

As Introduced

**122nd General Assembly
Regular Session
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S. B. No. 112

**Senators Schafrath, Kearns, Blessing, Gaeth, Gardner, White, Nein, Dix,
Drake, Ray, Suhadolnik, McLin, Cupp, Carnes, Latta, DiDonato, Shoemaker,
Latell, Herington, Gillmor, Sweeney**

A B I L L

To amend sections 2105.18, 2111.08, 2151.23, 1
2151.411, 2151.56, 2301.03, 2307.50, 2307.70, 2
2317.02, 2705.031, 3101.01, 3105.21, 3105.63, 3
3105.65, 3107.15, 3109.03, 3109.04, 3109.05, 4
3109.051, 3109.06, 3109.09, 3109.11, 3109.12, 5
3109.21, 3109.27, 3109.28, 3109.34, 3111.13, 6
3111.23, 3113.21, 3113.215, 3113.31, 3313.64, 7
3313.672, 3313.98, 3319.321, 5101.31, 5101.324, 8
5104.011, 5139.01, and 5153.16; to amend, for the 9
purpose of adopting new section numbers as 10
indicated in parentheses, sections 3109.03 11
(3109.41), 3109.04 (3109.49), 3109.051 (3109.59), 12
3109.06 (3109.52), 3109.11 (3109.60), and 3109.12 13
(3109.61); to enact sections 3109.40, 3109.401, 14
3109.42 to 3109.48, 3109.50, 3109.51, 3109.53 to 15
3109.58, 3109.581, and 3109.62; and to repeal 16
sections 3109.041 and 3109.052 of the Revised Code 17
to make changes to child custody laws by enacting 18
this act, which may be known as the Ohio Parenting 19
Act. 20

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

Section 1. That sections 2105.18, 2111.08, 2151.23, 2151.411, 21
2151.56, 2301.03, 2307.50, 2307.70, 2317.02, 2705.031, 3101.01, 22
3105.21, 3105.63, 3105.65, 3107.15, 3109.03, 3109.04, 3109.05, 23
3109.051, 3109.06, 3109.09, 3109.11, 3109.12, 3109.21, 3109.27, 24
3109.28, 3109.34, 3111.13, 3111.23, 3113.21, 3113.215, 3113.31, 25
3313.64, 3313.672, 3313.98, 3319.321, 5101.31, 5101.324, 5104.011, 26
5139.01, and 5153.16 be amended; sections 3109.03 (3109.41), 27
3109.04 (3109.49), 3109.051 (3109.59), 3109.06 (3109.52), 3109.11 28
(3109.60), and 3109.12 (3109.61) be amended for the purpose of 29
adopting new section numbers as indicated in parentheses; and 30
sections 3109.40, 3109.401, 3109.42, 3109.43, 3109.44, 3109.45, 31
3109.46, 3109.47, 3109.48, 3109.50, 3109.51, 3109.53, 3109.54, 32
3109.55, 3109.56, 3109.57, 3109.58, 3109.581, and 3109.62 of the 33
Revised Code be enacted to read as follows: 34

Sec. 2105.18. (A) The natural father, natural mother, or 35
other custodian or guardian of a child, a child support 36
enforcement agency, or a hospital staff person pursuant to section 37
3727.17 of the Revised Code, in person or by mail, may file an 38
acknowledgment of paternity in the probate court of the county in 39
which the natural father, natural mother, or other guardian or 40
custodian of the child resides, in the county in which the child 41
resides, or the county in which the child was born, acknowledging 42
that the child is the child of the natural father who signed the 43
acknowledgment. The acknowledgment of paternity shall state that 44
the natural father who signs the acknowledgment of paternity 45
acknowledges that he is the natural father of the named child and 46
that he assumes the parental duty of support of that child. The 47
acknowledgment of paternity shall be signed by the natural father 48
and the natural mother in the presence of two competent and 49
disinterested witnesses who are eighteen years of age or older and 50
by the two witnesses. If an acknowledgment of paternity is 51

completed and filed in accordance with this section and if the 52
acknowledgment is accompanied by the appropriate fee prescribed in 53
section 2101.16 of the Revised Code, the probate court shall enter 54
the acknowledgment upon its journal. Thereafter, the child is the 55
child of the man who signed the acknowledgment of paternity, as 56
though born to him in lawful wedlock, ~~and, if.~~ The man who signed 57
the acknowledgement may bring an action pursuant to section 58
3109.62 Of the Revised Code for allocation of the parenting 59
functions and responsibilities for the care of the child. If the 60
mother is unmarried, ~~the man who signed the acknowledgment of~~ 61
~~paternity,~~ the parents of the man who signed the acknowledgment of 62
paternity, any relative of the man who signed the acknowledgment 63
of paternity, the parents of the mother, and any relative of the 64
mother may file a complaint pursuant to section ~~3109.12~~ 3109.61 of 65
the Revised Code requesting the granting under that section of 66
reasonable companionship or visitation rights with respect to the 67
child. 68

(B) After a probate court enters an acknowledgment upon its 69
journal pursuant to division (A) of this section, the man who 70
signed the acknowledgment of paternity is the father of the child 71
and assumes the parental duty of support. Notwithstanding section 72
3109.01 of the Revised Code, the parental duty of support of the 73
father to the child shall continue beyond the age of majority as 74
long as the child attends on a full-time basis any recognized and 75
accredited high school. The duty of support of the father shall 76
continue during seasonal vacation periods. After the probate court 77
enters the acknowledgment upon its journal, the mother or other 78
custodian or guardian of the child may file a complaint pursuant 79
to section 2151.231 of the Revised Code in the court of common 80
pleas of the county in which the child or the guardian or legal 81
custodian of the child resides requesting the court to order the 82
father to pay an amount for the support of the child, may contact 83

the child support enforcement agency for assistance in obtaining 84
the order, or may request an administrative officer of a child 85
support enforcement agency to issue an administrative order for 86
the payment of child support pursuant to division (D) of section 87
3111.20 of the Revised Code. 88

Sec. 2111.08. The wife and husband are the joint natural 89
guardians of their minor children and are equally charged with 90
their care, nurture, welfare, and education and the care and 91
management of their estates. The wife and husband have equal 92
powers, rights, and duties and neither parent has any right 93
paramount to the right of the other concerning the ~~parental rights~~ 94
parenting functions and responsibilities for the care of the minor 95
or the right to be the residential parent and legal custodian of 96
the minor, the control of the services or the earnings of such 97
minor, or any other matter affecting the minor; provided that if 98
either parent, to the exclusion of the other, is maintaining and 99
supporting the child, that parent shall have the paramount right 100
to control the services and earnings of the child. Neither parent 101
shall forcibly take a child from the guardianship of the parent 102
who is the residential parent and legal custodian of the child. 103

If the wife and husband live apart, the court may award the 104
guardianship of a minor to either parent, and the state in which 105
the parent who is the residential parent and legal custodian or 106
who otherwise has the lawful custody of the minor resides has 107
jurisdiction to determine questions concerning the minor's 108
guardianship. 109

Sec. 2151.23. (A) The juvenile court has exclusive original 110
jurisdiction under the Revised Code as follows: 111

(1) Concerning any child who on or about the date specified 112
in the complaint is alleged to be a juvenile traffic offender or a 113

delinquent, unruly, abused, neglected, or dependent child;	114
(2) Subject to division (V) of section 2301.03 of the Revised Code, to determine the custody of any child not a ward of another court of this state;	115 116 117
(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	118 119
(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a mentally ill person subject to hospitalization by court order, as defined in section 5122.01 of the Revised Code;	120 121 122 123 124 125
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	126 127
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	128 129 130 131 132 133 134 135 136 137
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	138 139
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	140 141 142 143

(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;

(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;

(11) Subject to division (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;

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

(13) Concerning an action commenced under section 3109.62 Of the Revised Code.

(B) The juvenile court has original jurisdiction under the Revised Code:

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

(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.19 of the Revised Code;

(3) Under the uniform reciprocal enforcement of support act in Chapter 3115. of the Revised Code;

(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court

of this state.

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

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(D) The juvenile court has jurisdiction to hear and determine all matters as to custody and support of children duly certified by the court of common pleas to the juvenile court after a divorce decree has been granted, including jurisdiction to modify the judgment and decree of the court of common pleas as the same relate to the custody and support of children.

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(E) The juvenile court has jurisdiction to hear and determine the case of any child certified to the court by any court of competent jurisdiction if the child comes within the jurisdiction of the juvenile court as defined by this section.

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(F)(1) The juvenile court shall exercise its jurisdiction in child custody matters in accordance with sections ~~3109.04~~, 3109.21 to 3109.36, 3109.40 to 3109.62, and 5103.20 to 5103.28 of the Revised Code.

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(2) The juvenile court shall exercise its jurisdiction in

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child support matters in accordance with section 3109.05 of the
Revised Code.

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(G)(1) Each order for child support made or modified by a
juvenile court on or after December 31, 1993, shall include as
part of the order a general provision, as described in division
(A)(1) of section 3113.21 of the Revised Code, requiring the
withholding or deduction of wages or assets of the obligor under
the order as described in division (D) of section 3113.21 of the
Revised Code, or another type of appropriate requirement as
described in division (D)(6), (D)(7), or (H) of that section, to
ensure that withholding or deduction from the wages or assets of
the obligor is available from the commencement of the support
order for collection of the support and of any arrearages that
occur; a statement requiring all parties to the order to notify
the child support enforcement agency in writing of their current
mailing address, their current residence address, and any changes
in either address; and a notice that the requirement to notify the
child support enforcement agency of all changes in either address
continues until further notice from the court. Any juvenile court
that makes or modifies an order for child support on or after
April 12, 1990, shall comply with sections 3113.21 to 3113.219 of
the Revised Code. If any person required to pay child support
under an order made by a juvenile court on or after April 15,
1985, or modified on or after December 1, 1986, is found in
contempt of court for failure to make support payments under the
order, the court that makes the finding, in addition to any other
penalty or remedy imposed, shall assess all court costs arising
out of the contempt proceeding against the person and require the
person to pay any reasonable attorney's fees of any adverse party,
as determined by the court, that arose in relation to the act of
contempt.

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(2) Notwithstanding section 3109.01 of the Revised Code, if a

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juvenile court issues a child support order under this chapter, 237
the order shall remain in effect beyond the child's eighteenth 238
birthday as long as the child continuously attends on a full-time 239
basis any recognized and accredited high school. Any parent 240
ordered to pay support under a child support order issued under 241
this chapter shall continue to pay support under the order, 242
including during seasonal vacation periods, until the order 243
terminates. 244

(H) If a child who is charged with an act that would be an 245
offense if committed by an adult was fourteen years of age or 246
older and under eighteen years of age at the time of the alleged 247
act and if the case is transferred for criminal prosecution 248
pursuant to section 2151.26 of the Revised Code, the juvenile 249
court does not have jurisdiction to hear or determine the case 250
subsequent to the transfer. The court to which the case is 251
transferred for criminal prosecution pursuant to that section has 252
jurisdiction subsequent to the transfer to hear and determine the 253
case in the same manner as if the case originally had been 254
commenced in that court, including, but not limited to, 255
jurisdiction to accept a plea of guilty or another plea authorized 256
by Criminal Rule 11 or another section of the Revised Code and 257
jurisdiction to accept a verdict and to enter a judgment of 258
conviction pursuant to the Rules of Criminal Procedure against the 259
child for the commission of the offense that was the basis of the 260
transfer of the case for criminal prosecution, whether the 261
conviction is for the same degree or a lesser degree of the 262
offense charged, for the commission of a lesser-included offense, 263
or for the commission of another offense that is different from 264
the offense charged. 265

(I) If a person under eighteen years of age allegedly commits 266
an act that would be a felony if committed by an adult and if the 267
person is not taken into custody or apprehended for that act until 268

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 (B) and (C) of section 2151.26 of the
Revised Code do not apply regarding the act, 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 the court having
jurisdiction of the offense has all the authority and duties in
the case as it has in other criminal cases commenced in that
court.

Sec. 2151.411. (A) A parent of a child whose marriage to the
other parent of the child has not been terminated by divorce,
dissolution of marriage, or annulment, a parent who ~~has parental~~
~~rights and responsibilities for the care of a child and~~ is the
residential parent and legal custodian of the child, a guardian
who has custody of a child, or any other custodian of a child is
charged with the control of the child and shall have the power to
exercise parental control and authority over the child.

(B) If a child is adjudicated a delinquent child and placed
on probation, if a parent of the child whose marriage to the other
parent of the child has not been terminated by divorce,
dissolution of marriage, or annulment or the parent who ~~has~~
~~parental rights and responsibilities for the care of the child and~~
is the residential parent and legal custodian of the child was
notified prior to the adjudication hearing of the provisions of
this division and of the possibility that the provisions may be
applied to the parent, and if the court finds at the hearing that

the parent has failed or neglected to subject the child to 300
reasonable parental control and authority and that that parent's 301
failure or neglect is the proximate cause of the act or acts of 302
the child upon which the delinquent child adjudication is based, 303
the court may require that parent to enter into a recognizance 304
with sufficient surety, in an amount of not more than five hundred 305
dollars, conditioned upon the faithful discharge of the conditions 306
of probation of the child. If the child then commits a second act 307
and is adjudicated a delinquent child for the commission of the 308
second act or violates the conditions of probation and if the 309
court finds at the hearing that the failure or neglect of a parent 310
of the child whose marriage to the other parent of the child has 311
not been terminated by divorce, dissolution of marriage, or 312
annulment or the parent who ~~has parental rights and~~ 313
~~responsibilities for the care of the child and~~ is the residential 314
parent and legal custodian of the child to subject the child to 315
reasonable parental control and authority or faithfully to 316
discharge the conditions of probation of the child on the part of 317
that parent is the proximate cause of the act or acts of the child 318
upon which the second delinquent child adjudication is based or 319
upon which the child is found to have violated the conditions of 320
the child's probation, the court may declare all or a part of the 321
recognizance forfeited. The proceeds of the forfeited recognizance 322
shall be used to pay any damages caused by the child, and the 323
proceeds of the forfeited recognizance remaining after the payment 324
of any damages shall be paid into the county treasury. 325

(C)(1) If a child is adjudicated a delinquent child, the 326
court may issue an order requiring either parent or both parents 327
of the child whose marriage to the other parent of the child has 328
not been terminated by divorce, dissolution of marriage, or 329
annulment, the parent who ~~has parental rights and responsibilities~~ 330
~~for the care of the child and~~ is the residential parent and legal 331
custodian of the child, or the guardian or other custodian of the 332

child to exercise appropriate and necessary control and authority 333
over the child to ensure that the child complies with the terms 334
and conditions of probation imposed upon the child, treatment or 335
testing that the child is required to take part in, and the terms 336
of any other order of disposition that the court imposed upon the 337
child pursuant to section 2151.355 of the Revised Code. The court 338
shall give a copy of the order to the child and to the parent, 339
guardian, or custodian who is the subject of the order and shall 340
notify that parent, guardian, or custodian that a willful failure 341
to comply with the order is contempt of court. If the court 342
determines that any parent, guardian, or custodian willfully has 343
failed to comply with an order issued pursuant to division (C)(1) 344
of this section, it may punish the parent, guardian, or custodian 345
for contempt of court or take other action that it determines is 346
necessary to ensure that the child will comply with the terms and 347
conditions of the order of disposition made pursuant to section 348
2151.355 of the Revised Code. 349

(2)(a) If a child is adjudicated a delinquent child and is 350
granted probation under division (A)(2) of section 2151.355 of the 351
Revised Code, the court that places the child on probation shall 352
provide the written notice described in division (C)(2)(b) of this 353
section to the following individuals: 354

(i) To each parent of the child whose marriage to the other 355
parent of the child has not been terminated by divorce, 356
dissolution of marriage, or annulment; 357

(ii) To the parent of the child who ~~has parental rights and~~ 358
~~responsibilities for the care of the child and who~~ is the 359
residential parent and legal custodian of the child and, if the 360
court knows or is able to determine through the exercise of 361
reasonable diligence the identity and residence address of the 362
parent of the child who ~~does not have parental rights and~~ 363
~~responsibilities for the care of the child and who~~ is not the 364

residential parent and legal custodian of the child, to that parent;

(iii) To the guardian who has custody of the child;

(iv) To the other custodian of the child.

(b) The court that places the child on probation shall provide the appropriate individuals described in division (C)(2)(a) of this section with a written notice that informs them that authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may conduct searches as described in division (L) of section 2151.355 of the Revised Code during the period of probation if they have reasonable grounds to believe that the child is not abiding by the law or otherwise is not complying with the conditions of the child's probation. The notice shall specifically state that a permissible search might extend to a motor vehicle, another item of tangible or intangible personal property, or a place of residence or other real property in which a notified parent, guardian, or custodian has a right, title, or interest and that the parent, guardian, or custodian expressly or impliedly permits the child to use, occupy, or possess.

(D) The provisions of this section dealing with the failure or neglect of parents to subject a child to reasonable parental control and authority are in addition to and not in substitution for any other provision of this chapter dealing with the failure or neglect of a person to exercise parental control or authority over a child. The provisions of division (B) of this section do not apply to foster parents.

Sec. 2151.56. The governor is hereby authorized to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

The contracting states solemnly agree: 396

Article I -- Findings and Purposes 397

That juveniles who are not under proper supervision and 398
control, or who have absconded, escaped or run away, are likely to 399
endanger their own health, morals and welfare, and the health, 400
morals and welfare of others. The cooperation of the states party 401
to this compact is therefore necessary to provide for the welfare 402
and protection of juveniles and of the public with respect to (1) 403
cooperative supervision of delinquent juveniles on probation or 404
parole; (2) the return, from one state to another, of delinquent 405
juveniles who have escaped or absconded; (3) the return, from one 406
state to another, of nondelinquent juveniles who have run away 407
from home; and (4) additional measures for the protection of 408
juveniles and of the public, which any two or more of the party 409
states may find desirable to undertake cooperatively. In carrying 410
out the provisions of this compact the party states shall be 411
guided by the noncriminal, reformative and protective policies 412
which guide their laws concerning delinquent, neglected or 413
dependent juveniles generally. It shall be the policy of the 414
states party to this compact to cooperate and observe their 415
respective responsibilities for the prompt return and acceptance 416
of juveniles and delinquent juveniles who become subject to the 417
provisions of this compact. The provisions of this compact shall 418
be reasonably and liberally construed to accomplish the foregoing 419
purposes. 420

Article II -- Existing Rights and Remedies 421

That all remedies and procedures provided by this compact 422
shall be in addition to and not in substitution for other rights, 423
remedies and procedures, and shall not be in derogation of 424
~~parental rights~~ parenting functions and responsibilities. 425

Article III -- Definitions 426

That, for the purposes of this compact, "delinquent juvenile" 427

means any juvenile who has been adjudged delinquent and who, at 428
the time the provisions of this compact are invoked, is still 429
subject to the jurisdiction of the court that has made such 430
adjudication or to the jurisdiction or supervision of an agency or 431
institution pursuant to an order of such court; "probation or 432
parole" means any kind of conditional release of juveniles 433
authorized under the laws of the states party hereto; "court" 434
means any court having jurisdiction over delinquent, neglected or 435
dependent children; "state" means any state, territory or 436
possessions of the United States, the District of Columbia, and 437
the Commonwealth of Puerto Rico; and "residence" or any variant 438
thereof means a place at which a home or regular place of abode is 439
maintained. 440

Article IV -- Return of Runaways 441

(a) That the parent, guardian, person or agency entitled to 442
legal custody of a juvenile who has not been adjudged delinquent 443
but who has run away without the consent of such parent, guardian, 444
person or agency may petition the appropriate court in the 445
demanding state for the issuance of a requisition for his return. 446
The petition shall state the name and age of the juvenile, the 447
name of the petitioner and the basis of entitlement to the 448
juvenile's custody, the circumstances of his running away, his 449
location if known at the time application is made, and such other 450
facts as may tend to show that the juvenile who has run away is 451
endangering his own welfare or the welfare of others and is not an 452
emancipated minor. The petition shall be verified by affidavit, 453
shall be executed in duplicate, and shall be accompanied by two 454
certified copies of the document or documents on which the 455
petitioner's entitlement to the juvenile's custody is based, such 456
as birth records, letters of guardianship, or custody decrees. 457
Such further affidavits and other documents as may be deemed 458
proper may be submitted with such petition. The judge of the court 459

to which this application is made may hold a hearing thereon to
determine whether for the purposes of this compact the petitioner
is entitled to the legal custody of the juvenile, whether or not
it appears that the juvenile has in fact run away without consent,
whether or not he is an emancipated minor, and whether or not it
is in the best interest of the juvenile to compel his return to
the state. If the judge determines, either with or without a
hearing, that the juvenile should be returned, he shall present to
the appropriate court or to the executive authority of the state
where the juvenile is alleged to be located a written requisition
for the return of such juvenile. Such requisition shall set forth
the name and age of the juvenile, the determination of the court
that the juvenile has run away without the consent of a parent,
guardian, person or agency entitled to his legal custody, and that
it is in the best interest and for the protection of such juvenile
that he be returned. In the event that a proceeding for the
adjudication of the juvenile as a delinquent, neglected or
dependent juvenile is pending in the court at the time when such
juvenile runs away, the court may issue a requisition for the
return of such juvenile upon its own motion, regardless of the
consent of the parent, guardian, person or agency entitled to
legal custody, reciting therein the nature and circumstances of
the pending proceeding. The requisition shall in every case be
executed in duplicate and shall be signed by the judge. One copy
of the requisition shall be filed with the compact administrator
of the demanding state, there to remain on file subject to the
provisions of law governing records of such court. Upon the
receipt of a requisition demanding the return of a juvenile who
has run away, the court or the executive authority to whom the
requisition is addressed shall issue an order to any peace officer
or other appropriate person directing him to take into custody and
detain such juvenile. Such detention order must substantially
recite the facts necessary to the validity of its issuance

hereunder. No juvenile detained upon such order shall be delivered 493
over to the officer whom the court demanding him shall have 494
appointed to receive him, unless he shall first be taken forthwith 495
before a judge of a court in the state, who shall inform him of 496
the demand made for his return, and who may appoint counsel or 497
guardian ad litem for him. If the judge of such court shall find 498
that the requisition is in order, he shall deliver such juvenile 499
over to the officer whom the court demanding him shall have 500
appointed to receive him. The judge, however, may fix a reasonable 501
time to be allowed for the purpose of testing the legality of the 502
proceeding. 503

Upon reasonable information that a person is a juvenile who 504
has run away from another state party to this compact without the 505
consent of a parent, guardian, person or agency entitled to his 506
legal custody, such juvenile may be taken into custody without a 507
requisition and brought forthwith before a judge of the 508
appropriate court who may appoint counsel or guardian ad litem for 509
such juvenile and who shall determine after a hearing whether 510
sufficient cause exists to hold the person, subject to the order 511
of the court, for his own protection and welfare, for such a time 512
not exceeding ninety days as will enable his return to another 513
state party to this compact pursuant to a requisition for his 514
return from a court of that state. If, at the time when a state 515
seeks the return of a juvenile who has run away, there is pending 516
in the state wherein he is found any criminal charge, or any 517
proceeding to have him adjudicated a delinquent juvenile for an 518
act committed in such state, or if he is suspected of having 519
committed within such state a criminal offense or an act of 520
juvenile delinquency, he shall not be returned without the consent 521
of such state until discharged from prosecution or other form of 522
proceeding, imprisonment, detention or supervision for such 523
offense or juvenile delinquency. The duly accredited officers of 524

any state party to this compact, upon the establishment of their
authority and the identity of the juvenile being returned, shall
be permitted to transport such juvenile through any and all states
party to this compact, without interference. Upon his return to
the state from which he ran away, the juvenile shall be subject to
such further proceedings as may be appropriate under the laws of
that state.

(b) That the state to which a juvenile is returned under this
Article shall be responsible for payment of the transportation
costs of such return.

(c) That "juvenile" as used in this Article means any person
who is a minor under the law of the state of residence of the
parent, guardian, person or agency entitled to the legal custody
of such minor.

Article V -- Return of Escapees and Absconders

(a) That the appropriate person or authority from whose
probation or parole supervision a delinquent juvenile has
absconded or from whose institutional custody he has escaped shall
present to the appropriate court or to the executive authority of
the state where the delinquent juvenile is alleged to be located a
written requisition for the return of such delinquent juvenile.
Such requisition shall state the name and age of the delinquent
juvenile, the particulars of his adjudication as a delinquent
juvenile, the circumstances of the breach of the terms of his
probation or parole or of his escape from an institution or agency
vested with his legal custody or supervision, and the location of
such delinquent juvenile, if known, at the time the requisition is
made. The requisition shall be verified by affidavit, shall be
executed in duplicate, and shall be accompanied by two certified
copies of the judgment, formal adjudication, or order of
commitment which subjects such delinquent juvenile to probation or
parole or to the legal custody of the institution or agency

concerned. Such further affidavits and other documents as may be
deemed proper may be submitted with such requisition. One copy of
the requisition shall be filed with the compact administrator of
the demanding state, there to remain on file subject to the
provisions of law governing records of the appropriate court. Upon
the receipt of a requisition demanding the return of a delinquent
juvenile who has absconded or escaped, the court or the executive
authority to whom the requisition is addressed shall issue an
order to any peace officer or other appropriate person directing
him to take into custody and detain such delinquent juvenile. Such
detention order must substantially recite the facts necessary to
the validity of its issuance hereunder. No delinquent juvenile
detained upon such order shall be delivered over to the officer
whom the appropriate person or authority demanding him shall have
appointed to receive him, unless he shall first be taken forthwith
before a judge of an appropriate court in the state, who shall
inform him of the demand made for his return and who may appoint
counsel or guardian ad litem for him. If the judge of such court
shall find that the requisition is in order, he shall deliver such
delinquent juvenile over to the officer whom the appropriate
person or authority demanding him shall have appointed to receive
him. The judge, however, may fix a reasonable time to be allowed
for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent
juvenile who has absconded while on probation or parole, or
escaped from an institution or agency vested with his legal
custody or supervision in any state party to this compact, such
person may be taken into custody in any other state party to this
compact without a requisition. But in such event, he must be taken
forthwith before a judge of the appropriate court, who may appoint
counsel or guardian ad litem for such person and who shall
determine, after a hearing, whether sufficient cause exists to

hold the person subject to the order of the court for such a time, 590
not exceeding ninety days, as will enable his detention under a 591
detention order issued on a requisition pursuant to this Article. 592
If, at the time when a state seeks the return of a delinquent 593
juvenile who has either absconded while on probation or parole or 594
escaped from an institution or agency vested with his legal 595
custody or supervision, there is pending in the state wherein he 596
is detained any criminal charge or any proceeding to have him 597
adjudicated a delinquent juvenile for an act committed in such 598
state, or if he is suspected of having committed within such state 599
a criminal offense or an act of juvenile delinquency, he shall not 600
be returned without the consent of such state until discharged 601
from prosecution or other form of proceeding, imprisonment, 602
detention or supervision for such offense or juvenile delinquency. 603
The duly accredited officers of any state party to this compact, 604
upon the establishment of their authority and the identity of the 605
delinquent juvenile being returned, shall be permitted to 606
transport such delinquent juvenile through any and all states 607
party to this compact, without interference. Upon his return to 608
the state from which he escaped or absconded, the delinquent 609
juvenile shall be subject to such further proceedings as may be 610
appropriate under the laws of that state. 611

(b) That the state to which a delinquent juvenile is returned 612
under this Article shall be responsible for the payment of the 613
transportation costs of such return. 614

Article VI -- Voluntary Return Procedure 615

That any delinquent juvenile who has absconded while on 616
probation or parole, or escaped from an institution or agency 617
vested with his legal custody or supervision in any state party to 618
this compact, and any juvenile who has run away from any state 619
party to this compact, who is taken into custody without a 620
requisition in another state party to this compact under the 621

provisions of Article IV (a) or of Article V (a), may consent to
his immediate return to the state from which he absconded, escaped
or ran away. Such consent shall be given by the juvenile or
delinquent juvenile and his counsel or guardian ad litem if any,
by executing or subscribing a writing, in the presence of a judge
of the appropriate court, which states that the juvenile or
delinquent juvenile and his counsel or guardian ad litem, if any,
consent to his return to the demanding state. Before such consent
shall be executed or subscribed, however, the judge, in the
presence of counsel or guardian ad litem, if any, shall inform the
juvenile or delinquent juvenile of his rights under this compact.
When the consent has been duly executed, it shall be forwarded to
and filed with the compact administrator of the state in which the
court is located and the judge shall direct the officer having the
juvenile or delinquent juvenile in custody to deliver him to the
duly accredited officer or officers of the state demanding his
return, and shall cause to be delivered to such officer or
officers a copy of the consent. The court may, however, upon the
request of the state to which the juvenile or delinquent juvenile
is being returned, order him to return unaccompanied to such state
and shall provide him with a copy of such court order; in such
event a copy of the consent shall be forwarded to the compact
administrator of the state to which said juvenile or delinquent
juvenile is ordered to return.

Article VII -- Cooperative Supervision of
Probationers and Parolees

(a) That the duly constituted judicial and administrative
authorities of a state party to this compact (herein called
"sending state") may permit any delinquent juvenile within such
state, placed on probation or parole, to reside in any other state
party to this compact (herein called "receiving state") while on
probation or parole, and the receiving state shall accept such

delinquent juvenile, if the parent, guardian or person entitled to 654
the legal custody of such delinquent juvenile is residing or 655
undertakes to reside within the receiving state. Before granting 656
such permission, opportunity shall be given to the receiving state 657
to make such investigations as it deems necessary. The authorities 658
of the sending state shall send to the authorities of the 659
receiving state copies of pertinent court orders, social case 660
studies and all other available information which may be of value 661
to and assist the receiving state in supervising a probationer or 662
parolee under this compact. A receiving state, in its discretion, 663
may agree to accept supervision of a probationer or parolee in 664
cases where the parent, guardian or person entitled to the legal 665
custody of the delinquent juvenile is not a resident of the 666
receiving state, and if so accepted the sending state may transfer 667
supervision accordingly. 668

(b) That each receiving state will assume the duties of 669
visitation and of supervision over any such delinquent juvenile 670
and in the exercise of those duties will be governed by the same 671
standards of visitation and supervision that prevail for its own 672
delinquent juveniles released on probation or parole. 673

(c) That, after consultation between the appropriate 674
authorities of the sending state and of the receiving state as to 675
the desirability and necessity of returning such a delinquent 676
juvenile, the duly accredited officers of a sending state may 677
enter a receiving state and there apprehend and retake any such 678
delinquent juvenile on probation or parole. For that purpose, no 679
formalities will be required, other than establishing the 680
authority of the officer and the identity of the delinquent 681
juvenile to be retaken and returned. The decision of the sending 682
state to retake a delinquent juvenile on probation or parole shall 683
be conclusive upon and not reviewable within the receiving state, 684
but if, at the time the sending state seeks to retake a delinquent 685

juvenile on probation or parole, there is pending against him 686
within the receiving state any criminal charge or any proceeding 687
to have him adjudicated a delinquent juvenile for any act 688
committed in such state, or if he is suspected of having committed 689
within such state a criminal offense or an act of juvenile 690
delinquency, he shall not be returned without the consent of the 691
receiving state until discharged from prosecution or other form of 692
proceeding, imprisonment, detention or supervision for such 693
offense or juvenile delinquency. The duly accredited officers of 694
the sending state shall be permitted to transport delinquent 695
juveniles being so returned through any and all states party to 696
this compact, without interference. 697

(d) That the sending state shall be responsible under this 698
Article for paying the costs of transporting any delinquent 699
juvenile to the receiving state or of returning any delinquent 700
juvenile to the sending state. 701

Article VIII -- Responsibility for Costs 702

(a) That the provisions of Articles IV(b), V(b) and VII(d) of 703
this compact shall not be construed to alter or affect any 704
internal relationship among the departments, agencies and officers 705
of and in the government of a party state, or between a party 706
state and its subdivisions, as to the payment of costs, or 707
responsibilities therefor. 708

(b) That nothing in this compact shall be construed to 709
prevent any party state or subdivision thereof from asserting any 710
right against any person, agency or other entity in regard to 711
costs for which such party state or subdivision thereof may be 712
responsible pursuant to Articles IV(b), V(b) or VII(d) of this 713
compact. 714

Article IX -- Detention Practices 715

That, to every extent possible, it shall be the policy of 716

states party to this compact that no juvenile or delinquent
juvenile shall be placed or detained in any prison, jail or lockup
nor be detained or transported in association with criminal,
vicious or dissolute persons.

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Article X -- Supplementary Agreements

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That the duly constituted administrative authorities of a
state party to this compact may enter into supplementary
agreements with any other state or states party hereto for the
cooperative care, treatment and rehabilitation of delinquent
juveniles whenever they shall find that such agreements will
improve the facilities or programs available for such care,
treatment and rehabilitation. Such care, treatment and
rehabilitation may be provided in an institution located within
any state entering into such supplementary agreement. Such
supplementary agreements shall (1) provide the rates to be paid
for the care, treatment and custody of such delinquent juveniles,
taking into consideration the character of facilities, services
and subsistence furnished; (2) provide that the delinquent
juvenile shall be given a court hearing prior to his being sent to
another state for care, treatment and custody; (3) provide that
the state receiving such a delinquent juvenile in one of its
institutions shall act solely as agent for the state sending such
delinquent juvenile; (4) provide that the sending state shall at
all times retain jurisdiction over delinquent juveniles sent to an
institution in another state; (5) provide for reasonable
inspection of such institutions by the sending state; (6) provide
that the consent of the parent, guardian, person or agency
entitled to the legal custody of said delinquent juvenile shall be
secured prior to his being sent to another state; and (7) make
provision for such other matters and details as shall be necessary
to protect the rights and equities of such delinquent juveniles
and of the cooperating states.

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Article XI -- Acceptance of Federal and Other Aid 749

That any state party to this compact may accept any and all 750
donations, gifts and grants of money, equipment and services from 751
the federal or any local government, or any agency thereof and 752
from any person, firm or corporation, for any of the purposes and 753
functions of this compact, and may receive and utilize the same 754
subject to the terms, conditions and regulations governing such 755
donations, gifts and grants. 756

Article XII -- Compact Administrators 757

That the governor of each state party to this compact shall 758
designate an officer who, acting jointly with like officers of 759
other party states, shall promulgate rules and regulations to 760
carry out more effectively the terms and provisions of this 761
compact. 762

Article XIII -- Execution of Compact 763

That this compact shall become operative immediately upon its 764
execution by any state as between it and any other state or states 765
so executing. When executed it shall have the full force and 766
effect of law within such state, the form of execution to be in 767
accordance with the laws of the executing state. 768

Article XIV -- Renunciation 769

That this compact shall continue in force and remain binding 770
upon each executing state until renounced by it. Renunciation of 771
this compact shall be by the same authority which executed it, by 772
sending six months' notice in writing of its intention to withdraw 773
from the compact to the other states party hereto. The duties and 774
obligations of a renouncing state under Article VII hereof shall 775
continue as to parolees and probationers residing therein at the 776
time of withdrawal until retaken or finally discharged. 777
Supplementary agreements entered into under Article X hereof shall 778
be subject to renunciation as provided by such supplementary 779
agreements, and shall not be subject to the six months' 780

renunciation notice of the present Article. 781

Article XV -- Severability 782

That the provisions of this compact shall be severable and if 783
any phrase, clause, sentence or provision of this compact is 784
declared to be contrary to the constitution of any participating 785
state or of the United States or the applicability thereof to any 786
government, agency, person or circumstance is held invalid, the 787
validity of the remainder of this compact and the applicability 788
thereof to any government, agency, person or circumstance shall 789
not be affected thereby. If this compact shall be held contrary to 790
the constitution of any state participating therein, the compact 791
shall remain in full force and effect as to the remaining states 792
and in full force and effect as to the state affected as to all 793
severable matters. 794

Sec. 2301.03. (A) In Franklin county, the judges of the court 795
of common pleas whose terms begin on January 1, 1953, January 2, 796
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 797
successors, shall have the same qualifications, exercise the same 798
powers and jurisdiction, and receive the same compensation as 799
other judges of the court of common pleas of Franklin county and 800
shall be elected and designated as judges of the court of common 801
pleas, division of domestic relations. They shall have all the 802
powers relating to juvenile courts, and all cases under Chapter 803
2151. of the Revised Code, all parentage proceedings under Chapter 804
3111. of the Revised Code over which the juvenile court has 805
jurisdiction, and all divorce, dissolution of marriage, legal 806
separation, and annulment cases shall be assigned to them. In 807
addition to the judge's regular duties, the judge who is senior in 808
point of service shall serve on the children services board and 809
the county advisory board and shall be the administrator of the 810
domestic relations division and its subdivisions and departments. 811

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(B)(1) In Hamilton county, the judge of the court of common
pleas, whose term begins on January 1, 1957, and successors, and
the judge of the court of common pleas, whose term begins on
February 14, 1967, and successors, shall be the juvenile judges as
provided in Chapter 2151. of the Revised Code, with the powers and
jurisdiction conferred by that chapter.

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(2) The judges of the court of common pleas whose terms begin
on January 5, 1957, January 16, 1981, and July 1, 1991, and
successors, shall be elected and designated as judges of the court
of common pleas, division of domestic relations, and shall have
assigned to them all divorce, dissolution of marriage, legal
separation, and annulment cases coming before the court. On or
after the first day of July and before the first day of August of
1991 and each year thereafter, a majority of the judges of the
division of domestic relations shall elect one of the judges of
the division as administrative judge of that division. If a
majority of the judges of the division of domestic relations are
unable for any reason to elect an administrative judge for the
division before the first day of August, a majority of the judges
of the Hamilton county court of common pleas, as soon as possible
after that date, shall elect one of the judges of the division of
domestic relations as administrative judge of that division. The
term of the administrative judge shall begin on the earlier of the
first day of August of the year in which the administrative judge
is elected or the date on which the administrative judge is
elected by a majority of the judges of the Hamilton county court
of common pleas and shall terminate on the date on which the
administrative judge's successor is elected in the following year.

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In addition to the judge's regular duties, the administrative
judge of the division of domestic relations shall be the

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administrator of the domestic relations division and its 843
subdivisions and departments and shall have charge of the 844
employment, assignment, and supervision of the personnel of the 845
division engaged in handling, servicing, or investigating divorce, 846
dissolution of marriage, legal separation, and annulment cases, 847
including any referees considered necessary by the judges in the 848
discharge of their various duties. 849

The administrative judge of the division of domestic 850
relations also shall designate the title, compensation, expense 851
allowances, hours, leaves of absence, and vacations of the 852
personnel of the division, and shall fix the duties of its 853
personnel. The duties of the personnel, in addition to those 854
provided for in other sections of the Revised Code, shall include 855
the handling, servicing, and investigation of divorce, dissolution 856
of marriage, legal separation, and annulment cases and counseling 857
and conciliation services that may be made available to persons 858
requesting them, whether or not the persons are parties to an 859
action pending in the division. 860

The board of county commissioners shall appropriate the sum 861
of money each year as will meet all the administrative expenses of 862
the division of domestic relations, including reasonable expenses 863
of the domestic relations judges and the division counselors and 864
other employees designated to conduct the handling, servicing, and 865
investigation of divorce, dissolution of marriage, legal 866
separation, and annulment cases, conciliation and counseling, and 867
all matters relating to those cases and counseling, and the 868
expenses involved in the attendance of division personnel at 869
domestic relations and welfare conferences designated by the 870
division, and the further sum each year as will provide for the 871
adequate operation of the division of domestic relations. 872

The compensation and expenses of all employees and the salary 873
and expenses of the judges shall be paid by the county treasurer 874

from the money appropriated for the operation of the division, 875
upon the warrant of the county auditor, certified to by the 876
administrative judge of the division of domestic relations. 877

The summonses, warrants, citations, subpoenas, and other 878
writs of the division may issue to a bailiff, constable, or staff 879
investigator of the division or to the sheriff of any county or 880
any marshal, constable, or police officer, and the provisions of 881
law relating to the subpoenaing of witnesses in other cases shall 882
apply insofar as they are applicable. When a summons, warrant, 883
citation, subpoena, or other writ is issued to an officer, other 884
than a bailiff, constable, or staff investigator of the division, 885
the expense of serving it shall be assessed as a part of the costs 886
in the case involved. 887

(3) The judge of the court of common pleas of Hamilton County 888
whose term begins on January 3, 1997, shall be elected and 889
designated for one term only as the drug court judge of the court 890
of common pleas of Hamilton County, and the successors to that 891
judge shall be elected and designated as judges of the general 892
division of the court of common pleas of Hamilton county and shall 893
not have the authority granted by division (B)(3) of this section. 894
The drug court judge may accept or reject any case referred to the 895
drug court judge under division (B)(3) of this section. After the 896
drug court judge accepts a referred case, the drug court judge has 897
full authority over the case, including the authority to conduct 898
arraignment, accept pleas, enter findings and dispositions, 899
conduct trials, order treatment, and if treatment is not 900
successfully completed pronounce and enter sentence. 901

A judge of the general division of the court of common pleas 902
of Hamilton County and a judge of the Hamilton County municipal 903
court may refer to the drug court judge any case, and any 904
companion cases, the judge determines meet the criteria described 905
under divisions (B)(3)(a) and (b) of this section. If the drug 906

court judge accepts referral of a referred case, the case, and any 907
companion cases, shall be transferred to the drug court judge. A 908
judge may refer a case meeting the criteria described in divisions 909
(B)(3)(a) and (b) of this section that involves a violation of a 910
term of probation to the drug court judge, and, if the drug court 911
judge accepts the referral, the referring judge and the drug court 912
judge have concurrent jurisdiction over the case. 913

A judge of the general division of the court of common pleas 914
of Hamilton County and a judge of the Hamilton County municipal 915
court may refer a case to the drug court judge under division 916
(B)(3) of this section if the judge determines that both of the 917
following apply: 918

(a) One of the following applies: 919

(i) The case involves a drug abuse offense, as defined in 920
section 2925.01 of the Revised Code, that is a felony of the third 921
or fourth degree if the offense is committed prior to July 1, 922
1996, a felony of the third, fourth, or fifth degree if the 923
offense is committed on or after July 1, 1996, or a misdemeanor. 924

(ii) The case involves a theft offense, as defined in section 925
2913.01 of the Revised Code, that is a felony of the third or 926
fourth degree if the offense is committed prior to July 1, 1996, a 927
felony of the third, fourth, or fifth degree if the offense is 928
committed on or after July 1, 1996, or a misdemeanor, and the 929
defendant is drug or alcohol dependent or in danger of becoming 930
drug or alcohol dependent and would benefit from treatment. 931

(b) All of the following apply: 932

(i) The case involves a probationable offense or a case in 934
which a mandatory prison term is not required to be imposed. 935

(ii) The defendant has no history of violent behavior. 936

(iii) The defendant has no history of mental illness.	937
(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.	938 939
(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.	940 941
(vi) The defendant has no acute health condition.	942
(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.	943 944
(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendance for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.	945 946 947 948 949 950 951 952 953 954 955
(C) In Lorain county, the judges of the court of common pleas whose terms begin on January 3, 1959, and January 4, 1989, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. They shall have all of the powers relating to juvenile courts, and all cases under Chapter 2151. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except in any cases that for some	956 957 958 959 960 961 962 963 964 965 966 967

special reason are assigned to some other judge of the court of
common pleas.

