

**As Introduced**

**125th General Assembly  
Regular Session  
2003-2004**

**S. B. No. 185**

**Senators Jordan, Robert Gardner, Dann, Schuler, Wachtmann**

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**A BILL**

To amend sections 2111.06, 2151.23, 2151.27, 1  
2152.021, 3109.04, 3109.27, 3109.29, and 3109.37, 2  
to amend, for the purpose of adopting new section 3  
numbers as indicated in parentheses, sections 4  
3109.27 (3127.23), 3109.29 (3127.24), and 3109.37 5  
(3127.06), to enact sections 3127.01 to 3127.05, 6  
3127.07 to 3127.11, 3127.15 to 3127.22, 3127.31 to 7  
3127.47, 3127.51, 3127.52, and 3127.53, and to 8  
repeal sections 3109.21, 3109.22, 3109.23, 9  
3109.24, 3109.25, 3109.26, 3109.28, 3109.30, 10  
3109.31, 3109.32, 3109.33, 3109.34, 3109.35, and 11  
3109.36 of the Revised Code to repeal the Uniform 12  
Child Custody Jurisdiction Act and replace it with 13  
the Uniform Child Custody Jurisdiction and 14  
Enforcement Act. 15

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

**Section 1.** That sections 2111.06, 2151.23, 2151.27, 2152.021, 16  
3109.04, 3109.27, 3109.29, and 3109.37 be amended, sections 17  
3109.27 (3127.23), 3109.29 (3127.24), and 3109.37 (3127.06) be 18  
amended for the purpose of adopting new section numbers as 19  
indicated in parentheses, and sections 3127.01, 3127.02, 3127.03, 20  
3127.04, 3127.05, 3127.07, 3127.08, 3127.09, 3127.10, 3127.11, 21

3127.15, 3127.16, 3127.17, 3127.18, 3127.19, 3127.20, 3127.21, 22  
3127.22, 3127.31, 3127.32, 3127.33, 3127.34, 3127.35, 3127.36, 23  
3127.37, 3127.38, 3127.39, 3127.40, 3127.41, 3127.42, 3127.43, 24  
3127.44, 3127.45, 3127.46, 3127.47, 3127.51, 3127.52, and 3127.53 25  
of the Revised Code be enacted to read as follows: 26

**Sec. 2111.06.** If the powers of the person appointed as 27  
guardian of a minor or incompetent are not limited by the order of 28  
appointment, such person shall be guardian both of the person and 29  
estate of the ward. In every instance the court shall appoint the 30  
same person as guardian of the person and estate of any such ward, 31  
unless in the opinion of the court the interests of the ward will 32  
be promoted by the appointment of different persons as guardians 33  
of the person and of the estate. 34

A guardian of the person of a minor shall be appointed as to 35  
a minor having neither father nor mother, or whose parents are 36  
unsuitable persons to have the custody and tuition of such minor, 37  
or whose interests, in the opinion of the court, will be promoted 38  
thereby. A guardian of the person shall have the custody and 39  
provide for the maintenance of the ward, and if the ward is a 40  
minor, such guardian shall also provide for the education of such 41  
ward. 42

Before exercising its jurisdiction to appoint a guardian of a 43  
minor, the court shall comply with the jurisdictional standards of 44  
sections ~~3109.21 to 3109.37~~ 3127.01 to 3127.53 of the Revised 45  
Code. 46

**Sec. 2151.23.** (A) The juvenile court has exclusive original 47  
jurisdiction under the Revised Code as follows: 48

(1) Concerning any child who on or about the date specified 49  
in the complaint, indictment, or information is alleged to have 50  
violated section 2151.87 of the Revised Code or an order issued 51

under that section or to be a juvenile traffic offender or a 52  
delinquent, unruly, abused, neglected, or dependent child and, 53  
based on and in relation to the allegation pertaining to the 54  
child, concerning the parent, guardian, or other person having 55  
care of a child who is alleged to be an unruly or delinquent child 56  
for being an habitual or chronic truant; 57

(2) Subject to division (V) of section 2301.03 of the Revised 58  
Code, to determine the custody of any child not a ward of another 59  
court of this state; 60

(3) To hear and determine any application for a writ of 61  
habeas corpus involving the custody of a child; 62

(4) To exercise the powers and jurisdiction given the probate 63  
division of the court of common pleas in Chapter 5122. of the 64  
Revised Code, if the court has probable cause to believe that a 65  
child otherwise within the jurisdiction of the court is a mentally 66  
ill person subject to hospitalization by court order, as defined 67  
in section 5122.01 of the Revised Code; 68

(5) To hear and determine all criminal cases charging adults 69  
with the violation of any section of this chapter; 70

(6) To hear and determine all criminal cases in which an 71  
adult is charged with a violation of division (C) of section 72  
2919.21, division (B)(1) of section 2919.22, section 2919.222, 73  
division (B) of section 2919.23, or section 2919.24 of the Revised 74  
Code, provided the charge is not included in an indictment that 75  
also charges the alleged adult offender with the commission of a 76  
felony arising out of the same actions that are the basis of the 77  
alleged violation of division (C) of section 2919.21, division 78  
(B)(1) of section 2919.22, section 2919.222, division (B) of 79  
section 2919.23, or section 2919.24 of the Revised Code; 80

(7) Under the interstate compact on juveniles in section 81  
2151.56 of the Revised Code; 82

(8) Concerning any child who is to be taken into custody	83
pursuant to section 2151.31 of the Revised Code, upon being	84
notified of the intent to take the child into custody and the	85
reasons for taking the child into custody;	86
(9) To hear and determine requests for the extension of	87
temporary custody agreements, and requests for court approval of	88
permanent custody agreements, that are filed pursuant to section	89
5103.15 of the Revised Code;	90
(10) To hear and determine applications for consent to marry	91
pursuant to section 3101.04 of the Revised Code;	92
(11) Subject to division (V) of section 2301.03 of the	93
Revised Code, to hear and determine a request for an order for the	94
support of any child if the request is not ancillary to an action	95
for divorce, dissolution of marriage, annulment, or legal	96
separation, a criminal or civil action involving an allegation of	97
domestic violence, or an action for support brought under Chapter	98
3115. of the Revised Code;	99
(12) Concerning an action commenced under section 121.38 of	100
the Revised Code;	101
(13) To hear and determine violations of section 3321.38 of	102
the Revised Code;	103
(14) To exercise jurisdiction and authority over the parent,	104
guardian, or other person having care of a child alleged to be a	105
delinquent child, unruly child, or juvenile traffic offender,	106
based on and in relation to the allegation pertaining to the	107
child;	108
(15) To conduct the hearings, and to make the determinations,	109
adjudications, and orders authorized or required under sections	110
2152.82 to 2152.85 and Chapter 2950. of the Revised Code regarding	111
a child who has been adjudicated a delinquent child and to refer	112

the duties conferred upon the juvenile court judge under sections 113  
2152.82 to 2152.85 and Chapter 2950. of the Revised Code to 114  
magistrates appointed by the juvenile court judge in accordance 115  
with Juvenile Rule 40; 116

(16) To enforce an order for the return of a child made under 117  
the Hague Convention on the Civil Aspects of International Child 118  
Abduction pursuant to section 3127.32 of the Revised Code; 119

(17) To grant any relief normally available under the laws of 120  
this state to enforce a parenting determination made by a court of 121  
another state and registered in accordance with section 3127.35 of 122  
the Revised Code. 123

(B) Except as provided in division (I) of section 2301.03 of 124  
the Revised Code, the juvenile court has original jurisdiction 125  
under the Revised Code: 126

(1) To hear and determine all cases of misdemeanors charging 127  
adults with any act or omission with respect to any child, which 128  
act or omission is a violation of any state law or any municipal 129  
ordinance; 130

(2) To determine the paternity of any child alleged to have 131  
been born out of wedlock pursuant to sections 3111.01 to 3111.18 132  
of the Revised Code; 133

(3) Under the uniform interstate family support act in 134  
Chapter 3115. of the Revised Code; 135

(4) To hear and determine an application for an order for the 136  
support of any child, if the child is not a ward of another court 137  
of this state; 138

(5) To hear and determine an action commenced under section 139  
3111.28 of the Revised Code; 140

(6) To hear and determine a motion filed under section 141  
3119.961 of the Revised Code. 142

(C) The juvenile court, except as to juvenile courts that are 143  
a separate division of the court of common pleas or a separate and 144  
independent juvenile court, has jurisdiction to hear, determine, 145  
and make a record of any action for divorce or legal separation 146  
that involves the custody or care of children and that is filed in 147  
the court of common pleas and certified by the court of common 148  
pleas with all the papers filed in the action to the juvenile 149  
court for trial, provided that no certification of that nature 150  
shall be made to any juvenile court unless the consent of the 151  
juvenile judge first is obtained. After a certification of that 152  
nature is made and consent is obtained, the juvenile court shall 153  
proceed as if the action originally had been begun in that court, 154  
except as to awards for spousal support or support due and unpaid 155  
at the time of certification, over which the juvenile court has no 156  
jurisdiction. 157

(D) The juvenile court, except as provided in division (I) of 158  
section 2301.03 of the Revised Code, has jurisdiction to hear and 159  
determine all matters as to custody and support of children duly 160  
certified by the court of common pleas to the juvenile court after 161  
a divorce decree has been granted, including jurisdiction to 162  
modify the judgment and decree of the court of common pleas as the 163  
same relate to the custody and support of children. 164

(E) The juvenile court, except as provided in division (I) of 165  
section 2301.03 of the Revised Code, has jurisdiction to hear and 166  
determine the case of any child certified to the court by any 167  
court of competent jurisdiction if the child comes within the 168  
jurisdiction of the juvenile court as defined by this section. 169

(F)(1) The juvenile court shall exercise its jurisdiction in 170  
child custody matters in accordance with sections 3109.04, ~~3109.21~~ 171  
~~to 3109.36~~ 3127.01 to 3127.53, and 5103.20 to 5103.28 of the 172  
Revised Code. 173

(2) The juvenile court shall exercise its jurisdiction in 174  
child support matters in accordance with section 3109.05 of the 175  
Revised Code. 176

(G) Any juvenile court that makes or modifies an order for 177  
child support shall comply with Chapters 3119., 3121., 3123., and 178  
3125. of the Revised Code. If any person required to pay child 179  
support under an order made by a juvenile court on or after April 180  
15, 1985, or modified on or after December 1, 1986, is found in 181  
contempt of court for failure to make support payments under the 182  
order, the court that makes the finding, in addition to any other 183  
penalty or remedy imposed, shall assess all court costs arising 184  
out of the contempt proceeding against the person and require the 185  
person to pay any reasonable attorney's fees of any adverse party, 186  
as determined by the court, that arose in relation to the act of 187  
contempt. 188

(H) If a child who is charged with an act that would be an 189  
offense if committed by an adult was fourteen years of age or 190  
older and under eighteen years of age at the time of the alleged 191  
act and if the case is transferred for criminal prosecution 192  
pursuant to section 2152.12 of the Revised Code, the juvenile 193  
court does not have jurisdiction to hear or determine the case 194  
subsequent to the transfer. The court to which the case is 195  
transferred for criminal prosecution pursuant to that section has 196  
jurisdiction subsequent to the transfer to hear and determine the 197  
case in the same manner as if the case originally had been 198  
commenced in that court, including, but not limited to, 199  
jurisdiction to accept a plea of guilty or another plea authorized 200  
by Criminal Rule 11 or another section of the Revised Code and 201  
jurisdiction to accept a verdict and to enter a judgment of 202  
conviction pursuant to the Rules of Criminal Procedure against the 203  
child for the commission of the offense that was the basis of the 204  
transfer of the case for criminal prosecution, whether the 205

conviction is for the same degree or a lesser degree of the 206  
offense charged, for the commission of a lesser-included offense, 207  
or for the commission of another offense that is different from 208  
the offense charged. 209

