

As Introduced

**129th General Assembly
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H. B. No. 348

Representative Pelanda

**Cosponsors: Representatives Blessing, Grossman, Murray, Gonzales,
Henne, Blair, Pillich**

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A B I L L

To amend sections 1349.01, 2119.03, 2151.23, 1
2303.201, 2329.66, 2701.03, 2743.66, 2919.231, 2
2950.15, 3105.171, 3105.63, 3105.65, 3105.73, 3
3105.89, 3109.06, 3111.69, 3119.01, 3119.022, 4
3119.023, 3119.05, 3121.441, 3125.05, and 5107.20, 5
to enact new section 3105.18 and sections 6
3105.172, 3105.181, 3105.182, and 3105.183, and to 7
repeal section 3105.18 of the Revised Code to 8
change the definition of the duration of marriage 9
for the purposes of division of marital property, 10
to replace spousal support awards with 11
compensatory spousal support awards, and to create 12
presumptions for circumstances under which a 13
compensatory spousal support award should be made 14
and standards for the length and duration of 15
compensatory spousal support awards. 16

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

Section 1. That sections 1349.01, 2119.03, 2151.23, 2303.201, 17
2329.66, 2701.03, 2743.66, 2919.231, 2950.15, 3105.171, 3105.63, 18
3105.65, 3105.73, 3105.89, 3109.06, 3111.69, 3119.01, 3119.022, 19

3119.023, 3119.05, 3121.441, 3125.05, and 5107.20 be amended and 20
new section 3105.18 and sections 3105.172, 3105.181, 3105.182, and 21
3105.183 of the Revised Code be enacted to read as follows: 22

Sec. 1349.01. (A) As used in this section: 23

(1) "Consumer reporting agency" has the same meaning as in 24
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a. 25

(2) "Court" means the division of the court of common pleas 26
having jurisdiction over actions for divorce, annulment, 27
dissolution of marriage, legal separation, child support, or 28
compensatory spousal support. 29

(3) "Health insurance coverage" means hospital, surgical, or 30
medical expense coverage provided under any health insurance or 31
health care policy, contract, or plan or any other health benefits 32
arrangement. 33

(4) "Provider" has the same meaning as in section 3902.11 of 34
the Revised Code. 35

(B) If, pursuant to an action for divorce, annulment, 36
dissolution of marriage, or legal separation, the court determines 37
that a party who is a resident of this state is responsible for 38
obtaining health insurance coverage for the party's former spouse 39
or children or if, pursuant to a child support order issued in 40
accordance with sections 3119.29 to 3119.56 of the Revised Code, 41
the court requires a party who is a resident of this state to 42
obtain health insurance coverage for the children who are the 43
subject of the child support order, and the party fails to obtain 44
such coverage, no provider or collection agency shall collect or 45
attempt to collect from the former spouse, children, or person 46
responsible for the children, any reimbursement of any hospital, 47
surgical, or medical expenses incurred by the provider for 48
services rendered to the former spouse or children, which expenses 49

would have been covered but for the failure of the party to obtain 50
the coverage, if the former spouse, any of the children, or a 51
person responsible for the children, provides the following to the 52
provider or collection agency: 53

(1) A copy of the court order requiring the party to obtain 54
health insurance coverage for the former spouse or children. 55

(2) Reasonable assistance in locating the party and obtaining 56
information about the party's health insurance coverage. 57

(C) If the requirements of divisions (B)(1) and (2) of this 58
section are not met, the provider or collection agency may collect 59
the hospital, surgical, or medical expenses both from the former 60
spouse or person responsible for the children and from the party 61
who failed to obtain the coverage. If the requirements of 62
divisions (B)(1) and (2) are met, the provider or collection 63
agency may collect or attempt to collect the expenses only from 64
the party. 65

A party required to obtain health insurance coverage for a 66
former spouse or children who fails to obtain the coverage is 67
liable to the provider for the hospital, surgical, or medical 68
expenses incurred by the provider as a result of the failure to 69
obtain the coverage. This section does not prohibit a former 70
spouse or person responsible for the children from initiating an 71
action to enforce the order requiring the party to obtain health 72
insurance for the former spouse or children or to collect any 73
amounts the former spouse or person responsible for the children 74
pays for hospital, surgical, or medical expenses for which the 75
party is responsible under the order requiring the party to obtain 76
health insurance for the former spouse or children. 77

(D)(1) If the requirements of divisions (B)(1) and (2) of 78
this section are met, both of the following restrictions shall 79
apply: 80

(a) No collection agency or provider of hospital, surgical, or medical services may report to a consumer reporting agency, for inclusion in the credit file or credit report of the former spouse or person responsible for the children, any information relative to the nonpayment of expenses for the services incurred by the provider, if the nonpayment is the result of the failure of the party responsible for obtaining health insurance coverage to obtain health insurance coverage.

(b) No consumer reporting agency shall include in the credit file or credit report of the former spouse or person responsible for the children, any information relative to the nonpayment of any hospital, surgical, or medical expenses incurred by a provider as a result of the party's failure to obtain the coverage.

(2) If the requirements of divisions (B)(1) and (2) of this section are not met, both of the following provisions shall apply:

(a) A provider of hospital, surgical, or medical services, or a collection agency, may report to a consumer reporting agency, for inclusion in the credit file or credit report of the former spouse or person responsible for the children, any information relative to the nonpayment of expenses for the services incurred by the provider, if the nonpayment is the result of the failure of the party responsible for obtaining health insurance coverage to obtain such coverage.

(b) A consumer reporting agency may include in the credit file or credit report of the former spouse or person responsible for the children, any information relative to the nonpayment of any hospital, surgical, or medical expenses incurred by the provider, if the nonpayment is the result of the failure of the party responsible for obtaining health insurance coverage to obtain such coverage.

(3)(a) A provider of hospital, surgical, or medical services,

or a collection agency, may report to a consumer reporting agency, 112
for inclusion in the credit file or credit report of that party, 113
any information relative to the nonpayment of expenses for the 114
services incurred by the provider, if the nonpayment is the result 115
of the failure of the party responsible for obtaining health 116
insurance coverage to obtain such coverage. 117

(b) A consumer reporting agency may include in the credit 118
file or credit report of the party responsible for obtaining 119
health insurance coverage, any information relative to the 120
nonpayment of any hospital, surgical, or medical expenses incurred 121
by a provider, if the nonpayment is the result of the failure of 122
that party to obtain health insurance coverage. 123

(4) If any information described in division (D)(2) of this 124
section is placed in the credit file or credit report of the 125
former spouse or person responsible for the children, the consumer 126
reporting agency shall remove the information from the credit file 127
and credit report if the former spouse or person responsible for 128
the children provides the agency with the information required in 129
divisions (B)(1) and (2) of this section. If the agency fails to 130
remove the information from the credit file or credit report 131
pursuant to the terms of the "Fair Credit Reporting Act," 84 Stat. 132
1128, 15 U.S.C. 1681a, within a reasonable time after receiving 133
the information required by divisions (B)(1) and (2) of this 134
section, the former spouse may initiate an action to require the 135
agency to remove the information. 136

If any information described in division (D)(3) of this 137
section is placed in the party's credit file or credit report, the 138
party has the burden of proving that the party is not responsible 139
for obtaining the health insurance coverage or, if responsible, 140
that the expenses incurred are not covered expenses. If the party 141
meets that burden, the agency shall remove the information from 142
the party's credit file and credit report immediately. If the 143

agency fails to remove the information from the credit file or 144
credit report immediately after the party meets the burden, the 145
party may initiate an action to require the agency to remove the 146
information. 147

Sec. 2119.03. The trustee appointed under section 2119.01 of 148
the Revised Code may proceed without order of the probate court: 149

(A) To take possession of the property of the absentee 150
wherever situated within the state; 151

(B) To collect all debts due to the absentee; 152

(C) To retain and invest the estate in accordance with 153
Chapters 2113. to 2125. of the Revised Code. 154

The trustee may pay such part or all of the income or 155
principal of the estate as the court, from time to time, may 156
direct for the maintenance and support of the absentee's 157
dependents and, under the order of the court, may bring and defend 158
suits on behalf of the absentee, compromise claims in favor of and 159
against the absentee, and pay such debts of the absentee as the 160
court finds necessary for the protection of ~~his~~ the absentee's 161
dependents, including insurance premiums, orders for an award of 162
compensatory spousal support, and other obligations. The court may 163
make such other orders as it deems proper for the care and custody 164
of the property and its proceeds. 165

Sec. 2151.23. (A) The juvenile court has exclusive original 166
jurisdiction under the Revised Code as follows: 167

(1) Concerning any child who on or about the date specified 168
in the complaint, indictment, or information is alleged to have 169
violated section 2151.87 of the Revised Code or an order issued 170
under that section or to be a juvenile traffic offender or a 171
delinquent, unruly, abused, neglected, or dependent child and, 172
based on and in relation to the allegation pertaining to the 173

child, concerning the parent, guardian, or other person having	174
care of a child who is alleged to be an unruly or delinquent child	175
for being an habitual or chronic truant;	176
(2) Subject to divisions (G), (K), and (V) of section 2301.03	177
of the Revised Code, to determine the custody of any child not a	178
ward of another court of this state;	179
(3) To hear and determine any application for a writ of	180
habeas corpus involving the custody of a child;	181
(4) To exercise the powers and jurisdiction given the probate	182
division of the court of common pleas in Chapter 5122. of the	183
Revised Code, if the court has probable cause to believe that a	184
child otherwise within the jurisdiction of the court is a mentally	185
ill person subject to hospitalization by court order, as defined	186
in section 5122.01 of the Revised Code;	187
(5) To hear and determine all criminal cases charging adults	188
with the violation of any section of this chapter;	189
(6) To hear and determine all criminal cases in which an	190
adult is charged with a violation of division (C) of section	191
2919.21, division (B)(1) of section 2919.22, section 2919.222,	192
division (B) of section 2919.23, or section 2919.24 of the Revised	193
Code, provided the charge is not included in an indictment that	194
also charges the alleged adult offender with the commission of a	195
felony arising out of the same actions that are the basis of the	196
alleged violation of division (C) of section 2919.21, division	197
(B)(1) of section 2919.22, section 2919.222, division (B) of	198
section 2919.23, or section 2919.24 of the Revised Code;	199
(7) Under the interstate compact on juveniles in section	200
2151.56 of the Revised Code;	201
(8) Concerning any child who is to be taken into custody	202
pursuant to section 2151.31 of the Revised Code, upon being	203
notified of the intent to take the child into custody and the	204

reasons for taking the child into custody;	205
(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;	206 207 208 209
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	210 211
(11) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	212 213 214 215 216 217 218
(12) Concerning an action commenced under section 121.38 of the Revised Code;	219 220
(13) To hear and determine violations of section 3321.38 of the Revised Code;	221 222
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	223 224 225 226 227
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	228 229 230 231 232 233 234 235

(16) To hear and determine a petition for a protection order	236
against a child under section 2151.34 or 3113.31 of the Revised	237
Code and to enforce a protection order issued or a consent	238
agreement approved under either section against a child until a	239
date certain but not later than the date the child attains	240
nineteen years of age.	241
(B) Except as provided in divisions (G) and (I) of section	242
2301.03 of the Revised Code, the juvenile court has original	243
jurisdiction under the Revised Code:	244
(1) To hear and determine all cases of misdemeanors charging	245
adults with any act or omission with respect to any child, which	246
act or omission is a violation of any state law or any municipal	247
ordinance;	248
(2) To determine the paternity of any child alleged to have	249
been born out of wedlock pursuant to sections 3111.01 to 3111.18	250
of the Revised Code;	251
(3) Under the uniform interstate family support act in	252
Chapter 3115. of the Revised Code;	253
(4) To hear and determine an application for an order for the	254
support of any child, if the child is not a ward of another court	255
of this state;	256
(5) To hear and determine an action commenced under section	257
3111.28 of the Revised Code;	258
(6) To hear and determine a motion filed under section	259
3119.961 of the Revised Code;	260
(7) To receive filings under section 3109.74 of the Revised	261
Code, and to hear and determine actions arising under sections	262
3109.51 to 3109.80 of the Revised Code.	263
(8) To enforce an order for the return of a child made under	264
the Hague Convention on the Civil Aspects of International Child	265

Abduction pursuant to section 3127.32 of the Revised Code; 266

(9) To grant any relief normally available under the laws of 267
this state to enforce a child custody determination made by a 268
court of another state and registered in accordance with section 269
3127.35 of the Revised Code. 270

(C) The juvenile court, except as to juvenile courts that are 271
a separate division of the court of common pleas or a separate and 272
independent juvenile court, has jurisdiction to hear, determine, 273
and make a record of any action for divorce or legal separation 274
that involves the custody or care of children and that is filed in 275
the court of common pleas and certified by the court of common 276
pleas with all the papers filed in the action to the juvenile 277
court for trial, provided that no certification of that nature 278
shall be made to any juvenile court unless the consent of the 279
juvenile judge first is obtained. After a certification of that 280
nature is made and consent is obtained, the juvenile court shall 281
proceed as if the action originally had been begun in that court, 282
except as to awards for compensatory spousal support or support 283
due and unpaid at the time of certification, over which the 284
juvenile court has no jurisdiction. 285

(D) The juvenile court, except as provided in divisions (G) 286
and (I) of section 2301.03 of the Revised Code, has jurisdiction 287
to hear and determine all matters as to custody and support of 288
children duly certified by the court of common pleas to the 289
juvenile court after a divorce decree has been granted, including 290
jurisdiction to modify the judgment and decree of the court of 291
common pleas as the same relate to the custody and support of 292
children. 293

(E) The juvenile court, except as provided in divisions (G) 294
and (I) of section 2301.03 of the Revised Code, has jurisdiction 295
to hear and determine the case of any child certified to the court 296
by any court of competent jurisdiction if the child comes within 297

the jurisdiction of the juvenile court as defined by this section. 298

(F)(1) The juvenile court shall exercise its jurisdiction in 299
child custody matters in accordance with sections 3109.04 and 300
3127.01 to 3127.53 of the Revised Code and, as applicable, 301
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 302
Code. 303

(2) The juvenile court shall exercise its jurisdiction in 304
child support matters in accordance with section 3109.05 of the 305
Revised Code. 306

(G) Any juvenile court that makes or modifies an order for 307
child support shall comply with Chapters 3119., 3121., 3123., and 308
3125. of the Revised Code. If any person required to pay child 309
support under an order made by a juvenile court on or after April 310
15, 1985, or modified on or after December 1, 1986, is found in 311
contempt of court for failure to make support payments under the 312
order, the court that makes the finding, in addition to any other 313
penalty or remedy imposed, shall assess all court costs arising 314
out of the contempt proceeding against the person and require the 315
person to pay any reasonable attorney's fees of any adverse party, 316
as determined by the court, that arose in relation to the act of 317
contempt. 318

(H) If a child who is charged with an act that would be an 319
offense if committed by an adult was fourteen years of age or 320
older and under eighteen years of age at the time of the alleged 321
act and if the case is transferred for criminal prosecution 322
pursuant to section 2152.12 of the Revised Code, except as 323
provided in section 2152.121 of the Revised Code, the juvenile 324
court does not have jurisdiction to hear or determine the case 325
subsequent to the transfer. The court to which the case is 326
transferred for criminal prosecution pursuant to that section has 327
jurisdiction subsequent to the transfer to hear and determine the 328
case in the same manner as if the case originally had been 329

commenced in that court, subject to section 2152.121 of the Revised Code, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of another offense that is different from the offense charged.

