

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. B. No. 189

Senator Goodman

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A B I L L

To amend sections 145.571, 742.462, 2151.23, 1
2151.231, 2151.352, 2919.21, 2919.231, 3103.031, 2
3105.85, 3107.01, 3107.06, 3107.061, 3107.064, 3
3107.07, 3107.11, 3109.12, 3109.19, 3111.02, 4
3111.03, 3111.33, 3111.35, 3111.381, 3111.64, 5
3111.66, 3111.72, 3111.78, 3111.80, 3111.821, 6
3119.01, 3119.961, 3119.962, 3125.28, 3305.21, 7
3307.371, 3309.671, 3705.09, 3705.24, 3727.17, 8
5103.16, and 5505.261; to amend, for the purpose 9
of adopting new section numbers as indicated in 10
parentheses, sections 3111.32 (3111.21), 3111.33 11
(3111.22), and 3111.35 (3111.23); and to repeal 12
sections 2151.232, 3111.21, 3111.22, 3111.23, 13
3111.24, 3111.25, 3111.26, 3111.27, 3111.28, 14
3111.29, 3111.30, 3111.31, 3111.34, 3111.44, 15
3111.74, and 3705.091 of the Revised Code 16
regarding adoption law, custody of an abused, 17
neglected, or dependent child, and the elimination 18
of acknowledgments of paternity. 19

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

Section 1. That sections 145.571, 742.462, 2151.23, 2151.231, 20
2151.352, 2919.21, 2919.231, 3103.031, 3105.85, 3107.01, 3107.06, 21

3107.061, 3107.064, 3107.07, 3107.11, 3109.12, 3109.19, 3111.02, 22
3111.03, 3111.33, 3111.35, 3111.381, 3111.64, 3111.66, 3111.72, 23
3111.78, 3111.80, 3111.821, 3119.01, 3119.961, 3119.962, 3125.28, 24
3305.21, 3307.371, 3309.671, 3705.09, 3705.24, 3727.17, 5103.16, 25
and 5505.261 be amended, and that sections 3111.32 (3111.21), 26
3111.33 (3111.22), and 3111.35 (3111.23) of the Revised Code be 27
amended for the purpose of adopting new section numbers as 28
indicated in parentheses to read as follows: 29

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Sec. 145.571. (A) As used in this section, "alternate payee," 31
"benefit," "lump sum payment," "participant," and "public 32
retirement program" have the same meanings as in section 3105.80 33
of the Revised Code. 34

(B) On receipt of an order issued under section 3105.171 or 35
3105.65 of the Revised Code, the public employees retirement 36
system shall determine whether the order meets the requirements of 37
sections 3105.80 to 3105.90 of the Revised Code. The system shall 38
retain in the participant's record an order the system determines 39
meets the requirements. Not later than sixty days after receipt, 40
the system shall return to the court that issued the order any 41
order the system determines does not meet the requirements. 42

(C) The system shall comply with an order retained under 43
division (B) of this section at the following times as 44
appropriate: 45

(1) If the participant has applied for or is receiving a 46
benefit or has applied for but not yet received a lump sum 47
payment, as soon as practicable; 48

(2) If the participant has not applied for a benefit or lump 49
sum payment, on application by the participant for a benefit or 50
lump sum payment. 51

(D) If the system transfers a participant's service credit or contributions made by or on behalf of a participant to a public retirement program that is not named in the order, the system shall do both of the following:

(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the public retirement program to which the transfer was made;

(2) Send a copy of the order to the public retirement program to which the transfer was made.

(E) If it receives a participant's service credit or contributions and a copy of an order as provided in division (D) of this section, the system shall administer the order as if it were the public retirement program named in the order.

(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under ~~section~~ former section 3111.23 or 3113.21 of the Revised Code, the system shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following:

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the system;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under ~~section~~ 82
former section 3111.23 or 3113.21 of the Revised Code or an order 83
described in section 3115.32 of the Revised Code has priority over 84
all other orders and shall be complied with in accordance with 85
child support enforcement laws. All other orders are entitled to 86
priority in order of earliest retention by the system. The system 87
is not to retain an order that provides for the division of 88
property unless the order is filed in a court with jurisdiction in 89
this state. 90

(H) The system is not liable in civil damages for loss 91
resulting from any action or failure to act in compliance with 92
this section. 93

Sec. 742.462. (A) As used in this section, "alternate payee," 94
"benefit," "lump sum payment," "participant," and "public 95
retirement program" have the same meanings as in section 3105.80 96
of the Revised Code. 97

(B) On receipt of an order issued under section 3105.171 or 98
3105.65 of the Revised Code, the Ohio police and fire pension fund 99
shall determine whether the order meets the requirements of 100
sections 3105.80 to 3105.90 of the Revised Code. The fund shall 101
retain in the participant's record an order the fund determines 102
meets the requirements. Not later than sixty days after receipt, 103
the fund shall return to the court that issued the order any order 104
the fund determines does not meet the requirements. 105

(C) The fund shall comply with an order retained under 106
division (B) of this section at the following times as 107
appropriate: 108

(1) If the participant has applied for or is receiving a 109
benefit or has applied for but not yet received a lump sum 110
payment, as soon as practicable; 111

(2) If the participant has not applied for a benefit or lump sum payment, on application by the participant for a benefit or lump sum payment. 112
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(D) If the fund transfers a participant's service credit or contributions made by or on behalf of a participant to a public retirement program that is not named in the order, the fund shall do both of the following: 115
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(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the public retirement program to which the transfer was made; 119
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(2) Send a copy of the order to the public retirement program to which the transfer was made. 122
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(E) If it receives a participant's service credit or contributions and a copy of an order as provided in division (D) of this section, the fund shall administer the order as if it were the public retirement program named in the order. 124
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(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under ~~section~~ former section 3111.23 or 3113.21 of the Revised Code, the fund shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following: 128
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(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the fund in accordance with division (G) of this section; 137
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(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section; 141
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(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division. 143
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(G) A withholding or deduction notice issued under ~~section~~ former section 3111.23 or 3113.21 of the Revised Code or an order described in section 3115.32 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the fund. The fund is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state. 145
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(H) The fund is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section. 154
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Sec. 2151.23. (A) The juvenile court has exclusive original jurisdiction under the Revised Code as follows: 157
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(1) Concerning any child who on or about the date specified in the complaint, indictment, or information is alleged to have violated section 2151.87 of the Revised Code or an order issued under that section or to be a juvenile traffic offender or a delinquent, unruly, abused, neglected, or dependent child and, based on and in relation to the allegation pertaining to the child, concerning the parent, guardian, or other person having care of a child who is alleged to be an unruly or delinquent child for being an habitual or chronic truant; 159
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(2) Subject to divisions (G) and (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state; 168
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(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child; 171
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(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to hospitalization by court order, as defined in section 5122.01 of the Revised Code;	173 174 175 176 177 178
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	179 180
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	181 182 183 184 185 186 187 188 189 190
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	191 192
(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;	193 194 195 196
(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;	197 198 199 200
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	201 202
(11) Subject to divisions (G) and (V) of section 2301.03 of	203

the Revised Code, to hear and determine a request for an order for 204
the support of any child if the request is not ancillary to an 205
action for divorce, dissolution of marriage, annulment, or legal 206
separation, a criminal or civil action involving an allegation of 207
domestic violence, or an action for support brought under Chapter 208
3115. of the Revised Code; 209

(12) Concerning an action commenced under section 121.38 of 210
the Revised Code; 211

(13) To hear and determine violations of section 3321.38 of 212
the Revised Code; 213

(14) To exercise jurisdiction and authority over the parent, 214
guardian, or other person having care of a child alleged to be a 215
delinquent child, unruly child, or juvenile traffic offender, 216
based on and in relation to the allegation pertaining to the 217
child; 218

(15) To conduct the hearings, and to make the determinations, 219
adjudications, and orders authorized or required under sections 220
2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding 221
a child who has been adjudicated a delinquent child and to refer 222
the duties conferred upon the juvenile court judge under sections 223
2152.82 to 2152.86 and Chapter 2950. of the Revised Code to 224
magistrates appointed by the juvenile court judge in accordance 225
with Juvenile Rule 40. 226

(B) Except as provided in divisions (G) and (I) of section 227
2301.03 of the Revised Code, the juvenile court has original 228
jurisdiction under the Revised Code: 229

(1) To hear and determine all cases of misdemeanors charging 230
adults with any act or omission with respect to any child, which 231
act or omission is a violation of any state law or any municipal 232
ordinance; 233

(2) To determine the paternity of any child alleged to have 234

been born out of wedlock pursuant to sections 3111.01 to 3111.18	235
of the Revised Code;	236
(3) Under the uniform interstate family support act in	237
Chapter 3115. of the Revised Code;	238
(4) To hear and determine an application for an order for the	239
support of any child, if the child is not a ward of another court	240
of this state;	241
(5) To hear and determine an action commenced under section	242
3111.28 of the Revised Code;	243
(6) To hear and determine a motion filed under section	244
3119.961 of the Revised Code;	245
(7) <u>(6)</u> To receive filings under section 3109.74 of the	246
Revised Code, and to hear and determine actions arising under	247
sections 3109.51 to 3109.80 of the Revised Code.	248
(8) <u>(7)</u> To enforce an order for the return of a child made	249
under the Hague Convention on the Civil Aspects of International	250
Child Abduction pursuant to section 3127.32 of the Revised Code;	251
(9) <u>(8)</u> To grant any relief normally available under the laws	252
of this state to enforce a child custody determination made by a	253
court of another state and registered in accordance with section	254
3127.35 of the Revised Code.	255
(C) The juvenile court, except as to juvenile courts that are	256
a separate division of the court of common pleas or a separate and	257
independent juvenile court, has jurisdiction to hear, determine,	258
and make a record of any action for divorce or legal separation	259
that involves the custody or care of children and that is filed in	260
the court of common pleas and certified by the court of common	261
pleas with all the papers filed in the action to the juvenile	262
court for trial, provided that no certification of that nature	263
shall be made to any juvenile court unless the consent of the	264

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.

(D) The juvenile court, except as provided in divisions (G) and (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.

(E) The juvenile court, except as provided in divisions (G) and (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.

(F)(1) The juvenile court shall exercise its jurisdiction in child custody matters in accordance with sections 3109.04 and 3127.01 to 3127.53 of the Revised Code and, as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

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

(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 296
contempt of court for failure to make support payments under the 297
order, the court that makes the finding, in addition to any other 298
penalty or remedy imposed, shall assess all court costs arising 299
out of the contempt proceeding against the person and require the 300
person to pay any reasonable attorney's fees of any adverse party, 301
as determined by the court, that arose in relation to the act of 302
contempt. 303

(H) If a child who is charged with an act that would be an 304
offense if committed by an adult was fourteen years of age or 305
older and under eighteen years of age at the time of the alleged 306
act and if the case is transferred for criminal prosecution 307
pursuant to section 2152.12 of the Revised Code, the juvenile 308
court does not have jurisdiction to hear or determine the case 309
subsequent to the transfer. The court to which the case is 310
transferred for criminal prosecution pursuant to that section has 311
jurisdiction subsequent to the transfer to hear and determine the 312
case in the same manner as if the case originally had been 313
commenced in that court, including, but not limited to, 314
jurisdiction to accept a plea of guilty or another plea authorized 315
by Criminal Rule 11 or another section of the Revised Code and 316
jurisdiction to accept a verdict and to enter a judgment of 317
conviction pursuant to the Rules of Criminal Procedure against the 318
child for the commission of the offense that was the basis of the 319
transfer of the case for criminal prosecution, whether the 320
conviction is for the same degree or a lesser degree of the 321
offense charged, for the commission of a lesser-included offense, 322
or for the commission of another offense that is different from 323
the offense charged. 324

(I) If a person under eighteen years of age allegedly commits 325
an act that would be a felony if committed by an adult and if the 326
person is not taken into custody or apprehended for that act until 327

after the person attains twenty-one years of age, the juvenile 328
court does not have jurisdiction to hear or determine any portion 329
of the case charging the person with committing that act. In those 330
circumstances, divisions (A) and (B) of section 2152.12 of the 331
Revised Code do not apply regarding the act, and the case charging 332
the person with committing the act shall be a criminal prosecution 333
commenced and heard in the appropriate court having jurisdiction 334
of the offense as if the person had been eighteen years of age or 335
older when the person committed the act. All proceedings 336
pertaining to the act shall be within the jurisdiction of the 337
court having jurisdiction of the offense, and that court has all 338
the authority and duties in the case that it has in other criminal 339
cases in that court. 340

