

**As Reported by the Senate Health, Human Services and Aging  
Committee**

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

**Sub. S. B. No. 185**

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

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**A B I L L**

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

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

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

3127.04, 3127.05, 3127.07, 3127.08, 3127.09, 3127.10, 3127.11, 21  
3127.15, 3127.16, 3127.17, 3127.18, 3127.19, 3127.20, 3127.21, 22  
3127.22, 3127.31, 3127.32, 3127.33, 3127.34, 3127.35, 3127.36, 23  
3127.37, 3127.38, 3127.39, 3127.40, 3127.41, 3127.42, 3127.43, 24  
3127.44, 3127.45, 3127.46, 3127.47, 3127.51, 3127.52, and 3127.53 25  
of the Revised Code be enacted to read as follows: 26

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

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

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

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

(1) Concerning any child who on or about the date specified 49  
in the complaint, indictment, or information is alleged to have 50

violated section 2151.87 of the Revised Code or an order issued 51  
under that section or to be a juvenile traffic offender or a 52  
delinquent, unruly, abused, neglected, or dependent child and, 53  
based on and in relation to the allegation pertaining to the 54  
child, concerning the parent, guardian, or other person having 55  
care of a child who is alleged to be an unruly or delinquent child 56  
for being an habitual or chronic truant; 57

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

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

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

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

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

(7) Under the interstate compact on juveniles in section 81

2151.56 of the Revised Code;	82
(8) Concerning any child who is to be taken into custody 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;	83 84 85 86
(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;	87 88 89 90
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	91 92
(11) Subject to division (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	93 94 95 96 97 98 99
(12) Concerning an action commenced under section 121.38 of the Revised Code;	100 101
(13) To hear and determine violations of section 3321.38 of the Revised Code;	102 103
(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;	104 105 106 107 108
(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	109 110 111

a child who has been adjudicated a delinquent child and to refer 112  
the duties conferred upon the juvenile court judge under sections 113  
2152.82 to 2152.85 and Chapter 2950. of the Revised Code to 114  
magistrates appointed by the juvenile court judge in accordance 115  
with Juvenile Rule 40. 116

(B) Except as provided in division (I) of section 2301.03 of 117  
the Revised Code, the juvenile court has original jurisdiction 118  
under the Revised Code: 119

(1) To hear and determine all cases of misdemeanors charging 120  
adults with any act or omission with respect to any child, which 121  
act or omission is a violation of any state law or any municipal 122  
ordinance; 123

(2) To determine the paternity of any child alleged to have 124  
been born out of wedlock pursuant to sections 3111.01 to 3111.18 125  
of the Revised Code; 126

(3) Under the uniform interstate family support act in 127  
Chapter 3115. of the Revised Code; 128

(4) To hear and determine an application for an order for the 129  
support of any child, if the child is not a ward of another court 130  
of this state; 131

(5) To hear and determine an action commenced under section 132  
3111.28 of the Revised Code; 133

(6) To hear and determine a motion filed under section 134  
3119.961 of the Revised Code; 135

(7) To enforce an order for the return of a child made under 136  
the Hague Convention on the Civil Aspects of International Child 137  
Abduction pursuant to section 3127.32 of the Revised Code; 138

(8) To grant any relief normally available under the laws of 139  
this state to enforce a parenting determination made by a court of 140  
another state and registered in accordance with section 3127.35 of 141

the Revised Code.

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

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

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

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

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Revised Code.	173
(2) The juvenile court shall exercise its jurisdiction in child support matters in accordance with section 3109.05 of the Revised Code.	174 175 176
(G) Any juvenile court that makes or modifies an order for child support shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.	177 178 179 180 181 182 183 184 185 186 187 188
(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	189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204

transfer of the case for criminal prosecution, whether the 205  
conviction is for the same degree or a lesser degree of the 206  
offense charged, for the commission of a lesser-included offense, 207  
or for the commission of another offense that is different from 208  
the offense charged. 209

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

**Sec. 2151.27.** (A)(1) Subject to division (A)(2) of this 226  
section, any person having knowledge of a child who appears to 227  
have violated section 2151.87 of the Revised Code or to be a 228  
juvenile traffic offender or to be an unruly, abused, neglected, 229  
or dependent child may file a sworn complaint with respect to that 230  
child in the juvenile court of the county in which the child has a 231  
residence or legal settlement or in which the violation, 232  
unruliness, abuse, neglect, or dependency allegedly occurred. If 233  
an alleged abused, neglected, or dependent child is taken into 234  
custody pursuant to division (D) of section 2151.31 of the Revised 235  
Code or is taken into custody pursuant to division (A) of section 236



2151.31 of the Revised Code without the filing of a complaint and 237  
placed into shelter care pursuant to division (C) of that section, 238  
a sworn complaint shall be filed with respect to the child before 239  
the end of the next day after the day on which the child was taken 240  
into custody. The sworn complaint may be upon information and 241  
belief, and, in addition to the allegation that the child 242  
committed the violation or is an unruly, abused, neglected, or 243  
dependent child, the complaint shall allege the particular facts 244  
upon which the allegation that the child committed the violation 245  
or is an unruly, abused, neglected, or dependent child is based. 246

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

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

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

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

complaint were filed and the hearing held before the child arrived 268  
at the age of eighteen years. 269

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

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

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

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

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

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

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

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

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

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

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

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

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

district; 362

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

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

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

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

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

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

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

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

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

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

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

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

allocation. 457

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

complies with division (G) of this section. Upon the filing of the 714  
motion, if the court determines that a modification of the prior 715  
decree is authorized under division (E)(1)(a) of this section, the 716  
court may modify the prior decree to grant a shared parenting 717  
order, provided that the court shall not modify the prior decree 718  
to grant a shared parenting order unless the court complies with 719  
divisions (A) and (D)(1) of this section and, in accordance with 720  
those divisions, approves the submitted shared parenting plan and 721  
determines that shared parenting would be in the best interest of 722  
the children. 723

(2) In addition to a modification authorized under division 724  
(E)(1) of this section: 725