(I) If a person under eighteen years of age allegedly commits 210  
an act that would be a felony if committed by an adult and if the 211  
person is not taken into custody or apprehended for that act until 212  
after the person attains twenty-one years of age, the juvenile 213  
court does not have jurisdiction to hear or determine any portion 214  
of the case charging the person with committing that act. In those 215  
circumstances, divisions (A) and (B) of section 2152.12 of the 216  
Revised Code do not apply regarding the act, and the case charging 217  
the person with committing the act shall be a criminal prosecution 218  
commenced and heard in the appropriate court having jurisdiction 219  
of the offense as if the person had been eighteen years of age or 220  
older when the person committed the act. All proceedings 221  
pertaining to the act shall be within the jurisdiction of the 222  
court having jurisdiction of the offense, and that court has all 223  
the authority and duties in the case that it has in other criminal 224  
cases in that court. 225

**Sec. 2151.27.** (A)(1) Subject to division (A)(2) of this 226  
section, any person having knowledge of a child who appears to 227  
have violated section 2151.87 of the Revised Code or to be a 228  
juvenile traffic offender or to be an unruly, abused, neglected, 229  
or dependent child may file a sworn complaint with respect to that 230  
child in the juvenile court of the county in which the child has a 231  
residence or legal settlement or in which the violation, 232  
unruliness, abuse, neglect, or dependency allegedly occurred. If 233  
an alleged abused, neglected, or dependent child is taken into 234  
custody pursuant to division (D) of section 2151.31 of the Revised 235  
Code or is taken into custody pursuant to division (A) of section 236  
2151.31 of the Revised Code without the filing of a complaint and 237



placed into shelter care pursuant to division (C) of that section, 238  
a sworn complaint shall be filed with respect to the child before 239  
the end of the next day after the day on which the child was taken 240  
into custody. The sworn complaint may be upon information and 241  
belief, and, in addition to the allegation that the child 242  
committed the violation or is an unruly, abused, neglected, or 243  
dependent child, the complaint shall allege the particular facts 244  
upon which the allegation that the child committed the violation 245  
or is an unruly, abused, neglected, or dependent child is based. 246

(2) Any person having knowledge of a child who appears to be 247  
an unruly child for being an habitual truant may file a sworn 248  
complaint with respect to that child and the parent, guardian, or 249  
other person having care of the child in the juvenile court of the 250  
county in which the child has a residence or legal settlement or 251  
in which the child is supposed to attend public school. The sworn 252  
complaint may be upon information and belief and shall contain the 253  
following allegations: 254

(a) That the child is an unruly child for being an habitual 255  
truant and, in addition, the particular facts upon which that 256  
allegation is based; 257

(b) That the parent, guardian, or other person having care of 258  
the child has failed to cause the child's attendance at school in 259  
violation of section 3321.38 of the Revised Code and, in addition, 260  
the particular facts upon which that allegation is based. 261

(B) If a child, before arriving at the age of eighteen years, 262  
allegedly commits an act for which the child may be adjudicated an 263  
unruly child and if the specific complaint alleging the act is not 264  
filed or a hearing on that specific complaint is not held until 265  
after the child arrives at the age of eighteen years, the court 266  
has jurisdiction to hear and dispose of the complaint as if the 267  
complaint were filed and the hearing held before the child arrived 268

at the age of eighteen years. 269

(C) If the complainant in a case in which a child is alleged 270  
to be an abused, neglected, or dependent child desires permanent 271  
custody of the child or children, temporary custody of the child 272  
or children, whether as the preferred or an alternative 273  
disposition, or the placement of the child in a planned permanent 274  
living arrangement, the complaint shall contain a prayer 275  
specifically requesting permanent custody, temporary custody, or 276  
the placement of the child in a planned permanent living 277  
arrangement. 278

(D) Any person with standing under applicable law may file a 279  
complaint for the determination of any other matter over which the 280  
juvenile court is given jurisdiction by section 2151.23 of the 281  
Revised Code. The complaint shall be filed in the county in which 282  
the child who is the subject of the complaint is found or was last 283  
known to be found. 284

(E) A public children services agency, acting pursuant to a 285  
complaint or an action on a complaint filed under this section, is 286  
not subject to the requirements of section ~~3109.27~~ 3127.23 of the 287  
Revised Code. 288

(F) Upon the filing of a complaint alleging that a child is 289  
an unruly child, the court may hold the complaint in abeyance 290  
pending the child's successful completion of actions that 291  
constitute a method to divert the child from the juvenile court 292  
system. The method may be adopted by a county pursuant to 293  
divisions (D) and (E) of section 121.37 of the Revised Code or it 294  
may be another method that the court considers satisfactory. If 295  
the child completes the actions to the court's satisfaction, the 296  
court may dismiss the complaint. If the child fails to complete 297  
the actions to the court's satisfaction, the court may consider 298  
the complaint. 299

**Sec. 2152.021.** (A)(1) Subject to division (A)(2) of this 300  
section, any person having knowledge of a child who appears to be 301  
a juvenile traffic offender or to be a delinquent child may file a 302  
sworn complaint with respect to that child in the juvenile court 303  
of the county in which the child has a residence or legal 304  
settlement or in which the traffic offense or delinquent act 305  
allegedly occurred. The sworn complaint may be upon information 306  
and belief, and, in addition to the allegation that the child is a 307  
delinquent child or a juvenile traffic offender, the complaint 308  
shall allege the particular facts upon which the allegation that 309  
the child is a delinquent child or a juvenile traffic offender is 310  
based. 311

If a child appears to be a delinquent child who is eligible 312  
for a serious youthful offender dispositional sentence under 313  
section 2152.11 of the Revised Code and if the prosecuting 314  
attorney desires to seek a serious youthful offender dispositional 315  
sentence under section 2152.13 of the Revised Code in regard to 316  
the child, the prosecuting attorney of the county in which the 317  
alleged delinquency occurs may initiate a case in the juvenile 318  
court of the county by presenting the case to a grand jury for 319  
indictment, by charging the child in a bill of information as a 320  
serious youthful offender pursuant to section 2152.13 of the 321  
Revised Code, by requesting a serious youthful offender 322  
dispositional sentence in the original complaint alleging that the 323  
child is a delinquent child, or by filing with the juvenile court 324  
a written notice of intent to seek a serious youthful offender 325  
dispositional sentence. 326

(2) Any person having knowledge of a child who appears to be 327  
a delinquent child for being an habitual or chronic truant may 328  
file a sworn complaint with respect to that child and the parent, 329  
guardian, or other person having care of the child in the juvenile 330

court of the county in which the child has a residence or legal 331  
settlement or in which the child is supposed to attend public 332  
school. The sworn complaint may be upon information and belief and 333  
shall contain the following allegations: 334

(a) That the child is a delinquent child for being a chronic 335  
truant or an habitual truant who previously has been adjudicated 336  
an unruly child for being a habitual truant and, in addition, the 337  
particular facts upon which that allegation is based; 338

(b) That the parent, guardian, or other person having care of 339  
the child has failed to cause the child's attendance at school in 340  
violation of section 3321.38 of the Revised Code and, in addition, 341  
the particular facts upon which that allegation is based. 342

(B) Any person with standing under applicable law may file a 343  
complaint for the determination of any other matter over which the 344  
juvenile court is given jurisdiction by section 2151.23 of the 345  
Revised Code. The complaint shall be filed in the county in which 346  
the child who is the subject of the complaint is found or was last 347  
known to be found. 348

(C) Within ten days after the filing of a complaint or the 349  
issuance of an indictment, the court shall give written notice of 350  
the filing of the complaint or the issuance of an indictment and 351  
of the substance of the complaint or indictment to the 352  
superintendent of a city, local, exempted village, or joint 353  
vocational school district if the complaint or indictment alleges 354  
that a child committed an act that would be a criminal offense if 355  
committed by an adult, that the child was sixteen years of age or 356  
older at the time of the commission of the alleged act, and that 357  
the alleged act is any of the following: 358

(1) A violation of section 2923.122 of the Revised Code that 359  
relates to property owned or controlled by, or to an activity held 360  
under the auspices of, the board of education of that school 361

district; 362

(2) A violation of section 2923.12 of the Revised Code, of a 363  
substantially similar municipal ordinance, or of section 2925.03 364  
of the Revised Code that was committed on property owned or 365  
controlled by, or at an activity held under the auspices of, the 366  
board of education of that school district; 367

(3) A violation of section 2925.11 of the Revised Code that 368  
was committed on property owned or controlled by, or at an 369  
activity held under the auspices of, the board of education of 370  
that school district, other than a violation of that section that 371  
would be a minor drug possession offense if committed by an adult; 372

(4) A violation of section 2903.01, 2903.02, 2903.03, 373  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 374  
Code, or a violation of former section 2907.12 of the Revised 375  
Code, that was committed on property owned or controlled by, or at 376  
an activity held under the auspices of, the board of education of 377  
that school district, if the victim at the time of the commission 378  
of the alleged act was an employee of the board of education of 379  
that school district; 380

(5) Complicity in any violation described in division (C)(1), 381  
(2), (3), or (4) of this section that was alleged to have been 382  
committed in the manner described in division (C)(1), (2), (3), or 383  
(4) of this section, regardless of whether the act of complicity 384  
was committed on property owned or controlled by, or at an 385  
activity held under the auspices of, the board of education of 386  
that school district. 387

(D) A public children services agency, acting pursuant to a 388  
complaint or an action on a complaint filed under this section, is 389  
not subject to the requirements of section ~~3109.27~~ 3127.23 of the 390  
Revised Code. 391

(E) For purposes of the record to be maintained by the clerk 392

under division (B) of section 2152.71 of the Revised Code, when a 393  
complaint is filed that alleges that a child is a delinquent 394  
child, the court shall determine if the victim of the alleged 395  
delinquent act was sixty-five years of age or older or permanently 396  
and totally disabled at the time of the alleged commission of the 397  
act. 398

**Sec. 3109.04.** (A) In any divorce, legal separation, or 399  
annulment proceeding and in any proceeding pertaining to the 400  
allocation of parental rights and responsibilities for the care of 401  
a child, upon hearing the testimony of either or both parents and 402  
considering any mediation report filed pursuant to section 403  
3109.052 of the Revised Code and in accordance with sections 404  
~~3109.21 to 3109.36~~ 3127.01 to 3127.53 of the Revised Code, the 405  
court shall allocate the parental rights and responsibilities for 406  
the care of the minor children of the marriage. Subject to 407  
division (D)(2) of this section, the court may allocate the 408  
parental rights and responsibilities for the care of the children 409  
in either of the following ways: 410

(1) If neither parent files a pleading or motion in 411  
accordance with division (G) of this section, if at least one 412  
parent files a pleading or motion under that division but no 413  
parent who filed a pleading or motion under that division also 414  
files a plan for shared parenting, or if at least one parent files 415  
both a pleading or motion and a shared parenting plan under that 416  
division but no plan for shared parenting is in the best interest 417  
of the children, the court, in a manner consistent with the best 418  
interest of the children, shall allocate the parental rights and 419  
responsibilities for the care of the children primarily to one of 420  
the parents, designate that parent as the residential parent and 421  
the legal custodian of the child, and divide between the parents 422  
the other rights and responsibilities for the care of the 423  
children, including, but not limited to, the responsibility to 424

provide support for the children and the right of the parent who 425  
is not the residential parent to have continuing contact with the 426  
children. 427

