

**As Passed by the House**

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**2013-2014**

**Sub. H. B. No. 257**

**Representatives Antonio, Schuring**

**Cosponsors: Representatives Cera, Rogers, Driehaus, Becker, Smith, Stebelton, Strahorn, Maag, Barborak, Buchy, Phillips, Foley, Hagan, R., Sheehy, Brown, Brenner, Reece, Fedor, Ramos, Budish, Grossman, Celebrezze, Pillich, Stautberg, Winburn, Adams, R., Anielski, Ashford, Baker, Barnes, Beck, Bishoff, Blair, Blessing, Boyce, Burkley, Butler, Carney, Conditt, Curtin, Damschroder, Derickson, DeVitis, Dovilla, Duffey, Gerberry, Green, Hackett, Hagan, C., Hall, Hayes, Huffman, Johnson, Kunze, Landis, Lundy, McClain, McGregor, Milkovich, O'Brien, Patmon, Patterson, Perales, Redfern, Ruhl, Scherer, Sears, Slaby, Sprague, Young Speaker Batchelder**

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**A B I L L**

To amend sections 2105.06, 2151.414, 3107.07, and 1  
3111.04 and to enact sections 2105.062, 3109.50, 2  
3109.501, 3109.502, 3109.503, 3109.504, 3109.505, 3  
and 3109.506 of the Revised Code concerning 4  
parental rights regarding a child conceived as a 5  
result of rape or sexual battery. 6

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

**Section 1.** That sections 2105.06, 2151.414, 3107.07, and 7  
3111.04 be amended and sections 2105.062, 3109.50, 3109.501, 8  
3109.502, 3109.503, 3109.504, 3109.505, and 3109.506 of the 9  
Revised Code be enacted to read as follows: 10

**Sec. 2105.06.** When a person dies intestate having title or 11

right to any personal property, or to any real property or 12  
inheritance, in this state, the personal property shall be 13  
distributed, and the real property or inheritance shall descend 14  
and pass in parcenary, except as otherwise provided by law, in the 15  
following course: 16

(A) If there is no surviving spouse, to the children of the 17  
intestate or their lineal descendants, per stirpes; 18

(B) If there is a spouse and one or more children of the 19  
decedent or their lineal descendants surviving, and all of the 20  
decedent's children who survive or have lineal descendants 21  
surviving also are children of the surviving spouse, then the 22  
whole to the surviving spouse; 23

(C) If there is a spouse and one child of the decedent or the 24  
child's lineal descendants surviving and the surviving spouse is 25  
not the natural or adoptive parent of the decedent's child, the 26  
first twenty thousand dollars plus one-half of the balance of the 27  
intestate estate to the spouse and the remainder to the child or 28  
the child's lineal descendants, per stirpes; 29

(D) If there is a spouse and more than one child or their 30  
lineal descendants surviving, the first sixty thousand dollars if 31  
the spouse is the natural or adoptive parent of one, but not all, 32  
of the children, or the first twenty thousand dollars if the 33  
spouse is the natural or adoptive parent of none of the children, 34  
plus one-third of the balance of the intestate estate to the 35  
spouse and the remainder to the children equally, or to the lineal 36  
descendants of any deceased child, per stirpes; 37

(E) If there are no children or their lineal descendants, 38  
then the whole to the surviving spouse; 39

(F) ~~If~~ Except as provided in section 2105.062 of the Revised 40  
Code, if there is no spouse and no children or their lineal 41

descendants, to the parents of the intestate equally, or to the 42  
surviving parent; 43

(G) ~~If~~ Except as provided in section 2105.062 of the Revised 44  
Code, if there is no spouse, no children or their lineal 45  
descendants, and no parent surviving, to the brothers and sisters, 46  
whether of the whole or of the half blood of the intestate, or 47  
their lineal descendants, per stirpes; 48

(H) ~~If~~ Except as provided in section 2105.062 of the Revised 49  
Code, if there are no brothers or sisters or their lineal 50  
descendants, one-half to the paternal grandparents of the 51  
intestate equally, or to the survivor of them, and one-half to the 52  
maternal grandparents of the intestate equally, or to the survivor 53  
of them; 54