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(D)(1) In Lucas county, the judges of the court of common
pleas whose terms begin on January 1, 1955, and January 3, 1965,
and successors, shall have the same qualifications, exercise the
same powers and jurisdiction, and receive the same compensation as
other judges of the court of common pleas of Lucas county and
shall be elected and designated as judges of the court of common
pleas, division of domestic relations. All divorce, dissolution of
marriage, legal separation, and annulment cases shall be assigned
to them.

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The judge of the division of domestic relations, senior in
point of service, shall be considered as the presiding judge of
the court of common pleas, division of domestic relations, and
shall be charged exclusively with the assignment and division of
the work of the division and the employment and supervision of all
other personnel of the domestic relations division.

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(2) The judges of the court of common pleas whose terms begin
on January 5, 1977, and January 2, 1991, and successors shall have
the same qualifications, exercise the same powers and
jurisdiction, and receive the same compensation as other judges of
the court of common pleas of Lucas county, shall be elected and
designated as judges of the court of common pleas, juvenile
division, and shall be the juvenile judges as provided in Chapter
2151. of the Revised Code with the powers and jurisdictions
conferred by that chapter. In addition to the judge's regular
duties, the judge of the court of common pleas, juvenile division,
senior in point of service, shall be the administrator of the
juvenile division and its subdivisions and departments and shall
have charge of the employment, assignment, and supervision of the
personnel of the division engaged in handling, servicing, or
investigating juvenile cases, including any referees considered

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necessary by the judges of the division in the discharge of their 1000
various duties. 1001

The judge of the court of common pleas, juvenile division, 1002
senior in point of service, also shall designate the title, 1003
compensation, expense allowance, hours, leaves of absence, and 1004
vacation of the personnel of the division and shall fix the duties 1005
of the personnel of the division. The duties of the personnel, in 1006
addition to other statutory duties include the handling, 1007
servicing, and investigation of juvenile cases and counseling and 1008
conciliation services that may be made available to persons 1009
requesting them, whether or not the persons are parties to an 1010
action pending in the division. 1011

(3) If one of the judges of the court of common pleas, 1012
division of domestic relations, or one of the judges of the 1013
juvenile division is sick, absent, or unable to perform that ~~the~~ 1014
judge's judicial duties or the volume of cases pending in that 1015
judge's division necessitates it, the duties shall be performed by 1016
the judges of the other of those divisions. 1017

(E)(1) In Mahoning county, the judge of the court of common 1018
pleas whose term began on January 1, 1955, and successors, shall 1019
have the same qualifications, exercise the same powers and 1020
jurisdiction, and receive the same compensation as other judges of 1021
the court of common pleas of Mahoning county, shall be elected and 1022
designated as judge of the court of common pleas, division of 1023
domestic relations, and shall be assigned all the divorce, 1024
dissolution of marriage, legal separation, and annulment cases 1025
coming before the court. In addition to the judge's regular 1026
duties, the judge of the court of common pleas, division of 1027
domestic relations, shall be the administrator of the domestic 1028
relations division and its subdivisions and departments and shall 1029
have charge of the employment, assignment, and supervision of the 1030
personnel of the division engaged in handling, servicing, or 1031

investigating divorce, dissolution of marriage, legal separation, 1032
and annulment cases, including any referees considered necessary 1033
in the discharge of the various duties of the judge's office. 1034

The judge also shall designate the title, compensation, 1035
expense allowances, hours, leaves of absence, and vacations of the 1036
personnel of the division and shall fix the duties of the 1037
personnel of the division. The duties of the personnel, in 1038
addition to other statutory duties, include the handling, 1039
servicing, and investigation of divorce, dissolution of marriage, 1040
legal separation, and annulment cases and counseling and 1041
conciliation services that may be made available to persons 1042
requesting them, whether or not the persons are parties to an 1043
action pending in the division. 1044

(2) The judge of the court of common pleas whose term began 1045
on January 2, 1969, and successors, shall have the same 1046
qualifications, exercise the same powers and jurisdiction, and 1047
receive the same compensation as other judges of the court of 1048
common pleas of Mahoning county, shall be elected and designated 1049
as judge of court of common pleas, juvenile division, and shall be 1050
the juvenile judge as provided in Chapter 2151. of the Revised 1051
Code, with the powers and jurisdictions conferred by that chapter. 1052
In addition to the judge's regular duties, the judge of the court 1053
of common pleas, juvenile division, shall be the administrator of 1054
the juvenile division and its subdivisions and departments and 1055
shall have charge of the employment, assignment, and supervision 1056
of the personnel of the division engaged in handling, servicing, 1057
or investigating juvenile cases, including any referees considered 1058
necessary by the judge in the discharge of the judge's various 1059
duties. 1060

The judge also shall designate the title, compensation, 1061
expense allowances, hours, leaves of absence, and vacation of the 1062
personnel of the division and shall fix the duties of the 1063

personnel of the division. The duties of the personnel, in 1064
addition to other statutory duties, include the handling, 1065
servicing, and investigation of juvenile cases and counseling and 1066
conciliation services that may be made available to persons 1067
requesting them, whether or not the persons are parties to an 1068
action pending in the division. 1069

(3) If a judge of the court of common pleas, division of 1070
domestic relations or juvenile division, is sick, absent, or 1071
unable to perform that judge's judicial duties, or the volume of 1072
cases pending in that judge's division necessitates it, that ~~the~~ 1073
judge's duties shall be performed by another judge of the court of 1074
common pleas. 1075

(F)(1) In Montgomery county, the judges of the court of 1076
common pleas whose terms begin on January 2, 1953, and January 4, 1077
1977, and successors, shall have the same qualifications, exercise 1078
the same powers and jurisdiction, and receive the same 1079
compensation as other judges of the court of common pleas of 1080
Montgomery county and shall be elected and designated as judges of 1081
the court of common pleas, division of domestic relations. These 1082
judges shall have assigned to them all divorce, dissolution of 1083
marriage, legal separation, and annulment cases. 1084

The judge of the division of domestic relations, senior in 1085
point of service, shall be charged exclusively with the assignment 1086
and division of the work of the division and shall have charge of 1087
the employment and supervision of the personnel of the division 1088
engaged in handling, servicing, or investigating divorce, 1089
dissolution of marriage, legal separation, and annulment cases, 1090
including any necessary referees, except those employees who may 1091
be appointed by the judge, junior in point of service, under this 1092
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 1093
Code. The judge of the division of domestic relations, senior in 1094
point of service, also shall designate the title, compensation, 1095

expense allowances, hours, leaves of absence, and vacation of the 1096
personnel of the division and shall fix their duties. 1097

(2) The judges of the court of common pleas whose terms begin 1098
on January 1, 1953, and January 1, 1993, and successors, shall 1099
have the same qualifications, exercise the same powers and 1100
jurisdiction, and receive the same compensation as other judges of 1101
the court of common pleas of Montgomery county, shall be elected 1102
and designated as judges of the court of common pleas, juvenile 1103
division, and shall be, and have the powers and jurisdiction of, 1104
the juvenile judge as provided in Chapter 2151. of the Revised 1105
Code. 1106

In addition to the judge's regular duties, the judge of the 1107
court of common pleas, juvenile division, senior in point of 1108
service, shall be the administrator of the juvenile division and 1109
its subdivisions and departments and shall have charge of the 1110
employment, assignment, and supervision of the personnel of the 1111
juvenile division, including any necessary referees, who are 1112
engaged in handling, servicing, or investigating juvenile cases. 1113
The judge, senior in point of service, also shall designate the 1114
title, compensation, expense allowances, hours, leaves of absence, 1115
and vacation of the personnel of the division and shall fix their 1116
duties. The duties of the personnel, in addition to other 1117
statutory duties, shall include the handling, servicing, and 1118
investigation of juvenile cases and of any counseling and 1119
conciliation services that are available upon request to persons, 1120
whether or not they are parties to an action pending in the 1121
division. 1122

If one of the judges of the court of common pleas, division 1123
of domestic relations, or one of the judges of the court of common 1124
pleas, juvenile division, is sick, absent, or unable to perform 1125
that ~~the~~ judge's duties or the volume of cases pending in that 1126
judge's division necessitates it, the duties of that judge may be 1127

performed by the judge or judges of the other of those divisions. 1128

(G) In Richland county, the judge of the court of common 1129
pleas whose term begins on January 1, 1957, and successors, shall 1130
have the same qualifications, exercise the same powers and 1131
jurisdiction, and receive the same compensation as the other 1132
judges of the court of common pleas of Richland county and shall 1133
be elected and designated as judge of the court of common pleas, 1134
division of domestic relations. That judge shall have all of the 1135
powers relating to juvenile courts, and all cases under Chapter 1136
2151. of the Revised Code, all parentage proceedings over which 1137
the juvenile court has jurisdiction, and all divorce, dissolution 1138
of marriage, legal separation, and annulment cases shall be 1139
assigned to that judge, except in cases that for some special 1140
reason are assigned to some other judge of the court of common 1141
pleas. 1142

(H) In Stark county, the judges of the court of common pleas 1143
whose terms begin on January 1, 1953, January 2, 1959, and January 1144
1, 1993, and successors, shall have the same qualifications, 1145
exercise the same powers and jurisdiction, and receive the same 1146
compensation as other judges of the court of common pleas of Stark 1147
county and shall be elected and designated as judges of the court 1148
of common pleas, division of domestic relations. They shall have 1149
all the powers relating to juvenile courts, and all cases under 1150
Chapter 2151. of the Revised Code, all parentage proceedings over 1151
which the juvenile court has jurisdiction, and all divorce, 1152
dissolution of marriage, legal separation, and annulment cases, 1153
except cases that are assigned to some other judge of the court of 1154
common pleas for some special reason, shall be assigned to the 1155
judges. 1156

The judge of the division of domestic relations, second most 1157
senior in point of service, shall have charge of the employment 1158
and supervision of the personnel of the division engaged in 1159

handling, servicing, or investigating divorce, dissolution of 1160
marriage, legal separation, and annulment cases, and necessary 1161
referees required for his respective court. 1162

The judge of the division of domestic relations, senior in 1163
point of service, shall be charged exclusively with the 1164
administration of sections 2151.13, 2151.16, 2151.17, and 2151.18 1165
of the Revised Code and with the assignment and division of the 1166
work of the division and the employment and supervision of all 1167
other personnel of the division, including, but not limited to, 1168
that judge's necessary referees, but excepting those employees who 1169
may be appointed by the judge second most senior in point of 1170
service. The senior judge further shall serve as administrator of 1171
the bureau of aid to dependent children and shall serve in every 1172
other position in which the statutes permit or require a juvenile 1173
judge to serve. 1174

(I) In Summit county: 1175

(1) The judges of the court of common pleas whose terms begin 1176
on January 4, 1967, and January 6, 1993, and successors, shall 1177
have the same qualifications, exercise the same powers and 1178
jurisdiction, and receive the same compensation as other judges of 1179
the court of common pleas of Summit county and shall be elected 1180
and designated as judges of the court of common pleas, division of 1181
domestic relations. The judges of the division of domestic 1182
relations shall have assigned to them and hear all divorce, 1183
dissolution of marriage, legal separation, and annulment cases 1184
that come before the court. 1185

The judge of the division of domestic relations, senior in 1186
point of service, shall be the administrator of the domestic 1187
relations division and its subdivisions and departments and shall 1188
have charge of the employment, assignment, and supervision of the 1189
personnel of the division, including any necessary referees, who 1190

are engaged in handling, servicing, or investigating divorce, 1191
dissolution of marriage, legal separation, and annulment cases. 1192
That judge also shall designate the title, compensation, expense 1193
allowances, hours, leaves of absence, and vacations of the 1194
personnel of the division and shall fix their duties. The duties 1195
of the personnel, in addition to other statutory duties, shall 1196
include the handling, servicing, and investigation of divorce, 1197
dissolution of marriage, legal separation, and annulment cases and 1198
of any counseling and conciliation services that are available 1199
upon request to all persons, whether or not they are parties to an 1200
action pending in the division. 1201

(2) The judge of the court of common pleas whose term begins 1202
on January 1, 1955, and successors, shall have the same 1203
qualifications, exercise the same powers and jurisdiction, and 1204
receive the same compensation as other judges of the court of 1205
common pleas of Summit county, shall be elected and designated as 1206
judge of the court of common pleas, juvenile division, and shall 1207
be, and have the powers and jurisdiction of, the juvenile judge as 1208
provided in Chapter 2151. of the Revised Code. 1209

The juvenile judge shall be the administrator of the juvenile 1210
division and its subdivisions and departments and shall have 1211
charge of the employment, assignment, and supervision of the 1212
personnel of the juvenile division, including any necessary 1213
referees, who are engaged in handling, servicing, or investigating 1214
juvenile cases. The judge also shall designate the title, 1215
compensation, expense allowances, hours, leaves of absence, and 1216
vacation of the personnel of the division and shall fix their 1217
duties. The duties of the personnel, in addition to other 1218
statutory duties, shall include the handling, servicing, and 1219
investigation of juvenile cases and of any counseling and 1220
conciliation services that are available upon request to persons, 1221
whether or not they are parties to an action pending in the 1222

division. 1223

(J) In Trumbull county, the judges of the court of common 1224
pleas whose terms begin on January 1, 1953, and January 2, 1977, 1225
and successors, shall have the same qualifications, exercise the 1226
same powers and jurisdiction, and receive the same compensation as 1227
other judges of the court of common pleas of Trumbull county and 1228
shall be elected and designated as judges of the court of common 1229
pleas, division of domestic relations. They shall have all the 1230
powers relating to juvenile courts, and all cases under Chapter 1231
2151. of the Revised Code, all parentage proceedings over which 1232
the juvenile court has jurisdiction, and all divorce, dissolution 1233
of marriage, legal separation, and annulment cases shall be 1234
assigned to them, except cases that for some special reason are 1235
assigned to some other judge of the court of common pleas. 1236

(K) In Butler county: 1237

(1) The judges of the court of common pleas whose terms begin 1238
on January 1, 1957, and January 4, 1993, and successors, shall 1239
have the same qualifications, exercise the same powers and 1240
jurisdiction, and receive the same compensation as other judges of 1241
the court of common pleas of Butler county and shall be elected 1242
and designated as judges of the court of common pleas, division of 1243
domestic relations. The judges of the division of domestic 1244
relations shall have assigned to them all divorce, dissolution of 1245
marriage, legal separation, and annulment cases coming before the 1246
court, except in cases that for some special reason are assigned 1247
to some other judge of the court of common pleas. The judge senior 1248
in point of service shall be charged with the assignment and 1249
division of the work of the division and with the employment and 1250
supervision of all other personnel of the domestic relations 1251
division. 1252

The judge senior in point of service also shall designate the 1253

title, compensation, expense allowances, hours, leaves of absence, 1254
and vacations of the personnel of the division and shall fix their 1255
duties. The duties of the personnel, in addition to other 1256
statutory duties, shall include the handling, servicing, and 1257
investigation of divorce, dissolution of marriage, legal 1258
separation, and annulment cases and providing any counseling and 1259
conciliation services that the division makes available to 1260
persons, whether or not the persons are parties to an action 1261
pending in the division, who request the services. 1262

(2) The judge of the court of common pleas whose term begins 1263
on January 3, 1987, and successors, shall have the same 1264
qualifications, exercise the same powers and jurisdiction, and 1265
receive the same compensation as other judges of the court of 1266
common pleas of Butler county, shall be elected and designated as 1267
judge of the court of common pleas, juvenile division, and shall 1268
be the juvenile judge as provided in Chapter 2151. of the Revised 1269
Code, with the powers and jurisdictions conferred by that chapter. 1270
The judge of the court of common pleas, juvenile division, shall 1271
be the administrator of the juvenile division and its subdivisions 1272
and departments. The judge shall have charge of the employment, 1273
assignment, and supervision of the personnel of the juvenile 1274
division who are engaged in handling, servicing, or investigating 1275
juvenile cases, including any referees whom the judge considers 1276
necessary for the discharge of the judge's various duties. 1277

The judge also shall designate the title, compensation, 1278
expense allowances, hours, leaves of absence, and vacation of the 1279
personnel of the division and shall fix their duties. The duties 1280
of the personnel, in addition to other statutory duties, include 1281
the handling, servicing, and investigation of juvenile cases and 1282
providing any counseling and conciliation services that the 1283
division makes available to persons, whether or not the persons 1284
are parties to an action pending in the division, who request the 1285

services. 1286

(3) If a judge of the court of common pleas, division of 1287
domestic relations or juvenile division, is sick, absent, or 1288
unable to perform that ~~the~~ judge's judicial duties or the volume 1289
of cases pending in the judge's division necessitates it, the 1290
duties of that judge shall be performed by the other judges of the 1291
domestic relations and juvenile divisions. 1292

(L)(1) In Cuyahoga county, the judges of the court of common 1293
pleas whose terms begin on January 8, 1961, January 9, 1961, 1294
January 18, 1975, January 19, 1975, and January 13, 1987, and 1295
successors, shall have the same qualifications, exercise the same 1296
powers and jurisdiction, and receive the same compensation as 1297
other judges of the court of common pleas of Cuyahoga county and 1298
shall be elected and designated as judges of the court of common 1299
pleas, division of domestic relations. They shall have all the 1300
powers relating to all divorce, dissolution of marriage, legal 1301
separation, and annulment cases, except in cases that are assigned 1302
to some other judge of the court of common pleas for some special 1303
reason. 1304

(2) The administrative judge is administrator of the domestic 1305
relations division and its subdivisions and departments and has 1306
the following powers concerning division personnel: 1307

(a) Full charge of the employment, assignment, and 1308
supervision; 1309

(b) Sole determination of compensation, duties, expenses, 1310
allowances, hours, leaves, and vacations. 1311

(3) "Division personnel" include persons employed or referees 1312
engaged in hearing, servicing, investigating, counseling, or 1313
conciliating divorce, dissolution of marriage, legal separation 1314
and annulment matters. 1315

(M) In Lake county: 1316

(1) The judge of the court of common pleas whose term begins 1317
on January 2, 1961, and successors, shall have the same 1318
qualifications, exercise the same powers and jurisdiction, and 1319
receive the same compensation as the other judges of the court of 1320
common pleas of Lake county and shall be elected and designated as 1321
judge of the court of common pleas, division of domestic 1322
relations. The judge shall be assigned all the divorce, 1323
dissolution of marriage, legal separation, and annulment cases 1324
coming before the court, except in cases that for some special 1325
reason are assigned to some other judge of the court of common 1326
pleas. The judge shall be charged with the assignment and division 1327
of the work of the division and with the employment and 1328
supervision of all other personnel of the domestic relations 1329
division. 1330

The judge also shall designate the title, compensation, 1331
expense allowances, hours, leaves of absence, and vacations of the 1332
personnel of the division and shall fix their duties. The duties 1333
of the personnel, in addition to other statutory duties, shall 1334
include the handling, servicing, and investigation of divorce, 1335
dissolution of marriage, legal separation, and annulment cases and 1336
providing any counseling and conciliation services that the 1337
division makes available to persons, whether or not the persons 1338
are parties to an action pending in the division, who request the 1339
services. 1340

(2) The judge of the court of common pleas whose term begins 1341
on January 4, 1979, and successors, shall have the same 1342
qualifications, exercise the same powers and jurisdiction, and 1343
receive the same compensation as other judges of the court of 1344
common pleas of Lake county, shall be elected and designated as 1345
judge of the court of common pleas, juvenile division, and shall 1346
be the juvenile judge as provided in Chapter 2151. of the Revised 1347

Code, with the powers and jurisdictions conferred by that chapter. 1348
The judge of the court of common pleas, juvenile division, shall 1349
be the administrator of the juvenile division and its subdivisions 1350
and departments. The judge shall have charge of the employment, 1351
assignment, and supervision of the personnel of the juvenile 1352
division who are engaged in handling, servicing, or investigating 1353
juvenile cases, including any referees whom the judge considers 1354
necessary for the discharge of the judge's various duties. 1355

The judge also shall designate the title, compensation, 1356
expense allowances, hours, leaves of absence, and vacation of the 1357
personnel of the division and shall fix their duties. The duties 1358
of the personnel, in addition to other statutory duties, include 1359
the handling, servicing, and investigation of juvenile cases and 1360
providing any counseling and conciliation services that the 1361
division makes available to persons, whether or not the persons 1362
are parties to an action pending in the division, who request the 1363
services. 1364

(3) If a judge of the court of common pleas, division of 1365
domestic relations or juvenile division, is sick, absent, or 1366
unable to perform that ~~the~~ judge's judicial duties or the volume 1367
of cases pending in the judge's division necessitates it, the 1368
duties of that judge shall be performed by the other judges of the 1369
domestic relations and juvenile divisions. 1370

(N) In Erie county, the judge of the court of common pleas 1371
whose term begins on January 2, 1971, and successors, shall have 1372
the same qualifications, exercise the same powers and 1373
jurisdiction, and receive the same compensation as the other judge 1374
of the court of common pleas of Erie county and shall be elected 1375
and designated as judge of the court of common pleas, division of 1376
domestic relations. The judge shall have all the powers relating 1377
to juvenile courts, and shall be assigned all cases under Chapter 1378
2151. of the Revised Code, parentage proceedings over which the 1379

juvenile court has jurisdiction, and divorce, dissolution of 1380
marriage, legal separation, and annulment cases, except cases that 1381
for some special reason are assigned to some other judge. 1382

(0) In Greene county: 1383

(1) The judge of the court of common pleas whose term begins 1384
on January 1, 1961, and successors, shall have the same 1385
qualifications, exercise the same powers and jurisdiction, and 1386
receive the same compensation as the other judges of the court of 1387
common pleas of Greene county and shall be elected and designated 1388
as the judge of the court of common pleas, division of domestic 1389
relations. The judge shall be assigned all divorce, dissolution of 1390
marriage, legal separation, annulment, uniform reciprocal support 1391
enforcement, and domestic violence cases and all other cases 1392
related to domestic relations, except cases that for some special 1393
reason are assigned to some other judge of the court of common 1394
pleas. 1395

The judge shall be charged with the assignment and division 1396
of the work of the division and with the employment and 1397
supervision of all other personnel of the division. The judge also 1398
shall designate the title, compensation, hours, leaves of absence, 1399
and vacations of the personnel of the division and shall fix their 1400
duties. The duties of the personnel of the division, in addition 1401
to other statutory duties, shall include the handling, servicing, 1402
and investigation of divorce, dissolution of marriage, legal 1403
separation, and annulment cases and the provision of counseling 1404
and conciliation services that the division considers necessary 1405
and makes available to persons who request the services, whether 1406
or not the persons are parties in an action pending in the 1407
division. The compensation for the personnel shall be paid from 1408
the overall court budget and shall be included in the 1409
appropriations for the existing judges of the general division of 1410
the court of common pleas. 1411

(2) The judge of the court of common pleas whose term begins 1412
on January 1, 1995, and successors shall have the same 1413
qualifications, exercise the same powers and jurisdiction, and 1414
receive the same compensation as the other judges of the court of 1415
common pleas of Greene county, shall be elected and designated as 1416
judge of the court of common pleas, juvenile division, and, on or 1417
after January 1, 1995, shall be the juvenile judge as provided in 1418
Chapter 2151. of the Revised Code with the powers and jurisdiction 1419
conferred by that chapter. The judge of the court of common pleas, 1420
juvenile division, shall be the administrator of the juvenile 1421
division and its subdivisions and departments. The judge shall 1422
have charge of the employment, assignment, and supervision of the 1423
personnel of the juvenile division who are engaged in handling, 1424
servicing, or investigating juvenile cases, including any referees 1425
whom the judge considers necessary for the discharge of the 1426
judge's various duties. 1427

The judge also shall designate the title, compensation, 1428
expense allowances, hours, leaves of absence, and vacation of the 1429
personnel of the division and shall fix their duties. The duties 1430
of the personnel, in addition to other statutory duties, include 1431
the handling, servicing, and investigation of juvenile cases and 1432
providing any counseling and conciliation services that the court 1433
makes available to persons, whether or not the persons are parties 1434
to an action pending in the court, who request the services. 1435

(3) If one of the judges of the court of common pleas, 1436
general division, is sick, absent, or unable to perform that ~~the~~ 1437
judge's judicial duties or the volume of cases pending in the 1438
general division necessitates it, the duties of that judge of the 1439
general division shall be performed by the judge of the division 1440
of domestic relations and the judge of the juvenile division. 1441

(P) In Portage county, the judge of the court of common 1442
pleas, whose term begins January 2, 1987, and successors, shall 1443

have the same qualifications, exercise the same powers and 1444
jurisdiction, and receive the same compensation as the other 1445
judges of the court of common pleas of Portage county and shall be 1446
elected and designated as judge of the court of common pleas, 1447
division of domestic relations. The judge shall be assigned all 1448
divorce, dissolution of marriage, legal separation, and annulment 1449
cases coming before the court, except in cases that for some 1450
special reason are assigned to some other judge of the court of 1451
common pleas. The judge shall be charged with the assignment and 1452
division of the work of the division and with the employment and 1453
supervision of all other personnel of the domestic relations 1454
division. 1455

The judge also shall designate the title, compensation, 1456
expense allowances, hours, leaves of absence, and vacations of the 1457
personnel of the division and shall fix their duties. The duties 1458
of the personnel, in addition to other statutory duties, shall 1459
include the handling, servicing, and investigation of divorce, 1460
dissolution of marriage, legal separation, and annulment cases and 1461
providing any counseling and conciliation services that the 1462
division makes available to persons, whether or not the persons 1463
are parties to an action pending in the division, who request the 1464
services. 1465

(Q) In Clermont county, the judge of the court of common 1466
pleas, whose term begins January 2, 1987, and successors, shall 1467
have the same qualifications, exercise the same powers and 1468
jurisdiction, and receive the same compensation as the other 1469
judges of the court of common pleas of Clermont county and shall 1470
be elected and designated as judge of the court of common pleas, 1471
division of domestic relations. The judge shall be assigned all 1472
divorce, dissolution of marriage, legal separation, and annulment 1473
cases coming before the court, except in cases that for some 1474
special reason are assigned to some other judge of the court of 1475

common pleas. The judge shall be charged with the assignment and 1476
division of the work of the division and with the employment and 1477
supervision of all other personnel of the domestic relations 1478
division. 1479

The judge also shall designate the title, compensation, 1480
expense allowances, hours, leaves of absence, and vacations of the 1481
personnel of the division and shall fix their duties. The duties 1482
of the personnel, in addition to other statutory duties, shall 1483
include the handling, servicing, and investigation of divorce, 1484
dissolution of marriage, legal separation, and annulment cases and 1485
providing any counseling and conciliation services that the 1486
division makes available to persons, whether or not the persons 1487
are parties to an action pending in the division, who request the 1488
services. 1489

(R) In Warren county, the judge of the court of common pleas, 1490
whose term begins January 1, 1987, and successors, shall have the 1491
same qualifications, exercise the same powers and jurisdiction, 1492
and receive the same compensation as the other judges of the court 1493
of common pleas of Warren county and shall be elected and 1494
designated as judge of the court of common pleas, division of 1495
domestic relations. The judge shall be assigned all divorce, 1496
dissolution of marriage, legal separation, and annulment cases 1497
coming before the court, except in cases that for some special 1498
reason are assigned to some other judge of the court of common 1499
pleas. The judge shall be charged with the assignment and division 1500
of the work of the division and with the employment and 1501
supervision of all other personnel of the domestic relations 1502
division. 1503

The judge also shall designate the title, compensation, 1504
expense allowances, hours, leaves of absence, and vacations of the 1505
personnel of the division and shall fix their duties. The duties 1506
of the personnel, in addition to other statutory duties, shall 1507

include the handling, servicing, and investigation of divorce, 1508
dissolution of marriage, legal separation, and annulment cases and 1509
providing any counseling and conciliation services that the 1510
division makes available to persons, whether or not the persons 1511
are parties to an action pending in the division, who request the 1512
services. 1513

(S) In Licking county, the judge of the court of common 1514
pleas, whose term begins January 1, 1991, and successors, shall 1515
have the same qualifications, exercise the same powers and 1516
jurisdiction, and receive the same compensation as the other 1517
judges of the court of common pleas of Licking county and shall be 1518
elected and designated as judge of the court of common pleas, 1519
division of domestic relations. The judge shall be assigned all 1520
divorce, dissolution of marriage, legal separation, and annulment 1521
cases, all cases arising under Chapter 3111. of the Revised Code, 1522
all proceedings involving child support, the allocation of 1523
~~parental rights~~ parenting functions and responsibilities for the 1524
care of children and the designation for the children of a place 1525
of residence and legal custodian, and visitation for persons other 1526
than the parents, and all post-decree proceedings and matters 1527
arising from those cases and proceedings, except in cases that for 1528
some special reason are assigned to another judge of the court of 1529
common pleas. The judge shall be charged with the assignment and 1530
division of the work of the division and with the employment and 1531
supervision of the personnel of the division. 1532

The judge shall designate the title, compensation, expense 1533
allowances, hours, leaves of absence, and vacations of the 1534
personnel of the division and shall fix the duties of the 1535
personnel of the division. The duties of the personnel of the 1536
division, in addition to other statutory duties, shall include the 1537
handling, servicing, and investigation of divorce, dissolution of 1538
marriage, legal separation, and annulment cases, cases arising 1539

under Chapter 3111. of the Revised Code, and proceedings involving 1540
child support, the allocation of ~~parental rights~~ parenting 1541
functions and responsibilities for the care of children and the 1542
designation for the children of a place of residence and legal 1543
custodian, and visitation for persons other than the parents and 1544
providing any counseling and conciliation services that the 1545
division makes available to persons, whether or not the persons 1546
are parties to an action pending in the division, who request the 1547
services. 1548

(T) In Allen county, the judge of the court of common pleas, 1549
whose term begins January 1, 1993, and successors, shall have the 1550
same qualifications, exercise the same powers and jurisdiction, 1551
and receive the same compensation as the other judges of the court 1552
of common pleas of Allen county and shall be elected and 1553
designated as judge of the court of common pleas, division of 1554
domestic relations. The judge shall be assigned all divorce, 1555
dissolution of marriage, legal separation, and annulment cases, 1556
all cases arising under Chapter 3111. of the Revised Code, all 1557
proceedings involving child support, the allocation of ~~parental~~ 1558
~~rights~~ parenting functions and responsibilities for the care of 1559
children and the designation for the children of a place of 1560
residence and legal custodian, and visitation for persons other 1561
than the parents, and all post-decree proceedings and matters 1562
arising from those cases and proceedings, except in cases that for 1563
some special reason are assigned to another judge of the court of 1564
common pleas. The judge shall be charged with the assignment and 1565
division of the work of the division and with the employment and 1566
supervision of the personnel of the division. 1567

The judge shall designate the title, compensation, expense 1568
allowances, hours, leaves of absence, and vacations of the 1569
personnel of the division and shall fix the duties of the 1570
personnel of the division. The duties of the personnel of the 1571

division, in addition to other statutory duties, shall include the 1572
handling, servicing, and investigation of divorce, dissolution of 1573
marriage, legal separation, and annulment cases, cases arising 1574
under Chapter 3111. of the Revised Code, and proceedings involving 1575
child support, the allocation of ~~parental rights~~ parenting 1576
functions and responsibilities for the care of children and the 1577
designation for the children of a place of residence and legal 1578
custodian, and visitation for persons other than the parents, and 1579
providing any counseling and conciliation services that the 1580
division makes available to persons, whether or not the persons 1581
are parties to an action pending in the division, who request the 1582
services. 1583

(U) In Medina county, the judge of the court of common pleas 1584
whose term begins January 1, 1995, and successors, shall have the 1585
same qualifications, exercise the same powers and jurisdiction, 1586
and receive the same compensation as other judges of the court of 1587
common pleas of Medina county and shall be elected and designated 1588
as judge of the court of common pleas, division of domestic 1589
relations. The judge shall be assigned all divorce, dissolution of 1590
marriage, legal separation, and annulment cases, all cases arising 1591
under Chapter 3111. of the Revised Code, all proceedings involving 1592
child support, the allocation of ~~parental rights~~ parenting 1593
functions and responsibilities for the care of children and the 1594
designation for the children of a place of residence and legal 1595
custodian, and visitation for persons other than the parents, and 1596
all post-decree proceedings and matters arising from those cases 1597
and proceedings, except in cases that for some special reason are 1598
assigned to another judge of the court of common pleas. The judge 1599
shall be charged with the assignment and division of the work of 1600
the division and with the employment and supervision of the 1601
personnel of the division. 1602

The judge shall designate the title, compensation, expense 1603

allowances, hours, leaves of absence, and vacations of the
personnel of the division and shall fix the duties of the
personnel of the division. The duties of the personnel, in
addition to other statutory duties, include the handling,
servicing, and investigation of divorce, dissolution of marriage,
legal separation, and annulment cases, cases arising under Chapter
3111. of the Revised Code, and proceedings involving child
support, the allocation of ~~parental rights~~ parenting functions and
responsibilities for the care of children and the designation for
the children of a place of residence and legal custodian, and
visitation for persons other than the parents, and providing
counseling and conciliation services that the division makes
available to persons, whether or not the persons are parties to an
action pending in the division, who request the services.

(V) In Fairfield county, the judge of the court of common
pleas whose term begins January 2, 1995, and successors, shall
have the same qualifications, exercise the same powers and
jurisdiction, and receive the same compensation as the other
judges of the court of common pleas of Fairfield county and shall
be elected and designated as judge of the court of common pleas,
division of domestic relations. The judge shall be assigned all
divorce, dissolution of marriage, legal separation, and annulment
cases, all cases arising under Chapter 3111. of the Revised Code,
all proceedings involving child support, the allocation of
~~parental rights~~ parenting functions and responsibilities for the
care of children and the designation for the children of a place
of residence and legal custodian, and visitation for persons other
than the parents, and all post-decree proceedings and matters
arising from those cases and proceedings, except in cases that for
some special reason are assigned to another judge of the court of
common pleas. The judge also has concurrent jurisdiction with the
probate-juvenile division of the court of common pleas of

Fairfield county with respect to and may hear cases to determine 1636
the custody of a child, as defined in section 2151.011 of the 1637
Revised Code, who is not the ward of another court of this state, 1638
cases that are commenced by a parent, guardian, or custodian of a 1639
child, as defined in section 2151.011 of the Revised Code, to 1640
obtain an order requiring a parent of the child to pay child 1641
support for that child when the request for that order is not 1642
ancillary to an action for divorce, dissolution of marriage, 1643
annulment, or legal separation, a criminal or civil action 1644
involving an allegation of domestic violence, an action for 1645
support under Chapter 3115. of the Revised Code, or an action that 1646
is within the exclusive original jurisdiction of the 1647
probate-juvenile division of the court of common pleas of 1648
Fairfield county and that involves an allegation that the child is 1649
an abused, neglected, or dependent child, and post-decree 1650
proceedings and matters arising from those types of cases. 1651

The judge of the domestic relations division shall be charged 1652
with the assignment and division of the work of the division and 1653
with the employment and supervision of the personnel of the 1654
division. 1655

The judge shall designate the title, compensation, expense 1656
allowances, hours, leaves of absence, and vacations of the 1657
personnel of the division and shall fix the duties of the 1658
personnel of the division. The duties of the personnel of the 1659
division, in addition to other statutory duties, shall include the 1660
handling, servicing, and investigation of divorce, dissolution of 1661
marriage, legal separation, and annulment cases, cases arising 1662
under Chapter 3111. of the Revised Code, and proceedings involving 1663
child support, the allocation of ~~parental rights~~ parenting 1664
functions and responsibilities for the care of children and the 1665
designation for the children of a place of residence and legal 1666
custodian, and visitation for persons other than the parents, and 1667

providing any counseling and conciliation services that the 1668
division makes available to persons, regardless of whether the 1669
persons are parties to an action pending in the division, who 1670
request the services. When the judge hears a case to determine the 1671
custody of a child, as defined in section 2151.011 of the Revised 1672
Code, who is not the ward of another court of this state or a case 1673
that is commenced by a parent, guardian, or custodian of a child, 1674
as defined in section 2151.011 of the Revised Code, to obtain an 1675
order requiring a parent of the child to pay child support for 1676
that child when the request for that order is not ancillary to an 1677
action for divorce, dissolution of marriage, annulment, or legal 1678
separation, a criminal or civil action involving an allegation of 1679
domestic violence, an action for support under Chapter 3115. of 1680
the Revised Code, or an action that is within the exclusive 1681
original jurisdiction of the probate-juvenile division of the 1682
court of common pleas of Fairfield county and that involves an 1683
allegation that the child is an abused, neglected, or dependent 1684
child, the duties of the personnel of the domestic relations 1685
division also include the handling, servicing, and investigation 1686
of those types of cases. 1687

(W)(1) In Clark county, the judge of the court of common 1688
pleas whose term begins on January 2, 1995, and successors, shall 1689
have the same qualifications, exercise the same powers and 1690
jurisdiction, and receive the same compensation as other judges of 1691
the court of common pleas of Clark county and shall be elected and 1692
designated as judge of the court of common pleas, domestic 1693
relations division. The judge shall have all the powers relating 1694
to juvenile courts, and all cases under Chapter 2151. of the 1695
Revised Code and all parentage proceedings under Chapter 3111. of 1696
the Revised Code over which the juvenile court has jurisdiction 1697
shall be assigned to the judge of the division of domestic 1698
relations. All divorce, dissolution of marriage, legal separation, 1699
annulment, uniform reciprocal support enforcement, and other cases 1700

related to domestic relations shall be assigned to the domestic relations division, and the presiding judge of the court of common pleas shall assign the cases to the judge of the domestic relations division and the judges of the general division.

(2) In addition to the judge's regular duties, the judge of the division of domestic relations shall serve on the children services board and the county advisory board.

(3) If the judge of the court of common pleas of Clark county, division of domestic relations, is sick, absent, or unable to perform that ~~the~~ judge's judicial duties or if the presiding judge of the court of common pleas of Clark county determines that the volume of cases pending in the division of domestic relations necessitates it, the duties of the judge of the division of domestic relations shall be performed by the judges of the general division or probate division of the court of common pleas of Clark county, as assigned for that purpose by the presiding judge of that court, and the judges so assigned shall act in conjunction with the judge of the division of domestic relations of that court.