(a) Both parents under a shared parenting decree jointly may 726  
modify the terms of the plan for shared parenting approved by the 727  
court and incorporated by it into the shared parenting decree. 728  
Modifications under this division may be made at any time. The 729  
modifications to the plan shall be filed jointly by both parents 730  
with the court, and the court shall include them in the plan, 731  
unless they are not in the best interest of the children. If the 732  
modifications are not in the best interests of the children, the 733  
court, in its discretion, may reject the modifications or make 734  
modifications to the proposed modifications or the plan that are 735  
in the best interest of the children. Modifications jointly 736  
submitted by both parents under a shared parenting decree shall be 737  
effective, either as originally filed or as modified by the court, 738  
upon their inclusion by the court in the plan. Modifications to 739  
the plan made by the court shall be effective upon their inclusion 740  
by the court in the plan. 741

(b) The court may modify the terms of the plan for shared 742  
parenting approved by the court and incorporated by it into the 743  
shared parenting decree upon its own motion at any time if the 744  
court determines that the modifications are in the best interest 745



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(K) For purposes of the Revised Code: 887

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

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

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

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

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

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

(1) "Abandoned" means the parents of a child have failed to 952  
visit or maintain contact with the child for more than ninety 953  
days, regardless of whether the parents resume contact with the 954  
child after that ninety-day period. 955

(2) "Child" means an individual who has not attained eighteen 956  
years of age. 957

(3) "Commencement" means the filing of the first pleading in 958  
a proceeding. 959

(4) "Court" means an entity authorized under the law of a 960  
state to establish, enforce, or modify a parenting determination. 961

(5) "Home state" means the state in which a child lived with 962

a parent or a person acting as a parent for at least six 963  
consecutive months immediately preceding the commencement of a 964  
parenting proceeding and, if a child is less than six months old, 965  
the state in which the child lived from birth with any of them. A 966  
period of temporary absence of any of them is counted as part of 967  
the six-month or other period. 968

(6) "Initial determination" means the first parenting 969  
determination concerning a particular child. 970

(7) "Issuing court" means the court that makes a parenting 971  
determination for which enforcement is sought under sections 972  
3127.01 to 3127.53 of the Revised Code. 973

(8) "Issuing state" means the state in which a parenting 974  
determination is made. 975

(9) "Modification" means a parenting determination that 976  
changes, replaces, supersedes, or is otherwise made after a 977  
determination concerning the same child, whether or not it is made 978  
by the court that made the previous determination. 979

(10) "Parenting determination" means a judgment, decree, or 980  
other order of a court that, in relation to the parents of a 981  
child, allocates parental rights and responsibilities for the care 982  
of the child, including any designation of parenting time rights, 983  
and designates a residential parent and legal custodian of the 984  
child or that, in relation to any other person, provides for the 985  
legal custody, physical custody, or visitation with respect to a 986  
child. The term includes permanent, temporary, initial, and 987  
modification orders. The term does not include an order relating 988  
to child support or other monetary obligations of an individual. 989

(11) "Parenting proceeding" means a proceeding in which a 990  
parenting determination with respect to a child is an issue. The 991  
term includes proceedings for divorce, dissolution, legal 992  
separation, to determine whether a child is an abused, neglected, 993



or dependent child, to establish guardianship, to determine the 994  
existence of a parent and child relationship, to terminate 995  
parental rights, and for protection from domestic violence, in 996  
which the issue may appear. The term does not include a proceeding 997  
involving juvenile delinquency or contractual emancipation, or for 998  
enforcement under sections 3127.31 to 3127.47 of the Revised Code. 999

(12) "Person" means an individual; corporation; business 1000  
trust; estate; trust; partnership; limited liability company; 1001  
association; joint venture; government; governmental subdivision, 1002  
agency, or instrumentality; public corporation; or any other legal 1003  
or commercial entity. 1004

(13) "Person acting as a parent" means a person, other than 1005  
the child's parent, who meets both of the following criteria: 1006

(a) The person has physical custody of the child or has had 1007  
physical custody for a period of six consecutive months, including 1008  
any temporary absence from the child, within one year immediately 1009  
before the commencement of a parenting proceeding; and 1010

(b) The person has been awarded legal custody by a court or 1011  
claims a right to legal custody under the law of this state. 1012

(14) "Physical custody" means the physical care and 1013  
supervision of a child. 1014

(15) "State" means a state of the United States, the District 1015  
of Columbia, Puerto Rico, the United States Virgin Islands, or any 1016  
territory or insular possession subject to the jurisdiction of the 1017  
United States. 1018

(16) "Tribe" means an Indian tribe or Alaskan Native village 1019  
that is recognized by federal or state law. 1020

(17) "Warrant" means an order issued by a court authorizing 1021  
law enforcement officers to take physical custody of a child. 1022

Sec. 3127.02. Sections 3127.01 to 3127.53 of the Revised Code 1023  
do not govern adoption proceedings or proceedings pertaining to 1024  
the authorization of emergency medical care for a child. 1025

Sec. 3127.03. (A) A parenting proceeding that pertains to an 1026  
Indian child as defined in the Indian Child Welfare Act, 25 U.S.C. 1027  
1901 et seq., is not subject to sections 3127.01 to 3127.53 of the 1028  
Revised Code to the extent that the proceeding is governed by the 1029  
Indian Child Welfare Act. 1030

(B) A court of this state shall treat a tribe as if it were a 1031  
state of the United States for the purpose of applying sections 1032  
3127.01 to 3127.53 of the Revised Code. 1033

(C) A parenting determination made by a tribe under factual 1034  
circumstances in substantial conformity with the jurisdictional 1035  
standards of sections 3127.01 to 3127.53 of the Revised Code must 1036  
be recognized and enforced under sections 3127.31 to 3127.47 of 1037  
the Revised Code. 1038

Sec. 3127.04. (A) A court of this state shall treat a foreign 1039  
country as if it were a state of the United States for the purpose 1040  
of applying sections 3127.01 to 3127.24 of the Revised Code. 1041

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(B) Except as otherwise provided in division (C) of this 1043  
section, a parenting determination made in a foreign country under 1044  
factual circumstances in substantial conformity with the 1045  
jurisdictional standards of sections 3127.01 to 3127.53 of the 1046  
Revised Code must be recognized and enforced under sections 1047  
3127.31 to 3127.47 of the Revised Code. 1048