Sec. 2151.231. The parent, guardian, or custodian of a child, 341
the person with whom a child resides, or the child support 342
enforcement agency of the county in which the child, parent, 343
guardian, or custodian of the child resides may bring an action in 344
a juvenile court or other court with jurisdiction under section 345
2101.022 or 2301.03 of the Revised Code under this section 346
requesting the court to issue an order requiring a parent of the 347
child to pay an amount for the support of the child without regard 348
to the marital status of the child's parents. ~~No action may be 349
brought under this section against a person presumed to be the 350
parent of a child based on an acknowledgment of paternity that has 351
not yet become final under former section 3111.211 or 5101.314 or 352
section 2151.232, 3111.25, or 3111.821 of the Revised Code. 353~~

The parties to an action under this section may raise the 354
issue of the existence or nonexistence of a parent-child 355
relationship, unless a final and enforceable determination of the 356
issue has been made with respect to the parties pursuant to 357
Chapter 3111. of the Revised Code ~~or an acknowledgment of 358
paternity signed by the child's parents has become final pursuant 359~~

~~to former section 3111.211 or 5101.314 or section 2151.232,~~ 360
~~3111.25, or 3111.821 of the Revised Code.~~ If a complaint is filed 361
under this section and an issue concerning the existence or 362
nonexistence of a parent-child relationship is raised, the court 363
shall treat the action as an action pursuant to sections 3111.01 364
to 3111.18 of the Revised Code. An order issued in an action under 365
this section does not preclude a party to the action from bringing 366
a subsequent action pursuant to sections 3111.01 to 3111.18 of the 367
Revised Code if the issue concerning the existence or nonexistence 368
of the parent-child relationship was not determined with respect 369
to the party pursuant to a proceeding under this section, or a 370
proceeding under Chapter 3111. of the Revised Code, ~~or an~~ 371
~~acknowledgment of paternity that has become final under former~~ 372
~~section 3111.211 or 5101.314 or section 2151.232, 3111.25, or~~ 373
~~3111.821 of the Revised Code.~~ An order issued pursuant to this 374
section shall remain effective until an order is issued pursuant 375
to sections 3111.01 to 3111.18 of the Revised Code that a 376
parent-child relationship does not exist between the alleged 377
father of the child and the child or until the occurrence of an 378
event described in section 3119.88 of the Revised Code that would 379
require the order to terminate. 380

The court, in accordance with sections 3119.29 to 3119.56 of 381
the Revised Code, shall include in each support order made under 382
this section the requirement that one or both of the parents 383
provide for the health care needs of the child to the satisfaction 384
of the court. 385

Sec. 2151.352. A child, the child's parents or custodian, or 386
any other person in loco parentis of the child is entitled to 387
representation by legal counsel at all stages of the proceedings 388
under this chapter or Chapter 2152. of the Revised Code. If, as an 389
indigent person, a party is unable to employ counsel, the party is 390
entitled to have counsel provided for the person pursuant to 391

Chapter 120. of the Revised Code except in civil matters in which 392
the juvenile court is exercising jurisdiction pursuant to division 393
(A)(2), (3), (9), (10), (11), (12), or (13); (B)(2), (3), (4), or 394
(5), ~~or (6)~~; (C); (D); or (F)(1) or (2) of section 2151.23 of the 395
Revised Code. If a party appears without counsel, the court shall 396
ascertain whether the party knows of the party's right to counsel 397
and of the party's right to be provided with counsel if the party 398
is an indigent person. The court may continue the case to enable a 399
party to obtain counsel, to be represented by the county public 400
defender or the joint county public defender, or to be appointed 401
counsel upon request pursuant to Chapter 120. of the Revised Code. 402
Counsel must be provided for a child not represented by the 403
child's parent, guardian, or custodian. If the interests of two or 404
more such parties conflict, separate counsel shall be provided for 405
each of them. 406

Section 2935.14 of the Revised Code applies to any child 407
taken into custody. The parents, custodian, or guardian of such 408
child, and any attorney at law representing them or the child, 409
shall be entitled to visit such child at any reasonable time, be 410
present at any hearing involving the child, and be given 411
reasonable notice of such hearing. 412

Any report or part thereof concerning such child, which is 413
used in the hearing and is pertinent thereto, shall for good cause 414
shown be made available to any attorney at law representing such 415
child and to any attorney at law representing the parents, 416
custodian, or guardian of such child, upon written request prior 417
to any hearing involving such child. 418

Sec. 2919.21. (A) No person shall abandon, or fail to provide 419
adequate support to: 420

(1) The person's spouse, as required by law; 421

(2) The person's child who is under age eighteen, or mentally 422
or physically handicapped child who is under age twenty-one; 423

(3) The person's aged or infirm parent or adoptive parent, 424
who from lack of ability and means is unable to provide adequately 425
for the parent's own support. 426

(B) No person shall abandon, or fail to provide support as 427
established by a court order to, another person whom, by court 428
order or decree, the person is legally obligated to support. 429

(C) No person shall aid, abet, induce, cause, encourage, or 430
contribute to a child or a ward of the juvenile court becoming a 431
dependent child, as defined in section 2151.04 of the Revised 432
Code, or a neglected child, as defined in section 2151.03 of the 433
Revised Code. 434

(D) It is an affirmative defense to a charge of failure to 435
provide adequate support under division (A) of this section or a 436
charge of failure to provide support established by a court order 437
under division (B) of this section that the accused was unable to 438
provide adequate support or the established support but did 439
provide the support that was within the accused's ability and 440
means. 441

(E) It is an affirmative defense to a charge under division 442
(A)(3) of this section that the parent abandoned the accused or 443
failed to support the accused as required by law, while the 444
accused was under age eighteen, or was mentally or physically 445
handicapped and under age twenty-one. 446

(F) It is not a defense to a charge under division (B) of 447
this section that the person whom a court has ordered the accused 448
to support is being adequately supported by someone other than the 449
accused. 450

(G)(1) Except as otherwise provided in this division, whoever 451
violates division (A) or (B) of this section is guilty of 452

nonsupport of dependents, a misdemeanor of the first degree. If 453
the offender previously has been convicted of or pleaded guilty to 454
a violation of division (A)(2) or (B) of this section or if the 455
offender has failed to provide support under division (A)(2) or 456
(B) of this section for a total accumulated period of twenty-six 457
weeks out of one hundred four consecutive weeks, whether or not 458
the twenty-six weeks were consecutive, then a violation of 459
division (A)(2) or (B) of this section is a felony of the fifth 460
degree. If the offender previously has been convicted of or 461
pleaded guilty to a felony violation of this section, a violation 462
of division (A)(2) or (B) of this section is a felony of the 463
fourth degree. If the offender is guilty of nonsupport of 464
dependents by reason of failing to provide support to the 465
offender's child as required by a child support order issued on or 466
after April 15, 1985, pursuant to section 2151.23, 2151.231, 467
~~2151.232~~, 2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, or 468
3115.31 of the Revised Code or former section 2151.232 of the 469
Revised Code, the court, in addition to any other sentence 470
imposed, shall assess all court costs arising out of the charge 471
against the person and require the person to pay any reasonable 472
attorney's fees of any adverse party other than the state, as 473
determined by the court, that arose in relation to the charge. 474

(2) Whoever violates division (C) of this section is guilty 475
of contributing to the nonsupport of dependents, a misdemeanor of 476
the first degree. Each day of violation of division (C) of this 477
section is a separate offense. 478

Sec. 2919.231. (A) No person, by using physical harassment or 479
threats of violence against another person, shall interfere with 480
the other person's initiation or continuance of, or attempt to 481
prevent the other person from initiating or continuing, an action 482
to issue or modify a support order under Chapter 3115. or under 483
section 2151.23, 2151.231, ~~2151.232~~, 2151.33, 2151.36, 2151.361, 484

2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 485
3113.07, or 3113.31 of the Revised Code or former section 2151.232 486
of the Revised Code. 487

(B) Whoever violates this section is guilty of interfering 488
with an action to issue or modify a support order, a misdemeanor 489
of the first degree. If the offender previously has been convicted 490
of or pleaded guilty to a violation of this section or of section 491
3111.19 of the Revised Code, interfering with an action to issue 492
or modify a support order is a felony of the fifth degree. 493

Sec. 3103.031. A biological parent of a child, a man 494
determined to be the natural father of a child under sections 495
3111.01 to 3111.18 or 3111.20 to 3111.85 of the Revised Code, a 496
parent who adopts a minor child pursuant to Chapter 3107. of the 497
Revised Code, or a parent whose signed acknowledgment of paternity 498
~~has become~~ became final pursuant to former section 2151.232~~7~~ or 499
3111.25~~7~~ of the Revised Code or section 3111.821 of the Revised 500
Code as it existed prior to the effective date of this amendment 501
assumes the parental duty of support for that child. 502
Notwithstanding section 3109.01 of the Revised Code and to the 503
extent provided in section 3119.86 of the Revised Code, the 504
parental duty of support to the child shall continue beyond the 505
age of majority as long as the child continuously attends on a 506
full-time basis any recognized and accredited high school. That 507
duty of support shall continue during seasonal vacation periods. 508

Sec. 3105.85. (A) The total of the amounts described in 509
division (D) of section 3105.82 and section 3105.84 of the Revised 510
Code shall not exceed fifty per cent of the amount of a benefit or 511
lump sum payment, or if withholding is to be made from more than 512
one benefit or lump sum payment, fifty per cent of the total of 513
the benefits or lump sum payments. 514

(B) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code, the public retirement program shall not withhold an aggregate amount for all the orders that exceeds fifty per cent of the benefit or lump sum payment.

(C) If a participant's benefit or lump sum payment is or will be subject to an order described in section 3105.81 of the Revised Code and one or more withholding orders under ~~section~~ former section 3111.23 or 3113.21 of the Revised Code, the public retirement program shall not withhold from a benefit or lump sum payment an aggregate amount for all orders described in section 3105.81 of the Revised Code that exceeds the difference between fifty per cent of the benefit or payment and the percentage of the benefit or payment that is or will be paid under orders described in ~~section~~ former section 3111.23 or 3113.21 of the Revised Code.

(D) The public retirement program that is or will be paying the benefit or lump sum payment shall act in accordance with section 145.571, 742.462, 3305.21, 3307.371, 3309.671, or 5505.261 of the Revised Code.

Sec. 3107.01. As used in sections 3107.01 to 3107.19 of the Revised Code:

(A) "Agency" means any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.

(B) "Attorney" means a person who has been admitted to the bar by order of the Ohio supreme court.

(C) "Child" means a son or daughter, whether by birth or by adoption.

(D) "Court" means the probate courts of this state, and when the context requires, means the court of any other state empowered

to grant petitions for adoption. 545

(E) "Foster caregiver" has the same meaning as in section 546
5103.02 of the Revised Code. 547

(F) "Identifying information" means any of the following with 548
regard to a person: first name, last name, maiden name, alias, 549
social security number, address, telephone number, place of 550
employment, number used to identify the person for the purpose of 551
the statewide education management information system established 552
pursuant to section 3301.0714 of the Revised Code, and any other 553
number federal or state law requires or permits to be used to 554
identify the person. 555

(G) "Minor" means a person under the age of eighteen years. 556

(H) "Putative father" means a man, including one under age 557
eighteen, who may be a child's father and to whom all of the 558
following apply: 559

(1) He is not married to the child's mother at the time of 560
the child's conception or birth; 561

(2) He has not adopted the child; 562

(3) He has not been determined, prior to the date a petition 563
to adopt the child is filed, to have a parent and child 564
relationship with the child by a court proceeding pursuant to 565
sections 3111.01 to 3111.18 of the Revised Code, a court 566
proceeding in another state, an administrative agency proceeding 567
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an 568
administrative agency proceeding in another state; 569

~~(4) He has not acknowledged paternity of the child pursuant 570
to sections 3111.21 to 3111.35 of the Revised Code. 571~~

