

As Reported by the House Juvenile and Family Law Committee

125th General Assembly

Regular Session

2003-2004

Sub. S. B. No. 185

**Senators Jordan, Robert Gardner, Dann, Schuler, Wachtmann, Brady,
Padgett, Harris, Spada, Stivers**

**Representatives Gilb, Walcher, DeGeeter, Harwood, Hollister, Reidelbach,
Skindell, Slaby, Widowfield, Willamowski**

—

A B I L L

To amend sections 2111.06, 2151.23, 2151.27, 1
2151.353, 2151.421, 2152.021, 3109.04, 3109.27, 2
3109.29, 3109.37, and 5153.122, to amend, for the 3
purpose of adopting new section numbers as 4
indicated in parentheses, sections 3109.27 5
(3127.23), 3109.29 (3127.24), and 3109.37 6
(3127.06), to enact sections 3127.01 to 3127.05, 7
3127.07 to 3127.11, 3127.15 to 3127.22, 3127.31 to 8
3127.47, 3127.51, 3127.52, and 3127.53, and to 9
repeal sections 3109.21, 3109.22, 3109.23, 10
3109.24, 3109.25, 3109.26, 3109.28, 3109.30, 11
3109.31, 3109.32, 3109.33, 3109.34, 3109.35, and 12
3109.36 of the Revised Code to repeal the Uniform 13
Child Custody Jurisdiction Act and replace it with 14
the Uniform Child Custody Jurisdiction and 15
Enforcement Act; to clarify the dispositional 16
orders that a juvenile court may issue regarding 17
an adjudicated abused, neglected, or dependent 18
child; to clarify the jurisdiction of the juvenile 19
court; to require that a person accused of child 20
abuse or neglect be informed of the specific 21

complaint or allegation; and to require that 22
caseworkers receive training regarding the 23
constitutional rights of parents. 24

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

Section 1. That sections 2111.06, 2151.23, 2151.27, 2151.353, 25
2151.421, 2152.021, 3109.04, 3109.27, 3109.29, 3109.37, and 26
5153.122 be amended, sections 3109.27 (3127.23), 3109.29 27
(3127.24), and 3109.37 (3127.06) be amended for the purpose of 28
adopting new section numbers as indicated in parentheses, and 29
sections 3127.01, 3127.02, 3127.03, 3127.04, 3127.05, 3127.07, 30
3127.08, 3127.09, 3127.10, 3127.11, 3127.15, 3127.16, 3127.17, 31
3127.18, 3127.19, 3127.20, 3127.21, 3127.22, 3127.31, 3127.32, 32
3127.33, 3127.34, 3127.35, 3127.36, 3127.37, 3127.38, 3127.39, 33
3127.40, 3127.41, 3127.42, 3127.43, 3127.44, 3127.45, 3127.46, 34
3127.47, 3127.51, 3127.52, and 3127.53 of the Revised Code be 35
enacted to read as follows: 36

Sec. 2111.06. If the powers of the person appointed as 37
guardian of a minor or incompetent are not limited by the order of 38
appointment, such person shall be guardian both of the person and 39
estate of the ward. In every instance the court shall appoint the 40
same person as guardian of the person and estate of any such ward, 41
unless in the opinion of the court the interests of the ward will 42
be promoted by the appointment of different persons as guardians 43
of the person and of the estate. 44

A guardian of the person of a minor shall be appointed as to 45
a minor having neither father nor mother, or whose parents are 46
unsuitable persons to have the custody and tuition of such minor, 47
or whose interests, in the opinion of the court, will be promoted 48
thereby. A guardian of the person shall have the custody and 49

provide for the maintenance of the ward, and if the ward is a
minor, such guardian shall also provide for the education of such
ward.

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

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

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

(2) Subject to divisions (G) and (V) of section 2301.03 of
the Revised Code, to determine the custody of any child not a ward
of another court of this state;

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

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

(5) To hear and determine all criminal cases charging adults

with the violation of any section of this chapter;	80
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	81 82 83 84 85 86 87 88 89 90
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	91 92
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	93 94 95 96
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	97 98 99 100
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	101 102
(11) Subject to divisions (G) and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	103 104 105 106 107 108 109

(12) Concerning an action commenced under section 121.38 of the Revised Code;	110 111
(13) To hear and determine violations of section 3321.38 of the Revised Code;	112 113
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	114 115 116 117 118
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.85 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.85 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40.	119 120 121 122 123 124 125 126
(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	127 128 129
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	130 131 132 133
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	134 135 136
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	137 138
(4) To hear and determine an application for an order for the	139

support of any child, if the child is not a ward of another court	140
of this state;	141
(5) To hear and determine an action commenced under section	142
3111.28 of the Revised Code;	143
(6) To hear and determine a motion filed under section	144
3119.961 of the Revised Code;	145
<u>(7) To receive filings under section 3109.74 of the Revised</u>	146
<u>Code, and to hear and determine actions arising under sections</u>	147
<u>3109.51 to 3109.80 of the Revised Code.</u>	148
<u>(8) To enforce an order for the return of a child made under</u>	149
<u>the Hague Convention on the Civil Aspects of International Child</u>	150
<u>Abduction pursuant to section 3127.32 of the Revised Code;</u>	151
<u>(9) To grant any relief normally available under the laws of</u>	152
<u>this state to enforce a child custody determination made by a</u>	153
<u>court of another state and registered in accordance with section</u>	154
<u>3127.35 of the Revised Code.</u>	155
(C) The juvenile court, except as to juvenile courts that are	156
a separate division of the court of common pleas or a separate and	157
independent juvenile court, has jurisdiction to hear, determine,	158
and make a record of any action for divorce or legal separation	159
that involves the custody or care of children and that is filed in	160
the court of common pleas and certified by the court of common	161
pleas with all the papers filed in the action to the juvenile	162
court for trial, provided that no certification of that nature	163
shall be made to any juvenile court unless the consent of the	164
juvenile judge first is obtained. After a certification of that	165
nature is made and consent is obtained, the juvenile court shall	166
proceed as if the action originally had been begun in that court,	167
except as to awards for spousal support or support due and unpaid	168
at the time of certification, over which the juvenile court has no	169
jurisdiction.	170

(D) The juvenile court, except as provided in divisions (G) 171
and (I) of section 2301.03 of the Revised Code, has jurisdiction 172
to hear and determine all matters as to custody and support of 173
children duly certified by the court of common pleas to the 174
juvenile court after a divorce decree has been granted, including 175
jurisdiction to modify the judgment and decree of the court of 176
common pleas as the same relate to the custody and support of 177
children. 178

(E) The juvenile court, except as provided in divisions (G) 179
and (I) of section 2301.03 of the Revised Code, has jurisdiction 180
to hear and determine the case of any child certified to the court 181
by any court of competent jurisdiction if the child comes within 182
the jurisdiction of the juvenile court as defined by this section. 183

(F)(1) The juvenile court shall exercise its jurisdiction in 184
child custody matters in accordance with sections 3109.04, ~~3109.21~~ 185
3127.01 to ~~3109.36~~ 3127.53, and 5103.20 to 5103.28 of the Revised 186
Code. 187

(2) The juvenile court shall exercise its jurisdiction in 188
child support matters in accordance with section 3109.05 of the 189
Revised Code. 190

(G) Any juvenile court that makes or modifies an order for 191
child support shall comply with Chapters 3119., 3121., 3123., and 192
3125. of the Revised Code. If any person required to pay child 193
support under an order made by a juvenile court on or after April 194
15, 1985, or modified on or after December 1, 1986, is found in 195
contempt of court for failure to make support payments under the 196
order, the court that makes the finding, in addition to any other 197
penalty or remedy imposed, shall assess all court costs arising 198
out of the contempt proceeding against the person and require the 199
person to pay any reasonable attorney's fees of any adverse party, 200
as determined by the court, that arose in relation to the act of 201

contempt.

202

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of another offense that is different from the offense charged.

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

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

224

225

226

227

228

229

230

231

232

233

of the offense as if the person had been eighteen years of age or 234
older when the person committed the act. All proceedings 235
pertaining to the act shall be within the jurisdiction of the 236
court having jurisdiction of the offense, and that court has all 237
the authority and duties in the case that it has in other criminal 238
cases in that court. 239

Sec. 2151.27. (A)(1) Subject to division (A)(2) of this 240
section, any person having knowledge of a child who appears to 241
have violated section 2151.87 of the Revised Code or to be a 242
juvenile traffic offender or to be an unruly, abused, neglected, 243
or dependent child may file a sworn complaint with respect to that 244
child in the juvenile court of the county in which the child has a 245
residence or legal settlement or in which the violation, 246
unruliness, abuse, neglect, or dependency allegedly occurred. If 247
an alleged abused, neglected, or dependent child is taken into 248
custody pursuant to division (D) of section 2151.31 of the Revised 249
Code or is taken into custody pursuant to division (A) of section 250
2151.31 of the Revised Code without the filing of a complaint and 251
placed into shelter care pursuant to division (C) of that section, 252
a sworn complaint shall be filed with respect to the child before 253
the end of the next day after the day on which the child was taken 254
into custody. The sworn complaint may be upon information and 255
belief, and, in addition to the allegation that the child 256
committed the violation or is an unruly, abused, neglected, or 257
dependent child, the complaint shall allege the particular facts 258
upon which the allegation that the child committed the violation 259
or is an unruly, abused, neglected, or dependent child is based. 260

(2) Any person having knowledge of a child who appears to be 261
an unruly child for being an habitual truant may file a sworn 262
complaint with respect to that child and the parent, guardian, or 263
other person having care of the child in the juvenile court of the 264

county in which the child has a residence or legal settlement or 265
in which the child is supposed to attend public school. The sworn 266
complaint may be upon information and belief and shall contain the 267
following allegations: 268

(a) That the child is an unruly child for being an habitual 269
truant and, in addition, the particular facts upon which that 270
allegation is based; 271

(b) That the parent, guardian, or other person having care of 272
the child has failed to cause the child's attendance at school in 273
violation of section 3321.38 of the Revised Code and, in addition, 274
the particular facts upon which that allegation is based. 275

(B) If a child, before arriving at the age of eighteen years, 276
allegedly commits an act for which the child may be adjudicated an 277
unruly child and if the specific complaint alleging the act is not 278
filed or a hearing on that specific complaint is not held until 279
after the child arrives at the age of eighteen years, the court 280
has jurisdiction to hear and dispose of the complaint as if the 281
complaint were filed and the hearing held before the child arrived 282
at the age of eighteen years. 283

(C) If the complainant in a case in which a child is alleged 284
to be an abused, neglected, or dependent child desires permanent 285
custody of the child or children, temporary custody of the child 286
or children, whether as the preferred or an alternative 287
disposition, or the placement of the child in a planned permanent 288
living arrangement, the complaint shall contain a prayer 289
specifically requesting permanent custody, temporary custody, or 290
the placement of the child in a planned permanent living 291
arrangement. 292

(D) Any person with standing under applicable law may file a 293
complaint for the determination of any other matter over which the 294
juvenile court is given jurisdiction by section 2151.23 of the 295

Revised Code. The complaint shall be filed in the county in which
the child who is the subject of the complaint is found or was last
known to be found.

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

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

Sec. 2151.353. (A) If a child is adjudicated an abused,
neglected, or dependent child, the court may make any of the
following orders of disposition:

(1) Place the child in protective supervision;

(2) Commit the child to the temporary custody of a public
children services agency, a private child placing agency, either
parent, a relative residing within or outside the state, or a
probation officer for placement in a certified foster home, or in
any other home approved by the court;

(3) Award legal custody of the child to either parent or to
any other person who, prior to the dispositional hearing, files a
motion requesting legal custody of the child;

(4) Commit the child to the permanent custody of a public children services agency or private child placing agency, if the court determines in accordance with division (E) of section 2151.414 of the Revised Code that the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent and determines in accordance with division (D) of section 2151.414 of the Revised Code that the permanent commitment is in the best interest of the child. If the court grants permanent custody under this division, the court, upon the request of any party, shall file a written opinion setting forth its findings of fact and conclusions of law in relation to the proceeding.

(5) Place the child in a planned permanent living arrangement with a public children services agency or private child placing agency, if a public children services agency or private child placing agency requests the court to place the child in a planned permanent living arrangement and if the court finds, by clear and convincing evidence, that a planned permanent living arrangement is in the best interest of the child and that one of the following exists:

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care.

(b) The parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative.