(X) In Scioto county, the judge of the court of common pleas whose term begins January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Scioto county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases, all cases arising under Chapter 3111. of the Revised Code, all proceedings involving child support, the allocation of ~~parental rights~~ parenting functions and responsibilities for the care of children and the designation for the children of a place of residence and legal

custodian, visitation for persons other than the parents, and all 1733
post-decree proceedings and matters arising from those cases and 1734
proceedings, except in cases that for some special reason are 1735
assigned to another judge of the court of common pleas. The judge 1736
shall be charged with the assignment and division of the work of 1737
the division and with the employment and supervision of the 1738
personnel of the division. 1739

The judge shall designate the title, compensation, expense 1740
allowances, hours, leaves of absence, and vacations of the 1741
personnel of the division and shall fix the duties of the 1742
personnel of the division. The duties of the personnel, in 1743
addition to other statutory duties, include the handling, 1744
servicing, and investigation of divorce, dissolution of marriage, 1745
legal separation, and annulment cases, cases arising under Chapter 1746
3111. of the Revised Code, and proceedings involving child 1747
support, the allocation of ~~parental rights~~ parenting functions and 1748
responsibilities for the care of children and the designation for 1749
the children of a place of residence and legal custodian, and 1750
visitation for persons other than the parents, and providing 1751
counseling and conciliation services that the division makes 1752
available to persons, whether or not the persons are parties to an 1753
action pending in the division, who request the services. 1754

(Y) In Auglaize county, the judge of the probate and juvenile 1755
divisions of the Auglaize county court of common pleas also shall 1756
be the administrative judge of the domestic relations division of 1757
the court and shall be assigned all divorce, dissolution of 1758
marriage, legal separation, and annulment cases coming before the 1759
court. The judge shall have all powers as administrator of the 1760
domestic relations division and shall have charge of the personnel 1761
engaged in handling, servicing, or investigating divorce, 1762
dissolution of marriage, legal separation, and annulment cases, 1763
including any referees considered necessary for the discharge of 1764

the judge's various duties. 1765

(Z) If a judge of the court of common pleas, division of 1766
domestic relations, or juvenile judge, of any of the counties 1767
mentioned in this section is sick, absent, or unable to perform 1768
that ~~the~~ judge's judicial duties or the volume of cases pending in 1769
the judge's division necessitates it, the duties of that judge 1770
shall be performed by another judge of the court of common pleas 1771
of that county, assigned for that purpose by the presiding judge 1772
of the court of common pleas of that county to act in place of or 1773
in conjunction with that judge, as the case may require. 1774

Sec. 2307.50. (A) As used in this section: 1775

(1) "Child stealing crime" means a violation of sections 1776
2905.01, 2905.02, 2905.03, and 2919.23 of the Revised Code or 1777
section 2905.04 of the Revised Code as it existed prior to the 1778
effective date of this amendment. 1779

(2) "Minor" means a person under eighteen years of age. 1780

(3) "Parental or guardianship interest" means that a parent 1781
of a minor is the residential parent and legal custodian of the 1782
minor and has the rights corresponding to that capacity, that a 1783
parent of a minor is the parent other than the residential parent 1784
of the minor and has a right of access to the minor, that the 1785
parents of a minor ~~have parental rights and responsibilities for~~ 1786
~~the care of the minor and~~ are the residential parents and legal 1787
custodians of the child, or that any other person has a right of 1788
custody or access to a minor as ~~his~~ the minor's guardian or other 1789
custodian. 1790

(B) Except as provided in division (D) of this section, if a 1791
minor is the victim of a child stealing crime and if, as a result 1792
of that crime, the minor's parents, parent who is the residential 1793
parent and legal custodian, parent who is not the residential 1794

parent and legal custodian, guardian, or other custodian is 1795
deprived of a parental or guardianship interest in the minor, the 1796
parents, parent who is the residential parent and legal custodian, 1797
parent who is not the residential parent and legal custodian, 1798
guardian, or other custodian may maintain a civil action against 1799
the offender to recover damages for interference with the parental 1800
or guardianship interest. In the civil action, the plaintiffs may 1801
recover all of the following: 1802

(1) Full compensatory damages, including, but not limited to, 1803
damages for the mental suffering and anguish incurred by the 1804
plaintiffs, damages for the loss of society of the minor, and, if 1805
applicable, damages for the loss of the minor's services and 1806
damages for expenses incurred by the plaintiffs in locating or 1807
recovering the minor; 1808

(2) Punitive damages; 1809

(3) Reasonable attorney's fees; 1810

(4) Costs of bringing the civil action. 1811

(C) In a civil action brought pursuant to this section, the 1812
trier of fact may determine that the minor was the victim of a 1813
child stealing crime and that the defendant committed the crime, 1814
regardless of whether the defendant has been convicted of or 1815
pleaded guilty to a child stealing crime. 1816

(D) This section does not create a civil action for one 1817
parent against the other parent who commits a child stealing crime 1818
against the parent's own child. 1819

Sec. 2307.70. (A) Any person who suffers injury or loss to 1820
person or property as a result of an act committed in violation of 1821
section 2909.05, 2927.11, or 2927.12 of the Revised Code has a 1822
civil action and may recover in that action full damages, 1823
including, but not limited to, punitive damages and damages for 1824

emotional distress, the reasonable costs of maintaining the civil 1825
action, and reasonable attorney's fees. 1826

(B) Any person who suffers injury or loss to person or 1827
property as a result of an act committed in violation of section 1828
2909.05, 2927.11, or 2927.12 of the Revised Code by an unmarried 1829
child under the age of eighteen has a civil action against the 1830
parents who ~~have parental rights and responsibilities for the care~~ 1831
~~of the child and~~ are the residential parents and legal custodians 1832
of the child, and may recover in that action compensatory damages, 1833
costs, and attorney's fees, which damages, costs, and fees in the 1834
aggregate shall not exceed five thousand dollars. The parents and 1835
their child are jointly and severally liable for any damages for 1836
injury or loss to person or property caused by the child's act 1837
committed in violation of section 2909.05, 2927.11, or 2927.12 of 1838
the Revised Code. If a person recovers damages from the parents of 1839
a child pursuant to this division, that recovery does not preclude 1840
the person from maintaining a civil action against the child 1841
pursuant to division (A) of this section. 1842

(C) The monetary limitation upon compensatory damages set 1843
forth in section 3109.09 or 3109.10 of the Revised Code does not 1844
apply to a civil action brought pursuant to this section. 1845

(D) No record of conviction, unless obtained by confession in 1846
open court, shall be used as evidence in a civil action brought 1847
pursuant to this section. 1848

Sec. 2317.02. The following persons shall not testify in 1849
certain respects: 1850

(A) An attorney, concerning a communication made to the 1851
attorney by ~~the attorney's~~ a client in that relation or the 1852
attorney's advice to ~~the~~ a client, except that the attorney may 1853
testify by express consent of the client or, if the client is 1854

deceased, by the express consent of the surviving spouse or the 1855
executor or administrator of the estate of the deceased client and 1856
except that, if the client voluntarily testifies or is deemed by 1857
section 2151.421 of the Revised Code to have waived any 1858
testimonial privilege under this division, the attorney may be 1859
compelled to testify on the same subject; 1860

(B)(1) A physician or a dentist concerning a communication 1861
made to the physician or dentist by ~~the physician's or dentist's~~ a 1862
patient in that relation or the physician's or dentist's advice to 1863
~~the~~ a patient, except as otherwise provided in this division, 1864
division (B)(2), and division (B)(3) of this section, and except 1865
that, if the patient is deemed by section 2151.421 of the Revised 1866
Code to have waived any testimonial privilege under this division, 1867
the physician may be compelled to testify on the same subject. 1868

The testimonial privilege under this division does not apply, 1869
and a physician or dentist may testify or may be compelled to 1870
testify in any of the following circumstances: 1871

(a) In any civil action, in accordance with the discovery 1872
provisions of the Rules of Civil Procedure in connection with a 1873
civil action, or in connection with a claim under Chapter 4123. of 1874
the Revised Code, under any of the following circumstances: 1875

(i) If the patient or the guardian or other legal 1876
representative of the patient gives express consent; 1877

(ii) If the patient is deceased, the spouse of the patient or 1878
the executor or administrator of the patient's estate gives 1879
express consent; 1880

(iii) If a medical claim, dental claim, chiropractic claim, 1881
or optometric claim, as defined in section 2305.11 of the Revised 1882
Code, an action for wrongful death, any other type of civil 1883
action, or a claim under Chapter 4123. of the Revised Code is 1884
filed by the patient, the personal representative of the estate of 1885

the patient if deceased, or the patient's guardian or other legal
representative. 1886
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(b) In any criminal action concerning any test or the results
of any test that determines the presence or concentration of
alcohol, a drug of abuse, or alcohol and a drug of abuse in the
patient's blood, breath, urine, or other bodily substance at any
time relevant to the criminal offense in question. 1888
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(2)(a) If any law enforcement officer submits a written
statement to a health care provider that states that an official
criminal investigation has begun regarding a specified person or
that a criminal action or proceeding has been commenced against a
specified person, that requests the provider to supply to the
officer copies of any records the provider possesses that pertain
to any test or the results of any test administered to the
specified person to determine the presence or concentration of
alcohol, a drug of abuse, or alcohol and a drug of abuse in the
person's blood, breath, or urine at any time relevant to the
criminal offense in question, and that conforms to section
2317.022 of the Revised Code, the provider, except to the extent
specifically prohibited by any law of this state or of the United
States, shall supply to the officer a copy of any of the requested
records the provider possesses. If the health care provider does
not possess any of the requested records, the provider shall give
the officer a written statement that indicates that the provider
does not possess any of the requested records. 1893
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(b) If a health care provider possesses any records of the
type described in division (B)(2)(a) of this section regarding the
person in question at any time relevant to the criminal offense in
question, in lieu of personally testifying as to the results of
the test in question, the custodian of the records may submit a
certified copy of the records, and, upon its submission, the
certified copy is qualified as authentic evidence and may be 1911
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admitted as evidence in accordance with the Rules of Evidence. 1918
Division (A) of section 2317.422 of the Revised Code does not 1919
apply to any certified copy of records submitted in accordance 1920
with this division. Nothing in this division shall be construed to 1921
limit the right of any party to call as a witness the person who 1922
administered the test to which the records pertain, the person 1923
under whose supervision the test was administered, the custodian 1924
of the records, the person who made the records, or the person 1925
under whose supervision the records were made. 1926

(3)(a) If the testimonial privilege described in division 1927
(B)(1) of this section does not apply as provided in division 1928
(B)(1)(a)(iii) of this section, a physician or dentist may be 1929
compelled to testify or to submit to discovery under the Rules of 1930
Civil Procedure only as to a communication made to the physician 1931
or dentist by the patient in question in that relation, or the 1932
physician's or dentist's advice to the patient in question, that 1933
related causally or historically to physical or mental injuries 1934
that are relevant to issues in the medical claim, dental claim, 1935
chiropractic claim, or optometric claim, action for wrongful 1936
death, other civil action, or claim under Chapter 4123. of the 1937
Revised Code. 1938

(b) If the testimonial privilege described in division (B)(1) 1939
of this section does not apply to a physician or dentist as 1940
provided in division (B)(1)(b) of this section, the physician or 1941
dentist, in lieu of personally testifying as to the results of the 1942
test in question, may submit a certified copy of those results, 1943
and, upon its submission, the certified copy is qualified as 1944
authentic evidence and may be admitted as evidence in accordance 1945
with the Rules of Evidence. Division (A) of section 2317.422 of 1946
the Revised Code does not apply to any certified copy of results 1947
submitted in accordance with this division. Nothing in this 1948
division shall be construed to limit the right of any party to 1949

call as a witness the person who administered the test in 1950
question, the person under whose supervision the test was 1951
administered, the custodian of the results of the test, the person 1952
who compiled the results, or the person under whose supervision 1953
the results were compiled. 1954

(4)(a) As used in divisions (B)(1) to (3) of this section, 1955
"communication" means acquiring, recording, or transmitting any 1956
information, in any manner, concerning any facts, opinions, or 1957
statements necessary to enable a physician or dentist to diagnose, 1958
treat, prescribe, or act for a patient. A "communication" may 1959
include, but is not limited to, any medical or dental, office, or 1960
hospital communication such as a record, chart, letter, 1961
memorandum, laboratory test and results, x-ray, photograph, 1962
financial statement, diagnosis, or prognosis. 1963

(b) As used in division (B)(2) of this section, "health care 1964
provider" has the same meaning as in section 3729.01 of the 1965
Revised Code. 1966

(5) Divisions (B)(1), (2), (3), and (4) of this section apply 1967
to doctors of medicine, doctors of osteopathic medicine, doctors 1968
of podiatry, and dentists. 1969

(6) Nothing in divisions (B)(1) to (5) of this section 1970
affects, or shall be construed as affecting, the immunity from 1971
civil liability conferred by section 2305.33 of the Revised Code 1972
upon physicians who report an employee's use of a drug of abuse, 1973
or a condition of an employee other than one involving the use of 1974
a drug of abuse, to the employer of the employee in accordance 1975
with division (B) of that section. As used in this division, 1976
"employee," "employer," and "physician" have the same meanings as 1977
in section 2305.33 of the Revised Code. 1978

(C) A member of the clergy, rabbi, priest, or regularly 1979
ordained, accredited, or licensed minister of an established and 1980

legally cognizable church, denomination, or sect, when the ~~cleric~~ 1981
member of the clergy, rabbi, priest, or minister remains 1982
accountable to the authority of that church, denomination, or 1983
sect, concerning a confession made, or any information 1984
confidentially communicated, ~~to the clergyman~~ member of the 1985
clergy, rabbi, priest, or minister for a religious counseling 1986
purpose in the ~~clergyman's~~ member of the clergy's, rabbi's, 1987
priest's, or minister's professional character; however, the 1988
~~cleric~~ member of the clergy, rabbi, priest, or minister may 1989
testify by express consent of the person making the communication, 1990
except when the disclosure of the information is in violation of 1991
~~the clergyman's rabbi's, priest's, or minister's~~ a sacred trust. 1992

(D) Husband or wife, concerning any communication made by one 1993
to the other, or an act done by either in the presence of the 1994
other, during coverture, unless the communication was made, or act 1995
done, in the known presence or hearing of a third person competent 1996
to be a witness; and such rule is the same if the marital relation 1997
has ceased to exist. 1998

(E) A person who assigns a claim or interest, concerning any 1999
matter in respect to which the person would not, if a party, be 2000
permitted to testify; 2001

(F) A person who, if a party, would be restricted under 2002
section 2317.03 of the Revised Code, when the property or thing is 2003
sold or transferred by an executor, administrator, guardian, 2004
trustee, heir, devisee, or legatee, shall be restricted in the 2005
same manner in any action or proceeding concerning the property or 2006
thing. 2007

(G)(1) A school guidance counselor who holds a valid educator 2008
license from the state board of education as provided for in 2009
section 3319.22 of the Revised Code, a person licensed under 2010
Chapter 4757. of the Revised Code as a professional clinical 2011

counselor, professional counselor, social worker, or independent 2012
social worker, or registered under Chapter 4757. of the Revised 2013
Code as a social work assistant concerning a confidential 2014
communication ~~such person such person's~~ received from a client in 2015
that relation or ~~such person's~~ the person's advice to ~~the~~ a client 2016
unless any of the following applies: 2017

(a) The communication or advice indicates clear and present 2018
danger to the client or other persons. For the purposes of this 2019
division, cases in which there are indications of present or past 2020
child abuse or neglect of the client constitute a clear and 2021
present danger. 2022

(b) The client gives express consent to the testimony. 2023

(c) If the client is deceased, the surviving spouse or the 2024
executor or administrator of the estate of the deceased client 2025
gives express consent. 2026

(d) The client voluntarily testifies, in which case the 2027
school guidance counselor or person licensed or registered under 2028
Chapter 4757. of the Revised Code may be compelled to testify on 2029
the same subject. 2030

(e) The court in camera determines that the information 2031
communicated by the client is not germane to the counselor-client 2032
or social worker-client relationship. 2033

(f) A court, in an action brought against a school, its 2034
administration, or any of its personnel by the client, rules after 2035
an in-camera inspection that the testimony of the school guidance 2036
counselor is relevant to that action. 2037

(2) Nothing in division (G)(1) of this section shall relieve 2038
a school guidance counselor or a person licensed or registered 2039
under Chapter 4757. of the Revised Code from the requirement to 2040
report information concerning child abuse or neglect under section 2041

2151.421 of the Revised Code.

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(H) A mediator acting under a mediation order issued under
division (A) of former section 3109.052 or section 3109.55 of the
Revised Code or otherwise issued in any proceeding for divorce,
dissolution, legal separation, annulment, or the allocation of
parental rights and responsibilities pursuant to former section
3109.04 Of the Revised Code or the parenting functions and
responsibilities pursuant to any section Of the Revised Code,
including section 3109.62 Of the Revised Code, for the care of
children, in any action or proceeding, other than a criminal,
delinquency, child abuse, child neglect, or dependent child action
or proceeding, that is brought by or against either parent who
takes part in mediation in accordance with the order and that
pertains to the mediation process, to any information discussed or
presented in the mediation process, to the allocation of parental
rights and responsibilities pursuant to former section 3109.04 Of
the Revised Code or the parenting functions and responsibilities
pursuant to any section Of the Revised Code, including section
3109.62 Of the Revised Code, for the care of the parents'
children, or to the awarding of visitation rights in relation to
their children pursuant to former section 3109.051 or 3109.12 Of
the Revised Code.

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(I) A communications assistant, acting within the scope of
the communication ~~that~~ assistant's authority, when providing
telecommunications relay service pursuant to section 4931.35 of
the Revised Code or Title II of the "Communications Act of 1934,"
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication
made through a telecommunications relay service.

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Nothing in this section shall limit any immunity or privilege
granted under federal law or regulation. Nothing in this section
shall limit the obligation of a communications assistant to
divulge information or testify when mandated by federal law or

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regulation or pursuant to subpoena in a criminal proceeding. 2074

Sec. 2705.031. (A) As used in this section, "Title IV-D case" 2075
has the same meaning as in section 3113.21 of the Revised Code. 2076
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(B)(1) Any party who has a legal claim to any support ordered 2078
for a child, spouse, or former spouse may initiate a contempt 2079
action for failure to pay the support. In Title IV-D cases, the 2080
contempt action for failure to pay support also may be initiated 2081
by an attorney retained by the party who has the legal claim, the 2082
prosecuting attorney, or an attorney of the department of human 2083
services or the child support enforcement agency. 2084

(2) Any person who is granted visitation rights under a 2085
visitation order or decree issued pursuant to former section 2086
3109.051 or 3109.12, or section 3109.59, ~~3109.11~~ 3109.60, or 2087
~~3109.12~~ 3109.61 of the Revised Code or pursuant to any other 2088
provision of the Revised Code, or any other person who is subject 2089
to any visitation order or decree, may initiate a contempt action 2090
for a failure to comply with, or an interference with, the order 2091
or decree. 2092

(C) In any contempt action initiated pursuant to division (B) 2093
of this section, the accused shall appear upon the summons and 2094
order to appear that is issued by the court. The summons shall 2095
include all of the following: 2096

(1) Notice that failure to appear may result in the issuance 2097
of an order of arrest, and in cases involving alleged failure to 2098
pay support, the issuance of an order for the payment of support 2099
by withholding an amount from the personal earnings of the accused 2100
or by withholding or deducting an amount from some other asset of 2101
the accused; 2102

(2) Notice that the accused has a right to counsel, and that 2103

if the accused ~~believes that~~ he is indigent, the accused must 2104
apply for a public defender or court appointed counsel within 2105
three business days after receipt of the summons; 2106

(3) Notice that the court may refuse to grant a continuance 2107
at the time of the hearing for the purpose of the accused 2108
obtaining counsel, if the accused fails to make a good faith 2109
effort to retain counsel or to obtain a public defender; 2110

(4) Notice of the potential penalties that could be imposed 2111
upon the accused, if the accused is found guilty of contempt for 2112
failure to pay support or for a failure to comply with, or an 2113
interference with, a the visitation order or decree. 2114

(D) If the accused is served as required by the Rules of 2115
Civil Procedure or by any special statutory proceedings that are 2116
relevant to the case, the court may order the attachment of the 2117
person of the accused upon failure to appear as ordered by the 2118
court. 2119

(E) The imposition of any penalty for contempt under section 2120
2705.05 of the Revised Code shall not eliminate any obligation of 2121
the accused to pay any past, present, or future support obligation 2122
or any obligation of the accused to comply with or refrain from 2123
interfering with the visitation order or decree. The court shall 2124
have jurisdiction to make a finding of contempt for the failure to 2125
pay support and to impose the penalties set forth in section 2126
2705.05 of the Revised Code in all cases in which past due support 2127
is at issue even if the duty to pay support has terminated, and 2128
shall have jurisdiction to make a finding of contempt for a 2129
failure to comply with, or an interference with, a the visitation 2130
order or decree and to impose the penalties set forth in section 2131
2705.05 of the Revised Code in all cases in which the failure or 2132
interference is at issue even if the visitation order or decree no 2133
longer is in effect. 2134

Sec. 3101.01. Male persons of the age of eighteen years, and 2135
female persons of the age of sixteen years, not nearer of kin than 2136
second cousins, and not having a husband or wife living, may be 2137
joined in marriage. A minor must first obtain the consent of ~~his~~ 2138
the minor's parents, surviving parent, parent who is designated 2139
the residential parent and legal custodian of the child by a court 2140
of competent jurisdiction, ~~the guardian of his person~~ guardian, or 2141
any one of the following who has been awarded permanent custody of 2142
~~him~~ the minor by a court exercising juvenile jurisdiction: 2143

(A) An adult person; 2144

(B) The department of human services or any child welfare 2145
organization certified by such department; 2146

(C) A county department of human services or a county 2147
children services board. 2148

A minor shall not be required to obtain the consent of a 2149
parent who resides in a foreign country, has neglected or 2150
abandoned such minor for a period of one year or longer 2151
immediately preceding ~~his~~ the application for a marriage license, 2152
has been adjudged incompetent, is an inmate of a state mental or 2153
correctional institution, has been permanently deprived of ~~his~~ 2154
~~parental rights~~ parenting functions and responsibilities for the 2155
care of the child and the right to have the child live with ~~him~~ 2156
the parent and to be the legal custodian of the child by a court 2157
exercising juvenile jurisdiction, or has been deprived of ~~his~~ 2158
~~parental rights~~ parenting functions and responsibilities for the 2159
care of the child and the right to have the child live with ~~him~~ 2160
the parent and to be the legal custodian of the child by the 2161
appointment of a guardian of the person of the minor by the 2162
probate court or by any other court of competent jurisdiction. 2163

Sec. 3105.21. (A) Upon satisfactory proof of the causes in 2164

the complaint for divorce, annulment, or legal separation, the 2165
court of common pleas shall make an order for the disposition, 2166
care, and maintenance of the children of the marriage, as is in 2167
their best interests, and in accordance with ~~section 3109.04~~ 2168
sections 3109.40 to 3109.62 of the Revised Code. 2169

(B) Upon the failure of proof of the causes in the complaint, 2170
the court may make the order for the disposition, care, and 2171
maintenance of any dependent child of the marriage as is in the 2172
child's best interest, and in accordance with section 3109.04 of 2173
the Revised Code. 2174

(C) Each order for child support made or modified under this 2175
section on or after December 31, 1993, shall include as part of 2176
the order a general provision, as described in division (A)(1) of 2177
section 3113.21 of the Revised Code, requiring the withholding or 2178
deduction of wages or assets of the obligor under the order as 2179
described in division (D) of section 3113.21 of the Revised Code, 2180
or another type of appropriate requirement as described in 2181
division (D)(6), (D)(7), or (H) of that section, to ensure that 2182
withholding or deduction from the wages or assets of the obligor 2183
is available from the commencement of the support order for 2184
collection of the support and of any arrearages that occur; a 2185
statement requiring all parties to the order to notify the child 2186
support enforcement agency in writing of their current mailing 2187
address, their current residence address, and any changes in 2188
either address; and a notice that the requirement to notify the 2189
agency of all changes in either address continues until further 2190
notice from the court. Any court of common pleas that makes or 2191
modifies an order for child support under this section on or after 2192
April 12, 1990, shall comply with sections 3113.21 to 3113.219 of 2193
the Revised Code. If any person required to pay child support 2194
under an order made under this section on or after April 15, 1985, 2195
or modified on or after December 1, 1986, is found in contempt of 2196

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

(D) Notwithstanding section 3109.01 of the Revised Code, if a
court issues a child support order under this section, the order
shall remain in effect beyond the child's eighteenth birthday as
long as the child continuously attends on a full-time basis any
recognized and accredited high school. Any parent ordered to pay
support under a child support order issued under this section
shall continue to pay support under the order, including during
seasonal vacation periods, until the order terminates.

Sec. 3105.63. (A)(1) A petition for dissolution of marriage
shall be signed by both spouses and shall have attached and
incorporated a separation agreement agreed to by both spouses. The
separation agreement shall provide for a division of all property;
spousal support; if there are minor children of the marriage, the
allocation of ~~parental rights~~ parenting functions and
responsibilities for the care of the minor children, ~~the~~
~~designation of a residential parent and legal custodian of the~~
~~minor children pursuant to sections 3109.40 to 3109.62 Of the~~
Revised Code, and child support, ~~and visitation rights~~; and, if
the spouses so desire, an authorization for the court to modify
the amount or terms of spousal support provided in the separation
agreement. ~~If there are minor children of the marriage, the~~
~~spouses may address the allocation of the parental rights and~~
~~responsibilities for the care of the minor children by including~~
~~in the separation agreement a plan under which both parents will~~

~~have shared rights and responsibilities for the care of the minor 2228
children. The spouses shall file the plan with the petition for 2229
dissolution of marriage and shall include in the plan the 2230
provisions described in division (C) of section 3109.04 of the 2231
Revised Code. 2232~~

(2) The division of property in the separation agreement 2233
shall include any participant account, as defined in section 2234
145.71 of the Revised Code, of either of the spouses, to the 2235
extent of the following: 2236

(a) The moneys that have been deferred by a continuing member 2237
or participating employee, as defined in that section, and that 2238
have been transmitted to the Ohio public employees deferred 2239
compensation board during the marriage and any income that is 2240
derived from the investment of those moneys during the marriage; 2241

(b) The moneys that have been deferred by an officer or 2242
employee of a municipal corporation and that have been transmitted 2243
to the governing board, administrator, depository, or trustee of 2244
the deferred compensation program of the municipal corporation 2245
during the marriage and any income that is derived from the 2246
investment of those moneys during the marriage; 2247

(c) The moneys that have been deferred by an officer or 2248
employee of a government unit, as defined in section 145.74 of the 2249
Revised Code, and that have been transmitted to the governing 2250
board, as defined in that section, during the marriage and any 2251
income that is derived from the investment of those moneys during 2252
the marriage. 2253

(3) The separation agreement shall not require or permit the 2254
division or disbursement of the moneys and income described in 2255
division (A)(2) of this section to occur in a manner that is 2256
inconsistent with the law, rules, or plan governing the deferred 2257
compensation program involved or prior to the time that the spouse 2258

in whose name the participant account is maintained commences 2259
receipt of the moneys and income credited to the account in 2260
accordance with that law, rules, and plan. 2261

(B) An amended separation agreement may be filed at any time 2262
prior to or during the hearing on the petition for dissolution of 2263
marriage. Upon receipt of a petition for dissolution of marriage, 2264
the court may cause an investigation to be made pursuant to the 2265
Rules of Civil Procedure. 2266

(C) If a petition for dissolution of marriage contains an 2267
authorization for the court to modify the amount or terms of 2268
spousal support provided in the separation agreement, the 2269
modification shall be in accordance with section 3105.18 of the 2270
Revised Code. 2271

Sec. 3105.65. (A) If, at the time of the hearing, either 2272
spouse is not satisfied with the separation agreement or does not 2273
wish a dissolution of the marriage and if neither spouse files a 2274
motion pursuant to division (C) of this section to convert the 2275
action to an action for divorce, the court shall dismiss the 2276
petition and refuse to validate the proposed separation agreement. 2277

(B) If, upon review of the testimony of both spouses and of 2278
the report of the investigator pursuant to the Rules of Civil 2279
Procedure, the court approves the separation agreement and any 2280
amendments to it agreed upon by the parties, it shall grant a 2281
decree of dissolution of marriage that incorporates the separation 2282
agreement. ~~If the separation agreement contains a plan for the~~ 2283
~~exercise of shared parenting by the spouses, the~~ the court shall 2284
review the parenting plan included in the separation agreement in 2285
accordance with the provisions of ~~division (D)(1) of section~~ 2286
~~3109.04~~ sections 3109.40 to 3109.62 of the Revised Code that 2287
govern the review of ~~a pleading or motion requesting shared~~ 2288
~~parenting jointly submitted by both spouses to a marriage~~ plans. A 2289

decree of dissolution of marriage has the same effect upon the 2290
property rights of the parties, including rights of dower and 2291
inheritance, as a decree of divorce. The court has full power to 2292
enforce its decree and retains jurisdiction to modify all matters 2293
pertaining to the allocation of ~~parental rights~~ parenting 2294
functions and responsibilities for the care of the children, ~~to~~ 2295
the designation of a residential parent and legal custodian of the 2296
children, ~~to~~ child support, and ~~to~~ visitation under a visitation 2297
order issued under former section 3109.051 Of the Revised Code. 2298
The court, only in accordance with division (E)(2) of section 2299
3105.18 of the Revised Code, may modify the amount or terms of 2300
spousal support. 2301

(C) At any time before a decree of dissolution of marriage 2302
has been granted under division (B) of this section, either spouse 2303
may convert the action for dissolution of marriage into a divorce 2304
action by filing a motion with the court in which the action for 2305
dissolution of marriage is pending for conversion of the action 2306
for dissolution of marriage. The motion shall contain a complaint 2307
for divorce that contains grounds for a divorce and that otherwise 2308
complies with the Rules of Civil Procedure and this chapter. The 2309
divorce action then shall proceed in accordance with the Rules of 2310
Civil Procedure in the same manner as if the motion had been the 2311
original complaint in the action, including, but not limited to, 2312
the issuance and service of summons pursuant to Civil Rules 4 to 2313
4.6, except that no court fees shall be charged upon conversion of 2314
the action for dissolution of marriage into a divorce action under 2315
this division. 2316

Sec. 3107.15. (A) A final decree of adoption and an 2317
interlocutory order of adoption that has become final as issued by 2318
a court of this state, or a decree issued by a jurisdiction 2319
outside this state as recognized pursuant to section 3107.18 of 2320
the Revised Code, shall have the following effects as to all 2321

matters within the jurisdiction or before a court of this state, 2322
whether issued before or after ~~the effective date of this~~ 2323
~~amendment~~ May 30, 1996: 2324

(1) Except with respect to a spouse of the petitioner and 2325
relatives of the spouse, to relieve the biological or other legal 2326
parents of the adopted person of all ~~parental rights~~ parenting 2327
functions and responsibilities, and to terminate all legal 2328
relationships between the adopted person and the adopted person's 2329
relatives, including the adopted person's biological or other 2330
legal parents, so that the adopted person thereafter is a stranger 2331
to the adopted person's former relatives for all purposes 2332
including inheritance and the interpretation or construction of 2333
documents, statutes, and instruments, whether executed before or 2334
after the adoption is decreed, which do not expressly include the 2335
person by name or by some designation not based on a parent and 2336
child or blood relationship; 2337

(2) To create the relationship of parent and child between 2338
petitioner and the adopted person, as if the adopted person were a 2339
legitimate blood descendant of the petitioner, for all purposes 2340
including inheritance and applicability of statutes, documents, 2341
and instruments, whether executed before or after the adoption is 2342
decreed, and whether executed or created before or after ~~the~~ 2343
~~effective date of this amendment~~ May 30, 1996, which do not 2344
expressly exclude an adopted person from their operation or 2345
effect. 2346

(B) Notwithstanding division (A) of this section, if a parent 2347
of a child dies without the relationship of parent and child 2348
having been previously terminated and a spouse of the living 2349
parent thereafter adopts the child, the child's rights from or 2350
through the deceased parent for all purposes, including 2351
inheritance and applicability or construction of documents, 2352

statutes, and instruments, are not restricted or curtailed by the 2353
adoption. 2354

(C) An interlocutory order of adoption, while it is in force, 2355
has the same legal effect as a final decree of adoption. If an 2356
interlocutory order of adoption is vacated, it shall be as though 2357
void from its issuance, and the rights, liabilities, and status of 2358
all affected persons that have not become vested are governed 2359
accordingly. 2360

Sec. 3109.05. (A)(1) In a divorce, dissolution of marriage, 2361
legal separation, or child support proceeding, the court may order 2362
either or both parents to support or help support their children, 2363
without regard to marital misconduct. In determining the amount 2364
reasonable or necessary for child support, including the medical 2365
needs of the child, the court shall comply with sections 3113.21 2366
to 3113.219 of the Revised Code. 2367

(2) The court, in accordance with sections 3113.21 and 2368
3113.217 of the Revised Code, shall include in each support order 2369
made under this section the requirement that one or both of the 2370
parents provide for the health care needs of the child to the 2371
satisfaction of the court, and the court shall include in the 2372
support order a requirement that all support payments be made 2373
through the child support enforcement agency. 2374

(3) Each order for child support made or modified under this 2375
section on or after December 31, 1993, shall include as part of 2376
the order a general provision, as described in division (A)(1) of 2377
section 3113.21 of the Revised Code, requiring the withholding or 2378
deduction of wages or assets of the obligor under the order as 2379
described in division (D) or (H) of section 3113.21 of the Revised 2380
Code, or another type of appropriate requirement as described in 2381
division (D)(6), (D)(7), or (H) of that section, to ensure that 2382
withholding or deduction from the wages or assets of the obligor 2383

is available from the commencement of the support order for 2384
collection of the support and of any arrearages that occur; a 2385
statement requiring both parents to notify the child support 2386
enforcement agency in writing of their current mailing address; 2387
their current residence address, and any changes in either 2388
address, and a notice that the requirement to notify the agency of 2389
all changes in either address continues until further notice from 2390
the court. The court shall comply with sections 3113.21 to 2391
3113.219 of the Revised Code when it makes or modifies an order 2392
for child support under this section. 2393

(B) The juvenile court has exclusive jurisdiction to enter 2394
the orders in any case certified to it from another court. 2395

(C) If any person required to pay child support under an 2396
order made under division (A) of this section on or after April 2397
15, 1985, or modified on or after December 1, 1986, is found in 2398
contempt of court for failure to make support payments under the 2399
order, the court that makes the finding, in addition to any other 2400
penalty or remedy imposed, shall assess all court costs arising 2401
out of the contempt proceeding against the person and require the 2402
person to pay any reasonable attorney's fees of any adverse party, 2403
as determined by the court, that arose in relation to the act of 2404
contempt and, on or after July 1, 1992, shall assess interest on 2405
any unpaid amount of child support pursuant to section 3113.219 of 2406
the Revised Code. 2407

(D) The court shall not authorize or permit the escrowing, 2408
impoundment, or withholding of any child support payment ordered 2409
under this section or any other section of the Revised Code 2410
because of a denial of or interference with a right of 2411
companionship or visitation granted in an order issued under ~~this~~ 2412
former section 3109.051 or 3109.12, section ~~3109.051~~ 3109.59, 2413
~~3109.11~~ 3109.60, ~~3109.12~~ 3109.61, or any other section of the 2414
Revised Code, or as a method of enforcing the specific provisions 2415

of any such order dealing with visitation. 2416

(E) Notwithstanding section 3109.01 of the Revised Code, if a 2417
court issues a child support order under this section, the order 2418
shall remain in effect beyond the child's eighteenth birthday as 2419
long as the child continuously attends on a full-time basis any 2420
recognized and accredited high school. Any parent ordered to pay 2421
support under a child support order issued under this section 2422
shall continue to pay support under the order, including during 2423
seasonal vacation periods, until the order terminates. 2424

Sec. 3109.09. (A) As used in this section, "parent" means one 2425
of the following: 2426

(1) Both parents unless division (A)(2) or (3) of this 2427
section applies; 2428

(2) The parent designated the residential parent and legal 2429
custodian pursuant to an order issued under former section 3109.04 2430
of the Revised Code that is not a shared parenting order; 2431

(3) The custodial parent of a child born out of wedlock with 2432
respect to whom no custody order has been issued. 2433

(B) Any owner of property, including any board of education 2434
of a city, local, exempted village, or joint vocational school 2435
district, may maintain a civil action to recover compensatory 2436
damages not exceeding ten thousand dollars and court costs from 2437
the parent of a minor if the minor willfully damages property 2438
belonging to the owner or commits acts cognizable as a "theft 2439
offense," as defined in section 2913.01 of the Revised Code, 2440
involving the property of the owner. The action may be joined with 2441
an action under Chapter 2737. of the Revised Code against the 2442
minor, or the minor and the minor's parent, to recover the 2443
property regardless of value, but any additional damages recovered 2444
from the parent pursuant to this section shall be limited to 2445

compensatory damages not exceeding ten thousand dollars, as 2446
authorized by this section. A finding of willful destruction of 2447
property or of committing acts cognizable as a theft offense is 2448
not dependent upon a prior finding that the child is a delinquent 2449
child or upon the child's conviction of any criminal offense. 2450

(C)(1) If a court renders a judgment in favor of a board of 2451
education of a city, local, exempted village, or joint vocational 2452
school district in an action brought pursuant to division (B) of 2453
this section, if the board of education agrees to the parent's 2454
performance of community service in lieu of full payment of the 2455
judgment, and if the parent who is responsible for the payment of 2456
the judgment agrees to voluntarily participate in the performance 2457
of community service in lieu of full payment of the judgment, the 2458
court may order the parent to perform community service in lieu of 2459
providing full payment of the judgment. 2460

(2) If a court, pursuant to division (C)(1) of this section, 2461
orders a parent to perform community service in lieu of providing 2462
full payment of a judgment, the court shall specify in its order 2463
the amount of the judgment, if any, to be paid by the parent, the 2464
type and number of hours of community service to be performed by 2465
the parent, and any other conditions necessary to carry out the 2466
order. 2467

(D) This section shall not apply to a parent of a minor if 2468
the minor was married at the time of the commission of the acts or 2469
violations that would otherwise give rise to a civil action 2470
commenced under this section. 2471

(E) Any action brought pursuant to this section shall be 2472
commenced and heard as in other civil actions. 2473

(F) The monetary limitation upon compensatory damages set 2474
forth in this section does not apply to a civil action brought 2475
pursuant to section 2307.70 of the Revised Code. 2476

Sec. 3109.21. As used in sections 3109.21 to 3109.37 of the Revised Code:

(A) "Contestant" means a parent of a child who claims a right to be the residential parent and legal custodian of the child or claims visitation rights pursuant to an order issued under former section 3109.051 or 3109.12 Of the Revised Code or an order issued by a court in another state with respect to the child, or a person, other than a parent of a child, who claims a right to custody or visitation rights with respect to the child.

(B) "Parenting determination" means a court decision and court orders and instructions that, in relation to the parents of a child, allocates ~~parental rights~~ parenting functions and responsibilities for the care of the child, including any designation of visitation rights pursuant to an order issued under former section 3109.051 or 3109.12 Of the Revised Code or an order issued by a court in another state, and designates a residential parent and legal custodian of the child or that, in relation to any other person, provides for the custody of a child, including visitation rights. It does not include a decision relating to child support or any other monetary obligation of any person.

(C) "Parenting proceeding" includes proceedings in which a parenting determination is one of several issues, such as an action for divorce or separation, and includes child neglect and dependency proceedings.

(D) "Decree" or "parenting decree" means a parenting determination contained in a judicial decree or order made in a parenting proceeding, and includes an initial decree and a modification decree.

(E) "Home state" means the state in which the child, immediately preceding the time involved, lived with ~~his~~ the

child's parents, a parent, or a person acting as parent, for at 2507
least six consecutive months, and in the case of a child less than 2508
six months old the state in which the child lived from birth with 2509
any of the persons mentioned. Periods of temporary absence of any 2510
of the named persons are counted as part of the six-month or other 2511
period. 2512

(F) "Initial decree" means the first parenting decree 2513
concerning a particular child. 2514

(G) "Modification decree" means a parenting decree that 2515
modifies or replaces a prior decree, whether made by the court 2516
that rendered the prior decree or by another court. 2517

(H) "Physical custody" means actual possession and control of 2518
a child. 2519

(I) "Person acting as parent" means a person, other than a 2520
parent, who has physical custody of a child and who either has 2521
been awarded custody by a court or claims a right to custody. 2522

Sec. 3109.27. (A) Each party in a parenting proceeding, in 2523
the party's first pleading or in an affidavit attached to that 2524
pleading, shall give information under oath as to the child's 2525
present address, the places where the child has lived within the 2526
last five years, and the name and present address of each person 2527
with whom the child has lived during that period. In this pleading 2528
or affidavit, each party also shall include all of the following 2529
information: 2530

(1) Whether the party has participated as a party, a witness, 2531
or in any other capacity in any other litigation, in this or any 2532
other state, that concerned the allocation, between the parents of 2533
the same child, of ~~parental rights~~ parenting functions and 2534
responsibilities for the care of the child and the designation of 2535
the residential parent and legal custodian of the child or that 2536

otherwise concerned the custody of the same child;	2537
(2) Whether the party has information of any parenting proceeding concerning the child pending in a court of this or any other state;	2538 2539 2540
(3) Whether the party knows of any person who is not a party to the proceeding and has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have visitation rights <u>pursuant to an order issued under former section 3109.051 or 3109.12 Of the Revised Code or an order issued by a court in another state</u> with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;	2541 2542 2543 2544 2545 2546 2547 2548 2549
(4) Whether the party previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child or previously has been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.	2550 2551 2552 2553 2554 2555 2556
(B) If the declaration under division (A)(1), (2), (3), or (4) of this section is in the affirmative, the court may require the declarant to give additional information under oath. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case.	2557 2558 2559 2560 2561 2562
(C) Each party has a continuing duty to inform the court of any parenting proceeding concerning the child in this or any other state of which the party obtained information during this proceeding.	2563 2564 2565 2566
(D) A public children services agency, acting pursuant to a	2567

complaint or an action on a complaint filed under section 2151.27 2568
of the Revised Code, is not subject to the requirements of this 2569
section. 2570

(E) As used in this section, "abused child" has the same 2571
meaning as in section 2151.031 of the Revised Code, and "neglected 2572
child" has the same meaning as in section 2151.03 of the Revised 2573
Code. 2574

Sec. 3109.28. If the court learns from information furnished 2575
by the parties pursuant to section 3109.27 of the Revised Code or 2576
from other sources that a person not a party to the parenting 2577
proceeding has physical custody of the child, claims to be a 2578
parent of the child who has ~~parental rights~~ parenting functions 2579
and responsibilities for the care of the child and who has been 2580
designated the residential parent and legal custodian of the 2581
child, claims to be any other person with custody of the child, or 2582
claims to have visitation rights with respect to the child, it 2583
shall order that person to be joined as a party and to be duly 2584
notified of the pendency of the proceeding and of ~~his~~ the person's 2585
joinder as a party. If the person joined as a party is outside 2586
this state ~~he~~ the person shall be served with process or otherwise 2587
notified in accordance with division (B) of section 3109.23 of the 2588
Revised Code. 2589

Sec. 3109.34. (A) A court of this state may request the 2590
appropriate court of another state to hold a hearing to adduce 2591
evidence, to order a party to produce or give evidence under other 2592
procedures of that state, or to have social studies made with 2593
respect to the allocation of ~~parental rights~~ parenting functions 2594
and responsibilities for the care of a child involved in parenting 2595
proceedings pending in the court of this state, with respect to 2596
the designation of a parent as the residential parent and legal 2597

custodian of the child, and with respect to the custody of the 2598
child in any other person, and to forward to the court of this 2599
state certified copies of the transcript of the record of the 2600
hearing, the evidence otherwise adduced, or any social studies 2601
prepared in compliance with the request. The cost of the services 2602
may be assessed against the parties or, if necessary, paid from 2603
the county treasury and taxed as costs in the case. 2604

(B) A court of this state may request the appropriate court 2605
of another state to order a party to parenting proceedings pending 2606
in the court of this state to appear in the proceedings, and if 2607
that party has physical custody of the child, to appear with the 2608
child. The request may state that travel and other necessary 2609
expenses of the party and of the child whose appearance is desired 2610
will be assessed against another party or will otherwise be paid. 2611

In addition to other procedural devices available to a party, 2612
any party to a parenting proceeding or a guardian ad litem or 2613
other representative of the child may adduce testimony of 2614
witnesses, including parties and the child, by deposition or 2615
otherwise, in another state. The court on its own motion may 2616
direct that the testimony of a person be taken in another state 2617
and may prescribe the manner in which and the terms upon which the 2618
testimony shall be taken. 2619

Sec. 3109.40. (A) As used in sections 3109.40 to 3109.62 of 2620
the Revised Code: 2621

(1) "Parenting functions and responsibilities" includes the 2622
following: 2623

(a) Providing for the physical and emotional safety and 2624
well-being of the child consistent with the child's developmental 2625
level and the parent's social and economic circumstances; 2626

(b) Maintaining a loving, stable, consistent, and nurturing 2627

<u>relationship with the child;</u>	2628
(c) <u>Responsibly attending to the needs of the child for discipline, support, health, personal care, grooming, and supervision;</u>	2629 2630 2631
(d) <u>Responsibly attending to the CHILD'S need to engage in ACTIVITIES appropriate to the child's developmental level and the parent's social and economic circumstances;</u>	2632 2633 2634
(e) <u>Aiding the child's educational development;</u>	2635
(f) <u>Assisting the child in developing appropriate interpersonal relationships;</u>	2636 2637
(g) <u>Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the parent's social and economic circumstances.</u>	2638 2639 2640
(2) <u>"Evaluator" means a person appointed by a court pursuant to section 3109.48 Of the Revised Code.</u>	2641 2642
(3) <u>"Family file" means a separate file maintained by the court regarding any family whose members are parties to a case involving the allocation of parenting functions and responsibilities. A family file may include the family's history, the court-appointed evaluator's report and work notes from interviews, psychological or psychiatric evaluations, substance abuse evaluations or tests, school records, health records, results of inquiries made pursuant to section 3109.48 of the Revised Code, and other material relevant to the best interests of a child. a family file is not a public record pursuant to section 149.43 of the Revised Code.</u>	2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653
(4) <u>"Interim parenting order" means an order issued pursuant to section 3109.43 Of the Revised Code.</u>	2654 2655
(5) <u>"Mediation assessment" means the assessment that may be required under section 3109.55 Of the Revised Code.</u>	2656 2657