Sec. 3107.06. Unless consent is not required under section 572
3107.07 of the Revised Code, a petition to adopt a minor may be 573
granted only if written consent to the adoption has been executed 574

by all of the following:	575
(A) The mother of the minor;	576
(B) The father of the minor, if any of the following apply:	577
(1) The minor was conceived or born while the father was married to the mother;	578 579
(2) The minor is his child by adoption;	580
(3) Prior to the date the petition was filed, it was determined by a court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code, a court proceeding in another state, an administrative proceeding pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an administrative proceeding in another state that he has a parent and child relationship with the minor;	581 582 583 584 585 586 587
(4) He acknowledged paternity of the child and that acknowledgment has become final pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised Code.	588 589 590
(C) The putative father of the minor;	591
(D) Any person or agency having permanent custody of the minor or authorized by court order to consent;	592 593
(E) The minor, if more than twelve years of age, unless the court, finding that it is in the best interest of the minor, determines that the minor's consent is not required.	594 595 596
 Sec. 3107.061. A man who has sexual intercourse with a woman is on notice that if a child is born as a result and the man is the putative father, the child may be adopted without his consent pursuant to division (B) <u>(A)(2)</u> of section 3107.07 of the Revised Code.	597 598 599 600 601
 Sec. 3107.064. (A) Except as provided in division (B) of this	602

section, a court shall not issue a final decree of adoption or 603
finalize an interlocutory order of adoption unless the mother 604
placing the minor for adoption or the agency or attorney arranging 605
the adoption files with the court a certified document provided by 606
the department of job and family services under section 3107.063 607
of the Revised Code. The court shall not accept the document 608
unless the date the department places on the document pursuant to 609
that section is thirty-one or more days after the date of the 610
minor's birth. 611

(B) The document described in division (A) of this section is 612
not required if any of the following apply: 613

(1) The mother was married at the time the minor was 614
conceived or born; 615

(2) The parent placing the minor for adoption previously 616
adopted the minor; 617

(3) Prior to the date a petition to adopt the minor is filed, 618
a man has been determined to have a parent and child relationship 619
with the minor by a court proceeding pursuant to sections 3111.01 620
to 3111.18 of the Revised Code, a court proceeding in another 621
state, an administrative agency proceeding pursuant to sections 622
3111.38 to 3111.54 of the Revised Code, or an administrative 623
agency proceeding in another state; 624

~~(4) The minor's father acknowledged paternity of the minor 625
and that acknowledgment has become final pursuant to section 626
2151.232, 3111.25, or 3111.821 of the Revised Code; 627~~

~~(5) A public children services agency has permanent custody 628
of the minor pursuant to Chapter 2151. or division (B) of section 629
5103.15 of the Revised Code after both parents lost or surrendered 630
parental rights, privileges, and responsibilities over the minor. 631~~

Sec. 3107.07. (A) Consent to adoption is not required of any 632

of the following: 633

~~(A)~~(1) A parent of a minor, when it is alleged in the 634
adoption petition and the court, after proper service of notice 635
and hearing, finds by clear and convincing evidence that the 636
parent has failed without justifiable cause to provide more than 637
de minimis contact with the minor or to provide for the 638
maintenance and support of the minor as required by law or 639
judicial decree for a any of the following periods of time: 640

(a) A period of at least one year immediately preceding 641
~~either~~ the filing of the adoption petition ~~or~~; 642

(b) A period of at least one year immediately preceding the 643
placement of the minor in the home of the petitioner; 644

(c) If the minor is less than twelve months old at the time 645
of the filing of the adoption petition or the placement of the 646
minor in the home of the petitioner, a substantial amount of time 647
preceding the filing of the adoption petition or the placement of 648
the minor in the home of the petitioner. 649

~~(B)~~(2) The putative father of a minor if either of the 650
following applies: 651

~~(1)~~(a) The putative father fails to register as the minor's 652
putative father with the putative father registry established 653
under section 3107.062 of the Revised Code not later than thirty 654
days after the minor's birth; 655

~~(2)~~(b) The court finds, after proper service of notice and 656
hearing, that any of the following are the case: 657

~~(a)~~(i) The putative father is not the father of the minor; 658

~~(b)~~(ii) The putative father has willfully abandoned or failed 659
to care for and support the minor; 660

~~(c)~~(iii) The putative father has willfully abandoned the 661
mother of the minor during her pregnancy and up to the time of her 662

surrender of the minor, or the minor's placement in the home of 663
the petitioner, whichever occurs first. 664

~~(C)~~(3) Except as provided in section 3107.071 of the Revised 665
Code, a parent who has entered into a voluntary permanent custody 666
surrender agreement under division (B) of section 5103.15 of the 667
Revised Code; 668

~~(D)~~(4) A parent whose parental rights have been terminated by 669
order of a juvenile court under Chapter 2151. of the Revised Code; 670

~~(E)~~(5) A parent who is married to the petitioner and supports 671
the adoption; 672

~~(F)~~(6) The father, or putative father, of a minor if the 673
minor is conceived as the result of the commission of rape by the 674
father or putative father and the father or putative father is 675
convicted of or pleads guilty to the commission of that offense. 676
As used in this division, "rape" means a violation of section 677
2907.02 of the Revised Code or a similar law of another state. 678

~~(G)~~(7) A legal guardian or guardian ad litem of a parent 679
judicially declared incompetent in a separate court proceeding who 680
has failed to respond in writing to a request for consent, for a 681
period of thirty days, or who, after examination of the written 682
reasons for withholding consent, is found by the court to be 683
withholding consent unreasonably; 684

~~(H)~~(8) Any legal guardian or lawful custodian of the person 685
to be adopted, other than a parent, who has failed to respond in 686
writing to a request for consent, for a period of thirty days, or 687
who, after examination of the written reasons for withholding 688
consent, is found by the court to be withholding consent 689
unreasonably; 690

~~(I)~~(9) The spouse of the person to be adopted, if the failure 691
of the spouse to consent to the adoption is found by the court to 692
be by reason of prolonged unexplained absence, unavailability, 693

incapacity, or circumstances that make it impossible or 694
unreasonably difficult to obtain the consent or refusal of the 695
spouse; 696

~~(J)~~(10) Any parent, legal guardian, or other lawful custodian 697
in a foreign country, if the person to be adopted has been 698
released for adoption pursuant to the laws of the country in which 699
the person resides and the release of such person is in a form 700
that satisfies the requirements of the immigration and 701
naturalization service of the United States department of justice 702
for purposes of immigration to the United States pursuant to 703
section 101(b)(1)(F) of the "Immigration and Nationality Act," 75 704
Stat. 650 (1961), 8 U.S.C. 1101(b)(1)(F), as amended or reenacted. 705
706

~~(K)~~(11) Except as provided in divisions ~~(G)~~(A)(7) and 707
~~(H)~~(A)(8) of this section, a juvenile court, agency, or person 708
given notice of the petition pursuant to division (A)(1) of 709
section 3107.11 of the Revised Code that fails to file an 710
objection to the petition within fourteen days after proof is 711
filed pursuant to division (B) of that section that the notice was 712
given; 713

~~(L)~~(12) Any guardian, custodian, or other party who has 714
temporary custody of the child. 715

(B) For purposes of division (A)(1) of this section: 716

(1) A parent has provided more than de minimus contact with 717
the minor if the parent has contacted the minor an average of one 718
time per month during the year immediately preceding the filing of 719
the adoption petition or the placement of the minor in the home of 720
the petitioner. 721

(2)(a) If the minor is at least twelve months old at the time 722
of the filing of the adoption petition or the placement of the 723
minor in the home of the petitioner, a parent has failed to 724

provide for the maintenance and support of the minor as required 725
by law or judicial decree if the parent paid less than twenty-five 726
per cent of a court child support order, as defined in section 727
3119.01 of the Revised Code, for the minor during the preceding 728
year without justifiable cause. 729

(b) If the minor is less than twelve months old at the time 730
of the filing of the adoption petition or the placement of the 731
minor in the home of the petitioner, a parent has failed to 732
provide for the maintenance and support of the minor as required 733
by law or judicial decree if the parent paid less than twenty-five 734
per cent of the amount owed under a court child support order for 735
the minor during the preceding time period without justifiable 736
cause. 737

Sec. 3107.11. (A) After the filing of a petition to adopt an 738
adult or a minor, the court shall fix a time and place for hearing 739
the petition. The hearing may take place at any time more than 740
thirty days after the date on which the minor is placed in the 741
home of the petitioner. At least twenty days before the date of 742
hearing, notice of the filing of the petition and of the time and 743
place of hearing shall be given by the court to all of the 744
following: 745

(1) Any juvenile court, agency, or person whose consent to 746
the adoption is required by this chapter but who has not 747
consented; 748

(2) A person whose consent is not required as provided by 749
division (A)(~~1~~), (~~G~~)(~~7~~), (~~H~~)(~~8~~), or (~~I~~)(~~9~~) of section 3107.07 of 750
the Revised Code and has not consented; 751

(3) Any guardian, custodian, or other party who has temporary 752
custody or permanent custody of the child. 753

Notice shall not be given to a person whose consent is not 754

required as provided by division ~~(B)~~(A)(2), ~~(C)~~(3), ~~(D)~~(4), 755
~~(E)~~(5), ~~(F)~~(6), or ~~(J)~~(10) of section 3107.07, or section 756
3107.071, of the Revised Code. Second notice shall not be given to 757
a juvenile court, agency, or person whose consent is not required 758
as provided by division ~~(K)~~(A)(11) of section 3107.07 of the 759
Revised Code because the court, agency, or person failed to file 760
an objection to the petition within fourteen days after proof was 761
filed pursuant to division (B) of this section that a first notice 762
was given to the court, agency, or person pursuant to division 763
(A)(1) of this section. 764

(B) Upon the filing of a petition for adoption that alleges 765
that a parent has failed without justifiable cause to provide more 766
than de minimis contact with the minor or to provide for the 767
maintenance and support of the minor, the clerk of courts shall 768
send a notice to that parent with the following language in 769
boldface type and in all capital letters: 770

"A FINAL DECREE OF ADOPTION, IF GRANTED, WILL RELIEVE YOU OF ALL 771
PARENTAL RIGHTS AND RESPONSIBILITIES, INCLUDING THE RIGHT TO 772
CONTACT THE MINOR, AND, EXCEPT WITH RESPECT TO A SPOUSE OF THE 773
ADOPTION PETITIONER AND RELATIVES OF THAT SPOUSE, TERMINATE ALL 774
LEGAL RELATIONSHIPS BETWEEN THE MINOR AND YOU AND THE MINOR'S 775
OTHER RELATIVES, SO THAT THE MINOR THEREAFTER IS A STRANGER TO YOU 776
AND THE MINOR'S FORMER RELATIVES FOR ALL PURPOSES. IF YOU WISH TO 777
CONTEST THE ADOPTION, YOU MUST FILE AN OBJECTION TO THE PETITION 778
WITHIN FOURTEEN DAYS AFTER PROOF OF SERVICE OF NOTICE OF THE 779
FILING OF THE PETITION AND OF THE TIME AND PLACE OF HEARING IS 780
GIVEN TO YOU. IF YOU WISH TO CONTEST THE ADOPTION, YOU MUST ALSO 781
APPEAR AT THE HEARING. A FINAL DECREE OF ADOPTION MAY BE ENTERED 782
IF YOU FAIL TO FILE AN OBJECTION TO THE ADOPTION PETITION OR 783
APPEAR AT THE HEARING." 784

(C) All notices required under this section shall be given as 785
specified in the Rules of Civil Procedure. Proof of the giving of 786

notice shall be filed with the court before the petition is heard. 787
788

Sec. 3109.12. (A) If a child is born to an unmarried woman, 789
the parents of the woman and any relative of the woman may file a 790
complaint requesting the court of common pleas of the county in 791
which the child resides to grant them reasonable companionship or 792
visitation rights with the child. If a child is born to an 793
unmarried woman and if the father of the child ~~has acknowledged~~ 794
~~the child and that acknowledgment has become final pursuant to~~ 795
~~section 2151.232, 3111.25, or 3111.821 of the Revised Code or has~~ 796
been determined in an action under Chapter 3111. of the Revised 797
Code to be the father of the child, the father may file a 798
complaint requesting that the court of appropriate jurisdiction of 799
the county in which the child resides grant him reasonable 800
parenting time rights with the child and the parents of the father 801
and any relative of the father may file a complaint requesting 802
that the court grant them reasonable companionship or visitation 803
rights with the child. 804

(B) The court may grant the parenting time rights or 805
companionship or visitation rights requested under division (A) of 806
this section, if it determines that the granting of the parenting 807
time rights or companionship or visitation rights is in the best 808
interest of the child. In determining whether to grant reasonable 809
parenting time rights or reasonable companionship or visitation 810
rights with respect to any child, the court shall consider all 811
relevant factors, including, but not limited to, the factors set 812
forth in division (D) of section 3109.051 of the Revised Code. 813
Divisions (C), (K), and (L) of section 3109.051 of the Revised 814
Code apply to the determination of reasonable parenting time 815
rights or reasonable companionship or visitation rights under this 816
section and to any order granting any such rights that is issued 817
under this section. 818