(I) ~~If~~ Except as provided in section 2105.062 of the Revised 55  
Code, if there is no paternal grandparent or no maternal 56  
grandparent, one-half to the lineal descendants of the deceased 57  
grandparents, per stirpes; if there are no such lineal 58  
descendants, then to the surviving grandparents or their lineal 59  
descendants, per stirpes; if there are no surviving grandparents 60  
or their lineal descendants, then to the next of kin of the 61  
intestate, provided there shall be no representation among the 62  
next of kin; 63

(J) If there are no next of kin, to stepchildren or their 64  
lineal descendants, per stirpes; 65

(K) If there are no stepchildren or their lineal descendants, 66  
escheat to the state. 67

**Sec. 2105.062.** As used in this section, "relative" includes a 68  
parent, grandparent, great-grandparent, stepparent, child, 69  
grandchild, aunt, uncle, cousin, sibling, and half sibling. 70

The father declared to be the parent of a child conceived as 71

a result of rape or sexual battery pursuant to section 3109.501 of 72  
the Revised Code, or a relative of the father, shall not inherit 73  
the real property, personal property, or inheritance of the child 74  
or the child's lineal descendants as provided under section 75  
2105.06 of the Revised Code. 76

**Sec. 2151.414.** (A)(1) Upon the filing of a motion pursuant to 77  
section 2151.413 of the Revised Code for permanent custody of a 78  
child, the court shall schedule a hearing and give notice of the 79  
filing of the motion and of the hearing, in accordance with 80  
section 2151.29 of the Revised Code, to all parties to the action 81  
and to the child's guardian ad litem. The notice also shall 82  
contain a full explanation that the granting of permanent custody 83  
permanently divests the parents of their parental rights, a full 84  
explanation of their right to be represented by counsel and to 85  
have counsel appointed pursuant to Chapter 120. of the Revised 86  
Code if they are indigent, and the name and telephone number of 87  
the court employee designated by the court pursuant to section 88  
2151.314 of the Revised Code to arrange for the prompt appointment 89  
of counsel for indigent persons. 90

The court shall conduct a hearing in accordance with section 91  
2151.35 of the Revised Code to determine if it is in the best 92  
interest of the child to permanently terminate parental rights and 93  
grant permanent custody to the agency that filed the motion. The 94  
adjudication that the child is an abused, neglected, or dependent 95  
child and any dispositional order that has been issued in the case 96  
under section 2151.353 of the Revised Code pursuant to the 97  
adjudication shall not be readjudicated at the hearing and shall 98  
not be affected by a denial of the motion for permanent custody. 99

(2) The court shall hold the hearing scheduled pursuant to 100  
division (A)(1) of this section not later than one hundred twenty 101  
days after the agency files the motion for permanent custody, 102

except that, for good cause shown, the court may continue the 103  
hearing for a reasonable period of time beyond the 104  
one-hundred-twenty-day deadline. The court shall issue an order 105  
that grants, denies, or otherwise disposes of the motion for 106  
permanent custody, and journalize the order, not later than two 107  
hundred days after the agency files the motion. 108

If a motion is made under division (D)(2) of section 2151.413 109  
of the Revised Code and no dispositional hearing has been held in 110  
the case, the court may hear the motion in the dispositional 111  
hearing required by division (B) of section 2151.35 of the Revised 112  
Code. If the court issues an order pursuant to section 2151.353 of 113  
the Revised Code granting permanent custody of the child to the 114  
agency, the court shall immediately dismiss the motion made under 115  
division (D)(2) of section 2151.413 of the Revised Code. 116

The failure of the court to comply with the time periods set 117  
forth in division (A)(2) of this section does not affect the 118  
authority of the court to issue any order under this chapter and 119  
does not provide any basis for attacking the jurisdiction of the 120  
court or the validity of any order of the court. 121

(B)(1) Except as provided in division (B)(2) of this section, 122  
the court may grant permanent custody of a child to a movant if 123  
the court determines at the hearing held pursuant to division (A) 124  
of this section, by clear and convincing evidence, that it is in 125  
the best interest of the child to grant permanent custody of the 126  
child to the agency that filed the motion for permanent custody 127  
and that any of the following apply: 128