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

(J) In exercising its exclusive original jurisdiction under division (A)(16) of this section with respect to any proceedings brought under section 2151.34 or 3113.31 of the Revised Code in which the respondent is a child, the juvenile court retains all dispositional powers consistent with existing rules of juvenile

procedure and may also exercise its discretion to adjudicate 362
proceedings as provided in sections 2151.34 and 3113.31 of the 363
Revised Code, including the issuance of protection orders or the 364
approval of consent agreements under those sections. 365

Sec. 2303.201. (A)(1) The court of common pleas of any county 366
may determine that for the efficient operation of the court 367
additional funds are required to computerize the court, to make 368
available computerized legal research services, or to do both. 369
Upon making a determination that additional funds are required for 370
either or both of those purposes, the court shall authorize and 371
direct the clerk of the court of common pleas to charge one 372
additional fee, not to exceed three dollars, on the filing of each 373
cause of action or appeal under divisions (A), (Q), and (U) of 374
section 2303.20 of the Revised Code. 375

(2) All fees collected under division (A)(1) of this section 376
shall be paid to the county treasurer. The treasurer shall place 377
the funds from the fees in a separate fund to be disbursed either 378
upon an order of the court, subject to an appropriation by the 379
board of county commissioners, or upon an order of the court, 380
subject to the court making an annual report available to the 381
public listing the use of all such funds, in an amount not greater 382
than the actual cost to the court of procuring and maintaining 383
computerization of the court, computerized legal research 384
services, or both. 385

(3) If the court determines that the funds in the fund 386
described in division (A)(2) of this section are more than 387
sufficient to satisfy the purpose for which the additional fee 388
described in division (A)(1) of this section was imposed, the 389
court may declare a surplus in the fund and, subject to an 390
appropriation by the board of county commissioners, expend those 391
surplus funds, or upon an order of the court, subject to the court 392

making an annual report available to the public listing the use of 393
all such funds, expend those surplus funds, for other appropriate 394
technological expenses of the court. 395

(B)(1) The court of common pleas of any county may determine 396
that, for the efficient operation of the court, additional funds 397
are required to computerize the office of the clerk of the court 398
of common pleas and, upon that determination, authorize and direct 399
the clerk of the court of common pleas to charge an additional 400
fee, not to exceed ten dollars, on the filing of each cause of 401
action or appeal, on the filing, docketing, and endorsing of each 402
certificate of judgment, or on the docketing and indexing of each 403
aid in execution or petition to vacate, revive, or modify a 404
judgment under divisions (A), (P), (Q), (T), and (U) of section 405
2303.20 of the Revised Code. Subject to division (B)(2) of this 406
section, all moneys collected under division (B)(1) of this 407
section shall be paid to the county treasurer to be disbursed, 408
upon an order of the court of common pleas and subject to 409
appropriation by the board of county commissioners, in an amount 410
no greater than the actual cost to the court of procuring and 411
maintaining computer systems for the office of the clerk of the 412
court of common pleas. 413

(2) If the court of common pleas of a county makes the 414
determination described in division (B)(1) of this section, the 415
board of county commissioners of that county may issue one or more 416
general obligation bonds for the purpose of procuring and 417
maintaining the computer systems for the office of the clerk of 418
the court of common pleas. In addition to the purposes stated in 419
division (B)(1) of this section for which the moneys collected 420
under that division may be expended, the moneys additionally may 421
be expended to pay debt charges on and financing costs related to 422
any general obligation bonds issued pursuant to division (B)(2) of 423
this section as they become due. General obligation bonds issued 424

pursuant to division (B)(2) of this section are Chapter 133. 425
securities. 426

(C) The court of common pleas shall collect the sum of 427
twenty-six dollars as additional filing fees in each new civil 428
action or proceeding for the charitable public purpose of 429
providing financial assistance to legal aid societies that operate 430
within the state and to support the office of the state public 431
defender. This division does not apply to proceedings concerning 432
annulments, dissolutions of marriage, divorces, legal separation, 433
compensatory spousal support, marital property or separate 434
property distribution, support, or other domestic relations 435
matters; to a juvenile division of a court of common pleas; to a 436
probate division of a court of common pleas, except that the 437
additional filing fees shall apply to name change, guardianship, 438
adoption, and decedents' estate proceedings; or to an execution on 439
a judgment, proceeding in aid of execution, or other post-judgment 440
proceeding arising out of a civil action. The filing fees required 441
to be collected under this division shall be in addition to any 442
other filing fees imposed in the action or proceeding and shall be 443
collected at the time of the filing of the action or proceeding. 444
The court shall not waive the payment of the additional filing 445
fees in a new civil action or proceeding unless the court waives 446
the advanced payment of all filing fees in the action or 447
proceeding. All such moneys collected during a month except for an 448
amount equal to up to one per cent of those moneys retained to 449
cover administrative costs shall be transmitted on or before the 450
twentieth day of the following month by the clerk of the court to 451
the treasurer of state in a manner prescribed by the treasurer of 452
state or by the Ohio legal assistance foundation. The treasurer of 453
state shall deposit four per cent of the funds collected under 454
this division to the credit of the civil case filing fee fund 455
established under section 120.07 of the Revised Code and 456
ninety-six per cent of the funds collected under this division to 457

the credit of the legal aid fund established under section 120.52 458
of the Revised Code. 459

The court may retain up to one per cent of the moneys it 460
collects under this division to cover administrative costs, 461
including the hiring of any additional personnel necessary to 462
implement this division. If the court fails to transmit to the 463
treasurer of state the moneys the court collects under this 464
division in a manner prescribed by the treasurer of state or by 465
the Ohio legal assistance foundation, the court shall forfeit the 466
moneys the court retains under this division to cover 467
administrative costs, including the hiring of any additional 468
personnel necessary to implement this division, and shall transmit 469
to the treasurer of state all moneys collected under this 470
division, including the forfeited amount retained for 471
administrative costs, for deposit in the legal aid fund. 472

(D) On and after the thirtieth day after December 9, 1994, 473
the court of common pleas shall collect the sum of thirty-two 474
dollars as additional filing fees in each new action or proceeding 475
for annulment, divorce, or dissolution of marriage for the purpose 476
of funding shelters for victims of domestic violence pursuant to 477
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 478
required to be collected under this division shall be in addition 479
to any other filing fees imposed in the action or proceeding and 480
shall be collected at the time of the filing of the action or 481
proceeding. The court shall not waive the payment of the 482
additional filing fees in a new action or proceeding for 483
annulment, divorce, or dissolution of marriage unless the court 484
waives the advanced payment of all filing fees in the action or 485
proceeding. On or before the twentieth day of each month, all 486
moneys collected during the immediately preceding month pursuant 487
to this division shall be deposited by the clerk of the court into 488
the county treasury in the special fund used for deposit of 489

additional marriage license fees as described in section 3113.34 490
of the Revised Code. Upon their deposit into the fund, the moneys 491
shall be retained in the fund and expended only as described in 492
section 3113.34 of the Revised Code. 493

(E)(1) The court of common pleas may determine that, for the 494
efficient operation of the court, additional funds are necessary 495
to acquire and pay for special projects of the court, including, 496
but not limited to, the acquisition of additional facilities or 497
the rehabilitation of existing facilities, the acquisition of 498
equipment, the hiring and training of staff, community service 499
programs, mediation or dispute resolution services, the employment 500
of magistrates, the training and education of judges, acting 501
judges, and magistrates, and other related services. Upon that 502
determination, the court by rule may charge a fee, in addition to 503
all other court costs, on the filing of each criminal cause, civil 504
action or proceeding, or judgment by confession. 505

If the court of common pleas offers a special program or 506
service in cases of a specific type, the court by rule may assess 507
an additional charge in a case of that type, over and above court 508
costs, to cover the special program or service. The court shall 509
adjust the special assessment periodically, but not retroactively, 510
so that the amount assessed in those cases does not exceed the 511
actual cost of providing the service or program. 512

All moneys collected under division (E) of this section shall 513
be paid to the county treasurer for deposit into either a general 514
special projects fund or a fund established for a specific special 515
project. Moneys from a fund of that nature shall be disbursed upon 516
an order of the court, subject to an appropriation by the board of 517
county commissioners, in an amount no greater than the actual cost 518
to the court of a project. If a specific fund is terminated 519
because of the discontinuance of a program or service established 520
under division (E) of this section, the court may order, subject 521

to an appropriation by the board of county commissioners, that 522
moneys remaining in the fund be transferred to an account 523
established under this division for a similar purpose. 524

(2) As used in division (E) of this section: 525

(a) "Criminal cause" means a charge alleging the violation of 526
a statute or ordinance, or subsection of a statute or ordinance, 527
that requires a separate finding of fact or a separate plea before 528
disposition and of which the defendant may be found guilty, 529
whether filed as part of a multiple charge on a single summons, 530
citation, or complaint or as a separate charge on a single 531
summons, citation, or complaint. "Criminal cause" does not include 532
separate violations of the same statute or ordinance, or 533
subsection of the same statute or ordinance, unless each charge is 534
filed on a separate summons, citation, or complaint. 535

(b) "Civil action or proceeding" means any civil litigation 536
that must be determined by judgment entry. 537

Sec. 2329.66. (A) Every person who is domiciled in this state 538
may hold property exempt from execution, garnishment, attachment, 539
or sale to satisfy a judgment or order, as follows: 540

(1)(a) In the case of a judgment or order regarding money 541
owed for health care services rendered or health care supplies 542
provided to the person or a dependent of the person, one parcel or 543
item of real or personal property that the person or a dependent 544
of the person uses as a residence. Division (A)(1)(a) of this 545
section does not preclude, affect, or invalidate the creation 546
under this chapter of a judgment lien upon the exempted property 547
but only delays the enforcement of the lien until the property is 548
sold or otherwise transferred by the owner or in accordance with 549
other applicable laws to a person or entity other than the 550
surviving spouse or surviving minor children of the judgment 551
debtor. Every person who is domiciled in this state may hold 552

exempt from a judgment lien created pursuant to division (A)(1)(a) 553
of this section the person's interest, not to exceed twenty 554
thousand two hundred dollars, in the exempted property. 555

(b) In the case of all other judgments and orders, the 556
person's interest, not to exceed twenty thousand two hundred 557
dollars, in one parcel or item of real or personal property that 558
the person or a dependent of the person uses as a residence. 559

(2) The person's interest, not to exceed three thousand two 560
hundred twenty-five dollars, in one motor vehicle; 561

(3) The person's interest, not to exceed four hundred 562
dollars, in cash on hand, money due and payable, money to become 563
due within ninety days, tax refunds, and money on deposit with a 564
bank, savings and loan association, credit union, public utility, 565
landlord, or other person, other than personal earnings. 566

(4)(a) The person's interest, not to exceed five hundred 567
twenty-five dollars in any particular item or ten thousand seven 568
hundred seventy-five dollars in aggregate value, in household 569
furnishings, household goods, wearing apparel, appliances, books, 570
animals, crops, musical instruments, firearms, and hunting and 571
fishing equipment that are held primarily for the personal, 572
family, or household use of the person; 573

(b) The person's aggregate interest in one or more items of 574
jewelry, not to exceed one thousand three hundred fifty dollars, 575
held primarily for the personal, family, or household use of the 576
person or any of the person's dependents. 577

(5) The person's interest, not to exceed an aggregate of two 578
thousand twenty-five dollars, in all implements, professional 579
books, or tools of the person's profession, trade, or business, 580
including agriculture; 581

(6)(a) The person's interest in a beneficiary fund set apart, 582
appropriated, or paid by a benevolent association or society, as 583

exempted by section 2329.63 of the Revised Code;	584
(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;	585 586 587
(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;	588 589 590
(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;	591 592 593 594
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	595 596 597 598
(7) The person's professionally prescribed or medically necessary health aids;	599 600
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	601 602 603
(9) The person's interest in the following:	604
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	605 606
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	607 608
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	609 610
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	611 612

(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;

(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;

(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the Ohio public safety officers death benefit fund;

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to receive a payment under any pension, annuity, or similar plan or contract, not including a payment from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or

(10)(a) of this section, on account of illness, disability, death, 645
age, or length of service, to the extent reasonably necessary for 646
the support of the person and any of the person's dependents, 647
except if all the following apply: 648

(i) The plan or contract was established by or under the 649
auspices of an insider that employed the person at the time the 650
person's rights under the plan or contract arose. 651

(ii) The payment is on account of age or length of service. 652

(iii) The plan or contract is not qualified under the 653
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 654
amended. 655

(c) Except for any portion of the assets that were deposited 656
for the purpose of evading the payment of any debt and except as 657
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 658
3123.06 of the Revised Code, the person's right in the assets held 659
in, or to receive any payment under, any individual retirement 660
account, individual retirement annuity, "Roth IRA," or education 661
individual retirement account that provides benefits by reason of 662
illness, disability, death, or age, to the extent that the assets, 663
payments, or benefits described in division (A)(10)(c) of this 664
section are attributable to any of the following: 665

(i) Contributions of the person that were less than or equal 666
to the applicable limits on deductible contributions to an 667
individual retirement account or individual retirement annuity in 668
the year that the contributions were made, whether or not the 669
person was eligible to deduct the contributions on the person's 670
federal tax return for the year in which the contributions were 671
made; 672

(ii) Contributions of the person that were less than or equal 673
to the applicable limits on contributions to a Roth IRA or 674
education individual retirement account in the year that the 675

contributions were made; 676

(iii) Contributions of the person that are within the 677
applicable limits on rollover contributions under subsections 219, 678
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 679
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 680
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 681

(d) Except for any portion of the assets that were deposited 682
for the purpose of evading the payment of any debt and except as 683
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 684
3123.06 of the Revised Code, the person's right in the assets held 685
in, or to receive any payment under, any Keogh or "H.R. 10" plan 686
that provides benefits by reason of illness, disability, death, or 687
age, to the extent reasonably necessary for the support of the 688
person and any of the person's dependents. 689

(11) The person's right to receive compensatory spousal 690
support, child support, an allowance, or other maintenance to the 691
extent reasonably necessary for the support of the person and any 692
of the person's dependents; 693

(12) The person's right to receive, or moneys received during 694
the preceding twelve calendar months from, any of the following: 695

(a) An award of reparations under sections 2743.51 to 2743.72 696
of the Revised Code, to the extent exempted by division (D) of 697
section 2743.66 of the Revised Code; 698

(b) A payment on account of the wrongful death of an 699
individual of whom the person was a dependent on the date of the 700
individual's death, to the extent reasonably necessary for the 701
support of the person and any of the person's dependents; 702

(c) Except in cases in which the person who receives the 703
payment is an inmate, as defined in section 2969.21 of the Revised 704
Code, and in which the payment resulted from a civil action or 705
appeal against a government entity or employee, as defined in 706

section 2969.21 of the Revised Code, a payment, not to exceed 707
twenty thousand two hundred dollars, on account of personal bodily 708
injury, not including pain and suffering or compensation for 709
actual pecuniary loss, of the person or an individual for whom the 710
person is a dependent; 711

(d) A payment in compensation for loss of future earnings of 712
the person or an individual of whom the person is or was a 713
dependent, to the extent reasonably necessary for the support of 714
the debtor and any of the debtor's dependents. 715

(13) Except as provided in sections 3119.80, 3119.81, 716
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 717
earnings of the person owed to the person for services in an 718
amount equal to the greater of the following amounts: 719

(a) If paid weekly, thirty times the current federal minimum 720
hourly wage; if paid biweekly, sixty times the current federal 721
minimum hourly wage; if paid semimonthly, sixty-five times the 722
current federal minimum hourly wage; or if paid monthly, one 723
hundred thirty times the current federal minimum hourly wage that 724
is in effect at the time the earnings are payable, as prescribed 725
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 726
U.S.C. 206(a)(1), as amended; 727

(b) Seventy-five per cent of the disposable earnings owed to 728
the person. 729

(14) The person's right in specific partnership property, as 730
exempted by division (B)(3) of section 1775.24 of the Revised Code 731
or the person's rights in a partnership pursuant to section 732
1776.50 of the Revised Code, except as otherwise set forth in 733
section 1776.50 of the Revised Code; 734

(15) A seal and official register of a notary public, as 735
exempted by section 147.04 of the Revised Code; 736

(16) The person's interest in a tuition unit or a payment 737

under section 3334.09 of the Revised Code pursuant to a tuition 738
payment contract, as exempted by section 3334.15 of the Revised 739
Code; 740

(17) Any other property that is specifically exempted from 741
execution, attachment, garnishment, or sale by federal statutes 742
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 743
U.S.C.A. 101, as amended; 744

(18) The person's aggregate interest in any property, not to 745
exceed one thousand seventy-five dollars, except that division 746
(A)(18) of this section applies only in bankruptcy proceedings. 747

(B) On April 1, 2010, and on the first day of April in each 748
third calendar year after 2010, the Ohio judicial conference shall 749
adjust each dollar amount set forth in this section to reflect the 750
change in the consumer price index for all urban consumers, as 751
published by the United States department of labor, or, if that 752
index is no longer published, a generally available comparable 753
index, for the three-year period ending on the thirty-first day of 754
December of the preceding year. Any adjustments required by this 755
division shall be rounded to the nearest twenty-five dollars. 756

The Ohio judicial conference shall prepare a memorandum 757
specifying the adjusted dollar amounts. The judicial conference 758
shall transmit the memorandum to the director of the legislative 759
service commission, and the director shall publish the memorandum 760
in the register of Ohio. (Publication of the memorandum in the 761
register of Ohio shall continue until the next memorandum 762
specifying an adjustment is so published.) The judicial conference 763
also may publish the memorandum in any other manner it concludes 764
will be reasonably likely to inform persons who are affected by 765
its adjustment of the dollar amounts. 766

(C) As used in this section: 767

(1) "Disposable earnings" means net earnings after the 768

garnishee has made deductions required by law, excluding the 769
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 770
3121.03, or 3123.06 of the Revised Code. 771

(2) "Insider" means: 772

(a) If the person who claims an exemption is an individual, a 773
relative of the individual, a relative of a general partner of the 774
individual, a partnership in which the individual is a general 775
partner, a general partner of the individual, or a corporation of 776
which the individual is a director, officer, or in control; 777

(b) If the person who claims an exemption is a corporation, a 778
director or officer of the corporation; a person in control of the 779
corporation; a partnership in which the corporation is a general 780
partner; a general partner of the corporation; or a relative of a 781
general partner, director, officer, or person in control of the 782
corporation; 783

(c) If the person who claims an exemption is a partnership, a 784
general partner in the partnership; a general partner of the 785
partnership; a person in control of the partnership; a partnership 786
in which the partnership is a general partner; or a relative in, a 787
general partner of, or a person in control of the partnership; 788

(d) An entity or person to which or whom any of the following 789
applies: 790

(i) The entity directly or indirectly owns, controls, or 791
holds with power to vote, twenty per cent or more of the 792
outstanding voting securities of the person who claims an 793
exemption, unless the entity holds the securities in a fiduciary 794
or agency capacity without sole discretionary power to vote the 795
securities or holds the securities solely to secure to debt and 796
the entity has not in fact exercised the power to vote. 797

