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**Representatives Gilb, Hood, McGregor, Allen, Harwood, Aslanides, Barrett,
Beatty, Blessing, Book, Brown, Bulp, Cassell, Chandler, Collier, Combs,
DeGeeter, Domenick, C. Evans, D. Evans, Faber, Fende, Flowers, Garrison,
Hagan, Healy, Hughes, Latta, Mason, Mitchell, Oelslager, Otterman, S. Patton,
Perry, Raussen, Reidelbach, Schaffer, Schneider, Seaver, Seitz, G. Smith,
D. Stewart, Wagoner, Webster, Wolpert, Yuko
Senators Dann, Armbruster, Cates, Gardner, Harris, Zurz, Padgett, Niehaus,
Spada, Clancy, Mumper, Goodman**

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A B I L L

To amend sections 3111.04, 3111.06, 3111.07, 1
3111.381, and 3123.171 and to enact section 2
3109.043 of the Revised Code relative to paternity 3
actions and interest on child support arrearages, 4
to allow a child support enforcement agency to 5
bring an action relative to the determination of a 6
parent and child relationship if the child's 7
father or alleged father receives public 8
assistance or services under Title IV-D of the 9
"Social Security Act," and to allow a court to 10
make a temporary custody determination before a 11
parent and child relationship has been legally 12
established. 13

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

Section 1. That sections 3111.04, 3111.06, 3111.07, 3111.381, 14

and 3123.171 be amended and section 3109.043 of the Revised Code 15
be enacted to read as follows: 16

Sec. 3109.043. In any proceeding pertaining to the allocation 17
of parental rights and responsibilities for the care of a child, 18
when requested in the complaint, answer, or counterclaim, or by 19
motion served with the pleading, upon satisfactory proof by 20
affidavit duly filed with the clerk of the court, the court, 21
without oral hearing and for good cause shown, may make a 22
temporary order regarding the allocation of parental rights and 23
responsibilities for the care of the child while the action is 24
pending. 25

If a parent and child relationship has not already been 26
established pursuant to section 3111.02 of the Revised Code, the 27
court may take into consideration when determining whether to 28
award parenting time, visitation rights, or temporary custody to a 29
putative father that the putative father is named on the birth 30
record of the child, the child has the putative father's surname, 31
or a clear pattern of a parent and child relationship between the 32
child and the putative father exists. 33

Sec. 3111.04. (A) An action to determine the existence or 34
nonexistence of the father and child relationship may be brought 35
by the child or the child's personal representative, the child's 36
mother or her personal representative, a man alleged or alleging 37
himself to be the child's father, the child support enforcement 38
agency of the county in which the child resides if the child's 39
mother, father, or alleged father is a recipient of public 40
assistance or of services under Title IV-D of the "Social Security 41
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 42
alleged father's personal representative. 43

(B) An agreement does not bar an action under this section. 44

(C) If an action under this section is brought before the 45
birth of the child and if the action is contested, all 46
proceedings, except service of process and the taking of 47
depositions to perpetuate testimony, may be stayed until after the 48
birth. 49

(D) A recipient of public assistance or of services under 50
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 51
U.S.C.A. 651, as amended, shall cooperate with the child support 52
enforcement agency of the county in which a child resides to 53
obtain an administrative determination pursuant to sections 54
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 55
determination pursuant to sections 3111.01 to 3111.18 of the 56
Revised Code, of the existence or nonexistence of a parent and 57
child relationship between the father and the child. If the 58
recipient fails to cooperate, the agency may commence an action to 59
determine the existence or nonexistence of a parent and child 60
relationship between the father and the child pursuant to sections 61
3111.01 to 3111.18 of the Revised Code. 62

(E) As used in this section, "public assistance" means 63
medical assistance under Chapter 5111. of the Revised Code, 64
assistance under Chapter 5107. of the Revised Code, disability 65
financial assistance under Chapter 5115. of the Revised Code, or 66
disability medical assistance under Chapter 5115. of the Revised 67
Code. 68

Sec. 3111.06. (A) ~~An~~ Except as otherwise provided in division 69
(B) or (C) of section 3111.381 of the Revised Code, an action 70
authorized under sections 3111.01 to 3111.18 of the Revised Code 71
may be brought in the juvenile court or other court with 72
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 73
of the county in which the child, the child's mother, or the 74
alleged father resides or is found or, if the alleged father is 75

deceased, of the county in which proceedings for the probate of 76
the alleged father's estate have been or can be commenced, or of 77
the county in which the child is being provided support by the 78
county department of job and family services of that county. An 79
action pursuant to sections 3111.01 to 3111.18 of the Revised Code 80
to object to an administrative order issued pursuant to former 81
section 3111.21 or 3111.22 or sections 3111.38 to 3111.54 of the 82
Revised Code determining the existence or nonexistence of a parent 83
and child relationship that has not become final and enforceable, 84
may be brought only in the juvenile court or other court with 85
jurisdiction of the county in which the child support enforcement 86
agency that issued the order is located. If an action for divorce, 87
dissolution, or legal separation has been filed in a court of 88
common pleas, that court of common pleas has original jurisdiction 89
to determine if the parent and child relationship exists between 90
one or both of the parties and any child alleged or presumed to be 91
the child of one or both of the parties. 92

(B) A person who has sexual intercourse in this state submits 93
to the jurisdiction of the courts of this state as to an action 94
brought under sections 3111.01 to 3111.18 of the Revised Code with 95
respect to a child who may have been conceived by that act of 96
intercourse. In addition to any other method provided by the Rules 97
of Civil Procedure, personal jurisdiction may be acquired by 98
personal service of summons outside this state or by certified 99
mail with proof of actual receipt. 100