(a) The child is not abandoned or orphaned, has not been in 129  
the temporary custody of one or more public children services 130  
agencies or private child placing agencies for twelve or more 131  
months of a consecutive twenty-two-month period, or has not been 132  
in the temporary custody of one or more public children services 133  
agencies or private child placing agencies for twelve or more 134

months of a consecutive twenty-two-month period if, as described 135  
in division (D)(1) of section 2151.413 of the Revised Code, the 136  
child was previously in the temporary custody of an equivalent 137  
agency in another state, and the child cannot be placed with 138  
either of the child's parents within a reasonable time or should 139  
not be placed with the child's parents. 140

(b) The child is abandoned. 141

(c) The child is orphaned, and there are no relatives of the 142  
child who are able to take permanent custody. 143

(d) The child has been in the temporary custody of one or 144  
more public children services agencies or private child placing 145  
agencies for twelve or more months of a consecutive 146  
twenty-two-month period, or the child has been in the temporary 147  
custody of one or more public children services agencies or 148  
private child placing agencies for twelve or more months of a 149  
consecutive twenty-two-month period and, as described in division 150  
(D)(1) of section 2151.413 of the Revised Code, the child was 151  
previously in the temporary custody of an equivalent agency in 152  
another state. 153

For the purposes of division (B)(1) of this section, a child 154  
shall be considered to have entered the temporary custody of an 155  
agency on the earlier of the date the child is adjudicated 156  
pursuant to section 2151.28 of the Revised Code or the date that 157  
is sixty days after the removal of the child from home. 158

(e) The child was conceived as a result of rape as described 159  
in section 2907.02 of the Revised Code or sexual battery as 160  
described in section 2907.03 of the Revised Code. 161

(2) With respect to a motion made pursuant to division (D)(2) 162  
of section 2151.413 of the Revised Code, the court shall grant 163  
permanent custody of the child to the movant if the court 164  
determines in accordance with division (E) of this section that 165

the child cannot be placed with one of the child's parents within 166  
a reasonable time or should not be placed with either parent and 167  
determines in accordance with division (D) of this section that 168  
permanent custody is in the child's best interest. 169

(C) In making the determinations required by this section or 170  
division (A)(4) of section 2151.353 of the Revised Code, a court 171  
shall not consider the effect the granting of permanent custody to 172  
the agency would have upon any parent of the child. A written 173  
report of the guardian ad litem of the child shall be submitted to 174  
the court prior to or at the time of the hearing held pursuant to 175  
division (A) of this section or section 2151.35 of the Revised 176  
Code but shall not be submitted under oath. 177

If the court grants permanent custody of a child to a movant 178  
under this division, the court, upon the request of any party, 179  
shall file a written opinion setting forth its findings of fact 180  
and conclusions of law in relation to the proceeding. The court 181  
shall not deny an agency's motion for permanent custody solely 182  
because the agency failed to implement any particular aspect of 183  
the child's case plan. 184

(D)(1) In determining the best interest of a child at a 185  
hearing held pursuant to division (A) of this section or for the 186  
purposes of division (A)(4) or (5) of section 2151.353 or division 187  
(C) of section 2151.415 of the Revised Code, the court shall 188  
consider all relevant factors, including, but not limited to, the 189  
following: 190

(a) The interaction and interrelationship of the child with 191  
the child's parents, siblings, relatives, foster caregivers and 192  
out-of-home providers, and any other person who may significantly 193  
affect the child; 194

(b) The wishes of the child, as expressed directly by the 195  
child or through the child's guardian ad litem, with due regard 196

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|---|--|
| for the maturity of the child;  | 197  |
| (c) The custodial history of the child, including whether the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state; | 198<br>199<br>200<br>201<br>202<br>203<br>204<br>205<br>206<br>207 |
| (d) The child's need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody to the agency;  | 208<br>209<br>210  |
| (e) Whether any of the factors in divisions (E)(7) to (11) of this section apply in relation to the parents and child.  | 211<br>212   |
| For the purposes of division (D)(1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from home.  | 213<br>214<br>215<br>216<br>217                                    |
| (2) If all of the following apply, permanent custody is in the best interest of the child and the court shall commit the child to the permanent custody of a public children services agency or private child placing agency:   | 218<br>219<br>220<br>221   |
| (a) The court determines by clear and convincing evidence that one or more of the factors in division (E) of this section exist and the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent.   | 222<br>223<br>224<br>225<br>226                                    |
| (b) The child has been in an agency's custody for two years   | 227  |



or longer, and no longer qualifies for temporary custody pursuant 228  
to division (D) of section 2151.415 of the Revised Code. 229