(c) The child is sixteen years of age or older, has been counseled on the permanent placement options available to the

child, is unwilling to accept or unable to adapt to a permanent placement, and is in an agency program preparing the child for independent living. 357
358
359

(6) Order the removal from the child's home until further order of the court of the person who committed abuse as described in section 2151.031 of the Revised Code against the child, who caused or allowed the child to suffer neglect as described in section 2151.03 of the Revised Code, or who is the parent, guardian, or custodian of a child who is adjudicated a dependent child and order any person not to have contact with the child or the child's siblings. 360
361
362
363
364
365
366
367

(B) No order for permanent custody or temporary custody of a child or the placement of a child in a planned permanent living arrangement shall be made pursuant to this section unless the complaint alleging the abuse, neglect, or dependency contains a prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement as desired, the summons served on the parents of the child contains as is appropriate a full explanation that the granting of an order for permanent custody permanently divests them of their parental rights, a full explanation that an adjudication that the child is an abused, neglected, or dependent child may result in an order of temporary custody that will cause the removal of the child from their legal custody until the court terminates the order of temporary custody or permanently divests the parents of their parental rights, or a full explanation that the granting of an order for a planned permanent living arrangement will result in the removal of the child from their legal custody if any of the conditions listed in divisions (A)(5)(a) to (c) of this section are found to exist, and the summons served on the parents contains a full explanation of their right to be represented by counsel and to have counsel appointed pursuant to Chapter 120. of the Revised 368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388

Code if they are indigent. 389

If after making disposition as authorized by division (A)(2) 390
of this section, a motion is filed that requests permanent custody 391
of the child, the court may grant permanent custody of the child 392
to the movant in accordance with section 2151.414 of the Revised 393
Code. 394

(C) If the court issues an order for protective supervision 395
pursuant to division (A)(1) of this section, the court may place 396
any reasonable restrictions upon the child, the child's parents, 397
guardian, or custodian, or any other person, including, but not 398
limited to, any of the following: 399

(1) Order a party, within forty-eight hours after the 400
issuance of the order, to vacate the child's home indefinitely or 401
for a specified period of time; 402

(2) Order a party, a parent of the child, or a physical 403
custodian of the child to prevent any particular person from 404
having contact with the child; 405

(3) Issue an order restraining or otherwise controlling the 406
conduct of any person which conduct would not be in the best 407
interest of the child. 408

(D) As part of its dispositional order, the court shall 409
journalize a case plan for the child. The journalized case plan 410
shall not be changed except as provided in section 2151.412 of the 411
Revised Code. 412

(E)(1) The court shall retain jurisdiction over any child for 413
whom the court issues an order of disposition pursuant to division 414
(A) of this section or pursuant to section 2151.414 or 2151.415 of 415
the Revised Code until the child attains the age of eighteen years 416
if the child is not mentally retarded, developmentally disabled, 417
or physically impaired, the child attains the age of twenty-one 418

years if the child is mentally retarded, developmentally disabled, 419
or physically impaired, or the child is adopted and a final decree 420
of adoption is issued, except that the court may retain 421
jurisdiction over the child and continue any order of disposition 422
under division (A) of this section or under section 2151.414 or 423
2151.415 of the Revised Code for a specified period of time to 424
enable the child to graduate from high school or vocational 425
school. The court shall make an entry continuing its jurisdiction 426
under this division in the journal. 427

(2) Any public children services agency, any private child 428
placing agency, the department of job and family services, or any 429
party, other than any parent whose parental rights with respect to 430
the child have been terminated pursuant to an order issued under 431
division (A)(4) of this section, by filing a motion with the 432
court, may at any time request the court to modify or terminate 433
any order of disposition issued pursuant to division (A) of this 434
section or section 2151.414 or 2151.415 of the Revised Code. The 435
court shall hold a hearing upon the motion as if the hearing were 436
the original dispositional hearing and shall give all parties to 437
the action and the guardian ad litem notice of the hearing 438
pursuant to the Juvenile Rules. If applicable, the court shall 439
comply with section 2151.42 of the Revised Code. 440

(F) Any temporary custody order issued pursuant to division 441
(A) of this section shall terminate one year after the earlier of 442
the date on which the complaint in the case was filed or the child 443
was first placed into shelter care, except that, upon the filing 444
of a motion pursuant to section 2151.415 of the Revised Code, the 445
temporary custody order shall continue and not terminate until the 446
court issues a dispositional order under that section. 447

(G)(1) No later than one year after the earlier of the date 448
the complaint in the case was filed or the child was first placed 449
in shelter care, a party may ask the court to extend an order for 450

protective supervision for six months or to terminate the order. A 451
party requesting extension or termination of the order shall file 452
a written request for the extension or termination with the court 453
and give notice of the proposed extension or termination in 454
writing before the end of the day after the day of filing it to 455
all parties and the child's guardian ad litem. If a public 456
children services agency or private child placing agency requests 457
termination of the order, the agency shall file a written status 458
report setting out the facts supporting termination of the order 459
at the time it files the request with the court. If no party 460
requests extension or termination of the order, the court shall 461
notify the parties that the court will extend the order for six 462
months or terminate it and that it may do so without a hearing 463
unless one of the parties requests a hearing. All parties and the 464
guardian ad litem shall have seven days from the date a notice is 465
sent pursuant to this division to object to and request a hearing 466
on the proposed extension or termination. 467

(a) If it receives a timely request for a hearing, the court 468
shall schedule a hearing to be held no later than thirty days 469
after the request is received by the court. The court shall give 470
notice of the date, time, and location of the hearing to all 471
parties and the guardian ad litem. At the hearing, the court shall 472
determine whether extension or termination of the order is in the 473
child's best interest. If termination is in the child's best 474
interest, the court shall terminate the order. If extension is in 475
the child's best interest, the court shall extend the order for 476
six months. 477

(b) If it does not receive a timely request for a hearing, 478
the court may extend the order for six months or terminate it 479
without a hearing and shall journalize the order of extension or 480
termination not later than fourteen days after receiving the 481
request for extension or termination or after the date the court 482

notifies the parties that it will extend or terminate the order. 483
If the court does not extend or terminate the order, it shall 484
schedule a hearing to be held no later than thirty days after the 485
expiration of the applicable fourteen-day time period and give 486
notice of the date, time, and location of the hearing to all 487
parties and the child's guardian ad litem. At the hearing, the 488
court shall determine whether extension or termination of the 489
order is in the child's best interest. If termination is in the 490
child's best interest, the court shall terminate the order. If 491
extension is in the child's best interest, the court shall issue 492
an order extending the order for protective supervision six 493
months. 494

(2) If the court grants an extension of the order for 495
protective supervision pursuant to division (G)(1) of this 496
section, a party may, prior to termination of the extension, file 497
with the court a request for an additional extension of six months 498
or for termination of the order. The court and the parties shall 499
comply with division (G)(1) of this section with respect to 500
extending or terminating the order. 501

(3) If a court grants an extension pursuant to division 502
(G)(2) of this section, the court shall terminate the order for 503
protective supervision at the end of the extension. 504

(H) The court shall not issue a dispositional order pursuant 505
to division (A) of this section that removes a child from the 506
child's home unless the court complies with section 2151.419 of 507
the Revised Code and includes in the dispositional order the 508
findings of fact required by that section. 509

(I) If a motion or application for an order described in 510
division (A)(6) of this section is made, the court shall not issue 511
the order unless, prior to the issuance of the order, it provides 512
to the person all of the following: 513

(1) Notice and a copy of the motion or application;	514
(2) The grounds for the motion or application;	515
(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;	516 517
(4) An opportunity to be represented by counsel at the hearing.	518 519
(J) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following:	520 521 522 523 524
(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located;	525 526 527
(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award.	528 529 530 531 532 533
The court in the county in which the legal custodian resides then shall have jurisdiction in the matter.	534 535
Sec. 2151.421. (A)(1)(a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, shall fail to	536 537 538 539 540 541 542 543

immediately report that knowledge or suspicion to the entity or 544
persons specified in this division. Except as provided in section 545
5120.173 of the Revised Code, the person making the report shall 546
make it to the public children services agency or a municipal or 547
county peace officer in the county in which the child resides or 548
in which the abuse or neglect is occurring or has occurred. In the 549
circumstances described in section 5120.173 of the Revised Code, 550
the person making the report shall make it to the entity specified 551
in that section. 552

(b) Division (A)(1)(a) of this section applies to any person 553
who is an attorney; physician, including a hospital intern or 554
resident; dentist; podiatrist; practitioner of a limited branch of 555
medicine as specified in section 4731.15 of the Revised Code; 556
registered nurse; licensed practical nurse; visiting nurse; other 557
health care professional; licensed psychologist; licensed school 558
psychologist; independent marriage and family therapist or 559
marriage and family therapist; speech pathologist or audiologist; 560
coroner; administrator or employee of a child day-care center; 561
administrator or employee of a residential camp or child day camp; 562
administrator or employee of a certified child care agency or 563
other public or private children services agency; school teacher; 564
school employee; school authority; person engaged in social work 565
or the practice of professional counseling; agent of a county 566
humane society; person rendering spiritual treatment through 567
prayer in accordance with the tenets of a well-recognized 568
religion; superintendent, board member, or employee of a county 569
board of mental retardation; investigative agent contracted with 570
by a county board of mental retardation; or employee of the 571
department of mental retardation and developmental disabilities. 572

(2) An attorney or a physician is not required to make a 573
report pursuant to division (A)(1) of this section concerning any 574
communication the attorney or physician receives from a client or 575

patient in an attorney-client or physician-patient relationship, 576
if, in accordance with division (A) or (B) of section 2317.02 of 577
the Revised Code, the attorney or physician could not testify with 578
respect to that communication in a civil or criminal proceeding, 579
except that the client or patient is deemed to have waived any 580
testimonial privilege under division (A) or (B) of section 2317.02 581
of the Revised Code with respect to that communication and the 582
attorney or physician shall make a report pursuant to division 583
(A)(1) of this section with respect to that communication, if all 584
of the following apply: 585

(a) The client or patient, at the time of the communication, 586
is either a child under eighteen years of age or a mentally 587
retarded, developmentally disabled, or physically impaired person 588
under twenty-one years of age. 589

(b) The attorney or physician knows or suspects, as a result 590
of the communication or any observations made during that 591
communication, that the client or patient has suffered or faces a 592
threat of suffering any physical or mental wound, injury, 593
disability, or condition of a nature that reasonably indicates 594
abuse or neglect of the client or patient. 595

(c) The attorney-client or physician-patient relationship 596
does not arise out of the client's or patient's attempt to have an 597
abortion without the notification of her parents, guardian, or 598
custodian in accordance with section 2151.85 of the Revised Code. 599

(B) Anyone, who knows or suspects that a child under eighteen 600
years of age or a mentally retarded, developmentally disabled, or 601
physically impaired person under twenty-one years of age has 602
suffered or faces a threat of suffering any physical or mental 603
wound, injury, disability, or other condition of a nature that 604
reasonably indicates abuse or neglect of the child may report or 605
cause reports to be made of that knowledge or suspicion to the 606

entity or persons specified in this division. Except as provided
in section 5120.173 of the Revised Code, a person making a report
or causing a report to be made under this division shall make it
or cause it to be made to the public children services agency or
to a municipal or county peace officer. In the circumstances
described in section 5120.173 of the Revised Code, a person making
a report or causing a report to be made under this division shall
make it or cause it to be made to the entity specified in that
section.

(C) Any report made pursuant to division (A) or (B) of this
section shall be made forthwith either by telephone or in person
and shall be followed by a written report, if requested by the
receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's
parents or the person or persons having custody of the child, if
known;

(2) The child's age and the nature and extent of the child's
known or suspected injuries, abuse, or neglect or of the known or
suspected threat of injury, abuse, or neglect, including any
evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in
establishing the cause of the known or suspected injury, abuse, or
neglect or of the known or suspected threat of injury, abuse, or
neglect.

Any person, who is required by division (A) of this section
to report known or suspected child abuse or child neglect, may
take or cause to be taken color photographs of areas of trauma
visible on a child and, if medically indicated, cause to be
performed radiological examinations of the child.

(D)(1) When a municipal or county peace officer receives a
report concerning the possible abuse or neglect of a child or the

possible threat of abuse or neglect of a child, upon receipt of 638
the report, the municipal or county peace officer who receives the 639
report shall refer the report to the appropriate public children 640
services agency. 641

(2) When a public children services agency receives a report 642
pursuant to this division or division (A) or (B) of this section, 643
upon receipt of the report, the public children services agency 644
shall comply with section 2151.422 of the Revised Code. 645

(E) No township, municipal, or county peace officer shall 646
remove a child about whom a report is made pursuant to this 647
section from the child's parents, stepparents, or guardian or any 648
other persons having custody of the child without consultation 649
with the public children services agency, unless, in the judgment 650
of the officer, and, if the report was made by physician, the 651
physician, immediate removal is considered essential to protect 652
the child from further abuse or neglect. The agency that must be 653
consulted shall be the agency conducting the investigation of the 654
report as determined pursuant to section 2151.422 of the Revised 655
Code. 656

(F)(1) Except as provided in section 2151.422 of the Revised 657
Code, the public children services agency shall investigate, 658
within twenty-four hours, each report of known or suspected child 659
abuse or child neglect and of a known or suspected threat of child 660
abuse or child neglect that is referred to it under this section 661
to determine the circumstances surrounding the injuries, abuse, or 662
neglect or the threat of injury, abuse, or neglect, the cause of 663
the injuries, abuse, neglect, or threat, and the person or persons 664
responsible. The investigation shall be made in cooperation with 665
the law enforcement agency and in accordance with the memorandum 666
of understanding prepared under division (J) of this section. A A 667
representative of the public children services agency shall, at 668
the time of initial contact with the person subject to the 669

investigation, inform the person of the specific complaints or 670
allegations made against the person. The information shall be 671
given in a manner that is consistent with division (H)(1) of this 672
section and protects the rights of the person making the report 673
under this section. 674

A failure to make the investigation in accordance with the 675
memorandum is not grounds for, and shall not result in, the 676
dismissal of any charges or complaint arising from the report or 677
the suppression of any evidence obtained as a result of the report 678
and does not give, and shall not be construed as giving, any 679
rights or any grounds for appeal or post-conviction relief to any 680
person. The public children services agency shall report each case 681
to a central registry which the department of job and family 682
services shall maintain in order to determine whether prior 683
reports have been made in other counties concerning the child or 684
other principals in the case. The public children services agency 685
shall submit a report of its investigation, in writing, to the law 686
enforcement agency. 687