(6) "Mediation process" means the process that may be established pursuant to section 3109.55 Of the Revised Code. 2658
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(7) "Parenting plan" means a plan required to be filed with the court under section 3109.42 Of the Revised Code. 2660
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(B) For purposes of the Revised Code: 2662

(1) A parent who is granted the care, custody, and control of a child under an order issued pursuant to former section 3109.04 of the Revised Code as it existed prior to april 11, 1991, that is not a shared parenting order has "custody of the child" and "care, custody, and control" of the child under the order, is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order, and is the "residential parent for purposes of receiving child support" under the order. 2663
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(2) A parent who is primarily allocated the parental rights and responsibilities for the care of a child and is designated as the residential parent and legal custodian of the child under an order issued pursuant to former section 3109.04 of the Revised Code on or after April 11, 1991, that is not a shared parenting order has "custody of the child" and "care, custody, and control of the child" under the order, is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order, and is the "residential parent for purposes of receiving child support" under the order. 2672
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(3) A parent who, under an order issued pursuant to former section 3109.04 of the Revised Code prior to April 11, 1991, that is not a shared parenting order, is not granted custody of a child, is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent," of the child under the order, or is the "parent who is not the residential parent for purposes of 2682
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receiving child support" of the child under the order. 2689

(4) A parent who, under an order issued pursuant to former 2690
section 3109.04 of the Revised Code on or after April 11, 1991, 2691
that is not a shared parenting order, is not primarily allocated 2692
the parental rights and responsibilities for the care of a child 2693
and is not designAted as the residential parent and legal 2694
custodian of the child, is the "parent who is not the residential 2695
parent," the "parent who is not the residential parent and legal 2696
custodian," or the "noncustodial parent," of the child under the 2697
order, or is the "parent who is not the residential parent for 2698
purposes of receiving child support" under the order. 2699

(5) Unless the context clearly requires otherwise, if a 2700
shared parenting order has been issued, both parents have "custody 2701
of the child" or "care, custody, and control of the child" under 2702
the order, to the extent and in the manner specified in the order. 2703

(6) Unless the context clearly requires otherwise and except 2704
as otherwise provided in the order, if a shared parenting ORDER 2705
HAS been issued, each parent, regardless of where the child is 2706
physically located or with whom the child is residing at a 2707
particular time, as specified in the order, is the "residential 2708
parent," the "residential parent and legal custodian," or the 2709
"custodial parent" of the child. 2710

(7) if a shared parenting order has been issued, the parent 2711
to whom child support is required to be paid under the order is 2712
the "residential parent for purposes of receiving child support" 2713
under the order. the parent required to pay child support under 2714
the order is the "parent who is not the residential parent for 2715
purposes of receiving child support" under the order. the 2716
designation made in division (b)(7) of this section of one parent 2717
as the "residential parent for purposes of receiving child 2718
support" and the other parent as the "parent who is not the 2719
residential parent for purposes of receiving child support" does 2720

not affect the designation in division (b)(6) of this section of 2721
each parent as the "residential parent," "residential parent and 2722
legal custodian," or the "custodial parent" of the child under the 2723
order. 2724

(8) unless the context clearly requires otherwise and except 2725
as otherwise provided in the order, a designation in the order of 2726
a parent as the residential parent for the purpose of determining 2727
the school the child attends, a parent as the custodial parent for 2728
purposes of claiming the child as a dependent pursuant to section 2729
152(e) of the "internal revenue code of 1986," 100 stat. 2085, 26 2730
u.s.c.a. 1, as amended, or one of the parents' residences as the 2731
child's home for purposes of receiving public assistance, does not 2732
affect the designation pursuant to division (B)(6) of this section 2733
of each parent as the "residential parent," "residential parent 2734
and legal custodian," or the "custodial parent" of the child under 2735
the order. 2736

(9) the following designations in a parenting decree issued 2737
pursuant to division (a)(1) or (2) of section 3109.49 of the 2738
Revised Code or interim parenting order do not affect the 2739
designation required under section 3109.44 of the Revised Code of 2740
each parent as the "residential parent," the "residential parent 2741
and legal custodian," or the "custodial parent" of the child: 2742

(a) Designation of a parent as the residential parent for the 2743
purpose of determining the school the child attends; 2744

(b) Designation of a parent as the custodial parent for 2745
purposes of claiming the child as a dependent pursuant to section 2746
151 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 2747
U.S.C.a. 1, as amended; 2748

(c) Designation of one of the parents' residences as the 2749
child's home for purposes of receiving public assistance; 2750

(d) Designation of a parent as residential parent for 2751

<u>purposes of receiving child support;</u>	2752
(e) <u>Designation of a parent as the residential parent for any other PURPOSE, including the enforcement of an international treaty and state and federal criminal laws;</u>	2753 2754 2755
(f) <u>designation of the parent responsible for the provision of health, dental, and vision insurance for the child.</u>	2756 2757
(10) <u>"SHARED PARENTING order" MEANS an order ISSUED UNDER former SECTION 3109.04 OF THE REVISED CODE that ALLOCATES to both parents THE PARENTAL RIGHTS AND RESPONSIBILITIES for THE CARE OF THE CHILD AND REQUIRES them TO SHARE ALL OR SOME OF THE PHYSICAL AND LEGAL CARE OF THE CHILD. "SHARED PARENTING order" INCLUDES AN ORDER ISSUED UNDER former SECTION 3109.04 Of the Revised Code as it existed prior to APRIL 11, 1991, that GRANTS JOINT CUSTODY, CARE, AND CONTROL OF A CHILD.</u>	2758 2759 2760 2761 2762 2763 2764 2765
Sec. 3109.401. (A) <u>The General Assembly finds the following:</u>	2766 2767
(1) <u>That the parent and child relationship is of fundamental importance to the welfare of a child, and that the relationship between a child and each parent should be fostered unless inconsistent with the child's best interests;</u>	2768 2769 2770 2771
(2) <u>That parents have the responsibility to make decisions and perform other parenting functions necessary for the care and growth of their children;</u>	2772 2773 2774
(3) <u>That the courts, when allocating parenting functions and responsibilities with respect to the child in a divorce, dissolution, legal separation, annulment, or any other proceeding addressing the allocation of parental functions and responsibilities, must determine the child's best interests;</u>	2775 2776 2777 2778 2779
(4) <u>That the courts and parents must take into consideration the following general principles when allocating parenting</u>	2780 2781

<u>functions and responsibilities and developing appropriate terms</u>	2782
<u>for parenting plans:</u>	2783
(a) <u>Children are served by a parenting arrangement that best</u>	2784
<u>provides for a child's safety, emotional growth, health,</u>	2785
<u>stability, and physical care;</u>	2786
(b) <u>Exposure of the child to harmful parental conflict should</u>	2787
<u>be minimized as much as possible;</u>	2788
(c) <u>Whenever appropriate, parents should be encouraged to</u>	2789
<u>meet their responsibilities to their children through agreements</u>	2790
<u>rather than by relying on judicial intervention;</u>	2791
(d) <u>When a parenting plan provides for mutual decision-making</u>	2792
<u>responsibility by the parents but they are unable to make</u>	2793
<u>decisions mutually, they should make a good faith effort to</u>	2794
<u>utilize the mediation process, as required by the parenting plan;</u>	2795
	2796
(e) <u>In apportioning between the parents the daily physical</u>	2797
<u>living arrangements of the child and the child's location during</u>	2798
<u>legal and school holidays, vacations, and days of special</u>	2799
<u>importance, a court may not adopt, promulgate, or apply any type</u>	2800
<u>of standard schedule.</u>	2801
(B) <u>It is, therefore, the purpose of sections 3109.40 to</u>	2802
<u>3109.62 of the Revised Code, when it is in the child's best</u>	2803
<u>interest, to foster the relationship between the child and each</u>	2804
<u>parent when a court allocates parenting functions and</u>	2805
<u>responsibilities with respect to the child in a divorce,</u>	2806
<u>dissolution, legal separation, annulment, or any other proceeding</u>	2807
<u>addressing the allocation of parental functions and</u>	2808
<u>responsibilities.</u>	2809
Sec. 3109.03 <u>3109.41</u> . When husband and wife are living	2810
separate and apart from each other, or are divorced, and the	2811

question as to the ~~parental rights~~ parenting functions and 2812
responsibilities for the care of their children and the place of 2813
residence and legal custodian of their children is brought before 2814
a court of competent jurisdiction, they shall stand upon an 2815
equality as to the ~~parental rights~~ parenting functions and 2816
responsibilities for the care of their children and the place of 2817
residence and legal custodian of their children, so far as 2818
parenthood is involved. 2819

Sec. 3109.42. (A) At the time of filing a petition for 2820
dissolution of a marriage that involves one or more minor 2821
children, the parties to the action shall jointly file with the 2822
court a proposed joint parenting plan for the children of the 2823
marriage that sets forth the allocation of their parenting 2824
functions and responsibilities pursuant to section 3109.44 of the 2825
Revised Code. 2826

(B) A party who files a complaint in an action for divorce, 2827
legal separation, or annulment, or for the allocation of parenting 2828
functions and responsibilities with respect to a child pursuant to 2829
section 3109.62 of the Revised Code or any other section of the 2830
revised code, shall file with the court a proposed parenting plan 2831
that makes the allocation of parenting functions and 2832
responsibilities for the care of the children required pursuant to 2833
section 3109.44 of the Revised Code. The plan shall be filed with 2834
the court at the time the complaint is filed, except that, for 2835
good cause shown, the court may grant one fourteen-day extension. 2836
At the time of filing the plan, the party shall serve a copy of 2837
it, accompanied by the notice described in division (C) of this 2838
section, on the other parent who is a party to the action. 2839

The responding party may file with the court a separate 2840
proposed parenting plan. the plan must make an allocation of 2841
parenting functions and RESPONSIBILITIES for the care of the 2842

children required under section 3109.44 of the Revised Code. The 2843
plan must be filed with the court not later than twenty-eight days 2844
after the day the responding party was served the original 2845
proposed parenting plan, except that for good cause shown the 2846
court may grant one fourteen-day extension. If the responding 2847
party fails to file a separate proposed parenting plan not later 2848
than forty-two days after being served the original proposed plan, 2849
the responding party shall be considered to be in agreement with 2850
the original proposed plan and the court shall treat the original 2851
proposed plan as a joint parenting plan filed under division (A) 2852
of this section and review it under division (E)(1) of this 2853
section. 2854

(C) a party who files a proposed parenting plan pursuant to 2855
division (b) of this section shall serve the following notice on 2856
the other parent at the time the proposed parenting plan is served 2857
on that parent: 2858

"you have twenty-eight days after the date of service of the 2859
proposed parenting plan to file with the clerk of courts your own 2860
proposed parenting plan for the court to approve and incorporate 2861
into a parenting decree. For good cause shown, the court may grant 2862
you one extension of fourteen days for the filing of your proposed 2863
parenting plan. If you do not file your own proposed parenting 2864
plan, the failure to file creates a rebuttable presumption that 2865
you agree that the proposed parenting plan served on you is in the 2866
best interest of each child. 2867

if the action is for divorce, legal separation, or annulment 2868
You may ask the court to issue an interim parenting order in your 2869
answer or counterclaim or by motion served with the pleading, or 2870
you may respond to a request made for an interim parenting order 2871
by filing a counter affidavit, pursuant to Civil Rule 75 and 2872
section 3109.43 of the Revised Code. An answer, counterclaim, or 2873
motion filed with a pleading that includes a request for an 2874

interim parenting order must set forth the terms of the interim parenting plan and be accompanied by both of the following: 2875
2876

(1) an affidavit in support of the answer, counterclaim, or motion that contains the following information: 2877
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(a) The nature and extent of the parenting functions and responsibilities performed by you and the other parent during the twelve months prior to the filing of the motion; 2879
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(b) The residential, employment, and activity schedules of you and the other parent, and the day-care, school, and activity schedule of each child for the twelve months prior to the filing of the motion; 2882
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(c) Any anticipated changes in your or the other parent's residential, employment, and activity schedules, and the anticipated day-care, school, and activity schedules of each child during the next six months; 2886
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(d) Facts related to the existence of any of the factors set forth in section 3109.50 of the Revised Code that could pose a serious risk of harm to the child or warrant limitation or restriction of a parent's time with a child, or any other limitation or restriction; 2890
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(2) the appropriate child support worksheet under division (E) or (F) of section 3113.215 of the Revised Code that has been completed, signed by you and the other parent, and notarized." 2895
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(D) A proposed parenting plan must be signed by the party proposing it and include a statement that the terms of the plan are being proposed in good faith. 2898
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(E) On the filing of a parenting plan pursuant to this section, the court shall comply with division (E)(1) or (2) of this section, whichever is applicable: 2901
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2903

(1) If the plan is a joint parenting plan under division (A) 2904

of this section, the court shall review the plan to determine 2905
whether it is in the best interest of the children. The court 2906
shall approve the plan if it determines that the plan is in the 2907
best interest of the children. If it determines that the plan or 2908
any part of the plan is not in the best interest of the children, 2909
the court shall require the parents to make revisions to meet the 2910
court's objections. If the revised plan is in the best interest of 2911
the children, the court shall approve it. If the revisions are not 2912
made or the court determines that the revised plan or any part of 2913
the revised plan is not in the best interest of the children, the 2914
court may reject the plan. 2915

Parents may jointly propose revisions to a plan that are not 2916
required by the court by jointly filing copies of the proposed 2917
revisions with the court. The proposed revisions shall be filed no 2918
later than thirty days prior to the first day of the final hearing 2919
on the allocation of parenting functions and responsibilities. The 2920
court shall not approve a plan under this division unless it 2921
determines that the plan is in the best interest of the children. 2922

(2) If each parent proposes a parenting plan pursuant to 2924
division (B) of this section, the court shall review each plan to 2925
determine whether either is in the best interest of the children. 2926
If it determines that one of the plans is in the best interest of 2927
the children, the court may approve the plan. If it determines 2928
that neither plan is in the best interest of the children, the 2929
court may order each parent to submit appropriate revisions to the 2930
parent's plan or both of the plans to meet the court's objections, 2931
or may select one of the plans and order each parent to submit 2932
revisions to the selected plan to meet the court's objections. If 2933
revisions to the plan are submitted to meet the court's objections 2934
and one of the revised plans is in the best interest of the 2935
children, the court may approve the plan with the revisions. If 2936

revisions are not made, or the court determines that neither of 2937
the revised plans is in the best interest of the children, the 2938
court may reject the proposed plans. When the court approves a 2939
plan under division (E)(2) of this section, either as originally 2940
filed or as revised, or rejects the parents' proposed plans, the 2941
court shall enter in the record of the case findings of fact and 2942
conclusions of law as to the reasons for the approval or 2943
rejection. A parent may propose changes that are not required by 2944
the court to the parent's plan by filing copies of the proposed 2945
changes with the court and serving them on the other parent. The 2946
proposed changes shall be filed and served no later than thirty 2947
days prior to the first day of the final hearing on the allocation 2948
of parenting functions and responsibilities. 2949

The approval of a plan under division (E)(2) of this section 2950
is discretionary with the court. The court shall not approve more 2951
than one plan and shall not approve a plan unless it determines 2952
that the plan is in the best interest of the children. If the 2953
court does not determine that any filed plan or any revised plan 2954
is in the best interest of the children, the court shall approve a 2955
plan of its own devising that complies with section 3109.44 of the 2956
Revised Code. 2957

Sec. 3109.43. (A) A pleading or motion requesting the 2958
issuance of an interim parenting order shall specify either that 2959
the party making the request asks the court to adopt the party's 2960
proposed parenting plan as the interim parenting order or that the 2961
party asks the court to issue an order containing provisions 2962
specified in the motion. 2963

The pleading or motion must be accompanied by both of the 2964
following: 2965

(1) an affidavit that contains the following information: 2966

(a) The nature and extent of the parenting functions and 2967

responsibilities performed by the party and the other parent 2968
during the twelve months prior to the filing of the motion OR 2969
PLEADING; 2970

(b) The residential, employment, and activity schedules of 2971
the party and the other parent, and the day-care, school, and 2972
activity schedule of each child for the twelve months prior to the 2973
filing of the motion OR PLEADING; 2974

(c) Any anticipated changes in the residential, employment, 2975
and activity schedules of the party and the other parent, and the 2976
anticipated day-care, school, and activity schedules of each child 2977
during the next six months; 2978

(d) Facts related to the existence of any of the factors set 2979
forth in section 3109.50 of the Revised Code that could pose a 2980
serious risk of harm to the child or warrant limitation or 2981
restriction of a parent's time with a child, or any other 2982
limitation or restriction; 2983

(2) the Appropriate child support worksheet under division 2984
(E) or (F) of section 3113.215 of the Revised Code that has been 2985
completed, signed by both parties, and notarized. 2986

(B) No later than fourteen days after a pleading or motion 2987
requesting that an interim parenting order be issued is served, 2988
the other party may file with the court a counter affidavit. The 2989
counter affidavit shall comply with the requirements of division 2990
(A)(1) of this section, unless the party filing the counter 2991
affidavit previously asked the court to issue an interim parenting 2992
order in the proceeding and the request is pending. No later than 2993
seven days after a counter affidavit is filed, both parties may 2994
file additional affidavits addressing the issues raised in the 2995
counter affidavit. The court, on good cause shown, may grant an 2996
additional seven days to either or both parties to file additional 2997
affidavits. The court shall issue an interim parenting order that 2998

is in the best interest of the child no later than forty-two days 2999
after the date of service of the first pleading or motion in the 3000
proceeding requesting the court to issue an interim parenting 3001
order. If both parties request the issuance of an interim 3002
parenting order, the court shall not issue an order until after 3003
expiration of all time PERIODS during which the parties may file 3004
affidavits. If only one parent requests the issuance of an interim 3005
parenting order, the court may issue an order fourteen days after 3006
service of the pleading or motion requesting the issuance of the 3007
interim parenting order. At any time prior to the issuance of a 3008
final parenting order in the proceeding, the parties may submit an 3009
agreed interim parenting order for the court's consideration and 3010
approval. 3011

(C) on the request of either or both parents or whenever the 3012
court determines it is in the best interest of the child, the 3013
court shall modify the interim parenting order if the 3014
modifications comply with the requirements of section 3109.44 of 3015
the Revised Code and are in the best interest of the child. 3016

Sec. 3109.44. (A) A proposed parenting plan and parenting 3017
decree, or an interim parenting order shall make the allocation, 3018
between the parents, of the parenting functions and 3019
RESPONSIBILITIES for the care of the child by including provisions 3020
that do the following: 3021

(1) apportion between the parents The daily physical living 3022
arrangements of the child; 3023

(2) designate The child's physical location during legal and 3024
school holidays, vacations, and days of special importance; 3025

(3) assign duties to Transport the child between each 3026
parent's residence and to special activities or functions in which 3027
the child is participating; 3028

(4) provide for Communication with the parent with whom the 3029

<u>child is not currently residing;</u>	3030
(5) <u>determine each parent's child support obligation pursuant to sections 3113.21 to 3113.219 of the Revised Code;</u>	3031 3032
(6) <u>designate one parent as the residential parent for purposes of receiving child support;</u>	3033 3034
(7) <u>designate the parent required to pay health insurance pursuant to section 3113.217 of the Revised Code, vision insurance, and dental insurance for the child;</u>	3035 3036 3037
(8) <u>determine Each parent's responsibility to pay for health, dental, or vision care expenses for the child that are not covered by insurance;</u>	3038 3039 3040
(9) <u>determine The school the child will attend and DESIGNATE one parent as the residential parent for purposes of determining the school the child attends;</u>	3041 3042 3043
(10) <u>determine the child's participation in extracurricular activities;</u>	3044 3045
(11) <u>assign duties concerning Arrangements for child care and allocate the child care costs between the parents;</u>	3046 3047
(12) <u>Allocate between the parents the responsibility and authority to make decisions CONCERNING the child's health care, education, religious training, extracurricular activities, grooming, personal care, discipline, privileges, supervision, and any other matters related to the child's welfare;</u>	3048 3049 3050 3051 3052
(13) <u>designate one parent as The parent who may claim the child as a dependent for federal income tax purposes as set forth in section 151 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.a. 1, as amended;</u>	3053 3054 3055 3056
(14) <u>provide pursuant to section 3109.56 Of the Revised Code for PARENTAL access to all records pertaining to the child, the child's school activities, and the day care center attended by the</u>	3057 3058 3059

child; 3060

(15) require mediation pursuant to section 3109.55 of the 3061
Revised Code of disputes between the parents regarding the 3062
parenting functions and responsibilities under the parenting 3063
decree. 3064

(B) Each proposed parenting plan and decree and interim 3065
parenting order shall include, if necessary for the purposes of 3066
receiving public assistance, a provision designating the residence 3067
of one of the parents as the child's home. an allocation of 3068
parenting functions and responsibilities made under division (a) 3069
of this section is subject to any limitation placed on either 3070
parent pursuant to section 3109.50 of the Revised Code 3071

(C) Notwithstanding the allocation of parenting functions and 3072
responsibilities made pursuant to divisions (a) and (b) of this 3073
section and except as limited by a court pursuant to section 3074
3109.50 of the Revised Code, a parenting plan or decree or interim 3075
parenting order shall designate both parents as the residential 3076
parent and legal custodian of the child, the residential parent, 3077
or the custodial parent and shall contain A provision permitting 3078
either parent to exercise all the authority that a parent may 3079
exercise pursuant to law and make all decisions concerning the 3080
child's health and safety, including emergency decisions. 3081

Sec. 3109.45. (A) The court shall take into account the best 3082
interest of the child when making the allocation of parenting 3083
functions and responsibilities in a divorce, dissolution, legal 3084
separation, or annulment proceeding; a proceeding under section 3085
3109.43 Of the Revised Code for the issuance of an interim 3086
parenting order; a proceeding under section 3109.62 of the Revised 3087
Code or any other original proceeding; a proceeding under section 3088
3109.51 of the Revised Code for modification of a prior decree or 3089
order making the allocation; or a relocation proceeding under 3090
section 3109.57 of the Revised Code. in determining the child's 3091

best interest, the court shall consider all relevant factors, 3092
including: 3093

(1) The wishes of the child's parents regarding the child's 3094
care, including any oral or written agreement knowingly and 3095
voluntarily made between the parents; 3096

(2) if the court has interviewed the child in chambers 3097
pursuant to section 3109.46 of the Revised Code, the wishes and 3098
concerns of the child; 3099

(3) the child's interaction and interrelationship with 3100
siblings, relatives, and any other person who may significantly 3101
affect the child's best interest; 3102

(4) the child's involvement with physical surroundings, 3103
school, community, and significant activities; 3104

(5) the mental and physical health of all persons involved; 3105

(6) whether either parent has failed repeatedly to be 3106
financially responsible for the child by failing to make all child 3107
support payments, including all arrearages, required of that 3108
parent pursuant to a child support order or by failing to provide 3109
health, dental, and vision insurance for the child or pay any 3110
health, dental, or vision care expenses for the child are not 3111
covered by insurance; 3112

(7) the relative strength, nature, and stability of the 3113
child's relationship with each parent; 3114

(8) the willingness of the parents to communicate with each 3115
other effectively regarding the best interests of the child; 3116

(9) whether either parent has denied the other parent access 3117
to the child in violation of any of the following: an order 3118
allocating parental rights and responsibilities issued pursuant to 3119
former section 3109.04 of the Revised Code, an order allocating 3120
parenting functions and responsibilities issued pursuant to 3121

<u>section 3109.49 of the Revised code, or an order granting</u>	3122
<u>companionship and visitation rights issued pursuant to former</u>	3123
<u>section 3109.051 of the Revised Code;</u>	3124
(10) <u>whether either parent has established a residence or is</u>	3125
<u>planning to establish a residence outside this state;</u>	3126
(11) <u>Evidence of each parent's exercise or failure to</u>	3127
<u>exercise appropriate parenting behavior and the potential for each</u>	3128
<u>parent to exercise or fail to exercise appropriate parenting</u>	3129
<u>behavior in the future;</u>	3130
(12) <u>the age, emotional needs, and developmental level of the</u>	3131
<u>child;</u>	3132
(13) <u>each parent's employment and activity schedules;</u>	3133
(14) <u>the child's school and child care schedules;</u>	3134
(15) <u>any recommendation of the child's guardian ad litem;</u>	3135
(16) <u>any mediation report filed pursuant to section 3109.55</u>	3136
<u>of the Revised Code;</u>	3137
(17) <u>any report admitted into evidence pursuant to section</u>	3138
<u>3109.48 of the Revised Code;</u>	3139
(18) <u>a parent's failure to attend the parenting education</u>	3140
<u>seminar required by section 3109.54 of the Revised Code;</u>	3141
(19) <u>a parent's failure to attend the mediation assessment</u>	3142
<u>pursuant to section 3109.55 of the Revised Code;</u>	3143
(20) <u>any other factor the court considers relevant.</u>	3144
(B) <u>when allocating parenting functions and responsibilities</u>	3145
<u>for the care of children, the court shall not give preference to a</u>	3146
<u>parent because of that parent's financial status or condition.</u>	3147
Sec. 3109.46. (A) <u>In determining the child's best interest</u>	3148
<u>for purposes of making its allocation of parenting functions and</u>	3149
<u>responsibilities for the care of the child in a divorce,</u>	3150

dissolution, legal separation, or annulment proceeding involving a 3151
child, in a proceeding under section 3109.43 Of the Revised Code 3152
for the issuance of an interim parenting order, in a proceeding 3153
under section 3109.62 Of the Revised Code or any other original 3154
proceeding, in a proceeding under section 3109.51 Of the Revised 3155
Code for modification of a prior decree or order making the 3156
allocation, or in a relocation proceeding under section 3109.57 Of 3157
the Revised Code, and for purposes of resolving any issues related 3158
to the making of that allocation, the court may and, on the 3159
request of either party, shall interview in chambers any or all of 3160
the involved children regarding their wishes and concerns with 3161
respect to the allocation. 3162

(B) If the court interviews any child pursuant to division 3163
(A) of this section, all of the following apply: 3164

(1) The court may and, on the motion of either parent, shall 3165
appoint a guardian ad litem for the child. 3166

(2) The court first shall determine the reasoning ability of 3167
the child. If the court determines that the child does not have 3168
sufficient reasoning ability to express the child's wishes and 3169
concerns with respect to the allocation of parenting functions and 3170
responsibilities for the care of the child, it shall not determine 3171
the child's wishes and concerns with respect to the allocation. If 3172
the court determines that the child has sufficient reasoning 3173
ability to express the child's wishes or concerns with respect to 3174
the allocation, it then shall determine whether, because of 3175
special circumstances, it would not be in the best interest of the 3176
child to determine the child's wishes and concerns with respect to 3177
the allocation. If the court determines that, because of special 3178
circumstances, it would not be in the best interest of the child 3179
to determine the child's wishes and concerns with respect to the 3180
allocation, it shall not determine the child's wishes and concerns 3181
with respect to the allocation and shall enter its written 3182

findings of fact and opinion in the journal. If the court 3183
determines that it would be in the best interest of the child to 3184
determine the child's wishes and concerns with respect to the 3185
allocation, it shall make that determination. 3186

(3) The interview shall be conducted in chambers, and no 3187
person other than the child, the child's attorney, the judge, any 3188
necessary court personnel, and, in the judge's discretion, the 3189
attorney of each parent shall be permitted to be present in the 3190
chambers during the interview. If requested by any party, a record 3191
shall be made of the interview. 3192

(C) No person shall obtain or attempt to obtain from a child 3193
a written or recorded statement or affidavit setting forth the 3194
child's wishes and concerns regarding the allocation of parenting 3195
functions and responsibilities concerning the child. No court, in 3196
determining the child's best interest for purposes of making its 3197
allocation of parenting functions and responsibilities for the 3198
care of the child or for purposes of resolving any issues related 3199
to the making of that allocation, shall accept or consider a 3200
written or recorded statement or affidavit that purports to set 3201
forth the child's wishes and concerns regarding those matters. 3202

Sec. 3109.47. (A) a court may appoint a guardian ad litem to 3203
protect the interests of a child when making the allocation of 3204
parenting functions and responsibilities for the care of a child 3205
in any of the following: a divorce, dissolution, legal separation, 3206
or annulment proceeding; a proceeding under section 3109.43 Of the 3207
Revised Code for the issuance of an interim parenting order; a 3208
proceeding under section 3109.62 of the Revised Code or any other 3209
original proceeding; a proceeding under section 3109.51 of the 3210
Revised Code for modification of a prior decree or order making 3211
the allocation; or a relocation proceeding under section 3109.57 3212
of the Revised Code. the guardian ad litem shall work with the 3213
court's evaluator and may consult with any person who may have 3214

information relevant to the allocation of parenting functions and 3215
responsibilities. The guardian ad litem shall have full access to 3216
the family file that addresses the child and may propose 3217
provisions for a parenting plan consistent with the best interests 3218
of any child involved. the court shall order the parents to pay 3219
the fees of the guardian ad litem and shall allocate the fees 3220
between the parents, except that if the parents are indigent, the 3221
court shall order the fees to be paid by the county in which the 3222
child resides. the court may appoint a qualified volunteer as the 3223
guardian ad litem. 3224

(B) the court may appoint an attorney to represent the 3225
interests of a child in any original proceeding to allocate, or 3226
any proceeding for modification of a prior order allocating, the 3227
parenting functions and responsibilities with respect to the 3228
child. The court shall order the parents to pay the fees of the 3229
attorney and shall allocate the fees between the parents, except 3230
that if the parents are indigent, the court shall order the fees 3231
to be paid by the county in which the child resides. the court may 3232
appoint as the child's attorney an attorney who has volunteered to 3233
provide services free of charge. 3234

(C) a guardian ad litem appointed pursuant to division (A) of 3235
this section may also serve as the attorney for the child if the 3236
guardian ad litem is an attorney admitted to the practice of law 3237
in this state and no conflict of interest is created or is likely 3238
to be created by the guardian ad litem serving as the attorney for 3239
the child. If the court or the guardian ad litem determines that a 3240
conflict of interest may exist, the court may retain the person as 3241
the guardian ad litem and may appoint another person as the 3242
child's attorney. 3243

Sec. 3109.48. prior to trial in any proceeding involving the 3244
allocation of parenting functions and responsibilities with 3245
respect to a child, the court may cause an investigation and 3246

evaluation to be made as to the character, family relations, past 3247
conduct, parenting functions and parenting arrangements of each 3248
parent and may order the parents and their minor children to 3249
submit to medical examinations, including examinations to detect 3250
substance abuse, and psychological examinations. if a person who 3251
has significant contact with a child and is significantly involved 3252
in the child's life is joined as A party to the proceeding, the 3253
court may require an investigation and evaluation of the person 3254
which shall be conducted of the person in the same manner as the 3255
investigation and evaluation of the parents. 3256

a report of the investigation and evaluation shall be 3257
prepared and signed by an evaluator designated by the court to 3258
conduct it. The evaluator may consult any person who may have 3259
information about the child. the report and all work papers and 3260
notes related to the investigation shall be added to the family 3261
file. the family file shall be made available to counsel of record 3262
for each parent, or directly to any parent not represented by 3263
counsel, no later than thirty days prior to the final hearing on 3264
the issue of the allocation of the parenting functions and 3265
responsibilities, unless a shorter period of time is ordered by 3266
the court for good cause shown. the evaluator shall be subject to 3267
cross-examination by either parent concerning the contents of the 3268
report. 3269

Sec. ~~3109.04~~ 3109.49. (A) In any divorce, legal separation, 3270
or annulment proceeding and in any proceeding pursuant to section 3271
3109.62 Of the Revised Code or any other section Of the Revised 3272
Code pertaining to the allocation of ~~parental rights~~ parenting 3273
functions and responsibilities for the care of a child, upon 3274
hearing the testimony of either or both parents and considering 3275
any mediation report filed pursuant to section ~~3109.052~~ 3109.55 of 3276
the Revised Code and in accordance with sections 3109.21 to 3277
3109.36 of the Revised Code, the court shall allocate the ~~parental~~ 3278

~~rights parenting functions~~ and responsibilities for the care of 3279
~~each of the minor children of the marriage in accordance with the~~ 3280
~~best interest of the children.~~ Subject to ~~division (D)(2) of this~~ 3281
~~section sections 3109.50 and 3109.56 Of the Revised Code,~~ the 3282
court may allocate the ~~parental rights~~ parenting functions and 3283
responsibilities for the care of the children in either any of the 3284
following ways: 3285

(1) If ~~neither parent files a pleading or motion in~~ 3286
~~accordance with division (C) of this section, if at least one~~ 3287
~~parent files a pleading or motion under that division but no~~ 3288
~~parent who filed a pleading or motion under that division also~~ 3289
~~files a plan for shared parenting, or if at least one parent files~~ 3290
~~both a pleading or motion and a shared~~ no proposed parenting plan 3291
filed by either or both parents under that division but ~~no plan~~ 3292
~~for shared parenting~~ section 3109.42 Of the Revised Code is in the 3293
best interest of the children, the court, in a manner consistent 3294
with the best interest of the children, ~~shall allocate~~ may issue a 3295
parenting decree that makes the appropriate allocation of the 3296
~~parental rights~~ parenting functions and responsibilities for the 3297
care of the children ~~primarily to one of the parents, designate~~ 3298
~~that parent as the residential parent and the legal custodian of~~ 3299
~~the child, and divide between the parents the other rights and~~ 3300
responsibilities for the care of the children, including, but not 3301
limited to, the responsibility to provide support for the children 3302
and the right of the parent who is not the residential parent to 3303
~~have continuing contact with the children~~ between the parents 3304
pursuant to the requirements of section 3109.44 Of the Revised 3305
Code 3306

(2) If at least one parent files a ~~pleading or motion in~~ 3307
~~accordance with division (C) of this section and a plan for shared~~ 3308
proposed parenting ~~pursuant to that division~~ plan under section 3309
3109.42 Of the Revised Code and if a plan ~~for shared parenting~~ is 3310

in the best interest of the children and is approved by the court 3311
in accordance with division ~~(D)(1)(E)~~ of ~~this~~ section 3109.42 Of 3312
the Revised Code, the court may ~~allocate~~ make the appropriate 3313
allocation of the ~~parental rights~~ parenting functions and 3314
responsibilities for the care of the children ~~to both~~ between the 3315
parents and issue a ~~shared parenting order requiring the parents~~ 3316
~~to share all or some of the aspects of the physical and legal care~~ 3317
~~of the children~~ decree in accordance with the approved parenting 3318
plan for shared parenting. If the court issues a shared parenting 3319
order under this division and it is necessary for the purpose of 3320
receiving public assistance, the court shall designate which one 3321
of the parents' residences is to serve as the child's home. The 3322
child support obligations of the parents under a shared parenting 3323
order issued under this division shall be determined in accordance 3324
with section ~~3113.215~~ of the Revised Code. 3325

(3) If the court finds that it is in the best interest of the 3326
child that the parents should not be allocated the parenting 3327
functions and responsibilities for the care of the child or be 3328
designated as the residential parents and legal custodians of the 3329
child, it may commit the child to a relative of the child or 3330
certify a copy of its findings, together with as much of the 3331
record and the further information, in narrative form or 3332
otherwise, as it considers necessary or as the juvenile court 3333
requests, to the juvenile court for further proceedings. On the 3334
certification, the juvenile court has exclusive jurisdiction. 3335

~~(B)(1) When making the allocation of the parental rights and~~ 3336
~~responsibilities for the care of the children under this section~~ 3337
~~in an original proceeding or in any proceeding for modification of~~ 3338
~~a prior order of the court making the allocation, the court shall~~ 3339
~~take into account that which would be in the best interest of the~~ 3340
~~children. In determining the child's best interest for purposes of~~ 3341
~~making its allocation of the parental rights and responsibilities~~ 3342

~~for the care of the child and for purposes of resolving any issues 3343
related to the making of that allocation, the court, in its 3344
discretion, may and, upon the request of either party, shall 3345
interview in chambers any or all of the involved children 3346
regarding their wishes and concerns with respect to the 3347
allocation. 3348~~

~~(2) If the court interviews any child pursuant to division 3349
(B)(1) of this section, all of the following apply: 3350~~

~~(a) The court, in its discretion, may and, upon the motion of 3351
either parent, shall appoint a guardian ad litem for the child. 3352~~

~~(b) The court first shall determine the reasoning ability of 3353
the child. If the court determines that the child does not have 3354
sufficient reasoning ability to express his wishes and concern 3355
with respect to the allocation of parental rights and 3356
responsibilities for the care of the child, it shall not determine 3357
the child's wishes and concerns with respect to the allocation. If 3358
the court determines that the child has sufficient reasoning 3359
ability to express the child's wishes or concerns with respect to 3360
the allocation, it then shall determine whether, because of 3361
special circumstances, it would not be in the best interest of the 3362
child to determine the child's wishes and concerns with respect to 3363
the allocation. If the court determines that, because of special 3364
circumstances, it would not be in the best interest of the child 3365
to determine the child's wishes and concerns with respect to the 3366
allocation, it shall not determine the child's wishes and concerns 3367
with respect to the allocation and shall enter its written 3368
findings of fact and opinion in the journal. If the court 3369
determines that it would be in the best interests of the child to 3370
determine the child's wishes and concerns with respect to the 3371
allocation, it shall proceed to make that determination. 3372~~

~~(c) The interview shall be conducted in chambers, and no 3373
person other than the child, the child's attorney, the judge, any 3374~~

~~necessary court personnel, and, in the judge's discretion, the attorney of each parent shall be permitted to be present in the chambers during the interview.~~ 3375
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~~(3) No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the child's wishes and concerns regarding the allocation of parental rights and responsibilities concerning the child. No court, in determining the child's best interest for purposes of making its allocation of the parental rights and responsibilities for the care of the child or for purposes of resolving any issues related to the making of that allocation, shall accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes and concerns regarding those matters.~~ 3378
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~~(C) Prior to trial, the court may cause an investigation to be made as to the character, family relations, past conduct, earning ability, and financial worth of each parent and may order the parents and their minor children to submit to medical, psychological, and psychiatric examinations. The report of the investigation and examinations shall be made available to either parent or his counsel of record not less than five days before trial, upon written request. The report shall be signed by the investigator, and the investigator shall be subject to cross examination by either parent concerning the contents of the report. The court may tax as costs all or any part of the expenses for each investigation.~~ 3388
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~~If the court determines that either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being a neglected child, that either parent previously has been determined to be the perpetrator of the neglectful act that is the basis of an adjudication that a child is a neglected child, or that there is reason to believe that either parent has acted in a manner~~ 3400
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resulting in a child being a neglected child, the court shall
consider that fact against naming that parent the residential
parent and against granting a shared parenting decree. When the
court allocates parental rights and responsibilities for the care
of children or determines whether to grant shared parenting in any
proceeding, it shall consider whether either parent has been
convicted of or pleaded guilty to a violation of section 2919.25
of the Revised Code involving a victim who at the time of the
commission of the offense was a member of the family or household
that is the subject of the proceeding, has been convicted of or
pleaded guilty to any other offense involving a victim who at the
time of the commission of the offense was a member of the family
or household that is the subject of the proceeding and caused
physical harm to the victim in the commission of the offense, or
has been determined to be the perpetrator of the abusive act that
is the basis of an adjudication that a child is an abused child.
If the court determines that either parent has been convicted of
or pleaded guilty to a violation of section 2919.25 of the Revised
Code involving a victim who at the time of the commission of the
offense was a member of the family or household that is the
subject of the proceeding, has been convicted of or pleaded guilty
to any other offense involving a victim who at the time of the
commission of the offense was a member of the family or household
that is the subject of the proceeding and caused physical harm to
the victim in the commission of the offense, or has been
determined to be the perpetrator of the abusive act that is the
basis of an adjudication that a child is an abused child, it may
designate that parent as the residential parent and may issue a
shared parenting decree or order only if it determines that it is
in the best interest of the child to name that parent the
residential parent or to issue a shared parenting decree or order
and it makes specific written findings of fact to support its
determination.