(c) The child does not meet the requirements for a planned 230  
permanent living arrangement pursuant to division (A)(5) of 231  
section 2151.353 of the Revised Code. 232

(d) Prior to the dispositional hearing, no relative or other 233  
interested person has filed, or has been identified in, a motion 234  
for legal custody of the child. 235

(E) In determining at a hearing held pursuant to division (A) 236  
of this section or for the purposes of division (A)(4) of section 237  
2151.353 of the Revised Code whether a child cannot be placed with 238  
either parent within a reasonable period of time or should not be 239  
placed with the parents, the court shall consider all relevant 240  
evidence. If the court determines, by clear and convincing 241  
evidence, at a hearing held pursuant to division (A) of this 242  
section or for the purposes of division (A)(4) of section 2151.353 243  
of the Revised Code that one or more of the following exist as to 244  
each of the child's parents, the court shall enter a finding that 245  
the child cannot be placed with either parent within a reasonable 246  
time or should not be placed with either parent: 247

(1) Following the placement of the child outside the child's 248  
home and notwithstanding reasonable case planning and diligent 249  
efforts by the agency to assist the parents to remedy the problems 250  
that initially caused the child to be placed outside the home, the 251  
parent has failed continuously and repeatedly to substantially 252  
remedy the conditions causing the child to be placed outside the 253  
child's home. In determining whether the parents have 254  
substantially remedied those conditions, the court shall consider 255  
parental utilization of medical, psychiatric, psychological, and 256  
other social and rehabilitative services and material resources 257  
that were made available to the parents for the purpose of 258  
changing parental conduct to allow them to resume and maintain 259

parental duties. 260

(2) Chronic mental illness, chronic emotional illness, mental 261  
retardation, physical disability, or chemical dependency of the 262  
parent that is so severe that it makes the parent unable to 263  
provide an adequate permanent home for the child at the present 264  
time and, as anticipated, within one year after the court holds 265  
the hearing pursuant to division (A) of this section or for the 266  
purposes of division (A)(4) of section 2151.353 of the Revised 267  
Code; 268

(3) The parent committed any abuse as described in section 269  
2151.031 of the Revised Code against the child, caused the child 270  
to suffer any neglect as described in section 2151.03 of the 271  
Revised Code, or allowed the child to suffer any neglect as 272  
described in section 2151.03 of the Revised Code between the date 273  
that the original complaint alleging abuse or neglect was filed 274  
and the date of the filing of the motion for permanent custody; 275

(4) The parent has demonstrated a lack of commitment toward 276  
the child by failing to regularly support, visit, or communicate 277  
with the child when able to do so, or by other actions showing an 278  
unwillingness to provide an adequate permanent home for the child; 279

(5) The parent is incarcerated for an offense committed 280  
against the child or a sibling of the child; 281

(6) The parent has been convicted of or pleaded guilty to an 282  
offense under division (A) or (C) of section 2919.22 or under 283  
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 284  
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 285  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 286  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 287  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 288  
Revised Code and the child or a sibling of the child was a victim 289  
of the offense or the parent has been convicted of or pleaded 290

guilty to an offense under section 2903.04 of the Revised Code, a 291  
sibling of the child was the victim of the offense, and the parent 292  
who committed the offense poses an ongoing danger to the child or 293  
a sibling of the child. 294

(7) The parent has been convicted of or pleaded guilty to one 295  
of the following: 296

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 297  
the Revised Code or under an existing or former law of this state, 298  
any other state, or the United States that is substantially 299  
equivalent to an offense described in those sections and the 300  
victim of the offense was a sibling of the child or the victim was 301  
another child who lived in the parent's household at the time of 302  
the offense; 303

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 304  
the Revised Code or under an existing or former law of this state, 305  
any other state, or the United States that is substantially 306  
equivalent to an offense described in those sections and the 307  
victim of the offense is the child, a sibling of the child, or 308  
another child who lived in the parent's household at the time of 309  
the offense; 310

(c) An offense under division (B)(2) of section 2919.22 of 311  
the Revised Code or under an existing or former law of this state, 312  
any other state, or the United States that is substantially 313  
equivalent to the offense described in that section and the child, 314  
a sibling of the child, or another child who lived in the parent's 315  
household at the time of the offense is the victim of the offense; 316