The marriage or remarriage of the mother or father of a child 819
does not affect the authority of the court under this section to 820
grant the natural father reasonable parenting time rights or the 821
parents or relatives of the natural father or the parents or 822
relatives of the mother of the child reasonable companionship or 823
visitation rights with respect to the child. 824

If the court denies a request for reasonable parenting time 825
rights or reasonable companionship or visitation rights made 826
pursuant to division (A) of this section and the complainant files 827
a written request for findings of fact and conclusions of law, the 828
court shall state in writing its findings of fact and conclusions 829
of law in accordance with Civil Rule 52. 830

Except as provided in division (E)(6) of section 3113.31 of 831
the Revised Code, if the court, pursuant to this section, grants 832
parenting time rights or companionship or visitation rights with 833
respect to any child, it shall not require the public children 834
services agency to provide supervision of or other services 835
related to that parent's exercise of parenting time rights with 836
the child or that person's exercise of companionship or visitation 837
rights with the child. This section does not limit the power of a 838
juvenile court pursuant to Chapter 2151. of the Revised Code to 839
issue orders with respect to children who are alleged to be 840
abused, neglected, or dependent children or to make dispositions 841
of children who are adjudicated abused, neglected, or dependent 842
children or of a common pleas court to issue orders pursuant to 843
section 3113.31 of the Revised Code. 844

Sec. 3109.19. (A) As used in this section, "minor" has the 845
same meaning as in section 3107.01 of the Revised Code. 846

(B)(1) If a child is born to parents who are unmarried and 847
unemancipated minors, a parent of one of the minors is providing 848
support for the minors' child, and ~~the minors have not signed an~~ 849

~~acknowledgment of paternity or~~ a parent and child relationship has 850
not been established between the child and the male minor, the 851
parent who is providing support for the child may request a 852
determination of the existence or nonexistence of a parent and 853
child relationship between the child and the male minor pursuant 854
to Chapter 3111. of the Revised Code. 855

(2) If a child is born to parents who are unmarried and 856
unemancipated minors, a parent of one of the minors is providing 857
support for the child, and ~~the minors have signed an~~ 858
~~acknowledgment of paternity that has become final pursuant to~~ 859
~~section 2151.232, 3111.25, or 3111.821 of the Revised Code or a~~ 860
parent and child relationship has been established between the 861
child and the male minor pursuant to Chapter 3111. of the Revised 862
Code, the parent who is providing support for the child may file a 863
complaint requesting that the court issue an order or may request 864
the child support enforcement agency of the county in which the 865
child resides to issue an administrative order requiring all of 866
the minors' parents to pay support for the child. 867

(C)(1) On receipt of a complaint filed under division (B)(2) 868
of this section, the court shall schedule a hearing to determine, 869
in accordance with Chapters 3119., 3121., 3123., and 3125. of the 870
Revised Code, the amount of child support the minors' parents are 871
required to pay, the method of paying the support, and the method 872
of providing for the child's health care needs. On receipt of a 873
request under division (B)(2) of this section, the agency shall 874
schedule a hearing to determine, in accordance with Chapters 875
3119., 3121., 3123., and 3125. of the Revised Code, the amount of 876
child support the minors' parents are required to pay, the method 877
of paying the support, and the method of providing for the child's 878
health care needs. At the conclusion of the hearing, the court or 879
agency shall issue an order requiring the payment of support of 880
the child and provision for the child's health care needs. The 881

court or agency shall calculate the child support amount using the income of the minors' parents instead of the income of the minors. If any of the minors' parents are divorced, the court or agency shall calculate the child support as if they were married, and issue a child support order requiring the parents to pay a portion of any support imposed as a separate obligation. If a child support order issued pursuant to section 2151.23, 2151.231, ~~2151.232~~, 3111.13, or 3111.81 of the Revised Code requires one of the minors to pay support for the child, the amount the minor is required to pay shall be deducted from any amount that minor's parents are required to pay pursuant to an order issued under this section. The hearing shall be held not later than sixty days after the day the complaint is filed or the request is made nor earlier than thirty days after the court or agency gives the minors' parents notice of the action.

(2) An order issued by an agency for the payment of child support shall include a notice stating all of the following: that the parents of the minors may object to the order by filing a complaint pursuant to division (B)(2) of this section with the court requesting that the court issue an order requiring the minors' parents to pay support for the child and provide for the child's health care needs; that the complaint may be filed no later than thirty days after the date of the issuance of the agency's order; and that, if none of the parents of the minors file a complaint pursuant to division (B)(2) of this section, the agency's order is final and enforceable by a court and may be modified and enforced only in accordance with Chapters 3119., 3121., 3123., and 3125. of the Revised Code.

(D) An order issued by a court or agency under this section shall remain in effect, except as modified pursuant to Chapters 3119., 3121., 3123., and 3125. of the Revised Code until the occurrence of any of the following:

(1) The minor who resides with the parents required to pay 914
support under this section reaches the age of eighteen years, 915
dies, marries, enlists in the armed services, is deported, gains 916
legal or physical custody of the child, or is otherwise 917
emancipated. 918

(2) The child who is the subject of the order dies, is 919
adopted, is deported, or is transferred to the legal or physical 920
custody of the minor who lives with the parents required to pay 921
support under this section. 922

(3) The minor's parents to whom support is being paid 923
pursuant to this section is no longer providing any support for 924
the child. 925

(E) The minor's parents to whom support is being paid under a 926
child support order issued by a court or agency pursuant to this 927
section shall notify, and the minor's parents who are paying 928
support may notify the child support enforcement agency of the 929
occurrence of any event described in division (D) of this section. 930
A willful failure to notify the agency as required by this 931
division is contempt of court with respect to a court child 932
support order. Upon receiving notification pursuant to this 933
division, the agency shall comply with sections 3119.90 to 3119.94 934
of the Revised Code. 935

Sec. 3111.02. (A) The parent and child relationship between a 936
child and the child's natural mother may be established by proof 937
of her having given birth to the child or pursuant to sections 938
3111.01 to 3111.18 or 3111.20 to 3111.85 of the Revised Code. The 939
parent and child relationship between a child and the natural 940
father of the child may be established ~~by an acknowledgment of~~ 941
~~paternity as provided in sections 3111.20 to 3111.35 of the~~ 942
~~Revised Code, and~~ pursuant to sections 3111.01 to 3111.18 or 943
3111.38 to 3111.54 of the Revised Code. The parent and child 944

relationship between a child and the adoptive parent of the child 945
may be established by proof of adoption or pursuant to Chapter 946
3107. of the Revised Code. 947

(B) A court that is determining a parent and child 948
relationship pursuant to this chapter shall give full faith and 949
credit to a parentage determination made under the laws of this 950
state or another state, regardless of whether the parentage 951
determination was made pursuant to ~~a voluntary acknowledgement of~~ 952
~~paternity~~, an administrative procedure, or a court proceeding. 953

Sec. 3111.03. (A) A man is presumed to be the natural father 954
of a child under any of the following circumstances: 955

(1) The man and the child's mother are or have been married 956
to each other, and the child is born during the marriage or is 957
born within three hundred days after the marriage is terminated by 958
death, annulment, divorce, or dissolution or after the man and the 959
child's mother separate pursuant to a separation agreement. 960

(2) The man and the child's mother attempted, before the 961
child's birth, to marry each other by a marriage that was 962
solemnized in apparent compliance with the law of the state in 963
which the marriage took place, the marriage is or could be 964
declared invalid, and either of the following applies: 965

(a) The marriage can only be declared invalid by a court and 966
the child is born during the marriage or within three hundred days 967
after the termination of the marriage by death, annulment, 968
divorce, or dissolution; 969

(b) The attempted marriage is invalid without a court order 970
and the child is born within three hundred days after the 971
termination of cohabitation. 972

~~(3) An acknowledgement of paternity has been filed pursuant to 973
section 3111.23 or former section 5101.314 of the Revised Code and 974~~

~~has not become final under former section 3111.211 or 5101.314 or
section 2151.232, 3111.25, or 3111.821 of the Revised Code.~~ 975
976

(B) A presumption that arises under this section can only be 977
rebutted by clear and convincing evidence that includes the 978
results of genetic testing, except that a presumption that is 979
conclusive as provided in division (A) of section 3111.95 or 980
division (B) of section 3111.97 of the Revised Code cannot be 981
rebutted. ~~An acknowledgment of paternity that becomes final under
section 2151.232, 3111.25, or 3111.821 of the Revised Code is not
a presumption and shall be considered a final and enforceable
determination of paternity unless the acknowledgment is rescinded
under section 3111.28 or 3119.962 of the Revised Code.~~ If two or 982
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more conflicting presumptions arise under this section, the court
shall determine, based upon logic and policy considerations, which
presumption controls.

(C)(1) Except as provided in division (C)(2) of this section, 990
a presumption of paternity that arose pursuant to this section 991
prior to March 22, 2001, shall remain valid on and after that date 992
unless rebutted pursuant to division (B) of this section. This 993
division does not apply to a determination described in division 994
(B)(3) of this section as division (B)(3) of this section existed 995
prior to March 22, 2001. 996

(2) A presumption of paternity that arose prior to March 22, 997
2001, based on an acknowledgment of paternity that became final 998
under former section 3111.211 ~~or~~ 5101.314, ~~or section~~ 2151.232 of 999
the Revised Code and a presumption of paternity that arose prior 1000
to the effective date of this amendment based on an acknowledgment 1001
of paternity that became final under former section 2151.232 or 1002
3111.25 of the Revised Code or section 3111.821 of the Revised 1003
Code as it existed prior to the effective date of this amendment 1004
is not a presumption and shall be considered a final and 1005
enforceable determination of paternity unless the acknowledgment 1006

~~is~~ was rescinded under former section 3111.28 or section 3119.962 1007
of the Revised Code prior to the effective date of this amendment. 1008

Sec. ~~3111.32~~ 3111.21. The department of job and family 1009
services shall prepare pamphlets that discuss the benefit of 1010
establishing a parent and child relationship, the proper procedure 1011
for establishing a parent and child relationship between a father 1012
and his child, and a toll-free telephone number that interested 1013
persons may call for more information regarding the procedures for 1014
establishing a parent and child relationship. 1015

Sec. ~~3111.33~~ 3111.22. The department of job and family 1016
services shall make available the pamphlets ~~and the acknowledgment~~ 1017
~~of paternity affidavits and statements~~ to the department of 1018
health, to each hospital it has a contract with pursuant to 1019
section 3727.17 of the Revised Code, and to any individual who 1020
requests a pamphlet. ~~The department of job and family services~~ 1021
~~shall make available the affidavit acknowledging paternity to each~~ 1022
~~county child support enforcement agency, the department of health,~~ 1023
~~and any other person or agency that requests copies.~~ 1024

Sec. ~~3111.35~~ 3111.23. The director of job and family services 1025
shall adopt rules pursuant to Chapter 119. of the Revised Code to 1026
implement sections 3111.20 to ~~3111.34~~ 3111.22 of the Revised Code 1027
that are consistent with Title IV-D of the "Social Security Act," 1028
88 Stat. 2351, 42 U.S.C. 651 et seq., as amended. 1029

Sec. 3111.381. (A) Except as provided in divisions (B), (C), 1030
(D), and (E) of this section, no person may bring an action under 1031
sections 3111.01 to 3111.18 of the Revised Code unless the person 1032
has requested an administrative determination under section 1033
3111.38 of the Revised Code of the existence or nonexistence of a 1034
parent and child relationship. 1035

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

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

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

(E) If the alleged father of a child is deceased and proceedings for the probate of the estate of the alleged father have been or can be commenced, the court with jurisdiction over the probate proceedings shall retain jurisdiction to determine the existence or nonexistence of a parent and child relationship between the alleged father and any child without an administrative

determination being requested from a child support enforcement agency. 1068
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If an action for divorce, dissolution of marriage, or legal separation, or an action under section 2151.231 ~~or 2151.232~~ of the Revised Code requesting an order requiring the payment of child support and provision for the health care of a child, has been filed in a court of common pleas and a question as to the existence or nonexistence of a parent and child relationship arises, the court in which the original action was filed shall retain jurisdiction to determine the existence or nonexistence of the parent and child relationship without an administrative determination being requested from a child support enforcement agency. 1070
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If a juvenile court or other court with jurisdiction under section 2101.022 or 2301.03 of the Revised Code issues a support order under section 2151.231 or former section 2151.232 of the Revised Code relying on a presumption under section 3111.03 of the Revised Code, the juvenile court or other court with jurisdiction that issued the support order shall retain jurisdiction if a question as to the existence of a parent and child relationship arises. 1081
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Sec. 3111.64. The office of child support in the department of job and family services shall establish and maintain a birth registry that shall contain all of the following information contained in orders determining the existence of a parent and child relationship ~~and acknowledgments of paternity~~ required to be filed with the office: 1089
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(A) The names of the parents of the child subject to the order ~~or acknowledgment~~; 1095
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(B) The name of the child; 1097