(ii) The entity is a corporation, twenty per cent or more of 798
whose outstanding voting securities are directly or indirectly 799

owned, controlled, or held with power to vote, by the person who 800
claims an exemption or by an entity to which division (C)(2)(d)(i) 801
of this section applies. 802

(iii) A person whose business is operated under a lease or 803
operating agreement by the person who claims an exemption, or a 804
person substantially all of whose business is operated under an 805
operating agreement with the person who claims an exemption. 806

(iv) The entity operates the business or all or substantially 807
all of the property of the person who claims an exemption under a 808
lease or operating agreement. 809

(e) An insider, as otherwise defined in this section, of a 810
person or entity to which division (C)(2)(d)(i), (ii), (iii), or 811
(iv) of this section applies, as if the person or entity were a 812
person who claims an exemption; 813

(f) A managing agent of the person who claims an exemption. 814

(3) "Participant account" has the same meaning as in section 815
148.01 of the Revised Code. 816

(4) "Government unit" has the same meaning as in section 817
148.06 of the Revised Code. 818

(D) For purposes of this section, "interest" shall be 819
determined as follows: 820

(1) In bankruptcy proceedings, as of the date a petition is 821
filed with the bankruptcy court commencing a case under Title 11 822
of the United States Code; 823

(2) In all cases other than bankruptcy proceedings, as of the 824
date of an appraisal, if necessary under section 2329.68 of the 825
Revised Code, or the issuance of a writ of execution. 826

An interest, as determined under division (D)(1) or (2) of 827
this section, shall not include the amount of any lien otherwise 828
valid pursuant to section 2329.661 of the Revised Code. 829

Sec. 2701.03. (A) If a judge of the court of common pleas 830
allegedly is interested in a proceeding pending before the court, 831
allegedly is related to or has a bias or prejudice for or against 832
a party to a proceeding pending before the court or a party's 833
counsel, or allegedly otherwise is disqualified to preside in a 834
proceeding pending before the court, any party to the proceeding 835
or the party's counsel may file an affidavit of disqualification 836
with the clerk of the supreme court in accordance with division 837
(B) of this section. 838

(B) An affidavit of disqualification filed under section 839
2101.39 or 2501.13 of the Revised Code or division (A) of this 840
section shall be filed with the clerk of the supreme court not 841
less than seven calendar days before the day on which the next 842
hearing in the proceeding is scheduled and shall include all of 843
the following: 844

(1) The specific allegations on which the claim of interest, 845
bias, prejudice, or disqualification is based and the facts to 846
support each of those allegations or, in relation to an affidavit 847
filed against a judge of a court of appeals, a specific allegation 848
that the judge presided in the lower court in the same proceeding 849
and the facts to support that allegation; 850

(2) The jurat of a notary public or another person authorized 851
to administer oaths or affirmations; 852

(3) A certificate indicating that a copy of the affidavit has 853
been served on the probate judge, judge of a court of appeals, or 854
judge of a court of common pleas against whom the affidavit is 855
filed and on all other parties or their counsel; 856

(4) The date of the next scheduled hearing in the proceeding 857
or, if there is no hearing scheduled, a statement that there is no 858
hearing scheduled. 859

(C)(1) Except as provided in division (C)(2) of this section, 860
when an affidavit of disqualification is presented to the clerk of 861
the supreme court for filing under division (B) of this section, 862
all of the following apply: 863

(a) The clerk of the supreme court shall accept the affidavit 864
for filing and shall forward the affidavit to the chief justice of 865
the supreme court. 866

(b) The supreme court shall send notice of the filing of the 867
affidavit to the probate court served by the judge if the 868
affidavit is filed against a probate court judge, to the clerk of 869
the court of appeals served by the judge if the affidavit is filed 870
against a judge of a court of appeals, or to the clerk of the 871
court of common pleas served by the judge if the affidavit is 872
filed against a judge of a court of common pleas. 873

(c) Upon receipt of the notice under division (C)(1)(b) of 874
this section, the probate court, the clerk of the court of 875
appeals, or the clerk of the court of common pleas shall enter the 876
fact of the filing of the affidavit on the docket of the probate 877
court, the docket of the court of appeals, or the docket in the 878
proceeding in the court of common pleas. 879

(2) The clerk of the supreme court shall not accept an 880
affidavit of disqualification presented for filing under division 881
(B) of this section if it is not timely presented for filing or 882
does not satisfy the requirements of divisions (B)(2), (3), and 883
(4) of this section. 884

(D)(1) Except as provided in divisions (D)(2) to (4) of this 885
section, if the clerk of the supreme court accepts an affidavit of 886
disqualification for filing under divisions (B) and (C) of this 887
section, the affidavit deprives the judge against whom the 888
affidavit was filed of any authority to preside in the proceeding 889
until the chief justice of the supreme court, or a justice of the 890

supreme court designated by the chief justice, rules on the 891
affidavit pursuant to division (E) of this section. 892

(2) A judge against whom an affidavit of disqualification has 893
been filed under divisions (B) and (C) of this section may do any 894
of the following that is applicable: 895

(a) If, based on the scheduled hearing date, the affidavit 896
was not timely filed, the judge may preside in the proceeding. 897

(b) If the proceeding is a domestic relations proceeding, the 898
judge may issue any temporary order relating to compensatory 899
spousal support pendente lite and the support, maintenance, and 900
allocation of parental rights and responsibilities for the care of 901
children. 902

(c) If the proceeding pertains to a complaint brought 903
pursuant to Chapter 2151. or 2152. of the Revised Code, the judge 904
may issue any temporary order pertaining to the relation and 905
conduct of any other person toward a child who is the subject of a 906
complaint as the interest and welfare of the child may require. 907

(3) A judge against whom an affidavit of disqualification has 908
been filed under divisions (B) and (C) of this section may 909
determine a matter that does not affect a substantive right of any 910
of the parties. 911

(4) If the clerk of the supreme court accepts an affidavit of 912
disqualification for filing under divisions (B) and (C) of this 913
section, if the chief justice of the supreme court, or a justice 914
of the supreme court designated by the chief justice, denies the 915
affidavit of disqualification pursuant to division (E) of this 916
section, and if, after the denial, a second or subsequent 917
affidavit of disqualification regarding the same judge and the 918
same proceeding is filed by the same party who filed or on whose 919
behalf was filed the affidavit that was denied or by counsel for 920
the same party who filed or on whose behalf was filed the 921

affidavit that was denied, the judge against whom the second or 922
subsequent affidavit is filed may preside in the proceeding prior 923
to the ruling of the chief justice of the supreme court, or a 924
justice designated by the chief justice, on the second or 925
subsequent affidavit. 926

(E) If the clerk of the supreme court accepts an affidavit of 927
disqualification for filing under divisions (B) and (C) of this 928
section and if the chief justice of the supreme court, or any 929
justice of the supreme court designated by the chief justice, 930
determines that the interest, bias, prejudice, or disqualification 931
alleged in the affidavit does not exist, the chief justice or the 932
designated justice shall issue an entry denying the affidavit of 933
disqualification. If the chief justice of the supreme court, or 934
any justice of the supreme court designated by the chief justice, 935
determines that the interest, bias, prejudice, or disqualification 936
alleged in the affidavit exists, the chief justice or the 937
designated justice shall issue an entry that disqualifies that 938
judge from presiding in the proceeding and either order that the 939
proceeding be assigned to another judge of the court of which the 940
disqualified judge is a member, to a judge of another court, or to 941
a retired judge. 942

Sec. 2743.66. (A) A decision of the attorney general, order 943
of a court of claims panel of commissioners, or judgment of a 944
judge of the court of claims granting an award of reparations may 945
provide for the payment of the award in a lump sum or in 946
installments. The part of an award equal to the amount of economic 947
loss accrued to the date of the award shall be paid in a lump sum. 948
An award for allowable expense that would accrue after the award 949
is made shall not be paid in a lump sum. Except as provided in 950
division (B) of this section, the part of an award not paid in a 951
lump sum shall be paid in installments. 952

(B) Upon the motion of the claimant, the attorney general may 953
commute future economic loss, other than allowable expense, to a 954
lump sum but only upon a finding that either of the following 955
applies: 956

(1) The award in a lump sum will promote the interests of the 957
claimant. 958

(2) The present value of all future economic loss, other than 959
allowable expense, does not exceed one thousand dollars. 960

(C) The attorney general may make an award for future 961
economic loss payable in installments only for a period as to 962
which future economic loss reasonably can be determined. An award 963
for future economic loss payable in installments may be 964
reconsidered and modified upon a finding that a material and 965
substantial change of circumstances has occurred. 966

(D) An award is not subject to execution, attachment, 967
garnishment, or other process, except that, upon receipt of an 968
award by a claimant: 969

(1) The part of the award that is for allowable expense or 970
funeral expense is not exempt from such action by a creditor to 971
the extent that the creditor provided products, services, or 972
accommodations the costs of which are included in the award. 973

(2) The part of the award that is for work loss shall not be 974
exempt from such action to secure payment of compensatory spousal 975
support, other maintenance, or child support. 976

(3) The attorney general may recover the award pursuant to 977
section 2743.72 of the Revised Code if it is discovered that the 978
claimant actually was not eligible for the award or that the award 979
otherwise should not have been made under the standards and 980
criteria set forth in sections 2743.51 to 2743.72 of the Revised 981
Code. 982

(4) If the claimant receives compensation from any other 983
person or entity, including a collateral source, for an expense 984
that is included within the award, the attorney general may 985
recover pursuant to section 2743.72 of the Revised Code the part 986
of the award that represents the expense for which the claimant 987
received the compensation from the other person or entity. 988

(E) If a person entitled to an award of reparations is under 989
eighteen years of age and if the amount of the award exceeds one 990
thousand dollars, the order providing for the payment of the award 991
shall specify that the award be paid either to the guardian of the 992
estate of the minor appointed pursuant to Chapter 2111. of the 993
Revised Code or to the person or depository designated by the 994
probate court under section 2111.05 of the Revised Code. If a 995
person entitled to an award of reparations is under eighteen years 996
of age and if the amount of the award is one thousand dollars or 997
less, the order providing for the payment of the award may specify 998
that the award be paid to an adult member of the family of the 999
minor who is legally responsible for the minor's care or to any 1000
other person designated by the attorney general or panel of 1001
commissioners issuing the decision or order. 1002

Sec. 2919.231. (A) No person, by using physical harassment or 1003
threats of violence against another person, shall interfere with 1004
the other person's initiation or continuance of, or attempt to 1005
prevent the other person from initiating or continuing, an action 1006
to issue or modify a support order under Chapter 3115. or under 1007
section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 1008
2151.49, 3105.18 to 3105.183, 3105.21, 3109.05, 3109.19, 3111.13, 1009
3113.04, 3113.07, or 3113.31 of the Revised Code. 1010

(B) Whoever violates this section is guilty of interfering 1011
with an action to issue or modify a support order, a misdemeanor 1012
of the first degree. If the offender previously has been convicted 1013

of or pleaded guilty to a violation of this section or of section 1014
3111.19 of the Revised Code, interfering with an action to issue 1015
or modify a support order is a felony of the fifth degree. 1016

Sec. 2950.15. (A) As used in this section and section 2950.16 1017
of the Revised Code, "eligible offender" means a person who is 1018
convicted of, pleads guilty to, was convicted of, or pleaded 1019
guilty to a sexually oriented offense or child-victim oriented 1020
offense, regardless of when the offense was committed, and is a 1021
tier I sex offender/child-victim offender or a child who is or was 1022
adjudicated a delinquent child for committing a sexually oriented 1023
offense or child-victim oriented offense, regardless of when the 1024
offense was committed, and is a public registry-qualified juvenile 1025
offender registrant. 1026

(B) Pursuant to this section, an eligible offender may make a 1027
motion to the court of common pleas or, for a delinquent child, 1028
the juvenile court of the county in which the eligible offender 1029
resides requesting that the court terminate the eligible 1030
offender's duty to comply with sections 2950.04, 2950.041, 1031
2950.05, and 2950.06 of the Revised Code. If the eligible offender 1032
is not a resident of this state, the eligible offender may make a 1033
motion to the court of common pleas of the county in which the 1034
eligible offender has registered pursuant to section 2950.04 or 1035
2950.041 of the Revised Code, but if the eligible offender has 1036
registered addresses of that nature in more than one county, the 1037
eligible offender may make such a motion in the court of only one 1038
of those counties. Notwithstanding any state or local rule 1039
assigning costs and fees for filing and processing civil and 1040
criminal cases, the fee for filing the motion shall be one hundred 1041
fifty dollars. This fee shall be applied to any further processing 1042
of the motion, including, but not limited to, the costs associated 1043
with investigating the motion, notifying relevant parties, 1044
scheduling hearings, and recording and reporting the court's 1045

determination. 1046

(C)(1) Except as provided in division (C)(2) of this section, 1047
an eligible offender who is classified a tier I sex 1048
offender/child-victim offender may make a motion under division 1049
(B) of this section upon the expiration of ten years after the 1050
eligible offender's duty to comply with division (A)(2) or (4) of 1051
section 2950.04 or division (A)(2) or (4) of section 2950.041 and 1052
sections 2950.05 and 2950.06 of the Revised Code begins in 1053
relation to the offense for which the eligible offender is subject 1054
to those provisions. 1055

(2) An eligible offender who is a delinquent child and is 1056
classified a public registry-qualified juvenile offender 1057
registrant may make a motion under division (B) of this section 1058
upon the expiration of twenty-five years after the eligible 1059
offender's duty to comply with division (A)(3) or (4) of section 1060
2950.04 and sections 2950.05 and 2950.06 of the Revised Code 1061
begins in relation to the offense for which the eligible offender 1062
is subject to those provisions. 1063

(D) An eligible offender who makes a motion under division 1064
(B) of this section shall include all of the following with the 1065
motion: 1066

(1) A certified copy of the judgment entry and any other 1067
documentation of the sentence or disposition given for the offense 1068
or offenses for which the eligible offender was convicted, pleaded 1069
guilty, or was adjudicated a delinquent child; 1070

(2) Documentation of the date of discharge from supervision 1071
or release, whichever is applicable; 1072

(3) Evidence that the eligible offender has completed a sex 1073
offender or child-victim offender treatment program certified by 1074
the department of rehabilitation and correction or the department 1075
of youth services pursuant to section 2950.16 of the Revised Code; 1076

(4) Evidence that the eligible offender has not been 1077
convicted of, pleaded guilty to, or been adjudicated a delinquent 1078
child for committing any subsequent sexually oriented offense, 1079
child-victim oriented offense, or other criminal offense, except 1080
for a minor misdemeanor traffic offense; 1081

(5) Evidence that the eligible offender has paid any 1082
financial sanctions imposed upon the offender pursuant to section 1083
2929.18 or 2929.28 of the Revised Code. 1084

(E) Upon the filing of a motion pursuant to division (B) of 1085
this section, the offender or delinquent child shall serve a copy 1086
of the motion on the prosecutor who handled the case in which the 1087
eligible offender was convicted of, pleaded guilty to, or was 1088
adjudicated a delinquent child for committing the sexually 1089
oriented offense or child-victim oriented offense. Upon the filing 1090
of the motion, the court shall set a tentative date for a hearing 1091
on the motion that is not later than one hundred eighty days from 1092
the date the motion is filed unless good cause exists to hold the 1093
hearing at a later date and shall notify the eligible offender and 1094
the prosecutor of the date, time, and place of the hearing. The 1095
court shall then forward a copy of the motion and its supporting 1096
documentation to the court's probation department or another 1097
appropriate agency to investigate the merits of the motion. The 1098
probation department or agency shall submit a written report 1099
detailing its investigation to the court within sixty days of 1100
receiving the motion and supporting documentation. 1101

Upon receipt of the written report from the probation 1102
department or other appropriate agency, the court shall forward a 1103
copy of the motion, supporting documentation, and the written 1104
report to the prosecutor. 1105

(F)(1) After the prosecutor is served with a copy of the 1106
motion as described in division (E) of this section, the 1107
prosecutor shall notify the victim of any offense for which the 1108

eligible offender is requesting a termination of duties under 1109
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1110
Code. The victim may submit a written statement to the prosecutor 1111
regarding any knowledge the victim has of the eligible offender's 1112
conduct while subject to the duties imposed by sections 2950.04, 1113
2950.041, 2950.05, and 2950.06 of the Revised Code. 1114

(2) At least seven days before the hearing date, the 1115
prosecutor may file an objection to the motion with the court and 1116
serve a copy of the objection to the motion to the eligible 1117
offender or the eligible offender's attorney. 1118

(G) In addition to the evidence that accompanies the motion 1119
described in division (D) of this section and the written report 1120
submitted pursuant to division (E) of this section, in determining 1121
whether to grant a motion made under division (B) of this section, 1122
the court may consider any other evidence the court considers 1123
relevant, including, but not limited to, evidence of the following 1124
while the eligible offender has been subject to the duties imposed 1125
under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 1126
Revised Code: 1127

(1) Whether the eligible offender's driver's license, 1128
commercial driver's license, temporary instruction permit, 1129
probationary license, or nonresident operating privilege has ever 1130
been suspended; 1131

(2) Whether the eligible offender has maintained financial 1132
responsibility for a motor vehicle as required by section 4509.101 1133
of the Revised Code; 1134

(3) Whether the eligible offender has satisfied any child or 1135
compensatory spousal support obligations, if applicable; 1136

(4) Whether the eligible offender has paid all local, state, 1137
and federal income taxes, and has timely filed all associated 1138
income tax returns, as required by local, state, or federal law; 1139

(5) Whether there is evidence that the eligible offender has adequately addressed sex offending or child-victim offending behaviors;	1140 1141 1142
(6) Whether the eligible offender has maintained a residence for a substantial period of time;	1143 1144
(7) Whether the eligible offender has maintained employment or, if the eligible offender has not been employed while under a duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, whether the eligible offender has satisfied the offender's financial obligations through other manners of support such as disability payments, a pension, <u>compensatory spousal support</u> , child support, or scholarships or grants;	1145 1146 1147 1148 1149 1150 1151 1152
(8) Whether the eligible offender has adequately addressed any drug or alcohol abuse or addiction;	1153 1154
(9) Letters of reference;	1155
(10) Documentation of the eligible offender's service to the community or to specific individuals in need.	1156 1157
(H)(1) The court, without a hearing, may issue an order denying the eligible offender's motion to terminate the eligible offender's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if the court, based on the evidence submitted with the motion pursuant to division (D) of this section and the written report submitted pursuant to division (E) of this section and after considering the factors described in division (G) of this section, finds that those duties should not be terminated.	1158 1159 1160 1161 1162 1163 1164 1165 1166
(2) If the prosecutor does not file an objection to the eligible offender's application as provided in division (F)(2) of this section, the court, without a hearing, may issue an order that terminates the eligible offender's duty to comply with	1167 1168 1169 1170

sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code if the court, based on the evidence submitted with the motion pursuant to division (D) of this section and the written report submitted pursuant to division (E) of this section and after considering the factors described in division (G) of this section, finds that those duties should be terminated.