(C) A court of this state need not apply sections 3127.01 to 1049  
3127.53 of the Revised Code if the law governing parenting 1050  
determinations of a foreign country violates fundamental 1051

principles of human rights. 1052

Sec. 3127.05. A parenting determination made by a court of 1053  
this state that had jurisdiction under sections 3127.01 to 3127.53 1054  
of the Revised Code binds all persons who have been served in 1055  
accordance with the laws of this state, notified in accordance 1056  
with section 3127.07 of the Revised Code, or who have submitted to 1057  
the jurisdiction of the court, and who have been given an 1058  
opportunity to be heard. As to those persons, the determination is 1059  
conclusive as to all decided issues of law and fact except to the 1060  
extent the determination is modified. 1061

Sec. ~~3109.37~~ 3127.06. Upon the request of a party to a 1062  
parenting proceeding ~~which~~ that raises a question of existence or 1063  
exercise of jurisdiction under sections ~~3109.21 to 3109.36~~ 3127.01 1064  
to 3127.53 of the Revised Code, the ~~case~~ question shall be given 1065  
calendar priority and handled expeditiously. 1066

Sec. 3127.07. (A) Notice required for the exercise of 1067  
jurisdiction over a person outside this state may be given in a 1068  
manner prescribed by the Rules of Civil Procedure, or Juvenile 1069  
Rules, as appropriate, for service of process or by the law of the 1070  
state in which the service is made. Notice shall be given in a 1071  
manner reasonably calculated to give actual notice but may be by 1072  
publication if other means are not effective. 1073

(B) Proof of service may be made in the manner prescribed by 1074  
the Rules of Civil Procedure, or Juvenile Rules, as appropriate, 1075  
or by the law of the state in which the service is made. 1076

(C) Notice is not required if the person submits to the 1077  
jurisdiction of the court. 1078

Sec. 3127.08. (A) A party to a parenting proceeding, 1079

including a modification proceeding, or a petitioner or respondent 1080  
in a proceeding to enforce or register a parenting determination, 1081  
is not subject to personal jurisdiction in this state for another 1082  
proceeding or purpose solely by reason of having participated, or 1083  
of having been physically present for the purpose of 1084  
participating, in the parenting proceeding. 1085

(B) A person who is subject to personal jurisdiction in this 1086  
state on a basis other than physical presence is not immune from 1087  
service of process in this state. A party present in this state 1088  
who is subject to the jurisdiction of another state is not immune 1089  
from service of process allowable under the laws of that state. 1090

(C) The immunity granted by division (A) of this section does 1091  
not extend to civil litigation based on acts unrelated to the 1092  
participation in a proceeding under sections 3127.01 to 3127.53 of 1093  
the Revised Code that are committed by an individual while present 1094  
in this state. 1095

**Sec. 3127.09.** (A) A court of this state may communicate with 1096  
a court in another state concerning a proceeding arising under 1097  
sections 3127.01 to 3127.53 of the Revised Code. 1098

(B) The court shall give the parties the opportunity to 1099  
participate in the communication. If the parties are not able to 1100  
participate in the communication, they shall be given the 1101  
opportunity to present facts and legal arguments before a decision 1102  
concerning jurisdiction is made. 1103

(C) Communication between courts concerning scheduling, 1104  
calendars, court records, and similar matters may occur without 1105  
informing the parties. The parties shall be informed promptly of 1106  
communication concerning court records and be granted access to 1107  
those records. 1108

(D) A record shall be made of a communication under this 1109

section. The parties shall be informed promptly of the  
communication and granted access to the record.

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

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

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

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

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

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(1) Hold an evidentiary hearing;

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

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(3) Order that an evaluation be made concerning the allocation of parental rights and responsibilities for the care of a child involved in a pending proceeding with respect to the designation of a parent as the residential parent and legal custodian of the child and with respect to the custody of the child in any other person; 1139  
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(4) Forward to the court of this state a certified copy of the transcript of the record of the hearing, the evidence otherwise presented, and any evaluation prepared in compliance with the request; 1145  
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(5) Order a party to a parenting proceeding or any person having physical custody of the child to appear in the proceeding with or without the child. 1149  
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(B) Upon request of a court of another state, a court of this state may hold a hearing or enter an order described in division (A) of this section. 1152  
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(C) The court may assess travel and other necessary and reasonable expenses incurred under divisions (A) and (B) of this section against the parties according to the law of this state. 1155  
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(D) Upon appropriate request by a court or law enforcement official of another state, a court of this state shall forward a certified copy of the pleadings, orders, decrees, records of hearings, evaluations, and other pertinent records with respect to a parenting proceeding to the court or law enforcement official of the other state. 1158  
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Sec. 3127.15. (A) Except as otherwise provided in section 3127.18 of the Revised Code, a court of this state has jurisdiction to make an initial determination in a parenting proceeding only if one of the following applies: 1164  
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(1) This state is the home state of the child on the date of 1168

the commencement of the proceeding, or was the home state of the 1169  
child within six months before the commencement of the proceeding 1170  
and the child is absent from this state but a parent or person 1171  
acting as a parent continues to live in this state. 1172

(2) A court of another state does not have jurisdiction under 1173  
division (A)(1) of this section or a court of the home state of 1174  
the child has declined to exercise jurisdiction on the basis that 1175  
this state is the more appropriate forum under section 3127.21 or 1176  
3127.22 of the Revised Code and both of the following are the 1177  
case: 1178

(a) The child and the child's parents, or the child and at 1179  
least one parent or a person acting as a parent, have a 1180  
significant connection with this state other than mere physical 1181  
presence. 1182

(b) Substantial evidence is available in this state 1183  
concerning the child's care, protection, training, and personal 1184  
relationships. 1185

(3) All courts having jurisdiction under division (A)(1) or 1186  
(2) of this section have declined to exercise jurisdiction on the 1187  
ground that a court of this state is the more appropriate forum to 1188  
determine the custody of the child under section 3127.21 or 1189  
3127.22 of the Revised Code or a similar statute enacted by 1190  
another state. 1191

(4) No court of any other state would have jurisdiction under 1192  
the criteria specified in division (A)(1), (2), or (3) of this 1193  
section. 1194

(B) Division (A) of this section is the exclusive 1195  
jurisdictional basis for making a parenting determination by a 1196  
court of this state. 1197