(2) The public children services agency shall make any 688
recommendations to the county prosecuting attorney or city 689
director of law that it considers necessary to protect any 690
children that are brought to its attention. 691

(G)(1)(a) Except as provided in division (H)(3) of this 692
section, anyone or any hospital, institution, school, health 693
department, or agency participating in the making of reports under 694
division (A) of this section, anyone or any hospital, institution, 695
school, health department, or agency participating in good faith 696
in the making of reports under division (B) of this section, and 697
anyone participating in good faith in a judicial proceeding 698
resulting from the reports, shall be immune from any civil or 699
criminal liability for injury, death, or loss to person or 700
property that otherwise might be incurred or imposed as a result 701

of the making of the reports or the participation in the judicial proceeding. 702
703

(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section. 704
705
706
707
708
709

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought. 710
711
712
713
714
715
716
717
718

(H)(1) Except as provided in divisions (H)(4) and (M) of this section, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure. 719
720
721
722
723
724
725
726
727

(2) No person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section. 728
729
730

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that 731
732

alleges that any person has committed an act or omission that 733
resulted in a child being an abused child or a neglected child is 734
guilty of a violation of section 2921.14 of the Revised Code. 735

(4) If a report is made pursuant to division (A) or (B) of 736
this section and the child who is the subject of the report dies 737
for any reason at any time after the report is made, but before 738
the child attains eighteen years of age, the public children 739
services agency or municipal or county peace officer to which the 740
report was made or referred, on the request of the child fatality 741
review board, shall submit a summary sheet of information 742
providing a summary of the report to the review board of the 743
county in which the deceased child resided at the time of death. 744
On the request of the review board, the agency or peace officer 745
may, at its discretion, make the report available to the review 746
board. 747

(5) A public children services agency shall advise a person 748
alleged to have inflicted abuse or neglect on a child who is the 749
subject of a report made pursuant to this section in writing of 750
the disposition of the investigation. The agency shall not provide 751
to the person any information that identifies the person who made 752
the report, statements of witnesses, or police or other 753
investigative reports. 754

(I) Any report that is required by this section, other than a 755
report that is made to the state highway patrol as described in 756
section 5120.173 of the Revised Code, shall result in protective 757
services and emergency supportive services being made available by 758
the public children services agency on behalf of the children 759
about whom the report is made, in an effort to prevent further 760
neglect or abuse, to enhance their welfare, and, whenever 761
possible, to preserve the family unit intact. The agency required 762
to provide the services shall be the agency conducting the 763
investigation of the report pursuant to section 2151.422 of the 764

Revised Code. 765

(J)(1) Each public children services agency shall prepare a 766
memorandum of understanding that is signed by all of the 767
following: 768

(a) If there is only one juvenile judge in the county, the 769
juvenile judge of the county or the juvenile judge's 770
representative; 771

(b) If there is more than one juvenile judge in the county, a 772
juvenile judge or the juvenile judges' representative selected by 773
the juvenile judges or, if they are unable to do so for any 774
reason, the juvenile judge who is senior in point of service or 775
the senior juvenile judge's representative; 776

(c) The county peace officer; 777

(d) All chief municipal peace officers within the county; 778

(e) Other law enforcement officers handling child abuse and 779
neglect cases in the county; 780

(f) The prosecuting attorney of the county; 781

(g) If the public children services agency is not the county 782
department of job and family services, the county department of 783
job and family services; 784

(h) The county humane society. 785

(2) A memorandum of understanding shall set forth the normal 786
operating procedure to be employed by all concerned officials in 787
the execution of their respective responsibilities under this 788
section and division (C) of section 2919.21, division (B)(1) of 789
section 2919.22, division (B) of section 2919.23, and section 790
2919.24 of the Revised Code and shall have as two of its primary 791
goals the elimination of all unnecessary interviews of children 792
who are the subject of reports made pursuant to division (A) or 793
(B) of this section and, when feasible, providing for only one 794

interview of a child who is the subject of any report made 795
pursuant to division (A) or (B) of this section. A failure to 796
follow the procedure set forth in the memorandum by the concerned 797
officials is not grounds for, and shall not result in, the 798
dismissal of any charges or complaint arising from any reported 799
case of abuse or neglect or the suppression of any evidence 800
obtained as a result of any reported child abuse or child neglect 801
and does not give, and shall not be construed as giving, any 802
rights or any grounds for appeal or post-conviction relief to any 803
person. 804

(3) A memorandum of understanding shall include all of the 805
following: 806

(a) The roles and responsibilities for handling emergency and 807
nonemergency cases of abuse and neglect; 808

(b) Standards and procedures to be used in handling and 809
coordinating investigations of reported cases of child abuse and 810
reported cases of child neglect, methods to be used in 811
interviewing the child who is the subject of the report and who 812
allegedly was abused or neglected, and standards and procedures 813
addressing the categories of persons who may interview the child 814
who is the subject of the report and who allegedly was abused or 815
neglected. 816

(K)(1) Except as provided in division (K)(4) of this section, 817
a person who is required to make a report pursuant to division (A) 818
of this section may make a reasonable number of requests of the 819
public children services agency that receives or is referred the 820
report to be provided with the following information: 821

(a) Whether the agency has initiated an investigation of the 822
report; 823

(b) Whether the agency is continuing to investigate the 824
report; 825

(c) Whether the agency is otherwise involved with the child 826
who is the subject of the report; 827

(d) The general status of the health and safety of the child 828
who is the subject of the report; 829

(e) Whether the report has resulted in the filing of a 830
complaint in juvenile court or of criminal charges in another 831
court. 832

(2) A person may request the information specified in 833
division (K)(1) of this section only if, at the time the report is 834
made, the person's name, address, and telephone number are 835
provided to the person who receives the report. 836

When a municipal or county peace officer or employee of a 837
public children services agency receives a report pursuant to 838
division (A) or (B) of this section the recipient of the report 839
shall inform the person of the right to request the information 840
described in division (K)(1) of this section. The recipient of the 841
report shall include in the initial child abuse or child neglect 842
report that the person making the report was so informed and, if 843
provided at the time of the making of the report, shall include 844
the person's name, address, and telephone number in the report. 845

Each request is subject to verification of the identity of 846
the person making the report. If that person's identity is 847
verified, the agency shall provide the person with the information 848
described in division (K)(1) of this section a reasonable number 849
of times, except that the agency shall not disclose any 850
confidential information regarding the child who is the subject of 851
the report other than the information described in those 852
divisions. 853

(3) A request made pursuant to division (K)(1) of this 854
section is not a substitute for any report required to be made 855
pursuant to division (A) of this section. 856

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(L) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(M)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide

written notice of the allegations contained in and the person 888
named as the alleged perpetrator in the report to the 889
administrator, director, or other chief administrative officer of 890
the out-of-home care entity that is the subject of the report 891
unless the administrator, director, or other chief administrative 892
officer is named as an alleged perpetrator in the report. If the 893
administrator, director, or other chief administrative officer of 894
an out-of-home care entity is named as an alleged perpetrator in a 895
report of alleged child abuse or child neglect, or a report of an 896
alleged threat of child abuse or child neglect, that allegedly 897
occurred in or involved the out-of-home care entity, the agency 898
shall provide the written notice to the owner or governing board 899
of the out-of-home care entity that is the subject of the report. 900
The agency shall not provide witness statements or police or other 901
investigative reports. 902

(3) No later than three days after the day on which a public 903
children services agency that conducted the investigation as 904
determined pursuant to section 2151.422 of the Revised Code makes 905
a disposition of an investigation involving a report of alleged 906
child abuse or child neglect, or a report of an alleged threat of 907
child abuse or child neglect, that allegedly occurred in or 908
involved an out-of-home care entity, the agency shall send written 909
notice of the disposition of the investigation to the 910
administrator, director, or other chief administrative officer and 911
the owner or governing board of the out-of-home care entity. The 912
agency shall not provide witness statements or police or other 913
investigative reports. 914

Sec. 2152.021. (A)(1) Subject to division (A)(2) of this 915
section, any person having knowledge of a child who appears to be 916
a juvenile traffic offender or to be a delinquent child may file a 917
sworn complaint with respect to that child in the juvenile court 918

of the county in which the child has a residence or legal 919
settlement or in which the traffic offense or delinquent act 920
allegedly occurred. The sworn complaint may be upon information 921
and belief, and, in addition to the allegation that the child is a 922
delinquent child or a juvenile traffic offender, the complaint 923
shall allege the particular facts upon which the allegation that 924
the child is a delinquent child or a juvenile traffic offender is 925
based. 926

If a child appears to be a delinquent child who is eligible 927
for a serious youthful offender dispositional sentence under 928
section 2152.11 of the Revised Code and if the prosecuting 929
attorney desires to seek a serious youthful offender dispositional 930
sentence under section 2152.13 of the Revised Code in regard to 931
the child, the prosecuting attorney of the county in which the 932
alleged delinquency occurs may initiate a case in the juvenile 933
court of the county by presenting the case to a grand jury for 934
indictment, by charging the child in a bill of information as a 935
serious youthful offender pursuant to section 2152.13 of the 936
Revised Code, by requesting a serious youthful offender 937
dispositional sentence in the original complaint alleging that the 938
child is a delinquent child, or by filing with the juvenile court 939
a written notice of intent to seek a serious youthful offender 940
dispositional sentence. 941

(2) Any person having knowledge of a child who appears to be 942
a delinquent child for being an habitual or chronic truant may 943
file a sworn complaint with respect to that child and the parent, 944
guardian, or other person having care of the child in the juvenile 945
court of the county in which the child has a residence or legal 946
settlement or in which the child is supposed to attend public 947
school. The sworn complaint may be upon information and belief and 948
shall contain the following allegations: 949

(a) That the child is a delinquent child for being a chronic 950
truant or an habitual truant who previously has been adjudicated 951
an unruly child for being a habitual truant and, in addition, the 952
particular facts upon which that allegation is based; 953

(b) That the parent, guardian, or other person having care of 954
the child has failed to cause the child's attendance at school in 955
violation of section 3321.38 of the Revised Code and, in addition, 956
the particular facts upon which that allegation is based. 957

(B) Any person with standing under applicable law may file a 958
complaint for the determination of any other matter over which the 959
juvenile court is given jurisdiction by section 2151.23 of the 960
Revised Code. The complaint shall be filed in the county in which 961
the child who is the subject of the complaint is found or was last 962
known to be found. 963

(C) Within ten days after the filing of a complaint or the 964
issuance of an indictment, the court shall give written notice of 965
the filing of the complaint or the issuance of an indictment and 966
of the substance of the complaint or indictment to the 967
superintendent of a city, local, exempted village, or joint 968
vocational school district if the complaint or indictment alleges 969
that a child committed an act that would be a criminal offense if 970
committed by an adult, that the child was sixteen years of age or 971
older at the time of the commission of the alleged act, and that 972
the alleged act is any of the following: 973

(1) A violation of section 2923.122 of the Revised Code that 974
relates to property owned or controlled by, or to an activity held 975
under the auspices of, the board of education of that school 976
district; 977

(2) A violation of section 2923.12 of the Revised Code, of a 978
substantially similar municipal ordinance, or of section 2925.03 979
of the Revised Code that was committed on property owned or 980

controlled by, or at an activity held under the auspices of, the 981
board of education of that school district; 982

(3) A violation of section 2925.11 of the Revised Code that 983
was committed on property owned or controlled by, or at an 984
activity held under the auspices of, the board of education of 985
that school district, other than a violation of that section that 986
would be a minor drug possession offense if committed by an adult; 987

(4) A violation of section 2903.01, 2903.02, 2903.03, 988
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 989
Code, or a violation of former section 2907.12 of the Revised 990
Code, that was committed on property owned or controlled by, or at 991
an activity held under the auspices of, the board of education of 992
that school district, if the victim at the time of the commission 993
of the alleged act was an employee of the board of education of 994
that school district; 995

(5) Complicity in any violation described in division (C)(1), 996
(2), (3), or (4) of this section that was alleged to have been 997
committed in the manner described in division (C)(1), (2), (3), or 998
(4) of this section, regardless of whether the act of complicity 999
was committed on property owned or controlled by, or at an 1000
activity held under the auspices of, the board of education of 1001
that school district. 1002

(D) A public children services agency, acting pursuant to a 1003
complaint or an action on a complaint filed under this section, is 1004
not subject to the requirements of section ~~3109.27~~ 3127.23 of the 1005
Revised Code. 1006

(E) For purposes of the record to be maintained by the clerk 1007
under division (B) of section 2152.71 of the Revised Code, when a 1008
complaint is filed that alleges that a child is a delinquent 1009
child, the court shall determine if the victim of the alleged 1010
delinquent act was sixty-five years of age or older or permanently 1011

and totally disabled at the time of the alleged commission of the 1012
act. 1013

Sec. 3109.04. (A) In any divorce, legal separation, or 1014
annulment proceeding and in any proceeding pertaining to the 1015
allocation of parental rights and responsibilities for the care of 1016
a child, upon hearing the testimony of either or both parents and 1017
considering any mediation report filed pursuant to section 1018
3109.052 of the Revised Code and in accordance with sections 1019
~~3109.21 to 3109.36~~ 3127.01 to 3127.53 of the Revised Code, the 1020
court shall allocate the parental rights and responsibilities for 1021
the care of the minor children of the marriage. Subject to 1022
division (D)(2) of this section, the court may allocate the 1023
parental rights and responsibilities for the care of the children 1024
in either of the following ways: 1025

