

As Reported by the House Judiciary Committee

130th General Assembly

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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**

—

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 child who are able to take permanent custody. 142
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(d) 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. 144
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For the purposes of division (B)(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. 154
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(e) The child was conceived as a result of rape as described in section 2907.02 of the Revised Code or sexual battery as described in section 2907.03 of the Revised Code. 159
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(2) With respect to a motion made pursuant to division (D)(2) of section 2151.413 of the Revised Code, the court shall grant permanent custody of the child to the movant if the court determines in accordance with division (E) of this section that the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent and determines in accordance with division (D) of this section that permanent custody is in the child's best interest. 162
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(C) In making the determinations required by this section or division (A)(4) of section 2151.353 of the Revised Code, a court shall not consider the effect the granting of permanent custody to 170
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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
for the maturity of the child; 197

(c) The custodial history of the child, including whether the 198
child has been in the temporary custody of one or more public 199
children services agencies or private child placing agencies for 200
twelve or more months of a consecutive twenty-two-month period, or 201
the child has been in the temporary custody of one or more public 202
children services agencies or private child placing agencies for 203

twelve or more months of a consecutive twenty-two-month period 204
and, as described in division (D)(1) of section 2151.413 of the 205
Revised Code, the child was previously in the temporary custody of 206
an equivalent agency in another state; 207

(d) The child's need for a legally secure permanent placement 208
and whether that type of placement can be achieved without a grant 209
of permanent custody to the agency; 210

(e) Whether any of the factors in divisions (E)(7) to (11) of 211
this section apply in relation to the parents and child. 212

For the purposes of division (D)(1) of this section, a child 213
shall be considered to have entered the temporary custody of an 214
agency on the earlier of the date the child is adjudicated 215
pursuant to section 2151.28 of the Revised Code or the date that 216
is sixty days after the removal of the child from home. 217

(2) If all of the following apply, permanent custody is in 218
the best interest of the child and the court shall commit the 219
child to the permanent custody of a public children services 220
agency or private child placing agency: 221

(a) The court determines by clear and convincing evidence 222
that one or more of the factors in division (E) of this section 223
exist and the child cannot be placed with one of the child's 224
parents within a reasonable time or should not be placed with 225
either parent. 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 applies:	390 391
(1) The putative father fails to register as the minor's putative father with the putative father registry established under section 3107.062 of the Revised Code not later than thirty days after the minor's birth;	392 393 394 395
(2) The court finds, after proper service of notice and hearing, that any of the following are the case:	396 397
(a) The putative father is not the father of the minor;	398
(b) The putative father has willfully abandoned or failed to care for and support the minor;	399 400
(c) The putative father has willfully abandoned the mother of the minor during her pregnancy and up to the time of her surrender of the minor, or the minor's placement in the home of the petitioner, whichever occurs first.	401 402 403 404
(C) Except as provided in section 3107.071 of the Revised Code, a parent who has entered into a voluntary permanent custody surrender agreement under division (B) of section 5103.15 of the Revised Code;	405 406 407 408
(D) A parent whose parental rights have been terminated by order of a juvenile court under Chapter 2151. of the Revised Code;	409 410
(E) A parent who is married to the petitioner and supports the adoption;	411 412
(F) The father, or putative father, of a minor if the minor is conceived as the result of the commission of rape by the father or putative father and the father or putative father is convicted of or pleads guilty to the commission of that offense. As used in this division, "rape" means a violation of section 2907.02 of the Revised Code or a similar law of another state.	413 414 415 416 417 418

(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 battery. 480
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Sec. 3109.502. A mother to whom the following apply may seek a declaration described in section 3109.501 of the Revised Code pursuant to a proceeding for divorce, dissolution, legal separation, or annulment: 482
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(A) She is the victim of a rape or sexual battery for which a child was conceived as a result. 486
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(B) She is married to the father who was convicted of, or pleaded guilty to, the rape or sexual battery. 488
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Sec. 3109.503. A court that issues an order declaring a father to be the parent of a child conceived as a result of rape or sexual battery under section 3109.501 of the Revised Code shall notify any court that has issued an order granting parental rights with respect to such child to the father. 490
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Sec. 3109.504. (A) No court shall issue an order granting parental rights with respect to a child to a father declared, regarding that child, to be the parent of a child conceived as a result of rape or sexual battery in an action or proceeding under section 3109.501, 3109.502, or 3109.505 of the Revised Code. 495
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(B) On receipt of a notice under section 3109.503 of the Revised Code, a court that has issued an order granting parental rights regarding the father and child addressed in the notice shall terminate the order. 500
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Sec. 3109.505. Any action described in section 3109.501 of the Revised Code may be consolidated with any action or proceeding for parental rights regarding a child conceived as a result of rape or sexual battery. 504
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Sec. 3109.506. A relative of a father whose parental rights with the father's child have been terminated, denied, or limited pursuant to sections 3109.50 to 3109.505 of the Revised Code may be granted only those rights consented to by the mother of the child.

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

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

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

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

(D) A recipient of public assistance or of services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42

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:~~ "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. 561