(2) If at least one parent files a pleading or motion in 428  
accordance with division (G) of this section and a plan for shared 429  
parenting pursuant to that division and if a plan for shared 430  
parenting is in the best interest of the children and is approved 431  
by the court in accordance with division (D)(1) of this section, 432  
the court may allocate the parental rights and responsibilities 433  
for the care of the children to both parents and issue a shared 434  
parenting order requiring the parents to share all or some of the 435  
aspects of the physical and legal care of the children in 436  
accordance with the approved plan for shared parenting. If the 437  
court issues a shared parenting order under this division and it 438  
is necessary for the purpose of receiving public assistance, the 439  
court shall designate which one of the parents' residences is to 440  
serve as the child's home. The child support obligations of the 441  
parents under a shared parenting order issued under this division 442  
shall be determined in accordance with Chapters 3119., 3121., 443  
3123., and 3125. of the Revised Code. 444

(B)(1) When making the allocation of the parental rights and 445  
responsibilities for the care of the children under this section 446  
in an original proceeding or in any proceeding for modification of 447  
a prior order of the court making the allocation, the court shall 448  
take into account that which would be in the best interest of the 449  
children. In determining the child's best interest for purposes of 450  
making its allocation of the parental rights and responsibilities 451  
for the care of the child and for purposes of resolving any issues 452  
related to the making of that allocation, the court, in its 453  
discretion, may and, upon the request of either party, shall 454  
interview in chambers any or all of the involved children 455  
regarding their wishes and concerns with respect to the 456

allocation. 457

(2) If the court interviews any child pursuant to division 458  
(B)(1) of this section, all of the following apply: 459

(a) The court, in its discretion, may and, upon the motion of 460  
either parent, shall appoint a guardian ad litem for the child. 461

(b) The court first shall determine the reasoning ability of 462  
the child. If the court determines that the child does not have 463  
sufficient reasoning ability to express the child's wishes and 464  
concern with respect to the allocation of parental rights and 465  
responsibilities for the care of the child, it shall not determine 466  
the child's wishes and concerns with respect to the allocation. If 467  
the court determines that the child has sufficient reasoning 468  
ability to express the child's wishes or concerns with respect to 469  
the allocation, it then shall determine whether, because of 470  
special circumstances, it would not be in the best interest of the 471  
child to determine the child's wishes and concerns with respect to 472  
the allocation. If the court determines that, because of special 473  
circumstances, it would not be in the best interest of the child 474  
to determine the child's wishes and concerns with respect to the 475  
allocation, it shall not determine the child's wishes and concerns 476  
with respect to the allocation and shall enter its written 477  
findings of fact and opinion in the journal. If the court 478  
determines that it would be in the best interests of the child to 479  
determine the child's wishes and concerns with respect to the 480  
allocation, it shall proceed to make that determination. 481

(c) The interview shall be conducted in chambers, and no 482  
person other than the child, the child's attorney, the judge, any 483  
necessary court personnel, and, in the judge's discretion, the 484  
attorney of each parent shall be permitted to be present in the 485  
chambers during the interview. 486

(3) No person shall obtain or attempt to obtain from a child 487



a written or recorded statement or affidavit setting forth the 488  
child's wishes and concerns regarding the allocation of parental 489  
rights and responsibilities concerning the child. No court, in 490  
determining the child's best interest for purposes of making its 491  
allocation of the parental rights and responsibilities for the 492  
care of the child or for purposes of resolving any issues related 493  
to the making of that allocation, shall accept or consider a 494  
written or recorded statement or affidavit that purports to set 495  
forth the child's wishes and concerns regarding those matters. 496

(C) Prior to trial, the court may cause an investigation to 497  
be made as to the character, family relations, past conduct, 498  
earning ability, and financial worth of each parent and may order 499  
the parents and their minor children to submit to medical, 500  
psychological, and psychiatric examinations. The report of the 501  
investigation and examinations shall be made available to either 502  
parent or the parent's counsel of record not less than five days 503  
before trial, upon written request. The report shall be signed by 504  
the investigator, and the investigator shall be subject to 505  
cross-examination by either parent concerning the contents of the 506  
report. The court may tax as costs all or any part of the expenses 507  
for each investigation. 508

If the court determines that either parent previously has 509  
been convicted of or pleaded guilty to any criminal offense 510  
involving any act that resulted in a child being a neglected 511  
child, that either parent previously has been determined to be the 512  
perpetrator of the neglectful act that is the basis of an 513  
adjudication that a child is a neglected child, or that there is 514  
reason to believe that either parent has acted in a manner 515  
resulting in a child being a neglected child, the court shall 516  
consider that fact against naming that parent the residential 517  
parent and against granting a shared parenting decree. When the 518  
court allocates parental rights and responsibilities for the care 519

of children or determines whether to grant shared parenting in any 520  
proceeding, it shall consider whether either parent has been 521  
convicted of or pleaded guilty to a violation of section 2919.25 522  
of the Revised Code involving a victim who at the time of the 523  
commission of the offense was a member of the family or household 524  
that is the subject of the proceeding, has been convicted of or 525  
pleaded guilty to any other offense involving a victim who at the 526  
time of the commission of the offense was a member of the family 527  
or household that is the subject of the proceeding and caused 528  
physical harm to the victim in the commission of the offense, or 529  
has been determined to be the perpetrator of the abusive act that 530  
is the basis of an adjudication that a child is an abused child. 531  
If the court determines that either parent has been convicted of 532  
or pleaded guilty to a violation of section 2919.25 of the Revised 533  
Code involving a victim who at the time of the commission of the 534  
offense was a member of the family or household that is the 535  
subject of the proceeding, has been convicted of or pleaded guilty 536  
to any other offense involving a victim who at the time of the 537  
commission of the offense was a member of the family or household 538  
that is the subject of the proceeding and caused physical harm to 539  
the victim in the commission of the offense, or has been 540  
determined to be the perpetrator of the abusive act that is the 541  
basis of an adjudication that a child is an abused child, it may 542  
designate that parent as the residential parent and may issue a 543  
shared parenting decree or order only if it determines that it is 544  
in the best interest of the child to name that parent the 545  
residential parent or to issue a shared parenting decree or order 546  
and it makes specific written findings of fact to support its 547  
determination. 548

(D)(1)(a) Upon the filing of a pleading or motion by either 549  
parent or both parents, in accordance with division (G) of this 550  
section, requesting shared parenting and the filing of a shared 551  
parenting plan in accordance with that division, the court shall 552

comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 553  
whichever is applicable: 554

(i) If both parents jointly make the request in their 555  
pleadings or jointly file the motion and also jointly file the 556  
plan, the court shall review the parents' plan to determine if it 557  
is in the best interest of the children. If the court determines 558  
that the plan is in the best interest of the children, the court 559  
shall approve it. If the court determines that the plan or any 560  
part of the plan is not in the best interest of the children, the 561  
court shall require the parents to make appropriate changes to the 562  
plan to meet the court's objections to it. If changes to the plan 563  
are made to meet the court's objections, and if the new plan is in 564  
the best interest of the children, the court shall approve the 565  
plan. If changes to the plan are not made to meet the court's 566  
objections, or if the parents attempt to make changes to the plan 567  
to meet the court's objections, but the court determines that the 568  
new plan or any part of the new plan still is not in the best 569  
interest of the children, the court may reject the portion of the 570  
parents' pleadings or deny their motion requesting shared 571  
parenting of the children and proceed as if the request in the 572  
pleadings or the motion had not been made. The court shall not 573  
approve a plan under this division unless it determines that the 574  
plan is in the best interest of the children. 575

(ii) If each parent makes a request in the parent's pleadings 576  
or files a motion and each also files a separate plan, the court 577  
shall review each plan filed to determine if either is in the best 578  
interest of the children. If the court determines that one of the 579  
filed plans is in the best interest of the children, the court may 580  
approve the plan. If the court determines that neither filed plan 581  
is in the best interest of the children, the court may order each 582  
parent to submit appropriate changes to the parent's plan or both 583  
of the filed plans to meet the court's objections, or may select 584

one of the filed plans and order each parent to submit appropriate 585  
changes to the selected plan to meet the court's objections. If 586  
changes to the plan or plans are submitted to meet the court's 587  
objections, and if any of the filed plans with the changes is in 588  
the best interest of the children, the court may approve the plan 589  
with the changes. If changes to the plan or plans are not 590  
submitted to meet the court's objections, or if the parents submit 591  
changes to the plan or plans to meet the court's objections but 592  
the court determines that none of the filed plans with the 593  
submitted changes is in the best interest of the children, the 594  
court may reject the portion of the parents' pleadings or deny 595  
their motions requesting shared parenting of the children and 596  
proceed as if the requests in the pleadings or the motions had not 597  
been made. If the court approves a plan under this division, 598  
either as originally filed or with submitted changes, or if the 599  
court rejects the portion of the parents' pleadings or denies 600  
their motions requesting shared parenting under this division and 601  
proceeds as if the requests in the pleadings or the motions had 602  
not been made, the court shall enter in the record of the case 603  
findings of fact and conclusions of law as to the reasons for the 604  
approval or the rejection or denial. Division (D)(1)(b) of this 605  
section applies in relation to the approval or disapproval of a 606  
plan under this division. 607

(iii) If each parent makes a request in the parent's 608  
pleadings or files a motion but only one parent files a plan, or 609  
if only one parent makes a request in the parent's pleadings or 610  
files a motion and also files a plan, the court in the best 611  
interest of the children may order the other parent to file a plan 612  
for shared parenting in accordance with division (G) of this 613  
section. The court shall review each plan filed to determine if 614  
any plan is in the best interest of the children. If the court 615  
determines that one of the filed plans is in the best interest of 616  
the children, the court may approve the plan. If the court 617

determines that no filed plan is in the best interest of the 618  
children, the court may order each parent to submit appropriate 619  
changes to the parent's plan or both of the filed plans to meet 620  
the court's objections or may select one filed plan and order each 621  
parent to submit appropriate changes to the selected plan to meet 622  
the court's objections. If changes to the plan or plans are 623  
submitted to meet the court's objections, and if any of the filed 624  
plans with the changes is in the best interest of the children, 625  
the court may approve the plan with the changes. If changes to the 626  
plan or plans are not submitted to meet the court's objections, or 627  
if the parents submit changes to the plan or plans to meet the 628  
court's objections but the court determines that none of the filed 629  
plans with the submitted changes is in the best interest of the 630  
children, the court may reject the portion of the parents' 631  
pleadings or deny the parents' motion or reject the portion of the 632  
parents' pleadings or deny their motions requesting shared 633  
parenting of the children and proceed as if the request or 634  
requests or the motion or motions had not been made. If the court 635  
approves a plan under this division, either as originally filed or 636  
with submitted changes, or if the court rejects the portion of the 637  
pleadings or denies the motion or motions requesting shared 638  
parenting under this division and proceeds as if the request or 639  
requests or the motion or motions had not been made, the court 640  
shall enter in the record of the case findings of fact and 641  
conclusions of law as to the reasons for the approval or the 642  
rejection or denial. Division (D)(1)(b) of this section applies in 643  
relation to the approval or disapproval of a plan under this 644  
division. 645

(b) The approval of a plan under division (D)(1)(a)(ii) or 646  
(iii) of this section is discretionary with the court. The court 647  
shall not approve more than one plan under either division and 648  
shall not approve a plan under either division unless it 649  
determines that the plan is in the best interest of the children. 650

If the court, under either division, does not determine that any 651  
filed plan or any filed plan with submitted changes is in the best 652  
interest of the children, the court shall not approve any plan. 653