(C) Physical presence of, or personal jurisdiction over, a 1198

party or a child is not necessary or sufficient to make a 1199  
parenting determination. 1200

Sec. 3127.16. Except as otherwise provided in section 3127.18 1201  
of the Revised Code, a court of this state that has made a 1202  
parenting determination consistent with section 3127.15 or 3127.17 1203  
of the Revised Code has exclusive, continuing jurisdiction over 1204  
the determination until this court or a court of another state 1205  
determines that the child, the child's parents, and any person 1206  
acting as a parent do not presently reside in this state. 1207

Sec. 3127.17. Except as otherwise provided in section 3127.18 1208  
of the Revised Code, a court of this state may not modify a 1209  
parenting determination made by a court of another state unless 1210  
the court of this state has jurisdiction to make an initial 1211  
determination under division (A)(1) or (2) of section 3127.15 of 1212  
the Revised Code and one of the following applies: 1213

(A) The court of the other state determines that it no longer 1214  
has exclusive, continuing jurisdiction under section 3127.16 of 1215  
the Revised Code or a similar statute of the other state or that a 1216  
court of this state would be a more convenient forum under section 1217  
3127.21 of the Revised Code or a similar statute of the other 1218  
state. 1219

(B) The court of this state or a court of the other state 1220  
determines that the child, the child's parents, and any person 1221  
acting as a parent do not presently reside in the other state. 1222

Sec. 3127.18. (A) A court of this state has temporary 1223  
emergency jurisdiction if a child is present in this state and 1224  
either of the following applies: 1225

(1) The child has been abandoned. 1226

(2) It is necessary in an emergency to protect the child 1227



because the child, or a sibling or parent of the child, is 1228  
subjected to or threatened with mistreatment or abuse. 1229

(B) If there is no previous parenting determination that is 1230  
entitled to be enforced under this chapter and a parenting 1231  
proceeding has not been commenced in a court of a state having 1232  
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1233  
or a similar statute of another state, a parenting determination 1234  
made under this section remains in effect until an order is 1235  
obtained from a court of a state having jurisdiction under 1236  
sections 3127.15 to 3127.17 of the Revised Code or a similar 1237  
statute of another state. If a parenting proceeding has not been 1238  
or is not commenced in a court of a state having jurisdiction 1239  
under sections 3127.15 to 3127.17 of the Revised Code or a similar 1240  
statute of another state, a parenting determination made under 1241  
this section becomes a final determination, if it so provides and 1242  
this state becomes the home state of the child. 1243

(C) If there is a previous parenting determination that is 1244  
entitled to be enforced under this chapter, or a parenting 1245  
proceeding has been commenced in a court of a state having 1246  
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1247  
or a similar statute of another state, any order issued by a court 1248  
of this state under this section must specify in the order a 1249  
period that the court considers adequate to allow the person 1250  
seeking an order to obtain an order from the state having 1251  
jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1252  
or a similar statute of another state. The order issued in this 1253  
state remains in effect until an order is obtained from the other 1254  
state within the period specified or until the period expires. 1255

(D) A court of this state that has been asked to make a 1256  
parenting determination under this section, upon being informed 1257  
that a parenting proceeding has been commenced in or a parenting 1258  
determination has been made by a court of a state having 1259

jurisdiction under sections 3127.15 to 3127.17 of the Revised Code 1260  
or a similar statute of another state, shall immediately 1261  
communicate with the other court. A court of this state that is 1262  
exercising jurisdiction pursuant to sections 3127.15 to 3127.17 of 1263  
the Revised Code, upon being informed that a parenting proceeding 1264  
has been commenced in or a parenting determination has been made 1265  
by a court of another state under a statute similar to this 1266  
section, shall immediately communicate with the court of that 1267  
state to resolve the emergency, protect the safety of the parties 1268  
and the child, and determine a period for the duration of the 1269  
temporary order. 1270

**Sec. 3127.19.** (A) Before a parenting determination is made 1271  
under this chapter, notice and an opportunity to be heard in 1272  
accordance with the standards set forth in section 3127.07 of the 1273  
Revised Code shall be given to all persons entitled to notice 1274  
under the law of this state as in parenting proceedings between 1275  
residents of this state, any parent whose parental rights have not 1276  
been previously terminated, and any person having physical custody 1277  
of the child. 1278

(B) This chapter does not govern the enforceability of a 1279  
parenting determination made without notice or an opportunity to 1280  
be heard. 1281

(C) The obligation to join a party and the right to intervene 1282  
as a party in a parenting proceeding under this chapter shall be 1283  
governed by the law of this state as in parenting proceedings 1284  
between residents of this state. 1285

**Sec. 3127.20.** (A) Except as otherwise provided in section 1286  
3127.18 of the Revised Code, a court of this state may not 1287  
exercise its jurisdiction under sections 3127.15 to 3127.17 of the 1288  
Revised Code if, at the time of the commencement of the 1289

proceeding, a parenting proceeding concerning the child is pending 1290  
in a court of another state having jurisdiction substantially in 1291  
conformity with this chapter, unless the proceeding has been 1292  
terminated or is stayed by the court of the other state because a 1293  
court of this state is a more convenient forum under section 1294  
3127.21 of the Revised Code or a similar statute of the other 1295  
state. 1296

(B) Except as otherwise provided in section 3127.18 of the 1297  
Revised Code, a court of this state, before hearing a parenting 1298  
proceeding, shall examine the court documents and other 1299  
information supplied by the parties pursuant to section 3127.23 of 1300  
the Revised Code. If the court determines that a parenting 1301  
proceeding is pending in a court in another state having 1302  
jurisdiction substantially in accordance with this chapter, the 1303  
court of this state shall stay its proceeding and communicate with 1304  
the court of the other state. If the court of the state having 1305  
jurisdiction substantially in accordance with this chapter does 1306  
not determine that the court of this state is a more appropriate 1307  
forum, the court of this state shall dismiss the proceeding. 1308

(C) In a proceeding to modify a parenting determination, a 1309  
court of this state shall determine whether a proceeding to 1310  
enforce the determination has been commenced in another state. If 1311  
a proceeding to enforce a parenting determination has been 1312  
commenced in another state, the court may do any of the following: 1313

(1) Stay the proceeding for modification pending the entry of 1314  
an order of a court of the other state enforcing, staying, 1315  
denying, or dismissing the proceeding for enforcement; 1316

(2) Enjoin the parties from continuing with the proceeding 1317  
for enforcement; 1318

(3) Upon the demonstration of an emergency, proceed with the 1319

modification under conditions the court considers appropriate.