(3) If the court does not issue an order under division (H)(1) or (2) of this section, the court shall hold a hearing to determine whether to grant or deny the motion. At the hearing, the Rules of Civil Procedure or, if the hearing is in a juvenile court, the Rules of Juvenile Procedure apply, except to the extent that those Rules would by their nature be clearly inapplicable. At the hearing, the eligible offender has the burden of going forward with the evidence and the burden of proof by a preponderance of the evidence. If, after considering the evidence submitted with the motion pursuant to division (D) of this section, the written report submitted pursuant to division (E) of this section, and the factors described in division (G) of this section, the court finds that the eligible offender has satisfied the burden of proof, the court shall issue an order that terminates the eligible offender's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code. If the court finds that the eligible offender has not satisfied the burden of proof, the court shall issue an order denying the motion.

(4)(a) The court shall provide prompt notice of its order issued pursuant to division (H)(1), (2), or (3) of this section to the eligible offender or the eligible offender's attorney.

(b) If the court issues an order terminating the eligible offender's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, the court shall promptly forward a copy of the order to the bureau of criminal identification and investigation. Upon receipt of the order, the

bureau shall update all records pertaining to the eligible 1203
offender to reflect the termination order. The bureau also shall 1204
notify every sheriff with whom the eligible offender has most 1205
recently registered under section 2950.04, 2950.041, or 2950.05 of 1206
the Revised Code of the termination order. 1207

(c) If the court issues an order terminating the eligible 1208
offender's duty to comply with sections 2950.04, 2950.041, 1209
2950.05, and 2950.06 of the Revised Code, the court shall promptly 1210
forward a copy of the order to any court that sentenced the 1211
offender or adjudicated the child a delinquent child for a 1212
sexually oriented offense or child-victim oriented offense that is 1213
the basis of the termination order. The court that receives this 1214
notice shall retain a copy of the order in the eligible offender's 1215
original case file. 1216

Sec. 3105.171. (A) As used in this section: 1217

(1) ~~"Distributive award" means any payment or payments, in 1218
real or personal property, that are payable in a lump sum or over 1219
time, in fixed amounts, that are made from separate property or 1220
income, and that are not made from marital property and do not 1221
constitute payments of spousal support, as defined in section 1222
3105.18 of the Revised Code.~~ 1223

~~(2) "During the marriage" means whichever of the following is 1224
applicable: 1225~~

(a) Except as provided in division (A)~~(2)~~(1)(b) of this 1226
section, the period of time from the date of the marriage through 1227
the date of the ~~final hearing~~ filing of the complaint in an action 1228
for divorce or in an action for legal separation, if the complaint 1229
in fact leads to a decree of divorce or legal separation; 1230

(b) If the court determines that the use of either or both of 1231
the dates specified in division (A)~~(2)~~(1)(a) of this section would 1232

be inequitable, the court may select dates that it considers 1233
equitable in determining marital property. If the court selects 1234
dates that it considers equitable in determining marital property, 1235
"during the marriage" means the period of time between those dates 1236
selected and specified by the court. 1237

~~(3)~~(2)(a) "Marital property" means, subject to division 1238
(A)~~(3)~~(2)(b) of this section, all of the following: 1239

~~(i) All real and personal property that currently is owned by 1240
either or both of the spouses, including, but not limited to, the 1241
retirement benefits of the spouses, and that was acquired by 1242
either or both of the spouses during the marriage;~~ 1243

~~(ii) All interest that either or both of the spouses 1244
currently has in any real or personal property, including, but not 1245
limited to, the retirement benefits of the spouses, and that was 1246
acquired by either or both of the spouses during the marriage;~~ 1247

~~(iii)(ii) Except as otherwise provided in this section, all 1248
income and appreciation on separate property, due to the labor, 1249
monetary, or in-kind contribution of either or both of the spouses 1250
that occurred during the marriage;~~ 1251

~~(iv)(iii) A participant account, as defined in section 148.01 1252
of the Revised Code, of either of the spouses, to the extent of 1253
the following: the moneys that have been deferred by a continuing 1254
member or participating employee, as defined in that section, and 1255
that have been transmitted to the Ohio public employees deferred 1256
compensation board during the marriage and any income that is 1257
derived from the investment of those moneys during the marriage; 1258
the moneys that have been deferred by an officer or employee of a 1259
municipal corporation and that have been transmitted to the 1260
governing board, administrator, depository, or trustee of the 1261
deferred compensation program of the municipal corporation during 1262
the marriage and any income that is derived from the investment of 1263~~

those moneys during the marriage; or the moneys that have been 1264
deferred by an officer or employee of a government unit, as 1265
defined in section 148.06 of the Revised Code, and that have been 1266
transmitted to the governing board, as defined in that section, 1267
during the marriage and any income that is derived from the 1268
investment of those moneys during the marriage. 1269

(b) "Marital property" does not include any separate 1270
property. 1271

~~(4)~~(3) "Passive income" means income acquired other than as a 1272
result of the labor, monetary, or in-kind contribution of either 1273
spouse. 1274

~~(5)~~(4) "Personal property" includes both tangible and 1275
intangible personal property. 1276

~~(6)~~(5)(a) "Separate property" means all real and personal 1277
property and any interest in real or personal property that is 1278
found by the court to be any of the following: 1279

(i) An inheritance by one spouse by bequest, devise, or 1280
descent during the course of the marriage; 1281

(ii) Any real or personal property or interest in real or 1282
personal property that was acquired by one spouse prior to the 1283
date of the marriage; 1284

(iii) Passive income and appreciation acquired from separate 1285
property by one spouse during the marriage; 1286

(iv) Any real or personal property or interest in real or 1287
personal property acquired by one spouse after a decree of legal 1288
separation issued under section 3105.17 of the Revised Code; 1289

(v) Any real or personal property or interest in real or 1290
personal property that is excluded by a valid antenuptial 1291
agreement; 1292

(vi) Compensation to a spouse for the spouse's personal 1293

injury, except for loss of marital earnings and compensation for 1294
expenses paid from marital assets; 1295

(vii) Any gift of any real or personal property or of an 1296
interest in real or personal property that is made after the date 1297
of the marriage and that is proven by clear and convincing 1298
evidence to have been given to only one spouse. 1299

(b) The commingling of separate property with other property 1300
of any type does not destroy the identity of the separate property 1301
as separate property, except when the separate property is not 1302
traceable. 1303

(B) In divorce proceedings, the court shall, and in legal 1304
separation proceedings upon the request of either spouse, the 1305
court may, determine what constitutes marital property and what 1306
constitutes separate property. In either case, upon making such a 1307
determination, the court shall divide the marital and separate 1308
property equitably between the spouses, in accordance with this 1309
section. For purposes of this section, the court has jurisdiction 1310
over all property, excluding the social security benefits of a 1311
spouse other than as set forth in division (F)(9) of this section, 1312
in which one or both spouses have an interest. 1313

(C)(1) Except as provided in this division ~~or~~ division (E) 1314
of this section, or section 3105.172 of the Revised Code the 1315
division of marital property shall be equal. If an equal division 1316
of marital property would be inequitable, the court shall not 1317
divide the marital property equally but instead shall divide it 1318
between the spouses in the manner the court determines equitable. 1319
In making a division of marital property, the court shall consider 1320
all relevant factors, including those set forth in division (F) of 1321
this section. 1322

(2) Each spouse shall be considered to have contributed 1323
equally to the production and acquisition of marital property. 1324

(3) The court shall provide for an equitable division of marital property under this section prior to making any award of compensatory spousal support to either spouse under ~~section~~ sections 3105.18 to 3105.183 of the Revised Code and without regard to any compensatory spousal support so awarded.

(4) If the marital property includes a participant account, as defined in section 148.01 of the Revised Code, the court shall not order the division or disbursement of the moneys and income described in division (A)~~(3)~~(2)(a)~~(iv)~~(iii) of this section to occur in a manner that is inconsistent with the law, rules, or plan governing the deferred compensation program involved or prior to the time that the spouse in whose name the participant account is maintained commences receipt of the moneys and income credited to the account in accordance with that law, rules, and plan.

(D) Except as otherwise provided in division (E) of this section, section 3105.172 of the Revised Code, or by another provision of this section, the court shall disburse a spouse's separate property to that spouse. If a court does not disburse a spouse's separate property to that spouse, the court shall make written findings of fact that explain the factors that it considered in making its determination that the spouse's separate property should not be disbursed to that spouse.

~~(E)(1) The court may make a distributive award to facilitate, effectuate, or supplement a division of marital property. The court may require any distributive award to be secured by a lien on the payor's specific marital property or separate property.~~

~~(2) The court may make a distributive award in lieu of a division of marital property in order to achieve equity between the spouses, if the court determines that a division of the marital property in kind or in money would be impractical or burdensome.~~

~~(3)~~ The court shall require each spouse to disclose in a full and complete manner all marital property, separate property, and other assets, debts, income, and expenses of the spouse.

~~(4)~~ ~~If a spouse has engaged in financial misconduct, including, but not limited to, the dissipation, destruction, concealment, nondisclosure, or fraudulent disposition of assets, the court may compensate the offended spouse with a distributive award or with a greater award of marital property.~~

~~(5)~~ If a spouse has substantially and willfully failed to ~~12~~ disclose marital property, separate property, or other assets, ~~13~~ debts, income, or expenses as required under this division ~~(E)(3)~~ ~~of 14 this section~~, the court may compensate the offended spouse with ~~15~~ a distributive award pursuant to section 3105.172 of the Revised Code or with a greater award of marital property ~~16~~ not to exceed three times the value of the marital property, ~~17~~ separate property, or other assets, debts, income, or expenses ~~18~~ that are not disclosed by the other spouse.

(F) In making a division of marital property under this section and in determining whether to make and the amount of any distributive award under ~~this~~ section 3105.172 of the Revised Code, the court shall consider all of the following factors:

(1) The duration of the marriage;

(2) The assets and liabilities of the spouses;

(3) The desirability of awarding the family home, or the right to reside in the family home for reasonable periods of time, to the spouse with custody of the children of the marriage;

(4) The liquidity of the property to be distributed;

(5) The economic desirability of retaining intact an asset or an interest in an asset;

(6) The tax consequences of the property division upon the

respective awards to be made to each spouse;	1386
(7) The costs of sale, if it is necessary that an asset be sold to effectuate an equitable distribution of property;	1387 1388
(8) Any division or disbursement of property made in a separation agreement that was voluntarily entered into by the spouses;	1389 1390 1391
(9) Any retirement benefits of the spouses, excluding the social security benefits of a spouse except as may be relevant for purposes of dividing a public pension;	1392 1393 1394
(10) Any other factor that the court expressly finds to be relevant and equitable.	1395 1396
(G) In any order for the division or disbursement of property or a distributive award made pursuant to this section, the court shall make written findings of fact that support the determination that the marital property has been equitably divided and shall specify the dates it used in determining the meaning of "during the marriage."	1397 1398 1399 1400 1401 1402
(H) Except as otherwise provided in this section, the holding of title to property by one spouse individually or by both spouses in a form of co-ownership does not determine whether the property is marital property or separate property.	1403 1404 1405 1406
(I) A division or disbursement of property <u>made under this section</u> or a distributive award made under this section <u>3105.172 of the Revised Code</u> is not subject to future modification by the court except upon the express written consent or agreement to the modification by both spouses.	1407 1408 1409 1410 1411
(J) The court may issue any orders under this section that it determines equitable, including, but not limited to, either of the following types of orders:	1412 1413 1414
(1) An order granting a spouse the right to use the marital	1415

dwelling or any other marital property or separate property for 1416
any reasonable period of time; 1417

(2) An order requiring the sale or encumbrancing of any real 1418
or personal property, with the proceeds from the sale and the 1419
funds from any loan secured by the encumbrance to be applied as 1420
determined by the court. 1421

Sec. 3105.172. (A) As used in the Revised Code, "distributive 1422
award" means any payment or payments, in real or personal 1423
property, that are payable in a lump sum or over time, in fixed 1424
amounts, from separate property or income, or from marital 1425
property, and not as compensatory spousal support as defined in 1426
section 3105.18 of the Revised Code, for the purpose of 1427
compensating a spouse for an economic loss suffered under certain 1428
circumstances, as the result of a marital relationship. 1429

(B) The court may make a distributive award to facilitate, 1430
effectuate, or supplement a division of marital property. 1431

(C) The court may make a distributive award in lieu of a 1432
division of marital property in order to achieve equity between 1433
the spouses, if the court determines that a division of the 1434
marital property in kind or in money would be impractical or 1435
burdensome. 1436

(D) If a spouse has engaged in financial misconduct, 1437
including the dissipation, destruction, concealment, or fraudulent 1438
disposition of assets, the court may compensate the offended 1439
spouse with a distributive award or with a greater award of 1440
marital property. 1441

(E) In any divorce, legal separation, or annulment action in 1442
which the length of the marital relationship is less than five 1443
years, a presumption arises that a spouse shall receive a 1444
distributive award under any of the following circumstances: 1445

(1) During the marital relationship, or in anticipation of 1446
it, the claimant spouse provided funds from the claimant's 1447
separate property or income, or funds were used from marital 1448
property or income, for the payment of tuition or other direct 1449
costs of the other spouse's education or training. An award under 1450
this division shall equal the total of the nonclaimant's direct 1451
education and training costs paid from the claimant's separate 1452
property and income, and one-half of such total costs paid from 1453
marital property and income. 1454

(2) During the marital relationship, or in anticipation of 1455
it, the claimant spouse expended or relinquished separate property 1456
or separate income, or gave up specific educational or 1457
occupational opportunities, that benefited the marital 1458
relationship or the nonclaimant spouse, and, at the time of 1459
termination of the marital relationship, the expended separate 1460
property or income is otherwise unrecoverable by the claimant 1461
spouse, or the lost educational or occupational opportunities 1462
leave the claimant spouse with an income-generating capacity that 1463
is significantly less than it was before the marital relationship 1464
commenced. 1465

(F) In any divorce, legal separation, or annulment action in 1466
which the length of the marital relationship is greater than five 1467
years, the court may make a distributive award, as provided in 1468
division (E) of this section, if it finds that any of the 1469
circumstances set forth in division (E)(1) or (2) of this section 1470
arose during the marital relationship and that it is equitable to 1471
make such an award regardless of the length of the marital 1472
relationship. 1473

(G) The court may require any distributive award to be 1474
secured by a lien on the obligor's specific marital property or 1475
separate property. 1476

(H) An award made under this section is not a form of 1477

compensatory spousal support that qualifies as alimony under 1478
applicable provisions of the Internal Revenue Code. 1479

(I) An award made under this section is not modifiable and is 1480
not affected by the death or remarriage of either party. 1481

(J) When a court makes a distributive award under this 1482
section, the court shall enter findings in the record that support 1483
the award. 1484

Sec. 3105.18. (A) As used in this section and sections 1485
3105.181 to 3105.183 of the Revised Code: 1486

(1) "Compensatory spousal support" means any payment or 1487
payments to be made to a spouse or former spouse, or to a third 1488
party for the benefit of support and maintenance of a spouse or 1489
former spouse, and for the purpose of allocating the financial 1490
consequences that arise from the termination of the marital 1491
relationship in an action for divorce, dissolution of marriage, 1492
legal separation, or annulment; provided, however, the term does 1493
not include any cash payment made to a spouse or former spouse, or 1494
to a third party for the benefit of a spouse or former spouse, 1495
that is made as a result of a division or disbursement of property 1496
under section 3105.171 of the Revised Code or a distributive award 1497
under section 3105.172 of the Revised Code. 1498