(c) Whenever possible, the court shall require that a shared 654  
parenting plan approved under division (D)(1)(a)(i), (ii), or 655  
(iii) of this section ensure the opportunity for both parents to 656  
have frequent and continuing contact with the child, unless 657  
frequent and continuing contact with any parent would not be in 658  
the best interest of the child. 659

(d) If a court approves a shared parenting plan under 660  
division (D)(1)(a)(i), (ii), or (iii) of this section, the 661  
approved plan shall be incorporated into a final shared parenting 662  
decree granting the parents the shared parenting of the children. 663  
Any final shared parenting decree shall be issued at the same time 664  
as and shall be appended to the final decree of dissolution, 665  
divorce, annulment, or legal separation arising out of the action 666  
out of which the question of the allocation of parental rights and 667  
responsibilities for the care of the children arose. 668

No provisional shared parenting decree shall be issued in 669  
relation to any shared parenting plan approved under division 670  
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 671  
parenting decree issued under this division has immediate effect 672  
as a final decree on the date of its issuance, subject to 673  
modification or termination as authorized by this section. 674

(2) If the court finds, with respect to any child under 675  
eighteen years of age, that it is in the best interest of the 676  
child for neither parent to be designated the residential parent 677  
and legal custodian of the child, it may commit the child to a 678  
relative of the child or certify a copy of its findings, together 679  
with as much of the record and the further information, in 680  
narrative form or otherwise, that it considers necessary or as the 681  
juvenile court requests, to the juvenile court for further 682

proceedings, and, upon the certification, the juvenile court has 683  
exclusive jurisdiction. 684

(E)(1)(a) The court shall not modify a prior decree 685  
allocating parental rights and responsibilities for the care of 686  
children unless it finds, based on facts that have arisen since 687  
the prior decree or that were unknown to the court at the time of 688  
the prior decree, that a change has occurred in the circumstances 689  
of the child, the child's residential parent, or either of the 690  
parents subject to a shared parenting decree, and that the 691  
modification is necessary to serve the best interest of the child. 692  
In applying these standards, the court shall retain the 693  
residential parent designated by the prior decree or the prior 694  
shared parenting decree, unless a modification is in the best 695  
interest of the child and one of the following applies: 696

(i) The residential parent agrees to a change in the 697  
residential parent or both parents under a shared parenting decree 698  
agree to a change in the designation of residential parent. 699

(ii) The child, with the consent of the residential parent or 700  
of both parents under a shared parenting decree, has been 701  
integrated into the family of the person seeking to become the 702  
residential parent. 703

(iii) The harm likely to be caused by a change of environment 704  
is outweighed by the advantages of the change of environment to 705  
the child. 706

(b) One or both of the parents under a prior decree 707  
allocating parental rights and responsibilities for the care of 708  
children that is not a shared parenting decree may file a motion 709  
requesting that the prior decree be modified to give both parents 710  
shared rights and responsibilities for the care of the children. 711  
The motion shall include both a request for modification of the 712  
prior decree and a request for a shared parenting order that 713

complies with division (G) of this section. Upon the filing of the motion, if the court determines that a modification of the prior decree is authorized under division (E)(1)(a) of this section, the court may modify the prior decree to grant a shared parenting order, provided that the court shall not modify the prior decree to grant a shared parenting order unless the court complies with divisions (A) and (D)(1) of this section and, in accordance with those divisions, approves the submitted shared parenting plan and determines that shared parenting would be in the best interest of the children.

(2) In addition to a modification authorized under division (E)(1) of this section:

(a) Both parents under a shared parenting decree jointly may modify the terms of the plan for shared parenting approved by the court and incorporated by it into the shared parenting decree. Modifications under this division may be made at any time. The modifications to the plan shall be filed jointly by both parents with the court, and the court shall include them in the plan, unless they are not in the best interest of the children. If the modifications are not in the best interests of the children, the court, in its discretion, may reject the modifications or make modifications to the proposed modifications or the plan that are in the best interest of the children. Modifications jointly submitted by both parents under a shared parenting decree shall be effective, either as originally filed or as modified by the court, upon their inclusion by the court in the plan. Modifications to the plan made by the court shall be effective upon their inclusion by the court in the plan.

(b) The court may modify the terms of the plan for shared parenting approved by the court and incorporated by it into the shared parenting decree upon its own motion at any time if the court determines that the modifications are in the best interest



of the children or upon the request of one or both of the parents 746  
under the decree. Modifications under this division may be made at 747  
any time. The court shall not make any modification to the plan 748  
under this division, unless the modification is in the best 749  
interest of the children. 750

(c) The court may terminate a prior final shared parenting 751  
decree that includes a shared parenting plan approved under 752  
division (D)(1)(a)(i) of this section upon the request of one or 753  
both of the parents or whenever it determines that shared 754  
parenting is not in the best interest of the children. The court 755  
may terminate a prior final shared parenting decree that includes 756  
a shared parenting plan approved under division (D)(1)(a)(ii) or 757  
(iii) of this section if it determines, upon its own motion or 758  
upon the request of one or both parents, that shared parenting is 759  
not in the best interest of the children. If modification of the 760  
terms of the plan for shared parenting approved by the court and 761  
incorporated by it into the final shared parenting decree is 762  
attempted under division (E)(2)(a) of this section and the court 763  
rejects the modifications, it may terminate the final shared 764  
parenting decree if it determines that shared parenting is not in 765  
the best interest of the children. 766

(d) Upon the termination of a prior final shared parenting 767  
decree under division (E)(2)(c) of this section, the court shall 768  
proceed and issue a modified decree for the allocation of parental 769  
rights and responsibilities for the care of the children under the 770  
standards applicable under divisions (A), (B), and (C) of this 771  
section as if no decree for shared parenting had been granted and 772  
as if no request for shared parenting ever had been made. 773

(F)(1) In determining the best interest of a child pursuant 774  
to this section, whether on an original decree allocating parental 775  
rights and responsibilities for the care of children or a 776  
modification of a decree allocating those rights and 777

responsibilities, the court shall consider all relevant factors, 778  
including, but not limited to: 779

(a) The wishes of the child's parents regarding the child's 780  
care; 781

(b) If the court has interviewed the child in chambers 782  
pursuant to division (B) of this section regarding the child's 783  
wishes and concerns as to the allocation of parental rights and 784  
responsibilities concerning the child, the wishes and concerns of 785  
the child, as expressed to the court; 786

(c) The child's interaction and interrelationship with the 787  
child's parents, siblings, and any other person who may 788  
significantly affect the child's best interest; 789

(d) The child's adjustment to the child's home, school, and 790  
community; 791

(e) The mental and physical health of all persons involved in 792  
the situation; 793

(f) The parent more likely to honor and facilitate 794  
court-approved parenting time rights or visitation and 795  
companionship rights; 796

(g) Whether either parent has failed to make all child 797  
support payments, including all arrearages, that are required of 798  
that parent pursuant to a child support order under which that 799  
parent is an obligor; 800

(h) Whether either parent previously has been convicted of or 801  
pleaded guilty to any criminal offense involving any act that 802  
resulted in a child being an abused child or a neglected child; 803  
whether either parent, in a case in which a child has been 804  
adjudicated an abused child or a neglected child, previously has 805  
been determined to be the perpetrator of the abusive or neglectful 806  
act that is the basis of an adjudication; whether either parent 807

previously has been convicted of or pleaded guilty to a violation 808  
of section 2919.25 of the Revised Code involving a victim who at 809  
the time of the commission of the offense was a member of the 810  
family or household that is the subject of the current proceeding; 811  
whether either parent previously has been convicted of or pleaded 812  
guilty to any offense involving a victim who at the time of the 813  
commission of the offense was a member of the family or household 814  
that is the subject of the current proceeding and caused physical 815  
harm to the victim in the commission of the offense; and whether 816  
there is reason to believe that either parent has acted in a 817  
manner resulting in a child being an abused child or a neglected 818  
child; 819

(i) Whether the residential parent or one of the parents 820  
subject to a shared parenting decree has continuously and 821  
willfully denied the other parent's right to parenting time in 822  
accordance with an order of the court; 823

(j) Whether either parent has established a residence, or is 824  
planning to establish a residence, outside this state. 825

(2) In determining whether shared parenting is in the best 826  
interest of the children, the court shall consider all relevant 827  
factors, including, but not limited to, the factors enumerated in 828  
division (F)(1) of this section, the factors enumerated in section 829  
3119.23 of the Revised Code, and all of the following factors: 830

(a) The ability of the parents to cooperate and make 831  
decisions jointly, with respect to the children; 832

(b) The ability of each parent to encourage the sharing of 833  
love, affection, and contact between the child and the other 834  
parent; 835

(c) Any history of, or potential for, child abuse, spouse 836  
abuse, other domestic violence, or parental kidnapping by either 837  
parent; 838

(d) The geographic proximity of the parents to each other, as 839  
the proximity relates to the practical considerations of shared 840  
parenting; 841

(e) The recommendation of the guardian ad litem of the child, 842  
if the child has a guardian ad litem. 843

(3) When allocating parental rights and responsibilities for 844  
the care of children, the court shall not give preference to a 845  
parent because of that parent's financial status or condition. 846

(G) Either parent or both parents of any children may file a 847  
pleading or motion with the court requesting the court to grant 848  
both parents shared parental rights and responsibilities for the 849  
care of the children in a proceeding held pursuant to division (A) 850  
of this section. If a pleading or motion requesting shared 851  
parenting is filed, the parent or parents filing the pleading or 852  
motion also shall file with the court a plan for the exercise of 853  
shared parenting by both parents. If each parent files a pleading 854  
or motion requesting shared parenting but only one parent files a 855  
plan or if only one parent files a pleading or motion requesting 856  
shared parenting and also files a plan, the other parent as 857  
ordered by the court shall file with the court a plan for the 858  
exercise of shared parenting by both parents. The plan for shared 859  
parenting shall be filed with the petition for dissolution of 860  
marriage, if the question of parental rights and responsibilities 861  
for the care of the children arises out of an action for 862  
dissolution of marriage, or, in other cases, at a time at least 863  
thirty days prior to the hearing on the issue of the parental 864  
rights and responsibilities for the care of the children. A plan 865  
for shared parenting shall include provisions covering all factors 866  
that are relevant to the care of the children, including, but not 867  
limited to, provisions covering factors such as physical living 868  
arrangements, child support obligations, provision for the 869  
children's medical and dental care, school placement, and the 870

parent with which the children will be physically located during 871  
legal holidays, school holidays, and other days of special 872  
importance. 873

(H) If an appeal is taken from a decision of a court that 874  
grants or modifies a decree allocating parental rights and 875  
responsibilities for the care of children, the court of appeals 876  
shall give the case calendar priority and handle it expeditiously. 877

(I) As used in this section, "abused child" has the same 878  
meaning as in section 2151.031 of the Revised Code, and "neglected 879  
child" has the same meaning as in section 2151.03 of the Revised 880  
Code. 881

(J) As used in the Revised Code, "shared parenting" means 882  
that the parents share, in the manner set forth in the plan for 883  
shared parenting that is approved by the court under division 884  
(D)(1) and described in division (K)(6) of this section, all or 885  
some of the aspects of physical and legal care of their children. 886

(K) For purposes of the Revised Code: 887

(1) A parent who is granted the care, custody, and control of 888  
a child under an order that was issued pursuant to this section 889  
prior to April 11, 1991, and that does not provide for shared 890  
parenting has "custody of the child" and "care, custody, and 891  
control of the child" under the order, and is the "residential 892  
parent," the "residential parent and legal custodian," or the 893  
"custodial parent" of the child under the order. 894

(2) A parent who primarily is allocated the parental rights 895  
and responsibilities for the care of a child and who is designated 896  
as the residential parent and legal custodian of the child under 897  
an order that is issued pursuant to this section on or after April 898  
11, 1991, and that does not provide for shared parenting has 899  
"custody of the child" and "care, custody, and control of the 900  
child" under the order, and is the "residential parent," the 901