~~(D)(1)(a) Upon the filing of a pleading or motion by either parent or both parents, in accordance with division (G) of this section, requesting shared parenting and the filing of a shared parenting plan in accordance with that division, the court shall comply with division (D)(1)(a)(i), (ii), or (iii) of this section, whichever is applicable.~~

~~(i) If both parents jointly make the request in their pleadings or jointly file the motion and also jointly file the plan, the court shall review the parents' plan to determine if it is in the best interest of the children. If the court determines that the plan is in the best interest of the children, the court shall approve it. If the court determines that the plan or any part of the plan is not in the best interest of the children, the court shall require the parents to make appropriate changes to the plan to meet the court's objections to it. If changes to the plan are made to meet the court's objections, and if the new plan is in the best interest of the children, the court shall approve the plan. If changes to the plan are not made to meet the court's objections, or if the parents attempt to make changes to the plan to meet the court's objections, but the court determines that the new plan or any part of the new plan still is not in the best interest of the children, the court may reject the portion of the parents' pleadings or deny their motion requesting shared parenting of the children and proceed as if the request in the pleadings or the motion had not been made. The court shall not approve a plan under this division unless it determines that the plan is in the best interest of the children.~~

~~(ii) If each parent makes a request in his pleadings or files a motion and each also files his own separate plan, the court shall review each plan filed to determine if either is in the best interest of the children. If the court determines that one of the filed plans is in the best interest of the children, the court may~~

~~approve the plan. If the court determines that neither filed plan
is in the best interest of the children, the court may order each
parent to submit appropriate changes to his own plan or both of
the filed plans to meet the court's objections, or may select one
of the filed plans and order each parent to submit appropriate
changes to the selected plan to meet the court's objections. If
changes to the plan or plans are submitted to meet the court's
objections, and if any of the filed plans with the changes is in
the best interest of the children, the court may approve the plan
with the changes. If changes to the plan or plans are not
submitted to meet the court's objections, or if the parents submit
changes to the plan or plans to meet the court's objections but
the court determines that none of the filed plans with the
submitted changes is in the best interest of the children, the
court may reject the portion of the parents' pleadings or deny
their motions requesting shared parenting of the children and
proceed as if the requests in the pleadings or the motions had not
been made. If the court approves a plan under this division,
either as originally filed or with submitted changes, or if the
court rejects the portion of the parents' pleadings or denies
their motions requesting shared parenting under this division and
proceeds as if the requests in the pleadings or the motions had
not been made, the court shall enter in the record of the case
findings of fact and conclusions of law as to the reasons for the
approval or the rejection or denial. Division (D)(1)(b) of this
section applies in relation to the approval or disapproval of a
plan under this division.~~

~~(iii) If each parent makes a request in his pleadings or
files a motion but only one parent files his own plan, or if only
one parent makes a request in his pleadings or files a motion and
also files a plan, the court in the best interest of the children
may order the other parent to file a plan for shared parenting in~~

accordance with division (G) of this section. The court shall 3504
review each plan filed to determine if any plan is in the best 3505
interest of the children. If the court determines that one of the 3506
filed plans is in the best interest of the children, the court may 3507
approve the plan. If the court determines that no filed plan is in 3508
the best interest of the children, the court may order each parent 3509
to submit appropriate changes to his own plan or both of the filed 3510
plans to meet the court's objections or may select one filed plan 3511
and order each parent to submit appropriate changes to the 3512
selected plan to meet the court's objections. If changes to the 3513
plan or plans are submitted to meet the court's objections, and if 3514
any of the filed plans with the changes is in the best interest of 3515
the children, the court may approve the plan with the changes. If 3516
changes to the plan or plans are not submitted to meet the court's 3517
objections, or if the parents submit changes to the plan or plans 3518
to meet the court's objections but the court determines that none 3519
of the filed plans with the submitted changes is in the best 3520
interest of the children, the court may reject the portion of the 3521
parents' pleadings or deny the parents' motion or reject the 3522
portion of the parents' pleadings or deny their motions requesting 3523
shared parenting of the children and proceed as if the request or 3524
requests or the motion or motions had not been made. If the court 3525
approves a plan under this division, either as originally filed or 3526
with submitted changes, or if the court rejects the portion of the 3527
pleadings or denies the motion or motions requesting shared 3528
parenting under this division and proceeds as if the request or 3529
requests or the motion or motions had not been made, the court 3530
shall enter in the record of the case findings of fact and 3531
conclusions of law as to the reasons for the approval or the 3532
rejection or denial. Division (D)(1)(b) of this section applies in 3533
relation to the approval or disapproval of a plan under this 3534
division. 3535

~~(b) The approval of a plan under division (D)(1)(a)(ii) or (iii) of this section is discretionary with the court. The court shall not approve more than one plan under either division and shall not approve a plan under either division unless it determines that the plan is in the best interest of the children. If the court, under either division, does not determine that any filed plan or any filed plan with submitted changes is in the best interest of the children, the court shall not approve any plan.~~

~~(c) Whenever possible, the court shall require that a shared parenting plan approved under division (D)(1)(a)(i), (ii), or (iii) of this section ensure the opportunity for both parents to have frequent and continuing contact with the child, unless frequent and continuing contact with any parent would not be in the best interest of the child.~~

~~(d)(1) If a court approves a shared parenting plan under division (D)(E)(1)(a)(i), (ii), or (iii)(2) of this section 3109.42 Of the Revised Code, the approved plan shall be incorporated into a final shared parenting decree ~~granting the parents the shared parenting of the children~~. Any final shared parenting decree shall be issued at the same time as and shall be appended to the final decree ~~of dissolution, divorce, annulment, or legal separation~~ arising out of the action out of which the question of the allocation of ~~parental rights~~ parenting functions and responsibilities for the care of the children arose.~~

~~(2) No provisional shared parenting decree shall be issued in relation to any shared parenting plan approved under division (D)(E)(1)(a)(i), (ii), or (iii)(2) of this section 3109.42 Of the Revised Code. A final shared parenting decree issued under this division has immediate effect as a final decree on the date of its issuance, subject to modification or termination as authorized by this section.~~

~~(2) If the court finds, with respect to any child under
eighteen years of age, that it is in the best interest of the
child for neither parent to be designated the residential parent
and legal custodian of the child, it may commit the child to a
relative of the child or certify a copy of its findings, together
with as much of the record and the further information, in
narrative form or otherwise, that it considers necessary or as the
juvenile court requests, to the juvenile court for further
proceedings, and, upon the certification, the juvenile court has
exclusive jurisdiction.~~

~~(E)(1)(a) The court shall not modify a prior decree
allocating parental rights and responsibilities for the care of
children unless it finds, based on facts that have arisen since
the prior decree or that were unknown to the court at the time of
the prior decree, that a change has occurred in the circumstances
of the child, his residential parent, or either of the parents
subject to a shared parenting decree, and that the modification is
necessary to serve the best interest of the child. In applying
these standards, the court shall retain the residential parent
designated by the prior decree or the prior shared parenting
decree, unless a modification is in the best interest of the child
and one of the following applies:~~

~~(i) The residential parent agrees to a change in the
residential parent or both parents under a shared parenting decree
agree to a change in the designation of residential parent.~~

~~(ii) The child, with the consent of the residential parent or
of both parents under a shared parenting decree, has been
integrated into the family of the person seeking to become the
residential parent.~~

~~(iii) The harm likely to be caused by a change of environment
is outweighed by the advantages of the change of environment to~~

~~the child.~~ 3598

~~(b) One or both of the parents under a prior decree 3599
allocating parental rights and responsibilities for the care of 3600
children that is not a shared parenting decree may file a motion 3601
requesting that the prior decree be modified to give both parents 3602
shared rights and responsibilities for the care of the children. 3603
The motion shall include both a request for modification of the 3604
prior decree and a request for a shared parenting order that 3605
complies with division (C) of this section. Upon the filing of the 3606
motion, if the court determines that a modification of the prior 3607
decree is authorized under division (E)(1)(a) of this section, the 3608
court may modify the prior decree to grant a shared parenting 3609
order, provided that the court shall not modify the prior decree 3610
to grant a shared parenting order unless the court complies with 3611
divisions (A) and (D)(1) of this section and, in accordance with 3612
those divisions, approves the submitted shared parenting plan and 3613
determines that shared parenting would be in the best interest of 3614
the children.~~ 3615

~~(2) In addition to a modification authorized under division 3616
(E)(1) of this section:~~ 3617

~~(a) Both parents under a shared parenting decree jointly may 3618
modify the terms of the plan for shared parenting approved by the 3619
court and incorporated by it into the shared parenting decree. 3620
Modifications under this division may be made at any time. The 3621
modifications to the plan shall be filed jointly by both parents 3622
with the court, and the court shall include them in the plan, 3623
unless they are not in the best interest of the children. If the 3624
modifications are not in the best interests of the children, the 3625
court, in its discretion, may reject the modifications or make 3626
modifications to the proposed modifications or the plan that are 3627
in the best interest of the children. Modifications jointly 3628
submitted by both parents under a shared parenting decree shall be 3629~~

~~effective, either as originally filed or as modified by the court,
upon their inclusion by the court in the plan. Modifications to
the plan made by the court shall be effective upon their inclusion
by the court in the plan.~~ 3630
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~~(b) The court may modify the terms of the plan for shared
parenting approved by the court and incorporated by it into the
shared parenting decree upon its own motion at any time if the
court determines that the modifications are in the best interest
of the children or upon the request of one or both of the parents
under the decree. Modifications under this division may be made at
any time. The court shall not make any modification to the plan
under this division, unless the modification is in the best
interest of the children.~~ 3634
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~~(c) The court may terminate a prior final shared parenting
decree that includes a shared parenting plan approved under
division (D)(1)(a)(i) of this section upon the request of one or
both of the parents or whenever it determines that shared
parenting is not in the best interest of the children. The court
may terminate a prior final shared parenting decree that includes
a shared parenting plan approved under division (D)(1)(a)(ii) or
(iii) of this section if it determines, upon its own motion or
upon the request of one or both parents, that shared parenting is
not in the best interest of the children. If modification of the
terms of the plan for shared parenting approved by the court and
incorporated by it into the final shared parenting decree is
attempted under division (E)(2)(a) of this section and the court
rejects the modifications, it may terminate the final shared
parenting decree if it determines that shared parenting is not in
the best interest of the children.~~ 3643
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~~(d) Upon the termination of a prior final shared parenting
decree under division (E)(2)(c) of this section, the court shall
proceed and issue a modified decree for the allocation of parental~~ 3659
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~~rights and responsibilities for the care of the children under the standards applicable under divisions (A), (B), and (C) of this section as if no decree for shared parenting had been granted and as if no request for shared parenting ever had been made.~~

~~(F)(1) In determining the best interest of a child pursuant to this section, whether on an original decree allocating parental rights and responsibilities for the care of children or a modification of a decree allocating those rights and responsibilities, the court shall consider all relevant factors, including, but not limited to:~~

~~(a) The wishes of the child's parents regarding his care;~~

~~(b) If the court has interviewed the child in chambers pursuant to division (B) of this section regarding the child's wishes and concerns as to the allocation of parental rights and responsibilities concerning the child, the wishes and concerns of the child, as expressed to the court;~~

~~(c) The child's interaction and interrelationship with his parents, siblings, and any other person who may significantly affect the child's best interest;~~

~~(d) The child's adjustment to his home, school, and community;~~

~~(e) The mental and physical health of all persons involved in the situation;~~

~~(f) The parent more likely to honor and facilitate visitation and companionship rights approved by the court;~~

~~(g) Whether either parent has failed to make all child support payments, including all arrearages, that are required of that parent pursuant to a child support order under which that parent is an obligor;~~

~~(h) Whether either parent previously has been convicted of or~~

~~pleaded guilty to any criminal offense involving any act that
resulted in a child being an abused child or a neglected child;
whether either parent, in a case in which a child has been
adjudicated an abused child or a neglected child, previously has
been determined to be the perpetrator of the abusive or neglectful
act that is the basis of an adjudication; whether either parent
previously has been convicted of or pleaded guilty to a violation
of section 2919.25 of the Revised Code involving a victim who at
the time of the commission of the offense was a member of the
family or household that is the subject of the current proceeding;
whether either parent previously has been convicted of or pleaded
guilty to any offense involving a victim who at the time of the
commission of the offense was a member of the family or household
that is the subject of the current proceeding and caused physical
harm to the victim in the commission of the offense; and whether
there is reason to believe that either parent has acted in a
manner resulting in a child being an abused child or a neglected
child;~~

~~(i) Whether the residential parent or one of the parents
subject to a shared parenting decree has continuously and
willfully denied the other parent his or her right to visitation
in accordance with an order of the court;~~

~~(j) Whether either parent has established a residence, or is
planning to establish a residence, outside this state.~~

~~(2) In determining whether shared parenting is in the best
interest of the children, the court shall consider all relevant
factors, including, but not limited to, the factors enumerated in
division (F)(1) of this section, the factors enumerated in
division (B)(3) of section 3113.215 of the Revised Code, and all
of the following factors:~~

~~(a) The ability of the parents to cooperate and make~~

~~decisions jointly, with respect to the children;~~ 3723

~~(b) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other parent;~~ 3724
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~~(c) Any history of, or potential for, child abuse, spouse abuse, other domestic violence, or parental kidnapping by either parent;~~ 3727
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~~(d) The geographic proximity of the parents to each other, as the proximity relates to the practical considerations of shared parenting;~~ 3730
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~~(e) The recommendation of the guardian ad litem of the child, if the child has a guardian ad litem.~~ 3733
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~~(3) When allocating parental rights and responsibilities for the care of children, the court shall not give preference to a parent because of that parent's financial status or condition.~~ 3735
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~~(G) Either parent or both parents of any children may file a pleading or motion with the court requesting the court to grant both parents shared parental rights and responsibilities for the care of the children in a proceeding held pursuant to division (A) of this section. If a pleading or motion requesting shared parenting is filed, the parent or parents filing the pleading or motion also shall file with the court a plan for the exercise of shared parenting by both parents. If each parent files a pleading or motion requesting shared parenting but only one parent files his own plan or if only one parent files a pleading or motion requesting shared parenting and also files a plan, the other parent as ordered by the court shall file with the court a plan for the exercise of shared parenting by both parents. The plan for shared parenting shall be filed with the petition for dissolution of marriage, if the question of parental rights and responsibilities for the care of the children arises out of an~~ 3738
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~~action for dissolution of marriage, or, in other cases, at a time
at least thirty days prior to the hearing on the issue of the
parental rights and responsibilities for the care of the children.
A plan for shared parenting shall include provisions covering all
factors that are relevant to the care of the children, including,
but not limited to, provisions covering factors such as physical
living arrangements, child support obligations, provision for the
children's medical and dental care, school placement, and the
parent with which the children will be physically located during
legal holidays, school holidays, and other days of special
importance.~~

~~(H)(3) In allocating the parenting functions and
responsibilities in a parenting decree, the court shall not draw
any presumptions from an interim parenting order.~~

~~(4) If an appeal is taken from a decision of a court that
grants or modifies a parenting decree allocating parental rights
and responsibilities for the care of children, the court of
appeals shall give the case calendar priority and handle it
expeditiously.~~

~~(I) As used in this section, "abused child" has the same
meaning as in section 2151.031 of the Revised Code, and "neglected
child" has the same meaning as in section 2151.03 of the Revised
Code.~~

~~(J) As used in the Revised Code, "shared parenting" means
that the parents share, in the manner set forth in the plan for
shared parenting that is approved by the court under division
(D)(1) and described in division (K)(6) of this section, all or
some of the aspects of physical and legal care of their children.~~

~~(K) For purposes of the Revised Code:~~

~~(1) A parent who is granted the care, custody, and control of
a child under an order that was issued pursuant to this section~~

~~prior to April 11, 1991, and that does not provide for shared parenting has "custody of the child" and "care, custody, and control of the child" under the order, and is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order.~~

~~(2) A parent who primarily is allocated the parental rights and responsibilities for the care of a child and who is designated as the residential parent and legal custodian of the child under an order that is issued pursuant to this section on or after April 11, 1991, and that does not provide for shared parenting has "custody of the child" and "care, custody, and control of the child" under the order, and is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order.~~

~~(3) A parent who is not granted custody of a child under an order that was issued pursuant to this section prior to April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order.~~

~~(4) A parent who is not primarily allocated the parental rights and responsibilities for the care of a child and who is not designated as the residential parent and legal custodian of the child under an order that is issued pursuant to this section on or after April 11, 1991, and that does not provide for shared parenting is the "parent who is not the residential parent," the "parent who is not the residential parent and legal custodian," or the "noncustodial parent" of the child under the order.~~

~~(5) Unless the context clearly requires otherwise, if an order is issued by a court pursuant to this section and the order provides for shared parenting of a child, both parents have~~

~~"custody of the child" or "care, custody, and control of the
child" under the order, to the extent and in the manner specified
in the order.~~ 3816
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~~(6) Unless the context clearly requires otherwise and except
as otherwise provided in the order, if an order is issued by a
court pursuant to this section and the order provides for shared
parenting of a child, each parent, regardless of where the child
is physically located or with whom the child is residing at a
particular point in time, as specified in the order, is the
"residential parent," the "residential parent and legal
custodian," or the "custodial parent" of the child.~~ 3819
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~~(7) Unless the context clearly requires otherwise and except
as otherwise provided in the order, a designation in the order of
a parent as the residential parent for the purpose of determining
the school the child attends, as the custodial parent for purposes
of claiming the child as a dependent pursuant to section 152(e) of
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A.
1, as amended, or as the residential parent for purposes of
receiving public assistance pursuant to division (A)(2) of this
section, does not affect the designation pursuant to division
(K)(6) of this section of each parent as the "residential parent,"
the "residential parent and legal custodian," or the "custodial
parent" of the child.~~ 3827
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Sec. 3109.50. (A) As used in this section, "abused child" has
the same meaning as in section 2151.031 Of the Revised Code and
"neglected child" has the same meaning as in section 2151.03 Of
the Revised Code. 3839
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(B) a court, when making an allocation of the parenting
functions and responsibilities with respect to a child in a
divorce, dissolution, legal separation, or annulment proceeding,
in a proceeding under section 3109.43 Of the Revised Code for the 3843
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issuance of an interim parenting order, in a proceeding under 3847
section 3109.62 of the Revised Code or any other original 3848
proceeding, in a proceeding under section 3109.51 of the Revised 3849
Code for modification of a prior decree or order making the 3850
allocation, or in a relocation proceeding under section 3109.57 of 3851
the Revised Code, may limit a parent's physical contact with the 3852
child, authority to make DECISIONS concerning the custody and care 3853
of the child, access to records related to the child, access to 3854
activities in which the child participates, access to the day-care 3855
center attended by the child, the right TO RECEIVE NOTICE OF 3856
RELOCATION AND MOTION TO MODIFY A PARENTING DECREE BECAUSE OF A 3857
CHANGE OF RESIDENCE, and any other aspect of the relationship 3858
between the parent and child on finding that the parent has done 3859
any of the following: 3860

(1) willfully neglected or substantially failed to exhibit 3861
appropriate parenting behavior; 3862

(2) a long-term emotional or physical impairment that 3863
INTERFERES with the EXERCISE of appropriate parenting functions; 3864

(3) a chemical dependency that INTERFERES with the exercise 3865
of appropriate parenting functions; 3866

(4) been absent from the child for an extended period of time 3867
or caused a substantial impairment of the emotional ties between 3868
the parent and the child because of the parent's absence; 3869

(5) used conflict in a manner that creates a danger of 3870
serious damage to the child's psychological development; 3871

(6) withheld the child's access to the other parent for an 3872
extended period of time without good cause; 3873

(7) acted in a manner resulting in a child being an abused or 3874
neglected child; 3875

(8) caused the child to be in the presence of a person who 3876

<u>has acted in a manner resulting in a child being an abused or</u>	3877
<u>neglected child;</u>	3878
(9) <u>committed an act of domestic violence as defined in</u>	3879
<u>section 3113.31 Of the Revised Code;</u>	3880
(10) <u>been convicted of or pleaded guilty to an offense under</u>	3881
<u>section 2919.25 of the Revised Code;</u>	3882
(11) <u>caused the child to be in the presence of a person who</u>	3883
<u>has been convicted of or pleaded guilty to an offense under</u>	3884
<u>section 2919.25 of the Revised Code;</u>	3885
(12) <u>been convicted of or pleaded guilty to an offense under</u>	3886
<u>chapter 2907. of the Revised Code;</u>	3887
(13) <u>caused the child to be in the presence of a person who</u>	3888
<u>has been convicted of or pleaded guilty to an offense under</u>	3889
<u>chapter 2907. of the Revised Code;</u>	3890
(14) <u>been convicted of or pleaded guilty to a violation of</u>	3891
<u>section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, or 2903.22</u>	3892
<u>of the Revised code;</u>	3893
(15) <u>been convicted of or pleaded guilty to any criminal</u>	3894
<u>offense involving any act that resulted in a child being an abused</u>	3895
<u>or neglected child;</u>	3896
(16) <u>been found to be the perpetrator of an act that resulted</u>	3897
<u>in a child being adjudicated an abused or neglected child;</u>	3898
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(17) <u>caused the child to be in the presence of a person who</u>	3900
<u>has been found to be the perpetrator of an act that resulted in a</u>	3901
<u>child being adjudicated an abused or neglected child;</u>	3902
(18) <u>committed any other act or HAS any other impairment or</u>	3903
<u>condition that would impair the parent's ability to perform</u>	3904
<u>appropriate parenting behavior.</u>	3905
(C) <u>the court may Impose any limitation DESCRIBED in division</u>	3906

(B) of this section in a parenting decree or interim parenting order if, based on a preponderance of the evidence, the court finds that the limitation is reasonably calculated to prevent the child from being an abused or neglected child. a court that finds that any of the factors listed in division (B) of this section is applicable may decide not to impose any limitation with respect to the child if it determines, based on clear and convincing evidence, that the probability that the parent's conduct will recur is remote and that the child is not in danger of being an abused or neglected child. A court that determines that one of the factors described in division (B)(8), (11), (13), or (17) of this section is applicable may decide not to impose any limitations with respect to the child if the court determines, based on clear and convincing evidence, that the probability the conduct of the person described in those sections will recur is remote and that the child is not in danger of being an abused or neglected child.

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A court that finds that any of the factors listed in division (B)(7) to (18) of this section is applicable may prohibit in a parenting decree or interim parenting order all physical contact with the parent if the court determines, based on clear and convincing evidence, that the child would be in danger of being an abused or neglected child if physical contact with that parent is permitted.

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(D) A court that includes any limitation described in division (B) of this section in an interim parenting order shall hold a hearing no later than ten days following the issuance of the interim order. At the hearing, the court shall determine whether the limitation should remain part of the interim parenting order or be eliminated. the parents may present evidence and be represented by counsel at the hearing.

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(E) if the court imposes a limitation in a parenting decree

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or interim parenting order requiring all contact between a parent 3939
and the child to be supervised, the court shall either select a 3940
person to supervise the physical contact or require the public 3941
children services agency of the county in which the court is 3942
located to provide supervision services under division (e)(6) of 3943
section 3113.31 of the Revised Code. the court shall not approve a 3944
person to supervise physical contact unless it makes a finding in 3945
the parenting decree or interim parenting order that the person 3946
agrees to strictly comply with the provisions of the decree or 3947
order and that the person is willing and able to protect the child 3948
from harm. the court shall revoke approval of a person to 3949
supervise if it determines that the person is no longer willing or 3950
able to protect the child or has failed to protect the child. 3951

(F) if a party alleges that one or more of the factors 3952
described in division (B)(1) to (18) of this section is applicable 3953
to a parent in a pleading, motion, affidavit, or other paper filed 3954
with the court and the court determines that the allegation was 3955
made in bad faith or without a REASONABLE basis, the court shall 3956
award attorney's fees and all reasonable litigation expenses to 3957
the offended party without regard to need or ability to pay. 3958

Sec. 3109.51. (A) as used in this section, "parenting decree" 3959
means a parenting decree issued pursuant to section 3109.49 of the 3960
Revised Code or a shared parenting order. 3961

(B)(1) except as provided in SECTION 3109.57 OF THE REVISED 3962
CODE AND divisions (c), (d), and (e) of this section, the court 3963
shall not modify a parenting decree that was issued less than one 3964
year prior to the date modification is requested unless it finds, 3965
by clear and convincing evidence based on facts that have arisen 3966
since the decree was issued or that were unknown to the court at 3967
the time the decree was issued, that a drastic change has occurred 3968
in the circumstances of the child or either of the parents and 3969
that the modification is necessary to serve the best interest of 3970

the child. 3971

(2) except as provided in SECTION 3109.57 OF THE REVISED CODE 3972
AND divisions (c), (d), and (e) of this section, the court shall 3973
not modify a parenting decree that was issued one year or more 3974
prior to the date modification is requested unless it finds, by a 3975
preponderance of the evidence based on facts that have arisen 3976
since the decree was issued or that were unknown to the court at 3977
the time the decree was issued, that a change has occurred in the 3978
circumstances of the child or either of the parents and that the 3979
modification is necessary to serve the best interest of the child. 3980

(C) the court may make the following modifications at any 3981
time on its own motion or on the request of one or both of the 3982
parents: 3983

(1) modification pursuant to section 3113.21 to 3113.219 of 3984
the Revised Code of the child support provisions of a decree 3985
allocating parental rights and responsibilities primarily to one 3986
parent and designating that parent as the residential parent of 3987
the child issued prior to the effective date of this section or of 3988
a parenting decree; 3989

(2) modification of the dispute resolution process designated 3990
in a parenting decree issued pursuant to section 3109.49 of the 3991
Revised Code; 3992

(3) modification of the provisions of a parenting decree that 3993
govern the amount of time each parent spends with the child if the 3994
modification meets all of the following requirements: 3995

(a) does not change the residential parent designation or the 3996
school the child attends; 3997

(b) does not exceed fifteen days in a calendar year or three 3998
days in a calendar month; 3999

(c) is based on an involuntary change in a parent's 4000

employment schedule making the time allocation provisions of the 4001
parenting decree impractical. 4002

(D) The parents under a parenting decree may jointly modify 4003
the terms of the parenting plan approved by the court and 4004
incorporated by it into the DECREE. modifications may be made 4005
under this division at any time. the modifications to the plan 4006
shall be filed jointly with the court by the parents and the court 4007
shall include them in the plan, unless THEY are not in the best 4008
interest of the child. if the modifications are not in the best 4009
interest of the child, the court may reject the modifications or 4010
make modifications to the proposed modifications or the plan that 4011
are in the best interest of the child. Modifications jointly 4012
submitted by the parents shall be effective, either as originally 4013
filed or as modified by the court, on their inclusion by the court 4014
in the plan. Modifications to the plan made by the court shall be 4015
effective on their inclusion by the court in the plan. 4016

(E) the court may terminate a parenting decree whenever it 4017
determines that the parents should not be allocated the parenting 4018
functions and responsibilities for the child. If modification of a 4019
parenting decree is attempted under division (c) of this section 4020
and the court rejects the modifications, it may terminate the 4021
parenting decree if it determines that the parents should not be 4022
allocated the parenting functions and responsibilities for the 4023
child. On the termination of a parenting decree, the court shall 4024
proceed pursuant to division (a)(3) of section 3109.49 of the 4025
Revised Code as if no parenting decree had been granted. 4026

Sec. ~~3109.06~~ 3109.52. Any court, other than a juvenile court, 4027
that has jurisdiction in any case respecting the allocation of 4028
~~parental rights~~ parenting functions and responsibilities for the 4029
care of a child under eighteen years of age and the designation of 4030
the child's place of residence and legal custodian or in any case 4031

respecting the support of a child under eighteen years of age, 4032
may, on its own motion or on motion of any interested party, with 4033
the consent of the juvenile court, certify the record in the case 4034
or so much of the record and such further information, in 4035
narrative form or otherwise, as the court deems necessary or the 4036
juvenile court requests, to the juvenile court for further 4037
proceedings; upon the certification, the juvenile court shall have 4038
exclusive jurisdiction. 4039

In cases in which the court of common pleas finds the parents 4040
unsuitable to have the ~~parental rights~~ parenting functions and 4041
responsibilities for the care of the child or children and 4042
unsuitable to provide the place of residence and to be the legal 4043
custodian of the child or children, consent of the juvenile court 4044
shall not be required to such certification. This section applies 4045
to actions pending on August 28, 1951. 4046

In any case in which a court of common pleas, or other court 4047
having jurisdiction, has issued an order that allocates parental 4048
rights and responsibilities under former section 3109.04 Of the 4049
Revised Code or allocates parenting functions and responsibilities 4050
under sections 3109.40 to 3109.62 Of the Revised Code for the care 4051
of minor children and designates their place of residence and 4052
legal custodian of minor children, has made an order for support 4053
of minor children, or has done both, the jurisdiction of the court 4054
shall not abate upon the death of the person awarded custody but 4055
shall continue for all purposes during the minority of the 4056
children, and the court, upon its own motion or the motion of 4057
either parent or of any interested person acting on behalf of the 4058
children, may proceed to make further disposition of the case in 4059
the best interests of the children, or if the children are under 4060
eighteen years of age, it may certify them, pursuant to this 4061
section, to the juvenile court of any county for further 4062
proceedings. After certification to a juvenile court, the 4063

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

Any disposition made pursuant to this section, whether by a
juvenile court after a case is certified to it, or by any court
upon the death of a person awarded custody of a child, shall be
made in accordance with ~~section 3109.04~~ sections 3109.40 to
3109.62 of the Revised Code. If an appeal is taken from a decision
made pursuant to this section that allocates ~~parental rights~~
parenting functions and responsibilities for the care of a minor
child and designates the child's place of residence and legal
custodian, the court of appeals shall give the case calendar
priority and handle it expeditiously.

Sec. 3109.53. (a)(1) The parents under a decree issued prior
to the effective date of this section that allocates parental
rights and RESPONSIBILITIES for the care of a child primarily to
one parent and names that parent the residential parent and legal
custodian of the child may jointly modify the decree by filing
with the court a proposed joint parenting plan as described in
division (A) of section 3109.42 of the revised code.

(2) either parent under a decree issued prior to the
effective date of this section that allocates parental rights and
RESPONSIBILITIES for the care of a child primarily to one parent
and names that parent the residential parent and legal custodian
of the child may ask the court to modify the decree by filing with
the court a motion to modify the decree and a parenting plan as
described in division (b) of section 3109.42 Of the Revised Code.

(3) A proposed parenting plan may be filed under division
(A)(1) or (2) of this section at any time. sections 3109.40 to
3109.62 of the Revised Code shall apply in determining whether the
parenting plan is approved.

(B) A custody decree issued pursuant to former section 3109.04 of the Revised Code prior to the effective date of this section that allocated parental rights and RESPONSIBILITIES for the care of a child is not affected or invalidated by section 3109.49 Of the Revised Code. any such decree issued prior to the effective date of this section shall remain in full force and effect, subject to the provisions of sections 3109.40 to 3109.62 of the Revised Code.

Sec. 3109.54. (A) parents in a divorce, dissolution of marriage, legal separation, or annulment proceeding involving a minor child or in a proceeding to allocate the parenting functions and RESPONSIBILITIES for the care of a child under section 3109.62 of the Revised Code or any other original proceeding shall complete a parenting EDUCATION seminar no later than forty-five days after the filing of the action or service of process. For good cause shown the court may waive this requirement or extend the time period for a reasonable period of time. on completion of the seminar, each parent shall notify the court in writing of the parent's attendance and completion of the seminar. The notice shall be made a part of the record in the proceeding. the failure of a party to complete the seminar shall be considered an additional factor the court must consider in determining the best interest of the child pursuant to section 3109.45 of the Revised Code when allocating parenting functions and RESPONSIBILITIES for the care of the child.

(b)(1) in each action for divorce, dissolution of marriage, legal separation, or annulment involving a minor child or in a proceeding to allocate the parenting functions and RESPONSIBILITIES for the care of a child under section 3109.62 of the Revised Code or any other original proceeding, the clerk of courts shall send one of the following by regular mail to the person initiating the action and with the service of process on

the other party: 4128

(a) a notice of the date, time, and location of the seminar 4129
the parent is required to attend; 4130

(b) a schedule of the dates, times, and locations of the 4131
seminars the parent may attend. 4132

(2) in each action for dissolution of marriage, the clerk 4133
shall send by regular mail to both parties either the notice or 4134
schedule described in divisions (B)(1)(a) and (b) of this section. 4135

(3) A parent that receives a schedule described in division 4136
(b)(1)(b) of this section is responsible for registering for one 4137
of the seminars listed in the schedule. 4138

(C) the supreme court may establish a minimum curriculum for 4139
the parenting education seminar, which shall be uniform throughout 4140
the state. the curriculum shall include instruction on mediation 4141
and dispute resolution. the supreme court may establish standards 4142
for certifying providers of the parenting education seminars and 4143
certify providers that meet the standards. Each court of common 4144
pleas having jurisdiction over the proceedings for which the 4145
seminar is required may prescribe seminar curriculum requirements 4146
and certification standards for seminar providers not inconsistent 4147
with the minimum requirements and certification standards 4148
established by the supreme court pursuant to this section. If the 4149
state does not appropriate sufficient funds to a court of common 4150
pleas to operate the seminars, the common pleas court may tax as 4151
costs in each proceeding described in division (a) of this section 4152
a portion of the expense of providing the seminar. 4153

Sec. 3109.55. (A)(1) parents in a proceeding for divorce, 4154
dissolution of marriage, legal separation, or annulment involving 4155
one or more children, an original proceeding for the allocation of 4156
parenting functions and responsibilities pursuant to section 4157
3109.62 Of the Revised Code or any other section of the Revised 4158

Code, or a proceeding for modification of a prior decree 4159
allocating parenting functions and responsibilities pursuant to 4160
section 3109.51 of the Revised Code shall attend a mediation 4161
assessment scheduled by the court. the court shall schedule the 4162
mediation assessment to begin on a date that is on or after the 4163
completion of the parenting education seminar pursuant to section 4164
3109.54 of the Revised Code, but no later than seventy-five days 4165
after the commencement of the action or the filing of the motion 4166
for modification. 4167

(2) the court may excuse a party from mediation assessment if 4168
one of the following applies: 4169

(a) in the case of a proceeding for divorce, legal 4170
separation, or annulment, only one parenting plan is filed in the 4171
action and that plan is considered to be a joint parenting plan 4172
pursuant to division (a) of section 3109.42 of the Revised Code 4173
and the parents have filed with the court an affidavit signed by 4174
both parents stating that there are no issues in dispute or 4175
anticipated to be in dispute regarding the allocation of parenting 4176
functions and responsibilities; 4177

(b) in the case of a proceeding for dissolution of marriage, 4178
the parties have filed a proposed joint parenting plan pursuant to 4179
division (a) of section 3109.42 of the Revised Code and have filed 4180
with the court an affidavit signed by both parents stating that 4181
there are no issues in dispute or anticipated to be in dispute 4182
regarding the allocation of parenting functions and 4183
responsibilities; 4184

(c) in the case of a proceeding to modify a prior decree 4185
allocating the parenting functions and responsibilities pursuant 4186
to section 3109.51 of the Revised Code, the parents have jointly 4187
requested modification of the prior decree pursuant to division 4188
(c), (d), or (e) of section 3109.51 Of the Revised Code and have 4189
filed with the court an affidavit signed by both parents stating 4190

that there are no issues in dispute or anticipated to be in 4191
dispute regarding the allocation; 4192

(d) the court, on a motion filed by either party no later 4193
than thirty days prior to the date of the mediation assessment, 4194
finds that mediation would be inappropriate for one of the 4195
following reasons: 4196

(i) the parents have mediated the issues in dispute within 4197
the last six months; 4198

(ii) one of the parents has a history of child abuse, spousal 4199
abuse, other domestic violence, or parental kidnapping; 4200

(iii) one of the parents has a history of severe 4201
psychological or emotional problems; 4202

(iv) one of the parents is outside of the jurisdiction of the 4203
court and is unable to or refuses to participate in mediation; 4204

(v) any other relevant factor indicates that mediation would 4205
be inappropriate. 4206

the parent making the motion under division (a)(2)(d) of this 4207
section has the burden to prove that mediation would be 4208
inappropriate. 4209

(3) on the commencement of a proceeding described in division 4210
(A)(1) of this section, the clerk of courts shall send by regular 4211
mail to each party, a notice that includes the following: 4212

(a) the date, time, and place of the mediation assessment; 4213

(b) a description of the mediation process; 4214

(c) a notice of the sanctions described in division (b)(2) of 4215
this section that may be imposed for failure to appear at the 4216
mediation assessment unless attendance at the assessment is waived 4217
pursuant to division (a)(2) of this section. 4218

(b)(1) the mediation assessment shall be conducted by a 4219

person designated by the court. the assessment shall consist of at 4220
least one meeting to determine whether any dispute exists between 4221
the parties with respect to the allocation of the parenting 4222
functions and responsibilities for care of the child, the nature 4223
of any dispute that exists, and whether mediation is appropriate 4224
to resolve the dispute. as part of the mediation assessment, the 4225
person conducting the assessment shall explain the mediation 4226
process and its possible advantages. 4227

(2) if either party fails to attend the mediation assessment, 4228
the person conducting it shall terminate the mediation assessment 4229
and notify the court of the failure. A party not excused pursuant 4230
to division (a)(2) of this section who fails to attend without 4231
good cause shall be in contempt of court and the court may 4232
consider the failure to attend as a factor when determining the 4233
best interest of the child with respect to the allocation of 4234
parenting functions and responsibilities for the care of the 4235
child. in addition to any sanctions imposed by the court for 4236
contempt, the court may order the party who failed to attend to 4237
pay the costs of the mediation assessment session, the reasonable 4238
attorney's fees of the other party, and the court costs for the 4239
contempt proceeding. 4240

(c)(1) at the completion of the mediation assessment, the 4241
person DESIGNATED to conduct the assessment shall prepare a 4242
written report and file it with the court. the person shall send 4243
copies of the report to the parents, the guardian ad litem of the 4244
child, and the attorneys for the parent and the child. the report 4245
shall state whether a dispute exists concerning the allocation of 4246
the parenting functions and responsibilities for the care of the 4247
child, that if a dispute exists, the nature of the dispute and 4248
whether mediation would be appropriate to settle the dispute, and 4249
that if mediation is appropriate, whether the parties have AGREED 4250
to participate in mediation. 4251

(2) if the parties agree to participate in mediation, the report shall contain a mediation agreement between the parents that specifies the following: 4252
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(a) the name of the person selected by the parties to be the mediator; 4255
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(b) the schedule of mediation; 4257

(c) the time period in which the mediation process is to be completed; 4258
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(d) the issues to be addressed in mediation. 4260

on receipt of the report, the court shall issue an order requiring the parties to participate in mediation consistent with the agreement contained in the report. 4261
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(3) the attorneys for each party may attend and participate in the mediation sessions. on the request of either party, the guardian ad litem and attorney for the child may attend and participate in the mediation SESSIONS. no other person may attend and participate in mediation sessions unless the mediator and both parties agree. 4264
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(4) If the state does not appropriate sufficient funds to a court of common pleas to pay for the cost of mediation assessments and no more than two mediation sessions pursuant to any proceeding described in division (a)(1) of this section, the court shall order the parents to pay the cost of the mediation assessment and mediation sessions. if the parents participate in more than two mediation sessions, the court shall order the parents to pay the cost of the third and subsequent mediation sessions. the court shall allocate between the parents the costs the court orders the parents to pay pursuant to division (c)(4) of this section. 4270
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(d)(1) at the conclusion of the mediation process, the mediator shall submit a report of the results of the mediation to 4280
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the court. the report shall indicate whether any agreement, full or PARTIAL, had been reached concerning the issues addressed in the mediation. No mediation report shall contain any background information concerning the mediation process or any information discussed or presented in the process. any memorandum of understanding containing the agreements reached through mediation shall be sent only to the parties and their attorneys.

(2) at any time while the proceeding described in division (a)(1) of this section is pending, the parties may agree to commence or resume mediation.

(3) the mediator shall not be made a party to, and shall not be called as a witness to testify in, any action or proceeding, other than a criminal, delinquency, child abuse, child neglect, or dependent child action or proceeding, brought by or against either parent that pertains to the mediation process, to any information discussed or presented in the mediation process, or to the allocation of parenting functions and responsibilities for the care of the parents' children. the mediator shall not be made a party to, or be called as a witness or testify in, such an action or proceeding even if both parents give their prior consent.

(E) this section does not apply to either of the following:

(1) any proceeding, or the use of mediation in any proceeding that is not a proceeding for divorce, dissolution of marriage, legal separation, annulment, an original proceeding for the allocation of parenting functions and responsibilities for the care of a child pursuant to section 3109.62 of the Revised Code or any other section of the Revised Code, or a proceeding for the modification of a prior decree for the allocation of parenting functions and responsibilities for the care of a child pursuant to section 3109.51 of the Revised Code;

(2) the use of mediation in any proceeding for divorce,

dissolution of marriage, legal separation, annulment, an original 4313
proceeding for the allocation of parenting functions and 4314
responsibilities for the care of a child pursuant to section 4315
3109.62 of the Revised Code or any other section of the Revised 4316
Code, or a proceeding for the modification of a prior decree for 4317
the allocation of parenting functions and responsibilities for the 4318
care of a child pursuant to section 3109.51 of the Revised Code, 4319
in relation to issues other than the appropriate allocation of 4320
parenting functions and responsibilities for the care of the 4321
parents' children. 4322

(F) the supreme court may establish minimum qualification 4323
standards that a person must meet to act as a mediator pursuant to 4324
this section. each court of common pleas may establish 4325
qualifications that are not inconsistent with the qualifications 4326
established by the supreme court. each court of common pleas shall 4327
certify each mediator who meets the qualifications established by 4328
the supreme court and that court of common pleas to provide 4329
mediation services in the county served by the court. any person 4330
who meets the qualifications established pursuant to this division 4331
may be certified as a mediator. 4332

Sec. 3109.56. (A) as used in this section: 4333

(1) "record" means any record, document, file, or other 4334
material that contains information directly related to a child, 4335
including all of the following: 4336

(a) records maintained by public and nonpublic schools; 4337

(b) records maintained by facilities that provide child 4338
day-care, as defined in section 5104.01 of the Revised Code, or 4339
pre-school services OPERATED by or under the supervision of a 4340
school district board of education or a nonpublic school; 4341

(c) records maintained by hospitals, other health care 4342
facilities, or persons providing medical or surgical care or 4343

treatment for the child; 4344

(d) records maintained by agencies, departments, 4345
instrumentalities, or other entities of the state or any political 4346
subdivision of the state, other than a child support enforcement 4347
agency. access to records maintained by a child support 4348
enforcement agency is governed by division (g)(2) of section 4349
2301.35 of the Revised Code. 4350

(2) "confidential law enforcement investigatory record" has 4351
the same meaning as in section 149.43 of the Revised Code. 4352

(B)(1) subject to division (g)(2) of section 2301.35, 4353
division (f) of section 3319.321, and section 5104.011 of the 4354
Revised Code, each parent shall have access to any record related 4355
to the parent's child, any child day-care center that is, or that 4356
in the future may be, attended by that child, and any student 4357
activity that is related to the child under the same terms and 4358
conditions that any parent of a child would be legally provided 4359
access, unless access by a parent is limited or prohibited under 4360
an order issued under former section 3109.051 of the Revised Code 4361
granting companionship and visitation rights with respect to a 4362
child or under a parenting decree pursuant to section 3109.50 of 4363
the Revised Code. 4364

(2) with respect to records pertaining to the child, the 4365
prosecuting attorney of any county may file a complaint with the 4366
court of common pleas of that county asking the court to issue a 4367
protective order preventing the disclosure of any confidential law 4368
enforcement investigatory record. the court shall schedule a 4369
hearing on the motion and give notice of the date, time, and 4370
location of the hearing to all parties. 4371

(C) any person who KNOWINGLY fails to comply with division 4372
(B)(1) of this section is in contempt of court. if the court finds 4373
a person in contempt of court for failing to comply with division 4374

(B)(1) of this section, the court, in addition to any other 4375
penalty or remedy imposed, shall assess all court costs arising 4376
out of the contempt proceeding against the person and require the 4377
person to pay reasonable attorney's fees of any adverse party, as 4378
determined by the court without regard to ability to pay, that 4379
arose in relationship to the act of contempt. 4380

Sec. 3109.57. (a) as used in this section and in sections 4381
3109.58 and 3109.581 Of the Revised Code, "parenting decree" means 4382
a parenting decree issued pursuant to section 3109.49 of the 4383
Revised Code or a shared parenting order. 4384

(B) if a parent intends to move to a residence other than the 4385
residence specified in the parenting decree and the new residence 4386
is in the same county or a contiguous county, the parent shall 4387
file with the court no later than three days prior to the date the 4388
parent intends to move, a notice of relocation that includes the 4389
new residence address and telephone number. the court shall serve 4390
a copy of the notice on the other parent, unless the other parent 4391
has been prohibited pursuant to section 3109.50 Of the Revised 4392
Code from receiving the notice of relocation. no fee may be 4393
imposed for filing the notice required by this division. 4394

(C) if a parent intends to move to a residence other than the 4396
residence specified in the parenting decree and the new residence 4397
is not in the same county as or a contiguous county, the parent 4398
shall file with the court no later than thirty days prior to the 4399
intended date of the move a notice that includes the new residence 4400
address and telephone number. at the time of filing the notice, 4401
the parent shall file a motion requesting modification of the 4402
parenting decree and a proposed modified parenting plan that sets 4403
forth the allocation of parenting functions and responsibilities 4404
for the care of the child and meets the requirements of section 4405
3109.44 of the Revised Code. 4406

(d)(1) except as provided in divisions (d)(2) and (3) of this 4407
section, the court shall, no later than five days after the date 4408
they are filed with the court, send copies of the notice, motion, 4409
and plan to the other parent. 4410

(2) if a court has determined pursuant to section 3109.50 Of 4411
the Revised Code that a parent is not to receive a copy of the 4412
notice, motion, and plan described in division (c) of this 4413
section, the court shall not send copies pursuant to division 4414
(d)(1) of this section unless the court determines that it is in 4415
the best interest of the child to give a copy of the notice, 4416
motion, and plan to that parent, issues an order stating that the 4417
parent will be given copies, and makes specific findings of fact 4418
and conclusions of law supporting its determination and enters 4419
them on the record. 4420

(3) if a court has not imposed a prohibition pursuant to 4421
section 3109.50 of the Revised Code preventing a parent from 4422
receiving a copy of the notice, motion, and plan described in 4423
division (c) of this section but the parent who intends to 4424
relocate does not want the other parent to receive a copy of the 4425
notice, motion, and plan because one of the factors listed in 4426
divisions (a)(8) to (17) of section 3109.50 of the Revised Code 4427
are applicable with respect to the other parent, the parent 4428
intending to relocate may file a motion with the court requesting 4429
that the other parent not receive a copy of the notice, motion, 4430
and plan. on the filing of the motion, the court shall schedule a 4431
hearing on the motion and give both parents notice of the date, 4432
time, and location of the hearing. if the court determines that 4433
one of the factors listed in division (A)(8) to (17) of section 4434
3109.50 of the Revised Code applies with respect to the other 4435
parent, the court shall issue an order that the other parent is 4436
not to receive a copy of the notice, motion, or plan pursuant to 4437
division (d)(1) of this section, unless the court determines that 4438

it is in the best interest of the child that the other parent be 4439
given copies, issues an order stating that the parent will be 4440
given copies, and issues specific findings of fact and conclusions 4441
of law supporting its determination and enters them on the record. 4442
if the court finds that none of the factors listed in divisions 4443
(a)(8) to (17) of section 3109.50 of the Revised Code apply to the 4444
other parent, the court shall dismiss the motion filed under 4445
division (D)(3) of this section. 4446

(e)(1) A parent has fourteen days from receipt of the notice, 4447
motion, and plan to object to the proposed modified parenting 4448
plan. A parent who fails to make a timely objection shall be 4449
considered in agreement with the proposed modified parenting plan 4450
and the court shall treat the plan as if it was jointly proposed 4451
by the parties. objection may be made by filing a motion to modify 4452
the parenting order or decree because of the relocation of a 4453
parent. the motion shall be accompanied by a proposed modified 4454
parenting plan that allocates the parenting functions and 4455
responsibilities for the care of the child that complies with the 4456
requirements of section 3109.44 of the Revised Code. at the time 4457
the court sends copies of the notice, motion, and plan to the 4458
other parent pursuant to division (d)(1) of this section, the 4459
court shall send an additional notice stating the following: "you 4460
have fourteen days from the receipt of this notice to object to 4461
the notice of intent to relocate, the motion to modify the 4462
parenting decree because of the relocation of a parent, and the 4463
proposed modified parenting plan filed by the parent intending to 4464
relocate. you may object by filing your own motion to modify the 4465
parenting decree or order and proposed modified parenting plan. if 4466
you fail to object within the fourteen-day time period, you will 4467
be presumed to be in agreement with the proposed modified 4468
parenting plan filed by the parent intending to relocate and the 4469
court shall consider that plan to be jointly proposed by the 4470
parents." 4471

(2) if the other parent fails to make a timely objection to the notice, motion, and plan described in division (c) of this section, the court shall review the proposed modified parenting plan of the parent intending to relocate to determine whether it is in the best interest of the child. If it determines that the plan is in the best interest of the child, the court shall approve it. If the court determines that the plan or any part of the plan is not in the best interest of the child, it shall require the parents to make appropriate changes to the plan to meet the court's objections. If changes are made and the new plan is in the best interest of the child, the court shall approve the plan. If changes to the plan that meet the court's objections are not made, the court may reject the parenting plan. if the court rejects the proposed modified parenting plan, the court shall approve its own plan, which shall comply with the requirements of section 3109.44 of the Revised Code. The court shall not approve any plan under this division unless it determines that the plan is in the best interest of the child. the court shall enter in the record of the case findings of fact and conclusions of law as to the reasons for the approval or rejection of the plan.

