

**As Reported by the House Juvenile and Family Law Committee**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. H. B. No. 136**

**Representatives Gilb, Hood, McGregor, Allen, Harwood**

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**A B I L L**

To amend sections 3111.07, 3111.381, and 3123.171 of 1  
the Revised Code relative to paternity actions and 2  
interest on child support arrearages. 3

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

**Section 1.** That sections 3111.07, 3111.381, and 3123.171 of 4  
the Revised Code be amended to read as follows: 5

**Sec. 3111.07.** (A) The natural mother, each man presumed to be 6  
the father under section 3111.03 of the Revised Code, and each man 7  
alleged to be the natural father, ~~and, if the party who initiates~~ 8  
~~the action is a recipient of public assistance as defined in~~ 9  
~~section 3111.04 of the Revised Code or if the responsibility for~~ 10  
~~the collection of support for the child who is the subject of the~~ 11  
~~action has been assumed by the child support enforcement agency~~ 12  
~~under Title IV-D of the "Social Security Act," 88 Stat. 2351~~ 13  
~~(1975), 42 U.S.C.A. 651, as amended, the child support enforcement~~ 14  
~~agency of the county in which the child resides shall be made~~ 15  
parties to the action brought pursuant to sections 3111.01 to 16  
3111.18 of the Revised Code or, if not subject to the jurisdiction 17  
of the court, shall be given notice of the action pursuant to the 18  
Rules of Civil Procedure and shall be given an opportunity to be 19  
heard. The child support enforcement agency of the county in which 20

the action is brought also shall be given notice of the action 21  
pursuant to the Rules of Civil Procedure and shall be given an 22  
opportunity to be heard. The court may align the parties. The 23  
child shall be made a party to the action unless a party shows 24  
good cause for not doing so. Separate counsel shall be appointed 25  
for the child if the court finds that the child's interests 26  
conflict with those of the mother. 27

If the person bringing the action knows that a particular man 28  
is not or, based upon the facts and circumstances present, could 29  
not be the natural father of the child, the person bringing the 30  
action shall not allege in the action that the man is the natural 31  
father of the child and shall not make the man a party to the 32  
action. 33

(B) If an action is brought pursuant to sections 3111.01 to 34  
3111.18 of the Revised Code and the child to whom the action 35  
pertains is or was being provided support by the department of job 36  
and family services, a county department of job and family 37  
services, or another public agency, the department, county 38  
department, or agency may intervene for purposes of collecting or 39  
recovering the support. 40

**Sec. 3111.381.** (A) Except as provided in ~~division~~ divisions 41  
(B), (C), (D), and (E) of this section, no person may bring an 42  
action under sections 3111.01 to 3111.18 of the Revised Code 43  
unless the person has requested an administrative determination 44  
under section 3111.38 of the Revised Code of the existence or 45  
nonexistence of a parent and child relationship. 46

(B) An action to determine the existence or nonexistence of a 47  
parent and child relationship may be brought in the appropriate 48  
division of the court of common pleas by the child's mother, 49  
without requesting an administrative determination, if the child's 50

mother requests an order to determine the allocation of parental 51  
rights and responsibilities, the payment of all or any part of the 52  
reasonable expenses of the mother's pregnancy and confinement, or 53  
support of the child. The clerk of the court shall forward a copy 54  
of the complaint to the child support enforcement agency of the 55  
county in which the complaint is filed. 56

(C) An action to determine the existence or nonexistence of a 57  
parent and child relationship may be brought in the appropriate 58  
division of the court of common pleas by the putative father of 59  
the child, without requesting an administrative determination, if 60  
the putative father requests an order to determine the allocation 61  
of parental rights and responsibilities. The clerk of the court 62  
shall forward a copy of the complaint to the child support 63  
enforcement agency of the county in which the complaint is filed. 64

(D) If services are requested by the court, under divisions 65  
(B) and (C) of this section, of the child support enforcement 66  
agency to determine the existence or nonexistence of a parent and 67  
child relationship, a Title IV-D application must be completed and 68  
delivered to the child support enforcement agency. 69

(E) If the alleged father of a child is deceased and 70  
proceedings for the probate of the estate of the alleged father 71  
have been or can be commenced, the court with jurisdiction over 72  
the probate proceedings shall retain jurisdiction to determine the 73  
existence or nonexistence of a parent and child relationship 74  
between the alleged father and any child without an administrative 75  
determination being requested from a child support enforcement 76  
agency. 77

If an action for divorce, dissolution of marriage, or legal 78  
separation, or an action under section 2151.231 or 2151.232 of the 79  
Revised Code requesting an order requiring the payment of child 80  
support and provision for the health care of a child, has been 81  
filed in a court of common pleas and a question as to the 82

existence or nonexistence of a parent and child relationship 83  
arises, the court in which the original action was filed shall 84  
retain jurisdiction to determine the existence or nonexistence of 85  
the parent and child relationship without an administrative 86  
determination being requested from a child support enforcement 87  
agency. 88

If a juvenile court or other court with jurisdiction under 89  
section 2101.022 or 2301.03 of the Revised Code issues a support 90  
order under section 2151.231 or 2151.232 of the Revised Code 91  
relying on a presumption under section 3111.03 of the Revised 92  
Code, the juvenile court or other court with jurisdiction that 93  
issued the support order shall retain jurisdiction if a question 94  
as to the existence of a parent and child relationship arises. 95

**Sec. 3123.171.** ~~Notwithstanding section 1343.03 of the Revised~~ 96  
~~Code, interest may be charged on the amount of support arrearages~~ 97  
~~owed pursuant to a default under a child support order only as~~ 98  
~~provided by~~ When a court renders a money judgment for child 99  
support, pursuant to a motion for a lump sum judgment filed by an 100  
obligee, interest shall accrue on that arrearage unless the court 101  
finds that it would be inequitable to assess interest. The 102  
interest shall accrue from the date the judgment is rendered to a 103  
date certain set for payment of the judgment at a rate specified 104  
in section 1343.03 of the Revised Code at the time the judgment is 105  
rendered. A court may assess interest on a child support arrearage 106  
prior to judgment pursuant to section 3123.17 of the Revised Code. 107  
The court shall enter the amount due, including interest, in the 108  
journal. If interest is not assessed, the court shall enter the 109  
reasons for not assessing interest in the journal. 110

**Section 2.** That existing sections 3111.07, 3111.381, and 111  
3123.171 of the Revised Code are hereby repealed. 112