(2) "Financial consequences" means the economic ramifications 1499
for both spouses resulting from a termination of their marital 1500
relationship, including the losses and benefits described in 1501
sections 3105.181 and 3105.183 of the Revised Code. 1502

(3) "Income generating capacity" means the total of all 1503
earned and unearned gross income from all sources, whether or not 1504
the income is taxable, and any potential income of the spouse or 1505
former spouse. 1506

(4) Subject to division (A)(5) of this section, "gross 1507

<u>income" includes all of the following, reduced by gross income</u>	1508
<u>adjustments:</u>	1509
<u>(a) Salaries, wages, tips, vacation pay, and any other</u>	1510
<u>compensation, including voluntary employee contributions to</u>	1511
<u>deferred compensation plan accounts;</u>	1512
<u>(b) Overtime pay, commissions, draws against commissions, and</u>	1513
<u>bonuses to the extent of the lesser of the following amounts:</u>	1514
<u>(i) The yearly average of all overtime, commissions, draws</u>	1515
<u>against commissions, and bonuses received during the three</u>	1516
<u>calendar years immediately prior to the time when the compensatory</u>	1517
<u>spousal support award is being computed;</u>	1518
<u>(ii) The total overtime, commissions, draws against</u>	1519
<u>commissions, and bonuses received during the calendar year</u>	1520
<u>immediately prior to the time when the compensatory spousal</u>	1521
<u>support award is being computed.</u>	1522
<u>(c) Royalties, rents, dividends, severance pay, interest,</u>	1523
<u>trust income, and annuities;</u>	1524
<u>(d) Social security benefits, including retirement,</u>	1525
<u>disability, and survivor benefits that are not means-tested, and</u>	1526
<u>pension, profit-sharing, and retirement benefits in pay status,</u>	1527
<u>that were not previously divided as marital property between the</u>	1528
<u>parties, or considered as an offset of marital property between</u>	1529
<u>the parties in a division or distribution of property or a</u>	1530
<u>distributive award;</u>	1531
<u>(e) Workers' compensation benefits, unemployment insurance</u>	1532
<u>benefits, and disability insurance benefits;</u>	1533
<u>(f) Benefits that are not means-tested and that are received</u>	1534
<u>by and in the possession of a veteran who is the beneficiary of</u>	1535
<u>any service-connected disability under a program or law</u>	1536
<u>administered by the United States department of veterans' affairs</u>	1537

<u>or veterans' administration;</u>	1538
<u>(g) Spousal support or compensatory spousal support payments</u>	1539
<u>actually received from a former spouse;</u>	1540
<u>(h) Income of members of any branch of the United States</u>	1541
<u>armed services or national guard, including amounts representing</u>	1542
<u>base pay, basic allowance for quarters, basic allowance for</u>	1543
<u>subsistence, supplemental subsistence allowance, cost of living</u>	1544
<u>adjustment, specialty pay, variable housing allowance, and pay for</u>	1545
<u>training or other types of required drills;</u>	1546
<u>(i) Self-generated income;</u>	1547
<u>(j) Potential cash flow from any source.</u>	1548
<u>(5) "Gross income" does not include any of the following:</u>	1549
<u>(a) Benefits received from a government administered program</u>	1550
<u>that are means-tested, including Ohio works first; prevention,</u>	1551
<u>retention, and contingency; means-tested veterans' benefits;</u>	1552
<u>supplemental security income; supplemental nutrition assistance</u>	1553
<u>program benefits; disability assistance; and any other assistance</u>	1554
<u>for which eligibility is determined on the basis of income or</u>	1555
<u>assets;</u>	1556
<u>(b) Benefits for any service-connected disability under a</u>	1557
<u>program or law administered by the United States department of</u>	1558
<u>veterans' affairs or veterans' administration that are not</u>	1559
<u>means-tested, that have not been distributed to the veteran who is</u>	1560
<u>the beneficiary of the benefits, and that are in the possession of</u>	1561
<u>the United States department of veterans' affairs or veterans'</u>	1562
<u>administration;</u>	1563
<u>(c) Nonrecurring or unsustainable gross income or cash flow</u>	1564
<u>items;</u>	1565
<u>(d) Adoption assistance and foster care maintenance payments</u>	1566
<u>made pursuant to Title IV-E of the "Social Security Act," 94 Stat.</u>	1567

<u>501, 42 U.S.C. 670 (1980), as amended;</u>	1568
<u>(e) Child support received.</u>	1569
<u>(6) "Gross income adjustments" means all of the following:</u>	1570
<u>(a) Child support paid for a child not of a marriage with the</u>	1571
<u>payee under the compensatory spousal support order issued under</u>	1572
<u>this section;</u>	1573
<u>(b) Spousal support or a compensatory spousal support award</u>	1574
<u>actually paid by the payor to a former spouse to whom the payor</u>	1575
<u>was obligated pursuant to an order issued before the date of the</u>	1576
<u>marriage that is the subject of the action for divorce,</u>	1577
<u>dissolution, legal separation, or annulment;</u>	1578
<u>(c) Amounts paid for mandatory deductions from wages other</u>	1579
<u>than taxes, social security, or retirement in lieu of social</u>	1580
<u>security.</u>	1581
<u>(7) "Nonrecurring or unsustainable gross income" means cash</u>	1582
<u>flow the party receives in any year or for any number of years not</u>	1583
<u>to exceed three years that the party does not expect to continue</u>	1584
<u>to receive on a regular basis. "Nonrecurring or unsustainable</u>	1585
<u>gross income" does not include any of the following:</u>	1586
<u>(a) A lottery prize award that is paid in a form other than a</u>	1587
<u>lump sum;</u>	1588
<u>(b) Any other item of income that the party receives or</u>	1589
<u>expects to receive for each year for a period of more than three</u>	1590
<u>years;</u>	1591
<u>(c) Any other item of income that the party receives and</u>	1592
<u>invests or otherwise uses to produce gross income for a period of</u>	1593
<u>more than three years.</u>	1594
<u>(8) "Ordinary and necessary expenses incurred in generating</u>	1595
<u>gross receipts" means actual cash items expended by the party or</u>	1596
<u>the party's business and includes depreciation expenses of</u>	1597

business equipment as shown on the accounting statements of a 1598
business entity but, except as otherwise specified in this 1599
division, does not include depreciation expenses and other noncash 1600
items that are allowed as deductions on any federal tax return of 1601
the party or the party's business. 1602

(9) "Potential income" means both of the following for a 1603
party who the court determines is voluntarily unemployed or 1604
voluntarily underemployed: 1605

(a) Imputed income that the court determines the party would 1606
have earned if fully employed, as determined from all of the 1607
following criteria: 1608

(i) The party's prior employment experience; 1609

(ii) The party's education; 1610

(iii) The party's physical and mental disabilities, if any; 1611

(iv) The availability of employment in the geographic area in 1612
which the party resides; 1613

(v) The prevailing wage and salary levels in the geographic 1614
area in which the party resides; 1615

(vi) The party's special skills and training; 1616

(vii) Whether there is evidence that the party has the 1617
ability to earn the imputed income; 1618

(viii) The party's increased income-generating capacity 1619
because of experience; 1620

(ix) Any other relevant factor. 1621

(b) Imputed income from any non-income-producing assets of a 1622
party, excluding the primary residence of each party, as 1623
determined from the local passbook savings rate or another 1624
appropriate rate as determined by the court, not to exceed the 1625
rate of interest specified in division (A) of section 1343.03 of 1626

the Revised Code, if the income is significant. 1627

(10) "Self-generated income" means gross receipts received by 1628
a party from self-employment, proprietorship of a business, joint 1629
ownership of a partnership or closely held corporation, and rents 1630
minus ordinary and necessary expenses incurred by the party in 1631
generating the gross receipts. "Self-generated income" includes 1632
expense reimbursements or in-kind payments received by a party 1633
from self-employment, the operation of a business, or rents, 1634
including motor vehicles, housing, reimbursements for meals, and 1635
other benefits, if the reimbursements or in-kind payments are 1636
significant and reduce personal living expenses. 1637

(11) The "length of the marital relationship" shall be the 1638
period of time from the date of the ceremonial marriage through 1639
the date of the filing of the first complaint in any action 1640
seeking a legal separation or a termination of marriage, if the 1641
complaint in fact leads to a decree of divorce or legal 1642
separation; provided, however, if the court determines that the 1643
length of the marital relationship as determined by such dates 1644
would be inequitable, the court may adjust the length of the 1645
marital relationship by selecting dates that it considers 1646
equitable in determining any compensatory spousal support award. 1647
In determining whether the length of the marital relationship 1648
should be adjusted, the court may consider the nature and extent 1649
of the financial circumstances of the spouses during any period of 1650
premarital cohabitation between the spouses; provided, however, 1651
the court may not adjust the length of the marital relationship to 1652
include any portion of such period of premarital cohabitation 1653
unless the court, by clear and convincing evidence, specifically 1654
finds that a failure to do so will create an inequitable result. 1655
If the court adjusts the dates that it considers equitable in 1656
determining any compensatory spousal support award, the "length of 1657
the marital relationship" means the period of time between those 1658

dates selected and specified by the court. 1659

(B) As used in the Revised Code and other binding court 1660
orders or documents, "spousal support" has the same meaning as 1661
"compensatory spousal support" unless the context otherwise 1662
indicates. 1663

Sec. 3105.181. (A) Upon the request of either spouse, after 1664
the court determines a division or disbursement of property or a 1665
distributive award, and before the court determines child support, 1666
if any, the court of common pleas in divorce and legal separation 1667
proceedings shall, and in an annulment proceeding may, determine a 1668
reasonable and appropriate compensatory spousal support award. 1669

(1) In determining a compensatory spousal support award, the 1670
court shall consider any evidence offered by the parties regarding 1671
the impact of all applicable federal, state, and local income tax 1672
laws upon both spouses. 1673

(2) In determining a compensatory spousal support award, each 1674
spouse shall be considered as having contributed equally to the 1675
production of marital income. 1676

(B)(1) The court may grant an award of compensatory spousal 1677
support based on the facts and circumstances of the case when the 1678
amount and terms of the award are reasonable and appropriate. It 1679
shall be presumed that the granting of a compensatory spousal 1680
support award is reasonable and appropriate when the length of the 1681
marital relationship has been at least five years and the claimant 1682
spouse's income-generating capacity is sixty per cent or less of 1683
the other spouse's income-generating capacity. This presumption 1684
may be rebutted by a preponderance of the evidence. 1685

(2) The loss in the ability of a spouse to maintain the 1686
marital standard of living after termination of a marital 1687
relationship, when the length of the marital relationship was of 1688

sufficient duration that equity requires that a portion of the 1689
loss be treated as the joint responsibility of both spouses, shall 1690
be presumed to be an appropriate reason for making a compensatory 1691
spousal support award in a proceeding for divorce, dissolution of 1692
marriage, or legal separation, and may be presumed to be an 1693
appropriate reason for making such an award in an annulment. 1694

(C) Unless the original compensatory spousal support award 1695
specifically states otherwise, an obligation to make periodic 1696
payments under sections 3105.18 to 3105.183 of the Revised Code 1697
shall terminate upon the death of either the obligor or the 1698
obligee, or upon the remarriage of the obligee. 1699

(D) Sections 3105.172 and 3105.18 to 3105.183 of the Revised 1700
Code shall not prevent or limit a court from granting an award of 1701
temporary spousal support, pursuant to the Rules of Civil 1702
Procedure, while any divorce, legal separation, or annulment 1703
action, or any post-decree motion or appeal to a court of appeals, 1704
is pending final disposition. The amount and terms of any order 1705
for temporary spousal support shall be reasonable and appropriate 1706
based upon the facts and circumstances of each case; provided, 1707
however, the court shall give the payor credit for any temporary 1708
spousal support payments made as an offset against any 1709
compensatory spousal support award entered by the court as part of 1710
the final decree or order. 1711

(E) A court may reserve jurisdiction in the original decree 1712
to make a compensatory spousal support award at a later date, if a 1713
change of circumstances makes such an award equitable. 1714

(F) Nothing in sections 3105.181 to 3105.183 of the Revised 1715
Code shall preclude or foreclose a spouse from bringing a 1716
recognizable claim for injuries or losses resulting from conduct 1717
by the other spouse that occurred during the marriage. 1718

Sec. 3105.182. After a court determines that a claimant 1719

spouse is entitled to a compensatory spousal support award 1720
pursuant to sections 3105.181 to 3105.183 of the Revised Code, the 1721
court shall determine the form, duration, and amount of the award 1722
in accordance with this section. 1723

(A) A compensatory spousal support award may be made in any 1724
or all of the following forms, as the court considers reasonable 1725
and appropriate: 1726

(1) Real property; 1727

(2) Personal property; 1728

(3) A sum of money, payable either in a lump sum or periodic 1729
payments of cash from future income or otherwise. 1730

(B) The duration of a compensatory spousal support award 1731
shall be reasonable and appropriate based upon the facts and 1732
circumstances of each case. In determining the duration of a 1733
compensatory spousal support award for periodic payments, the 1734
court shall consider the length of the marital relationship. 1735

(C) It shall be presumed that the duration of such a 1736
compensatory spousal support award is indefinite if the length of 1737
the marital relationship is twenty-five years or longer and is 1738
definite if the length of the marital relationship is less than 1739
twenty-five years. This presumption may be rebutted by a 1740
preponderance of the evidence. A definite duration of compensatory 1741
spousal support shall be computed by multiplying the length of the 1742
marital relationship in months by an appropriate percentage 1743
selected by the court from the following applicable range of 1744
percentages: 1745

(1) For a marital relationship of at least five years, but 1746
less than ten years, thirty to thirty-five per cent; 1747

(2) For a marital relationship of at least ten years, but 1748
less than fifteen years, thirty-five to forty per cent; 1749

(3) For a marital relationship of at least fifteen years, but less than twenty years, forty to forty-five per cent; 1750
1751

(4) For a marital relationship of at least twenty years, but less than twenty-five years, forty-five to fifty per cent. 1752
1753

(D) The amount of a compensatory spousal support award shall be reasonable and appropriate based upon the facts and circumstances of each case. The method for computing the amount of such an award is the amount that equals the difference in the income-generating capacities of both spouses multiplied by an appropriate percentage selected by the court from the following applicable range of percentages: 1754
1755
1756
1757
1758
1759
1760

(1) For a marital relationship of at least five years, but less than ten years, twenty-five to thirty per cent; 1761
1762

(2) For a marital relationship of at least ten years, but less than fifteen years, thirty to thirty-five per cent; 1763
1764

(3) For a marital relationship of at least fifteen years, but less than twenty years, thirty-five to forty per cent; 1765
1766

(4) For a marital relationship of twenty years or more, forty to fifty per cent. 1767
1768

(E)(1) In selecting an appropriate percentage figure within any range for the duration and amount of a compensatory spousal support award, or in exercising discretion to deviate from such ranges, the court may consider the following factors: 1769
1770
1771
1772

(a) The ages and the physical, mental, and emotional conditions of the parties; 1773
1774

(b) The extent to which it would be inappropriate for a party, because that party will be custodian of a minor or dependent child of the marital relationship, to seek employment outside the home; 1775
1776
1777
1778

(c) The standard of living of the parties established during 1779

the marital relationship and the future cost of living of both 1780
parties after their separation; 1781

(d) The relative extent of education of the parties; 1782

(e) The loss either spouse incurs resulting from that 1783
spouse's personal or financial contribution or investment in the 1784
training, education, and income-generating capacity of the other 1785
spouse, from relocating for the other spouse's employment when the 1786
relocation adversely affected the spouse's ability to further a 1787
career, or from any similar personal or financial investment made 1788
in the other spouse's income-generating capacity; 1789

(f) The time and expense necessary for the claimant spouse to 1790
acquire education, training, or job experience so that the spouse 1791
will be qualified to obtain appropriate employment, provided the 1792
education, training, or job experience and employment is, in fact, 1793
sought; 1794

(g) The loss in income-generating capacity of either spouse 1795
resulting from the performance of marital responsibilities, 1796
including any loss that arises from a spouse providing a 1797
disproportionate share, during the marital relationship, of the 1798
care of one or more of the following: 1799

(i) Any child of the marriage; 1800

(ii) A child of the other spouse; 1801

(iii) Any sick, elderly, or disabled third party in 1802
fulfillment of a marital responsibility. 1803

(h) Any other factor that the court expressly finds to be 1804
relevant and equitable. 1805

(2) If an award is made pursuant to this section in which the 1806
duration or amount deviates from the ranges of percentages set 1807
forth in this section, the court shall make written findings of 1808
fact that the result would be unreasonable or inappropriate 1809

without the deviation. 1810

Sec. 3105.183. (A) For any compensatory spousal support 1811
awards made under this chapter, or, if a continuing order for 1812
periodic payments of money as alimony was entered in a divorce or 1813
dissolution of marriage action that was determined on or after May 1814
2, 1986, and before January 1, 1991, or if a continuing order for 1815
periodic payments of money as spousal support was entered in a 1816
divorce or dissolution of marriage action that was determined on 1817
or after January 1, 1991, the court that entered the decree of 1818
divorce or dissolution of marriage does not have jurisdiction to 1819
modify the amount or terms of the alimony, spousal support, or 1820
compensatory spousal support award, unless the court determines 1821
that the circumstances of either party have changed and unless one 1822
of the following applies: 1823