(1) If neither parent files a pleading or motion in 1026
accordance with division (G) of this section, if at least one 1027
parent files a pleading or motion under that division but no 1028
parent who filed a pleading or motion under that division also 1029
files a plan for shared parenting, or if at least one parent files 1030
both a pleading or motion and a shared parenting plan under that 1031
division but no plan for shared parenting is in the best interest 1032
of the children, the court, in a manner consistent with the best 1033
interest of the children, shall allocate the parental rights and 1034
responsibilities for the care of the children primarily to one of 1035
the parents, designate that parent as the residential parent and 1036
the legal custodian of the child, and divide between the parents 1037
the other rights and responsibilities for the care of the 1038
children, including, but not limited to, the responsibility to 1039
provide support for the children and the right of the parent who 1040
is not the residential parent to have continuing contact with the 1041
children. 1042

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

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

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

(a) The court, in its discretion, may and, upon the motion of 1075
either parent, shall appoint a guardian ad litem for the child. 1076

(b) The court first shall determine the reasoning ability of 1077
the child. If the court determines that the child does not have 1078
sufficient reasoning ability to express the child's wishes and 1079
concern with respect to the allocation of parental rights and 1080
responsibilities for the care of the child, it shall not determine 1081
the child's wishes and concerns with respect to the allocation. If 1082
the court determines that the child has sufficient reasoning 1083
ability to express the child's wishes or concerns with respect to 1084
the allocation, it then shall determine whether, because of 1085
special circumstances, it would not be in the best interest of the 1086
child to determine the child's wishes and concerns with respect to 1087
the allocation. If the court determines that, because of special 1088
circumstances, it would not be in the best interest of the child 1089
to determine the child's wishes and concerns with respect to the 1090
allocation, it shall not determine the child's wishes and concerns 1091
with respect to the allocation and shall enter its written 1092
findings of fact and opinion in the journal. If the court 1093
determines that it would be in the best interests of the child to 1094
determine the child's wishes and concerns with respect to the 1095
allocation, it shall proceed to make that determination. 1096

(c) The interview shall be conducted in chambers, and no 1097
person other than the child, the child's attorney, the judge, any 1098
necessary court personnel, and, in the judge's discretion, the 1099
attorney of each parent shall be permitted to be present in the 1100
chambers during the interview. 1101

(3) No person shall obtain or attempt to obtain from a child 1102
a written or recorded statement or affidavit setting forth the 1103
child's wishes and concerns regarding the allocation of parental 1104
rights and responsibilities concerning the child. No court, in 1105
determining the child's best interest for purposes of making its 1106

allocation of the parental rights and responsibilities for the 1107
care of the child or for purposes of resolving any issues related 1108
to the making of that allocation, shall accept or consider a 1109
written or recorded statement or affidavit that purports to set 1110
forth the child's wishes and concerns regarding those matters. 1111

(C) Prior to trial, the court may cause an investigation to 1112
be made as to the character, family relations, past conduct, 1113
earning ability, and financial worth of each parent and may order 1114
the parents and their minor children to submit to medical, 1115
psychological, and psychiatric examinations. The report of the 1116
investigation and examinations shall be made available to either 1117
parent or the parent's counsel of record not less than five days 1118
before trial, upon written request. The report shall be signed by 1119
the investigator, and the investigator shall be subject to 1120
cross-examination by either parent concerning the contents of the 1121
report. The court may tax as costs all or any part of the expenses 1122
for each investigation. 1123

If the court determines that either parent previously has 1124
been convicted of or pleaded guilty to any criminal offense 1125
involving any act that resulted in a child being a neglected 1126
child, that either parent previously has been determined to be the 1127
perpetrator of the neglectful act that is the basis of an 1128
adjudication that a child is a neglected child, or that there is 1129
reason to believe that either parent has acted in a manner 1130
resulting in a child being a neglected child, the court shall 1131
consider that fact against naming that parent the residential 1132
parent and against granting a shared parenting decree. When the 1133
court allocates parental rights and responsibilities for the care 1134
of children or determines whether to grant shared parenting in any 1135
proceeding, it shall consider whether either parent has been 1136
convicted of or pleaded guilty to a violation of section 2919.25 1137
of the Revised Code involving a victim who at the time of the 1138

commission of the offense was a member of the family or household 1139
that is the subject of the proceeding, has been convicted of or 1140
pleaded guilty to any other offense involving a victim who at the 1141
time of the commission of the offense was a member of the family 1142
or household that is the subject of the proceeding and caused 1143
physical harm to the victim in the commission of the offense, or 1144
has been determined to be the perpetrator of the abusive act that 1145
is the basis of an adjudication that a child is an abused child. 1146
If the court determines that either parent has been convicted of 1147
or pleaded guilty to a violation of section 2919.25 of the Revised 1148
Code involving a victim who at the time of the commission of the 1149
offense was a member of the family or household that is the 1150
subject of the proceeding, has been convicted of or pleaded guilty 1151
to any other offense involving a victim who at the time of the 1152
commission of the offense was a member of the family or household 1153
that is the subject of the proceeding and caused physical harm to 1154
the victim in the commission of the offense, or has been 1155
determined to be the perpetrator of the abusive act that is the 1156
basis of an adjudication that a child is an abused child, it may 1157
designate that parent as the residential parent and may issue a 1158
shared parenting decree or order only if it determines that it is 1159
in the best interest of the child to name that parent the 1160
residential parent or to issue a shared parenting decree or order 1161
and it makes specific written findings of fact to support its 1162
determination. 1163

(D)(1)(a) Upon the filing of a pleading or motion by either 1164
parent or both parents, in accordance with division (G) of this 1165
section, requesting shared parenting and the filing of a shared 1166
parenting plan in accordance with that division, the court shall 1167
comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 1168
whichever is applicable: 1169

(i) If both parents jointly make the request in their 1170

pleadings or jointly file the motion and also jointly file the
plan, the court shall review the parents' plan to determine if it
is in the best interest of the children. If the court determines
that the plan is in the best interest of the children, the court
shall approve it. If the court determines that the plan or any
part of the plan is not in the best interest of the children, the
court shall require the parents to make appropriate changes to the
plan to meet the court's objections to it. If changes to the plan
are made to meet the court's objections, and if the new plan is in
the best interest of the children, the court shall approve the
plan. If changes to the plan are not made to meet the court's
objections, or if the parents attempt to make changes to the plan
to meet the court's objections, but the court determines that the
new plan or any part of the new plan still is not in the best
interest of the children, the court may reject the portion of the
parents' pleadings or deny their motion requesting shared
parenting of the children and proceed as if the request in the
pleadings or the motion had not been made. The court shall not
approve a plan under this division unless it determines that the
plan is in the best interest of the children.

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

objections, and if any of the filed plans with the changes is in
the best interest of the children, the court may approve the plan
with the changes. If changes to the plan or plans are not
submitted to meet the court's objections, or if the parents submit
changes to the plan or plans to meet the court's objections but
the court determines that none of the filed plans with the
submitted changes is in the best interest of the children, the
court may reject the portion of the parents' pleadings or deny
their motions requesting shared parenting of the children and
proceed as if the requests in the pleadings or the motions had not
been made. If the court approves a plan under this division,
either as originally filed or with submitted changes, or if the
court rejects the portion of the parents' pleadings or denies
their motions requesting shared parenting under this division and
proceeds as if the requests in the pleadings or the motions had
not been made, the court shall enter in the record of the case
findings of fact and conclusions of law as to the reasons for the
approval or the rejection or denial. Division (D)(1)(b) of this
section applies in relation to the approval or disapproval of a
plan under this division.

(iii) If each parent makes a request in the parent's
pleadings or files a motion but only one parent files a plan, or
if only one parent makes a request in the parent's pleadings or
files a motion and also files a plan, the court in the best
interest of the children may order the other parent to file a plan
for shared parenting in accordance with division (G) of this
section. The court shall review each plan filed to determine if
any plan is in the best interest of the children. If the court
determines that one of the filed plans is in the best interest of
the children, the court may approve the plan. If the court
determines that no filed plan is in the best interest of the
children, the court may order each parent to submit appropriate

changes to the parent's plan or both of the filed plans to meet 1235
the court's objections or may select one filed plan and order each 1236
parent to submit appropriate changes to the selected plan to meet 1237
the court's objections. If changes to the plan or plans are 1238
submitted to meet the court's objections, and if any of the filed 1239
plans with the changes is in the best interest of the children, 1240
the court may approve the plan with the changes. If changes to the 1241
plan or plans are not submitted to meet the court's objections, or 1242
if the parents submit changes to the plan or plans to meet the 1243
court's objections but the court determines that none of the filed 1244
plans with the submitted changes is in the best interest of the 1245
children, the court may reject the portion of the parents' 1246
pleadings or deny the parents' motion or reject the portion of the 1247
parents' pleadings or deny their motions requesting shared 1248
parenting of the children and proceed as if the request or 1249
requests or the motion or motions had not been made. If the court 1250
approves a plan under this division, either as originally filed or 1251
with submitted changes, or if the court rejects the portion of the 1252
pleadings or denies the motion or motions requesting shared 1253
parenting under this division and proceeds as if the request or 1254
requests or the motion or motions had not been made, the court 1255
shall enter in the record of the case findings of fact and 1256
conclusions of law as to the reasons for the approval or the 1257
rejection or denial. Division (D)(1)(b) of this section applies in 1258
relation to the approval or disapproval of a plan under this 1259
division. 1260

(b) The approval of a plan under division (D)(1)(a)(ii) or 1261
(iii) of this section is discretionary with the court. The court 1262
shall not approve more than one plan under either division and 1263
shall not approve a plan under either division unless it 1264
determines that the plan is in the best interest of the children. 1265
If the court, under either division, does not determine that any 1266

filed plan or any filed plan with submitted changes is in the best 1267
interest of the children, the court shall not approve any plan. 1268

(c) Whenever possible, the court shall require that a shared 1269
parenting plan approved under division (D)(1)(a)(i), (ii), or 1270
(iii) of this section ensure the opportunity for both parents to 1271
have frequent and continuing contact with the child, unless 1272
frequent and continuing contact with any parent would not be in 1273
the best interest of the child. 1274

(d) If a court approves a shared parenting plan under 1275
division (D)(1)(a)(i), (ii), or (iii) of this section, the 1276
approved plan shall be incorporated into a final shared parenting 1277
decree granting the parents the shared parenting of the children. 1278
Any final shared parenting decree shall be issued at the same time 1279
as and shall be appended to the final decree of dissolution, 1280
divorce, annulment, or legal separation arising out of the action 1281
out of which the question of the allocation of parental rights and 1282
responsibilities for the care of the children arose. 1283

No provisional shared parenting decree shall be issued in 1284
relation to any shared parenting plan approved under division 1285
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 1286
parenting decree issued under this division has immediate effect 1287
as a final decree on the date of its issuance, subject to 1288
modification or termination as authorized by this section. 1289

(2) If the court finds, with respect to any child under 1290
eighteen years of age, that it is in the best interest of the 1291
child for neither parent to be designated the residential parent 1292
and legal custodian of the child, it may commit the child to a 1293
relative of the child or certify a copy of its findings, together 1294
with as much of the record and the further information, in 1295
narrative form or otherwise, that it considers necessary or as the 1296
juvenile court requests, to the juvenile court for further 1297

proceedings, and, upon the certification, the juvenile court has 1298
exclusive jurisdiction. 1299

(E)(1)(a) The court shall not modify a prior decree 1300
allocating parental rights and responsibilities for the care of 1301
children unless it finds, based on facts that have arisen since 1302
the prior decree or that were unknown to the court at the time of 1303
the prior decree, that a change has occurred in the circumstances 1304
of the child, the child's residential parent, or either of the 1305
parents subject to a shared parenting decree, and that the 1306
modification is necessary to serve the best interest of the child. 1307
In applying these standards, the court shall retain the 1308
residential parent designated by the prior decree or the prior 1309
shared parenting decree, unless a modification is in the best 1310
interest of the child and one of the following applies: 1311

(i) The residential parent agrees to a change in the 1312
residential parent or both parents under a shared parenting decree 1313
agree to a change in the designation of residential parent. 1314

(ii) The child, with the consent of the residential parent or 1315
of both parents under a shared parenting decree, has been 1316
integrated into the family of the person seeking to become the 1317
residential parent. 1318

(iii) The harm likely to be caused by a change of environment 1319
is outweighed by the advantages of the change of environment to 1320
the child. 1321

(b) One or both of the parents under a prior decree 1322
allocating parental rights and responsibilities for the care of 1323
children that is not a shared parenting decree may file a motion 1324
requesting that the prior decree be modified to give both parents 1325
shared rights and responsibilities for the care of the children. 1326
The motion shall include both a request for modification of the 1327
prior decree and a request for a shared parenting order that 1328

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 1361
under the decree. Modifications under this division may be made at 1362
any time. The court shall not make any modification to the plan 1363
under this division, unless the modification is in the best 1364
interest of the children. 1365