"residential parent and legal custodian," or the "custodial parent" of the child under the order. 902  
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(3) A parent who is not granted custody of a child under an order that was issued pursuant to this section prior to April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order. 904  
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(4) A parent who is not primarily allocated the parental rights and responsibilities for the care of a child and who is not designated as the residential parent and legal custodian of the child under an order that is issued pursuant to this section on or after April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order. 910  
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(5) Unless the context clearly requires otherwise, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, both parents have "custody of the child" or "care, custody, and control of the child" under the order, to the extent and in the manner specified in the order. 918  
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(6) Unless the context clearly requires otherwise and except as otherwise provided in the order, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, each parent, regardless of where the child is physically located or with whom the child is residing at a particular point in time, as specified in the order, is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child. 924  
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(7) Unless the context clearly requires otherwise and except 932

as otherwise provided in the order, a designation in the order of 933  
a parent as the residential parent for the purpose of determining 934  
the school the child attends, as the custodial parent for purposes 935  
of claiming the child as a dependent pursuant to section 152(e) of 936  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 937  
1, as amended, or as the residential parent for purposes of 938  
receiving public assistance pursuant to division (A)(2) of this 939  
section, does not affect the designation pursuant to division 940  
(K)(6) of this section of each parent as the "residential parent," 941  
the "residential parent and legal custodian," or the "custodial 942  
parent" of the child. 943

Sec. 3127.01. (A) As used in the Revised Code, "uniform child 944  
custody jurisdiction and enforcement act" means the act addressing 945  
interstate recognition and enforcement of child custody orders 946  
adopted in 1997 by the national conference of commissioners on 947  
uniform state laws or any law substantially similar to the act 948  
adopted by another state. 949

(B) As used in sections 3127.01 to 3127.53 of the Revised 950  
Code: 951

(1) "Abandoned" means left without provision of reasonable 952  
and necessary care or supervision. 953

(2) "Child" means an individual who has not attained eighteen 954  
years of age. 955

(3) "Commencement" means the filing of the first pleading in 956  
a proceeding. 957

(4) "Court" means an entity authorized under the law of a 958  
state to establish, enforce, or modify a parenting determination. 959

(5) "Home state" means the state in which a child lived with 960  
a parent or a person acting as a parent for at least six 961  
consecutive months immediately preceding the commencement of a 962

parenting proceeding and, if a child is less than six months old, 963  
the state in which the child lived from birth with any of them. A 964  
period of temporary absence of any of them is counted as part of 965  
the six-month or other period. 966

(6) "Initial determination" means the first parenting 967  
determination concerning a particular child. 968

(7) "Issuing court" means the court that makes a parenting 969  
determination for which enforcement is sought under sections 970  
3127.01 to 3127.53 of the Revised Code. 971

(8) "Issuing state" means the state in which a parenting 972  
determination is made. 973

(9) "Modification" means a parenting determination that 974  
changes, replaces, supersedes, or is otherwise made after a 975  
determination concerning the same child, whether or not it is made 976  
by the court that made the previous determination. 977

(10) "Parenting determination" means a judgment, decree, or 978  
other order of a court that, in relation to the parents of a 979  
child, allocates parental rights and responsibilities for the care 980  
of the child, including any designation of parenting time rights, 981  
and designates a residential parent and legal custodian of the 982  
child or that, in relation to any other person, provides for the 983  
legal custody, physical custody, or visitation with respect to a 984  
child. The term includes permanent, temporary, initial, and 985  
modification orders. The term does not include an order relating 986  
to child support or other monetary obligations of an individual. 987

(11) "Parenting proceeding" means a proceeding in which a 988  
parenting determination with respect to a child is an issue. The 989  
term includes proceedings for divorce, dissolution, legal 990  
separation, to determine whether a child is an abused, neglected, 991  
or dependent child, to establish guardianship, to determine the 992  
existence of a parent and child relationship, to terminate 993



parental rights, and for protection from domestic violence, in 994  
which the issue may appear. The term does not include a proceeding 995  
involving juvenile delinquency or contractual emancipation, or for 996  
enforcement under sections 3127.31 to 3127.47 of the Revised Code. 997

(12) "Person" means an individual; corporation; business 998  
trust; estate; trust; partnership; limited liability company; 999  
association; joint venture; government; governmental subdivision, 1000  
agency, or instrumentality; public corporation; or any other legal 1001  
or commercial entity. 1002

(13) "Person acting as a parent" means a person, other than 1003  
the child's parent, who meets both of the following criteria: 1004

(a) The person has physical custody of the child or has had 1005  
physical custody for a period of six consecutive months, including 1006  
any temporary absence from the child, within one year immediately 1007  
before the commencement of a parenting proceeding; and 1008

(b) The person has been awarded legal custody by a court or 1009  
claims a right to legal custody under the law of this state. 1010

(14) "Physical custody" means the physical care and 1011  
supervision of a child. 1012

(15) "State" means a state of the United States, the District 1013  
of Columbia, Puerto Rico, the United States Virgin Islands, or any 1014  
territory or insular possession subject to the jurisdiction of the 1015  
United States. 1016

(16) "Tribe" means an Indian tribe or Alaskan Native village 1017  
that is recognized by federal or state law. 1018

(17) "Warrant" means an order issued by a court authorizing 1019  
law enforcement officers to take physical custody of a child. 1020

**Sec. 3127.02. Sections 3127.01 to 3127.53 of the Revised Code** 1021  
**do not govern adoption proceedings or proceedings pertaining to** 1022

the authorization of emergency medical care for a child. 1023

**Sec. 3127.03.** (A) A parenting proceeding that pertains to an 1024  
Indian child as defined in the Indian Child Welfare Act, 25 U.S.C. 1025  
1901 et seq., is not subject to sections 3127.01 to 3127.53 of the 1026  
Revised Code to the extent that the proceeding is governed by the 1027  
Indian Child Welfare Act. 1028

(B) A court of this state shall treat a tribe as if it were a 1029  
state of the United States for the purpose of applying sections 1030  
3127.01 to 3127.53 of the Revised Code. 1031

(C) A parenting determination made by a tribe under factual 1032  
circumstances in substantial conformity with the jurisdictional 1033  
standards of sections 3127.01 to 3127.53 of the Revised Code must 1034  
be recognized and enforced under sections 3127.31 to 3127.47 of 1035  
the Revised Code. 1036

**Sec. 3127.04.** (A) A court of this state shall treat a foreign 1037  
country as if it were a state of the United States for the purpose 1038  
of applying sections 3127.01 to 3127.24 of the Revised Code. 1039

(B) Except as otherwise provided in division (C) of this 1041  
section, a parenting determination made in a foreign country under 1042  
factual circumstances in substantial conformity with the 1043  
jurisdictional standards of sections 3127.01 to 3127.53 of the 1044  
Revised Code must be recognized and enforced under sections 1045  
3127.31 to 3127.47 of the Revised Code. 1046

(C) A court of this state need not apply sections 3127.01 to 1047  
3127.53 of the Revised Code if the law governing parenting 1048  
determinations of a foreign country violates fundamental 1049  
principles of human rights. 1050

Sec. 3127.05. A parenting determination made by a court of this state that had jurisdiction under sections 3127.01 to 3127.53 of the Revised Code binds all persons who have been served in accordance with the laws of this state, notified in accordance with section 3127.07 of the Revised Code, or who have submitted to the jurisdiction of the court, and who have been given an opportunity to be heard. As to those persons, the determination is conclusive as to all decided issues of law and fact except to the extent the determination is modified.

Sec. ~~3109.37~~ 3127.06. Upon the request of a party to a parenting proceeding ~~which~~ that raises a question of existence or exercise of jurisdiction under sections ~~3109.21 to 3109.36~~ 3127.01 to 3127.53 of the Revised Code, the ~~case~~ question shall be given calendar priority and handled expeditiously.

Sec. 3127.07. (A) Notice required for the exercise of jurisdiction over a person outside this state may be given in a manner prescribed by the Rules of Civil Procedure for service of process or by the law of the state in which the service is made. Notice shall be given in a manner reasonably calculated to give actual notice but may be by publication if other means are not effective.

(B) Proof of service may be made in the manner prescribed by the Rules of Civil Procedure or by the law of the state in which the service is made.

(C) Notice is not required if the person submits to the jurisdiction of the court.

Sec. 3127.08. (A) A party to a parenting proceeding, including a modification proceeding, or a petitioner or respondent in a proceeding to enforce or register a parenting determination,

is not subject to personal jurisdiction in this state for another 1080  
proceeding or purpose solely by reason of having participated, or 1081  
of having been physically present for the purpose of 1082  
participating, in the parenting proceeding. 1083

(B) A person who is subject to personal jurisdiction in this 1084  
state on a basis other than physical presence is not immune from 1085  
service of process in this state. A party present in this state 1086  
who is subject to the jurisdiction of another state is not immune 1087  
from service of process allowable under the laws of that state. 1088

(C) The immunity granted by division (A) of this section does 1089  
not extend to civil litigation based on acts unrelated to the 1090  
participation in a proceeding under sections 3127.01 to 3127.53 of 1091  
the Revised Code that are committed by an individual while present 1092  
in this state. 1093

**Sec. 3127.09.** (A) A court of this state may communicate with 1094  
a court in another state concerning a proceeding arising under 1095  
sections 3127.01 to 3127.53 of the Revised Code. 1096

(B) The court shall give the parties the opportunity to 1097  
participate in the communication. If the parties are not able to 1098  
participate in the communication, they shall be given the 1099  
opportunity to present facts and legal arguments before a decision 1100  
concerning jurisdiction is made. 1101

(C) Communication between courts concerning scheduling, 1102  
calendars, court records, and similar matters may occur without 1103  
informing the parties. The parties shall be informed promptly of 1104  
communication concerning court records and be granted access to 1105  
those records. 1106

(D) A record shall be made of a communication under this 1107  
section. The parties shall be informed promptly of the 1108  
communication and granted access to the record. 1109

(E) For the purposes of this section, "record" means 1110  
information that is inscribed on a tangible medium or that is 1111  
stored in an electronic or other medium and is retrievable in 1112  
perceivable form. 1113

**Sec. 3127.10.** (A) In addition to other procedures available 1114  
to a party, a party to a parenting proceeding may offer testimony 1115  
of witnesses who are located in another state, including testimony 1116  
of the parties and the child, by deposition or other means 1117  
allowable in this state for testimony taken in another state. The 1118  
court on its own motion may order that the testimony of a person 1119  
be taken in another state and may prescribe the manner in which 1120  
and the terms upon which the testimony is taken. 1121

(B) A court of this state may permit an individual residing 1122  
in another state to be deposed or to testify by telephone, 1123  
audiovisual means, or other electronic means before a designated 1124  
court or at another location in that state. A court of this state 1125  
shall cooperate with courts of other states in designating an 1126  
appropriate location for the deposition or testimony. 1127

(C) Documentary evidence transmitted from another state to a 1128  
court of this state by technological means that do not produce an 1129  
original writing may not be excluded from evidence on an objection 1130  
based on the means of transmission. 1131

**Sec. 3127.11.** (A) A court of this state may request the 1132  
appropriate court of another state to do any of the following: 1133

(1) Hold an evidentiary hearing; 1134

(2) Order a person to produce or give evidence pursuant to 1135  
procedures of that state; 1136

(3) Order that an evaluation be made concerning the 1137  
allocation of parental rights and responsibilities for the care of 1138

a child involved in a pending proceeding with respect to the 1139  
designation of a parent as the residential parent and legal 1140  
custodian of the child and with respect to the custody of the 1141  
child in any other person; 1142