(d) An offense under section 2907.02, 2907.03, 2907.04, 317  
2907.05, or 2907.06 of the Revised Code or under an existing or 318  
former law of this state, any other state, or the United States 319  
that is substantially equivalent to an offense described in those 320  
sections and the victim of the offense is the child, a sibling of 321

the child, or another child who lived in the parent's household at 322  
the time of the offense; 323

(e) A conspiracy or attempt to commit, or complicity in 324  
committing, an offense described in division (E)(7)(a) or (d) of 325  
this section. 326

(8) The parent has repeatedly withheld medical treatment or 327  
food from the child when the parent has the means to provide the 328  
treatment or food, and, in the case of withheld medical treatment, 329  
the parent withheld it for a purpose other than to treat the 330  
physical or mental illness or defect of the child by spiritual 331  
means through prayer alone in accordance with the tenets of a 332  
recognized religious body. 333

(9) The parent has placed the child at substantial risk of 334  
harm two or more times due to alcohol or drug abuse and has 335  
rejected treatment two or more times or refused to participate in 336  
further treatment two or more times after a case plan issued 337  
pursuant to section 2151.412 of the Revised Code requiring 338  
treatment of the parent was journalized as part of a dispositional 339  
order issued with respect to the child or an order was issued by 340  
any other court requiring treatment of the parent. 341

(10) The parent has abandoned the child. 342

(11) The parent has had parental rights involuntarily 343  
terminated with respect to a sibling of the child pursuant to this 344  
section or section 2151.353 or 2151.415 of the Revised Code, or 345  
under an existing or former law of this state, any other state, or 346  
the United States that is substantially equivalent to those 347  
sections, and the parent has failed to provide clear and 348  
convincing evidence to prove that, notwithstanding the prior 349  
termination, the parent can provide a legally secure permanent 350  
placement and adequate care for the health, welfare, and safety of 351  
the child. 352

(12) The parent is incarcerated at the time of the filing of 353  
the motion for permanent custody or the dispositional hearing of 354  
the child and will not be available to care for the child for at 355  
least eighteen months after the filing of the motion for permanent 356  
custody or the dispositional hearing. 357

(13) The parent is repeatedly incarcerated, and the repeated 358  
incarceration prevents the parent from providing care for the 359  
child. 360

(14) The parent for any reason is unwilling to provide food, 361  
clothing, shelter, and other basic necessities for the child or to 362  
prevent the child from suffering physical, emotional, or sexual 363  
abuse or physical, emotional, or mental neglect. 364

(15) The parent has committed abuse as described in section 365  
2151.031 of the Revised Code against the child or caused or 366  
allowed the child to suffer neglect as described in section 367  
2151.03 of the Revised Code, and the court determines that the 368  
seriousness, nature, or likelihood of recurrence of the abuse or 369  
neglect makes the child's placement with the child's parent a 370  
threat to the child's safety. 371

(16) Any other factor the court considers relevant. 372

(F) The parents of a child for whom the court has issued an 373  
order granting permanent custody pursuant to this section, upon 374  
the issuance of the order, cease to be parties to the action. This 375  
division is not intended to eliminate or restrict any right of the 376  
parents to appeal the granting of permanent custody of their child 377  
to a movant pursuant to this section. 378

**Sec. 3107.07.** Consent to adoption is not required of any of 379  
the following: 380

(A) A parent of a minor, when it is alleged in the adoption 381  
petition and the court, after proper service of notice and 382

hearing, finds by clear and convincing evidence that the parent 383  
has failed without justifiable cause to provide more than de 384  
minimis contact with the minor or to provide for the maintenance 385  
and support of the minor as required by law or judicial decree for 386  
a period of at least one year immediately preceding either the 387  
filing of the adoption petition or the placement of the minor in 388  
the home of the petitioner. 389

(B) The putative father of a minor if either of the following 390  
applies: 391

(1) The putative father fails to register as the minor's 392  
putative father with the putative father registry established 393  
under section 3107.062 of the Revised Code not later than thirty 394  
days after the minor's birth; 395

(2) The court finds, after proper service of notice and 396  
hearing, that any of the following are the case: 397