(c) The court may terminate a prior final shared parenting 1366
decree that includes a shared parenting plan approved under 1367
division (D)(1)(a)(i) of this section upon the request of one or 1368
both of the parents or whenever it determines that shared 1369
parenting is not in the best interest of the children. The court 1370
may terminate a prior final shared parenting decree that includes 1371
a shared parenting plan approved under division (D)(1)(a)(ii) or 1372
(iii) of this section if it determines, upon its own motion or 1373
upon the request of one or both parents, that shared parenting is 1374
not in the best interest of the children. If modification of the 1375
terms of the plan for shared parenting approved by the court and 1376
incorporated by it into the final shared parenting decree is 1377
attempted under division (E)(2)(a) of this section and the court 1378
rejects the modifications, it may terminate the final shared 1379
parenting decree if it determines that shared parenting is not in 1380
the best interest of the children. 1381

(d) Upon the termination of a prior final shared parenting 1382
decree under division (E)(2)(c) of this section, the court shall 1383
proceed and issue a modified decree for the allocation of parental 1384
rights and responsibilities for the care of the children under the 1385
standards applicable under divisions (A), (B), and (C) of this 1386
section as if no decree for shared parenting had been granted and 1387
as if no request for shared parenting ever had been made. 1388

(F)(1) In determining the best interest of a child pursuant 1389
to this section, whether on an original decree allocating parental 1390
rights and responsibilities for the care of children or a 1391
modification of a decree allocating those rights and 1392

responsibilities, the court shall consider all relevant factors, 1393
including, but not limited to: 1394

(a) The wishes of the child's parents regarding the child's 1395
care; 1396

(b) If the court has interviewed the child in chambers 1397
pursuant to division (B) of this section regarding the child's 1398
wishes and concerns as to the allocation of parental rights and 1399
responsibilities concerning the child, the wishes and concerns of 1400
the child, as expressed to the court; 1401

(c) The child's interaction and interrelationship with the 1402
child's parents, siblings, and any other person who may 1403
significantly affect the child's best interest; 1404

(d) The child's adjustment to the child's home, school, and 1405
community; 1406

(e) The mental and physical health of all persons involved in 1407
the situation; 1408

(f) The parent more likely to honor and facilitate 1409
court-approved parenting time rights or visitation and 1410
companionship rights; 1411

(g) Whether either parent has failed to make all child 1412
support payments, including all arrearages, that are required of 1413
that parent pursuant to a child support order under which that 1414
parent is an obligor; 1415

(h) Whether either parent previously has been convicted of or 1416
pleaded guilty to any criminal offense involving any act that 1417
resulted in a child being an abused child or a neglected child; 1418
whether either parent, in a case in which a child has been 1419
adjudicated an abused child or a neglected child, previously has 1420
been determined to be the perpetrator of the abusive or neglectful 1421
act that is the basis of an adjudication; whether either parent 1422

previously has been convicted of or pleaded guilty to a violation 1423
of section 2919.25 of the Revised Code involving a victim who at 1424
the time of the commission of the offense was a member of the 1425
family or household that is the subject of the current proceeding; 1426
whether either parent previously has been convicted of or pleaded 1427
guilty to any offense involving a victim who at the time of the 1428
commission of the offense was a member of the family or household 1429
that is the subject of the current proceeding and caused physical 1430
harm to the victim in the commission of the offense; and whether 1431
there is reason to believe that either parent has acted in a 1432
manner resulting in a child being an abused child or a neglected 1433
child; 1434

(i) Whether the residential parent or one of the parents 1435
subject to a shared parenting decree has continuously and 1436
willfully denied the other parent's right to parenting time in 1437
accordance with an order of the court; 1438

(j) Whether either parent has established a residence, or is 1439
planning to establish a residence, outside this state. 1440

(2) In determining whether shared parenting is in the best 1441
interest of the children, the court shall consider all relevant 1442
factors, including, but not limited to, the factors enumerated in 1443
division (F)(1) of this section, the factors enumerated in section 1444
3119.23 of the Revised Code, and all of the following factors: 1445

(a) The ability of the parents to cooperate and make 1446
decisions jointly, with respect to the children; 1447

(b) The ability of each parent to encourage the sharing of 1448
love, affection, and contact between the child and the other 1449
parent; 1450

(c) Any history of, or potential for, child abuse, spouse 1451
abuse, other domestic violence, or parental kidnapping by either 1452
parent; 1453

(d) The geographic proximity of the parents to each other, as 1454
the proximity relates to the practical considerations of shared 1455
parenting; 1456

(e) The recommendation of the guardian ad litem of the child, 1457
if the child has a guardian ad litem. 1458

(3) When allocating parental rights and responsibilities for 1459
the care of children, the court shall not give preference to a 1460
parent because of that parent's financial status or condition. 1461

(G) Either parent or both parents of any children may file a 1462
pleading or motion with the court requesting the court to grant 1463
both parents shared parental rights and responsibilities for the 1464
care of the children in a proceeding held pursuant to division (A) 1465
of this section. If a pleading or motion requesting shared 1466
parenting is filed, the parent or parents filing the pleading or 1467
motion also shall file with the court a plan for the exercise of 1468
shared parenting by both parents. If each parent files a pleading 1469
or motion requesting shared parenting but only one parent files a 1470
plan or if only one parent files a pleading or motion requesting 1471
shared parenting and also files a plan, the other parent as 1472
ordered by the court shall file with the court a plan for the 1473
exercise of shared parenting by both parents. The plan for shared 1474
parenting shall be filed with the petition for dissolution of 1475
marriage, if the question of parental rights and responsibilities 1476
for the care of the children arises out of an action for 1477
dissolution of marriage, or, in other cases, at a time at least 1478
thirty days prior to the hearing on the issue of the parental 1479
rights and responsibilities for the care of the children. A plan 1480
for shared parenting shall include provisions covering all factors 1481
that are relevant to the care of the children, including, but not 1482
limited to, provisions covering factors such as physical living 1483
arrangements, child support obligations, provision for the 1484
children's medical and dental care, school placement, and the 1485

parent with which the children will be physically located during 1486
legal holidays, school holidays, and other days of special 1487
importance. 1488

(H) If an appeal is taken from a decision of a court that 1489
grants or modifies a decree allocating parental rights and 1490
responsibilities for the care of children, the court of appeals 1491
shall give the case calendar priority and handle it expeditiously. 1492

(I) As used in this section, "abused child" has the same 1493
meaning as in section 2151.031 of the Revised Code, and "neglected 1494
child" has the same meaning as in section 2151.03 of the Revised 1495
Code. 1496

(J) As used in the Revised Code, "shared parenting" means 1497
that the parents share, in the manner set forth in the plan for 1498
shared parenting that is approved by the court under division 1499
(D)(1) and described in division (K)(6) of this section, all or 1500
some of the aspects of physical and legal care of their children. 1501

(K) For purposes of the Revised Code: 1502

(1) A parent who is granted the care, custody, and control of 1503
a child under an order that was issued pursuant to this section 1504
prior to April 11, 1991, and that does not provide for shared 1505
parenting has "custody of the child" and "care, custody, and 1506
control of the child" under the order, and is the "residential 1507
parent," the "residential parent and legal custodian," or the 1508
"custodial parent" of the child under the order. 1509

(2) A parent who primarily is allocated the parental rights 1510
and responsibilities for the care of a child and who is designated 1511
as the residential parent and legal custodian of the child under 1512
an order that is issued pursuant to this section on or after April 1513
11, 1991, and that does not provide for shared parenting has 1514
"custody of the child" and "care, custody, and control of the 1515
child" under the order, and is the "residential parent," the 1516

"residential parent and legal custodian," or the "custodial
parent" of the child under the order. 1517
1518

(3) A parent who is not granted custody of a child under an 1519
order that was issued pursuant to this section prior to April 11, 1520
1991, and that does not provide for shared parenting is the 1521
"parent who is not the residential parent," the "parent who is not 1522
the residential parent and legal custodian," or the "noncustodial 1523
parent" of the child under the order. 1524

(4) A parent who is not primarily allocated the parental 1525
rights and responsibilities for the care of a child and who is not 1526
designated as the residential parent and legal custodian of the 1527
child under an order that is issued pursuant to this section on or 1528
after April 11, 1991, and that does not provide for shared 1529
parenting is the "parent who is not the residential parent," the 1530
"parent who is not the residential parent and legal custodian," or 1531
the "noncustodial parent" of the child under the order. 1532

(5) Unless the context clearly requires otherwise, if an 1533
order is issued by a court pursuant to this section and the order 1534
provides for shared parenting of a child, both parents have 1535
"custody of the child" or "care, custody, and control of the 1536
child" under the order, to the extent and in the manner specified 1537
in the order. 1538

(6) Unless the context clearly requires otherwise and except 1539
as otherwise provided in the order, if an order is issued by a 1540
court pursuant to this section and the order provides for shared 1541
parenting of a child, each parent, regardless of where the child 1542
is physically located or with whom the child is residing at a 1543
particular point in time, as specified in the order, is the 1544
"residential parent," the "residential parent and legal 1545
custodian," or the "custodial parent" of the child. 1546

(7) Unless the context clearly requires otherwise and except 1547

as otherwise provided in the order, a designation in the order of 1548
a parent as the residential parent for the purpose of determining 1549
the school the child attends, as the custodial parent for purposes 1550
of claiming the child as a dependent pursuant to section 152(e) of 1551
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1552
1, as amended, or as the residential parent for purposes of 1553
receiving public assistance pursuant to division (A)(2) of this 1554
section, does not affect the designation pursuant to division 1555
(K)(6) of this section of each parent as the "residential parent," 1556
the "residential parent and legal custodian," or the "custodial 1557
parent" of the child. 1558

Sec. 3127.01. (A) As used in the Revised Code, "uniform child 1559
custody jurisdiction and enforcement act" means the act addressing 1560
interstate recognition and enforcement of child custody orders 1561
adopted in 1997 by the national conference of commissioners on 1562
uniform state laws or any law substantially similar to the act 1563
adopted by another state. 1564

(B) As used in sections 3127.01 to 3127.53 of the Revised 1565
Code: 1566

(1) "Abandoned" means the parents of a child have failed to 1567
visit or maintain contact with the child for more than ninety 1568
days, regardless of whether the parents resume contact with the 1569
child after that ninety-day period. 1570

(2) "Child" means an individual who has not attained eighteen 1571
years of age. 1572

(3) "Child custody determination" means a judgment, decree, 1573
or other order of a court that provides for legal custody, 1574
physical custody, parenting time, or visitation with respect to a 1575
child. "Child custody determination" includes an order that 1576
allocates parental rights and responsibilities. "Child custody 1577

determination" includes permanent, temporary, initial, and 1578
modification orders. "Child custody determination" does not 1579
include an order or the portion of an order relating to child 1580
support or other monetary obligations of an individual. 1581

(4) "Child custody proceeding" means a proceeding in which 1582
legal custody, physical custody, parenting time, or visitation 1583
with respect to a child is an issue. "Child custody proceeding" 1584
may include a proceeding for divorce, separation, neglect, abuse, 1585
dependency, guardianship, parentage, termination of parental 1586
rights, or protection from domestic violence. "Child custody 1587
proceeding" does not include a proceeding regarding juvenile 1588
delinquency, contractual emancipation, or enforcement pursuant to 1589
sections 3127.31 to 3127.47 of the Revised Code. 1590

(5) "Commencement" means the filing of the first pleading in 1591
a proceeding. 1592

(6) "Court" means an entity authorized under the law of a 1593
state to establish, enforce, or modify a child custody 1594
determination. 1595

(7) "Home state" means the state in which a child lived with 1596
a parent or a person acting as a parent for at least six 1597
consecutive months immediately preceding the commencement of a 1598
child custody proceeding and, if a child is less than six months 1599
old, the state in which the child lived from birth with any of 1600
them. A period of temporary absence of any of them is counted as 1601
part of the six-month or other period. 1602

(8) "Initial determination" means the first child custody 1603
determination concerning a particular child. 1604

(9) "Issuing court" means the court that makes a child 1605
custody determination for which enforcement is sought under 1606
sections 3127.01 to 3127.53 of the Revised Code. 1607

(10) "Issuing state" means the state in which a child custody determination is made. 1608
1609

(11) "Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a determination concerning the same child, whether or not it is made by the court that made the previous determination. 1610
1611
1612
1613

(12) "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity. 1614
1615
1616
1617
1618

(13) "Person acting as a parent" means a person, other than the child's parent, who meets both of the following criteria: 1619
1620

(a) The person has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence from the child, within one year immediately before the commencement of a child custody proceeding; and 1621
1622
1623
1624

(b) The person has been awarded legal custody by a court or claims a right to legal custody under the law of this state. 1625
1626

(14) "Physical custody" means the physical care and supervision of a child. 1627
1628

(15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. 1629
1630
1631
1632

(16) "Tribe" means an Indian tribe or Alaskan Native village that is recognized by federal or state law. 1633
1634

(17) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child. 1635
1636

Sec. 3127.02. Sections 3127.01 to 3127.53 of the Revised Code 1637
do not govern adoption proceedings or proceedings pertaining to 1638
the authorization of emergency medical care for a child. 1639

Sec. 3127.03. (A) A child custody proceeding that pertains to 1640
an Indian child as defined in the Indian Child Welfare Act, 25 1641
U.S.C. 1901 et seq., is not subject to sections 3127.01 to 3127.53 1642
of the Revised Code to the extent that the proceeding is governed 1643
by the Indian Child Welfare Act. 1644

(B) A court of this state shall treat a tribe as if it were a 1645
state of the United States for the purpose of applying sections 1646
3127.01 to 3127.53 of the Revised Code. 1647

(C) A child custody determination made by a tribe under 1648
factual circumstances in substantial conformity with the 1649
jurisdictional standards of sections 3127.01 to 3127.53 of the 1650
Revised Code shall be recognized and enforced under sections 1651
3127.31 to 3127.47 of the Revised Code. 1652

Sec. 3127.04. (A) A court of this state shall treat a foreign 1653
country as if it were a state of the United States for the purpose 1654
of applying sections 3127.01 to 3127.24 of the Revised Code. 1655

1656

(B) Except as otherwise provided in division (C) of this 1657
section, a child custody determination made in a foreign country 1658
under factual circumstances in substantial conformity with the 1659
jurisdictional standards of sections 3127.01 to 3127.53 of the 1660
Revised Code shall be recognized and enforced under sections 1661
3127.31 to 3127.47 of the Revised Code. 1662

(C) A court of this state need not apply sections 3127.01 to 1663
3127.53 of the Revised Code if the law governing child custody 1664
determinations of a foreign country violates fundamental 1665

principles of human rights.