(C) The resident address of each parent and each parent's social security number. 1098
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Sec. 3111.66. A court or child support enforcement agency, whichever is applicable, shall file the following with the office of child support: 1100
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(A) An order issued pursuant to section 3111.13 of the Revised Code on or after January 1, 1998; 1103
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(B) An order issued pursuant to former section 3111.22 of the Revised Code on or after January 1, 1998, that has become final and enforceable; 1105
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(C) An order issued pursuant to section 3111.46 of the Revised Code on or after ~~the effective date of this section~~ March 22, 2001. 1108
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On the filing of an order pursuant to this section, the office shall enter the information on the order in the birth registry. 1111
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Sec. 3111.72. The contract between the department of job and family services and a local hospital shall require all of the following: 1114
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(A) That the hospital provide a staff person to meet with each unmarried mother who gave birth in or en route to the hospital within twenty-four hours of the birth or before the mother is released from the hospital; 1117
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(B) That the staff person attempt to meet with the father of the unmarried mother's child if possible; 1121
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(C) That the staff person explain to the unmarried mother and the father, if he is present, the benefit to the child of establishing a parent and child relationship between the father and the child and the various proper procedures for establishing a 1123
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parent and child relationship; 1127

(D) That the staff person present to the unmarried mother 1128
and, if possible, the father, the pamphlet or statement regarding 1129
the rights and responsibilities of a natural parent that is 1130
prepared and provided by the department of job and family services 1131
pursuant to section ~~3111.32~~ 3111.21 of the Revised Code; 1132

(E) That the staff person provide the mother and, if 1133
possible, the father, all forms and statements necessary to 1134
voluntarily establish a parent and child relationship, ~~including,~~ 1135
~~but not limited to, the acknowledgment of paternity affidavit~~ 1136
~~prepared by the department of job and family services pursuant to~~ 1137
~~section 3111.31 of the Revised Code;~~ 1138

(F) That the staff person, at the request of both the mother 1139
and father, help the mother and father complete any form or 1140
statement necessary to establish a parent and child relationship; 1141

~~(G) That the hospital provide a notary public to notarize an~~ 1142
~~acknowledgment of paternity affidavit signed by the mother and~~ 1143
~~father;~~ 1144

~~(H) That the staff person present to an unmarried mother who~~ 1145
~~is not participating in the Ohio works first program established~~ 1146
~~under Chapter 5107. or receiving medical assistance under Chapter~~ 1147
~~5111. of the Revised Code an application for Title IV-D services;~~ 1148

~~(I) That the staff person forward any completed~~ 1149
~~acknowledgment of paternity, no later than ten days after it is~~ 1150
~~completed, to the office of child support in the department of job~~ 1151
~~and family services;~~ 1152

~~(J) That the department of job and family services pay the~~ 1153
~~hospital twenty dollars for every correctly signed and notarized~~ 1154
~~acknowledgment of paternity affidavit from the hospital.~~ 1155

Sec. 3111.78. A parent, guardian, or legal custodian of a 1156

child, the person with whom the child resides, or the child 1157
support enforcement agency of the county in which the child, 1158
parent, guardian, or legal custodian of the child resides may do 1159
the following to require a man to pay support and provide for the 1160
health care needs of the child if the man is presumed to be the 1161
natural father of the child under section 3111.03 of the Revised 1162
Code: 1163

(A) ~~If the presumption is not based on an acknowledgment of~~ 1164
~~paternity, file~~ File a complaint pursuant to section 2151.231 of 1165
the Revised Code in the juvenile court or other court with 1166
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 1167
of the county in which the child, parent, guardian, or legal 1168
custodian resides; 1169

(B) Ask an administrative officer of a child support 1170
enforcement agency to issue an administrative order pursuant to 1171
section 3111.81 of the Revised Code; 1172

(C) Contact a child support enforcement agency for assistance 1173
in obtaining an order for support and the provision of health care 1174
for the child. 1175

Sec. 3111.80. If a request for issuance of an administrative 1176
support order is made under section ~~3111.29~~ or 3111.78 of the 1177
Revised Code or an administrative officer issues an administrative 1178
order determining the existence of a parent and child relationship 1179
under section 3111.46 of the Revised Code, the administrative 1180
officer shall schedule an administrative hearing to determine, in 1181
accordance with Chapters 3119. and 3121. of the Revised Code, the 1182
amount of child support any parent is required to pay, the method 1183
of payment of child support, and the method of providing for the 1184
child's health care. 1185

The administrative officer shall send the mother and the 1186

father of the child notice of the date, time, place, and purpose 1187
of the administrative hearing. With respect to an administrative 1188
hearing scheduled pursuant to an administrative order determining, 1189
pursuant to section 3111.46 of the Revised Code, the existence of 1190
a parent and child relationship, the officer shall attach the 1191
notice of the administrative hearing to the order and send it in 1192
accordance with that section. The Rules of Civil Procedure shall 1193
apply regarding the sending of the notice, except to the extent 1194
the ~~civil~~ rules, by their nature, are clearly inapplicable and 1195
except that references in the ~~civil~~ rules to the court or the 1196
clerk of the court shall be construed as being references to the 1197
child support enforcement agency or the administrative officer. 1198

The hearing shall be held no later than sixty days after the 1199
request is made under section ~~3111.29~~ or 3111.78 of the Revised 1200
Code or an administrative officer issues an administrative order 1201
determining the existence of a parent and child relationship under 1202
section 3111.46 of the Revised Code. The hearing shall not be held 1203
earlier than thirty days after the officer gives the mother and 1204
father notice of the hearing. 1205

Sec. 3111.821. If a request is made pursuant to section 1206
3111.78 of the Revised Code for an administrative support order 1207
and the issue of the existence or nonexistence of a parent and 1208
child relationship is raised, the administrative officer shall 1209
treat the request as a request made pursuant to section 3111.38 of 1210
the Revised Code and determine the issue in accordance with that 1211
section. ~~If the request made under section 3111.78 of the Revised~~ 1212
~~Code is made based on an acknowledgment of paternity that has not~~ 1213
~~become final, the administrative officer shall promptly notify the~~ 1214
~~office of child support in the department of job and family~~ 1215
~~services when the officer issues an order determining the~~ 1216
~~existence or nonexistence of a parent and child relationship with~~ 1217
~~respect to the child who is the subject of the acknowledgment of~~ 1218

~~paternity. On receipt of the notice by the office, the 1219
acknowledgment of paternity shall be considered rescinded. 1220~~

~~If the parties do not raise the issue of the existence or 1221
nonexistence of a parent and child relationship pursuant to the 1222
request made under section 3111.78 of the Revised Code and an 1223
administrative order is issued pursuant to section 3111.81 of the 1224
Revised Code prior to the date the acknowledgment of paternity 1225
becomes final, the acknowledgment shall be considered final as of 1226
the date of the issuance of the order. An administrative order 1227
issued pursuant to section 3111.81 of the Revised Code shall not 1228
affect an acknowledgment that becomes final prior to the issuance 1229
of the order. 1230~~

Sec. 3119.01. (A) As used in the Revised Code, "child support 1231
enforcement agency" means a child support enforcement agency 1232
designated under former section 2301.35 of the Revised Code prior 1233
to October 1, 1997, or a private or government entity designated 1234
as a child support enforcement agency under section 307.981 of the 1235
Revised Code. 1236

(B) As used in this chapter and Chapters 3121., 3123., and 1237
3125. of the Revised Code: 1238

(1) "Administrative child support order" means any order 1239
issued by a child support enforcement agency for the support of a 1240
child pursuant to section 3109.19 or 3111.81 of the Revised Code 1241
or former section 3111.211 of the Revised Code, section 3111.21 of 1242
the Revised Code as that section existed prior to January 1, 1998, 1243
or section 3111.20 or 3111.22 of the Revised Code as those 1244
sections existed prior to March 22, 2001. 1245

(2) "Child support order" means either a court child support 1246
order or an administrative child support order. 1247

(3) "Obligee" means the person who is entitled to receive the 1248

support payments under a support order.	1249
(4) "Obligor" means the person who is required to pay support under a support order.	1250 1251
(5) "Support order" means either an administrative child support order or a court support order.	1252 1253
(C) As used in this chapter:	1254
(1) "Combined gross income" means the combined gross income of both parents.	1255 1256
(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232 , 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, <u>former section 2151.232 of the Revised Code</u> , or division (B) of former section 3113.21 of the Revised Code.	1257 1258 1259 1260 1261 1262 1263
(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.	1264 1265 1266 1267 1268
(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.	1269 1270 1271
(5) "Income" means either of the following:	1272
(a) For a parent who is employed to full capacity, the gross income of the parent;	1273 1274
(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.	1275 1276 1277
(6) "Insurer" means any person authorized under Title XXXIX	1278

of the Revised Code to engage in the business of insurance in this 1279
state, any health insuring corporation, and any legal entity that 1280
is self-insured and provides benefits to its employees or members. 1281

(7) "Gross income" means, except as excluded in division 1282
(C)(7) of this section, the total of all earned and unearned 1283
income from all sources during a calendar year, whether or not the 1284
income is taxable, and includes income from salaries, wages, 1285
overtime pay, and bonuses to the extent described in division (D) 1286
of section 3119.05 of the Revised Code; commissions; royalties; 1287
tips; rents; dividends; severance pay; pensions; interest; trust 1288
income; annuities; social security benefits, including retirement, 1289
disability, and survivor benefits that are not means-tested; 1290
workers' compensation benefits; unemployment insurance benefits; 1291
disability insurance benefits; benefits that are not means-tested 1292
and that are received by and in the possession of the veteran who 1293
is the beneficiary for any service-connected disability under a 1294
program or law administered by the United States department of 1295
veterans' affairs or veterans' administration; spousal support 1296
actually received; and all other sources of income. "Gross income" 1297
includes income of members of any branch of the United States 1298
armed services or national guard, including, amounts representing 1299
base pay, basic allowance for quarters, basic allowance for 1300
subsistence, supplemental subsistence allowance, cost of living 1301
adjustment, specialty pay, variable housing allowance, and pay for 1302
training or other types of required drills; self-generated income; 1303
and potential cash flow from any source. 1304

"Gross income" does not include any of the following: 1305

(a) Benefits received from means-tested government 1306
administered programs, including Ohio works first; prevention, 1307
retention, and contingency; means-tested veterans' benefits; 1308
supplemental security income; food stamps; disability financial 1309
assistance; or other assistance for which eligibility is 1310

determined on the basis of income or assets;	1311
(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that are not means-tested, that have not been distributed to the veteran who is the beneficiary of the benefits, and that are in the possession of the United States department of veterans' affairs or veterans' administration;	1312 1313 1314 1315 1316 1317 1318
(c) Child support received for children who were not born or adopted during the marriage at issue;	1319 1320
(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	1321 1322 1323
(e) Nonrecurring or unsustainable income or cash flow items;	1324
(f) Adoption assistance and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended.	1325 1326 1327
(8) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.	1328 1329 1330 1331 1332 1333 1334 1335 1336 1337
(9)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.	1338 1339 1340 1341

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(9)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

(10) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

(11) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

(i) The parent's prior employment experience;

(ii) The parent's education;

(iii) The parent's physical and mental disabilities, if any;

(iv) The availability of employment in the geographic area in which the parent resides;

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;

(vi) The parent's special skills and training;

(vii) Whether there is evidence that the parent has the ability to earn the imputed income;