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

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

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

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

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

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(4) The relative financial circumstances of the parties;

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

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

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(7) The ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the

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evidence; 1349

(8) The familiarity of the court of each state with the facts and issues in the pending litigation. 1350  
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(C) If a court of this state determines that it is an inconvenient forum and that a court of another state is a more appropriate forum, it shall stay the proceedings upon condition that a parenting proceeding be promptly commenced in another designated state and may impose any other condition the court considers just and proper. 1352  
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(D) A court of this state may decline to exercise its jurisdiction under this chapter if a parenting determination is incidental to an action for divorce or another proceeding while still retaining jurisdiction over the divorce or other proceeding. 1358  
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**Sec. 3127.22.** (A) Except as otherwise provided in section 3127.18 of the Revised Code or another law of this state, if a court of this state has jurisdiction under this chapter because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless one of the following applies: 1362  
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(1) The parents and all persons acting as parents have agreed to the exercise of jurisdiction. 1368  
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(2) A court of the state otherwise having jurisdiction under sections 3127.15 to 3127.17 of the Revised Code determines that this state is a more appropriate forum under section 3127.21 of the Revised Code. 1370  
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(3) No court of any other state would have jurisdiction under the criteria specified in sections 3127.15 to 3127.17 of the Revised Code. 1374  
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(B) If a court of this state declines to exercise its jurisdiction pursuant to division (A) of this section, it may 1377  
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fashion an appropriate remedy to ensure the safety of the child 1379  
and prevent a repetition of the unjustifiable conduct, including 1380  
staying the proceeding until a parenting proceeding is commenced 1381  
in a court having jurisdiction under sections 3127.15 to 3127.17 1382  
of the Revised Code or a similar statute of another state. 1383

(C) If a court dismisses a petition or stays a proceeding 1384  
because it declines to exercise its jurisdiction pursuant to 1385  
division (A) of this section, it shall assess against the party 1386  
seeking to invoke its jurisdiction necessary and reasonable 1387  
expenses including costs, communication expenses, attorney's fees, 1388  
investigative fees, expenses for witnesses, travel expenses, and 1389  
child care during the course of the proceedings, unless the party 1390  
from whom fees are sought establishes that the assessment would be 1391  
clearly inappropriate. The court may not assess fees, costs, or 1392  
expenses against this state or a political subdivision of this 1393  
state unless authorized by law other than this chapter. 1394

(D) As used in this section, "unjustifiable conduct" means 1395  
conduct by a parent or that parent's surrogate that attempts to 1396  
create jurisdiction in this state by removing the child from the 1397  
child's home state, secreting the child, retaining the child, or 1398  
restraining or otherwise preventing the child from returning to 1399  
the child's home state in order to prevent the other parent from 1400  
commencing a parenting proceeding in the child's home state. 1401

**Sec. ~~3109.27~~ 3127.23.** (A) Each party in a parenting 1402  
proceeding, in the party's first pleading or in an affidavit 1403  
attached to that pleading, shall give information if reasonably 1404  
ascertainable under oath as to the child's present address or 1405  
whereabouts, the places where the child has lived within the last 1406  
five years, and the name and present address of each person with 1407  
whom the child has lived during that period. In this pleading or 1408  
affidavit, each party also shall include all of the following 1409

information: 1410

(1) Whether the party has participated as a party, a witness, 1411  
or in any other capacity in any other ~~litigation, in this or any~~ 1412  
~~other state, that concerned~~ proceeding concerning the allocation, 1413  
between the parents of the same child, of parental rights and 1414  
responsibilities for the care of the child including any 1415  
designation of parenting time rights and the designation of the 1416  
residential parent and legal custodian of the child or that 1417  
otherwise concerned the custody of or visitation with the same 1418  
child and, if so, the court, case number and the date of the 1419  
parenting determination, if any; 1420

(2) Whether the party ~~has information of any parenting~~ 1421  
~~proceeding concerning the child pending in a court of this or any~~ 1422  
~~other state~~ knows of any proceedings that could affect the current 1423  
proceeding, including proceedings for enforcement of parenting 1424  
determinations, proceedings relating to domestic violence or 1425  
protective orders, proceedings to adjudicate the child as an 1426  
abused, neglected, or dependent child, proceedings seeking 1427  
termination of parental rights, and adoptions, and, if so, the 1428  
court, the case number, and the nature of the proceeding; 1429

(3) Whether the party knows of any person who is not a party 1430  
to the proceeding and has physical custody of the child or claims 1431  
to be a parent of the child who is designated the residential 1432  
parent and legal custodian of the child or to have parenting time 1433  
rights with respect to the child or to be a person other than a 1434  
parent of the child who has custody or visitation rights with 1435  
respect to the child+ 1436

~~(4) Whether the party previously has been convicted of or~~ 1437  
~~pleaded guilty to any criminal offense involving any act that~~ 1438  
~~resulted in a child being an abused child or a neglected child or~~ 1439  
~~previously has been determined, in a case in which a child has~~ 1440

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 information required by division (A) of this section is not furnished, the court, upon motion of a party or its own motion, may stay the proceeding until the information is furnished.

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

~~(D)~~(E) 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 must 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.