(4) Forward to the court of this state a certified copy of 1143  
the transcript of the record of the hearing, the evidence 1144  
otherwise presented, and any evaluation prepared in compliance 1145  
with the request; 1146

(5) Order a party to a parenting proceeding or any person 1147  
having physical custody of the child to appear in the proceeding 1148  
with or without the child. 1149

(B) Upon request of a court of another state, a court of this 1150  
state may hold a hearing or enter an order described in division 1151  
(A) of this section. 1152

(C) The court may assess travel and other necessary and 1153  
reasonable expenses incurred under divisions (A) and (B) of this 1154  
section against the parties according to the law of this state. 1155

(D) A court of this state shall preserve the pleadings, 1156  
orders, decrees, records of hearings, evaluations, and other 1157  
pertinent records with respect to a parenting proceeding until the 1158  
child attains eighteen years of age. Upon appropriate request by a 1159  
court or law enforcement official of another state, the court 1160  
shall forward a certified copy of those records. 1161

**Sec. 3127.15.** (A) Except as otherwise provided in section 1162  
3127.18 of the Revised Code, a court of this state has 1163  
jurisdiction to make an initial determination in a parenting 1164  
proceeding only if one of the following applies: 1165

(1) This state is the home state of the child on the date of 1166  
the commencement of the proceeding, or was the home state of the 1167  
child within six months before the commencement of the proceeding 1168

and the child is absent from this state but a parent or person 1169  
acting as a parent continues to live in this state. 1170

(2) A court of another state does not have jurisdiction under 1171  
division (A)(1) of this section or a court of the home state of 1172  
the child has declined to exercise jurisdiction on the basis that 1173  
this state is the more appropriate forum under section 3127.21 or 1174  
3127.22 of the Revised Code and both of the following are the 1175  
case: 1176

(a) The child and the child's parents, or the child and at 1177  
least one parent or a person acting as a parent, have a 1178  
significant connection with this state other than mere physical 1179  
presence. 1180

(b) Substantial evidence is available in this state 1181  
concerning the child's care, protection, training, and personal 1182  
relationships. 1183

(3) All courts having jurisdiction under division (A)(1) or 1184  
(2) of this section have declined to exercise jurisdiction on the 1185  
ground that a court of this state is the more appropriate forum to 1186  
determine the custody of the child under section 3127.21 or 1187  
3127.22 of the Revised Code or a similar statute enacted by 1188  
another state. 1189

(4) No court of any other state would have jurisdiction under 1190  
the criteria specified in division (A)(1), (2), or (3) of this 1191  
section. 1192

(B) Division (A) of this section is the exclusive 1193  
jurisdictional basis for making a parenting determination by a 1194  
court of this state. 1195

(C) Physical presence of, or personal jurisdiction over, a 1196  
party or a child is not necessary or sufficient to make a 1197  
parenting determination. 1198

Sec. 3127.16. Except as otherwise provided in section 3127.18 1199  
of the Revised Code, a court of this state that has made a 1200  
parenting determination consistent with section 3127.15 or 3127.17 1201  
of the Revised Code has exclusive, continuing jurisdiction over 1202  
the determination until this court or a court of another state 1203  
determines that the child, the child's parents, and any person 1204  
acting as a parent do not presently reside in this state. 1205

Sec. 3127.17. Except as otherwise provided in section 3127.18 1206  
of the Revised Code, a court of this state may not modify a 1207  
parenting determination made by a court of another state unless 1208  
the court of this state has jurisdiction to make an initial 1209  
determination under division (A)(1) or (2) of section 3127.15 and 1210  
one of the following applies: 1211

(A) The court of the other state determines that it no longer 1212  
has exclusive, continuing jurisdiction under section 3127.16 of 1213  
the Revised Code or a similar statute of the other state or that a 1214  
court of this state would be a more convenient forum under section 1215  
3127.21 of the Revised Code or a similar statute of the other 1216  
state. 1217

(B) The court of this state or a court of the other state 1218  
determines that the child, the child's parents, and any person 1219  
acting as a parent do not presently reside in the other state. 1220

Sec. 3127.18. (A) A court of this state has temporary 1221  
emergency jurisdiction if a child is present in this state and 1222  
either of the following applies: 1223

(1) The child has been abandoned. 1224

(2) It is necessary in an emergency to protect the child 1225  
because the child, or a sibling or parent of the child, is 1226  
subjected to or threatened with mistreatment or abuse. 1227



(B) If there is no previous parenting determination that is 1228  
entitled to be enforced under this chapter and a parenting 1229  
proceeding has not been commenced in a court of a state having 1230  
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1231  
or a similar statute of another state, a parenting determination 1232  
made under this section remains in effect until an order is 1233  
obtained from a court of a state having jurisdiction under 1234  
sections 3127.15 to 3127.17 of the Revised Code or a similar 1235  
statute of another state. If a parenting proceeding has not been 1236  
or is not commenced in a court of a state having jurisdiction 1237  
under sections 3127.15 to 3127.17 of the Revised Code or a similar 1238  
statute of another state, a parenting determination made under 1239  
this section becomes a final determination, if it so provides and 1240  
this state becomes the home state of the child. 1241

(C) If there is a previous parenting determination that is 1242  
entitled to be enforced under this chapter, or a parenting 1243  
proceeding has been commenced in a court of a state having 1244  
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1245  
or a similar statute of another state, any order issued by a court 1246  
of this state under this section must specify in the order a 1247  
period that the court considers adequate to allow the person 1248  
seeking an order to obtain an order from the state having 1249  
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1250  
or a similar statute of another state. The order issued in this 1251  
state remains in effect until an order is obtained from the other 1252  
state within the period specified or until the period expires. 1253

(D) A court of this state that has been asked to make a 1254  
parenting determination under this section, upon being informed 1255  
that a parenting proceeding has been commenced in or a parenting 1256  
determination has been made by a court of a state having 1257  
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1258  
or a similar statute of another state, shall immediately 1259

communicate with the other court. A court of this state that is 1260  
exercising jurisdiction pursuant to sections 3127.15 to 3127.17 of 1261  
the Revised Code, upon being informed that a parenting proceeding 1262  
has been commenced in or a parenting determination has been made 1263  
by a court of another state under a statute similar to this 1264  
section, shall immediately communicate with the court of that 1265  
state to resolve the emergency, protect the safety of the parties 1266  
and the child, and determine a period for the duration of the 1267  
temporary order. 1268

**Sec. 3127.19.** (A) Before a parenting determination is made 1269  
under this chapter, notice and an opportunity to be heard in 1270  
accordance with the standards set forth in section 3127.07 of the 1271  
Revised Code shall be given to all persons entitled to notice 1272  
under the law of this state as in parenting proceedings between 1273  
residents of this state, any parent whose parental rights have not 1274  
been previously terminated, and any person having physical custody 1275  
of the child. 1276

(B) This chapter does not govern the enforceability of a 1277  
parenting determination made without notice or an opportunity to 1278  
be heard. 1279

(C) The obligation to join a party and the right to intervene 1280  
as a party in a parenting proceeding under this chapter shall be 1281  
governed by the law of this state as in parenting proceedings 1282  
between residents of this state. 1283

**Sec. 3127.20.** (A) Except as otherwise provided in section 1284  
3127.18 of the Revised Code, a court of this state may not 1285  
exercise its jurisdiction under sections 3127.15 to 3127.17 of the 1286  
Revised Code if, at the time of the commencement of the 1287  
proceeding, a parenting proceeding concerning the child is pending 1288  
in a court of another state having jurisdiction substantially in 1289

conformity with this chapter, unless the proceeding has been 1290  
terminated or is stayed by the court of the other state because a 1291  
court of this state is a more convenient forum under section 1292  
3127.21 of the Revised Code or a similar statute of the other 1293  
state. 1294

(B) Except as otherwise provided in section 3127.18 of the 1295  
Revised Code, a court of this state, before hearing a parenting 1296  
proceeding, shall examine the court documents and other 1297  
information supplied by the parties pursuant to section 3127.23 of 1298  
the Revised Code. If the court determines that a parenting 1299  
proceeding is pending in a court in another state having 1300  
jurisdiction substantially in accordance with this chapter, the 1301  
court of this state shall stay its proceeding and communicate with 1302  
the court of the other state. If the court of the state having 1303  
jurisdiction substantially in accordance with this chapter does 1304  
not determine that the court of this state is a more appropriate 1305  
forum, the court of this state shall dismiss the proceeding. 1306

(C) In a proceeding to modify a parenting determination, a 1307  
court of this state shall determine whether a proceeding to 1308  
enforce the determination has been commenced in another state. If 1309  
a proceeding to enforce a parenting determination has been 1310  
commenced in another state, the court may do any of the following: 1311

(1) Stay the proceeding for modification pending the entry of 1312  
an order of a court of the other state enforcing, staying, 1313  
denying, or dismissing the proceeding for enforcement; 1314

(2) Enjoin the parties from continuing with the proceeding 1315  
for enforcement; 1316

(3) Proceed with the modification under conditions the court 1317  
considers appropriate. 1318

**Sec. 3127.21. (A) A court of this state that has jurisdiction** 1319

under this chapter to make a parenting determination may decline 1320  
to exercise its jurisdiction at any time if it determines that it 1321  
is an inconvenient forum under the circumstances and that a court 1322  
of another state is a more convenient forum. The issue of 1323  
inconvenient forum may be raised upon motion of a party, the 1324  
court's own motion, or at the request of another court. 1325  
1326

(B) Before determining whether it is an inconvenient forum, a 1327  
court of this state shall consider whether it is appropriate for a 1328  
court of another state to exercise jurisdiction. For this purpose, 1329  
the court shall allow the parties to submit information and shall 1330  
consider all relevant factors, including the following: 1331

(1) Whether domestic violence has occurred and is likely to 1332  
continue in the future and which state could best protect the 1333  
parties and the child; 1334

(2) The length of time the child has resided outside this 1335  
state; 1336

(3) The distance between the court in this state and the 1337  
court in the state that would assume jurisdiction; 1338

(4) The relative financial circumstances of the parties; 1339

(5) Any agreement of the parties as to which state should 1340  
assume jurisdiction; 1341

(6) The nature and location of the evidence required to 1342  
resolve the pending litigation, including the testimony of the 1343  
child; 1344

(7) The ability of the court of each state to decide the 1345  
issue expeditiously and the procedures necessary to present the 1346  
evidence; 1347

(8) The familiarity of the court of each state with the facts 1348  
and issues in the pending litigation. 1349

(C) If a court of this state determines that it is an 1350  
inconvenient forum and that a court of another state is a more 1351  
appropriate forum, it shall stay the proceedings upon condition 1352  
that a parenting proceeding be promptly commenced in another 1353  
designated state and may impose any other condition the court 1354  
considers just and proper. 1355

(D) A court of this state may decline to exercise its 1356  
jurisdiction under this chapter if a parenting determination is 1357  
incidental to an action for divorce or another proceeding while 1358  
still retaining jurisdiction over the divorce or other proceeding. 1359

**Sec. 3127.22.** (A) Except as otherwise provided in section 1360  
3127.18 of the Revised Code or another law of this state, if a 1361  
court of this state has jurisdiction under this chapter because a 1362  
person seeking to invoke its jurisdiction has engaged in 1363  
unjustifiable conduct, the court shall decline to exercise its 1364  
jurisdiction unless one of the following applies: 1365

(1) The parents and all persons acting as parents have agreed 1366  
to the exercise of jurisdiction. 1367