(3) If the other parent makes a timely objection pursuant to this section, the court shall review each plan filed to determine whether either is in the best interest of the child. If the court determines that one of the plans is in the best interest of the child, it may approve the plan. If it determines that neither plan is in the best interest of the child, the court may order each parent to submit appropriate changes to the parent's plan or both of the plans to meet the court's objections, or may select one of the plans and order each parent to submit appropriate changes to the selected plan to meet the court's objections. If changes are submitted to meet the court's objections and any of the plans with the changes is in the best interest of the child, the court may

approve the plan with the changes. If changes to the plan that 4504
meet the court's objections are not made, the court shall reject 4505
the parents' proposed plans. 4506

The court shall not approve more than one plan under division 4507
(E)(3) of this section and shall not approve a plan unless it 4508
determines that the plan is in the best interest of the child. If 4509
the court does not determine that any plan or plan with submitted 4510
changes is in the best interest of the child, the court shall 4511
approve its own plan, which shall comply with the requirements of 4512
section 3109.44 of the Revised Code. the court shall enter in the 4513
record of the case findings of fact and conclusions of law as to 4514
the reasons for the approval or rejection of a plan. 4515

(4) the court SHALL SCHEDULE A HEARING TO review PROPOSED 4516
MODIFIED PARENTING plans pursuant to division (e)(3) of this 4517
section TO BE HELD NO LATER THAN FIVE DAYS AFTER THE fourteen-day 4518
period for objection has elapsed. the PARTIES may PRESENT EVIDENCE 4519
CONCERNING THE PROPOSED PLANS AND THE BEST INTEREST OF THE CHILD 4520
at the hearing. the court shall make its determination concerning 4521
whether to approve a plan or reject the plans and approve its own 4522
plan and shall issue a new parenting decree or order no later than 4523
five days after the termination of the hearing. the new parenting 4524
decree or order shall not be issued later than thirty days after 4525
the notice, motion, and plan described in division (c) of this 4526
section are filed with the court. a parent intending to relocate 4527
as described in division (c) of this section shall not physically 4528
relocate the child to the new residence without prior approval of 4529
the court pursuant to this section. 4530

(F) the residential parent who intends to move to a residence 4532
other than the residence specified in a visitation order or decree 4533
that was issued under former section 3109.051 of the Revised Code 4534
that is still in effect on and after the effective date of this 4535

section, shall comply with the provisions of this section. if the 4536
court has previously issued an order stating that the parent 4537
granted visitation shall not be given any notice of relocation, 4538
that order shall be treated as a limitation prohibiting that 4539
parent from receiving a relocation notice pursuant to section 4540
3109.50 of the Revised Code. 4541

(G) a proposed modified parenting plan filed under this 4542
section shall be signed by the party proposing it and include a 4543
statement that the terms of the plan are being proposed in good 4544
faith. 4545

Sec. 3109.58. (A) this section and section 3109.581 Of the 4546
Revised Code are not applicable to the courts of common pleas in 4547
this state during any fiscal biennium that the state does not make 4548
appropriations sufficient to permit all of the courts to comply 4549
with it. 4550

(B)(1) if a parent is not complying with a parenting decree 4551
or an interim parenting order, the other parent may file a request 4552
for enforcement with the compliance unit established under section 4553
3109.581 of the Revised Code of the court that issued the decree 4554
or order. the parent filing the request shall attach to it an 4555
affidavit in support of the request for enforcement that sets 4556
forth the facts supporting the allegation that the other parent is 4557
not complying with the decree or order. the parent filing the 4558
request shall serve it and the affidavit on the other parent 4559
pursuant to the rules of civil procedure. 4560

(2) immediately on the filing of the request, the compliance 4561
unit shall assign a compliance officer to the request. the 4562
compliance officer shall schedule a conference with the parents to 4563
be held no later than thirty days after the date the request was 4564
filed, unless the parent that filed the request asks for an 4565
expedited conference in the request. if an expedited conference is 4566
requested, the compliance officer shall schedule a conference with 4567

the parents to be held no later than seven days after the request 4568
for compliance is filed. the compliance officer shall issue an 4569
order to appear at the conference to both parents and shall 4570
include as part of the order a notice of the date, time, and place 4571
of the conference. the court shall serve the order on the parents 4572
pursuant to the rules of civil procedure. the court shall serve 4573
the order on the parents no later than three days prior to the 4574
date of the conference. 4575

(3) prior to the date of the conference, the parents may 4576
enter into an agreement resolving the conflict that resulted in 4577
the filing of the request for compliance. the agreement shall be 4578
filed with the court not later than the date of the scheduled 4579
conference. if the court determines that the agreement is in the 4580
best interest of the child, the court shall MODIFY the existing 4581
parenting decree or interim parenting order to include the terms 4582
of the agreement. if an agreement is reached before the conference 4583
is held, the court shall issue an order CANCELING the conference. 4584

(4) if a conference is held, the parents may be represented 4586
by counsel and may present evidence. if the parties reach an 4587
agreement at the conclusion of the conference resolving the 4588
conflict that resulted in the filing of the request for 4589
compliance, the parents shall submit the agreement in writing to 4590
the court for approval. the agreement shall be filed no later than 4591
three days after the termination of the hearing. if the court 4592
determines that the agreement is in the best interest of the 4593
child, the court shall MODIFY the existing parenting decree or 4594
order to include the terms of the agreement. if the parties do not 4595
reach an agreement at the conclusion of the conference, the 4596
compliance officer shall submit a report to the court that 4597
includes a summary of the request for compliance and all evidence 4598
presented at the conference and an evaluation of the conflict with 4599

recommendations for further court action. the recommendations may 4600
be that any of the following be done: 4601

(a) the court schedule a hearing to determine what action 4602
should be taken to enforce compliance with the decree or order; 4603

(b) the court issue an order finding a parent in contempt of 4604
court for violation of the provisions of the decree or order; 4605

(c) the court issue an order requiring one or both of the 4606
parents' time with the child to be supervised, requiring exchange 4607
of the child in a neutral place, or requiring COUNSELING; 4608

(d) the court issue a temporary emergency order to protect 4609
the child because the current situation is or may be harmful to 4610
the child; 4611

(e) the court issue an order requiring any other action to be 4612
taken, or issue an order modifying the decree or order, in order 4613
to resolve the conflict that was the basis for the request for 4614
compliance. 4615

(C) the compliance officer shall file the report with the 4616
court. the court shall serve copies of the report on the parents 4617
by regular mail. except as provided in division (C)(3) of this 4618
section, a party may object to the report by filing written 4619
objections with the court no later than ten days after receiving 4620
notice from the court. the objecting parent shall serve the 4621
objections on the other parent pursuant to the rules of civil 4622
procedure. 4623

(1) if no timely objection is made, the court may issue an 4624
order consistent with the recommendations of the compliance 4625
officer. 4626

(2) if a parent makes a timely objection, the court shall 4627
schedule a hearing to be held no later than seven days after the 4628
objection is filed. the court shall send written notice of the 4629

date, time, and place of the hearing to the parties no later than 4630
five days prior to the date of the hearing. no later than three 4631
days after termination of the hearing, the court shall issue an 4632
order based on the report, objection, and all evidence presented 4633
at the hearing. 4634

(3) if the report filed pursuant to division (B) of this 4635
section includes the recommendation described under division 4636
(B)(4)(d) of this section, the court shall immediately issue a 4637
temporary emergency order concerning the child once the report is 4638
filed with the court. no later than two days after issuing the 4639
temporary emergency order, the court shall hold a hearing on the 4640
matter. the court, at the time it issues the temporary emergency 4641
order, shall send a copy of the order to the parents with notice 4642
of the date, time, and place of the hearing. the temporary 4643
emergency order shall expire no later than three days after the 4644
termination of the hearing. the court shall issue an order 4645
modifying the parenting decree allocating the parenting functions 4646
and responsibilities for the care of the child or the interim 4647
parenting order on the termination of the hearing that shall 4648
SUPERSEDE the temporary emergency order or take effect on the 4649
termination of that temporary order. 4650

(4) if the court issues an order pursuant to this division 4651
requiring a parent's time with the children subject to the decree 4652
or order to be supervised, it shall order a volunteer agreed upon 4653
by both parents or an employee of the compliance unit or the 4654
public children services agency of the county in which the child 4655
resides to provide the supervision. if the court issues an order 4656
requiring the parents to exchange possession of the children in a 4657
neutral location, the compliance unit shall establish the neutral 4658
location. if the court orders the parents to participate in 4659
COUNSELING, the compliance unit shall provide the COUNSELING. 4660

Sec. 3109.581. (a) each court of common pleas, on a date that 4661

is six months after the effective date of this section, shall 4662
establish a parenting COMPLIANCE unit to enforce the PROVISIONS of 4663
parenting decrees and interim parenting orders, other than the 4664
child support provisions. in order to comply with the duty to 4665
enforce the decrees or orders pursuant to SECTION 3109.58 of the 4666
Revised Code, the compliance unit shall do the following: 4667

(1) employ compliance officers; 4668

(2) provide for office space, conference rooms, and other 4669
facilities necessary to perform the functions of the compliance 4670
unit; 4671

(3) provide SUPERVISION of a parent's time with the parent's 4672
child; 4673

(4) provide neutral sites for the exchange of children 4674
between parents; 4675

(5) provide COUNSELING to limit disputes between and resolve 4676
conflicts concerning the children. 4677

(B) The supreme court may create forms for the request for 4678
enforcement, affidavit in support of the request for enforcement, 4679
and the order to appear to be used by each court of common pleas 4680
in proceedings pursuant to section 3109.58 of the Revised Code. 4681

~~Sec. 3109.051 3109.59. (A) If a divorce, dissolution, legal~~ 4682
~~separation, or annulment proceeding involves a child and if the~~ 4683
~~court has not issued a shared parenting decree, the court shall~~ 4684
~~consider any mediation report filed pursuant to section 3109.052~~ 4685
~~of the Revised Code and, in accordance with division (C) of this~~ 4686
~~section, shall make a just and reasonable order or decree~~ 4687
~~permitting each parent who is not the residential parent to visit~~ 4688
~~the child at the time and under the conditions that the court~~ 4689
~~directs, unless the court determines that it would not be in the~~ 4690
~~best interest of the child to permit that parent to visit the~~ 4691

~~child and includes in the journal its findings of fact and 4692
conclusions of law. Whenever possible, the order or decree 4693
permitting the visitation shall ensure the opportunity for both 4694
parents to have frequent and continuing contact with the child, 4695
unless frequent and continuing contact by either parent with the 4696
child would not be in the best interest of the child. The court 4697
shall include in its final decree a specific schedule of 4698
visitation for that parent. Except as provided in division (E)(6) 4699
of section 3113.31 of the Revised Code, if the court, pursuant to 4700
this section, grants any person companionship or visitation rights 4701
with respect to any child, it shall not require the public 4702
children services agency to provide supervision of or other 4703
services related to that person's exercise of companionship or 4704
visitation rights with respect to the child. This section does not 4705
limit the power of a juvenile court pursuant to Chapter 2151. of 4706
the Revised Code to issue orders with respect to children who are 4707
alleged to be abused, neglected, or dependent children or to make 4708
dispositions of children who are adjudicated abused, neglected, or 4709
dependent children or of a common pleas court to issue orders 4710
pursuant to section 3113.31 of the Revised Code. 4711~~

~~(B)(1) In a divorce, dissolution of marriage, legal 4712
separation, annulment, or child support proceeding that involves a 4713
child, the court may grant reasonable companionship or visitation 4714
rights to any grandparent, any person related to the child by 4715
consanguinity or affinity, or any other person other than a 4716
parent, if all of the following apply: 4717~~

~~(a) The grandparent, relative, or other person files a motion 4718
with the court seeking companionship or visitation rights. 4719~~

~~(b) The court determines that the grandparent, relative, or 4720
other person has an interest in the welfare of the child. 4721~~

~~(c) The court determines that the granting of the 4722~~

companionship or visitation rights is in the best interest of the 4723
child. 4724

(2) A motion may be filed under division ~~(B)~~(A)(1) of this 4725
section during the pendency of the divorce, dissolution of 4726
marriage, legal separation, annulment, or child support proceeding 4727
or, if a motion was not filed at that time or was filed at that 4728
time and the circumstances in the case have changed, at any time 4729
after a decree or final order is issued in the case. 4730

~~(C)~~(B) When determining whether to grant companionship or 4731
visitation rights to a ~~parent~~, grandparent, relative other than a 4732
parent, or other person who is not a parent pursuant to this 4733
section or section ~~3109.11~~ 3109.60 or ~~3109.12~~ 3109.61 of the 4734
Revised Code, when establishing a specific visitation schedule, 4735
and when determining other visitation matters under this section 4736
or section ~~3109.11~~ 3109.60 or ~~3109.12~~ 3109.61 of the Revised Code, 4737
the court shall ~~consider any mediation report that is filed~~ 4738
~~pursuant to section 3109.052 of the Revised Code and shall~~ 4739
consider all ~~other~~ relevant factors, including, but not limited 4740
to, all of the factors listed in division ~~(D)~~(C) of this section. 4741
In considering the factors listed in division ~~(D)~~(C) of this 4742
section for purposes of determining whether to grant visitation 4743
rights, establishing a specific visitation schedule, determining 4744
other visitation matters under this section or under section 4745
~~3109.11~~ 3109.60 or ~~3109.12~~ 3109.61 of the Revised Code, and 4746
resolving any issues related to the making of any determination 4747
with respect to visitation rights or the establishment of any 4748
specific visitation schedule, the court, in its discretion, may 4749
interview in chambers any or all involved children regarding their 4750
wishes and concerns. If the court interviews any child concerning 4751
the child's wishes and concerns regarding those visitation 4752
matters, the interview shall be conducted in chambers, and no 4753
person other than the child, the child's attorney, the judge, any 4754

necessary court personnel, and, in the judge's discretion, the attorney of each parent shall be permitted to be present in the chambers during the interview. No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the wishes and concerns of the child regarding those visitation matters. A court, in considering the factors listed in division ~~(D)~~(C) of this section for purposes of determining whether to grant any visitation rights, establishing a visitation schedule, determining other visitation matters under this section or under section ~~3109.11~~ 3109.60 or ~~3109.12~~ 3109.61 of the Revised Code, or resolving any issues related to the making of any determination with respect to visitation rights or the establishment of any specific visitation schedule, shall not accept or consider a written or recorded statement or affidavit that purports to set forth the child's wishes or concerns regarding those visitation matters.

~~(D)~~(C) In determining whether to grant companionship or visitation rights to a ~~parent~~, grandparent, relative other than a parent, or other person not a parent pursuant to this section or section ~~3109.11~~ 3109.60 or ~~3109.12~~ 3109.61 of the Revised Code, in establishing a specific visitation schedule, and in determining other visitation matters under this section or section ~~3109.11~~ 3109.60 or ~~3109.12~~ 3109.61 of the Revised Code, the court shall consider all of the following factors:

(1) The prior interaction and interrelationships of the child with the child's ~~parents~~, siblings, and other persons related by consanguinity or affinity, and with the person who requested companionship or visitation if that person is not a ~~parent~~, sibling, or relative of the child;

(2) The geographical location of the residence of ~~each parent~~ and the distance between those residences, and if the person who requested companionship or visitation is ~~not a parent~~, the

~~geographical location of that person's residence and the distance~~ 4787
~~between that person's residence and the child's residence;~~ 4788
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(3) The child's and ~~parents'~~ the person's available time, 4790
including, but not limited to, ~~each parent's~~ the person's 4791
employment schedule, the child's school schedule, and the child's 4792
and the ~~parents'~~ person's holiday and vacation schedule; 4793

(4) The age of the child; 4794

(5) The child's adjustment to home, school, and community; 4795

(6) If the court has interviewed the child in chambers, 4796
pursuant to division ~~(C)~~(B) of this section, regarding the wishes 4797
and concerns of the child as to ~~visitation by the parent who is~~ 4798
~~not the residential parent or~~ companionship or visitation by the 4799
grandparent, relative, or other person who requested the 4800
companionship or visitation, as to a specific visitation schedule, 4801
or as to other visitation matters, the wishes and concerns of the 4802
child, as expressed to the court; 4803

(7) The health and safety of the child; 4804

(8) The amount of time that will be available for the child 4805
to spend with siblings; 4806

(9) The mental and physical health of all parties; 4807

~~(10) Each parent's willingness to reschedule missed~~ 4808
~~visitation and to facilitate the other parent's visitation rights,~~ 4809
~~and if the person who requested companionship or visitation is not~~ 4810
~~a parent, the willingness of that person to reschedule missed~~ 4811
~~visitation;~~ 4812

~~(11) In relation to visitation by a parent, whether either~~ 4813
~~parent previously has been convicted of or pleaded guilty to any~~ 4814
~~criminal offense involving any act that resulted in a child being~~ 4815
~~an abused child or a neglected child; whether either parent, in a~~ 4816

~~ease in which a child has been adjudicated an abused child or a
neglected child, previously has been determined to be the
perpetrator of the abusive or neglectful act that is the basis of
the adjudication; and whether there is reason to believe that
either parent has acted in a manner resulting in a child being an
abused child or a neglected child;~~

~~(12)(10) In relation to requested companionship or visitation
by a grandparent, relative other than a parent, or other person
other than not a parent, whether the person previously has been
convicted of or pleaded guilty to any criminal offense involving
any act that resulted in a child being an abused child or a
neglected child; whether the person, in a case in which a child
has been adjudicated an abused child or a neglected child,
previously has been determined to be the perpetrator of the
abusive or neglectful act that is the basis of the adjudication;
whether either parent previously has been convicted of or pleaded
guilty to a violation of section 2919.25 of the Revised Code
involving a victim who at the time of the commission of the
offense was a member of the family or household that is the
subject of the current proceeding; whether either parent
previously has been convicted of an offense involving a victim who
at the time of the commission of the offense was a member of the
family or household that is the subject of the current proceeding
and caused physical harm to the victim in the commission of the
offense; and whether there is reason to believe that the person
has acted in a manner resulting in a child being an abused child
or a neglected child;~~

~~(13) Whether the residential parent or one of the parents
subject to a shared parenting decree has continuously and
willfully denied the other parent his or her right to visitation
in accordance with an order of the court;~~

~~(14) Whether either parent has established a residence or is~~

~~planning to establish a residence outside this state;~~ 4849

~~(15)(11)~~ Any other factor in the best interest of the child. 4850

~~(E)(D)~~ The remarriage of a residential parent of a child does 4851
not affect the authority of a court under this section to grant 4852
~~visitation rights with respect to the child to the parent who is~~ 4853
~~not the residential parent or to grant~~ reasonable companionship or 4854
visitation rights with respect to the child to any grandparent, 4855
any person related by consanguinity or affinity other than a 4856
parent, or any other person not a parent. 4857

~~(F)(1)(E)~~ If the court, pursuant to division (A) of this 4858
section, denies ~~visitation to a parent who is not the residential~~ 4859
~~parent or denies~~ a motion for reasonable companionship or 4860
visitation rights ~~filed under division (B) of this section~~ and the 4861
~~parent or~~ movant files a written request for findings of fact and 4862
conclusions of law, the court shall state in writing its findings 4863
of fact and conclusions of law in accordance with Civil Rule 52. 4864

~~(2)~~ On or before July 1, 1991, each court of common pleas, by 4865
~~rule,~~ shall adopt standard visitation guidelines. A court shall 4866
have discretion to deviate from its standard visitation guidelines 4867
based upon factors set forth in division (D) of this section. 4868
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~~(G)(1)~~ If the residential parent intends to move to a 4870
residence other than the residence specified in the visitation 4871
order or decree of the court, the parent shall file a notice of 4872
intent to relocate with the court that issued the order or decree. 4873
Except as provided in divisions (G)(2), (3), and (4) of this 4874
section, the court shall send a copy of the notice to the parent 4875
who is not the residential parent. Upon receipt of the notice, the 4876
court, on its own motion or the motion of the parent who is not 4877
the residential parent, may schedule a hearing with notice to both 4878
parents to determine whether it is in the best interest of the 4879

~~child to revise the visitation schedule for the child.~~

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~~(2) When a court grants visitation or companionship rights to a parent who is not the residential parent, the court shall determine whether that parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court determines that that parent has not been so convicted and has not been determined to be the perpetrator of an abusive act that is the basis of a child abuse adjudication, the court shall issue an order stating that a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section will be sent to the parent who is given the visitation or companionship rights in accordance with division (G)(1) of this section.~~

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~~If the court determines that the parent who is granted the visitation or companionship rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been~~

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determined to be the perpetrator of the abusive act that is the
basis of an adjudication that a child is an abused child, it shall
issue an order stating that that parent will not be given a copy
of any notice of relocation that is filed with the court pursuant
to division (G)(1) of this section unless the court determines
that it is in the best interest of the children to give that
parent a copy of the notice of relocation, issues an order stating
that that parent will be given a copy of any notice of relocation
filed pursuant to division (G)(1) of this section, and issues
specific written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order
granting visitation or companionship rights to a parent who is not
the residential parent and did not require the residential parent
in that order to give the parent who is granted the visitation or
companionship rights notice of any change of address and if the
residential parent files a notice of relocation pursuant to
division (G)(1) of this section, the court shall determine if the
parent who is granted the visitation or companionship rights has
been convicted of or pleaded guilty to a violation of section
2919.25 of the Revised Code involving a victim who at the time of
the commission of the offense was a member of the family or
household that is the subject of the proceeding, has been
convicted of or pleaded guilty to any other offense involving a
victim who at the time of the commission of the offense was a
member of the family or household that is the subject of the
proceeding and caused physical harm to the victim in the
commission of the offense, or has been determined to be the
perpetrator of the abusive act that is the basis of an
adjudication that a child is an abused child. If the court
determines that the parent who is granted the visitation or
companionship rights has not been so convicted and has not been
determined to be the perpetrator of an abusive act that is the

~~basis of a child abuse adjudication, the court shall issue an
order stating that a copy of any notice of relocation that is
filed with the court pursuant to division (G)(1) of this section
will be sent to the parent who is granted visitation or
companionship rights in accordance with division (G)(1) of this
section.~~

~~If the court determines that the parent who is granted the
visitation or companionship rights has been convicted of or
pleaded guilty to a violation of section 2919.25 of the Revised
Code involving a victim who at the time of the commission of the
offense was a member of the family or household that is the
subject of the proceeding, has been convicted of or pleaded guilty
to any other offense involving a victim who at the time of the
commission of the offense was a member of the family or household
that is the subject of the proceeding and caused physical harm to
the victim in the commission of the offense, or has been
determined to be the perpetrator of the abusive act that is the
basis of an adjudication that a child is an abused child, it shall
issue an order stating that that parent will not be given a copy
of any notice of relocation that is filed with the court pursuant
to division (G)(1) of this section unless the court determines
that it is in the best interest of the children to give that
parent a copy of the notice of relocation, issues an order stating
that that parent will be given a copy of any notice of relocation
filed pursuant to division (G)(1) of this section, and issues
specific written findings of fact in support of its determination.~~

~~(4) If a parent who is granted visitation or companionship
rights pursuant to this section or any other section of the
Revised Code is authorized by an order issued pursuant to this
section or any other court order to receive a copy of any notice
of relocation that is filed pursuant to division (G)(1) of this
section or pursuant to court order, if the residential parent~~

~~intends to move to a residence other than the residence address 4976
specified in the visitation or companionship order, and if the 4977
residential parent does not want the parent who is granted the 4978
visitation or companionship rights to receive a copy of the 4979
relocation notice because he has been convicted of or pleaded 4980
guilty to a violation of section 2919.25 of the Revised Code 4981
involving a victim who at the time of the commission of the 4982
offense was a member of the family or household that is the 4983
subject of the proceeding, has been convicted of or pleaded guilty 4984
to any other offense involving a victim who at the time of the 4985
commission of the offense was a member of the family or household 4986
that is the subject of the proceeding and caused physical harm to 4987
the victim in the commission of the offense, or has been 4988
determined to be the perpetrator of the abusive act that is the 4989
basis of an adjudication that a child is an abused child, the 4990
residential parent may file a motion with the court requesting 4991
that the parent who is granted the visitation or companionship 4992
rights not receive a copy of any notice of relocation. Upon the 4993
filing of the motion, the court shall schedule a hearing on the 4994
motion and give both parents notice of the date, time, and 4995
location of the hearing. If the court determines that the parent 4996
who is granted the visitation or companionship rights has been so 4997
convicted or has been determined to be the perpetrator of an 4998
abusive act that is the basis of a child abuse adjudication, the 4999
court shall issue an order stating that the parent who is granted 5000
the visitation or companionship rights will not be given a copy of 5001
any notice of relocation that is filed with the court pursuant to 5002
division (G)(1) of this section or that the residential parent is 5003
no longer required to give that parent a copy of any notice of 5004
relocation unless the court determines that it is in the best 5005
interest of the children to give that parent a copy of the notice 5006
of relocation, issues an order stating that that parent will be 5007
given a copy of any notice of relocation filed pursuant to 5008~~

~~division (G)(1) of this section, and issues specific written
findings of fact in support of its determination. If it does not
so find, it shall dismiss the motion.~~

~~(H)(1) Subject to division (G)(2) of section 2301.35 and
division (F) of section 3319.321 of the Revised Code, a parent of
a child who is not the residential parent of the child is entitled
to access, under the same terms and conditions under which access
is provided to the residential parent, to any record that is
related to the child and to which the residential parent of the
child legally is provided access, unless the court determines that
it would not be in the best interest of the child for the parent
who is not the residential parent to have access to the records
under those same terms and conditions. If the court determines
that the parent of a child who is not the residential parent
should not have access to records related to the child under the
same terms and conditions as provided for the residential parent,
the court shall specify the terms and conditions under which the
parent who is not the residential parent is to have access to
those records, shall enter its written findings of facts and
opinion in the journal, and shall issue an order containing the
terms and conditions to both the residential parent and the parent
of the child who is not the residential parent. The court shall
include in every order issued pursuant to this division notice
that any keeper of a record who knowingly fails to comply with the
order or division (H) of this section is in contempt of court.~~

~~(2) Subject to division (G)(2) of section 2301.35 and
division (F) of section 3319.321 of the Revised Code, subsequent
to the issuance of an order under division (H)(1) of this section,
the keeper of any record that is related to a particular child and
to which the residential parent legally is provided access shall
permit the parent of the child who is not the residential parent
to have access to the record under the same terms and conditions~~

~~under which access is provided to the residential parent, unless
the residential parent has presented the keeper of the record with
a copy of an order issued under division (H)(1) of this section
that limits the terms and conditions under which the parent who is
not the residential parent is to have access to records pertaining
to the child and the order pertains to the record in question. If
the residential parent presents the keeper of the record with a
copy of that type of order, the keeper of the record shall permit
the parent who is not the residential parent to have access to the
record only in accordance with the most recent order that has been
issued pursuant to division (H)(1) of this section and presented
to the keeper by the residential parent or the parent who is not
the residential parent. Any keeper of any record who knowingly
fails to comply with division (H) of this section or with any
order issued pursuant to division (H)(1) of this section is in
contempt of court.~~

~~(3) The prosecuting attorney of any county may file a
complaint with the court of common pleas of that county requesting
the court to issue a protective order preventing the disclosure
pursuant to division (H)(1) or (2) of this section of any
confidential law enforcement investigatory record. The court shall
schedule a hearing on the motion and give notice of the date,
time, and location of the hearing to all parties.~~

~~(I) A court that issues a visitation order or decree pursuant
to this section, section 3109.11 or 3109.12 of the Revised Code,
or any other provision of the Revised Code shall determine whether
the parent granted the right of visitation is to be permitted
access, in accordance with section 5104.011 of the Revised Code,
to any child day care center that is, or that in the future may
be, attended by the children with whom the right of visitation is
granted. Unless the court determines that the parent who is not
the residential parent should not have access to the center to the~~

same extent that the residential parent is granted access to the center, the parent who is not the residential parent and who is granted visitation or companionship rights is entitled to access to the center to the same extent that the residential parent is granted access to the center. If the court determines that the parent who is not the residential parent should not have access to the center to the same extent that the residential parent is granted such access under division (C) of section 5104.011 of the Revised Code, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to the center, provided that the access shall not be greater than the access that is provided to the residential parent under division (C) of section 5104.011 of the Revised Code, the court shall enter its written findings of fact and opinions in the journal, and the court shall include the terms and conditions of access in the visitation order or decree.

(J)(1) Subject to division (F) of section 3319.321 of the Revised Code, when a court issues an order or decree allocating parental rights and responsibilities for the care of a child, the parent of the child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any student activity that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child to grant the parent who is not the residential parent access to the student activities under those same terms and conditions. If the court determines that the parent of the child who is not the residential parent should not have access to any student activity that is related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the

~~residential parent is to have access to those student activities, 5105
shall enter its written findings of facts and opinion in the 5106
journal, and shall issue an order containing the terms and 5107
conditions to both the residential parent and the parent of the 5108
child who is not the residential parent. The court shall include 5109
in every order issued pursuant to this division notice that any 5110
school official or employee who knowingly fails to comply with the 5111
order or division (J) of this section is in contempt of court. 5112~~

~~(2) Subject to division (F) of section 3319.321 of the 5113
Revised Code, subsequent to the issuance of an order under 5114
division (J)(1) of this section, all school officials and 5115
employees shall permit the parent of the child who is not the 5116
residential parent to have access to any student activity under 5117
the same terms and conditions under which access is provided to 5118
the residential parent of the child, unless the residential parent 5119
has presented the school official or employee, the board of 5120
education of the school, or the governing body of the chartered 5121
nonpublic school with a copy of an order issued under division 5122
(J)(1) of this section that limits the terms and conditions under 5123
which the parent who is not the residential parent is to have 5124
access to student activities related to the child and the order 5125
pertains to the student activity in question. If the residential 5126
parent presents the school official or employee, the board of 5127
education of the school, or the governing body of the chartered 5128
nonpublic school with a copy of that type of order, the school 5129
official or employee shall permit the parent who is not the 5130
residential parent to have access to the student activity only in 5131
accordance with the most recent order that has been issued 5132
pursuant to division (J)(1) of this section and presented to the 5133
school official or employee, the board of education of the school, 5134
or the governing body of the chartered nonpublic school by the 5135
residential parent or the parent who is not the residential 5136~~

~~parent. Any school official or employee who knowingly fails to~~ 5137
~~comply with division (J) of this section or with any order issued~~ 5138
~~pursuant to division (J)(1) of this section is in contempt of~~ 5139
~~court.~~ 5140

~~(K)~~(F) If any person is found in contempt of court for 5141
failing to comply with or interfering with any order or decree 5142
granting companionship or visitation rights that is issued 5143
pursuant to this section, section ~~3109.11~~ 3109.60 or ~~3109.12~~ 5144
3109.61 of the Revised Code, or any other provision of the Revised 5145
Code, the court that makes the finding, in addition to any other 5146
penalty or remedy imposed, shall assess all court costs arising 5147
out of the contempt proceeding against the person and require the 5148
person to pay any reasonable attorney's fees of any adverse party, 5149
as determined by the court, that arose in relation to the act of 5150
contempt, and may award reasonable compensatory visitation to the 5151
person whose right of visitation was affected by the failure or 5152
interference if such compensatory visitation is in the best 5153
interest of the child. Any compensatory visitation awarded under 5154
this division shall be included in an order issued by the court 5155
and, to the extent possible, shall be governed by the same terms 5156
and conditions as was the visitation that was affected by the 5157
failure or interference. 5158

~~(L)~~(G) Any person who requests reasonable companionship or 5159
visitation rights with respect to a child under this section, 5160
section ~~3109.11~~ 3109.60 or ~~3109.12~~ 3109.61 of the Revised Code, or 5161
any other provision of the Revised Code may file a motion with the 5162
court requesting that it waive all or any part of the costs that 5163
may accrue in the proceedings under this section, section ~~3109.11~~ 5164
3109.60, or section ~~3109.12~~ 3109.61 of the Revised Code. If the 5165
court determines that the movant is indigent and that the waiver 5166
is in the best interest of the child, the court, in its 5167
discretion, may waive payment of all or any part of the costs of 5168

those proceedings. 5169

~~(M)(H)~~ The juvenile court has exclusive jurisdiction to enter 5170
the orders in any case certified to it from another court. 5171

(I) Except as provided in division (E)(6) of section 3113.31 5172
Of the Revised Code, if the court, pursuant to this section, 5173
grants any person companionship or visitation rights with respect 5174
to any child, it shall not require the public children services 5175
agency to provide supervision of or other services related to that 5176
person's exercise of companionship or visitation rights with 5177
respect to the child. This section does not limit the power of a 5178
juvenile court pursuant to Chapter 2151. Of the Revised Code to 5179
issue orders with respect to children who are alleged to be 5180
abused, neglected, or dependent children or to make dispositions 5181
of children who are adjudicated abused, neglected, or dependent 5182
children or of a common pleas court to issue orders pursuant to 5183
section 3113.31 Of the Revised Code. 5184

~~(N) As used in this section:~~ 5185

~~(1) "Abused child" has the same meaning as in section 5186~~
~~2151.031 of the Revised Code, and "neglected child" has the same 5187~~
~~meaning as in section 2151.03 of the Revised Code. 5188~~

~~(2) "Record" means any record, document, file, or other 5189~~
~~material that contains information directly related to a child, 5190~~
~~including, but not limited to, any of the following: 5191~~

~~(a) Records maintained by public and nonpublic schools; 5192~~

~~(b) Records maintained by facilities that provide child 5193~~
~~day care, as defined in section 5104.01 of the Revised Code, 5194~~
~~publicly funded child day care, as defined in section 5104.01 of 5195~~
~~the Revised Code, or pre-school services operated by or under the 5196~~
~~supervision of a school district board of education or a nonpublic 5197~~
~~school; 5198~~

~~(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;~~ 5199
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~~(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by division (G)(2) of section 2301.35 of the Revised Code.~~ 5202
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~~(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.~~ 5208
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Sec. ~~3109.11~~ 3109.60. If either the father or mother of an unmarried minor child is deceased, the court of common pleas of the county in which the minor child resides may grant the parents and other relatives of the deceased father or mother reasonable companionship or visitation rights with respect to the minor child during the child's minority if the parent or other relative files a complaint requesting reasonable companionship or visitation rights and if the court determines that the granting of the companionship or visitation rights is in the best interest of the minor child. In determining whether to grant any person reasonable companionship or visitation rights with respect to any child, the court shall consider all relevant factors, including, but not limited to, the factors set forth in division (D) of section ~~3109.051~~ 3109.59 of the Revised Code. Divisions ~~(C)(B)~~, ~~(K)(F)~~, and ~~(L)(G)~~ of section ~~3109.051~~ 3109.59 of the Revised Code apply to the determination of reasonable companionship or visitation rights under this section and to any order granting any such rights that is issued under this section. 5210
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The remarriage of the surviving parent of the child does not affect the authority of the court under this section to grant 5228
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reasonable companionship or visitation rights with respect to the 5230
child to a parent or other relative of the child's deceased father 5231
or mother. 5232

If the court denies a request for reasonable companionship or 5233
visitation rights made pursuant to this section and the 5234
complainant files a written request for findings of fact and 5235
conclusions of law, the court shall state in writing its findings 5236
of fact and conclusions of law in accordance with Civil Rule 52. 5237

Except as provided in division (E)(6) of section 3113.31 of 5238
the Revised Code, if the court, pursuant to this section, grants 5239
any person companionship or visitation rights with respect to any 5240
child, it shall not require the public children services agency to 5241
provide supervision of or other services related to that person's 5242
exercise of companionship or visitation rights with respect to the 5243
child. This section does not limit the power of a juvenile court 5244
pursuant to Chapter 2151. of the Revised Code to issue orders with 5245
respect to children who are alleged to be abused, neglected, or 5246
dependent children or to make dispositions of children who are 5247
adjudicated abused, neglected, or dependent children or of a 5248
common pleas court to issue orders pursuant to section 3113.31 of 5249
the Revised Code. 5250

Sec. ~~3109.12~~ 3109.61. (A) If a child is born to an unmarried 5251
woman, the parents of the woman and any relative of the woman may 5252
file a complaint requesting the court of common pleas of the 5253
county in which the child resides to grant them reasonable 5254
companionship or visitation rights with the child. If a child is 5255
born to an unmarried woman and if the father of the child has 5256
acknowledged the child pursuant to section 2105.18 of the Revised 5257
Code or has been determined in an action under Chapter 3111. of 5258
the Revised Code to be the father of the child, ~~the father,~~ the 5259
parents of the father, and any relative of the father may file a 5260

complaint requesting the court of common pleas of the county in 5261
which the child resides to grant them reasonable companionship or 5262
visitation rights with respect to the child. 5263

(B) The court may grant the companionship or visitation 5264
rights requested under division (A) of this section, if it 5265
determines that the granting of the companionship or visitation 5266
rights is in the best interest of the child. In determining 5267
whether to grant any person reasonable companionship or visitation 5268
rights with respect to any child, the court shall consider all 5269
relevant factors, including, but not limited to, the factors set 5270
forth in division ~~(D)~~(C) of section ~~3109.051~~ 3109.59 of the 5271
Revised Code. Divisions ~~(C)~~(B), ~~(K)~~(F), and ~~(L)~~(G) of section 5272
~~3109.051~~ 3109.59 of the Revised Code apply to the determination of 5273
reasonable companionship or visitation rights under this section 5274
and to any order granting any such rights that is issued under 5275
this section. 5276

The marriage or remarriage of the mother or father of a child 5277
does not affect the authority of the court under this section to 5278
grant the ~~natural father,~~ the parents or relatives of the natural 5279
father, or the parents or relatives of the mother of the child 5280
reasonable companionship or visitation rights with respect to the 5281
child. 5282

If the court denies a request for reasonable companionship or 5283
visitation rights made pursuant to division (A) of this section 5284
and the complainant files a written request for findings of fact 5285
and conclusions of law, the court shall state in writing its 5286
findings of fact and conclusions of law in accordance with Civil 5287
Rule 52. 5288

Except as provided in division (E)(6) of section 3113.31 of 5289
the Revised Code, if the court, pursuant to this section, grants 5290
any person companionship or visitation rights with respect to any 5291

child, it shall not require the public children services agency to 5292
provide supervision of or other services related to that person's 5293
exercise of companionship or visitation rights with respect to the 5294
child. This section does not limit the power of a juvenile court 5295
pursuant to Chapter 2151. of the Revised Code to issue orders with 5296
respect to children who are alleged to be abused, neglected, or 5297
dependent children or to make dispositions of children who are 5298
adjudicated abused, neglected, or dependent children or of a 5299
common pleas court to issue orders pursuant to section 3113.31 of 5300
the Revised Code. 5301

Sec. 3109.62. (A) if a man is presumed to be the father of a 5302
child pursuant to division (a)(3), (4), or (5) of section 3111.03 5303
of the Revised Code or is determined to be the father of a child 5304
pursuant to section 3111.13, 3111.21, or 3111.22 of the Revised 5305
Code, the mother or father may bring an action to allocate the 5306
parenting functions and responsibilities for the care of the child 5307
between the mother and father. the allocation shall be made 5308
pursuant to sections 3109.40 to 3109.62 of the Revised Code. until 5309
a parenting decree is issued pursuant to section 3109.49 of the 5310
Revised Code giving such rights to the father, the mother shall be 5311
the only parent with the legal right to exercise parenting 5312
functions and responsibilities with respect to the child and to 5313
have the legal right to have contact with the child. 5314

(B) the juvenile court has original jurisdiction of the 5315
action authorized by this section. an action pursuant to this 5316
section may be brought in the juvenile court of the county in 5317
which the child, the child's mother, or the child's father resides 5318
or is found. 5319

Sec. 3111.13. (A) The judgment or order of the court 5320
determining the existence or nonexistence of the parent and child 5321
relationship is determinative for all purposes. 5322

(B) If the judgment or order of the court is at variance with the child's birth record, the court may order that a new birth record be issued under section 3111.18 of the Revised Code.