(F) 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)~~(G) As used in this section, "abused child" has the same 1472  
meaning as in section 2151.031 of the Revised Code, ~~and~~ "neglected 1473  
child" has the same meaning as in section 2151.03 of the Revised 1474  
Code, and "dependent child" has the same meaning as in section 1475  
2151.04 of the Revised Code. 1476

**Sec. ~~3109.29~~ 3127.24.** (A) The court may order any party to a 1477  
parenting proceeding who is in this state to appear personally 1478  
before the court with or without the child. ~~If that party~~ The 1479  
court may order any person who is in this state and who has 1480  
physical custody or control of the child, ~~the court may order that~~ 1481  
~~he~~ to appear personally with the child. 1482

(B) If a party to a parenting proceeding whose presence is 1483  
desired by the court is outside this state with or without the 1484  
child, the court may order that the notice given under ~~division~~ 1485  
~~(B)~~ of section ~~3109.23~~ 3127.07 of the Revised Code include a 1486  
statement directing that party to appear personally with or 1487  
without the child and ~~declaring~~ informing the party that failure 1488  
to appear may result in a decision adverse to that party. 1489

(C) The court may enter any orders necessary to ensure the 1490  
safety of the child and of any person ordered to appear under this 1491  
section. 1492

(D) If a party to a parenting proceeding who is outside this 1493  
state is directed to appear under division (B) of this section or 1494  
desires to appear personally before the court with or without the 1495  
child, the court may require another party to pay ~~to the clerk of~~ 1496  
~~the court~~ reasonable and necessary travel and other ~~necessary~~ 1497  
expenses for the appearance of the party and the child ~~who are~~ 1498  
~~outside this state, if this is just and proper under the~~ 1499  
~~circumstances.~~ 1500

**Sec. 3127.31.** As used in sections 3127.31 to 3127.47 of the 1501

Revised Code: 1502

(A) "Petitioner" means a person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a parenting determination. 1503  
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(B) "Respondent" means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a parenting determination. 1507  
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Sec. 3127.32. Under this chapter, a juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code may enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a parenting determination. 1511  
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Sec. 3127.33. (A) A court of this state shall recognize and enforce a parenting determination of a court of another state if that state exercised jurisdiction in substantial conformity with this chapter or the determination was made under factual circumstances meeting the jurisdictional standards of this chapter and the determination has not been modified in accordance with this chapter. 1516  
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(B) A court of this state may use any remedy available under other law of this state to enforce a parenting determination made by a court of another state. The remedies provided in sections 3127.31 to 3127.47 of the Revised Code are cumulative and do not affect the availability of other remedies to enforce a parenting determination. 1523  
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Sec. 3127.34. (A) A court of this state that does not have 1529

jurisdiction to modify a child custody determination may issue a 1530  
temporary order enforcing either of the following: 1531

(1) A parenting time or visitation schedule made by a court 1532  
of another state; 1533

(2) The parenting time or visitation provisions of a 1534  
parenting determination of another state that does not provide for 1535  
a specific parenting time or visitation schedule. 1536

(B) If a court of this state makes an order under division 1537  
(A)(2) of this section, it shall specify in the order a period 1538  
that it considers adequate to allow the petitioner to obtain an 1539  
order from a court having jurisdiction under the criteria 1540  
specified in sections 3127.15 to 3127.24 of the Revised Code. The 1541  
order shall remain in effect until an order is obtained from the 1542  
other court or until the period expires. 1543

Sec. 3127.35. (A) The clerk of each juvenile court or other 1544  
court with jurisdiction under section 2101.022 or 2301.03 of the 1545  
Revised Code shall maintain a parenting determination registry 1546  
with respect to parenting determinations made by the court. 1547

(B) A parenting determination issued by a court of another 1548  
state may be registered in this state with or without a 1549  
simultaneous request for enforcement by sending to the clerk of a 1550  
juvenile court or other court in this state with jurisdiction 1551  
under section 2101.022 or 2301.03 of the Revised Code all of the 1552  
following: 1553

(1) A letter or other document requesting that the parenting 1554  
determination be registered; 1555

(2) Two copies, including one certified copy, of the 1556  
determination sought to be registered, and a statement under 1557  
penalty of perjury that, to the best of the knowledge and belief 1558

of the person seeking registration, the order has not been 1559  
modified; 1560

(3) Except as otherwise provided in section 3127.23 of the 1561  
Revised Code, the name and address of the person seeking 1562  
registration and any parent who is designated the residential 1563  
parent and legal custodian of the child or to have parenting time 1564  
with respect to the child or any person acting as a parent who has 1565  
been awarded custody or visitation in the parenting determination 1566  
sought to be registered; 1567

(4) An advance deposit or fee established by the court. 1568

(C) On receipt of the documents and information required by 1569  
division (B) of this section, the registering court shall do both 1570  
of the following: 1571

(1) Cause the parenting determination to be filed as a 1572  
foreign judgment together with one copy of any accompanying 1573  
documents and information, regardless of their form; 1574

(2) Serve notice of the registration request on the persons 1575  
named pursuant to division (B)(3) of this section, and provide 1576  
them with an opportunity to contest the registration in accordance 1577  
with this section. 1578

(D) The notice required by division (C)(2) of this section 1579  
shall state all of the following: 1580

(1) That the registered parenting determination is 1581  
enforceable as of the date of the registration in the same manner 1582  
as a parenting determination issued by a court of this state; 1583

(2) That a hearing to contest the validity of the registered 1584  
determination must be requested within thirty days after service 1585  
of notice; 1586

(3) That failure to contest the registration shall result in 1587  
confirmation of the parenting determination and preclude further 1588

contest of that determination with respect to any matter that 1589  
could have been asserted. 1590

(E) A person seeking to contest the validity of a registered 1591  
order shall request a hearing within thirty days after service of 1592  
the notice. At that hearing, the court shall confirm the 1593  
registered order unless the person contesting registration 1594  
establishes one of the following circumstances: 1595

(1) The issuing court did not have jurisdiction under 1596  
sections 3127.15 to 3127.24 of the Revised Code or a similar 1597  
statute of another state. 1598

(2) The parenting determination sought to be registered has 1599  
been vacated, stayed, or modified by a court having jurisdiction 1600  
to do so under sections 3127.15 to 3127.24 of the Revised Code or 1601  
a similar statute of another state. 1602

(3) The person contesting registration was entitled to notice 1603  
of the parenting proceeding for which registration is sought, but 1604  
notice was not given in accordance with the standards of section 1605  
3127.07 of the Revised Code or a similar statute of another state. 1606

(F) If a timely request for a hearing to contest the validity 1607  
of the registration is not made, the registration is confirmed as 1608  
a matter of law and the person requesting registration and all 1609  
persons served in accordance with division (B)(2) of this section 1610  
must be notified of the confirmation. 1611

(G) Confirmation of a registered parenting determination, 1612  
whether by operation of law or after notice and hearing, precludes 1613  
further contest of the determination with respect to any matter 1614  
that could have been asserted at the time of registration. 1615

