and to 8730
complete whatever steps are necessary to finalize the permanent 8731
placement of the child; 8732

(20) Administer a Title IV-A program identified under 8733
division (A)(3)(c) or (d) of section 5101.80 of the Revised Code 8734
that the department of job and family services provides for the 8735
public children services agency to administer under the 8736
department's supervision pursuant to section 5101.801 of the 8737
Revised Code. 8738

(B) The public children services agency shall use the system 8739
implemented pursuant to division (B)(16) of this section in 8740
connection with an investigation undertaken pursuant to division 8741
(F)(1) of section 2151.421 of the Revised Code and may use the 8742
system at any other time the agency is involved with any child 8743
when the agency determines that risk assessment is necessary. 8744

(C) Except as provided in section 2151.422 of the Revised 8745
Code, in accordance with rules of the director of job and family 8746
services, and on behalf of children in the county whom the public 8747
children services agency considers to be in need of public care or 8748
protective services, the public children services agency may do 8749
the following: 8750

(1) Provide or find, with other child serving systems, 8751

specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

- (i) County departments of job and family services;
- (ii) Boards of alcohol, drug addiction, and mental health services;
- (iii) County boards of mental retardation and developmental disabilities;
- (iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;
- (v) Private and government providers of services;
- (vi) Managed care organizations and prepaid health plans.

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.

(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.

Section 2. That existing sections 109.65, 313.121, 2111.06,

2111.08, 2151.23, 2151.27, 2151.33, 2152.021, 2301.03, 2307.50, 8781
2317.02, 2317.023, 2701.03, 2705.031, 2901.30, 2919.231, 3101.01, 8782
3105.21, 3105.63, 3105.65, 3107.15, 3109.03, 3109.042, 3109.05, 8783
3109.06, 3109.07, 3109.09, 3109.11, 3109.12, 3109.21, 3109.22, 8784
3109.23, 3109.24, 3109.25, 3109.26, 3109.27, 3109.28, 3109.29, 8785
3109.30, 3109.31, 3109.32, 3109.33, 3109.34, 3109.35, 3109.36, 8786
3109.37, 3109.41, 3109.42, 3109.43, 3109.44, 3109.45, 3109.46, 8787
3109.47, 3109.48, 3111.13, 3111.26, 3111.31, 3113.31, 3115.16, 8788
3119.01, 3119.02, 3119.022, 3119.023, 3119.07, 3119.09, 3119.23, 8789
3119.63, 3119.82, 3119.87, 3119.964, 3125.03, 3125.06, 3125.43, 8790
3313.205, 3313.672, 3313.96, 3313.98, 3319.321, 3321.01, 3323.01, 8791
3333.26, 3701.503, 3902.13, 5104.011, 5120.652, 5120.653, 5123.01, 8792
and 5153.16 and sections 3109.04, 3109.041, 3109.051, 3109.052, 8793
3109.053, 3109.401, 3119.08, and 3119.24 of the Revised Code are 8794
hereby repealed. 8795

Section 3. Section 2301.03 of the Revised Code is presented 8796
in this act as a composite of the section as amended by both Sub. 8797
H.B. 8 and Sub. H.B. 393 of the 124th General Assembly. The 8798
General Assembly, applying the principle stated in division (B) of 8799
section 1.52 of the Revised Code that amendments are to be 8800
harmonized if reasonably capable of simultaneous operation, finds 8801
that the composite is the resulting version of the section in 8802
effect prior to the effective date of the section as presented in 8803
this act. 8804