(2) A court of the state otherwise having jurisdiction under 1368  
sections 3127.15 to 3127.17 of the Revised Code determines that 1369  
this state is a more appropriate forum under section 3127.21 of 1370  
the Revised Code. 1371

(3) No court of any other state would have jurisdiction under 1372  
the criteria specified in sections 3127.15 to 3127.17 of the 1373  
Revised Code. 1374

(B) If a court of this state declines to exercise its 1375  
jurisdiction pursuant to division (A) of this section, it may 1376  
fashion an appropriate remedy to ensure the safety of the child 1377  
and prevent a repetition of the unjustifiable conduct, including 1378  
staying the proceeding until a parenting proceeding is commenced 1379

in a court having jurisdiction under sections 3127.15 to 3127.17 1380  
of the Revised Code or a similar statute of another state. 1381

(C) If a court dismisses a petition or stays a proceeding 1382  
because it declines to exercise its jurisdiction pursuant to 1383  
division (A) of this section, it shall assess against the party 1384  
seeking to invoke its jurisdiction necessary and reasonable 1385  
expenses including costs, communication expenses, attorney's fees, 1386  
investigative fees, expenses for witnesses, travel expenses, and 1387  
child care during the course of the proceedings, unless the party 1388  
from whom fees are sought establishes that the assessment would be 1389  
clearly inappropriate. The court may not assess fees, costs, or 1390  
expenses against this state unless authorized by law other than 1391  
this chapter. 1392

**Sec. ~~3109.27~~ 3127.23.** (A) Each party in a parenting 1393  
proceeding, in the party's first pleading or in an affidavit 1394  
attached to that pleading, shall give information if reasonably 1395  
ascertainable under oath as to the child's present address or 1396  
whereabouts, the places where the child has lived within the last 1397  
five years, and the name and present address of each person with 1398  
whom the child has lived during that period. In this pleading or 1399  
affidavit, each party also shall include all of the following 1400  
information: 1401

(1) Whether the party has participated as a party, a witness, 1402  
or in any other capacity in any other ~~litigation, in this or any~~ 1403  
~~other state, that concerned~~ proceeding concerning the allocation, 1404  
between the parents of the same child, of parental rights and 1405  
responsibilities for the care of the child including any 1406  
designation of parenting time rights and the designation of the 1407  
residential parent and legal custodian of the child or that 1408  
otherwise concerned the custody of or visitation with the same 1409  
child and, if so, the court, case number and the date of the 1410

parenting determination, if any; 1411

(2) ~~Whether the party has information of any parenting proceeding concerning the child pending in a court of this or any other state~~ knows of any proceedings that could affect the current proceeding, including proceedings for enforcement of parenting determinations, proceedings relating to domestic violence or protective orders, proceedings to adjudicate the child as an abused, neglected, or dependent child, proceedings seeking termination of parental rights, and adoptions, and, if so, the court, the case number, and the nature of the proceeding; 1412  
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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 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; 1421  
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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 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 and, if so, the names and addresses of those persons.~~ 1428  
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(B) If the information required by division (A) of this section is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished. 1436  
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(C) If the declaration under division (A)(1), (2), or (3), ~~or~~ (4) of this section is in the affirmative, the ~~court may require~~ 1440  
1441

the declarant ~~to~~ shall give additional information ~~under oath as~~ 1442  
required by the court. The court may examine the parties under 1443  
oath as to details of the information furnished and as to other 1444  
matters pertinent to the court's jurisdiction and the disposition 1445  
of the case. 1446

~~(C)~~(D) Each party has a continuing duty to inform the court 1447  
of any parenting proceeding concerning the child in this or any 1448  
other state ~~of which the party obtained information during this~~ 1449  
that could affect the current proceeding. 1450

~~(D)~~(E) If a party alleges in an affidavit or a pleading under 1451  
oath that the health, safety, or liberty of a party or child would 1452  
be jeopardized by the disclosure of identifying information, the 1453  
information must be sealed and may not be disclosed to the other 1454  
party or the public unless the court orders the disclosure to be 1455  
made after a hearing in which the court takes into consideration 1456  
the health, safety, and liberty of the party or child and 1457  
determines that the disclosure is in the interests of justice. 1458

(F) A public children services agency, acting pursuant to a 1459  
complaint or an action on a complaint filed under section 2151.27 1460  
of the Revised Code, is not subject to the requirements of this 1461  
section. 1462

~~(E)~~(G) As used in this section, "abused child" has the same 1463  
meaning as in section 2151.031 of the Revised Code, ~~and~~ "neglected 1464  
child" has the same meaning as in section 2151.03 of the Revised 1465  
Code, and "dependent child" has the same meaning as in section 1466  
2151.04 of the Revised Code. 1467

**Sec. ~~3109.29~~ 3127.24.** (A) The court may order any party to a 1468  
parenting proceeding who is in this state to appear personally 1469  
before the court with or without the child. ~~If that party~~ The 1470  
court may order any person who is in this state and who has 1471  
physical custody or control of the child, ~~the court may order that~~ 1472



he to appear personally with the child. 1473

(B) If a party to a parenting proceeding whose presence is 1474  
desired by the court is outside this state with or without the 1475  
child, the court may order that the notice given under ~~division~~ 1476  
~~(B)~~ of section ~~3109.23~~ 3127.07 of the Revised Code include a 1477  
statement directing that party to appear personally with or 1478  
without the child and ~~declaring~~ informing the party that failure 1479  
to appear may result in a decision adverse to that party. 1480

(C) The court may enter any orders necessary to ensure the 1481  
safety of the child and of any person ordered to appear under this 1482  
section. 1483

(D) If a party to a parenting proceeding who is outside this 1484  
state is directed to appear under division (B) of this section or 1485  
desires to appear personally before the court with or without the 1486  
child, the court may require another party to pay ~~to the clerk of~~ 1487  
~~the court~~ reasonable and necessary travel and other ~~necessary~~ 1488  
expenses for the appearance of the party and the child ~~who are~~ 1489  
~~outside this state, if this is just and proper under the~~ 1490  
~~circumstances.~~ 1491

**Sec. 3127.31.** As used in sections 3127.31 to 3127.47 of the 1492  
Revised Code: 1493

(A) "Petitioner" means a person who seeks enforcement of an 1494  
order for return of a child under the Hague Convention on the 1495  
Civil Aspects of International Child Abduction or enforcement of a 1496  
parenting determination. 1497

(B) "Respondent" means a person against whom a proceeding has 1498  
been commenced for enforcement of an order for return of a child 1499  
under the Hague Convention on the Civil Aspects of International 1500  
Child Abduction or enforcement of a parenting determination. 1501

Sec. 3127.32. Under this chapter, as between a parent and a nonparent, a juvenile court of this state or, as between parents, a domestic relations division of a court of common pleas of this state, may enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a parenting determination.

Sec. 3127.33. (A) A court of this state shall recognize and enforce a parenting determination of a court of another state if that state exercised jurisdiction in substantial conformity with this chapter or the determination was made under factual circumstances meeting the jurisdictional standards of this chapter and the determination has not been modified in accordance with this chapter.

(B) A court of this state may use any remedy available under other law of this state to enforce a parenting determination made by a court of another state. The remedies provided in sections 3127.31 to 3127.47 of the Revised Code are cumulative and do not affect the availability of other remedies to enforce a parenting determination.

Sec. 3127.34. (A) A court of this state that does not have jurisdiction to modify a child custody determination may issue a temporary order enforcing either of the following:

(1) A parenting time or visitation schedule made by a court of another state;

(2) The parenting time or visitation provisions of a parenting determination of another state that does not provide for a specific parenting time or visitation schedule.

(B) If a court of this state makes an order under division (A)(2) of this section, it shall specify in the order a period

that it considers adequate to allow the petitioner to obtain an 1531  
order from a court having jurisdiction under the criteria 1532  
specified in sections 3127.15 to 3127.24 of the Revised Code. The 1533  
order shall remain in effect until an order is obtained from the 1534  
other court or until the period expires. 1535

**Sec. 3127.35.** (A) The clerk of each juvenile court of this 1536  
state shall maintain a parenting determination registry with 1537  
respect to parenting determinations involving a parent and a 1538  
nonparent, and the clerk of each domestic relations division of a 1539  
court of common pleas in this state shall maintain a parenting 1540  
determination registry with respect to parenting determinations 1541  
involving two parents. 1542

(B) A parenting determination issued by a court of another 1543  
state may be registered in this state with or without a 1544  
simultaneous request for enforcement by sending to the clerk of a 1545  
juvenile court in this state all of the following: 1546

(1) A letter or other document requesting that the parenting 1547  
determination be registered; 1548

(2) Two copies, including one certified copy, of the 1549  
determination sought to be registered, and a statement under 1550  
penalty of perjury that, to the best of the knowledge and belief 1551  
of the person seeking registration, the order has not been 1552  
modified; 1553

(3) Except as otherwise provided in section 3127.23 of the 1554  
Revised Code, the name and address of the person seeking 1555  
registration and any parent who is designated the residential 1556  
parent and legal custodian of the child or to have parenting time 1557  
with respect to the child or any person acting as a parent who has 1558  
been awarded custody or visitation in the parenting determination 1559  
sought to be registered. 1560

(C) On receipt of the documents and information required by 1561  
division (B) of this section, the registering court shall do both 1562  
of the following: 1563

(1) Cause the parenting determination to be filed as a 1564  
foreign judgment together with one copy of any accompanying 1565  
documents and information, regardless of their form; 1566

(2) Serve notice of the registration request on the persons 1567  
named pursuant to division (B)(3) of this section, and provide 1568  
them with an opportunity to contest the registration in accordance 1569  
with this section. 1570

(D) The notice required by division (C)(2) of this section 1571  
shall state all of the following: 1572

(1) That the registered parenting determination is 1573  
enforceable as of the date of the registration in the same manner 1574  
as a parenting determination issued by a court of this state; 1575

(2) That a hearing to contest the validity of the registered 1576  
determination must be requested within thirty days after service 1577  
of notice; 1578

(3) That failure to contest the registration shall result in 1579  
confirmation of the parenting determination and preclude further 1580  
contest of that determination with respect to any matter that 1581  
could have been asserted. 1582

(E) A person seeking to contest the validity of a registered 1583  
order shall request a hearing within thirty days after service of 1584  
the notice. At that hearing, the court shall confirm the 1585  
registered order unless the person contesting registration 1586  
establishes one of the following circumstances: 1587

(1) The issuing court did not have jurisdiction under 1588  
sections 3127.15 to 3127.24 of the Revised Code or a similar 1589  
statute of another state. 1590

(2) The parenting determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so under sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state.

(3) The person contesting registration was entitled to notice of the parenting proceeding for which registration is sought, but notice was not given in accordance with the standards of section 3127.07 of the Revised Code or a similar statute of another state.

(F) If a timely request for a hearing to contest the validity of the registration is not made, the registration is confirmed as a matter of law and the person requesting registration and all persons served in accordance with division (B)(2) of this section must be notified of the confirmation.

(G) Confirmation of a registered parenting determination, whether by operation of law or after notice and hearing, precludes further contest of the determination with respect to any matter that could have been asserted at the time of registration.

**Sec. 3127.36.** (A) A juvenile court of this state may grant any relief normally available under the law of this state to enforce a registered parenting determination made by a court of another state.

(B) A juvenile court of this state with respect to a proceeding involving a parent and a nonparent, or the domestic relations division of a court of common pleas of this state with respect to a parenting proceeding involving two parents, shall recognize and enforce, but may not modify except in accordance with sections 3127.15 to 3127.24 of the Revised Code, a registered parenting determination of a court of another state.