**Sec. 3127.36.** (A) A juvenile court or other court of this 1616  
state with jurisdiction under section 2101.022 or 2301.03 of the 1617  
Revised Code may grant any relief normally available under the law 1618

of this state to enforce a registered parenting determination made 1619  
by a court of another state. 1620

(B) A juvenile court and each other court of this state with 1621  
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 1622  
shall recognize and enforce, but may not modify except in 1623  
accordance with sections 3127.15 to 3127.24 of the Revised Code, a 1624  
registered parenting determination of a court of another state. 1625

**Sec. 3127.37.** If a proceeding for enforcement under sections 1626  
3127.31 to 3127.46 of the Revised Code is commenced in a juvenile 1627  
court or other court of this state with jurisdiction under section 1628  
2101.022 or 2301.03 of the Revised Code and the court determines 1629  
that a proceeding to modify the determination is pending in a 1630  
court of another state having jurisdiction to modify the 1631  
determination under sections 3127.15 to 3127.24 of the Revised 1632  
Code or a similar statute of another state, the enforcing court 1633  
shall immediately communicate with the modifying court. The 1634  
proceeding for enforcement shall continue unless the enforcing 1635  
court, after consultation with the modifying court, stays or 1636  
dismisses the proceeding. 1637

**Sec. 3127.38.** (A) A petition for enforcement pursuant to 1638  
sections 3127.31 to 3127.46 of the Revised Code must be verified. 1639  
All orders sought to be enforced and any order confirming 1640  
registration must be attached to the petition. The orders attached 1641  
to the petition shall be the original or a certified copy, 1642  
whichever a court requires. 1643

(B) A petition for enforcement of a parenting determination 1644  
shall state all of the following: 1645

(1) Whether the court that issued the parenting determination 1646  
identified the jurisdictional basis it relied upon in exercising 1647

jurisdiction and, if so, what the basis was; 1648

(2) Whether the determination for which enforcement is sought 1649  
has been vacated, stayed, or modified by a court whose decision 1650  
must be enforced under this chapter and, if so, identify the 1651  
court, the case number, and the nature of the proceeding; 1652

(3) Whether any proceeding has been commenced that could 1653  
affect the current proceeding, including proceedings for 1654  
enforcement of parenting determinations, proceedings relating to 1655  
domestic violence or protective orders, proceedings to adjudicate 1656  
the child as an abused, neglected, or dependent child, proceedings 1657  
seeking termination of parental rights, and adoptions, and, if so, 1658  
the court, the case number, and the nature of the proceeding; 1659

(4) The present physical address of the child and the 1660  
respondent, if known; 1661

(5) Whether relief in addition to the immediate physical 1662  
custody of the child and attorney's fees is sought, including a 1663  
request for assistance from law enforcement officials and, if so, 1664  
the relief sought; 1665

(6) If the parenting determination has been registered and 1666  
confirmed under section 3127.35 of the Revised Code, the date and 1667  
place of registration. 1668

(C) Upon the filing of a petition, the court shall issue an 1669  
order directing the respondent to appear in person with or without 1670  
the child at a hearing and may enter any order necessary to ensure 1671  
the safety of the parties and the child. If possible, the hearing 1672  
must be held on the next judicial day after service of the order. 1673  
If holding the hearing on that date is impossible, the court shall 1674  
hold the hearing on the first judicial day possible. The court may 1675  
extend the date of the hearing at the request of the petitioner. 1676

(D) An order issued under division (C) of this section shall 1677

state the time and place of the hearing and advise the respondent 1678  
that at the hearing the court will order that the petitioner may 1679  
take immediate physical custody of the child and that the 1680  
respondent pay fees, costs, and expenses under section 3127.42 of 1681  
the Revised Code and may schedule a hearing to determine whether 1682  
further relief is appropriate, unless the respondent appears and 1683  
establishes either of the following: 1684

(1) That the parenting determination has not been registered 1685  
and confirmed under section 3127.35 of the Revised Code and that 1686  
one of the following circumstances applies: 1687

(a) The issuing court did not have jurisdiction under 1688  
sections 3127.15 to 3127.24 of the Revised Code or a similar 1689  
statute of another state. 1690

(b) The parenting determination for which enforcement is 1691  
sought has been vacated, stayed, or modified by a court having 1692  
jurisdiction to do so under sections 3127.15 to 3127.24 of the 1693  
Revised Code or a similar statute of another state. 1694

(c) The respondent was entitled to notice of the parenting 1695  
proceeding for which enforcement is sought, but notice was not 1696  
given in accordance with the standards of section 3127.07 of the 1697  
Revised Code or a similar statute of another state. 1698

(2) That the parenting determination for which enforcement is 1699  
sought was registered and confirmed under section 3127.35 of the 1700  
Revised Code but has been vacated, stayed, or modified by a court 1701  
of a state having jurisdiction to do so under sections 3127.15 to 1702  
3127.24 of the Revised Code or a similar statute of another state. 1703

**Sec. 3127.39.** Except as otherwise provided in section 3127.41 1704  
of the Revised Code, the petition and order shall be served by any 1705  
method authorized by the Rules of Civil Procedure upon respondent 1706  
and any person who has physical custody of the child. 1707



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

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

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(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.

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

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

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

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(B) The court shall award the fees, costs, and expenses authorized under section 3127.42 of the Revised Code, and may grant additional relief, including a request for the assistance of

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law enforcement officials, and shall set a further hearing to 1738  
determine whether the additional relief is appropriate. 1739

(C) If a party called to testify in a proceeding to enforce a 1740  
parenting determination refuses to answer on the basis that the 1741  
testimony may be self-incriminating, the court may draw an adverse 1742  
inference from the refusal. 1743

(D) A privilege against disclosure of communications between 1744  
spouses and a defense of immunity based on the relationship of 1745  
husband and wife or parent and child may not be invoked in a 1746  
proceeding under this chapter. 1747

Sec. 3127.41. (A) Upon the filing of a petition seeking 1748  
enforcement of a parenting determination, the petitioner may file 1749  
a verified application for the issuance of a warrant to take 1750  
physical custody of the child if the child is imminently likely to 1751  
suffer serious physical harm or be removed from this state. 1752