(1) In the case of a divorce, the decree or separation 1824
agreement of the parties to the divorce that is incorporated into 1825
the decree contains a provision specifically authorizing the court 1826
to modify the amount or terms of alimony, spousal support, or 1827
compensatory spousal support award. 1828

(2) In the case of a dissolution of marriage, the separation 1829
agreement that is approved by the court and incorporated into the 1830
decree contains a provision specifically authorizing the court to 1831
modify the amount or terms of alimony, spousal support, or 1832
compensatory spousal support award. 1833

(B) In an action brought solely for an order for legal 1834
separation under section 3105.17 of the Revised Code, any 1835
continuing order for periodic payments of money entered pursuant 1836
to sections 3105.18 to 3105.183 of the Revised Code is subject to 1837
further order of the court upon changed circumstances of either 1838
party. 1839

(C) Any modified compensatory spousal support award is 1840

subject to the same continuing jurisdiction of the court, as 1841
provided in the original decree, unless the order modifying the 1842
prior compensatory spousal support award specifically provides 1843
otherwise. 1844

(D) For purposes of this section, a substantial change of 1845
circumstances of a party, whether foreseeable or not, includes any 1846
increase or involuntary decrease in a party's income, living 1847
expenses, or medical expenses, and may include the retirement of 1848
either party. 1849

(E) The amount and duration of any compensatory spousal 1850
support award that modifies an existing order for alimony, spousal 1851
support, or compensatory spousal support award shall be determined 1852
by applying all provisions set forth in section 3105.182 of the 1853
Revised Code, even if not applied in determining the existing 1854
award, except that the provisions found in section 3105.182 of the 1855
Revised Code shall not constitute the sole change in circumstances 1856
for any such order or award existing before section 3105.182 of 1857
the Revised Code was enacted. 1858

(F) In determining whether to modify an existing order for 1859
alimony, spousal support, or compensatory spousal support award, 1860
the court shall consider any purpose expressed in the initial 1861
order or award. 1862

(G) In post-decree modification proceedings, the court may 1863
consider whether to include or exclude current income attributable 1864
to assets that were previously divided between the parties as 1865
marital property. 1866

(H) A court's authority to modify an award includes the 1867
authority to defer payment of, suspend, or terminate the award. 1868
Except in the case of a deferral of payment, jurisdiction to 1869
modify an award of definite duration shall not include 1870
jurisdiction to extend the duration of an award unless the decree 1871

specifically states otherwise. A deferral of payment of 1872
compensatory spousal support may extend the original term of 1873
periodic payments, not to exceed the period of deferral. During a 1874
period of deferral of payments, no obligation to pay compensatory 1875
spousal support shall accrue. During a period of suspension of 1876
payments, no obligation to pay compensatory spousal support shall 1877
accrue. Once an award is terminated, it cannot be revived. 1878

(I) An obligation to make periodic payments pursuant to 1879
sections 3105.182 and 3105.183 of the Revised Code may be modified 1880
or terminated, in the discretion of the court, if the obligee and 1881
a third person have cohabited. In determining whether persons 1882
cohabit, the court may consider the extent to which their 1883
relationship fosters the parties' economic interdependence, or the 1884
economic dependence of one party upon the other, the extent to 1885
which they intermingle the financial obligations of the common 1886
household, and any other factor the court expressly finds to be 1887
relevant and equitable. 1888

(J) An award modified or terminated pursuant to this section 1889
shall be effective on the date the motion is filed, unless the 1890
court determines otherwise. 1891

(K) If a person required to pay alimony under an order made 1892
or modified by a court on or after December 1, 1986, and before 1893
January 1, 1991, any person required to pay spousal support under 1894
an order made or modified by a court on or after January 1, 1991, 1895
and before the effective date of this section, or any person 1896
required to pay compensatory spousal support under an order made 1897
or modified by the court on or after the effective date of this 1898
section is found in contempt of court for failure to make any such 1899
payments due under the order, the court that makes the finding, in 1900
addition to any other penalty or remedy imposed, shall assess all 1901
court costs arising out of the contempt proceeding against the 1902
person in contempt and shall require the person in contempt to pay 1903

any reasonable attorney's fees of any adverse party, as determined 1904
by the court, that arose in relation to the act of contempt. 1905

Sec. 3105.63. (A)(1) A petition for dissolution of marriage 1906
shall be signed by both spouses and shall have attached and 1907
incorporated a separation agreement agreed to by both spouses. The 1908
separation agreement shall provide for a division of all property; 1909
compensatory spousal support; if there are minor children of the 1910
marriage, the allocation of parental rights and responsibilities 1911
for the care of the minor children, the designation of a 1912
residential parent and legal custodian of the minor children, 1913
child support, and parenting time rights; and, if the spouses so 1914
desire, an authorization for the court to modify the amount or 1915
terms of compensatory spousal support, or the division of 1916
property, provided in the separation agreement. If there are minor 1917
children of the marriage, the spouses may address the allocation 1918
of the parental rights and responsibilities for the care of the 1919
minor children by including in the separation agreement a plan 1920
under which both parents will have shared rights and 1921
responsibilities for the care of the minor children. The spouses 1922
shall file the plan with the petition for dissolution of marriage 1923
and shall include in the plan the provisions described in division 1924
(G) of section 3109.04 of the Revised Code. 1925

(2) The division of property in the separation agreement 1926
shall include any participant account, as defined in section 1927
148.01 of the Revised Code, of either of the spouses, to the 1928
extent of the following: 1929

(a) The moneys that have been deferred by a continuing member 1930
or participating employee, as defined in that section, and that 1931
have been transmitted to the Ohio public employees deferred 1932
compensation board during the marriage and any income that is 1933
derived from the investment of those moneys during the marriage; 1934

(b) The moneys that have been deferred by an officer or 1935
employee of a municipal corporation and that have been transmitted 1936
to the governing board, administrator, depository, or trustee of 1937
the deferred compensation program of the municipal corporation 1938
during the marriage and any income that is derived from the 1939
investment of those moneys during the marriage; 1940

(c) The moneys that have been deferred by an officer or 1941
employee of a government unit, as defined in section 148.06 of the 1942
Revised Code, and that have been transmitted to the governing 1943
board, as defined in that section, during the marriage and any 1944
income that is derived from the investment of those moneys during 1945
the marriage. 1946

(3) The separation agreement shall not require or permit the 1947
division or disbursement of the moneys and income described in 1948
division (A)(2) of this section to occur in a manner that is 1949
inconsistent with the law, rules, or plan governing the deferred 1950
compensation program involved or prior to the time that the spouse 1951
in whose name the participant account is maintained commences 1952
receipt of the moneys and income credited to the account in 1953
accordance with that law, rules, and plan. 1954

(B) An amended separation agreement may be filed at any time 1955
prior to or during the hearing on the petition for dissolution of 1956
marriage. Upon receipt of a petition for dissolution of marriage, 1957
the court may cause an investigation to be made pursuant to the 1958
Rules of Civil Procedure. 1959

(C)(1) If a petition for dissolution of marriage contains an 1960
authorization for the court to modify the amount or terms of 1961
compensatory spousal support provided in the separation agreement, 1962
the modification shall be in accordance with ~~section~~ sections 1963
3105.18 to 3105.183 of the Revised Code. 1964

(2) If a petition for dissolution of marriage contains an 1965

authorization for the court to modify the division of property 1966
provided in the separation agreement, the modification shall be 1967
made with the express written consent or agreement of both 1968
spouses. 1969

Sec. 3105.65. (A) If, at the time of the hearing, either 1970
spouse is not satisfied with the separation agreement or does not 1971
wish a dissolution of the marriage and if neither spouse files a 1972
motion pursuant to division (C) of this section to convert the 1973
action to an action for divorce, the court shall dismiss the 1974
petition and refuse to validate the proposed separation agreement. 1975

(B) If, upon review of the testimony of both spouses and of 1976
the report of the investigator pursuant to the Rules of Civil 1977
Procedure, the court approves the separation agreement and any 1978
amendments to it agreed upon by the parties, it shall grant a 1979
decree of dissolution of marriage that incorporates the separation 1980
agreement. If the separation agreement contains a plan for the 1981
exercise of shared parenting by the spouses, the court shall 1982
review the plan in accordance with the provisions of division 1983
(D)(1) of section 3109.04 of the Revised Code that govern the 1984
review of a pleading or motion requesting shared parenting jointly 1985
submitted by both spouses to a marriage. A decree of dissolution 1986
of marriage has the same effect upon the property rights of the 1987
parties, including rights of dower and inheritance, as a decree of 1988
divorce. The court has full power to enforce its decree and 1989
retains jurisdiction to modify all matters pertaining to the 1990
allocation of parental rights and responsibilities for the care of 1991
the children, to the designation of a residential parent and legal 1992
custodian of the children, to child support, to parenting time of 1993
parents with the children, and to visitation for persons who are 1994
not the children's parents. The court, only in accordance with 1995
~~division (E)(2) of section~~ sections 3105.18 to 3105.183 of the 1996
Revised Code, may modify the amount or terms of compensatory 1997

spousal support. The court may modify the division of property 1998
provided in the separation agreement only upon the express written 1999
consent or agreement of both spouses. 2000

(C) At any time before a decree of dissolution of marriage 2001
has been granted under division (B) of this section, either spouse 2002
may convert the action for dissolution of marriage into a divorce 2003
action by filing a motion with the court in which the action for 2004
dissolution of marriage is pending for conversion of the action 2005
for dissolution of marriage. The motion shall contain a complaint 2006
for divorce that contains grounds for a divorce and that otherwise 2007
complies with the Rules of Civil Procedure and this chapter. The 2008
divorce action then shall proceed in accordance with the Rules of 2009
Civil Procedure in the same manner as if the motion had been the 2010
original complaint in the action, including, but not limited to, 2011
the issuance and service of summons pursuant to Civil Rules 4 to 2012
4.6, except that no court fees shall be charged upon conversion of 2013
the action for dissolution of marriage into a divorce action under 2014
this division. 2015

Sec. 3105.73. (A) In an action for divorce, dissolution, 2016
legal separation, or annulment of marriage or an appeal of that 2017
action, a court may award all or part of reasonable attorney's 2018
fees and litigation expenses to either party if the court finds 2019
the award equitable. In determining whether an award is equitable, 2020
the court may consider the parties' marital assets and income, any 2021
award of temporary spousal support, the conduct of the parties, 2022
and any other relevant factors the court deems appropriate. 2023

(B) In any post-decree motion or proceeding that arises out 2024
of an action for divorce, dissolution, legal separation, or 2025
annulment of marriage or an appeal of that motion or proceeding, 2026
the court may award all or part of reasonable attorney's fees and 2027
litigation expenses to either party if the court finds the award 2028

equitable. In determining whether an award is equitable, the court
may consider the parties' income, the conduct of the parties, and
any other relevant factors the court deems appropriate, but it may
not consider the parties' assets.

(C) The court may specify whether the award of attorney's
fees and litigation expenses under this section is payable in
gross or by installments. The court may make an award of
attorney's fees and litigation expenses under this section in
addition to making an award of attorney's fees and litigation
expenses under any other provision of the Revised Code or of the
Rules of Civil Procedure.

(D) Nothing in this section prevents an award of attorney's
fees and litigation expenses from being designated as compensatory
spousal support, as defined in section 3105.18 of the Revised
Code.

Sec. 3105.89. Notwithstanding division ~~(I)~~(H) of section
3105.171 of the Revised Code:

(A) The court shall retain jurisdiction to modify, supervise,
or enforce the implementation of an order described in section
3105.81 of the Revised Code.

(B) The court may modify an order issued under section
3105.171 or 3105.65 of the Revised Code that was effective prior
to ~~the effective date of this section~~ January 1, 2002, for the
purpose of enforcing the order or carrying into effect the
manifest intentions of the parties. A modified order must meet the
requirements of section 3105.82 of the Revised Code.

Sec. 3109.06. Except as provided in division (K) of section
2301.03 of the Revised Code, any court, other than a juvenile
court, that has jurisdiction in any case respecting the allocation
of parental rights and responsibilities for the care of a child

under eighteen years of age and the designation of the child's 2059
place of residence and legal custodian or in any case respecting 2060
the support of a child under eighteen years of age, may, on its 2061
own motion or on motion of any interested party, with the consent 2062
of the juvenile court, certify the record in the case or so much 2063
of the record and such further information, in narrative form or 2064
otherwise, as the court deems necessary or the juvenile court 2065
requests, to the juvenile court for further proceedings; upon the 2066
certification, the juvenile court shall have exclusive 2067
jurisdiction. 2068

In cases in which the court of common pleas finds the parents 2069
unsuitable to have the parental rights and responsibilities for 2070
the care of the child or children and unsuitable to provide the 2071
place of residence and to be the legal custodian of the child or 2072
children, consent of the juvenile court shall not be required to 2073
such certification. This section applies to actions pending on 2074
August 28, 1951. 2075

In any case in which a court of common pleas, or other court 2076
having jurisdiction, has issued an order that allocates parental 2077
rights and responsibilities for the care of minor children and 2078
designates their place of residence and legal custodian of minor 2079
children, has made an order for support of minor children, or has 2080
done both, the jurisdiction of the court shall not abate upon the 2081
death of the person awarded custody but shall continue for all 2082
purposes during the minority of the children. The court, upon its 2083
own motion or the motion of either parent or of any interested 2084
person acting on behalf of the children, may proceed to make 2085
further disposition of the case in the best interests of the 2086
children and subject to sections 3109.42 to 3109.48 of the Revised 2087
Code. If the children are under eighteen years of age, it may 2088
certify them, pursuant to this section, to the juvenile court of 2089
any county for further proceedings. After certification to a 2090

juvenile court, the jurisdiction of the court of common pleas, or 2091
other court, shall cease, except as to any payments of 2092
compensatory spousal support due for the spouse and support 2093
payments due and unpaid for the children at the time of the 2094
certification. 2095

Any disposition made pursuant to this section, whether by a 2096
juvenile court after a case is certified to it, or by any court 2097
upon the death of a person awarded custody of a child, shall be 2098
made in accordance with sections 3109.04 and 3109.42 to 3109.48 of 2099
the Revised Code. If an appeal is taken from a decision made 2100
pursuant to this section that allocates parental rights and 2101
responsibilities for the care of a minor child and designates the 2102
child's place of residence and legal custodian, the court of 2103
appeals shall give the case calendar priority and handle it 2104
expeditiously. 2105

Sec. 3111.69. The office of child support in the department 2106
of job and family services and a child support enforcement agency 2107
may examine the putative father registry established under section 2108
3107.062 of the Revised Code to locate an absent parent for the 2109
purpose of the office or agency carrying out its duties under the 2110
child and compensatory spousal support enforcement programs 2111
established under Chapter 3125. of the Revised Code. Neither the 2112
office nor an agency shall use the information it receives from 2113
the registry for any purpose other than child and compensatory 2114
spousal support enforcement. 2115

Sec. 3119.01. (A) As used in the Revised Code, "child support 2116
enforcement agency" means a child support enforcement agency 2117
designated under former section 2301.35 of the Revised Code prior 2118
to October 1, 1997, or a private or government entity designated 2119
as a child support enforcement agency under section 307.981 of the 2120
Revised Code. 2121

(B) As used in this chapter and Chapters 3121., 3123., and 2122
3125. of the Revised Code: 2123

(1) "Administrative child support order" means any order 2124
issued by a child support enforcement agency for the support of a 2125
child pursuant to section 3109.19 or 3111.81 of the Revised Code 2126
or former section 3111.211 of the Revised Code, section 3111.21 of 2127
the Revised Code as that section existed prior to January 1, 1998, 2128
or section 3111.20 or 3111.22 of the Revised Code as those 2129
sections existed prior to March 22, 2001. 2130

(2) "Child support order" means either a court child support 2131
order or an administrative child support order. 2132

(3) "Obligee" means the person who is entitled to receive the 2133
support payments under a support order. 2134

(4) "Obligor" means the person who is required to pay support 2135
under a support order. 2136

(5) "Support order" means either an administrative child 2137
support order or a court support order. 2138

(C) As used in this chapter: 2139

(1) "Combined gross income" means the combined gross income 2140
of both parents. 2141

(2) "Court child support order" means any order issued by a 2142
court for the support of a child pursuant to Chapter 3115. of the 2143
Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2144
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 2145
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised 2146
Code, or division (B) of former section 3113.21 of the Revised 2147
Code. 2148

(3) "Court support order" means either a court child support 2149
order or an order for the support of a spouse or former spouse 2150
issued pursuant to Chapter 3115. of the Revised Code, ~~section~~ 2151

sections 3105.18 to 3105.183, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code. 2152
2153
2154

(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars. 2155
2156
2157

(5) "Income" means either of the following: 2158

(a) For a parent who is employed to full capacity, the gross income of the parent; 2159
2160