1666

Sec. 3127.05. A child custody determination made by a court of this state with 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.

1667

1668

1669

1670

1671

1672

1673

1674

1675

Sec. ~~3109.37~~ 3127.06. Upon the request of a party to a parenting child custody 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 ease question shall be given calendar priority and handled expeditiously.

1676

1677

1678

1679

1680

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, or the Rules of Juvenile Procedure, as appropriate, 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.

1681

1682

1683

1684

1685

1686

1687

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

1688

1689

1690

1691

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

1692

1693

Sec. 3127.08. (A) A party to a child custody proceeding, 1694
including a modification proceeding, or a petitioner or respondent 1695
in a proceeding to enforce or register a child custody 1696
determination, is not subject to personal jurisdiction in this 1697
state for another proceeding or purpose solely by reason of having 1698
participated, or of having been physically present for the purpose 1699
of participating, in the child custody proceeding. 1700

(B) A person who is subject to personal jurisdiction in this 1701
state on a basis other than physical presence is not immune from 1702
service of process in this state. A party present in this state 1703
who is subject to the jurisdiction of another state is not immune 1704
from service of process allowable under the laws of that state. 1705

(C) The immunity granted by division (A) of this section does 1706
not extend to civil litigation based on acts unrelated to the 1707
participation in a proceeding under sections 3127.01 to 3127.53 of 1708
the Revised Code that are committed by an individual while present 1709
in this state. 1710

Sec. 3127.09. (A) A court of this state may communicate with 1711
a court in another state concerning a proceeding arising under 1712
sections 3127.01 to 3127.53 of the Revised Code. 1713

(B) The court may give the parties the opportunity to 1714
participate in the communication. If the parties are not able to 1715
participate in the communication, they shall be given the 1716
opportunity to present facts and legal arguments before a decision 1717
concerning jurisdiction is made. 1718

(C) Communication between courts concerning scheduling, 1719
calendars, court records, and similar matters may occur without 1720
informing the parties. A record need not be made of the 1721
communication. 1722

(D) Except as otherwise provided in division (C) of this 1723

section, a record shall be made of a communication under this 1724
section. The parties shall be informed promptly of the 1725
communication and granted access to the record. 1726

(E) For the purposes of this section, "record" means 1727
information that is inscribed on a tangible medium or that is 1728
stored in an electronic or other medium and is retrievable in 1729
perceivable form. 1730

Sec. 3127.10. (A) In addition to other procedures available 1731
to a party, a party to a child custody proceeding may offer 1732
testimony of witnesses who are located in another state, including 1733
testimony of the parties and the child, by deposition or other 1734
means allowable in this state for testimony taken in another 1735
state. The court on its own motion may order that the testimony of 1736
a person be taken in another state and may prescribe the manner in 1737
which and the terms upon which the testimony is taken. 1738

(B) A court of this state may permit an individual residing 1739
in another state to be deposed or to testify by telephone, 1740
audiovisual means, or other electronic means before a designated 1741
court or at another location in that state. A court of this state 1742
shall cooperate with courts of other states in designating an 1743
appropriate location for the deposition or testimony. 1744

(C) Documentary evidence transmitted from another state to a 1745
court of this state by technological means that do not produce an 1746
original writing may not be excluded from evidence on an objection 1747
based on the means of transmission. 1748

Sec. 3127.11. (A) A court of this state may request the 1749
appropriate court of another state to do any of the following: 1750

(1) Hold an evidentiary hearing; 1751

(2) Order a person to produce or give evidence pursuant to 1752

<u>procedures of that state;</u>	1753
<u>(3) Order that an evaluation be made concerning the</u>	1754
<u>allocation of parental rights and responsibilities for the care of</u>	1755
<u>a child involved in a pending proceeding with respect to the</u>	1756
<u>designation of a parent as the residential parent and legal</u>	1757
<u>custodian of the child and with respect to the custody of the</u>	1758
<u>child in any other person;</u>	1759
<u>(4) Forward to the court of this state a certified copy of</u>	1760
<u>the transcript of the record of the hearing, the evidence</u>	1761
<u>otherwise presented, and any evaluation prepared in compliance</u>	1762
<u>with the request;</u>	1763
<u>(5) Order a party to a child custody proceeding or any person</u>	1764
<u>having physical custody of the child to appear in the proceeding</u>	1765
<u>with or without the child.</u>	1766
<u>(B) Upon request of a court of another state, a court of this</u>	1767
<u>state may hold a hearing or enter an order described in division</u>	1768
<u>(A) of this section.</u>	1769
<u>(C) The court may assess travel and other necessary and</u>	1770
<u>reasonable expenses incurred under divisions (A) and (B) of this</u>	1771
<u>section against the parties according to the law of this state.</u>	1772
<u>(D) Upon appropriate request by a court or law enforcement</u>	1773
<u>official of another state, a court of this state shall forward a</u>	1774
<u>certified copy of the pleadings, orders, decrees, records of</u>	1775
<u>hearings, evaluations, and other pertinent records with respect to</u>	1776
<u>a child custody proceeding to the court or law enforcement</u>	1777
<u>official of the other state.</u>	1778
<u>Sec. 3127.15. (A) Except as otherwise provided in section</u>	1779
<u>3127.18 of the Revised Code, a court of this state has</u>	1780
<u>jurisdiction to make an initial determination in a child custody</u>	1781
<u>proceeding only if one of the following applies:</u>	1782

(1) This state is the home state of the child on the date of 1783
the commencement of the proceeding, or was the home state of the 1784
child within six months before the commencement of the proceeding 1785
and the child is absent from this state but a parent or person 1786
acting as a parent continues to live in this state. 1787

(2) A court of another state does not have jurisdiction under 1788
division (A)(1) of this section or a court of the home state of 1789
the child has declined to exercise jurisdiction on the basis that 1790
this state is the more appropriate forum under section 3127.21 or 1791
3127.22 of the Revised Code, or a similar statute of the other 1792
state, and both of the following are the case: 1793

(a) The child and the child's parents, or the child and at 1794
least one parent or a person acting as a parent, have a 1795
significant connection with this state other than mere physical 1796
presence. 1797

(b) Substantial evidence is available in this state 1798
concerning the child's care, protection, training, and personal 1799
relationships. 1800

(3) All courts having jurisdiction under division (A)(1) or 1801
(2) of this section have declined to exercise jurisdiction on the 1802
ground that a court of this state is the more appropriate forum to 1803
determine the custody of the child under section 3127.21 or 1804
3127.22 of the Revised Code or a similar statute enacted by 1805
another state. 1806

(4) No court of any other state would have jurisdiction under 1807
the criteria specified in division (A)(1), (2), or (3) of this 1808
section. 1809

(B) Division (A) of this section is the exclusive 1810
jurisdictional basis for making a child custody determination by a 1811
court of this state. 1812

(C) Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination. 1813
1814
1815

Sec. 3127.16. Except as otherwise provided in section 3127.18 of the Revised Code, a court of this state that has made a child custody determination consistent with section 3127.15 or 3127.17 of the Revised Code has exclusive, continuing jurisdiction over the determination until the court or a court of another state determines that the child, the child's parents, and any person acting as a parent do not presently reside in this state. 1816
1817
1818
1819
1820
1821
1822

Sec. 3127.17. Except as otherwise provided in section 3127.18 of the Revised Code, a court of this state may not modify a child custody determination made by a court of another state unless the court of this state has jurisdiction to make an initial determination under division (A)(1) or (2) of section 3127.15 of the Revised Code and one of the following applies: 1823
1824
1825
1826
1827
1828

(A) The court of the other state determines that it no longer has exclusive, continuing jurisdiction under section 3127.16 of the Revised Code or a similar statute of the other state or that a court of this state would be a more convenient forum under section 3127.21 of the Revised Code or a similar statute of the other state. 1829
1830
1831
1832
1833
1834

(B) The court of this state or a court of the other state determines that the child, the child's parents, and any person acting as a parent do not presently reside in the other state. 1835
1836
1837

Sec. 3127.18. (A) A court of this state has temporary emergency jurisdiction if a child is present in this state and either of the following applies: 1838
1839
1840

(1) The child has been abandoned. 1841

(2) It is necessary in an emergency to protect the child 1842
because the child, or a sibling or parent of the child, is 1843
subjected to or threatened with mistreatment or abuse. 1844

(B) If there is no previous child custody determination that 1845
is entitled to be enforced under this chapter and a child custody 1846
proceeding has not been commenced in a court of a state having 1847
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1848
or a similar statute of another state, a child custody 1849
determination made under this section remains in effect until an 1850
order is obtained from a court of a state having jurisdiction 1851
under sections 3127.15 to 3127.17 of the Revised Code or a similar 1852
statute of another state. If a child custody proceeding has not 1853
been or is not commenced in a court of a state having jurisdiction 1854
under sections 3127.15 to 3127.17 of the Revised Code or a similar 1855
statute of another state, a child custody determination made under 1856
this section becomes a final determination, if it so provides and 1857
this state becomes the home state of the child. 1858

(C) If there is a previous child custody determination that 1859
is entitled to be enforced under this chapter, or a child custody 1860
proceeding has been commenced in a court of a state having 1861
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1862
or a similar statute of another state, any order issued by a court 1863
of this state under this section must specify in the order a 1864
period that the court considers adequate to allow the person 1865
seeking an order to obtain an order from the state having 1866
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1867
or a similar statute of another state. The order issued in this 1868
state remains in effect until an order is obtained from the other 1869
state within the period specified or until the period expires. 1870

(D) A court of this state that has been asked to make a child 1871
custody determination under this section, upon being informed that 1872
a child custody proceeding has been commenced in or a child 1873

custody determination has been made by a court of a state having 1874
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1875
or a similar statute of another state, shall immediately 1876
communicate with the other court. A court of this state that is 1877
exercising jurisdiction pursuant to sections 3127.15 to 3127.17 of 1878
the Revised Code, upon being informed that a child custody 1879
proceeding has been commenced in or a child custody determination 1880
has been made by a court of another state under a statute similar 1881
to this section, shall immediately communicate with the court of 1882
that state to resolve the emergency, protect the safety of the 1883
parties and the child, and determine a period for the duration of 1884
the temporary order. 1885

Sec. 3127.19. (A) Before a child custody determination is 1886
made under this chapter, notice and an opportunity to be heard in 1887
accordance with the standards set forth in section 3127.07 of the 1888
Revised Code shall be given to all persons entitled to notice 1889
under the law of this state as in child custody proceedings 1890
between residents of this state, any parent whose parental rights 1891
have not been previously terminated, and any person having 1892
physical custody of the child. 1893

(B) This chapter does not govern the enforceability of a 1894
child custody determination made without notice or an opportunity 1895
to be heard. 1896

(C) The obligation to join a party and the right to intervene 1897
as a party in a child custody proceeding under this chapter shall 1898
be governed by the law of this state as in child custody 1899
proceedings between residents of this state. 1900

Sec. 3127.20. (A) Except as otherwise provided in section 1901
3127.18 of the Revised Code, a court of this state may not 1902
exercise its jurisdiction under sections 3127.15 to 3127.17 of the 1903

Revised Code if, at the time of the commencement of the 1904
proceeding, a child custody proceeding concerning the child is 1905
pending in a court of another state having jurisdiction 1906
substantially in conformity with this chapter, unless the 1907
proceeding has been terminated or is stayed by the court of the 1908
other state because a court of this state is a more convenient 1909
forum under section 3127.21 of the Revised Code or a similar 1910
statute of the other state. 1911

(B) Except as otherwise provided in section 3127.18 of the 1912
Revised Code, a court of this state, before hearing a child 1913
custody proceeding, shall examine the court documents and other 1914
information supplied by the parties pursuant to section 3127.23 of 1915
the Revised Code. If the court determines that a child custody 1916
proceeding is pending in a court in another state having 1917
jurisdiction substantially in accordance with this chapter, the 1918
court of this state shall stay its proceeding and communicate with 1919
the court of the other state. If the court of the state having 1920
jurisdiction substantially in accordance with this chapter does 1921
not determine that the court of this state is a more appropriate 1922
forum, the court of this state shall dismiss the proceeding. 1923