(B) If the court, upon the testimony of the petitioner or 1753  
another witness, finds that the child is imminently likely to 1754  
suffer serious physical harm or be removed from this state, it may 1755  
issue a warrant to take physical custody of the child. If 1756  
possible, the court shall hear the petition on the next judicial 1757  
day after the warrant is executed. If it is impossible to hold a 1758  
hearing on that date, the court shall hold the hearing on the 1759  
first judicial day possible. The application for the warrant shall 1760  
include the statements required by division (B) of section 3127.38 1761  
of the Revised Code. 1762

(C) A warrant to take physical custody of a child shall do 1763  
all of the following: 1764

(1) Specify the facts upon which a conclusion of imminent 1765  
serious physical harm or removal from the jurisdiction is based; 1766

(2) Direct law enforcement officers to take physical custody 1767

<u>of the child immediately;</u>	1768
<u>(3) Provide for the placement of the child pending final relief.</u>	1769 1770
<u>(D) The respondent shall be served with the petition, warrant, and order immediately after the child is taken into physical custody.</u>	1771 1772 1773
<u>(E) A warrant to take physical custody of a child is enforceable throughout this state. If the court finds on the basis of the testimony of the petitioner or another witness that a less intrusive remedy is not effective, it may authorize law enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law enforcement officers to make a forcible entry at any hour.</u>	1774 1775 1776 1777 1778 1779 1780 1781
<u>(F) The court may impose conditions upon the placement of a child to ensure the appearance of the child and the child's custodian.</u>	1782 1783 1784
<u>Sec. 3127.42. (A) A court shall award the prevailing party in an action to enforce a parenting determination, including a state, necessary and reasonable expenses incurred by or on behalf of the party, including costs, communication expenses, attorney's fees, investigative fees, expenses for witnesses, travel expenses, and child care during the course of the proceedings, unless the party from whom fees or expenses are sought establishes that the award would be clearly inappropriate.</u>	1785 1786 1787 1788 1789 1790 1791 1792
<u>(B) The court shall not assess fees, costs, or expenses against a state or a political subdivision of a state unless authorized by law other than this chapter.</u>	1793 1794 1795
<u>Sec. 3127.43. A court of this state shall accord full faith</u>	1796

and credit to an order issued by another state consistent with 1797  
this chapter that enforces a parenting determination by a court of 1798  
another state unless the order has been vacated, stayed, or 1799  
modified by a court having jurisdiction to do so under sections 1800  
3127.15 to 3127.24 of the Revised Code or a similar statute of 1801  
another state. 1802

Sec. 3127.44. An appeal may be taken from a final order in a 1803  
proceeding under sections 3127.31 to 3127.47 of the Revised Code. 1804  
The supreme court of this state shall, by rule, provide for 1805  
expedited appellate review of cases appealed under this section. 1806  
Unless the court enters a temporary emergency order under section 1807  
3127.18 of the Revised Code, the enforcing court may not stay an 1808  
order enforcing a parenting determination pending appeal. 1809

Sec. 3127.45. (A) In a case arising under this chapter or 1810  
involving the Hague Convention on the Civil Aspects in 1811  
International Child Abduction, the prosecutor may take any lawful 1812  
action, including resort to a proceeding under sections 3127.31 to 1813  
3127.47 of the Revised Code or any other available civil 1814  
proceeding, to locate a child, obtain the return of a child, or 1815  
enforce a parenting determination if there is any of the 1816  
following: 1817

(1) An existing parenting determination; 1818

(2) A request to locate a child, obtain the return of a 1819  
child, or enforce a parenting determination from a court in a 1820  
pending parenting proceeding; 1821

(3) A reasonable belief that a criminal statute has been 1822  
violated; 1823

(4) A reasonable belief that the child has been wrongfully 1824  
removed or retained in violation of the Hague Convention on the 1825

<u>Civil Aspects of International Child Abduction.</u>	1826
<u>(B) A prosecutor acting under this section acts on behalf of</u>	1827
<u>the court and may not represent any party.</u>	1828
<u>Sec. 3127.46. At the request of a prosecutor or other</u>	1829
<u>appropriate public official acting under section 3127.45 of the</u>	1830
<u>Revised Code, a law enforcement officer may take any lawful action</u>	1831
<u>reasonably necessary to locate a child or a party and assist a</u>	1832
<u>prosecutor or appropriate public official with responsibilities</u>	1833
<u>under section 3127.45 of the Revised Code.</u>	1834
<u>Sec. 3127.47. If the respondent is not the prevailing party,</u>	1835
<u>the court may assess against the respondent all direct expenses</u>	1836
<u>and costs incurred by the prosecutor or other appropriate public</u>	1837
<u>official and law enforcement officers under section 3127.45 or</u>	1838
<u>3127.46 of the Revised Code.</u>	1839
<u>Sec. 3127.51. In applying and construing sections 3127.01 to</u>	1840
<u>3127.53 of the Revised Code, consideration shall be given to the</u>	1841
<u>need to promote uniformity of law with respect to its subject</u>	1842
<u>matter among states that enact a uniform child custody</u>	1843
<u>jurisdiction and enforcement act.</u>	1844
<u>Sec. 3127.52. If any provision of this chapter or its</u>	1845
<u>application to any person or circumstance is held invalid, the</u>	1846
<u>invalidity does not affect other provisions or applications of</u>	1847
<u>this chapter that can be given effect without the invalid</u>	1848
<u>provision or application, and to this end the provisions of this</u>	1849
<u>chapter are severable.</u>	1850
<u>Sec. 3127.53. A motion or other request for relief made in a</u>	1851
<u>parenting proceeding or to enforce a parenting determination that</u>	1852
<u>was commenced before the effective date of this chapter is</u>	1853

governed by the law in effect at the time the motion or other 1854  
request was made. 1855

**Section 2.** That existing sections 2111.06, 2151.23, 2151.27, 1856  
2152.021, 3109.04, 3109.27, 3109.29, and 3109.37 and sections 1857  
3109.21, 3109.22, 3109.23, 3109.24, 3109.25, 3109.26, 3109.28, 1858  
3109.30, 3109.31, 3109.32, 3109.33, 3109.34, 3109.35, and 3109.36 1859  
of the Revised Code are hereby repealed. 1860