(a) The putative father is not the father of the minor; 398

(b) The putative father has willfully abandoned or failed to 399  
care for and support the minor; 400

(c) The putative father has willfully abandoned the mother of 401  
the minor during her pregnancy and up to the time of her surrender 402  
of the minor, or the minor's placement in the home of the 403  
petitioner, whichever occurs first. 404

(C) Except as provided in section 3107.071 of the Revised 405  
Code, a parent who has entered into a voluntary permanent custody 406  
surrender agreement under division (B) of section 5103.15 of the 407  
Revised Code; 408

(D) A parent whose parental rights have been terminated by 409  
order of a juvenile court under Chapter 2151. of the Revised Code; 410

(E) A parent who is married to the petitioner and supports 411  
the adoption; 412

(F) The father, or putative father, of a minor if the minor 413  
is conceived as the result of the commission of rape by the father 414  
or putative father and the father or putative father is convicted 415  
of or pleads guilty to the commission of that offense. As used in 416  
this division, "rape" means a violation of section 2907.02 of the 417  
Revised Code or a similar law of another state. 418

(G) A legal guardian or guardian ad litem of a parent 419  
judicially declared incompetent in a separate court proceeding who 420  
has failed to respond in writing to a request for consent, for a 421  
period of thirty days, or who, after examination of the written 422  
reasons for withholding consent, is found by the court to be 423  
withholding consent unreasonably; 424

(H) Any legal guardian or lawful custodian of the person to 425  
be adopted, other than a parent, who has failed to respond in 426  
writing to a request for consent, for a period of thirty days, or 427  
who, after examination of the written reasons for withholding 428  
consent, is found by the court to be withholding consent 429  
unreasonably; 430

(I) The spouse of the person to be adopted, if the failure of 431  
the spouse to consent to the adoption is found by the court to be 432  
by reason of prolonged unexplained absence, unavailability, 433  
incapacity, or circumstances that make it impossible or 434  
unreasonably difficult to obtain the consent or refusal of the 435  
spouse; 436

(J) Any parent, legal guardian, or other lawful custodian in 437  
a foreign country, if the person to be adopted has been released 438  
for adoption pursuant to the laws of the country in which the 439  
person resides and the release of such person is in a form that 440  
satisfies the requirements of the immigration and naturalization 441  
service of the United States department of justice for purposes of 442  
immigration to the United States pursuant to section 101(b)(1)(F) 443  
of the "Immigration and Nationality Act," 75 Stat. 650 (1961), 8 444

U.S.C. 1101(b)(1)(F), as amended or reenacted. 445

(K) Except as provided in divisions (G) and (H) of this 446  
section, a juvenile court, agency, or person given notice of the 447  
petition pursuant to division (A)(1) of section 3107.11 of the 448  
Revised Code that fails to file an objection to the petition 449  
within fourteen days after proof is filed pursuant to division (B) 450  
of that section that the notice was given; 451

(L) Any guardian, custodian, or other party who has temporary 452  
custody of the child; 453

(M) The father of a minor declared, with respect to the 454  
minor, to be the parent of a child conceived as a result of rape 455  
or sexual battery pursuant to an action brought under section 456  
3109.501 of the Revised Code. 457

Sec. 3109.50. As used in sections 3109.501 to 3109.506 of the 458  
Revised Code: 459

(A) "Parental rights" means parental rights and 460  
responsibilities, parenting time, or any other similar right 461  
established by the laws of this state with respect to a child. 462  
"Parental rights" does not include the parental duty of support 463  
for a child. 464

(B) "Rape" means a violation of section 2907.02 of the 465  
Revised Code or similar law of another state. 466

(C) "Sexual battery" means a violation of section 2907.03 of 467  
the Revised Code or similar law of another state. 468

Sec. 3109.501. (A) The mother of a child alleging that the 469  
child was conceived as a result of rape or sexual battery may 470  
bring an action to declare the father to be the parent of a child 471  
conceived as a result of rape or sexual battery. 472

(B) A court shall issue an order declaring that the father is 473



the parent of a child conceived as a result of rape or sexual 474  
battery if the mother proves the following by a preponderance of 475  
the evidence: 476

(1) The father was convicted of or pleaded guilty to the rape 477  
or sexual battery. 478