(C) In a proceeding to modify a child custody determination, 1924
a court of this state shall determine whether a proceeding to 1925
enforce the determination has been commenced in another state. If 1926
a proceeding to enforce a child custody determination has been 1927
commenced in another state, the court may do any of the following: 1928

(1) Stay the proceeding for modification pending the entry of 1929
an order of a court of the other state enforcing, staying, 1930
denying, or dismissing the proceeding for enforcement; 1931

(2) Enjoin the parties from continuing with the proceeding 1932
for enforcement; 1933

(3) Upon the demonstration of an emergency, proceed with the 1934
modification under conditions the court considers appropriate. 1935

Sec. 3127.21. (A) A court of this state that has jurisdiction 1936
under this chapter to make a child custody determination may 1937
decline to exercise its jurisdiction at any time if it determines 1938
that it is an inconvenient forum under the circumstances and that 1939
a court of another state is a more convenient forum. The issue of 1940
inconvenient forum may be raised upon motion of a party, the 1941
court's own motion, or at the request of another court. 1942

(B) Before determining whether it is an inconvenient forum, a 1944
court of this state shall consider whether it is appropriate for a 1945
court of another state to exercise jurisdiction. For this purpose, 1946
the court shall allow the parties to submit information and shall 1947
consider all relevant factors, including the following: 1948

(1) Whether domestic violence has occurred and is likely to 1949
continue in the future and which state could best protect the 1950
parties and the child; 1951

(2) The length of time the child has resided outside this 1952
state; 1953

(3) The distance between the court in this state and the 1954
court in the state that would assume jurisdiction; 1955

(4) The relative financial circumstances of the parties; 1956

(5) Any agreement of the parties as to which state should 1957
assume jurisdiction; 1958

(6) The nature and location of the evidence required to 1959
resolve the pending litigation, including the testimony of the 1960
child; 1961

(7) The ability of the court of each state to decide the 1962

<u>issue expeditiously and the procedures necessary to present the</u>	1963
<u>evidence;</u>	1964
<u>(8) The familiarity of the court of each state with the facts</u>	1965
<u>and issues in the pending litigation.</u>	1966
<u>(C) If a court of this state determines that it is an</u>	1967
<u>inconvenient forum and that a court of another state is a more</u>	1968
<u>appropriate forum, it shall stay the proceedings upon condition</u>	1969
<u>that a child custody proceeding be promptly commenced in another</u>	1970
<u>designated state and may impose any other condition the court</u>	1971
<u>considers just and proper.</u>	1972
<u>(D) A court of this state may decline to exercise its</u>	1973
<u>jurisdiction under this chapter if a child custody determination</u>	1974
<u>is incidental to an action for divorce or another proceeding while</u>	1975
<u>still retaining jurisdiction over the divorce or other proceeding.</u>	1976
<u>Sec. 3127.22.</u> (A) <u>Except as otherwise provided in section</u>	1977
<u>3127.18 of the Revised Code or another law of this state, if a</u>	1978
<u>court of this state has jurisdiction under this chapter because a</u>	1979
<u>person seeking to invoke its jurisdiction has engaged in</u>	1980
<u>unjustifiable conduct, the court shall decline to exercise its</u>	1981
<u>jurisdiction unless one of the following applies:</u>	1982
<u>(1) The parents and all persons acting as parents have agreed</u>	1983
<u>to the exercise of jurisdiction.</u>	1984
<u>(2) A court of the state otherwise having jurisdiction under</u>	1985
<u>sections 3127.15 to 3127.17 of the Revised Code determines that</u>	1986
<u>this state is a more appropriate forum under section 3127.21 of</u>	1987
<u>the Revised Code or a similar statute of the state.</u>	1988
<u>(3) No court of any other state would have jurisdiction under</u>	1989
<u>the criteria specified in sections 3127.15 to 3127.17 of the</u>	1990
<u>Revised Code.</u>	1991
<u>(B) If a court of this state declines to exercise its</u>	1992

jurisdiction pursuant to division (A) of this section, it may 1993
fashion an appropriate remedy to ensure the safety of the child 1994
and prevent a repetition of the unjustifiable conduct, including 1995
staying the proceeding until a child custody proceeding is 1996
commenced in a court having jurisdiction under sections 3127.15 to 1997
3127.17 of the Revised Code or a similar statute of another state. 1998

(C) If a court dismisses a petition or stays a proceeding 1999
because it declines to exercise its jurisdiction pursuant to 2000
division (A) of this section, it shall assess against the party 2001
seeking to invoke its jurisdiction necessary and reasonable 2002
expenses including costs, communication expenses, attorney's fees, 2003
investigative fees, expenses for witnesses, travel expenses, and 2004
child care during the course of the proceedings, unless the party 2005
from whom fees are sought establishes that the assessment would be 2006
clearly inappropriate. The court may not assess fees, costs, or 2007
expenses against this state or a political subdivision of this 2008
state unless authorized by law other than this chapter. 2009

(D) As used in this section, "unjustifiable conduct" means 2010
conduct by a parent or that parent's surrogate that attempts to 2011
create jurisdiction in this state by removing the child from the 2012
child's home state, secreting the child, retaining the child, or 2013
restraining or otherwise preventing the child from returning to 2014
the child's home state in order to prevent the other parent from 2015
commencing a child custody proceeding in the child's home state. 2016

Sec. ~~3109.27~~ 3127.23. (A) Each party in a parenting child 2017
custody proceeding, in the party's first pleading or in an 2018
affidavit attached to that pleading, shall give information if 2019
reasonably ascertainable under oath as to the child's present 2020
address or whereabouts, the places where the child has lived 2021
within the last five years, and the name and present address of 2022
each person with whom the child has lived during that period. In 2023

this pleading or affidavit, each party also shall include all of 2024
the following information: 2025

(1) Whether the party has participated as a party, a witness, 2026
or in any other capacity in any other ~~litigation, in this or any~~ 2027
~~other state, that concerned~~ proceeding concerning the allocation, 2028
between the parents of the same child, of parental rights and 2029
responsibilities for the care of the child including any 2030
designation of parenting time rights and the designation of the 2031
residential parent and legal custodian of the child or that 2032
otherwise concerned the custody of or visitation with the same 2033
child and, if so, the court, case number and the date of the child 2034
custody determination, if any; 2035

(2) Whether the party ~~has information of any parenting~~ 2036
~~proceeding concerning the child pending in a court of this or any~~ 2037
~~other state~~ knows of any proceedings that could affect the current 2038
proceeding, including proceedings for enforcement of child custody 2039
determinations, proceedings relating to domestic violence or 2040
protection orders, proceedings to adjudicate the child as an 2041
abused, neglected, or dependent child, proceedings seeking 2042
termination of parental rights, and adoptions, and, if so, the 2043
court, the case number, and the nature of the proceeding; 2044

(3) Whether the party knows of any person who is not a party 2045
to the proceeding and has physical custody of the child or claims 2046
to be a parent of the child who is designated the residential 2047
parent and legal custodian of the child or to have parenting time 2048
rights with respect to the child or to be a person other than a 2049
parent of the child who has custody or visitation rights with 2050
respect to the child? 2051

~~(4) Whether the party previously has been convicted of or~~ 2052
~~pleaded guilty to any criminal offense involving any act that~~ 2053
~~resulted in a child being an abused child or a neglected child or~~ 2054

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.

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

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

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

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

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

Code, and "dependent child" has the same meaning as in section 2086
2151.04 of the Revised Code. 2087

Sec. ~~3109.29~~ 3127.24. (A) The court may order any party to a 2088
~~parenting~~ child custody proceeding who is in this state to appear 2089
personally before the court with or without the child. ~~If that~~ 2090
~~party~~ The court may order any person who is in this state and who 2091
has physical custody or control of the child, ~~the court may order~~ 2092
~~that he~~ to appear personally with the child. 2093

(B) If a party to a ~~parenting~~ child custody proceeding whose 2094
presence is desired by the court is outside this state with or 2095
without the child, the court may order that the notice given under 2096
~~division (B) of~~ section ~~3109.23~~ 3127.07 of the Revised Code 2097
include a statement directing that party to appear personally with 2098
or without the child and ~~declaring~~ informing the party that 2099
failure to appear may result in a decision adverse to that party. 2100

(C) The court may enter any orders necessary to ensure the 2101
safety of the child and of any person ordered to appear under this 2102
section. 2103

(D) If a party to a ~~parenting~~ child custody proceeding who is 2104
outside this state is directed to appear under division (B) of 2105
this section or desires to appear personally before the court with 2106
or without the child, the court may require another party to pay 2107
~~to the clerk of the court~~ reasonable and necessary travel and 2108
other ~~necessary~~ expenses for the appearance of the party and the 2109
child ~~who are outside this state, if this is just and proper under~~ 2110
~~the circumstances.~~ 2111

Sec. 3127.31. As used in sections 3127.31 to 3127.47 of the 2112
Revised Code: 2113

(A) "Petitioner" means a person who seeks enforcement of an 2114
order for return of a child under the Hague Convention on the 2115

Civil Aspects of International Child Abduction or enforcement of a 2116
child custody determination. 2117

(B) "Respondent" means a person against whom a proceeding has 2118
been commenced for enforcement of an order for return of a child 2119
under the Hague Convention on the Civil Aspects of International 2120
Child Abduction or enforcement of a child custody determination. 2121

Sec. 3127.32. Under this chapter, and subject to sections 2122
2101.022 and 2301.03 of the Revised Code, a juvenile court or 2123
other court with appropriate jurisdiction may enforce an order for 2124
the return of a child made under the Hague Convention on the Civil 2125
Aspects of International Child Abduction as if it were a child 2126
custody determination. 2127

Sec. 3127.33. (A) A court of this state shall recognize and 2128
enforce a child custody determination of a court of another state 2129
if that state exercised jurisdiction in substantial conformity 2130
with this chapter or the determination was made under factual 2131
circumstances meeting the jurisdictional standards of this chapter 2132
and the determination has not been modified in accordance with 2133
this chapter. 2134

(B) A court of this state may use any remedy available under 2135
other law of this state to enforce a child custody determination 2136
made by a court of another state. The remedies provided in 2137
sections 3127.31 to 3127.47 of the Revised Code are cumulative and 2138
do not affect the availability of other remedies to enforce a 2139
child custody determination. 2140

Sec. 3127.34. (A) A court of this state that does not have 2141
jurisdiction to modify a child custody determination may issue a 2142
temporary order enforcing either of the following: 2143

(1) A parenting time or visitation schedule made by a court 2144

of another state;

2145

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

2146

2147

2148

(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 order from a court having jurisdiction under the criteria specified in sections 3127.15 to 3127.24 of the Revised Code. The order shall remain in effect until an order is obtained from the other court or until the period expires.

2149

2150

2151

2152

2153

2154

2155

Sec. 3127.35. (A) Subject to sections 2101.022 and 2301.03 of the Revised Code, the clerk of a juvenile court or other court with appropriate jurisdiction may register a child custody determination issued by a court of another state, with or without a simultaneous request for enforcement, on receipt of all of the following:

2156

2157

2158

2159

2160

2161

(1) A letter or other document requesting that the child custody determination be registered;

2162

2163

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

2164

2165

2166

2167

2168

(3) Except as otherwise provided in section 3127.23 of the Revised Code, the name and address of the person seeking registration and any parent who is designated the residential parent and legal custodian of the child or to have parenting time with respect to the child or any person acting as a parent who has been awarded custody or visitation in the child custody

2169

2170

2171

2172

2173

2174

<u>determination sought to be registered;</u>	2175
<u>(4) An advance deposit or fee established by the court.</u>	2176
<u>(B) On receipt of the documents and information required by</u>	2177
<u>division (A) of this section, the registering court shall do both</u>	2178
<u>of the following:</u>	2179
<u>(1) Cause the child custody determination to be filed as a</u>	2180
<u>foreign judgment together with one copy of any accompanying</u>	2181
<u>documents and information, regardless of their form;</u>	2182
<u>(2) Serve notice of the registration request on the persons</u>	2183
<u>named pursuant to division (A)(3) of this section, and provide</u>	2184
<u>them with an opportunity to contest the registration in accordance</u>	2185
<u>with this section.</u>	2186
<u>(C) The notice required by division (B)(2) of this section</u>	2187
<u>shall state all of the following:</u>	2188
<u>(1) That the registered child custody determination is</u>	2189
<u>enforceable as of the date of the registration in the same manner</u>	2190
<u>as a child custody determination issued by a court of this state;</u>	2191
<u>(2) That a hearing to contest the validity of the registered</u>	2192
<u>determination must be requested within thirty days after service</u>	2193
<u>of notice;</u>	2194
<u>(3) That failure to contest the registration shall result in</u>	2195
<u>confirmation of the child custody determination and preclude</u>	2196
<u>further contest of that determination with respect to any matter</u>	2197
<u>that could have been asserted.</u>	2198
<u>(D) A person seeking to contest the validity of a registered</u>	2199
<u>order shall request a hearing within thirty days after service of</u>	2200
<u>the notice. At that hearing, the court shall confirm the</u>	2201
<u>registered order unless the person contesting registration</u>	2202
<u>establishes one of the following circumstances:</u>	2203
<u>(1) The issuing court did not have jurisdiction under</u>	2204

sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state. 2205
2206

(2) The child custody 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. 2207
2208
2209
2210

(3) The person contesting registration was entitled to notice of the child custody 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. 2211
2212
2213
2214
2215

(E) 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. 2216
2217
2218
2219
2220

(F) Confirmation of a registered child custody 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. 2221
2222
2223
2224

Sec. 3127.36. (A) Subject to sections 2101.022 and 2301.03 of the Revised Code, a juvenile court or other court of this state may grant any relief normally available under the law of this state to enforce a registered child custody determination made by a court of another state. 2225
2226
2227
2228
2229

(B) Subject to sections 2101.022 and 2301.03 of the Revised Code, a juvenile court and each other court of this state shall recognize and enforce, but may not modify except in accordance with sections 3127.15 to 3127.24 of the Revised Code, a registered child custody determination of a court of another state. 2230
2231
2232
2233
2234

Sec. 3127.37. Subject to sections 2101.022 and 2301.03 of the Revised Code, if a proceeding for enforcement under sections 3127.31 to 3127.46 of the Revised Code is commenced in a juvenile court or other court of this state with appropriate jurisdiction and the court determines that a proceeding to modify the determination is pending in a court of another state having jurisdiction to modify the determination under sections 3127.15 to 3127.24 of the Revised Code or a similar statute of another state, the enforcing court shall immediately communicate with the modifying court. The proceeding for enforcement shall continue unless the enforcing court, after consultation with the modifying court, stays or dismisses the proceeding.