(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. 2161
2162
2163

(6) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members. 2164
2165
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(7) "Gross income" means, except as excluded in division (C)(7) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D) of section 3119.05 of the Revised Code; commissions; royalties; tips; rents; dividends; severance pay; pensions; interest; trust income; annuities; social security benefits, including retirement, disability, and survivor benefits that are not means-tested; workers' compensation benefits; unemployment insurance benefits; disability insurance benefits; benefits that are not means-tested and that are received by and in the possession of the veteran who is the beneficiary for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration; compensatory 2168
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spousal support actually received; and all other sources of 2183
income. "Gross income" includes income of members of any branch of 2184
the United States armed services or national guard, including, 2185
amounts representing base pay, basic allowance for quarters, basic 2186
allowance for subsistence, supplemental subsistence allowance, 2187
cost of living adjustment, specialty pay, variable housing 2188
allowance, and pay for training or other types of required drills; 2189
self-generated income; and potential cash flow from any source. 2190

"Gross income" does not include any of the following: 2191

(a) Benefits received from means-tested government 2192
administered programs, including Ohio works first; prevention, 2193
retention, and contingency; means-tested veterans' benefits; 2194
supplemental security income; supplemental nutrition assistance 2195
program; disability financial assistance; or other assistance for 2196
which eligibility is determined on the basis of income or assets; 2197

(b) Benefits for any service-connected disability under a 2198
program or law administered by the United States department of 2199
veterans' affairs or veterans' administration that are not 2200
means-tested, that have not been distributed to the veteran who is 2201
the beneficiary of the benefits, and that are in the possession of 2202
the United States department of veterans' affairs or veterans' 2203
administration; 2204

(c) Child support received for children who were not born or 2205
adopted during the marriage at issue; 2206

(d) Amounts paid for mandatory deductions from wages such as 2207
union dues but not taxes, social security, or retirement in lieu 2208
of social security; 2209

(e) Nonrecurring or unsustainable income or cash flow items; 2210

(f) Adoption assistance and foster care maintenance payments 2211
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 2212
501, 42 U.S.C.A. 670 (1980), as amended. 2213

(8) "Nonrecurring or unsustainable income or cash flow item" 2214
means an income or cash flow item the parent receives in any year 2215
or for any number of years not to exceed three years that the 2216
parent does not expect to continue to receive on a regular basis. 2217
"Nonrecurring or unsustainable income or cash flow item" does not 2218
include a lottery prize award that is not paid in a lump sum or 2219
any other item of income or cash flow that the parent receives or 2220
expects to receive for each year for a period of more than three 2221
years or that the parent receives and invests or otherwise uses to 2222
produce income or cash flow for a period of more than three years. 2223

(9)(a) "Ordinary and necessary expenses incurred in 2224
generating gross receipts" means actual cash items expended by the 2225
parent or the parent's business and includes depreciation expenses 2226
of business equipment as shown on the books of a business entity. 2227

(b) Except as specifically included in "ordinary and 2228
necessary expenses incurred in generating gross receipts" by 2229
division (C)(9)(a) of this section, "ordinary and necessary 2230
expenses incurred in generating gross receipts" does not include 2231
depreciation expenses and other noncash items that are allowed as 2232
deductions on any federal tax return of the parent or the parent's 2233
business. 2234

(10) "Personal earnings" means compensation paid or payable 2235
for personal services, however denominated, and includes wages, 2236
salary, commissions, bonuses, draws against commissions, profit 2237
sharing, vacation pay, or any other compensation. 2238

(11) "Potential income" means both of the following for a 2239
parent who the court pursuant to a court support order, or a child 2240
support enforcement agency pursuant to an administrative child 2241
support order, determines is voluntarily unemployed or voluntarily 2242
underemployed: 2243

(a) Imputed income that the court or agency determines the 2244

parent would have earned if fully employed as determined from the	2245
following criteria:	2246
(i) The parent's prior employment experience;	2247
(ii) The parent's education;	2248
(iii) The parent's physical and mental disabilities, if any;	2249
(iv) The availability of employment in the geographic area in	2250
which the parent resides;	2251
(v) The prevailing wage and salary levels in the geographic	2252
area in which the parent resides;	2253
(vi) The parent's special skills and training;	2254
(vii) Whether there is evidence that the parent has the	2255
ability to earn the imputed income;	2256
(viii) The age and special needs of the child for whom child	2257
support is being calculated under this section;	2258
(ix) The parent's increased earning capacity because of	2259
experience;	2260
(x) Any other relevant factor.	2261
(b) Imputed income from any nonincome-producing assets of a	2262
parent, as determined from the local passbook savings rate or	2263
another appropriate rate as determined by the court or agency, not	2264
to exceed the rate of interest specified in division (A) of	2265
section 1343.03 of the Revised Code, if the income is significant.	2266
(12) "Schedule" means the basic child support schedule set	2267
forth in section 3119.021 of the Revised Code.	2268
(13) "Self-generated income" means gross receipts received by	2269
a parent from self-employment, proprietorship of a business, joint	2270
ownership of a partnership or closely held corporation, and rents	2271
minus ordinary and necessary expenses incurred by the parent in	2272
generating the gross receipts. "Self-generated income" includes	2273

expense reimbursements or in-kind payments received by a parent 2274
from self-employment, the operation of a business, or rents, 2275
including company cars, free housing, reimbursed meals, and other 2276
benefits, if the reimbursements are significant and reduce 2277
personal living expenses. 2278

(14) "Split parental rights and responsibilities" means a 2279
situation in which there is more than one child who is the subject 2280
of an allocation of parental rights and responsibilities and each 2281
parent is the residential parent and legal custodian of at least 2282
one of those children. 2283

(15) "Worksheet" means the applicable worksheet that is used 2284
to calculate a parent's child support obligation as set forth in 2285
sections 3119.022 and 3119.023 of the Revised Code. 2286

Sec. 3119.022. When a court or child support enforcement 2287
agency calculates the amount of child support to be paid pursuant 2288
to a child support order in a proceeding in which one parent is 2289
the residential parent and legal custodian of all of the children 2290
who are the subject of the child support order or in which the 2291
court issues a shared parenting order, the court or agency shall 2292
use a worksheet identical in content and form to the following: 2293

CHILD SUPPORT COMPUTATION WORKSHEET 2294

SOLE RESIDENTIAL PARENT OR SHARED PARENTING ORDER 2295

Name of parties 2296

Case No. 2297

Number of minor children 2298

The following parent was designated as residential parent and 2299

legal custodian: mother father shared 2300

Column I Column II Column III 2301

Father Mother Combined 2302

INCOME: 2303

1.a. Annual gross income from employment or, when determined appropriate by the court or agency, average annual gross income from employment over a reasonable period of years. (Exclude overtime, bonuses, self-employment income, or commissions)			2304
.....	\$.....	\$.....	2305
b. Amount of overtime, bonuses, and commissions (year 1 representing the most recent year)			2306
Father		Mother	2307
Yr. 3 \$.....		Yr. 3 \$.....	2308
(Three years ago)		(Three years ago)	2309
Yr. 2 \$.....		Yr. 2 \$.....	2310
(Two years ago)		(Two years ago)	2311
Yr. 1 \$.....		Yr. 1 \$.....	2312
(Last calendar year)		(Last calendar year)	2313
Average \$.....		Average \$.....	2314
(Include in Col. I and/or Col. II the average of the three years or the year 1 amount, whichever is less, if there exists a reasonable expectation that the total earnings from overtime and/or bonuses during the			2315

current calendar year will meet or exceed the amount that is the lower of the average of the three years or the year 1 amount. If, however, there exists a reasonable expectation that the total earnings from overtime/bonuses during the current calendar year will be less than the lower of the average of the 3 years or the year 1 amount, include only the amount reasonably expected to be earned this year.)

	.....	\$.....	\$.....	2316
2.	For self-employment income:			2317
a.	Gross receipts from business			2318
	.....	\$.....	\$.....	2319
b.	Ordinary and necessary business expenses			2320
	.....	\$.....	\$.....	2321
c.	5.6% of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the			2322

	F.I.C.A. rate			
	.....	\$.....	\$.....	2323
d.	Adjusted gross income			2324
	from self-employment			
	(subtract the sum of 2b			
	and 2c from 2a)			
	.....	\$.....	\$.....	2325
3.	Annual income from			2326
	interest and dividends			
	(whether or not taxable)			
	.....	\$.....	\$.....	2327
4.	Annual income from			2328
	unemployment compensation			
	.....	\$.....	\$.....	2329
5.	Annual income from			2330
	workers' compensation,			
	disability insurance			
	benefits, or social			
	security			
	disability/retirement			
	benefits			
	.....	\$.....	\$.....	2331
6.	Other annual income			2332
	(identify)			
	.....	\$.....	\$.....	2333
7.a.	Total annual gross income			2334
	(add lines 1a, 1b, 2d,			
	and 3-6)			
	.....	\$.....	\$.....	2335
b.	Health insurance maximum	\$.....	\$.....	2336
	(multiply line 7a by 5%)			
	ADJUSTMENTS TO INCOME:			2337
8.	Adjustment for minor			2338

	children born to or adopted by either parent and another parent who are living with this parent; adjustment does not apply to stepchildren (number of children times federal income tax exemption less child support received, not to exceed the federal tax exemption)	.....	\$.....	\$.....	2339
9.	Annual court-ordered support paid for other children	.....	\$.....	\$.....	2340
10.	Annual court-ordered <u>compensatory</u> spousal support paid to any spouse or former spouse	.....	\$.....	\$.....	2342
11.	Amount of local income taxes actually paid or estimated to be paid	.....	\$.....	\$.....	2343
12.	Mandatory work-related deductions such as union dues, uniform fees, etc. (not including taxes, social security, or retirement)	.....	\$.....	\$.....	2344
		.....	\$.....	\$.....	2345
		.....	\$.....	\$.....	2346
		.....	\$.....	\$.....	2347

13.	Total gross income			2348
	adjustments (add lines 8 through 12)			
	.....	\$.....	\$.....	2349
14.a.	Adjusted annual gross income (subtract line 13 from line 7a)			2350
	.....	\$.....	\$.....	2351
b.	Cash medical support maximum (If the amount on line 7a, Col. I, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b, Col. I. If the amount on line 7a, Col. I, is 150% or higher of the federal poverty level for an individual, multiply the amount on line 14a, Col. I, by 5% and enter this amount on line 14b, Col. I. If the amount on line 7a, Col. II, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b, Col. II. If the amount on line 7a, Col. II, is 150% or higher of the federal poverty level for an individual, multiply the			2352

	amount on line 14a, Col. II, by 5% and enter this amount on line 14b, Col. II.)	\$.....	\$.....	2353
15.	Combined annual income that is basis for child support order (add line 14a, Col. I and Col. II)			2354
			\$.....	2355
16.	Percentage of parent's income to total income			2356
a.	Father (divide line 14a, Col. I, by line 15, Col. III)%			2357
b.	Mother (divide line 14a, Col. II, by line 15, Col. III)%			2358
17.	Basic combined child support obligation (refer to schedule, first column, locate the amount nearest to the amount on line 15, Col. III, then refer to column for number of children in this family. If the income of the parents is more than one sum but less than another, you may calculate the difference.)			2359
			\$.....	2360

18.	Annual support obligation per parent			2361
a.	Father (multiply line 17, Col. III, by line 16a)			2362
	.....	\$.....		2363
b.	Mother (multiply line 17, Col. III, by line 16b)			2364
	.....		\$.....	2365
19.	Annual child care expenses for children who are the subject of this order that are work-, employment training-, or education-related, as approved by the court or agency (deduct tax credit from annual cost, whether or not claimed)			2366
	.....	\$.....	\$.....	2367
20.a.	Marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of this order (contributing cost of private family health insurance, minus the contributing cost of private single health insurance, divided by the total number of dependents covered by the plan, including the			2368

	children subject of the support order, times the number of children subject of the support order)			
	.....	\$.....	\$.....	2369
b.	Cash medical support obligation (enter the amount on line 14b or the amount of annual health care expenditures estimated by the United States Department of Agriculture and described in section 3119.30 of the Revised Code, whichever amount is lower)			2370
	.....	\$.....	\$.....	2371
21.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:			2372
	Father (only if obligor or shared parenting)		Mother (only if obligor or shared parenting)	2373
a.	Additions: line 16a times the sum of amounts shown on line 19, Col. II and line 20a, Col. II		b. Additions: line 16b times the sum of amounts shown on line 19, Col. I and line 20a, Col. I	2374
	\$.....		\$.....	2375
c.	Subtractions: line 16b times sum of amounts shown on line 19, Col. I and line 20a, Col. I		d. Subtractions: line 16a times sum of amounts shown on line 19, Col. II and line 20a, Col. II	2376
	\$.....		\$.....	2377
22.	OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH			2378

	shared parenting)	shared parenting)	
a.	Additions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II \$.....	b. Additions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I \$.....	2391 2392
c.	Subtractions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I \$.....	d. Subtractions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II \$.....	2393 2394
25.	OBLIGATION AFTER ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:		2395
a.	Father: line 18a plus or minus the difference between line 24a minus line 24c	\$.....	2396 2397
b.	Mother: line 18b plus or minus the difference between line 24b and 24d	\$.....	2398 2399
26.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:		2400
a.	(Line 25a or 25b, whichever line corresponds to the parent who is the obligor)	\$.....	2401
b.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a	\$.....	2402

child or a person on behalf of the child due to death, disability, or retirement of the parent			
c. Actual annual obligation \$..... (subtract line 26b from line 26a)		2403	
27.a. Deviation from sole residential parent support amount shown on line 23c if amount would be unjust or inappropriate: (see section 3119.23 of the Revised Code.) (Specific facts and monetary value must be stated.)		2404	
.....		2405	
.....		2406	
.....		2407	
.....		2408	
b. Deviation from shared parenting order: (see sections 3119.23 and 3119.24 of the Revised Code.) (Specific facts including amount of time children spend with each parent, ability of each parent to maintain adequate housing for children, and each parent's expenses for children must be stated to justify deviation.)		2409	
.....		2410	
.....		2411	
.....		2412	
.....		2413	
	WHEN	WHEN	2414
	HEALTH	HEALTH	2415
	INSURANCE	INSURANCE	2416
	IS	IS NOT	2417
	PROVIDED	PROVIDED	2418
28. FINAL CHILD SUPPORT		2419	
FIGURE: (This amount reflects final annual			

Prepared by:	2427
Counsel:	2428
(For mother/father)	2429
CSEA:	2430
Other:	2430
Worksheet Has Been Reviewed and Agreed To:	2431
.....	2432
Mother	2433
Date	2433
.....	2434
Father	2435
Date	2435
Sec. 3119.023. When a court or child support enforcement	2436
agency calculates the amount of child support to be paid pursuant	2437
to a court child support order in a proceeding in which the	2438
parents have split parental rights and responsibilities with	2439
respect to the children who are the subject of the child support	2440
order, the court or child support enforcement agency shall use a	2441
worksheet that is identical in content and form to the following:	2442
CHILD SUPPORT COMPUTATION WORKSHEET	2443
SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES	2444
Name of parties	2445
Case No.	2446
Number of minor children	2447
Number of minor children with mother	2448
father	2448
Column I	2449
Column II	2449
Column III	2449
Father	2450
Mother	2450
Combined	2450
INCOME:	2451
1.a. Annual gross income from	2452
employment or, when	
determined appropriate by	
the court or agency,	
average annual gross	
income from employment	

over a reasonable period of years. (Exclude overtime, bonuses, self-employment income, or commissions)	\$.....	\$.....	2453
b. Amount of overtime, bonuses, and commissions (year 1 representing the most recent year)			2454
Father		Mother	2455
Yr. 3 \$.....		Yr. 3 \$.....	2456
(Three years ago)		(Three years ago)	2457
Yr. 2 \$.....		Yr. 2 \$.....	2458
(Two years ago)		(Two years ago)	2459
Yr. 1 \$.....		Yr. 1 \$.....	2460
(Last calendar year)		(Last calendar year)	2461
Average \$.....		\$.....	2462
(Include in Col. I and/or Col. II the average of the three years or the year 1 amount, whichever is less, if there exists a reasonable expectation that the total earnings from overtime and/or bonuses during the current calendar year will meet or exceed the amount that is the lower of the average of the three years or the year 1 amount. If, however,			2463

there exists a reasonable expectation that the total earnings from overtime/bonuses during the current calendar year will be less than the lower of the average of the 3 years or the year 1 amount, include only the amount reasonably expected to be earned this year)

	.....	\$.....	\$.....	2464
2.	For self-employment income			2465
a.	Gross receipts from business			2466
	.....	\$.....	\$.....	2467
b.	Ordinary and necessary business expenses			2468
	.....	\$.....	\$.....	2469
c.	5.6% of adjusted gross income or the actual marginal difference between the actual rate paid by the self-employed individual and the F.I.C.A. rate			2470
	.....	\$.....	\$.....	2471
d.	Adjusted gross income from self-employment (subtract the sum of 2b and 2c from 2a)			2472