(2) The mother was the victim of the rape or sexual battery. 479

(3) The child was conceived as a result of the rape or sexual 480  
battery. 481

**Sec. 3109.502.** A mother to whom the following apply may seek 482  
a declaration described in section 3109.501 of the Revised Code 483  
pursuant to a proceeding for divorce, dissolution, legal 484  
separation, or annulment: 485

(A) She is the victim of a rape or sexual battery for which a 486  
child was conceived as a result. 487

(B) She is married to the father who was convicted of, or 488  
pleaded guilty to, the rape or sexual battery. 489

**Sec. 3109.503.** A court that issues an order declaring a 490  
father to be the parent of a child conceived as a result of rape 491  
or sexual battery under section 3109.501 of the Revised Code shall 492  
notify any court that has issued an order granting parental rights 493  
with respect to such child to the father. 494

**Sec. 3109.504.** (A) No court shall issue an order granting 495  
parental rights with respect to a child to a father declared, 496  
regarding that child, to be the parent of a child conceived as a 497  
result of rape or sexual battery in an action or proceeding under 498  
section 3109.501, 3109.502, or 3109.505 of the Revised Code. 499

(B) On receipt of a notice under section 3109.503 of the 500  
Revised Code, a court that has issued an order granting parental 501

rights regarding the father and child addressed in the notice 502  
shall terminate the order. 503

Sec. 3109.505. Any action described in section 3109.501 of 504  
the Revised Code may be consolidated with any action or proceeding 505  
for parental rights regarding a child conceived as a result of 506  
rape or sexual battery. 507

Sec. 3109.506. A relative of a father whose parental rights 508  
with the father's child have been terminated, denied, or limited 509  
pursuant to sections 3109.50 to 3109.505 of the Revised Code may 510  
be granted only those rights consented to by the mother of the 511  
child. 512

Sec. 3111.04. (A) ~~An~~ (1) Except as provided in division 513  
(A)(2) of this section, an action to determine the existence or 514  
nonexistence of the father and child relationship may be brought 515  
by the child or the child's personal representative, the child's 516  
mother or her personal representative, a man alleged or alleging 517  
himself to be the child's father, the child support enforcement 518  
agency of the county in which the child resides if the child's 519  
mother, father, or alleged father is a recipient of public 520  
assistance or of services under Title IV-D of the "Social Security 521  
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 522  
alleged father's personal representative. 523

(2) A man alleged or alleging himself to be the child's 524  
father is not eligible to file an action under division (A)(1) of 525  
this section if the man was convicted of or pleaded guilty to rape 526  
or sexual battery, the victim of the rape or sexual battery was 527  
the child's mother, and the child was conceived as a result of the 528  
rape or sexual battery. 529

(B) An agreement does not bar an action under this section. 530

(C) If an action under this section is brought before the 531  
birth of the child and if the action is contested, all 532  
proceedings, except service of process and the taking of 533  
depositions to perpetuate testimony, may be stayed until after the 534  
birth. 535

(D) A recipient of public assistance or of services under 536  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 537  
U.S.C.A. 651, as amended, shall cooperate with the child support 538  
enforcement agency of the county in which a child resides to 539  
obtain an administrative determination pursuant to sections 540  
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 541  
determination pursuant to sections 3111.01 to 3111.18 of the 542  
Revised Code, of the existence or nonexistence of a parent and 543  
child relationship between the father and the child. If the 544  
recipient fails to cooperate, the agency may commence an action to 545  
determine the existence or nonexistence of a parent and child 546  
relationship between the father and the child pursuant to sections 547  
3111.01 to 3111.18 of the Revised Code. 548

(E) As used in this section, ~~"public:~~ 549

(1) "Public assistance" means all of the following: 550

~~(1)~~(a) Medicaid; 551

~~(2)~~(b) Ohio works first under Chapter 5107. of the Revised 552  
Code; 553

~~(3)~~(c) Disability financial assistance under Chapter 5115. of 554  
the Revised Code. 555

(2) "Rape" means a violation of section 2907.02 of the 556  
Revised Code or similar law of another state. 557

(3) "Sexual battery" means a violation of section 2907.03 of 558  
the Revised Code or similar law of another state. 559

**Section 2.** That existing sections 2105.06, 2151.414, 3107.07, 560

and 3111.04 of the Revised Code are hereby repealed.

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