(viii) The age and special needs of the child for whom child

support is being calculated under this section;	1372
(ix) The parent's increased earning capacity because of experience;	1373 1374
(x) Any other relevant factor.	1375
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	1376 1377 1378 1379 1380
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	1381 1382
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	1383 1384 1385 1386 1387 1388 1389 1390 1391 1392
(14) "Split parental rights and responsibilities" means a situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.	1393 1394 1395 1396 1397
(15) "Worksheet" means the applicable worksheet that is used to calculate a parent's child support obligation as set forth in sections 3119.022 and 3119.023 of the Revised Code.	1398 1399 1400
Sec. 3119.961. (A) Notwithstanding the provisions to the	1401

contrary in Civil Rule 60(B) and in accordance with this section, 1402
a person may file a motion for relief from a final judgment, court 1403
order, or administrative determination or order that determines 1404
that the person or a male minor referred to in division (B) of 1405
section 3109.19 of the Revised Code is the father of a child or 1406
from a child support order under which the person or male minor is 1407
the obligor. Except as otherwise provided in this section, the 1408
person shall file the motion in the division of the court of 1409
common pleas of the county in which the original judgment, court 1410
order, or child support order was made or issued or in the 1411
division of the court of common pleas of the county that has 1412
jurisdiction involving the administrative determination or order. 1413
If the determination of paternity is an acknowledgment of 1414
paternity that has become final under ~~section 2151.232, 3111.25,~~ 1415
~~or 3111.821 of the Revised Code~~ or former section 2151.232, 1416
3111.211, 3111.25, or 5101.314 of the Revised Code or section 1417
3111.821 of the Revised Code as it existed prior to the effective 1418
date of this amendment, the person shall file the motion in the 1419
juvenile court or other court with jurisdiction of the county in 1420
which the person or the child who is the subject of the 1421
acknowledgment resides. 1422

(B) On the motion of any adverse party or on its own motion, 1423
the court in which an action is brought under this section may 1424
transfer the action to the county in which an adverse party 1425
resides when it appears to the court that the location of the 1426
original venue presents a hardship for that adverse party. 1427

Sec. 3119.962. (A)(1) Upon the filing of a motion for relief 1428
under section 3119.961 of the Revised Code, a court shall grant 1429
relief from a final judgment, court order, or administrative 1430
determination or order that determines that a person or male minor 1431
is the father of a child or from a child support order under which 1432

a person or male minor is the obligor if all of the following 1433
apply: 1434

(a) The court receives genetic test results from a genetic 1435
test administered no more than six months prior to the filing of 1436
the motion for relief that finds that there is a zero per cent 1437
probability that the person or male minor is the father of the 1438
child. 1439

(b) The person or male minor has not adopted the child. 1440

(c) The child was not conceived as a result of artificial 1441
insemination in compliance with sections 3111.88 to 3111.96 of the 1442
Revised Code. 1443

(2) A court shall not deny relief from a final judgment, 1444
court order, or administrative determination or order that 1445
determines that a person or male minor is the father of a child or 1446
from a child support order under which a person or male minor is 1447
the obligor solely because of the occurrence of any of the 1448
following acts if the person or male minor at the time of or prior 1449
to the occurrence of that act did not know that he was not the 1450
natural father of the child: 1451

(a) The person or male minor was required to support the 1452
child by a child support order. 1453

(b) The person or male minor validly signed the child's birth 1454
certificate as an informant as provided in section 3705.09 of the 1455
Revised Code as that section existed prior to January 1, 1998. 1456

(c) The person or male minor was named in an acknowledgment 1457
of paternity of the child that a court entered upon its journal 1458
pursuant to former section 2105.18 of the Revised Code. 1459

(d) The person or male minor was named in an acknowledgment 1460
of paternity of the child that ~~has become~~ became final under 1461
~~section 2151.232, 3111.25, or 3111.821 of the Revised Code or~~ 1462

former section 2151.232, 3111.211, 3111.25, or 5101.314 of the 1463
Revised Code or section 3111.821 of the Revised Code as it existed 1464
prior to the effective date of this amendment. 1465

(e) The person or male minor was presumed to be the natural 1466
father of the child under any of the circumstances listed in 1467
section 3111.03 of the Revised Code. 1468

(f) The person or male minor was presumed to be the natural 1469
father of the child under any of the circumstances listed in: 1470

(i) Division (A)(3) of section 3111.03 of the Revised Code as 1471
that division existed prior to January 1, 1998; 1472

(ii) Division (A)(3) of section 3111.03 of the Revised Code 1473
as that division existed on and after January 1, 1998, and prior 1474
to ~~the effective date of this amendment~~ March 22, 2001; 1475

(iii) Division (A)(5) of section 3111.03 of the Revised Code 1476
as that division existed prior to ~~the effective date of this~~ 1477
~~amendment~~ March 22, 2001. 1478

(g) The person or male minor was determined to be the father 1479
of the child in a parentage action under Chapter 3111. of the 1480
Revised Code. 1481

(h) The person or male minor otherwise admitted or 1482
acknowledged himself to be the child's natural father. 1483

(B) A court shall not grant relief from a final judgment, 1484
court order, or administrative determination or order that 1485
determines that a person or male minor is the father of a child or 1486
from a child support order under which a person or male minor is 1487
the obligor if the court determines, by a preponderance of the 1488
evidence, that the person or male minor knew that he was not the 1489
natural father of the child before any of the following: 1490

(1) Any act listed in divisions (A)(2)(a) to (d) and 1491
(A)(2)(f) of this section occurred. 1492

(2) The person or male minor was presumed to be the natural father of the child under any of the circumstances listed in ~~divisions~~ division (A)~~(1) to (3)~~ of section 3111.03 of the Revised Code.

(3) The person or male minor otherwise admitted or acknowledged himself to be the child's father.

(C) If the determination of paternity from which relief is sought is an acknowledgment of paternity that has become final under ~~section 2151.232, 3111.25, or 3111.821 of the Revised Code~~ ~~or~~ former section 2151.232, 3111.211, 3111.25, or 5101.314 of the Revised Code or section 3111.821 of the Revised Code as it existed prior to the effective date of this amendment, and the court grants the motion for relief, it shall order the acknowledgment to be rescinded and destroyed and order the department of job and family services to remove all information relating to the acknowledgment from the birth registry.

Sec. 3125.28. (A) Notwithstanding any other section of the Revised Code and except as provided in section 3125.29 of the Revised Code, a child support enforcement agency shall collect and disburse all support amounts under a support order it is administering pursuant to law as it existed prior to January 1, 1998, and shall collect the additional amount imposed under division (G)(1) of section 2301.35 of the Revised Code as it existed prior to January 1, 1998, until the support order is converted to the automated data processing system under section 3125.07 of the Revised Code and the office of child support authorizes centralized collection and disbursement of support amounts under the support order pursuant to the rules adopted under section 3121.71 of the Revised Code.

(B) Notwithstanding any other section of the Revised Code and except as provided in section 3125.29 of the Revised Code, the

agency administering the support order shall collect the amounts 1524
permitted to be collected, and perform other duties required, with 1525
respect to the support order pursuant to division (D)(1) of 1526
section 2301.373, division (B)(3)(a) of section 2301.374, 1527
divisions (E)(4)(b), (F), and (I) of former section 3111.23, 1528
division (E) of section 3111.99, divisions (G)(4)(b), (H)(3), and 1529
(K) of former section 3113.21, division (B) of section 3113.212, 1530
division (E) of section 3113.99, and division (A)(3) of section 1531
5101.323 of the Revised Code as those sections existed prior to 1532
January 1, 1998, and the agency shall collect the amounts 1533
permitted to be collected by the office of child support, and 1534
perform other duties required of the office, with respect to the 1535
support order pursuant to section 3123.62 and section 3123.72 of 1536
the Revised Code, until the support order is converted and 1537
authorization for centralized collection and disbursement is 1538
given. 1539

Sec. 3305.21. (A) As used in this section, "alternate payee," 1540
"benefit," "lump sum payment," and "participant" have the same 1541
meanings as in section 3105.80 of the Revised Code. 1542

(B) On receipt of an order issued under section 3105.171 or 1543
3105.65 of the Revised Code, an entity providing a participant's 1544
alternative retirement plan shall determine whether the order 1545
meets the requirements of sections 3105.80 to 3105.90 of the 1546
Revised Code, ~~the.~~ The entity shall retain in the ~~participant's~~ 1547
participant's record an order the entity determines meets the 1548
requirements. Not later than ten days after receipt, the entity 1549
shall return to the court that issued the order any order the 1550
entity determines does not meet the requirements. 1551

(C) The entity shall comply with an order retained under 1552
division (B) of this section at the following times as 1553
appropriate: 1554

(1) If the participant has applied for or is receiving a benefit or has applied for but not yet received a lump sum payment, as soon as practicable;

(2) If the participant has not applied for a benefit or lump sum payment, on application by the participant for a benefit or lump sum payment.

(D) If an entity providing an alternative retirement plan is required to transfer a participant's account balance to an entity providing an alternative retirement plan that is not named in the order, the transferring entity shall do both of the following:

(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the entity to which the transfer was made.

(2) Send a copy of the order to the entity to which the transfer was made.

(E) An entity that receives a participant's account balance and a copy of an order as provided in division (D) of this section, shall administer the order as if it were the entity named in the order.

(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under ~~section~~ former section 3111.23 or 3113.21 of the Revised Code, the entity providing the alternative retirement plan shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following:

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be

paid; 1586

(2) Reduce the amount paid to an alternate payee based on the 1587
priority established under division (F)(1) of this section; 1588

(3) Notify, by regular mail, a participant and alternate 1589
payee of any action taken under this division. 1590

(G) A withholding or deduction notice issued under ~~section~~ 1591
former section 3111.23 or 3113.21 of the Revised Code or an order 1592
described in section 3115.32 of the Revised Code has priority over 1593
all other orders and shall be complied with in accordance with 1594
child support enforcement laws. All other orders are entitled to 1595
priority in order of earliest retention by the entity providing a 1596
participant's alternative retirement plan. The entity is not to 1597
retain an order that provides for the division of property unless 1598
the order is filed in a court with jurisdiction in this state. 1599

(H) An entity providing an alternative retirement plan is not 1600
liable in civil damages for loss resulting from any action or 1601
failure to act in compliance with this section. 1602

Sec. 3307.371. (A) As used in this section, "alternate 1603
payee," "benefit," "lump sum payment," "participant," and "public 1604
retirement program" have the same meanings as in section 3105.80 1605
of the Revised Code. 1606

(B) On receipt of an order issued under section 3105.171 or 1607
3105.65 of the Revised Code, the state teachers retirement system 1608
shall determine whether the order meets the requirements of 1609
sections 3105.80 to 3105.90 of the Revised Code. The system shall 1610
retain in the participant's record an order the board determines 1611
meets the requirements. Not later than sixty days after receipt, 1612
the system shall return to the court that issued the order any 1613
order the system determines does not meet the requirements. 1614

(C) The system shall comply with an order retained under 1615

division (B) of this section at the following times as 1616
appropriate: 1617

(1) If the participant has applied for or is receiving a 1618
benefit or has applied for but not yet received a lump sum 1619
payment, as soon as practicable; 1620

(2) If the participant has not applied for a benefit or lump 1621
sum payment, on application by the participant for a benefit or 1622
lump sum payment. 1623

(D) If the system transfers a participant's service credit or 1624
contributions made by or on behalf of a participant to a public 1625
retirement program that is not named in the order, the system 1626
shall do both of the following: 1627

(1) Notify the court that issued the order by sending to the 1628
court a copy of the order and the name and address of the public 1629
retirement program to which the transfer was made. 1630

(2) Send a copy of the order to the public retirement program 1631
to which the transfer was made. 1632

(E) If it receives a participant's service credit or 1633
contributions and a copy of an order as provided in division (D) 1634
of this section, the system shall administer the order as if it 1635
were the public retirement program named in the order. 1636

(F) If a participant's benefit or lump sum payment is or will 1637
be subject to more than one order described in section 3105.81 of 1638
the Revised Code or to an order described in section 3105.81 of 1639
the Revised Code and a withholding order under ~~section~~ former 1640
section 3111.23 or 3113.21 of the Revised Code, the system shall, 1641
after determining that the amounts that are or will be withheld 1642
will cause the benefit or lump sum payment to fall below the 1643
limits described in section 3105.85 of the Revised Code, do all of 1644
the following: 1645

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the system in accordance with division (G) of this section;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under ~~section~~ former section 3111.23 or 3113.21 of the Revised Code or an order described in section 3115.32 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section.

Sec. 3309.671. (A) As used in this section, "alternate payee," "benefit," "lump sum payment," "participant," and "public retirement program" have the same meanings as in section 3105.80 of the Revised Code.