(C) The judgment or order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment or order shall direct the father to pay all or any part of the reasonable expenses of the mother's pregnancy and confinement. The judgment or order shall state that the mother shall be the only parent that may exercise the parenting functions and responsibilities for the care of the child and have the legal right to have contact with the child, and shall be the only residential parent and legal custodian of the child, until a parenting decree is issued pursuant to section 3109.49 Of the Revised Code giving such rights to the father. After entry of the judgment or order, the father or mother may ~~petition that he be designated the residential parent and legal custodian of the child or for visitation rights in a proceeding separate from any action to establish paternity~~ Bring an action pursuant to section 3109.62 Of the Revised Code to allocate the parenting functions and responsibilities for the care of the child between the mother and father. Additionally, if the mother is unmarried, ~~the father,~~ the parents of the father, any relative of the father, the parents of the mother, and any relative of the mother may file a complaint pursuant to section ~~3109.12~~ 3109.61 of the Revised Code requesting the granting under that section of reasonable companionship or visitation rights with respect to the child.

The judgment or order shall contain any provision required by division (B) of section 3111.14 of the Revised Code.

(D) Support judgments or orders ordinarily shall be for

periodic payments that may vary in amount. In the best interest of
the child, a lump-sum payment or the purchase of an annuity may be
ordered in lieu of periodic payments of support.

(E) In determining the amount to be paid by a parent for
support of the child and the period during which the duty of
support is owed, a court enforcing the obligation of support shall
comply with sections 3113.21 to 3113.219 of the Revised Code.

(F)(1) Each order for child support made or modified under
this section on or after December 31, 1993, shall include as part
of the order a general provision, as described in division (A)(1)
of section 3113.21 of the Revised Code, requiring the withholding
or deduction of wages or assets of the obligor under the order as
described in division (D) or (H) of section 3113.21 of the Revised
Code, or another type of appropriate requirement as described in
division (D)(6), (D)(7), or (H) of that section, to ensure that
withholding or deduction from the wages or assets of the obligor
is available from the commencement of the support order for
collection of the support and of any arrearages that occur; a
statement requiring all parties to the order to notify the child
support enforcement agency in writing of their current mailing
address, their current residence address, and any changes in
either address; and a notice that the requirement to notify the
agency of all changes in either address continues until further
notice from the court. Any court that makes or modifies an order
for child support under this section on or after April 12, 1990,
shall comply with sections 3113.21 to 3113.219 of the Revised
Code. If any person required to pay child support under an order
made under this section on or after April 15, 1985, or modified on
or after December 1, 1986, is found in contempt of court for
failure to make support payments under the order, the court that
makes the finding, in addition to any other penalty or remedy
imposed, shall assess all court costs arising out of the contempt

proceeding against the person and require the person to pay any
reasonable attorney's fees of any adverse party, as determined by
the court, that arose in relation to the act of contempt.

(2) Notwithstanding section 3109.01 of the Revised Code, if a
court issues a child support order under this section, the order
shall remain in effect beyond the child's eighteenth birthday as
long as the child continuously attends on a full-time basis any
recognized and accredited high school. Any parent ordered to pay
support under a child support order issued under this section
shall continue to pay support under the order, including during
seasonal vacation periods, until the order terminates.

(3) When a court determines whether to require a parent to
pay an amount for that parent's failure to support a child prior
to the date the court issues an order requiring that parent to pay
an amount for the current support of that child, it shall consider
all relevant factors, including, but not limited to, any monetary
contribution either parent of the child made to the support of the
child prior to the court issuing the order requiring the parent to
pay an amount for the current support of the child.

(G) As used in this section, "birth record" has the same
meaning as in section 3705.01 of the Revised Code.

Sec. 3111.23. (A)(1) If an administrative officer of a child
support enforcement agency issues an administrative support order
under section 3111.20, 3111.21, or 3111.22 of the Revised Code,
the agency shall require the withholding or deduction of an amount
of the wages or assets of the obligor in accordance with division
(B) of this section to ensure that withholding or deduction from
the wages or assets of the obligor is available from the
commencement of the administrative support order for the
collection of the support and any arrearages that occur. The
agency shall determine the specific withholding or deduction

requirements applicable to the obligor under the administrative 5418
support order in accordance with division (B) of this section and 5419
shall include the specific requirements in the notices described 5420
in divisions (A)(2) and (B) of this section. Any person required 5421
to comply with the withholding or deduction requirements shall 5422
determine the manner of withholding or deducting an amount of the 5423
wages or assets of the obligor in accordance with the specific 5424
requirements included in the notices described in those divisions 5425
without the need for any amendment to the administrative support 5426
order. The agency shall include in an administrative support order 5427
under section 3111.20, 3111.21, or 3111.22 of the Revised Code a 5428
general provision that states the following: 5429

"All child support ordered by this administrative support 5430
order shall be withheld or deducted from the wages or assets of 5431
the obligor pursuant to a withholding or deduction notice issued 5432
in accordance with section 3111.23 of the Revised Code and shall 5433
be forwarded to the obligee in accordance with sections 3111.23 to 5434
3111.28 of the Revised Code." 5435

(2) In any action in which support is ordered or modified 5436
under an administrative support order as described in division 5437
(A)(1) of this section, the child support enforcement agency shall 5438
determine in accordance with division (B) of this section the 5439
types of withholding or deduction requirements that should be 5440
imposed relative to the obligor under the administrative support 5441
order to collect the support due under the order. Within fifteen 5442
days after the obligor under the administrative support order is 5443
located subsequent to the issuance of the administrative support 5444
order or within fifteen days after the default under the 5445
administrative support order, whichever is applicable, the agency 5446
shall send a notice by regular mail to each person required to 5447
comply with a withholding or deduction requirement. The notice 5448
shall specify the withholding or deduction requirement and shall 5449

contain all of the information set forth in division (B)(1)(b), 5450
(2)(b), (3)(b), (4)(b), or (5)(b) of this section that is 5451
applicable to the requirement. The notices, plus the notices 5452
provided by the child support enforcement agency that require the 5453
obligor to notify the agency of any change in the obligor's 5454
employment status or of any other change in the status of the 5455
obligor's assets, are final and are enforceable by the court. The 5456
agency shall provide the notice to the obligor in accordance with 5457
division (B)(1)(c), (2)(c), (3)(c), (4)(c), or (5)(c) of this 5458
section, whichever is applicable, and shall include with that 5459
notice the additional notices described in the particular division 5460
that is applicable. 5461

(3)(a) If support is ordered or modified on or after December 5462
31, 1993, under an administrative support order issued under 5463
section 3111.20, 3111.21, or 3111.22 of the Revised Code, if the 5464
child support enforcement agency has determined in accordance with 5465
division (A)(2) of this section the types of withholding or 5466
deduction requirements that should be imposed relative to the 5467
obligor under the support order to collect the support due under 5468
the order, if the agency has sent the appropriate notices to the 5469
persons required to comply with the withholding or deduction 5470
requirements that the agency determined should be imposed, and if 5471
the agency is notified or otherwise determines that the employment 5472
status or other circumstances of the obligor have changed, the 5473
agency shall conduct an investigation to determine whether it is 5474
more appropriate to impose another type of or an additional 5475
withholding or deduction requirement regarding the administrative 5476
support order and shall issue and send by regular mail one or more 5477
notices described in division (B) of this section that it 5478
determines are appropriate. The notices shall be sent within 5479
fifteen days after the obligor under the administrative support 5480
order is located or within fifteen days after the default under 5481

the administrative support order, whichever is applicable. The 5482
notices shall specify the withholding or deduction requirement and 5483
shall contain all of the information set forth in division 5484
(B)(1)(b), (2)(b), (3)(b), (4)(b), or (5)(b) of this section that 5485
is applicable. The agency shall provide the notices to the obligor 5486
in accordance with division (B)(1)(c), (2)(c), (3)(c), (4)(c), or 5487
(5)(c) of this section, whichever is applicable, and shall include 5488
with that notice the additional notices described in the 5489
particular division that is applicable. The notices are final and 5490
are enforceable by the court. 5491

If the child support enforcement agency previously has issued 5492
one or more notices containing one or more of the requirements 5493
described in division (B) of this section and the agency 5494
determines that any of the requirements no longer are appropriate 5495
due to the change in the employment status or other circumstances 5496
of the obligor, the agency immediately shall cancel any previously 5497
issued notice that no longer is appropriate, shall send written 5498
notice of the cancellation by regular mail to the person who was 5499
required to comply with the withholding or deduction requirement 5500
contained in the canceled notice, and shall issue one or more new 5501
notices containing one or more requirements described in division 5502
(B) of this section that it determines are appropriate. The 5503
notices shall be sent within fifteen days after the obligor under 5504
the administrative support order is located or within fifteen days 5505
after the default under the administrative support order, 5506
whichever is applicable. 5507

(b) If support has been ordered prior to December 31, 1993, 5508
under an administrative support order issued under section 5509
3111.20, 3111.21, or 3111.22 of the Revised Code, if the 5510
administrative support order has not been modified on or after 5511
December 31, 1993, if the administrative support order includes a 5512
provision that is substantively comparable to the general 5513

provision described in division (A)(1) of this section that must
be included in all administrative support orders issued or
modified on or after December 31, 1993, and if the child support
enforcement agency is notified or otherwise determines that the
employment status or other circumstances of the obligor under the
support order have changed so that it is appropriate to impose a
withholding or deduction requirement as described in division (B)
of this section to collect the support due under the order, the
agency shall comply with division (A)(3)(a) of this section as if
the administrative support order had been issued or modified on or
after December 31, 1993, and as if it included the general
provision described in division (A)(1) of that section that must
be included in all administrative support orders issued or
modified on or after that date. The notices issued under this
division are final and are enforceable by the court.

(c) If support has been ordered prior to December 31, 1993,
under an administrative support order issued under section
3111.20, 3111.21, or 3111.22 of the Revised Code, if the
administrative support order has not been modified on or after
December 31, 1993, if the administrative support order does not
include a provision that is substantively comparable to the
general provision described in division (A)(1) of this section
that must be included in all administrative support orders issued
or modified on or after December 31, 1993, and if the child
support enforcement agency is notified or otherwise determines
that the employment status or other circumstances of the obligor
under the support order have changed so that it is appropriate to
impose a withholding or deduction requirement as described in
division (B) of this section to collect the support due under the
order, the agency may reissue the administrative support order in
question to be identical to the administrative support order
except for a general provision, as described in division (A)(1) of

this section, requiring the withholding or deduction of wages or assets of the obligor in accordance with division (B) of this section to ensure that withholding or deduction from the wages or assets is available for the collection of current support and any arrearages that occur. Except for the inclusion of the general provision, the provisions of a reissued administrative support order under this division shall be identical to those of the administrative support order in question, and the child support enforcement agency shall issue one or more notices requiring withholding or deduction of wages or assets of the obligor in accordance with divisions (A)(2) and (B) of this section. Thereafter, division (A)(3)(a) of this section applies to the issuance of notices under those divisions with respect to that administrative support order. The notices issued under this division are final and are enforceable by the court. The general provision for the withholding or deduction of wages or assets to be included in the reissued administrative support order specifically shall include the statement set forth in division (A)(1) of this section.

(4) If, pursuant to division (A)(2) or (A)(3)(a), (b), or (c) of this section, a person is sent a notice described in division (B) of this section requiring a withholding or deduction requirement and the person fails to comply with the notice, the child support enforcement agency, in accordance with section 3111.28 of the Revised Code, shall request the court to find the person in contempt pursuant to section 2705.02 of the Revised Code.

(5) The department of human services shall adopt standard forms for the support withholding and deduction notices prescribed by divisions (A)(1) to (3) and (B) of this section. All child support enforcement agencies shall use the forms in complying with this section.

(B) If a child support enforcement agency is required by 5578
division (A) of this section to issue one or more withholding or 5579
deduction notices described in this division, the agency shall 5580
issue one or more of the following types of notices to pay the 5581
support required under the administrative support order in 5582
question and to pay any arrearages: 5583

(1)(a) If the child support enforcement agency determines 5584
that the obligor is employed, the agency shall require the 5585
obligor's employer to withhold from the obligor's personal 5586
earnings a specified amount for support in satisfaction of the 5587
administrative support order, to begin the withholding no later 5588
than the first pay period that occurs after fourteen working days 5589
following the date the notice was mailed to the employer under 5590
divisions (A)(2) or (3) and (B)(1)(b) of this section, to send the 5591
amount withheld to the child support enforcement agency designated 5592
for that county pursuant to section 2301.35 of the Revised Code, 5593
to send that amount to the agency immediately but not later than 5594
ten days after the date the obligor is paid, and to continue the 5595
withholding at intervals specified in the notice until further 5596
notice from the agency. To the extent possible, the amount 5597
specified in the notice to be withheld shall satisfy the amount 5598
ordered for support in the administrative support order plus any 5599
arrearages that may be owed by the obligor under any prior court 5600
or administrative support order that pertained to the same child 5601
or spouse, notwithstanding the limitations of sections 2329.66, 5602
2329.70, 2716.02, and 2716.05 of the Revised Code. However, in no 5603
case shall the sum of the amount specified in the notice to be 5604
withheld and any fee withheld by the employer as a charge for its 5605
services exceed the maximum amount permitted under section 303(b) 5606
of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b). 5607

(b) If the agency imposes a withholding requirement under 5608
division (B)(1)(a) of this section, the agency, within the 5609

applicable period of time specified in division (A) of this 5610
section, shall send to the obligor's employer by regular mail a 5611
notice that contains all of the information set forth in divisions 5612
(B)(1)(b)(i) to (xi) of this section. The notice is final and is 5613
enforceable by the court. The notice shall contain all of the 5614
following: 5615

(i) The amount to be withheld from the obligor's wages and a 5616
statement that the amount actually withheld for support and other 5617
purposes, including the fee described in division (B)(1)(b)(xi) of 5618
this section, shall not be in excess of the maximum amounts 5619
permitted under section 303(b) of the "Consumer Credit Protection 5620
Act," 15 U.S.C. 1673(b); 5621

(ii) A statement that the employer is required to send the 5622
amount withheld to the child support enforcement agency 5623
immediately, but not later than ten working days, after the 5624
obligor is paid by the employer and is required to report to the 5625
agency the date on which the amount was withheld from the 5626
obligor's wages; 5627

(iii) A statement that the withholding is binding upon the 5628
employer until further notice from the agency; 5629

(iv) A statement that the employer is subject to a fine to be 5630
determined under the law of this state for discharging the obligor 5631
from employment, refusing to employ the obligor, or taking any 5632
disciplinary action against the obligor because of the withholding 5633
requirement; 5634

(v) A statement that, if the employer fails to withhold wages 5635
in accordance with the provisions of the notice, the employer is 5636
liable for the accumulated amount the employer should have 5637
withheld from the obligor's wages; 5638

(vi) A statement that the withholding in accordance with the 5639
notice and under the provisions of this section has priority over 5640

any other legal process under the law of this state against the 5641
same wages; 5642

(vii) The date on which the notice was mailed and a statement 5643
that the employer is required to implement the withholding no 5644
later than the first pay period that occurs after fourteen working 5645
days following the date the notice was mailed and is required to 5646
continue the withholding at the intervals specified in the notice; 5647
5648

(viii) A requirement that the employer promptly notify the 5649
child support enforcement agency, in writing, within ten working 5650
days after the date of any termination of the obligor's 5651
employment, any layoff of the obligor, any leave of absence of the 5652
obligor without pay, or any other situation in which the employer 5653
ceases to pay personal earnings in an amount sufficient to comply 5654
with the administrative order to the obligor and provide the 5655
agency with the obligor's last known address; 5656

(ix) A requirement that the employer identify in the 5657
notification given under division (B)(1)(b)(viii) of this section 5658
any types of benefits other than personal earnings that the 5659
obligor is receiving or is eligible to receive as a benefit of 5660
employment or as a result of the obligor's termination of 5661
employment, including, but not limited to, unemployment 5662
compensation, workers' compensation benefits, severance pay, sick 5663
leave, lump sum payments of retirement benefits or contributions, 5664
and bonuses or profit-sharing payments or distributions, and the 5665
amount of such benefits, and include in the notification the 5666
obligor's last known address and telephone number, date of birth, 5667
social security number, and case number and, if known, the name 5668
and business address of any new employer of the obligor; 5669

(x) A requirement that, no later than the earlier of 5670
forty-five days before the lump-sum payment is to be made or, if 5671

the obligor's right to the lump-sum payment is determined less 5672
than forty-five days before it is to be made, the date on which 5673
that determination is made, the employer notify the child support 5674
enforcement agency of any lump-sum payments of any kind of five 5675
hundred dollars or more that are to be paid to the obligor, hold 5676
the lump-sum payments of five hundred dollars or more for thirty 5677
days after the date on which the lump-sum payments otherwise would 5678
have been paid to the obligor, if the lump-sum payments are 5679
workers' compensation benefits, severance pay, sick leave, 5680
lump-sum payments of retirement benefits or contributions, annual 5681
bonuses, or profit-sharing payments or distributions, and, upon 5682
order of the agency, pay any specified amount of the lump-sum 5683
payment to the child support enforcement agency. 5684

(xi) A statement that, in addition to the amount withheld for 5685
support, the employer may withhold a fee from the obligor's 5686
earnings as a charge for its services in complying with the notice 5687
a specification of the amount that may be withheld. 5688

(c) The agency shall send the notice described in division 5689
(B)(1)(b) of this section to the obligor, and shall attach to the 5690
notice an additional notice requiring the obligor immediately to 5691
notify the child support enforcement agency, in writing, of any 5692
change in employment, including self-employment, and of the 5693
availability of any other sources of income that can be the 5694
subject of any withholding or deduction requirement described in 5695
division (B) of this section. The agency shall serve the notices 5696
upon the obligor at the same time as service of the administrative 5697
support order or, if the administrative support order previously 5698
has been issued, shall send the notices to the obligor by regular 5699
mail at the obligor's last known address at the same time that it 5700
sends the notice described in division (B)(1)(b) of this section 5701
to the employer. The notification required of the obligor shall 5702
include a description of the nature of any new employment, the 5703

name and business address of any new employer, and any other 5704
information reasonably required by the agency. No obligor shall 5705
fail to give the notification as required by division (B)(1)(c) of 5706
this section. 5707

(2)(a) If the child support enforcement agency determines 5708
that the obligor is receiving workers' compensation payments, the 5709
agency may require the bureau of workers' compensation or the 5710
employer that has been granted the privilege of paying 5711
compensation directly and that is paying workers' compensation 5712
benefits to the obligor to withhold from the obligor's workers' 5713
compensation payments a specified amount for support in 5714
satisfaction of the administrative support order, to begin the 5715
withholding no later than the date of the first payment that 5716
occurs after fourteen working days following the date the notice 5717
was mailed to the bureau or employer under divisions (A)(2) or (3) 5718
and (B)(2)(b) of this section, to send the amount withheld to the 5719
child support enforcement agency designated for that county 5720
pursuant to section 2301.35 of the Revised Code, to send that 5721
amount to the agency immediately but not later than ten days after 5722
the date the payment is made to the obligor, to provide the date 5723
on which the amount was withheld, and to continue the withholding 5724
at intervals specified in the notice until further notice from the 5725
agency. To the extent possible, the amount specified in the notice 5726
to be withheld shall satisfy the amount ordered for support in the 5727
administrative support order plus any arrearages that may be owed 5728
by the obligor under any prior court or administrative support 5729
order that pertained to the same child or spouse, notwithstanding 5730
the limitations of section 4123.67 of the Revised Code. However, 5731
in no case shall the sum of the amount specified in the notice to 5732
be withheld and any fee withheld by an employer as a charge for 5733
its services exceed the maximum amount permitted under section 5734
303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b). 5735

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(b) If the agency imposes a withholding requirement under 5737
division (B)(2)(a) of this section, it, within the applicable 5738
period of time specified in division (A) of this section, shall 5739
send to the bureau of workers' compensation or the employer that 5740
is paying the obligor's workers' compensation benefits by regular 5741
mail a notice that contains all of the information set forth in 5742
divisions (B)(2)(b)(i) to (x) of this section. The notice is final 5743
and is enforceable by the court. The notice shall contain all of 5744
the following: 5745

(i) The amount to be withheld from the obligor's worker's 5746
compensation payments and a statement that the amount actually 5747
withheld for support and other purposes, including the fee 5748
described in division (B)(2)(b)(x) of this section, if applicable, 5749
shall not be in excess of the maximum amounts permitted under 5750
section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 5751
1673(b); 5752

(ii) A statement that the bureau or employer is required to 5753
send the amount withheld to the child support enforcement agency 5754
immediately, but not later than ten working days, after the 5755
payment is made to the obligor and is required to report to the 5756
agency the date on which the amount was withheld from the 5757
obligor's payments; 5758

(iii) A statement that the withholding is binding upon the 5759
bureau or employer until further notice from the court or agency; 5760

(iv) If the notice is sent to an employer who is paying the 5761
obligor's worker's compensation benefits, a statement that, if the 5762
employer fails to withhold from the obligor's worker's 5763
compensation payments in accordance with the provisions of the 5764
notice, the employer is liable for the accumulated amount the 5765
employer should have withheld from the obligor's payments; 5766

(v) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same payment of benefits;

(vi) The date on which the notice was mailed and a statement that the bureau or employer is required to implement the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(vii) A requirement that the bureau or employer promptly notify the child support enforcement agency, in writing, within ten working days after the date of any termination of the obligor's workers' compensation benefits;

(viii) A requirement that the bureau or employer include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(ix) A requirement that, no later than the earlier of forty-five days before the lump sum payment is to be made or, if the obligor's right to the lump sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the bureau or employer notify the child support enforcement agency of any lump-sum payment of any kind of five hundred dollars or more that is to be paid to the obligor, hold the lump-sum payment for thirty days after the date on which the lump-sum payment otherwise would be paid to the obligor, and, upon order of the agency, pay any specified amount of the lump-sum payment to the agency.

(x) If the notice is sent to an employer who is paying the obligor's workers' compensation benefits a statement that, in addition to the amount withheld for support, the employer may

withhold a fee from the obligor's benefits as a charge for its 5798
services in complying with the notice and a specification of the 5799
amount that may be withheld. 5800

(c) The agency shall send the notice described in division 5801
(B)(2)(b) of this section to the obligor and shall attach to the 5802
notice an additional notice requiring the obligor to immediately 5803
notify the child support enforcement agency, in writing, of any 5804
change in the obligor's workers' compensation payments, of the 5805
commencement of employment, including self-employment, and of the 5806
availability of any other sources of income that can be the 5807
subject of any withholding or deduction requirement described in 5808
division (B) of this section. The agency shall serve the notices 5809
upon the obligor at the same time as service of the administrative 5810
support order or, if the administrative support order previously 5811
has been issued, shall send the notices to the obligor by regular 5812
mail at the obligor's last known address at the same time that it 5813
sends the notice described in division (B)(2)(b) of this section 5814
to the bureau or employer. The additional notice also shall 5815
specify that upon the obligor's commencement of employment the 5816
obligor may request the child support enforcement agency to cancel 5817
its administrative workers' compensation payment withholding 5818
notice and instead issue a notice requiring the withholding of an 5819
amount from the obligor's personal earnings for support in 5820
accordance with division (B)(1) of this section and that upon 5821
commencement of employment the agency may cancel its workers' 5822
compensation payment withholding notice and instead will issue a 5823
notice requiring the withholding of an amount from the obligor's 5824
personal earnings for support in accordance with division (B)(1) 5825
of this section. The notification required of the obligor shall 5826
include a description of the nature of any new employment, the 5827
name and business address of any new employer, and any other 5828
information reasonably required by the agency. 5829

(3)(a) If the child support enforcement agency determines 5830
that the obligor is receiving any pension, annuity, allowance, or 5831
other benefit or is to receive or has received a warrant refunding 5832
the obligor's individual account from the public employees 5833
retirement system, a municipal retirement system established 5834
subject to sections 145.01 to 145.58 of the Revised Code, the 5835
police and firemen's disability and pension fund, the state 5836
teachers retirement system, the school employees retirement 5837
system, or the state highway patrol retirement system, the agency 5838
may require the public employees retirement board, the board, 5839
board of trustees, or other governing entity of any municipal 5840
retirement system, the board of trustees of the police and 5841
firemen's disability and pension fund, the state teachers 5842
retirement board, the school employees retirement board, or the 5843
state highway patrol retirement board to withhold from the 5844
obligor's pension, annuity, allowance, other benefit, or warrant a 5845
specified amount for support in satisfaction of the support order, 5846
to begin the withholding no later than the date of the first 5847
payment that occurs after fourteen working days following the date 5848
the notice was mailed to the board, board of trustees, or other 5849
entity under divisions (A)(2) or (3) and (B)(3)(b) of this 5850
section, to send the amount withheld to the child support 5851
enforcement agency designated for that county pursuant to section 5852
2301.35 of the Revised Code, to send that amount to the agency 5853
immediately but not later than ten days after the date the payment 5854
is made to the obligor, to provide the date on which the amount 5855
was withheld, and to continue the withholding at intervals 5856
specified in the notice until further withholding notice of the 5857
agency. To the extent possible, the amount specified in the notice 5858
to be withheld shall satisfy the amount ordered for support in the 5859
support order plus any arrearages that may be owed by the obligor 5860
under any prior court or administrative support order that 5861
pertained to the same child or spouse, notwithstanding the 5862

limitations of sections 2329.66, 2329.70, and 2716.13 of the
Revised Code. However, in no case shall the sum of the amount
specified in the notice to be withheld and any fee withheld by the
board, board of trustees, or other entity as a charge for its
services exceed the maximum amount permitted under section 303(b)
of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the agency imposes a withholding requirement under
division (B)(3)(a) of this section, it, within the applicable
period of time specified in division (A) of this section, shall
send to the board, board of trustees, or other entity by regular
mail a notice that contains all of the information set forth in
divisions (B)(3)(b)(i) to (ix) of this section. The notice is
final and is enforceable by the court. The notice shall contain
all of the following:

(i) The amount to be withheld from the obligor's pension,
annuity, allowance, other benefit, or warrant and a statement that
the amount actually withheld for support and other purposes,
including the fee described in division (B)(3)(b)(ix) of this
section, shall not be in excess of the maximum amounts permitted
under section 303(b) of the "Consumer Credit Protection Act," 15
U.S.C. 1673(b);

(ii) A statement that the board, board of trustees, or other
entity is required to send the amount withheld to the child
support enforcement agency immediately, but not later than ten
working days, after the payment is made to the obligor and is
required to report to the agency the date on which the amount was
withheld from the obligor's payments;

(iii) A statement that the withholding is binding upon the
board, board of trustees, or other entity until further notice
from the court or agency;

(iv) A statement that the withholding in accordance with the

notice and under the provisions of this section has priority over 5894
any other legal process under the law of this state against the 5895
same payment of the pension, annuity, allowance, other benefit, or 5896
warrant; 5897

(v) The date on which the notice was mailed and a statement 5898
that the board, board of trustees, or other entity is required to 5899
implement the withholding no later than the date of the first 5900
payment that occurs after fourteen working days following the date 5901
the notice was mailed and is required to continue the withholding 5902
at the intervals specified in the notice; 5903

(vi) A requirement that the board, board of trustees, or 5904
other entity promptly notify the child support enforcement agency, 5905
in writing, within ten working days after the date of any 5906
termination of the obligor's pension, annuity, allowance, or other 5907
benefit; 5908

(vii) A requirement that the board, board of trustees, or 5909
other entity include in all notices the obligor's last known 5910
mailing address, last known residence address, and social security 5911
number; 5912

(viii) A requirement that, no later than the earlier of 5913
forty-five days before the lump-sum payment is to be made or, if 5914
the obligor's right to the lump-sum payment is determined less 5915
than forty-five days before it is to be made, the date on which 5916
that determination is made, the board, board of trustees, or other 5917
entity notify the child support enforcement agency of any lump-sum 5918
payment of any kind of five hundred dollars or more that is to be 5919
paid to the obligor, hold the lump-sum payment for thirty days 5920
after the date on which the lump-sum payment would otherwise be 5921
paid to the obligor, if the lump-sum payments are lump-sum 5922
payments of retirement benefits or contributions, and, upon order 5923
of the agency, pay any specified amount of the lump-sum payment to 5924

the agency.

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(ix) A statement that, in addition to the amount withheld for support, the board, board of trustees, or other entity may withhold a fee from the obligor's pension, annuity, allowance, other benefit, or warrant as a charge for its services in complying with the notice and a specification of the amount that may be withheld.

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(c) The agency shall send the notice described in division (B)(3)(b) of this section to the obligor and shall attach to the notice an additional notice requiring the obligor immediately to notify the child support enforcement agency, in writing, of any change in the obligor's pension, annuity, allowance, or other benefit, of the commencement of employment, including self-employment, and of the availability of any other sources of income that can be the subject of any withholding or deduction requirement described in division (B) of this section. The agency shall serve the notices upon the obligor at the same time as service of the administrative support order or, if the administrative support order previously has been issued, shall send the notices to the obligor by regular mail, at the obligor's last known address, at the same time it sends the notice described in division (B)(3)(b) of this section to the board, board of trustees, or other entity. The additional notice also shall notify the obligor that upon the obligor's commencement of employment the obligor may request the agency to issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section and that upon the obligor's commencement of employment the agency may cancel its withholding notice under division (B)(3)(b) of this section and instead will issue a notice requiring the withholding of an amount from the obligor's personal earnings for support in accordance with division (B)(1) of this section. The notification

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required of the obligor shall include a description of the nature 5957
of any new employment, the name and business address of any new 5958
employer, and any other information reasonably required by the 5959
agency. 5960

(4)(a) If the child support enforcement agency determines 5961
that the obligor is receiving any form of income, including, but 5962
not limited to, disability or sick pay, insurance proceeds, 5963
lottery prize awards, federal, state, or local government benefits 5964
to the extent that the benefits can be withheld or deducted under 5965
any law governing the benefits, any form of trust fund or 5966
endowment fund, vacation pay, commissions and draws against 5967
commissions that are paid on a regular basis, bonuses or 5968
profit-sharing payments or distributions, or any lump-sum 5969
payments, the agency may require the person who pays or otherwise 5970
distributes the income to the obligor to withhold from the 5971
obligor's income a specified amount for support in satisfaction of 5972
the administrative support order, to begin the withholding no 5973
later than the date of the first payment that occurs after 5974
fourteen working days following the date the notice was mailed to 5975
the person paying or otherwise distributing the obligor's income 5976
under divisions (A)(2) or (3) and (B)(4)(b) of this section, to 5977
send the amount withheld to the child support enforcement agency 5978
designated for that county pursuant to section 2301.35 of the 5979
Revised Code, to send that amount to the agency immediately but 5980
not later than ten days after the date the payment is made to the 5981
obligor, to provide the date on which the amount was withheld, and 5982
to continue the withholding at intervals specified in the notice 5983
until further notice from the agency. To the extent possible, the 5984
amount specified in the notice to be withheld shall satisfy the 5985
amount ordered for support in the administrative support order 5986
plus any arrearages that may be owed by the obligor under any 5987
prior court or administrative support order that pertained to the 5988
same child or spouse, notwithstanding the limitations of sections 5989

2329.66, 2329.70, and 2716.13 of the Revised Code. However, in no
case shall the sum of the amount specified in the notice to be
withheld and any fee withheld by the person paying or otherwise
distributing the obligor's income as a charge for its services
exceed the maximum amount permitted under section 303(b) of the
"Consumer Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the agency imposes a withholding requirement under
division (B)(4)(a) of this section, it, within the applicable
period of time specified in division (A) of this section, shall
send to the person paying or otherwise distributing the obligor's
income by regular mail a notice that contains all of the
information set forth in divisions (B)(4)(b)(i) to (ix) of this
section. The notice is final and is enforceable by the court. The
notice shall contain all of the following:

(i) The amount to be withheld from the obligor's income and a
statement that the amount actually withheld for support and other
purposes, including the fee described in division (B)(4)(b)(ix) of
this section, shall not be in excess of the maximum amounts
permitted under section 303(b) of the "Consumer Credit Protection
Act," 15 U.S.C. 1673(b);

(ii) A statement that the person paying or otherwise
distributing the obligor's income is required to send the amount
withheld to the child support enforcement agency immediately, but
not later than ten working days, after the payment is made to the
obligor and is required to report to the agency the date on which
the amount was withheld from the obligor's payments;

(iii) A statement that the withholding is binding upon the
person paying or otherwise distributing the obligor's income until
further notice from the court or agency;

(iv) A statement that the withholding in accordance with the
notice and under the provisions of this section has priority over

any other legal process under the law of this state against the 6021
same payment of the income; 6022

(v) The date on which the notice was mailed and a statement 6023
that the person paying or otherwise distributing the obligor's 6024
income is required to implement the withholding no later than the 6025
date of the first payment that occurs after fourteen working days 6026
following the date the notice was mailed and is required to 6027
continue the withholding at the intervals specified in the notice; 6028

(vi) A requirement that the person paying or otherwise 6029
distributing the obligor's income promptly notify the child 6030
support enforcement agency, in writing, within ten days after the 6031
date of any termination of the obligor's income; 6032

(vii) A requirement that the person paying or otherwise 6033
distributing the obligor's income include in all notices the 6034
obligor's last known mailing address, last known residence 6035
address, and social security number; 6036

(viii) A requirement that, no later than the earlier of 6037
forty-five days before the lump-sum payment is to be made or, if 6038
the obligor's right to the lump-sum payment is determined less 6039
than forty-five days before it is to be made, the date on which 6040
that determination is made, the person paying or otherwise 6041
distributing the obligor's income notify the child support 6042
enforcement agency of any lump-sum payment of any kind of five 6043
hundred dollars or more that is to be paid to the obligor, hold 6044
the lump-sum payment for thirty days after the date on which the 6045
lump-sum payment would otherwise be paid to the obligor, if the 6046
lump-sum payment is sick pay, lump-sum payment of retirement 6047
benefits or contributions, or profit-sharing payments or 6048
distributions, and, upon order of the agency, pay any specified 6049
amount of the lump-sum payment to the child support enforcement 6050
agency. 6051

(ix) A statement that, in addition, to the amount withheld 6052
for support, the person paying or otherwise distributing the 6053
obligor's income may withhold a fee from the obligor's income as a 6054
charge for its services in complying with the notice and a 6055
specification of the amount that may be withheld. 6056

(c) The agency shall send the notice described in division 6057
(B)(4)(b) of this section to the obligor and shall attach to the 6058
notice an additional notice requiring the obligor immediately to 6059
notify the child support enforcement agency, in writing, of any 6060
change in the obligor's income to which the withholding notice 6061
applies, of the obligor's commencement of employment, including 6062
self-employment, and of the availability of any other sources of 6063
income that can be the subject of any withholding or deduction 6064
requirement described in division (B) of this section. The agency 6065
shall serve the notices upon the obligor at the same time as 6066
service of the administrative support order or, if the 6067
administrative support order previously has been issued, shall 6068
send the notices to the obligor by regular mail at the obligor's 6069
last known address at the same time that it sends the notice 6070
described in division (B)(4)(b) of this section to the person 6071
paying or otherwise distributing the obligor's income. The 6072
additional notice also shall notify the obligor that upon the 6073
obligor's commencement of employment the obligor may request the 6074
agency to issue a notice requiring the withholding of an amount 6075
from the obligor's personal earnings for support in accordance 6076
with division (B)(1) of this section and that upon the obligor's 6077
commencement of employment the agency may cancel its withholding 6078
notice under division (B)(4)(b) of this section and instead will 6079
issue a notice requiring the withholding of an amount from the 6080
obligor's personal earnings for support in accordance with 6081
division (B)(1) of this section. The notification required of the 6082
obligor shall include a description of the nature of any new 6083

employment, the name and business address of any new employer, and 6084
any other information reasonably required by the court. 6085

(5)(a) If the child support enforcement agency determines 6086
that the obligor has funds on deposit in any account in a 6087
financial institution under the jurisdiction of the court, the 6088
agency may require any financial institution in which the 6089
obligor's funds are on deposit to deduct from the obligor's 6090
account a specified amount for support in satisfaction of the 6091
administrative support order, to begin the deduction no later than 6092
fourteen working days following the date the notice was mailed to 6093
the financial institution under divisions (A)(2) or (3) and 6094
(B)(5)(b) of this section, to send the amount deducted to the 6095
child support enforcement agency designated for that county 6096
pursuant to section 2301.35 of the Revised Code, to send that 6097
amount to the agency immediately but not later than ten days after 6098
the date the latest deduction was made, to provide the date on 6099
which the amount was deducted, and to continue the deduction at 6100
intervals specified in the notice until further notice from the 6101
agency. To the extent possible, the amount specified in the notice 6102
to be deducted shall satisfy the amount ordered for support in the 6103
administrative support order plus any arrearages that may be owed 6104
by the obligor under any prior court or administrative support 6105
order that pertained to the same child or spouse, notwithstanding 6106
the limitations of sections 2329.66, 2329.70, and 2716.13 of the 6107
Revised Code. However, in no case shall the sum of the amount 6108
specified in the notice to be deducted and the fee deducted by the 6109
financial institution as a charge for its services exceed the 6110
maximum amount permitted under section 303(b) of the "Consumer 6111
Credit Protection Act," 15 U.S.C. 1673(b). 6112

(b) If the agency imposes a deduction requirement under 6113
division (B)(5)(a) of this section, it, within the applicable 6114
period of time specified in division (A) of this section, shall 6115

send to the financial institution by regular mail a notice that 6116
contains all of the information set forth in divisions 6117
(B)(5)(b)(i) to (viii) of this section. The notice is final and is 6118
enforceable by the court. The notice shall contain all of the 6119
following: 6120

(i) The amount to be deducted from the obligor's account and 6121
a statement that the amount actually deducted for support and 6122
other purposes, including the fee described in division 6123
(B)(5)(b)(viii) of this section, shall not be in excess of the 6124
maximum amounts permitted under section 303(b) of the "Consumer 6125
Credit Protection Act," 15 U.S.C. 1673(b); 6126

(ii) A statement that the financial institution is required 6127
to send the amount deducted to the child support enforcement 6128
agency immediately, but not later than ten working days, after the 6129
date the last deduction was made and is required to report to the 6130
agency the date on which the amount was deducted from the 6131
obligor's account; 6132

(iii) A statement that the deduction is binding upon the 6133
financial institution until further notice from the court or 6134
agency; 6135

(iv) A statement that the withholding in accordance with the 6136
notice and under the provisions of this section has priority over 6137
any other legal process under the law of this state against the 6138
same account; 6139

(v) The date on which the notice was mailed and a statement 6140
that the financial institution is required to implement the 6141
deduction no later than fourteen working days following the date 6142
the notice was mailed and is required to continue the deduction at 6143
the intervals specified in the notice; 6144

(vi) A requirement that the financial institution promptly 6145
notify the child support enforcement agency, in writing, within 6146

ten days after the date of any termination of the account from
which the deduction is being made and notify the agency, in
writing, of the opening of a new account at that financial
institution, the account number of the new account, the name of
any other known financial institutions in which the obligor has
any accounts, and the numbers of those accounts;

(vii) A requirement that the financial institution include in
all notices the obligor's last known mailing address, last known
residence address, and social security number;

(viii) A statement that, in addition to the amount deducted
for support, the financial institution may deduct a fee from the
obligor's account as a charge for its services in complying with
the administrative order and a specification of the amount that
may be deducted.