	.....	\$.....	\$.....	2473
3.	Annual income from interest and dividends (whether or not taxable)	\$.....	\$.....	2474
4.	Annual income from unemployment compensation	\$.....	\$.....	2475
5.	Annual income from workers' compensation, disability insurance benefits or social security disability retirement benefits	\$.....	\$.....	2476
6.	Other annual income (identify)	\$.....	\$.....	2477
7.a.	Total annual gross income (add lines 1a, 1b, 2d, and 3-6)	\$.....	\$.....	2478
b.	Health insurance maximum (multiply line 7a by 5%)	\$.....	\$.....	2479
	ADJUSTMENTS TO INCOME:			2480
8.	Adjustment for minor children born to or adopted by either parent and another parent who are living with this parent; adjustment does not apply to stepchildren			2481

	(number of children times federal income tax exemption less child support received, not to exceed the federal tax exemption)	.....	\$.....	\$.....	2488
9.	Annual court-ordered support paid for other children	.....	\$.....	\$.....	2489
10.	Annual court-ordered <u>compensatory</u> spousal support paid to any spouse or former spouse	.....	\$.....	\$.....	2491
11.	Amount of local income taxes actually paid or estimated to be paid	.....	\$.....	\$.....	2493
12.	Mandatory work-related deductions such as union dues, uniform fees, etc. (not including taxes, social security, or retirement)	.....	\$.....	\$.....	2495
13.	Total gross income adjustments (add lines 8 through 12)	.....	\$.....	\$.....	2497
14.a.	Adjusted annual gross income (subtract line 13	.....	\$.....	\$.....	2499

	from 7a)			
	.....	\$.....	\$.....	2500
b.	Cash medical support			2501
	maximum (If the amount on line 7a, Col. I, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b., Col. I. If the amount on line 7a, Col. I, is 150% or higher of the federal poverty level for an individual, multiply the amount on line 14a, Col. I, by 5% and enter this amount on line 14b, Col. I. If the amount on line 7a, Col. II, is under 150% of the federal poverty level for an individual, enter \$0 on line 14b, Col. II. If the amount on line 7a, Col. II, is 150% or higher of the federal poverty level for an individual, multiply the amount on line 14a, Col. II, by 5% and enter this amount on line 14b, Col. II.)			
	.....	\$.....	\$.....	2502
15.	Combined annual income			2503

	that is basis for child support order (add line 14a, Col. I and Col. II)			
	.....		\$.....	2504
16.	Percentage of parent's income to total income			2505
a.	Father (divide line 14a, Col. I, by line 15, Col. III)%			2506
b.	Mother (divide line 14a, Col. II, by line 15, Col. III)%			2507
17.	Basic combined child support obligation (refer to schedule, first column, locate the amount nearest to the amount on line 15, Col. III, then refer to column for number of children with this parent. If the income of the parents is more than one sum but less than another, you may calculate the difference)	For children for whom the mother is the residential parent and legal custodian	For children for whom the father is the residential parent and legal custodian	2508
	.....	\$.....	\$.....	2509
18.	Annual support obligation per parent			2510
a.	Of father for children for whom mother is the residential parent and legal custodian (multiply line 17, Col. I, by line			2511

16a)				
.....	\$.....			2512
b. Of mother for children				2513
for whom the father is				
the residential parent				
and legal custodian				
(multiply line 17, Col.				
II, by line 16b)				
.....		\$.....		2514
19. Annual child care	Paid by	Paid by		2515
expenses for children who	father	mother		
are the subject of this				
order that are work-,				
employment training-, or				
education-related, as				
approved by the court or				
agency (deduct tax credit				
from annual cost whether				
or not claimed)				
.....	\$.....	\$.....		2516
20.a. Marginal, out-of-pocket	Paid by	Paid by		2517
costs, necessary to	father	mother		
provide for health				
insurance for the				
children who are the				
subject of this order				
(contributing cost of				
private family health				
insurance, minus the				
contributing cost of				
private single health				
insurance, divided by the				
total number of				

	dependents covered by the plan, including the children subject of the support order, times the number of children subject of the support order)	..... \$..... \$.....	2518
b.	Cash medical support obligation (enter the amount on line 14b or the amount of annual health care expenditures estimated by the United States Department of Agriculture and described in section 3119.30 of the Revised Code, whichever amount is lower)	..... \$..... \$.....	2519
		..... \$..... \$.....	2520
21.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:		2521
	Father	Mother	2522
a.	Additions: line 16a times sum of amounts shown on line 19, Col. II and line 20a, Col. II	b. Additions: line 16b times sum of amounts shown on line 19, Col. I and line 20a, Col. I	2523
			2524
			2525
			2526
	\$.....	\$.....	2527
c.	Subtractions: line 16b times sum of amounts shown	d. Subtractions: line 16a times sum of amounts shown on line	2528

	on line 19, Col. I and line 20a, Col. I	19, Col. II and line 20a, Col. II	2529
			2530
			2531
	\$.....	\$.....	2532
22.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS PROVIDED:		2533
a.	Father: line 18a plus line 21a minus line 21c (if the amount on line 21c is greater than or equal to the amount on line 21a--enter the number on line 18a in Col. I)	\$.....	2534
b.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by children for whom the mother is the residential parent and legal custodian or a person on behalf of those children due to death, disability, or retirement of the father	\$.....	2535
			2536
c.	Actual annual obligation of father (subtract line 22b from line 22a)		2537
			2538

	..... \$.....	2539
d.	Mother: line 18b plus line 21b minus line 21d (if the amount on line 21d is greater than or equal to the amount on line 21b--enter the number on line 18b in Col. II)	2540
	..... \$.....	2541
e.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by children for whom the father is the residential parent and legal custodian or a person on behalf of those children due to death, disability, or retirement of the mother	2542
	..... \$.....	2543
f.	Actual annual obligation of mother (subtract line 22e from line 22d)	2544
	..... \$.....	2545
g.	Actual annual obligation payable (subtract lesser actual annual obligation from greater actual annual obligation using	2546

	amounts in lines 22c and 22f to determine net child support payable)	\$.....	\$.....	2547
23.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:			2548
	Father		Mother	2549
a.	Additions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II \$.....		b. Additions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I \$.....	2550 2551
c.	Subtractions: line 16b times the sum of the amounts shown on line 19, Col. I and line 20b, Col. I \$.....		d. Subtractions: line 16a times the sum of the amounts shown on line 19, Col. II and line 20b, Col. II \$.....	2552 2553
24.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:			2554
a.	Father: line 18a plus line 23a minus line 23c (if the amount on line 23c is greater than or equal to the amount on line 23a, enter the number on line 18a in Col. I)	\$.....		2555
b.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a	\$.....		2556

child for whom the mother is the residential parent and legal custodian, or a person on behalf of the child, due to death, disability, or retirement of the father

c.	Actual annual obligation of the father (subtract line 24b from line 24a)	\$.....	2557
d.	Mother: line 18b plus line 23b minus 23d (if the amount on line 23d is greater than or equal to the amount on line 23b, enter the number on line 18b in Col. II)		2558
	.....	\$.....	2559
e.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child for whom the father is the residential parent and legal custodian, or a person on behalf of the child, due to death, disability, or retirement of the mother		2560
	.....	\$.....	2561
f.	Actual annual obligation of the mother (subtract	\$.....	2562

	line 24e from line 24d)		
g.	Actual annual obligation payable (subtract lesser actual annual obligation from greater annual obligation of parents using amounts in lines 24c and 24f to determine net child support payable)		2563
	.....	\$..... \$.....	2564
h.	Add line 20b, Col. I, to line 24g, Col. I, when father is the obligor or line 20b, Col. II, to line 24g, Col. II, when mother is obligor		2565
	.....	\$..... \$.....	2566
25.	Deviation from split residential parent guideline amount shown on line 22c, 22f, 24c, or 24f if amount would be unjust or inappropriate: (see section 3119.23 of the Revised Code.) (Specific facts and monetary value must be stated.)		2567
	.....		2568
	.....		2569
	.....		2570
	.....		2571
			2572
		WHEN WHEN	2573
		HEALTH HEALTH	2574
		INSURANCE INSURANCE	2575
		IS IS NOT	2576
		PROVIDED PROVIDED	2577
26.	FINAL CHILD SUPPORT		2578

FIGURE: (This amount reflects final annual child support obligation; in Col. I enter line 22g plus or minus any amounts indicated in line 25, or in Col. II enter line 24g plus or minus any amounts indicated on line 25.)

	..... \$.....	\$.....	Father/Mother,	2579
			OBLIGOR	
27.	FOR DECREE: Child support per month (divide obligor's annual share, line 26, by 12) plus any processing charge			2580
	..... \$.....	\$.....		2581
28.	FINAL CASH MEDICAL SUPPORT FIGURE: (this amount reflects the final, annual cash medical support to be paid by the obligor when neither parent provides health insurance coverage for the child; enter obligor's cash medical support from line 20b)			2582
	.....	\$.....		2583
29.	FOR DECREE: Cash medical support per month (divide line 28 by 12)			2584
	.....	\$.....		2585

Prepared by:	2586
Counsel:	2587
(For mother/father)	2588
CSEA:	2589
Other:	2589
Worksheet Has Been Reviewed and Agreed To:	2590
.....	2591
Mother	2592
Date	2592
.....	2593
Father	2594
Date	2594
Sec. 3119.05. When a court computes the amount of child	2595
support required to be paid under a court child support order or a	2596
child support enforcement agency computes the amount of child	2597
support to be paid pursuant to an administrative child support	2598
order, all of the following apply:	2599
(A) The parents' current and past income and personal	2600
earnings shall be verified by electronic means or with suitable	2601
documents, including, but not limited to, paystubs, employer	2602
statements, receipts and expense vouchers related to	2603
self-generated income, tax returns, and all supporting	2604
documentation and schedules for the tax returns.	2605
(B) The amount of any pre-existing child support obligation	2606
of a parent under a child support order and the amount of any	2607
court-ordered <u>compensatory</u> spousal support actually paid shall be	2608
deducted from the gross income of that parent to the extent that	2609
payment under the child support order or that payment of the	2610
court-ordered <u>compensatory</u> spousal support is verified by	2611
supporting documentation.	2612
(C) If other minor children who were born to the parent and a	2613
person other than the other parent who is involved in the	2614
immediate child support determination live with the parent, the	2615
court or agency shall deduct an amount from that parent's gross	2616

income that equals the number of such minor children times the 2617
federal income tax exemption for such children less child support 2618
received for them for the year, not exceeding the federal income 2619
tax exemption. 2620

(D) When the court or agency calculates the gross income of a 2621
parent, it shall include the lesser of the following as income 2622
from overtime and bonuses: 2623

(1) The yearly average of all overtime, commissions, and 2624
bonuses received during the three years immediately prior to the 2625
time when the person's child support obligation is being computed; 2626

(2) The total overtime, commissions, and bonuses received 2627
during the year immediately prior to the time when the person's 2628
child support obligation is being computed. 2629

(E) When the court or agency calculates the gross income of a 2630
parent, it shall not include any income earned by the spouse of 2631
that parent. 2632

(F) The court shall issue a separate order for extraordinary 2633
medical or dental expenses, including, but not limited to, 2634
orthodontia, psychological, appropriate private education, and 2635
other expenses, and may consider the expenses in adjusting a child 2636
support order. 2637

(G) When a court or agency calculates the amount of child 2638
support to be paid pursuant to a court child support order or an 2639
administrative child support order, if the combined gross income 2640
of both parents is an amount that is between two amounts set forth 2641
in the first column of the schedule, the court or agency may use 2642
the basic child support obligation that corresponds to the higher 2643
of the two amounts in the first column of the schedule, use the 2644
basic child support obligation that corresponds to the lower of 2645
the two amounts in the first column of the schedule, or calculate 2646
a basic child support obligation that is between those two amounts 2647

and corresponds proportionally to the parents' actual combined 2648
gross income. 2649

(H) When the court or agency calculates gross income, the 2650
court or agency, when appropriate, may average income over a 2651
reasonable period of years. 2652

(I) A court or agency shall not determine a parent receiving 2653
means-tested public assistance benefits to be voluntarily 2654
unemployed or underemployed and shall not impute income to that 2655
parent, unless not making such determination and not imputing 2656
income would be unjust, inappropriate, and not in the best 2657
interest of the child. 2658

(J) When a court or agency requires a parent to pay an amount 2659
for that parent's failure to support a child for a period of time 2660
prior to the date the court modifies or issues a court child 2661
support order or an agency modifies or issues an administrative 2662
child support order for the current support of the child, the 2663
court or agency shall calculate that amount using the basic child 2664
support schedule, worksheets, and child support laws in effect, 2665
and the incomes of the parents as they existed, for that prior 2666
period of time. 2667

Sec. 3121.441. (A) Notwithstanding the provisions of this 2668
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 2669
and 5107.20 of the Revised Code providing for the office of child 2670
support in the department of job and family services to collect, 2671
withhold, or deduct compensatory spousal support, when a court 2672
pursuant to ~~section~~ sections 3105.18 to 3105.183 or 3105.65 of the 2673
Revised Code issues or modifies an order requiring an obligor to 2674
pay compensatory spousal support or grants or modifies a decree of 2675
dissolution of marriage incorporating a separation agreement that 2676
provides for compensatory spousal support, or at any time after 2677
the issuance, granting, or modification of an order or decree of 2678

that type, the court may permit the obligor to make the 2679
compensatory spousal support payments directly to the obligee 2680
instead of to the office if the obligee and the obligor have no 2681
minor children born as a result of their marriage and the obligee 2682
has not assigned the compensatory spousal support amounts to the 2683
department pursuant to section 5101.59 or 5107.20 of the Revised 2684
Code. 2685

(B) A court that permits an obligor to make compensatory 2686
spousal support payments directly to the obligee pursuant to 2687
division (A) of this section shall order the obligor to make the 2688
compensatory spousal support payments as a check, as a money 2689
order, or in any other form that establishes a clear record of 2690
payment. 2691

(C) If a court permits an obligor to make compensatory 2692
spousal support payments directly to an obligee pursuant to 2693
division (A) of this section and the obligor is in default in 2694
making any compensatory spousal support payment to the obligee, 2695
the court, upon motion of the obligee or on its own motion, may 2696
rescind the permission granted under that division. After the 2697
rescission, the court shall determine the amount of arrearages in 2698
the compensatory spousal support payments and order the obligor to 2699
make to the office of child support in the department of job and 2700
family services any compensatory spousal support payments that are 2701
in arrears and any future compensatory spousal support payments. 2702
Upon the issuance of the order of the court under this division, 2703
the provisions of this chapter, Chapters 3119., 3123., and 3125., 2704
and sections 3770.071 and 5107.20 of the Revised Code apply with 2705
respect to the collection, withholding, or deduction of the 2706
obligor's compensatory spousal support payments that are the 2707
subject of that order of the court. 2708

Sec. 3125.05. The office of child support shall establish, by 2709

rule adopted pursuant to Chapter 119. of the Revised Code, a 2710
program of compensatory spousal support enforcement in conjunction 2711
with child support enforcement. The program shall conform, to the 2712
extent practicable, to the program for child support enforcement 2713
established pursuant to section 3125.03 of the Revised Code. 2714

Sec. 5107.20. As used in this section, "support" means child 2715
support, compensatory spousal support, and support for a spouse or 2716
a former spouse. 2717

Participation in Ohio works first constitutes an assignment 2718
to the department of job and family services of any rights members 2719
of an assistance group have to support from any other person, 2720
excluding medical support assigned pursuant to section 5101.59 of 2721
the Revised Code. The rights to support assigned to the department 2722
pursuant to this section constitute an obligation of the person 2723
who is responsible for providing the support to the state for the 2724
amount of cash assistance provided to the assistance group. 2725

The office of child support in the department of job and 2726
family services shall collect and distribute support payments owed 2727
to Ohio works first participants, whether assigned to the 2728
department or unassigned, in accordance with 42 U.S.C. 654 B and 2729
657 and regulations adopted under those statutes, state statutes, 2730
and rules adopted under section 5107.05 of the Revised Code. 2731

Upon implementation of centralized collection and 2732
disbursement under Chapter 3121. of the Revised Code, in 2733
accordance with 42 U.S.C. 654 B and 657 and regulations adopted 2734
under those statutes, the department shall deposit support 2735
payments it receives pursuant to this section into the state 2736
treasury to the credit of the child support collections fund or 2737
the child support administrative fund, both of which are hereby 2738
created. Money credited to the funds shall be used to make cash 2739
assistance payments under Ohio works first. 2740

Section 2. That existing sections 1349.01, 2119.03, 2151.23, 2741
2303.201, 2329.66, 2701.03, 2743.66, 2919.231, 2950.15, 3105.171, 2742
3105.63, 3105.65, 3105.73, 3105.89, 3109.06, 3111.69, 3119.01, 2743
3119.022, 3119.023, 3119.05, 3121.441, 3125.05, and 5107.20 and 2744
section 3105.18 of the Revised Code are hereby repealed. 2745

Section 3. Sections 1 and 2 of this act shall govern any 2746
relevant action pending in a court on the effective date of this 2747
act, if the court has not yet entered a final order of 2748
disposition. 2749

Section 4. Sections 1 and 2 of this act shall take effect six 2750
months after the effective date of this act. 2751

Section 5. To the extent that any provision of this act is in 2752
conflict with the common law, it is the intent of the General 2753
Assembly to abrogate the common law. 2754