(B) On receipt of an order issued under section 3105.171 or 3105.65 of the Revised Code, the school employees retirement system shall determine whether the order meets the requirements of sections 3105.80 to 3105.90 of the Revised Code. The system shall retain in the participant's record an order the system determines

meets the requirements. Not later than sixty days after receipt, 1676
the system shall return to the court that issued the order any 1677
order the system determines does not meet the requirements. 1678

(C) The system shall comply with an order retained under 1679
division (B) of this section at the following times as 1680
appropriate: 1681

(1) If the participant has applied for or is receiving a 1682
benefit or has applied for but not yet received a lump sum 1683
payment, as soon as practicable; 1684

(2) If the participant has not applied for a benefit or lump 1685
sum payment, on application by the participant for a benefit or 1686
lump sum payment. 1687

(D) If the system transfers a participant's service credit or 1688
contributions made by or on behalf of a participant to a public 1689
retirement program that is not named in the order, the system 1690
shall do both of the following: 1691

(1) Notify the court that issued the order by sending the 1692
court a copy of the order and the name and address of the public 1693
retirement program to which the transfer was made. 1694

(2) Send a copy of the order to the public retirement program 1695
to which the transfer was made. 1696

(E) If it receives a participant's service credit or 1697
contributions and a copy of an order as provided in division (D) 1698
of this section, the system shall administer the order as if it 1699
were the public retirement program named in the order. 1700

(F) If a participant's benefit or lump sum payment is or will 1701
be subject to more than one order described in section 3105.81 of 1702
the Revised Code or to an order described in section 3105.81 of 1703
the Revised Code and a withholding order under ~~section former~~ 1704
section 3111.23 or 3113.21 of the Revised Code, the system shall, 1705

after determining that the amounts that are or will be withheld 1706
will cause the benefit or lump sum payment to fall below the 1707
limits described in section 3105.85 of the Revised Code, do all of 1708
the following: 1709

(1) Establish, in accordance with division (G) of this 1710
section and subject to the limits described in section 3105.85 of 1711
the Revised Code, the priority in which the orders are or will be 1712
paid by the system; 1713

(2) Reduce the amount paid to an alternate payee based on the 1714
priority established under division (F)(1) of this section; 1715

(3) Notify, by regular mail, a participant and alternate 1716
payee of any action taken under this division. 1717

(G) A withholding or deduction notice issued under ~~section~~ 1718
former section 3111.23 or 3113.21 of the Revised Code or an order 1719
described in section 3115.32 of the Revised Code has priority over 1720
all other orders and shall be complied with in accordance with 1721
child support enforcement laws. All other orders are entitled to 1722
priority in order of earliest retention by the system. The system 1723
is not to retain an order that provides for the division of 1724
property unless the order is filed in a court with jurisdiction in 1725
this state. 1726

(H) The system is not liable in civil damages for loss 1727
resulting from any action or failure to act in compliance with 1728
this section. 1729

Sec. 3705.09. (A) A birth certificate for each live birth in 1730
this state shall be filed in the registration district in which it 1731
occurs within ten days after such birth and shall be registered if 1732
it has been completed and filed in accordance with this section. 1733

(B) When a birth occurs in or en route to an institution, the 1734
person in charge of the institution or a designated representative 1735

shall obtain the personal data, prepare the certificate, secure 1736
the signatures required, and file the certificate within ten days 1737
with the local registrar of vital statistics. The physician in 1738
attendance shall provide the medical information required by the 1739
certificate and certify to the facts of birth within seventy-two 1740
hours after the birth. 1741

(C) When a birth occurs outside an institution, the birth 1742
certificate shall be prepared and filed by one of the following in 1743
the indicated order of priority: 1744

(1) The physician in attendance at or immediately after the 1745
birth; 1746

(2) Any other person in attendance at or immediately after 1747
the birth; 1748

(3) The father; 1749

(4) The mother; 1750

(5) The person in charge of the premises where the birth 1751
occurred. 1752

(D) Either of the parents of the child or other informant 1753
shall attest to the accuracy of the personal data entered on the 1754
birth certificate in time to permit the filing of the certificate 1755
within the ten days prescribed in this section. 1756

(E) When a birth occurs in a moving conveyance within the 1757
United States and the child is first removed from the conveyance 1758
in this state, the birth shall be registered in this state and the 1759
place where it is first removed shall be considered the place of 1760
birth. When a birth occurs on a moving conveyance while in 1761
international waters or air space or in a foreign country or its 1762
air space and the child is first removed from the conveyance in 1763
this state, the birth shall be registered in this state but the 1764
record shall show the actual place of birth insofar as can be 1765

determined. 1766

(F)(1) If the mother of a child was married at the time of 1767
either conception or birth or between conception and birth, the 1768
child shall be registered in the surname designated by the mother, 1769
and the name of the husband shall be entered on the certificate as 1770
the father of the child. The presumption of paternity shall be in 1771
accordance with section 3111.03 of the Revised Code. 1772

(2) If the mother was not married at the time of conception 1773
or birth or between conception and birth, the child shall be 1774
registered by the surname designated by the mother. ~~The name of~~ 1775
~~the father of such child shall also be inserted on the birth~~ 1776
~~certificate if both the mother and the father sign an~~ 1777
~~acknowledgement of paternity affidavit before the birth record has~~ 1778
~~been sent to the local registrar.~~ If the father is not named on 1779
the birth certificate pursuant to division (F)(1) or (2) of this 1780
section, no other information about the father shall be entered on 1781
the record. 1782

(G) When a man is presumed, found, or declared to be the 1783
father of a child, according to section 2105.26, sections 3111.01 1784
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 1785
of the Revised Code, ~~or the father has acknowledged the child as~~ 1786
~~his child in an acknowledgment of paternity, and the~~ 1787
~~acknowledgment has become final pursuant to section 2151.232,~~ 1788
~~3111.25, or 3111.821 of the Revised Code,~~ and documentary evidence 1789
of such fact is submitted to the department of health in such form 1790
as the director may require, a new birth record shall be issued by 1791
the department which shall have the same overall appearance as the 1792
record which would have been issued under this section if a 1793
marriage had occurred before the birth of such child. Where 1794
handwriting is required to effect such appearance, the department 1795
shall supply it. Upon the issuance of such new birth record, the 1796
original birth record shall cease to be a public record. ~~Except as~~ 1797

~~provided in division (C) of section 3705.091 of the Revised Code,~~ 1798
~~the The original record and any documentary evidence supporting~~ 1799
~~the new registration of birth shall be placed in an envelope which~~ 1800
~~shall be sealed by the department and shall not be open to~~ 1801
~~inspection or copy unless so ordered by a court of competent~~ 1802
~~jurisdiction.~~ 1803

The department shall then promptly forward a copy of the new 1804
birth record to the local registrar of vital statistics of the 1805
district in which the birth occurred, and such local registrar 1806
shall file a copy of such new birth record along with and in the 1807
same manner as the other copies of birth records in such local 1808
registrar's possession. All copies of the original birth record in 1809
the possession of the local registrar or the probate court, as 1810
well as any and all index references to it, shall be destroyed. 1811
Such new birth record, as well as any certified or exact copy of 1812
it, when properly authenticated by a duly authorized person shall 1813
be prima-facie evidence in all courts and places of the facts 1814
stated in it. 1815

(H) When a woman who is a legal resident of this state has 1816
given birth to a child in a foreign country that does not have a 1817
system of registration of vital statistics, a birth record may be 1818
filed in the office of vital statistics on evidence satisfactory 1819
to the director of health. 1820

(I) Every birth certificate filed under this section on or 1821
after July 1, 1990, shall be accompanied by all social security 1822
numbers that have been issued to the parents of the child, unless 1823
the division of child support in the department of job and family 1824
services, acting in accordance with regulations prescribed under 1825
the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 1826
as amended, finds good cause for not requiring that the numbers be 1827
furnished with the certificate. The parents' social security 1828
numbers shall not be recorded on the certificate. The local 1829

registrar of vital statistics shall transmit the social security 1830
numbers to the state office of vital statistics in accordance with 1831
section 3705.07 of the Revised Code. No social security number 1832
obtained under this division shall be used for any purpose other 1833
than child support enforcement. 1834

Sec. 3705.24. (A)(1) The public health council shall, in 1835
accordance with section 111.15 of the Revised Code, adopt rules 1836
prescribing fees for the following services provided by the state 1837
office of vital statistics: 1838

(a) Except as provided in division (A)(4) of this section: 1839

(i) A certified copy of a vital record or a certification of 1840
birth; 1841

(ii) A search by the office of vital statistics of its files 1842
and records pursuant to a request for information, regardless of 1843
whether a copy of a record is provided; 1844

(iii) A copy of a record provided pursuant to a request; 1845

(b) Replacement of a birth certificate following an adoption, 1846
legitimation, paternity determination ~~or acknowledgement~~, or court 1847
order; 1848

(c) Filing of a delayed registration of a vital record; 1849

(d) Amendment of a vital record that is requested later than 1850
one year after the filing date of the vital record; 1851

(e) Any other documents or services for which the public 1852
health council considers the charging of a fee appropriate. 1853

(2) Fees prescribed under division (A)(1)(a) of this section 1854
shall not be less than seven dollars. 1855

(3) Fees prescribed under division (A)(1) of this section 1856
shall be collected in addition to any fees required by sections 1857
3109.14 and 3705.242 of the Revised Code. 1858

(4) Fees prescribed under division (A) of this section shall 1859
not apply to certifications issued under division (H) of this 1860
section or copies provided under section 3705.241 of the Revised 1861
Code. 1862

(B) In addition to the fees prescribed under division (A) of 1863
this section or section 3709.09 of the Revised Code, the office of 1864
vital statistics or the board of health of a city or general 1865
health district shall charge a five-dollar fee for each certified 1866
copy of a vital record and each certification of birth. This fee 1867
shall be deposited in the general operations fund created under 1868
section 3701.83 of the Revised Code and be used to support the 1869
operations, the modernization, and the automation of the vital 1870
records program in this state. A board of health shall forward all 1871
fees collected under this division to the department of health not 1872
later than thirty days after the end of each calendar quarter. 1873
1874

(C) Except as otherwise provided in division (H) of this 1875
section, and except as provided in section 3705.241 of the Revised 1876
Code, fees collected by the director of health under sections 1877
3705.01 to 3705.29 of the Revised Code shall be paid into the 1878
state treasury to the credit of the general operations fund 1879
created by section 3701.83 of the Revised Code. Except as provided 1880
in division (B) of this section, money generated by the fees shall 1881
be used only for administration and enforcement of this chapter 1882
and the rules adopted under it. Amounts submitted to the 1883
department of health for copies of vital records or services in 1884
excess of the fees imposed by this section shall be dealt with as 1885
follows: 1886

(1) An overpayment of two dollars or less shall be retained 1887
by the department and deposited in the state treasury to the 1888
credit of the general operations fund created by section 3701.83 1889
of the Revised Code. 1890

(2) An overpayment in excess of two dollars shall be returned 1891
to the person who made the overpayment. 1892

(D) If a local registrar is a salaried employee of a city or 1893
a general health district, any fees the local registrar receives 1894
pursuant to section 3705.23 of the Revised Code shall be paid into 1895
the general fund of the city or the health fund of the general 1896
health district. 1897

Each local registrar of vital statistics, or each health 1898
district where the local registrar is a salaried employee of the 1899
district, shall be entitled to a fee for each birth, fetal death, 1900
death, or military service certificate properly and completely 1901
made out and registered with the local registrar or district and 1902
correctly copied and forwarded to the office of vital statistics 1903
in accordance with the population of the primary registration 1904
district at the last federal census. The fee for each birth, fetal 1905
death, death, or military service certificate shall be: 1906

(1) In primary registration districts of over two hundred 1907
fifty thousand, twenty cents; 1908

(2) In primary registration districts of over one hundred 1909
twenty-five thousand and less than two hundred fifty thousand, 1910
sixty cents; 1911

(3) In primary registration districts of over fifty thousand 1912
and less than one hundred twenty-five thousand, eighty cents; 1913

(4) In primary registration districts of less than fifty 1914
thousand, one dollar. 1915

(E) The director of health shall annually certify to the 1916
county treasurers of the several counties the number of birth, 1917
fetal death, death, and military service certificates registered 1918
from their respective counties with the names of the local 1919
registrars and the amounts due each registrar and health district 1920
at the rates fixed in this section. Such amounts shall be paid by 1921

the treasurer of the county in which the registration districts 1922
are located. No fees shall be charged or collected by registrars 1923
except as provided by this chapter and section 3109.14 of the 1924
Revised Code. 1925

(F) A probate judge shall be paid a fee of fifteen cents for 1926
each certified abstract of marriage prepared and forwarded by the 1927
probate judge to the department of health pursuant to section 1928
3705.21 of the Revised Code. The fee shall be in addition to the 1929
fee paid for a marriage license and shall be paid by the 1930
applicants for the license. 1931