Sec. 3111.07. (A) The natural mother, each man presumed to be 101
the father under section 3111.03 of the Revised Code, and each man 102
alleged to be the natural father, ~~and, if the party who initiates~~ 103
~~the action is a recipient of public assistance as defined in~~ 104
~~section 3111.04 of the Revised Code or if the responsibility for~~ 105
~~the collection of support for the child who is the subject of the~~ 106

action has been assumed by the child support enforcement agency 107
under Title IV D of the "Social Security Act," 88 Stat. 2351 108
(1975), 42 U.S.C.A. 651, as amended, the child support enforcement 109
agency of the county in which the child resides shall be made 110
parties to the action brought pursuant to sections 3111.01 to 111
3111.18 of the Revised Code or, if not subject to the jurisdiction 112
of the court, shall be given notice of the action pursuant to the 113
Rules of Civil Procedure and shall be given an opportunity to be 114
heard. The child support enforcement agency of the county in which 115
the action is brought also shall be given notice of the action 116
pursuant to the Rules of Civil Procedure and shall be given an 117
opportunity to be heard. The court may align the parties. The 118
child shall be made a party to the action unless a party shows 119
good cause for not doing so. Separate counsel shall be appointed 120
for the child if the court finds that the child's interests 121
conflict with those of the mother. 122

If the person bringing the action knows that a particular man 123
is not or, based upon the facts and circumstances present, could 124
not be the natural father of the child, the person bringing the 125
action shall not allege in the action that the man is the natural 126
father of the child and shall not make the man a party to the 127
action. 128

(B) If an action is brought pursuant to sections 3111.01 to 129
3111.18 of the Revised Code and the child to whom the action 130
pertains is or was being provided support by the department of job 131
and family services, a county department of job and family 132
services, or another public agency, the department, county 133
department, or agency may intervene for purposes of collecting or 134
recovering the support. 135

Sec. 3111.381. (A) Except as provided in division divisions 136
(B), (C), (D), and (E) of this section, no person may bring an 137

action under sections 3111.01 to 3111.18 of the Revised Code 138
unless the person has requested an administrative determination 139
under section 3111.38 of the Revised Code of the existence or 140
nonexistence of a parent and child relationship. 141

(B) An action to determine the existence or nonexistence of a 142
parent and child relationship may be brought by the child's mother 143
in the appropriate division of the court of common pleas in the 144
county in which the child resides, without requesting an 145
administrative determination, if the child's mother brings the 146
action in order to request an order to determine the allocation of 147
parental rights and responsibilities, the payment of all or any 148
part of the reasonable expenses of the mother's pregnancy and 149
confinement, or support of the child. The clerk of the court shall 150
forward a copy of the complaint to the child support enforcement 151
agency of the county in which the complaint is filed. 152

(C) An action to determine the existence or nonexistence of a 153
parent and child relationship may be brought by the putative 154
father of the child in the appropriate division of the court of 155
common pleas in the county in which the child resides, without 156
requesting an administrative determination, if the putative father 157
brings the action in order to request an order to determine the 158
allocation of parental rights and responsibilities. The clerk of 159
the court shall forward a copy of the complaint to the child 160
support enforcement agency of the county in which the complaint is 161
filed. 162

(D) If services are requested by the court, under divisions 163
(B) and (C) of this section, of the child support enforcement 164
agency to determine the existence or nonexistence of a parent and 165
child relationship, a Title IV-D application must be completed and 166
delivered to the child support enforcement agency. 167

(E) If the alleged father of a child is deceased and 168
proceedings for the probate of the estate of the alleged father 169

have been or can be commenced, the court with jurisdiction over 170
the probate proceedings shall retain jurisdiction to determine the 171
existence or nonexistence of a parent and child relationship 172
between the alleged father and any child without an administrative 173
determination being requested from a child support enforcement 174
agency. 175

If an action for divorce, dissolution of marriage, or legal 176
separation, or an action under section 2151.231 or 2151.232 of the 177
Revised Code requesting an order requiring the payment of child 178
support and provision for the health care of a child, has been 179
filed in a court of common pleas and a question as to the 180
existence or nonexistence of a parent and child relationship 181
arises, the court in which the original action was filed shall 182
retain jurisdiction to determine the existence or nonexistence of 183
the parent and child relationship without an administrative 184
determination being requested from a child support enforcement 185
agency. 186

If a juvenile court or other court with jurisdiction under 187
section 2101.022 or 2301.03 of the Revised Code issues a support 188
order under section 2151.231 or 2151.232 of the Revised Code 189
relying on a presumption under section 3111.03 of the Revised 190
Code, the juvenile court or other court with jurisdiction that 191
issued the support order shall retain jurisdiction if a question 192
as to the existence of a parent and child relationship arises. 193

Sec. 3123.171. ~~Notwithstanding section 1343.03 of the Revised~~ 194
~~Code, interest may be charged on the amount of support arrearages~~ 195
~~owed pursuant to a default under a child support order only as~~ 196
~~provided by~~ When a court renders a money judgment for child 197
support, pursuant to a motion for a lump sum judgment filed by an 198
obligee, interest shall accrue on that arrearage unless the court 199
finds that it would be inequitable to assess interest. The 200

interest shall accrue from the date the judgment is rendered to a 201
date certain set for payment of the judgment at a rate specified 202
in section 1343.03 of the Revised Code at the time the judgment is 203
rendered. A court may assess interest on a child support arrearage 204
prior to judgment pursuant to section 3123.17 of the Revised Code. 205
The court shall enter the amount due, including interest, in the 206
journal. If interest is not assessed, the court shall enter the 207
reasons for not assessing interest in the journal. 208

Section 2. That existing sections 3111.04, 3111.06, 3111.07, 209
3111.381, and 3123.171 of the Revised Code are hereby repealed. 210