Sec. 3127.38. (A) A petition for enforcement pursuant to sections 3127.31 to 3127.46 of the Revised Code must be verified. All orders sought to be enforced and any order confirming registration must be attached to the petition. The orders attached to the petition shall be the original or a certified copy, whichever a court requires.

(B) A petition for enforcement of a child custody determination shall state all of the following:

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

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

(3) Whether any proceeding has been commenced that could affect the current proceeding, including proceedings for enforcement of child custody determinations, proceedings relating

to domestic violence or protection orders, proceedings to 2265
adjudicate the child as an abused, neglected, or dependent child, 2266
proceedings seeking termination of parental rights, and adoptions, 2267
and, if so, the court, the case number, and the nature of the 2268
proceeding; 2269

(4) The present physical address of the child and the 2270
respondent, if known; 2271

(5) Whether relief in addition to the immediate physical 2272
custody of the child and attorney's fees is sought, including a 2273
request for assistance from law enforcement officials and, if so, 2274
the relief sought; 2275

(6) If the child custody determination has been registered 2276
and confirmed under section 3127.35 of the Revised Code, the date 2277
and place of registration. 2278

(C) Upon the filing of a petition, the court shall issue an 2279
order directing the respondent to appear in person with or without 2280
the child at a hearing and may enter any order necessary to ensure 2281
the safety of the parties and the child. If possible, the hearing 2282
must be held on the next judicial day after service of the order. 2283
If holding the hearing on that date is impossible, the court shall 2284
hold the hearing on the first judicial day possible. The court may 2285
extend the date of the hearing at the request of the petitioner. 2286

(D) An order issued under division (C) of this section shall 2287
state the time and place of the hearing and advise the respondent 2288
that at the hearing the court will order that the petitioner may 2289
take immediate physical custody of the child and that the 2290
respondent pay fees, costs, and expenses under section 3127.42 of 2291
the Revised Code and may schedule a hearing to determine whether 2292
further relief is appropriate, unless the respondent appears and 2293
establishes either of the following: 2294

(1) That the child custody determination has not been 2295

registered and confirmed under section 3127.35 of the Revised Code 2296
and that one of the following circumstances applies: 2297

(a) The issuing court did not have jurisdiction under 2298
sections 3127.15 to 3127.24 of the Revised Code or a similar 2299
statute of another state. 2300

(b) The child custody determination for which enforcement is 2301
sought has been vacated, stayed, or modified by a court having 2302
jurisdiction to do so under sections 3127.15 to 3127.24 of the 2303
Revised Code or a similar statute of another state. 2304

(c) The respondent was entitled to notice of the child 2305
custody proceeding for which enforcement is sought, but notice was 2306
not given in accordance with the standards of section 3127.07 of 2307
the Revised Code or a similar statute of another state. 2308

(2) That the child custody determination for which 2309
enforcement is sought was registered and confirmed under section 2310
3127.35 of the Revised Code but has been vacated, stayed, or 2311
modified by a court of a state having jurisdiction to do so under 2312
sections 3127.15 to 3127.24 of the Revised Code or a similar 2313
statute of another state. 2314

Sec. 3127.39. Except as otherwise provided in section 3127.41 2315
of the Revised Code, the petition and order shall be served by any 2316
method authorized by the Rules of Civil Procedure upon respondent 2317
and any person who has physical custody of the child. 2318
2319

Sec. 3127.40. (A) Unless the court issues a temporary 2320
emergency order pursuant to section 3127.18 of the Revised Code, 2321
upon a finding that a petitioner is entitled to immediate physical 2322
custody of the child, the court shall order that the petitioner 2323
may take immediate physical custody of the child unless the 2324
respondent establishes either of the following: 2325

(1) That the child custody determination has not been registered and confirmed under section 3127.35 of the Revised Code and that one of the following circumstances applies: 2326
2327
2328

(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. 2329
2330
2331

(b) The child custody 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. 2332
2333
2334
2335

(c) The respondent was entitled to notice of the child custody 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. 2336
2337
2338
2339

(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. 2340
2341
2342
2343
2344
2345

(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. 2346
2347
2348
2349
2350

(C) If a party called to testify in a proceeding to enforce a child custody determination refuses to answer on the basis that the testimony may be self-incriminating, the court may draw an adverse inference from the refusal. 2351
2352
2353
2354

(D) A privilege against disclosure of communications between 2355

spouses and a defense of immunity based on the relationship of 2356
husband and wife or parent and child may not be invoked in a 2357
proceeding under this chapter. 2358

Sec. 3127.41. (A) Upon the filing of a petition seeking 2359
enforcement of a child custody determination, the petitioner may 2360
file a verified application for the issuance of a warrant to take 2361
physical custody of the child if the child is imminently likely to 2362
suffer serious physical harm or be removed from this state. 2363

(B) If the court, upon the testimony of the petitioner or 2364
another witness, finds that the child is imminently likely to 2365
suffer serious physical harm or be removed from this state, it may 2366
issue a warrant to take physical custody of the child. If 2367
possible, the court shall hear the petition on the next judicial 2368
day after the warrant is executed. If it is impossible to hold a 2369
hearing on that date, the court shall hold the hearing on the 2370
first judicial day possible. The application for the warrant shall 2371
include the statements required by division (B) of section 3127.38 2372
of the Revised Code. 2373

(C) A warrant to take physical custody of a child shall do 2374
all of the following: 2375

(1) Specify the facts upon which a conclusion of imminent 2376
serious physical harm or removal from the jurisdiction is based; 2377

(2) Direct law enforcement officers to take physical custody 2378
of the child immediately; 2379

(3) Provide for the placement of the child pending final 2380
relief. 2381

(D) The respondent shall be served with the petition, 2382
warrant, and order immediately after the child is taken into 2383
physical custody. 2384

(E) A warrant to take physical custody of a child is 2385

enforceable throughout this state. If the court finds on the basis 2386
of the testimony of the petitioner or another witness that a less 2387
intrusive remedy is not effective, it may authorize law 2388
enforcement officers to enter private property to take physical 2389
custody of the child. If required by exigent circumstances of the 2390
case, the court may authorize law enforcement officers to make a 2391
forcible entry at any hour. 2392

(F) The court may impose conditions upon the placement of a 2393
child to ensure the appearance of the child and the child's 2394
custodian. 2395

Sec. 3127.42. (A) A court shall award the prevailing party in 2396
an action to enforce a child custody determination, including a 2397
state, necessary and reasonable expenses incurred by or on behalf 2398
of the party, including costs, communication expenses, attorney's 2399
fees, investigative fees, expenses for witnesses, travel expenses, 2400
and child care during the course of the proceedings, unless the 2401
party from whom fees or expenses are sought establishes that the 2402
award would be clearly inappropriate. 2403

(B) The court shall not assess fees, costs, or expenses 2404
against a state or a political subdivision of a state unless 2405
authorized by law other than this chapter. 2406

Sec. 3127.43. A court of this state shall accord full faith 2407
and credit to an order issued by another state consistent with 2408
this chapter that enforces a child custody determination by a 2409
court of another state unless the order has been vacated, stayed, 2410
or modified by a court having jurisdiction to do so under sections 2411
3127.15 to 3127.24 of the Revised Code or a similar statute of 2412
another state. 2413

Sec. 3127.44. An appeal may be taken from a final order in a 2414

proceeding under sections 3127.31 to 3127.47 of the Revised Code. 2415
The supreme court of this state shall, by rule, provide for 2416
expedited appellate review of cases appealed under this section. 2417
Unless the court enters a temporary emergency order under section 2418
3127.18 of the Revised Code, the enforcing court may not stay an 2419
order enforcing a child custody determination pending appeal. 2420

Sec. 3127.45. (A) In a case arising under this chapter or 2421
involving the Hague Convention on the Civil Aspects in 2422
International Child Abduction, the prosecutor may take any lawful 2423
action, including resort to a proceeding under sections 3127.31 to 2424
3127.47 of the Revised Code or any other available civil 2425
proceeding, to locate a child, obtain the return of a child, or 2426
enforce a child custody determination if there is any of the 2427
following: 2428

(1) An existing child custody determination; 2429

(2) A request to locate a child, obtain the return of a 2430
child, or enforce a child custody determination from a court in a 2431
pending child custody proceeding; 2432

(3) A reasonable belief that a criminal statute has been 2433
violated; 2434

(4) A reasonable belief that the child has been wrongfully 2435
removed or retained in violation of the Hague Convention on the 2436
Civil Aspects of International Child Abduction. 2437

(B) A prosecutor acting under this section acts on behalf of 2438
the court and may not represent any party. 2439

Sec. 3127.46. At the request of a prosecutor or other 2440
appropriate public official acting under section 3127.45 of the 2441
Revised Code, a law enforcement officer may take any lawful action 2442
reasonably necessary to locate a child or a party and assist the 2443

prosecutor or appropriate public official with responsibilities 2444
under section 3127.45 of the Revised Code. 2445

Sec. 3127.47. If the respondent is not the prevailing party, 2446
the court may assess against the respondent all direct expenses 2447
and costs incurred by the prosecutor or other appropriate public 2448
official and law enforcement officers under section 3127.45 or 2449
3127.46 of the Revised Code. 2450

Sec. 3127.51. In applying and construing sections 3127.01 to 2451
3127.53 of the Revised Code, consideration shall be given to the 2452
need to promote uniformity of law with respect to its subject 2453
matter among states that enact a uniform child custody 2454
jurisdiction and enforcement act. 2455

Sec. 3127.52. If any provision of this chapter or its 2456
application to any person or circumstance is held invalid, the 2457
invalidity does not affect other provisions or applications of 2458
this chapter that can be given effect without the invalid 2459
provision or application, and to this end the provisions of this 2460
chapter are severable. 2461

Sec. 3127.53. A motion or other request for relief made in a 2462
parenting or child custody proceeding or to enforce a parenting or 2463
child custody determination that was commenced before the 2464
effective date of this section is governed by the law in effect at 2465
the time the motion or other request was made. 2466

Sec. 5153.122. (A) Each caseworker hired by a public children 2467
services agency shall complete at least ninety hours of in-service 2468
training during the first year of the caseworker's continuous 2469
employment, except that the director of the public children 2470

services agency may waive the training requirement for a school of 2471
social work graduate who participated in the university 2472
partnership program described in division (D) of section 5101.141 2473
of the Revised Code. The training shall consist of courses in 2474
recognizing and preventing child abuse and neglect, assessing 2475
risks, interviewing persons, investigating cases, intervening, 2476
providing services to children and their families, and other 2477
topics relevant to child abuse and neglect. After The training 2478
shall also include courses in the legal duties of caseworkers to 2479
protect the constitutional and statutory rights of children and 2480
families from the initial time of contact during investigation 2481
through treatment that shall include instruction regarding 2482
parents' rights and the limitations that the Fourth Amendment to 2483
the United States Constitution places upon caseworkers and their 2484
investigations. 2485

After the first year of continuous employment, each 2486
caseworker annually shall complete thirty-six hours of training in 2487
areas relevant to the caseworker's assigned duties. 2488

(B) Each supervisor hired by a public children services 2489
agency shall complete at least sixty hours of in-service training 2490
during the first year of the supervisor's continuous employment in 2491
that position. After the first year of continuous employment as a 2492
supervisor, the supervisor annually shall complete thirty hours of 2493
training in areas relevant to the supervisor's assigned duties. 2494

(C) The director of job and family services shall adopt rules 2495
in accordance with Chapter 119. of the Revised Code as necessary 2496
to implement the training requirements of this section. 2497

Section 2. That existing sections 2111.06, 2151.23, 2151.27, 2498
2151.353, 2151.421, 2152.021, 3109.04, 3109.27, 3109.29, 3109.37, 2499
and 5153.122 and sections 3109.21, 3109.22, 3109.23, 3109.24, 2500
3109.25, 3109.26, 3109.28, 3109.30, 3109.31, 3109.32, 3109.33, 2501
3109.34, 3109.35, and 3109.36 of the Revised Code are hereby 2502

repealed.

2503