(G) The clerk of a court of common pleas shall be paid a fee 1932
of one dollar for each certificate of divorce, dissolution, and 1933
annulment of marriage prepared and forwarded by the clerk to the 1934
department pursuant to section 3705.21 of the Revised Code. The 1935
fee for the certified abstract of divorce, dissolution, or 1936
annulment of marriage shall be added to the court costs allowed in 1937
these cases. 1938

(H) The fee for an heirloom certification of birth issued 1939
pursuant to division (B)(2) of section 3705.23 of the Revised Code 1940
shall be an amount prescribed by rule by the director of health 1941
plus any fee required by section 3109.14 of the Revised Code. In 1942
setting the amount of the fee, the director shall establish a 1943
surcharge in addition to an amount necessary to offset the expense 1944
of processing heirloom certifications of birth. The fee prescribed 1945
by the director of health pursuant to this division shall be 1946
deposited into the state treasury to the credit of the heirloom 1947
certification of birth fund which is hereby created. Money 1948
credited to the fund shall be used by the office of vital 1949
statistics to offset the expense of processing heirloom 1950
certifications of birth. However, the money collected for the 1951
surcharge, subject to the approval of the controlling board, shall 1952
be used for the purposes specified by the family and children 1953

first council pursuant to section 121.37 of the Revised Code. 1954

Sec. 3727.17. Each hospital shall provide a staff person to 1955
do all of the following: 1956

(A) Meet with each unmarried mother who gave birth in or en 1957
route to the hospital within twenty-four hours after the birth or 1958
before the mother is released from the hospital; 1959

(B) Attempt to meet with the father of the unmarried mother's 1960
child if possible; 1961

(C) Explain to the unmarried mother and the father, if the 1962
father is present, the benefit to the child of establishing a 1963
parent and child relationship between the father and the child and 1964
the various proper procedures for establishing a parent and child 1965
relationship; 1966

(D) Present to the unmarried mother and, if possible, the 1967
father, the pamphlet or statement regarding the rights and 1968
responsibilities of a natural parent prepared by the department of 1969
job and family services pursuant to section ~~3111.32~~ 3111.21 of the 1970
Revised Code; 1971

(E) Provide the unmarried mother, and if possible the father, 1972
all forms and statements necessary to voluntarily establish a 1973
parent and child relationship, ~~including the acknowledgment of~~ 1974
~~paternity form prepared by the department of job and family~~ 1975
~~services pursuant to section 3111.31 of the Revised Code;~~ 1976

(F) Upon both the mother's and father's request, help the 1977
mother and father complete any specific form or statement 1978
necessary to establish a parent and child relationship; 1979

(G) Present to an unmarried mother who is not a recipient of 1980
medicaid or a participant in Ohio works first an application for 1981
Title IV-D services; 1982

~~(H) Mail the voluntary acknowledgment of paternity, no later~~ 1983

~~than ten days after it is completed, to the office of child support in the department of job and family services.~~ 1984
1985

~~Each hospital shall provide a notary public to notarize an acknowledgment of paternity signed by the mother and father. If a hospital knows or determines that a man is presumed under section 3111.03 of the Revised Code to be the father of the child described in this section and that the presumed father is not the man who signed or is attempting to sign an acknowledgment with respect to the child, the hospital shall take no further action with regard to the acknowledgment and shall not mail the acknowledgment pursuant to this section.~~ 1986
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A hospital may contract with a person or government entity to fulfill its responsibilities under this section and sections 3111.71 to ~~3111.74~~ 3111.73 of the Revised Code. Services provided by a hospital under this section or pursuant to a contract under sections 3111.71 and 3111.77 of the Revised Code do not constitute the practice of law. A hospital shall not be subject to criminal or civil liability for any damage or injury alleged to result from services provided pursuant to this section or sections 3111.71 to ~~3111.74~~ 3111.73 of the Revised Code unless the hospital acted with malicious purpose, in bad faith, or in a wanton or reckless manner. 1995
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Sec. 5103.16. (A) Except as otherwise provided in this section, no child shall be placed or accepted for placement under any written or oral agreement or understanding that transfers or surrenders the legal rights, powers, or duties of the legal parent, parents, or guardian of the child into the temporary or permanent custody of any association or institution that is not certified by the department of job and family services under section 5103.03 of the Revised Code, without the written consent of the office in the department that oversees the interstate 2006
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compact for placement of children established under section 2015
5103.20 of the Revised Code or the interstate compact on the 2016
placement of children established under section 5103.23 of the 2017
Revised Code, as applicable, or by a commitment of a juvenile 2018
court, or by a commitment of a probate court as provided in this 2019
section. A child may be placed temporarily without written consent 2020
or court commitment with persons related by blood or marriage or 2021
in a legally licensed boarding home. 2022

(B)(1) Associations and institutions certified under section 2023
5103.03 of the Revised Code for the purpose of placing children in 2024
free foster homes or for legal adoption shall keep a record of the 2025
temporary and permanent surrenders of children. This record shall 2026
be available for separate statistics, which shall include a copy 2027
of an official birth record and all information concerning the 2028
social, mental, and medical history of the children that will aid 2029
in an intelligent disposition of the children in case that becomes 2030
necessary because the parents or guardians fail or are unable to 2031
reassume custody. 2032

(2) No child placed on a temporary surrender with an 2033
association or institution shall be placed permanently in a foster 2034
home or for legal adoption. All surrendered children who are 2035
placed permanently in foster homes or for adoption shall have been 2036
permanently surrendered, and a copy of the permanent surrender 2037
shall be a part of the separate record kept by the association or 2038
institution. 2039

(C) Any agreement or understanding to transfer or surrender 2040
the legal rights, powers, or duties of the legal parent or parents 2041
and place a child with a person seeking to adopt the child under 2042
this section shall be construed to contain a promise by the person 2043
seeking to adopt the child to pay the expenses listed in divisions 2044
(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 2045
if the person seeking to adopt the child refuses to accept 2046

placement of the child, to pay the temporary costs of routine 2047
maintenance and medical care for the child in a hospital, foster 2048
home, or other appropriate place for up to thirty days or until 2049
other custody is established for the child, as provided by law, 2050
whichever is less. 2051

(D) No child shall be placed or received for adoption or with 2052
intent to adopt unless placement is made by a public children 2053
services agency, an institution or association that is certified 2054
by the department of job and family services under section 5103.03 2055
of the Revised Code to place children for adoption, or custodians 2056
in another state or foreign country, or unless all of the 2057
following criteria are met: 2058

(1) Prior to the placement and receiving of the child, the 2059
parent or parents of the child personally have applied to, and 2060
appeared before, the probate court of the county in which the 2061
parent or parents reside, or in which the person seeking to adopt 2062
the child resides, for approval of the proposed placement 2063
specified in the application and have signed and filed with the 2064
court a written statement showing that the parent or parents are 2065
aware of their right to contest the decree of adoption subject to 2066
the limitations of section 3107.16 of the Revised Code; 2067

(2) The court ordered an independent home study of the 2068
proposed placement to be conducted as provided in section 3107.031 2069
of the Revised Code, and after completion of the home study, the 2070
court determined that the proposed placement is in the best 2071
interest of the child; 2072

(3) The court has approved of record the proposed placement. 2073

In determining whether a custodian has authority to place 2074
children for adoption under the laws of a foreign country, the 2075
probate court shall determine whether the child has been released 2076
for adoption pursuant to the laws of the country in which the 2077

child resides, and if the release is in a form that satisfies the 2078
requirements of the immigration and naturalization service of the 2079
United States department of justice for purposes of immigration to 2080
this country pursuant to section 101(b)(1)(F) of the "Immigration 2081
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 2082
(b)(1)(F), as amended or reenacted. 2083

If the parent or parents of the child are deceased or have 2084
abandoned the child, as determined under division (A)(1) of 2085
section 3107.07 of the Revised Code, the application for approval 2086
of the proposed adoptive placement may be brought by the relative 2087
seeking to adopt the child, or by the department, board, or 2088
organization not otherwise having legal authority to place the 2089
orphaned or abandoned child for adoption, but having legal custody 2090
of the orphaned or abandoned child, in the probate court of the 2091
county in which the child is a resident, or in which the 2092
department, board, or organization is located, or where the person 2093
or persons with whom the child is to be placed reside. Unless the 2094
parent, parents, or guardian of the person of the child personally 2095
have appeared before the court and applied for approval of the 2096
placement, notice of the hearing on the application shall be 2097
served on the parent, parents, or guardian. 2098

The consent to placement, surrender, or adoption executed by 2099
a minor parent before a judge of the probate court or an 2100
authorized deputy or referee of the court, whether executed within 2101
or outside the confines of the court, is as valid as though 2102
executed by an adult. A consent given as above before an employee 2103
of a children services agency that is licensed as provided by law, 2104
is equally effective, if the consent also is accompanied by an 2105
affidavit executed by the witnessing employee or employees to the 2106
effect that the legal rights of the parents have been fully 2107
explained to the parents, prior to the execution of any consent, 2108
and that the action was done after the birth of the child. 2109

If the court approves a placement, the prospective adoptive parent with whom the child is placed has care, custody, and control of the child pending further order of the court.

(E) This section does not apply to an adoption by a stepparent, a grandparent, or a guardian.

Sec. 5505.261. (A) As used in this section, "alternate payee," "benefit," "lump sum payment," "participant," and "public retirement program" have the same meanings as in section 3105.80 of the Revised Code.

(B) On receipt of an order issued under section 3105.171 or 3105.65 of the Revised Code, the state highway patrol retirement system shall determine whether the order meets the requirements of sections 3105.80 to 3105.90 of the Revised Code. The system shall retain in the participant's record an order the system determines meets the requirements. Not later than sixty days after receipt, the system shall return to the court that issued the order any order the system determines does not meet the requirements.

(C) The system shall comply with an order retained under division (B) of this section at either of the following times as appropriate:

(1) If the participant has applied for or is receiving a benefit or has applied for but not yet received a lump sum payment, as soon as practicable;

(2) If the participant has not applied for a benefit or lump sum payment, on application by the participant for a benefit or lump sum payment.

(D) If the system transfers a participant's service credit or contributions made by or on behalf of a participant to a public retirement program that is not named in the order, the system shall do both of the following:

(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the public retirement program to which the transfer was made.

(2) Send a copy of the order to the public retirement program to which the transfer was made.

(E) If it receives a participant's service credit or contributions and a copy of an order as provided in division (D) of this section, the system shall administer the order as if it were the public retirement program named in the order.

(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under ~~section~~ former section 3111.23 or 3113.21 of the Revised Code, the system shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following:

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the retirement system in accordance with division (G) of this section;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under ~~section~~ former section 3111.23 or 3113.21 of the Revised Code or an order described in section 3115.32 of the Revised Code has priority over all other orders and shall be complied with in accordance with

child support enforcement laws. All other orders are entitled to 2171
priority in order of earliest retention by the system. The system 2172
is not to retain an order that provides for the division of 2173
property unless the order is filed in a court with jurisdiction in 2174
this state. 2175

(H) The system is not liable in civil damages for loss 2176
resulting from any action or failure to act in compliance with 2177
this section. 2178

Section 2. That existing sections 145.571, 742.462, 2151.23, 2179
2151.231, 2151.352, 2919.21, 2919.231, 3103.031, 3105.85, 3107.01, 2180
3107.06, 3107.061, 3107.064, 3107.07, 3107.11, 3109.12, 3109.19, 2181
3111.02, 3111.03, 3111.32, 3111.33, 3111.35, 3111.381, 3111.64, 2182
3111.66, 3111.72, 3111.78, 3111.80, 3111.821, 3119.01, 3119.961, 2183
3119.962, 3125.28, 3305.21, 3307.371, 3309.671, 3705.09, 3705.24, 2184
3727.17, 5103.16, and 5505.261 and sections 2151.232, 3111.21, 2185
3111.22, 3111.23, 3111.24, 3111.25, 3111.26, 3111.27, 3111.28, 2186
3111.29, 3111.30, 3111.31, 3111.34, 3111.44, 3111.74, and 3705.091 2187
of the Revised Code are hereby repealed. 2188

Section 3. Section 2151.23 of the Revised Code is presented 2189
in this act as a composite of the section as amended by both Am. 2190
Sub. H.B. 214 and Am. Sub. S.B. 10 of the 127th General Assembly. 2191
The General Assembly, applying the principle stated in division 2192
(B) of section 1.52 of the Revised Code that amendments are to be 2193
harmonized if reasonably capable of simultaneous operation, finds 2194
that the composite is the resulting version of the section in 2195
effect prior to the effective date of the section as presented in 2196
this act. 2197