**Sec. 3127.37.** If a proceeding for enforcement under sections 3127.31 to 3127.46 of the Revised Code is commenced in a juvenile

court of this state with respect to a proceeding involving a 1621  
parent and a nonparent or is commenced in a domestic relations 1622  
division of a court of common pleas with respect to a proceeding 1623  
between parents and the court determines that a proceeding to 1624  
modify the determination is pending in a court of another state 1625  
having jurisdiction to modify the determination under sections 1626  
3127.15 to 3127.24 of the Revised Code or a similar statute of 1627  
another state, the enforcing court shall immediately communicate 1628  
with the modifying court. The proceeding for enforcement shall 1629  
continue unless the enforcing court, after consultation with the 1630  
modifying court, stays or dismisses the proceeding. 1631

**Sec. 3127.38.** (A) A petition for enforcement pursuant to 1632  
sections 3127.31 to 3127.46 of the Revised Code must be verified. 1633  
Certified copies of all orders sought to be enforced and of any 1634  
order confirming registration must be attached to the petition. A 1635  
copy of a certified copy of an order may be attached instead of 1636  
the original. 1637

(B) A petition for enforcement of a parenting determination 1638  
shall state all of the following: 1639

(1) Whether the court that issued the parenting determination 1640  
identified the jurisdictional basis it relied upon in exercising 1641  
jurisdiction and, if so, what the basis was; 1642

(2) Whether the determination for which enforcement is sought 1643  
has been vacated, stayed, or modified by a court whose decision 1644  
must be enforced under this chapter and, if so, identify the 1645  
court, the case number, and the nature of the proceeding; 1646

(3) Whether any proceeding has been commenced that could 1647  
affect the current proceeding, including proceedings for 1648  
enforcement of parenting determinations, proceedings relating to 1649  
domestic violence or protective orders, proceedings to adjudicate 1650

the child as an abused, neglected, or dependent child, proceedings 1651  
seeking termination of parental rights, and adoptions, and, if so, 1652  
the court, the case number, and the nature of the proceeding; 1653

(4) The present physical address of the child and the 1654  
respondent, if known; 1655

(5) Whether relief in addition to the immediate physical 1656  
custody of the child and attorney's fees is sought, including a 1657  
request for assistance from law enforcement officials and, if so, 1658  
the relief sought; 1659

(6) If the parenting determination has been registered and 1660  
confirmed under section 3127.35 of the Revised Code, the date and 1661  
place of registration. 1662

(C) Upon the filing of a petition, the court shall issue an 1663  
order directing the respondent to appear in person with or without 1664  
the child at a hearing and may enter any order necessary to ensure 1665  
the safety of the parties and the child. If possible, the hearing 1666  
must be held on the next judicial day after service of the order. 1667  
If holding the hearing on that date is impossible, the court shall 1668  
hold the hearing on the first judicial day possible. The court may 1669  
extend the date of the hearing at the request of the petitioner. 1670

(D) An order issued under division (C) of this section shall 1671  
state the time and place of the hearing and advise the respondent 1672  
that at the hearing the court will order that the petitioner may 1673  
take immediate physical custody of the child and that the 1674  
respondent pay fees, costs, and expenses under section 3127.42 of 1675  
the Revised Code and may schedule a hearing to determine whether 1676  
further relief is appropriate, unless the respondent appears and 1677  
establishes either of the following: 1678

(1) That the parenting determination has not been registered 1679  
and confirmed under section 3127.35 of the Revised Code and that 1680  
one of the following circumstances applies: 1681

(a) The issuing court did not have jurisdiction under sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state. 1682  
1683  
1684

(b) The parenting determination for which enforcement is sought has been vacated, stayed, or modified by a court having jurisdiction to do so under sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state. 1685  
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1688

(c) The respondent was entitled to notice of the parenting proceeding for which enforcement is sought, but notice was not given in accordance with the standards of section 3127.07 of the Revised Code or a similar statute of another state. 1689  
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(2) That the parenting determination for which enforcement is sought was registered and confirmed under section 3127.35 of the Revised Code but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state. 1693  
1694  
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**Sec. 3127.39.** Except as otherwise provided in section 3127.41 of the Revised Code, the petition and order shall be served by any method authorized by the Rules of Civil Procedure upon respondent and any person who has physical custody of the child. 1698  
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1700  
1701

**Sec. 3127.40.** (A) Unless the court issues a temporary emergency order pursuant to section 3127.18 of the Revised Code, upon a finding that a petitioner is entitled to immediate physical custody of the child, the court shall order that the petitioner may take immediate physical custody of the child unless the respondent establishes either of the following: 1703  
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(1) That the parenting determination has not been registered and confirmed under section 3127.35 of the Revised Code and that one of the following circumstances applies: 1709  
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1711



(a) The issuing court did not have jurisdiction under sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state. 1712  
1713  
1714

(b) The parenting determination for which enforcement is sought has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state. 1715  
1716  
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1718

(c) The respondent was entitled to notice of the parenting proceeding for which enforcement is sought, but notice was not given in accordance with the standards of section 3127.07 of the Revised Code or a similar statute of another state. 1719  
1720  
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(2) That the child custody determination for which enforcement is sought was registered and confirmed under section 3127.35 of the Revised Code but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state. 1723  
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(B) The court shall award the fees, costs, and expenses authorized under section 3127.42 of the Revised Code, and may grant additional relief, including a request for the assistance of law enforcement officials, and shall set a further hearing to determine whether the additional relief is appropriate. 1729  
1730  
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(C) If a party called to testify in a proceeding to enforce a parenting determination refuses to answer on the basis that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal. 1734  
1735  
1736  
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(D) A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of husband and wife or parent and child may not be invoked in a proceeding under this chapter. 1738  
1739  
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Sec. 3127.41. (A) Upon the filing of a petition seeking 1742  
enforcement of a parenting determination, the petitioner may file 1743  
a verified application for the issuance of a warrant to take 1744  
physical custody of the child if the child is imminently likely to 1745  
suffer serious physical harm or be removed from this state. 1746

(B) If the court, upon the testimony of the petitioner or 1747  
another witness, finds that the child is imminently likely to 1748  
suffer serious physical harm or be removed from this state, it may 1749  
issue a warrant to take physical custody of the child. If 1750  
possible, the court shall hear the petition on the next judicial 1751  
day after the warrant is executed. If it is impossible to hold a 1752  
hearing on that date, the court shall hold the hearing on the 1753  
first judicial day possible. The application for the warrant shall 1754  
include the statements required by division (B) of section 3127.38 1755  
of the Revised Code. 1756

(C) A warrant to take physical custody of a child shall do 1757  
all of the following: 1758

(1) Specify the facts upon which a conclusion of imminent 1759  
serious physical harm or removal from the jurisdiction is based; 1760

(2) Direct law enforcement officers to take physical custody 1761  
of the child immediately; 1762

(3) Provide for the placement of the child pending final 1763  
relief. 1764

(D) The respondent shall be served with the petition, 1765  
warrant, and order immediately after the child is taken into 1766  
physical custody. 1767

(E) A warrant to take physical custody of a child is 1768  
enforceable throughout this state. If the court finds on the basis 1769  
of the testimony of the petitioner or another witness that a less 1770  
intrusive remedy is not effective, it may authorize law 1771

enforcement officers to enter private property to take physical 1772  
custody of the child. If required by exigent circumstances of the 1773  
case, the court may authorize law enforcement officers to make a 1774  
forcible entry at any hour. 1775

(F) The court may impose conditions upon the placement of a 1776  
child to ensure the appearance of the child and the child's 1777  
custodian. 1778

**Sec. 3127.42.** (A) A court shall award the prevailing party in 1779  
an action to enforce a parenting determination, including a state, 1780  
necessary and reasonable expenses incurred by or on behalf of the 1781  
party, including costs, communication expenses, attorney's fees, 1782  
investigative fees, expenses for witnesses, travel expenses, and 1783  
child care during the course of the proceedings, unless the party 1784  
from whom fees or expenses are sought establishes that the award 1785  
would be clearly inappropriate. 1786

(B) The court shall not assess fees, costs, or expenses 1787  
against a state unless authorized by law other than this chapter. 1788

**Sec. 3127.43.** A court of this state shall accord full faith 1789  
and credit to an order issued by another state consistent with 1790  
this chapter that enforces a parenting determination by a court of 1791  
another state unless the order has been vacated, stayed, or 1792  
modified by a court having jurisdiction to do so under sections 1793  
3127.15 to 3127.24 of the Revised Code or a similar statute of 1794  
another state. 1795

**Sec. 3127.44.** An appeal may be taken from a final order in a 1796  
proceeding under sections 3127.31 to 3127.47 of the Revised Code. 1797  
The supreme court of this state shall, by rule, provide for 1798  
expedited appellate review of cases appealed under this section. 1799  
Unless the court enters a temporary emergency order under section 1800

3127.18 of the Revised Code, the enforcing court may not stay an 1801  
order enforcing a parenting determination pending appeal. 1802

Sec. 3127.45. (A) In a case arising under this chapter or 1803  
involving the Hague Convention on the Civil Aspects in 1804  
International Child Abduction, the prosecutor may take any lawful 1805  
action, including resort to a proceeding under sections 3127.31 to 1806  
3127.47 of the Revised Code or any other available civil 1807  
proceeding, to locate a child, obtain the return of a child, or 1808  
enforce a parenting determination if there is any of the 1809  
following: 1810

(1) An existing parenting determination; 1811

(2) A request to locate a child, obtain the return of a 1812  
child, or enforce a parenting determination from a court in a 1813  
pending parenting proceeding; 1814

(3) A reasonable belief that a criminal statute has been 1815  
violated; 1816

(4) A reasonable belief that the child has been wrongfully 1817  
removed or retained in violation of the Hague Convention on the 1818  
Civil Aspects of International Child Abduction. 1819

(B) A prosecutor acting under this section acts on behalf of 1820  
the court and may not represent any party. 1821

Sec. 3127.46. At the request of a prosecutor or other 1822  
appropriate public official acting under section 3127.45 of the 1823  
Revised Code, a law enforcement officer may take any lawful action 1824  
reasonably necessary to locate a child or a party and assist a 1825  
prosecutor or appropriate public official with responsibilities 1826  
under section 3127.45 of the Revised Code. 1827

Sec. 3127.47. If the respondent is not the prevailing party, 1828

the court may assess against the respondent all direct expenses 1829  
and costs incurred by the prosecutor or other appropriate public 1830  
official and law enforcement officers under section 3127.45 or 1831  
3127.46 of the Revised Code. 1832

Sec. 3127.51. In applying and construing sections 3127.01 to 1833  
3127.53 of the Revised Code, consideration shall be given to the 1834  
need to promote uniformity of law with respect to its subject 1835  
matter among states that enact a uniform child custody 1836  
jurisdiction and enforcement act. 1837

Sec. 3127.52. If any provision of this chapter or its 1838  
application to any person or circumstance is held invalid, the 1839  
invalidity does not affect other provisions or applications of 1840  
this chapter that can be given effect without the invalid 1841  
provision or application, and to this end the provisions of this 1842  
chapter are severable. 1843

Sec. 3127.53. A motion or other request for relief made in a 1844  
parenting proceeding or to enforce a parenting determination that 1845  
was commenced before the effective date of this chapter is 1846  
governed by the law in effect at the time the motion or other 1847  
request was made. 1848

**Section 2.** That existing sections 2111.06, 2151.23, 2151.27, 1849  
2152.021, 3109.04, 3109.27, 3109.29, and 3109.37 and sections 1850  
3109.21, 3109.22, 3109.23, 3109.24, 3109.25, 3109.26, 3109.28, 1851  
3109.30, 3109.31, 3109.32, 3109.33, 3109.34, 3109.35, and 3109.36 1852  
of the Revised Code are hereby repealed. 1853