(c) The agency shall send the notice described in division
(B)(5)(b) of this section to the obligor and shall attach to the
notice an additional notice requiring the obligor immediately to
notify the child support enforcement agency, in writing, of any
change in the status of the account from which the amount of
support is being deducted or the opening of a new account with any
financial institution, of the obligor's commencement of
employment, including self-employment, or of the availability of
any other sources of income that can be the subject of any
withholding or deduction requirement described in division (B) of
this section. The agency shall serve the notices upon the obligor
at the same time as service of the administrative support order
or, if the support order previously has been issued, shall send
the notices to the obligor by regular mail at the obligor's last
known address at the same time that it sends the notice described
in division (B)(5)(b) of this section to the obligor. The
additional notice also shall notify the obligor that upon the
obligor's commencement of employment, the obligor may request the

agency to cancel its financial institution account deduction 6179
notice and instead issue a notice requiring the withholding of an 6180
amount from the obligor's personal earnings for support in 6181
accordance with division (B)(1) of this section and that upon the 6182
obligor's commencement of employment the agency may cancel its 6183
financial institution account deduction notice and instead will 6184
issue a notice requiring the withholding of an amount from the 6185
obligor's personal earnings for support in accordance with 6186
division (B)(1) of this section. The notification required of the 6187
obligor shall include a description of the nature of any new 6188
accounts opened at a financial institution located in the county 6189
in which the agency is located, the name and business address of 6190
that financial institution, a description of the nature of any new 6191
employment, the name and business address of any new employer, and 6192
any other information reasonably required by the agency. 6193

(C) If an agency issues or modifies an administrative support 6194
order under section 3111.20, 3111.21, or 3111.22 of the Revised 6195
Code and issues one or more notices described in division (B) of 6196
this section, the agency to the extent possible shall issue a 6197
sufficient number of notices under division (B) of this section to 6198
provide that the aggregate amount withheld or deducted under those 6199
notices satisfies the amount ordered for support in the 6200
administrative support order plus any arrearages that may be owed 6201
by the obligor under any prior court or administrative support 6202
order that pertained to the same child or spouse, notwithstanding 6203
the limitations of sections 2329.66, 2329.70, 2716.13, and 4123.67 6204
of the Revised Code. However, in no case shall the aggregate 6205
amount withheld or deducted and any fees withheld or deducted as a 6206
charge for services exceed the maximum amount permitted under 6207
section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 6208
1673(b). 6209

(D) When two or more withholding or deduction notices that 6210

are described in division (B) of this section are received by an 6211
employer, the bureau of workers' compensation, an employer that is 6212
paying more than one person's workers' compensation benefits, the 6213
public employees retirement board, the board, board of trustees, 6214
or other governing entity of any municipal retirement system, the 6215
board of trustees of the police and firemen's disability and 6216
pension fund, the state teachers retirement board, the school 6217
employees retirement board, the state highway patrol retirement 6218
board, a person paying or otherwise distributing income for more 6219
than one obligor, or a financial institution, the employer, bureau 6220
of workers' compensation, employer paying workers' compensation 6221
benefits, board, board of trustees, or other governing entity of a 6222
retirement system, person paying or distributing income to an 6223
obligor, or financial institution shall comply with all of the 6224
requirements contained in the notices to the extent that the total 6225
amount withheld from the obligor's personal earnings, payments, 6226
pensions, annuities, allowances, benefits, other sources of 6227
income, or savings does not exceed the maximum amount permitted 6228
under section 303(b) of the "Consumer Credit Protection Act," 15 6229
U.S.C. 1673(b), withhold or deduct amounts in accordance with the 6230
allocation set forth in divisions (D)(1) and (2) of this section, 6231
notify each agency that issued one of the notices of the 6232
allocation, and give priority to amounts designated in each notice 6233
as current support in the following manner: 6234

(1) If the total of the amounts designated in the notices as 6235
current support exceeds the amount available for withholding under 6236
section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 6237
1673(b), the employer, bureau of workers' compensation, employer 6238
paying workers' compensation benefits, board, board of trustees, 6239
or other governing entity of a municipal retirement system, person 6240
paying or distributing income to an obligor, or financial 6241
institution shall allocate to each notice an amount for current 6242

support equal to the amount designated in that notice as current 6243
support multiplied by a fraction in which the numerator is the 6244
amount of personal earnings, payments, pensions, annuities, 6245
allowances, benefits, other sources of income, or savings 6246
available for withholding and the denominator is the total amount 6247
designated in all of the notices as current support. 6248

(2) If the total of the amounts designated in the notices as 6249
current support does not exceed the amount available for 6250
withholding under section 303(b) of the "Consumer Credit 6251
Protection Act," 15 U.S.C. 1673(b), the persons and entities 6252
listed in division (C)(1) of this section shall pay all of the 6253
amounts designated as current support in the notices and shall 6254
allocate to each notice an amount for past-due support equal to 6255
the amount designated in that notice as past-due support 6256
multiplied by a fraction in which the numerator is the amount of 6257
personal earnings, payments, pensions, annuities, allowances, 6258
benefits, other sources of income, or savings remaining available 6259
for withholding after the payment of current support and the 6260
denominator is the total amount designated in all of the notices 6261
orders as past-due support. 6262

(E)(1) Except when a provision specifically authorizes or 6263
requires service other than as described in this division, service 6264
of any notice on any party, the bureau of workers' compensation, 6265
an employer that is paying a person's workers' compensation 6266
benefits, the public employees retirement board, the board, board 6267
of trustees, or other governing entity of any municipal retirement 6268
system, the board of trustees of the police and firemen's 6269
disability and pension fund, the state teachers retirement board, 6270
the school employees retirement board, the state highway patrol 6271
retirement board, a person paying or otherwise distributing an 6272
obligor's income, a financial institution, or an employer, for 6273
purposes of division (A) or (B) of this section, may be made by 6274

personal service or ordinary first class mail directed to the 6275
addressee at the addressee's last known address, or, in the case 6276
of a corporation, at its usual place of doing business. 6277

(2) Each party to an administrative support order shall 6278
notify the child support enforcement agency of the party's current 6279
mailing address and current residence address at the time of the 6280
issuance or modification of the order and, until further notice of 6281
the agency that issues the order, shall notify the agency of any 6282
change in either address immediately after the change occurs. No 6283
person shall fail to give the notice as required by division 6284
(E)(2) of this section. 6285

(3) Each administrative support order issued pursuant to this 6286
section shall contain a statement requiring each party to the 6287
order to notify the child support enforcement agency in writing of 6288
the party's current mailing address, the party's current residence 6289
address, and of any changes in either address, and a notice that 6290
the requirement to notify the agency of all changes in either 6291
address continues until further notice from the agency. 6292

(4)(a) The parent who is the residential parent ~~and legal~~ 6293
~~eustodian of a child for whom~~ purposes of receiving child support 6294
under an administrative support order ~~is issued or the person who~~ 6295
~~otherwise has custody of a child for whom an administrative~~ 6296
~~support order is issued immediately~~ shall notify, and the obligor 6297
under an administrative support order may notify, the child 6298
support enforcement agency of any reason for which an 6299
administrative support order should terminate, including, but not 6300
limited to, death, marriage, emancipation, enlistment in the armed 6301
services, deportation, or change of legal or physical custody of 6302
the child. Upon receipt of a notice pursuant to this division, the 6303
agency immediately shall conduct an investigation to determine if 6304
any reason exists for which the administrative support order 6305
should terminate. If the agency so determines, it immediately 6306

shall terminate the administrative support order. 6307

(b) Upon receipt of a notice given pursuant to division 6308
(E)(4)(a) of this section, the agency shall impound any funds 6309
received for the child pursuant to the administrative support 6310
order and set the case for an administrative hearing for a 6311
determination of whether the administrative support order should 6312
be terminated or modified or whether the agency should take any 6313
other appropriate action. 6314

(c) If the child support enforcement agency terminates an 6315
administrative support order pursuant to divisions (E)(4)(a) and 6316
(b) of this section, the termination of the support order also 6317
terminates any withholding or deduction order as described in 6318
division (B) of this section that was issued relative to the 6319
administrative support order prior to December 31, 1993, and any 6320
withholding or deduction notice as described in division (B) of 6321
this section that was issued relative to the administrative 6322
support order on or after December 31, 1993. Upon the termination 6323
of any withholding or deduction order or any withholding or 6324
deduction notice, the agency immediately shall notify each 6325
employer, financial institution, or other person or entity that 6326
was required to withhold or deduct a sum of money for the payment 6327
of support under the terminated withholding or deduction order or 6328
the terminated withholding or deduction notice that the order or 6329
notice has been terminated and that it is required to cease all 6330
withholding or deduction under the order or notice. 6331

(d) The department of human services shall adopt rules that 6332
provide for both of the following: 6333

(i) The return to the appropriate person of any funds that a 6334
child support enforcement agency has impounded under division 6335
(E)(4)(b) of this section, if the administrative support order 6336
under which the funds were paid has been terminated pursuant to 6337
divisions (E)(4)(a) and (b) of this section; 6338

(ii) The return to the appropriate person of any other 6339
payments made pursuant to an administrative support order, if the 6340
payments were made at any time after the administrative support 6341
order under which the funds were paid has been terminated pursuant 6342
to divisions (E)(4)(a) and (b) of this section. 6343

(5) If any party to an administrative support order requests 6344
a modification of the administrative support order or if any 6345
obligee under an administrative support order or any person on 6346
behalf of the obligee files any action to enforce an 6347
administrative support order with the agency, the agency shall 6348
proceed as provided in sections 3111.20 to 3111.28 and 3113.21 to 6349
3113.219 of the Revised Code. 6350

(F)(1) Upon receipt of a notice that a lump-sum payment of 6351
five hundred dollars or more is to be paid to the obligor, the 6352
agency shall do either of the following: 6353

(a) If the obligor is in default under the administrative 6354
support order or has any unpaid arrearages under the 6355
administrative support order, issue an administrative order 6356
requiring the transmittal of the lump-sum payment to the child 6357
support enforcement agency; 6358

(b) If the obligor is not in default under the administrative 6359
support order and does not have any unpaid arrearages under the 6360
support order, issue an administrative order directing the person 6361
who gave the notice to the agency to immediately pay the full 6362
amount of the lump-sum payment to the obligor. 6363

(2) Upon receipt of any moneys pursuant to division (F)(1)(a) 6365
of this section, a child support enforcement agency shall pay the 6366
amount of the lump-sum payment that is necessary to discharge all 6367
of the obligor's arrearages to the obligee and, within two 6368
business days after its receipt of the money, any amount that is 6369

remaining after the payment of the arrearages to the obligor. 6370
6371

(G)(1) Any administrative support order, or modification of 6372
an administrative support order, that is subject to this section 6373
shall contain the date of birth and social security number of the 6374
obligor. 6375

(2) No withholding or deduction notice described in division 6376
(B) of this section shall contain any information other than the 6377
information specifically required by division (B) or (G)(3) of 6378
this section or by any other section of the Revised Code and any 6379
additional information that the issuing agency determines may be 6380
necessary to comply with the notice. 6381

(3) Each withholding or deduction notice described in 6382
division (B) of this section shall include notice of all of the 6383
following: 6384

(a) That the child support enforcement agency may bring an 6385
action under section 3111.28 of the Revised Code requesting the 6386
court to find the employer, financial institution, employer that 6387
is paying the obligor's workers' compensation benefits, public 6388
employees retirement board, board, board of trustees, or other 6389
governing entity of any municipal retirement system, board of 6390
trustees of the police and firemen's disability and pension fund, 6391
state teachers retirement board, school employees retirement 6392
board, state highway patrol retirement board, person paying or 6393
otherwise distributing an obligor's income, or bureau of workers' 6394
compensation in contempt pursuant to section 2705.02 of the 6395
Revised Code if the employer, financial institution, employer that 6396
is paying the obligor's workers' compensation benefits, public 6397
employees retirement board, board, board of trustees, or other 6398
governing entity of the municipal retirement system, board of 6399
trustees of the police and firemen's disability and pension fund, 6400
state teachers retirement board, school employees retirement 6401

board, state highway patrol retirement board, person paying or 6402
otherwise distributing the obligor's income, or bureau of workers' 6403
compensation fails to comply with the withholding or deduction 6404
notice; 6405

(b) That, if the employer, financial institution, employer 6406
that is paying the obligor's workers' compensation benefits, 6407
public employees retirement board, board, board of trustees, or 6408
other governing entity of the municipal retirement system, board 6409
of trustees of the police and firemen's disability and pension 6410
fund, state teachers retirement board, school employees retirement 6411
board, state highway patrol retirement board, person paying or 6412
otherwise distributing an obligor's income, or bureau of workers' 6413
compensation fails to comply with the withholding or deduction 6414
notice, that failure to comply is contempt pursuant to section 6415
2705.02 of the Revised Code. 6416

(H) No withholding or deduction notice described in division 6417
(B) of this section and issued under this section or any other 6418
section of the Revised Code shall be terminated solely because the 6419
obligor pays any part or all of the arrearages under the 6420
administrative support order. 6421

(I)(1) Except as provided in division (I)(2) of this section 6422
and section 2301.42 of the Revised Code and the rules adopted 6423
pursuant to division (C) of that section, if child support 6424
arrearages are owed by an obligor to the obligee and to the 6425
department of human services, any payments received on the 6426
arrearages by the child support enforcement agency first shall be 6427
paid to the obligee until the arrearages owed to the obligee are 6428
paid in full. 6429

(2) Division (I)(1) of this section does not apply to the 6430
collection of past-due child support from refunds of paid federal 6431
taxes pursuant to section 5101.32 of the Revised Code or of 6432

overdue child support from refunds of paid state income taxes 6433
pursuant to sections 5101.321 and 5747.121 of the Revised Code. 6434

Sec. 3113.21. (A)(1) In any action in which support is 6435
ordered under Chapter 3115. or under section 2151.23, 2151.33, 6436
2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 6437
3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, the 6438
court shall require the withholding or deduction of wages or 6439
assets of the obligor in accordance with division (D) of this 6440
section or require the issuance of another type of appropriate 6441
court order in accordance with division (D)(6) or (7) or (H) of 6442
this section to ensure that withholding or deduction from the 6443
wages or assets of the obligor is available from the commencement 6444
of the support order for the collection of the support and any 6445
arrearages that occur. The court shall determine the specific 6446
withholding or deduction requirements or other appropriate 6447
requirements applicable to the obligor under the support order in 6448
accordance with divisions (D) and (H) of this section and section 6449
2301.371 of the Revised Code and shall include the specific 6450
requirements in the notices described in divisions (A)(2) and (D) 6451
of this section or in the court orders described in divisions 6452
(A)(2), (D)(6) or (7), and (H) of this section. Any person 6453
required to comply with any withholding or deduction requirement 6454
shall determine the manner of withholding or deducting from the 6455
specific requirement included in the notices described in those 6456
divisions without the need for any amendment to the support order, 6457
and any person required to comply with a court order described in 6458
division (D)(6), (D)(7), or (H) of this section shall comply with 6459
the court order without the need for any amendment to the support 6460
order. The court shall include in any action in which support is 6461
ordered as described in division (A)(1) of this section a general 6462
provision that states the following: 6463

"All child support and spousal support under this order shall 6464
be withheld or deducted from the wages or assets of the obligor 6465
pursuant to a withholding or deduction notice or appropriate court 6466
order issued in accordance with section 3113.21 of the Revised 6467
Code and shall be forwarded to the obligee in accordance with 6468
sections 3113.21 to 3113.214 of the Revised Code." 6469

(2) In any action in which support is ordered or modified as 6470
described in division (A)(1) of this section, the court shall 6471
determine in accordance with divisions (D) and (H) of this section 6472
the types of withholding or deduction requirements or other 6473
appropriate requirements that should be imposed relative to the 6474
obligor under the support order to collect the support due under 6475
the order. Within fifteen days after the obligor under the support 6476
order is located subsequent to the issuance of the support order 6477
or within fifteen days after the default under the support order, 6478
whichever is applicable, the court or the child support 6479
enforcement agency, as determined by agreement of the court and 6480
the agency, shall send a notice by regular mail to each person 6481
required to comply with a withholding or deduction requirement. 6482
The notice shall specify the withholding or deduction requirement 6483
and shall contain all of the information set forth in division 6484
(D)(1)(b), (2)(b), (3)(b), (4)(b), or (5)(b) of this section that 6485
is applicable to the requirement. If the appropriate requirement 6486
is an order of the type described in division (D)(6), (D)(7), or 6487
(H) of this section, the court shall issue and send a court order 6488
in accordance with that division. The notices and court orders, 6489
and the notices provided by the court or child support enforcement 6490
agency that require the obligor to notify the agency of any change 6491
in the obligor's employment status or of any other change in the 6492
status of the obligor's assets, are final and are enforceable by 6493
the court. When the court or agency issues a notice, it shall 6494
provide the notice to the obligor in accordance with division 6495

(D)(1)(c), (D)(2)(c), (D)(3)(c), (D)(4)(c), or (D)(5)(c) of this 6496
section, whichever is applicable, and shall include with the 6497
notice the additional notices described in the particular division 6498
that is applicable. 6499

(3)(a) If support is ordered or modified on or after December 6500
31, 1993, under Chapter 3115. or under section 2151.23, 2151.33, 6501
2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 6502
3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, if the 6503
court has determined in accordance with division (A)(2) of this 6504
section the types of withholding or deduction requirements or 6505
other appropriate requirements that should be imposed relative to 6506
the obligor under the support order to collect the support due 6507
under the order, if the court or a child support enforcement 6508
agency has mailed the appropriate notice to the person required to 6509
comply with the withholding or deduction requirements that the 6510
court has determined should be imposed or the court has issued and 6511
sent a court order described in division (D)(6), (D)(7), or (H) of 6512
this section containing the other appropriate requirements that 6513
the court determined should be imposed, and if the child support 6514
enforcement agency is notified or otherwise determines that the 6515
employment status or other circumstances of the obligor have 6516
changed and that it is more appropriate to impose another type of 6517
or an additional withholding or deduction requirement or another 6518
type of or additional court order containing another appropriate 6519
requirement, the agency immediately shall comply with section 6520
3113.212 of the Revised Code. The notices and court orders issued 6521
under this division and section 3113.212 of the Revised Code, and 6522
the notices provided by the court or child support enforcement 6523
agency that require the obligor to notify the agency of any change 6524
in the obligor's employment status or of any other change in the 6525
status of the obligor's assets, are final and are enforceable by 6526
the court. 6527

(b) If support has been ordered prior to December 31, 1993, 6528
under Chapter 3115. or under section 2151.23, 2151.33, 2151.36, 6529
2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 6530
3113.07, 3113.216, or 3113.31 of the Revised Code, if the support 6531
order has not been modified on or after December 31, 1993, if 6532
division (B) of this section has not been applied on or after 6533
December 31, 1993, regarding a default under the order, if the 6534
support order includes a provision that is substantively 6535
comparable to the general provision described in division (A)(1) 6536
of this section that must be included in all support orders issued 6537
or modified on or after December 31, 1993, and if the child 6538
support enforcement agency is notified or otherwise determines 6539
that the employment status or other circumstances of the obligor 6540
under the support order have changed so that it is appropriate to 6541
impose a withholding or deduction requirement or another type of 6542
or additional appropriate requirement as described in division (D) 6543
of this section to collect the support due under the order, the 6544
agency shall comply with section 3113.212 of the Revised Code as 6545
if the support order had been issued or modified on or after 6546
December 31, 1993, and as if it included the general provision 6547
described in division (A)(1) of this section that must be included 6548
in all support orders issued or modified on or after that date. 6549
The notices and court orders issued under this provision and 6550
section 3113.212 of the Revised Code, and the notices provided by 6551
the court or child support enforcement agency that require the 6552
obligor to notify the agency of any change in the obligor's 6553
employment status or of any other change in the status of the 6554
obligor's assets, are final and are enforceable by the court. 6555

(c) If support has been ordered prior to December 31, 1993, 6556
under Chapter 3115. or under section 2151.23, 2151.33, 2151.36, 6557
2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 6558
3113.07, 3113.216, or 3113.31 of the Revised Code, if the support 6559

order has not been modified on or after December 31, 1993, if 6560
division (B) of this section has not been applied on or after 6561
December 31, 1993, regarding a default under the order, if the 6562
support order does not include a provision that is substantively 6563
comparable to the general provision described in division (A)(1) 6564
of this section that must be included in all support orders issued 6565
or modified on or after December 31, 1993, and if the child 6566
support enforcement agency is notified or otherwise determines 6567
that the employment status or other circumstances of the obligor 6568
under the support order have changed so that it is appropriate to 6569
impose a withholding or deduction requirement or another type of 6570
or additional appropriate requirement as described in division (D) 6571
of this section to collect the support due under the order, the 6572
agency may request the court to reissue the support order in 6573
question to be identical to the support order except for a general 6574
provision as described in division (A) of this section requiring 6575
the withholding or deduction of wages or assets of the obligor in 6576
accordance with division (D) of this section or requiring the 6577
issuance of a court order containing another type of appropriate 6578
requirement in accordance with division (D)(6), (D)(7), or (H) of 6579
this section to ensure that withholding or deduction from the 6580
wages or assets of the obligor is available for the collection of 6581
current support and any arrearages that occur. Upon the receipt of 6582
a request from an agency, the court may reissue the order in 6583
accordance with this division. If the court reissues the order, 6584
the general provision for the withholding or deduction of wages or 6585
assets to be included in the reissued support order specifically 6586
shall include the statement prescribed in division (B)(1) of this 6587
section. Except for the inclusion of the general provision, the 6588
provisions of a reissued order under this division shall be 6589
identical to the support order in question, and the court or child 6590
support enforcement agency shall issue one or more notices 6591
requiring withholding or deduction of wages or assets of the 6592

obligor in accordance with divisions (A)(2) and (D) of this 6593
section, or the court shall issue one or more court orders 6594
imposing other appropriate requirements in accordance with 6595
division (A)(2) and division (D)(6), (D)(7), or (H) of this 6596
section. The notices shall be mailed within fifteen days after the 6597
obligor under the support order is located or within fifteen days 6598
after the default under the support order, whichever is 6599
applicable. Thereafter, section 3113.212 of the Revised Code 6600
applies to the issuance of notices and court orders under those 6601
divisions with respect to that support order. The notices and 6602
court orders issued under this division and section 3113.212 of 6603
the Revised Code, and the notices provided by the court or child 6604
support enforcement agency that require the obligor to notify the 6605
agency of any change in the obligor's employment status or of any 6606
other change in the status of the obligor's assets, are final and 6607
are enforceable by the court. 6608

(4) The department of human services shall adopt standard 6609
forms for the support withholding and deduction notices that are 6610
prescribed by divisions (A)(1) to (3) and (B) of this section. All 6611
courts and child support enforcement agencies shall use the forms 6612
in issuing withholding and deduction notices in compliance with 6613
this section. 6614

(B)(1)(a) In any action in which support is ordered under 6615
Chapter 3115. or under section 2151.23, 2151.33, 2151.36, 2151.49, 6616
3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3111.20, 3111.21, 6617
3111.22, 3113.04, 3113.07, 3113.216, or 3113.31 of the Revised 6618
Code and in which there has been a default under the order, the 6619
court shall comply with divisions (B)(1) to (6) of this section. 6620

If the support was ordered prior to December 31, 1993, or 6621
pursuant to section 3111.20, 3111.21, or 3111.22 of the Revised 6622
Code, the court shall reissue the support order under which there 6623
has been a default and shall include in the reissued order a 6624

general provision as described in this division requiring the 6625
withholding or deduction of wages or assets of the obligor in 6626
accordance with division (D) of this section or requiring the 6627
issuance of a court order containing another type of appropriate 6628
requirement in accordance with division (D)(6), (D)(7), or (H) of 6629
this section to ensure that withholding or deduction from the 6630
wages or assets is available for the collection of current support 6631
and any arrearages that occur. If the support was ordered pursuant 6632
to section 3111.20, 3111.21, or 3111.22 of the Revised Code and 6633
the support order includes a general provision similar to the one 6634
described in this division, the court shall replace the similar 6635
general provision with the general provision described in this 6636
division. Except for the inclusion or replacement of the general 6637
provision, the provisions of the reissued order required under 6638
this division shall be identical to those of the support order 6639
under which there has been a default. 6640

Regardless of when the support was ordered, when support has 6641
been ordered under any chapter or section described in this 6642
division, the child support enforcement agency shall initiate 6643
support withholding when the order is in default. Immediately 6644
after the identification of a default under the support order, the 6645
child support enforcement agency shall conduct the investigation 6646
described in division (B)(1)(b) of this section. Additionally, 6647
within fifteen calendar days after the identification of a default 6648
under the support order, the child support enforcement agency 6649
shall investigate the default and send advance notice to the 6650
obligor. The advance notice shall include a notice describing the 6651
actions that may be taken against the obligor pursuant to sections 6652
2301.373 and 2301.374 of the Revised Code if the court or agency 6653
makes a final and enforceable determination that the obligor is in 6654
default pursuant to this division. If the location of the obligor 6655
is unknown at the time of the identification of a default under 6656

the support order, the agency shall send the advance notice to the obligor within fifteen days after the agency locates the obligor. The general provision for the withholding or deduction of wages or assets to be included in the reissued support order specifically shall include the following statement:

"All child support and spousal support under this order shall be withheld or deducted from the wages or assets of the obligor pursuant to a withholding or deduction notice or appropriate court order issued in accordance with section 3113.21 of the Revised Code and shall be forwarded to the obligee in accordance with sections 3113.21 to 3113.214 of the Revised Code."

(b) After the identification of a default under a support order as described in division (B)(1)(a) of this section, the child support enforcement agency immediately shall conduct an investigation to determine the employment status of the obligor, the obligor's social security number, the name and business address of the obligor's employer, whether the obligor is in default under a support order, the amount of any arrearages, and any other information necessary to enable the court or agency to impose any withholding or deduction requirements and issue the related notices described in division (D) of this section or to issue any court orders described in division (D)(6) or (7) of this section. The agency also shall conduct an investigation under this division when required by division (C)(1)(a) or (b) of this section, shall complete the investigation within twenty days after the obligor or obligee files the motion with the court under division (C)(1)(a) of this section or the court orders the investigation under division (C)(1)(b) of this section, and shall conduct an investigation under this division when required by section 3113.214 of the Revised Code.

(2) An advance notice to an obligor required by division (B)(1) of this section shall contain all of the following:

(a) A statement of the date on which the advance notice is sent, the amount of arrearages owed by the obligor as determined by the court or the child support enforcement agency, the types of withholding or deduction requirements and related notices described in division (D) of this section or the types of court orders described in division (D)(6), (D)(7), or (H) of this section that will be issued to pay support and any arrearages, and the amount that will be withheld or deducted pursuant to those requirements;

(b) A statement that any notice for the withholding or deduction of an amount from personal earnings or other income or assets apply to all subsequent employers of the obligor, financial institutions in which the obligor has an account, and other persons or entities who pay or distribute income to the obligor and that any withholding or deduction requirement and related notice described in division (D) of this section or any court order described in division (D)(6), (D)(7), or (H) of this section that is issued will not be discontinued solely because the obligor pays any arrearages;

(c) An explanation of the administrative and court action that will take place if the obligor contests the inclusion of any of the provisions;

(d) A statement that the contents of the advance notice are final and are enforceable by the court unless the obligor files with the child support enforcement agency, within seven days after the date on which the advance notice is sent, a written request for an administrative hearing to determine if a mistake of fact was made in the notice.

(3) If the obligor requests a hearing regarding the advance notice in accordance with division (B)(2)(d) of this section, the child support enforcement agency shall conduct an administrative

hearing no later than ten days after the date on which the obligor
files the request for the hearing. No later than five days before
the date on which the hearing is to be conducted, the agency shall
send the obligor and the obligee written notice of the date, time,
place, and purpose of the hearing. The notice to the obligor and
obligee also shall indicate that the obligor may present testimony
and evidence at the hearing only in regard to the issue of whether
a mistake of fact was made in the advance notice.

At the hearing, the child support enforcement agency shall
determine whether a mistake of fact was made in the advance
notice. If it determines that a mistake of fact was made, the
agency shall determine the provisions that should be changed and
included in a corrected notice and shall correct the advance
notice accordingly. The agency shall send its determinations to
the obligor. The agency's determinations are final and are
enforceable by the court unless, within seven days after the
agency makes ~~it~~ its determinations, the obligor files a written
motion with the court for a court hearing to determine if a
mistake of fact still exists in the advance notice or corrected
advance notice.

(4) If, within seven days after the agency makes its
determinations under division (B)(3) of this section, the obligor
files a written motion for a court hearing to determine if a
mistake of fact still exists in the advance notice or the
corrected advance notice, the court shall hold a hearing on the
request as soon as possible, but no later than ten days, after the
request is filed. If the obligor requests a court hearing, no
later than five days before the date on which the court hearing is
to be held, the court shall send the obligor and the obligee
written notice by ordinary mail of the date, time, place, and
purpose of the court hearing. The hearing shall be limited to a
determination of whether there is a mistake of fact in the advance

notice or the corrected advance notice. 6752

If, at a hearing conducted under this division, the court 6753
detects a mistake of fact in the advance notice or the corrected 6754
advance notice, it immediately shall correct the notice. 6755

(5) Upon exhaustion of all rights of the obligor to contest 6756
the withholding or deduction on the basis of a mistake of fact and 6757
no later than the expiration of forty-five days after the issuance 6758
of the advance notice under division (B)(1) of this section, the 6759
court or child support enforcement agency shall issue one or more 6760
notices requiring withholding or deduction of wages or assets of 6761
the obligor in accordance with divisions (A)(2) and (D) of this 6762
section, or the court shall issue one or more court orders 6763
imposing other appropriate requirements in accordance with 6764
division (A)(2) and division (D)(6), (D)(7), or (H) of this 6765
section. Thereafter, section 3113.212 of the Revised Code applies 6766
in relation to the issuance of the notices and court orders. The 6767
notices and court orders issued under this division or section 6768
3113.212 of the Revised Code are final and are enforceable by the 6769
court. The court or agency shall send to the obligor by ordinary 6770
mail a copy of the withholding or deduction notice, in accordance 6771
with division (D) of this section. The failure of the court or 6772
agency to give the notice required by this division does not 6773
affect the ability of any court to issue any notice or order under 6774
this section or any other section of the Revised Code for the 6775
payment of support, does not provide any defense to any notice or 6776
order for the payment of support that is issued under this section 6777
or any other section of the Revised Code, and does not affect any 6778
obligation to pay support. 6779

(6) The department of human services shall adopt standard 6780
forms for the advance notice prescribed by divisions (B)(1) to (5) 6781
of this section. All courts and child support enforcement agencies 6782
shall use those forms, and the support withholding and deduction 6783

notice forms adopted under division (A)(4) of this section, in
complying with this section.

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(C)(1) In any action in which support is ordered under
Chapter 3115. or under section 2151.23, 2151.33, 2151.36, 2151.49,
3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07,
3113.216, or 3113.31 of the Revised Code, all of the following
apply:

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(a) The obligor or obligee under the order may file a motion
with the court that issued the order requesting the issuance of
one or more withholding or deduction notices as described in
division (D) of this section to pay the support due under the
order. The motion may be filed at any time after the support order
is issued. Upon the filing of a motion pursuant to this division,
the child support enforcement agency immediately shall conduct,
and shall complete within twenty days after the motion is filed,
an investigation in accordance with division (B)(1)(b) of this
section. Upon the completion of the investigation and the filing
of the agency's report under division (B)(1)(b) of this section,
the court shall issue one or more appropriate orders described in
division (D) of this section.

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(b) If any proceedings involving the support order that was
issued before, on, or after December 1, 1986, are commenced in the
court and if the court prior to the effective date of this
amendment has not issued any orders under division (D) of this
section with respect to the support order, if the court determines
that any orders issued prior to the effective date of this
amendment under division (D) of this section no longer are
appropriate, if the court on or after the effective date of this
amendment has not modified or reissued the support order under
division (A) or (B) of this section and issued any notices under
division (D) or court orders under division (D)(6) or (7) of this
section, or if the court on or after the effective date of this

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amendment has modified or reissued the support order under 6816
division (A) or (B) of this section and issued one or more notices 6817
under division (D) or one or more court orders under division 6818
(D)(6) or (7) of this section but determines that the notices or 6819
court orders no longer are appropriate, the court, prior to or 6820
during any hearings held with respect to the proceedings and prior 6821
to the conclusion of the proceedings, shall order the child 6822
support enforcement agency to conduct an investigation pursuant to 6823
division (B)(1)(b) of this section. Upon the filing of the 6824
findings of the agency following the investigation, the court, as 6825
necessary, shall issue one or more notices described in division 6826
(D) or one or more court orders described in division (D)(6) or 6827
(7) of this section or modify any notices previously issued under 6828
division (D) or any court orders previously issued under division 6829
(D)(6) or (7) of this section. 6830

(c)(i) If a child support enforcement agency, in accordance 6831
with section 3113.216 of the Revised Code, requests the court to 6832
issue a revised child support order in accordance with a revised 6833
amount of child support calculated by the agency, the court shall 6834
proceed as described in this division. If neither the obligor nor 6835
the obligee requests a court hearing on the revised amount of 6836
child support, the court shall issue a revised child support order 6837
requiring the obligor to pay the revised amount of child support 6838
calculated by the agency. However, if the obligor or the obligee 6839
requests a court hearing on the revised amount of child support 6840
calculated by the agency, the court, in accordance with division 6841
(C)(1)(c)(ii) of this section, shall schedule and conduct a 6842
hearing to determine if the revised amount of child support is the 6843
appropriate amount and if the amount of child support being paid 6844
under the child support order otherwise should be revised. 6845

(ii) If the court is required to schedule and conduct a 6846
hearing pursuant to division (C)(1)(c)(i) of this section, the 6847

court shall give the obligor, obligee, and agency at least thirty 6848
days' notice of the date, time, and location of the hearing; order 6849
the obligor to provide the court with a copy of the obligor's 6850
federal income tax return from the previous year, a copy of all 6851
pay stubs obtained by the obligor within the preceding six months, 6852
and a copy of all other records evidencing the receipt of any 6853
other salary, wages, or compensation by the obligor within the 6854
preceding six months, if the obligor failed to provide any of 6855
those documents to the agency, and order the obligee to provide 6856
the court with a copy of the obligee's federal income tax return 6857
from the previous year, a copy of all pay stubs obtained by the 6858
obligee within the preceding six months, and a copy of all other 6859
records evidencing the receipt of any other salary, wages, or 6860
compensation by the obligee within the preceding six months, if 6861
the obligee failed to provide any of those documents to the 6862
agency; give the obligor and the obligee notice that any willful 6863
failure to comply with that court order is contempt of court and, 6864
upon a finding by the court that the party is in contempt of 6865
court, the court and the agency will take any action necessary to 6866
obtain the information or make any reasonable assumptions 6867
necessary with respect to the income of the person in contempt of 6868
court to ensure a fair and equitable review of the child support 6869
order; issue a revised child support order requiring the obligor 6870
to pay the revised amount of child support calculated by the 6871
agency, if the court determines at the hearing that the revised 6872
amount of child support calculated by the agency is the 6873
appropriate amount; and determine the appropriate amount of child 6874
support and, if necessary, issue a revised child support order 6875
requiring the obligor to pay the amount of child support 6876
determined by the court, if the court determines that the revised 6877
amount of child support calculated by the agency is not the 6878
appropriate amount. 6879

(iii) In determining, at a hearing conducted under divisions 6880
(C)(1)(c)(i) and (ii) of this section, the appropriate amount of 6881
child support to be paid by the obligor, the court shall consider, 6882
in addition to all other factors required by law to be considered, 6883
the cost of health insurance which the obligor, the obligee, or 6884
both the obligor and the obligee have been ordered to obtain for 6885
the children specified in the order. 6886

(d) On or after July 1, 1990, the court shall issue any order 6887
required by section 3113.217 of the Revised Code. 6888

(e)(i) On or after July 1, 1990, an obligee under a child 6889
support order may file a motion with the court that issued the 6890
order requesting the court to modify the order to require the 6891
obligor to obtain health insurance coverage for the children who 6892
are the subject of the order, and on or after July 1, 1990, an 6893
obligor under a child support order may file a motion with the 6894
court that issued the order requesting the court to modify the 6895
order to require the obligee to obtain health insurance coverage 6896
for those children. Upon the filing of such a motion, the court 6897
shall order the child support enforcement agency to conduct an 6898
investigation to determine whether the obligor or obligee has 6899
satisfactory health insurance coverage for the children. Upon 6900
completion of its investigation, the agency shall inform the 6901
court, in writing, of its determination. If the court determines 6902
that neither the obligor nor the obligee has satisfactory health 6903
insurance coverage for the children, it shall issue an order in 6904
accordance with section 3113.217 of the Revised Code. 6905

(ii) On or after July 1, 1990, an obligor or obligee under a 6906
child support order may file a motion with the court that issued 6907
the order requesting the court to modify the amount of child 6908
support required to be paid under the order because that amount 6909
does not adequately cover the medical needs of the child. Upon the 6910
filing of such a motion, the court shall determine whether the 6911

amount of child support required to be paid under the order 6912
adequately covers the medical needs of the child and whether to 6913
modify the order, in accordance with division (B)(4) of section 6914
3113.215 of the Revised Code. 6915

(f) Whenever a court modifies, reviews, or otherwise 6916
reconsiders a child support order, it may reconsider which parent 6917
may claim the children who are the subject of the child support 6918
order as dependents for federal income tax purposes as set forth 6919
in section 151 of the "Internal Revenue Code of 1986," 100 Stat. 6920
2085, 26 U.S.C. 1, as amended, and shall issue its determination 6921
on this issue as part of the child support order. The court in its 6922
order may permit the parent who is not the residential parent ~~and~~ 6923
~~legal-custodian~~ for purposes of receiving child support to claim 6924
the children as dependents for federal income tax purposes only if 6925
the payments for child support are current in full as ordered by 6926
the court for the year in which the children will be claimed as 6927
dependents. If the court determines that the parent who is not the 6928
residential parent ~~and legal-custodian~~ for purposes of receiving 6929
child support may claim the children as dependents for federal 6930
income tax purposes, it shall order the residential parent for 6931
purposes of receiving child support to take whatever action is 6932
necessary pursuant to section 152 of the "Internal Revenue Code of 6933
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, to enable the 6934
parent who is not the residential parent ~~and legal-custodian~~ for 6935
purposes of receiving child support to claim the children as 6936
dependents for federal income tax purposes in accordance with the 6937
order of the court. Any willful failure of the residential parent 6938
for purposes of receiving child support to comply with the order 6939
of the court is contempt of court. 6940

(g) If the order is a child support order issued on or after 6941
July 1, 1990, or if the order modifies, on or after July 1, 1990, 6942
a prior child support order, the court shall include in the order 6943

all of the requirements, specifications, and statements described 6944
in division (B) of section 3113.218 of the Revised Code. 6945

(2) In any action in which a support order is issued, on or 6946
after December 1, 1986, under Chapter 3115. or under section 6947
2151.23, 2151.33, 2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 6948
3109.19, 3111.13, 3113.04, 3113.07, 3113.216, or 3113.31 of the 6949
Revised Code, the court issuing the order also shall conduct a 6950
hearing, prior to or at the time of the issuance of the support 6951
order, to determine the employment status of the obligor, the 6952
obligor's social security number, the name and business address of 6953
the obligor's employer, and any other information necessary to 6954
enable the court or a child support enforcement agency to issue 6955
any withholding or deduction notice described in division (D) of 6956
this section or for the court to issue a court order described in 6957
division (D)(6) or (7) of this section. The court, prior to the 6958
hearing, shall give the obligor notice of the hearing that shall 6959
include the date on which the notice is given and notice that the 6960
obligor is subject to a requirement for the withholding of a 6961
specified amount from personal earnings if employed and to one or 6962
more other types of withholding or deduction requirements 6963
described in division (D) or one or more types of court orders 6964
described in division (D)(6) or (7) of this section and that the 6965
obligor may present evidence and testimony at the hearing to prove 6966
that any of the requirements would not be proper because of a 6967
mistake of fact. 6968

The court or child support enforcement agency, immediately 6969
upon the court's completion of the hearing, shall issue one or 6970
more of the types of notices described in division (D) of this 6971
section imposing a withholding or deduction requirement, or the 6972
court shall issue one or more types of court orders described in 6973
division (D)(6) or (7) of this section. 6974

(D) If a court or child support enforcement agency is 6975

required under division (A), (B), or (C) of this section or any
other section of the Revised Code to issue one or more withholding
or deduction notices described in this division or court orders
described in division (D)(6) or (7) of this section, the court
shall issue one or more of the following types of notices or court
orders, or the agency shall issue one or more of the following
types of notices to pay the support required under the support
order in question and also, if required by any of those divisions,
any other section of the Revised Code, or the court, to pay any
arrearages:

(1)(a) If the court or the child support enforcement agency
determines that the obligor is employed, the court or agency shall
require the obligor's employer to withhold from the obligor's
personal earnings a specified amount for support in satisfaction
of the support order, to begin the withholding no later than the
first pay period that occurs after fourteen working days following
the date the notice was mailed to the employer under divisions
(A)(2) or (B) and (D)(1)(b) of this section, to send the amount
withheld to the child support enforcement agency designated for
that county pursuant to section 2301.35 of the Revised Code, to
send that amount to the agency immediately but not later than ten
days after the date the obligor is paid, and to continue the
withholding at intervals specified in the notice until further
notice from the court or agency. To the extent possible, the
amount specified in the notice to be withheld shall satisfy the
amount ordered for support in the support order plus any
arrearages that may be owed by the obligor under any prior support
order that pertained to the same child or spouse, notwithstanding
the limitations of sections 2329.66, 2329.70, 2716.02, and 2716.05
of the Revised Code. However, in no case shall the sum of the
amount specified in the notice to be withheld and any fee withheld
by the employer as a charge for its services exceed the maximum

amount permitted under section 303(b) of the "Consumer Credit
Protection Act," 15 U.S.C. 1673(b). 7008
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(b) If the court or agency imposes a withholding requirement 7010
under division (D)(1)(a) of this section, it, within the 7011
applicable period of time specified in division (A), (B), or (C) 7012
of this section, shall send to the obligor's employer by regular 7013
mail a notice that contains all of the information set forth in 7014
divisions (D)(1)(b)(i) to (xi) of this section. The notice is 7015
final and is enforceable by the court. The notice shall contain 7016
all of the following: 7017

(i) The amount to be withheld from the obligor's wages and a 7018
statement that the amount actually withheld for support and other 7019
purposes, including the fee described in division (D)(1)(b)(xi) of 7020
this section, shall not be in excess of the maximum amounts 7021
permitted under section 303(b) of the "Consumer Credit Protection 7022
Act," 15 U.S.C. 1673(b); 7023

(ii) A statement that the employer is required to send the 7024
amount withheld to the child support enforcement agency 7025
immediately, but not later than ten working days, after the 7026
obligor is paid by the employer and is required to report to the 7027
agency the date on which the amount was withheld from the 7028
obligor's wages; 7029

(iii) A statement that the withholding is binding upon the 7030
employer until further notice from the agency; 7031

(iv) A statement that the employer is subject to a fine to be 7032
determined under the law of this state for discharging the obligor 7033
from employment, refusing to employ the obligor, or taking any 7034
disciplinary action against the obligor because of the withholding 7035
requirement; 7036

(v) A statement that, if the employer fails to withhold wages 7037
in accordance with the provisions of the notice, the employer is 7038

liable for the accumulated amount the employer should have 7039
withheld from the obligor's wages; 7040

(vi) A statement that the withholding in accordance with the 7041
notice and under the provisions of this section has priority over 7042
any other legal process under the law of this state against the 7043
same wages; 7044

(vii) The date on which the notice was mailed and a statement 7045
that the employer is required to implement the withholding no 7046
later than the first pay period that occurs after fourteen working 7047
days following the date the notice was mailed and is required to 7048
continue the withholding at the intervals specified in the notice; 7049
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(viii) A requirement that the employer promptly notify the 7051
child support enforcement agency, in writing, within ten working 7052
days after the date of any termination of the obligor's 7053
employment, any layoff of the obligor, any leave of absence of the 7054
obligor without pay, or any other situation in which the employer 7055
ceases to pay personal earnings in an amount sufficient to comply 7056
with the order to the obligor, provide the agency with the 7057
obligor's last known address, notify the agency of the obligor's 7058
new employer, if known, and provide the agency with the new 7059
employer's name, address, and telephone number, if known; 7060

(ix) A requirement that the employer identify in the 7061
notification given under division (D)(1)(b)(viii) of this section 7062
any types of benefits other than personal earnings that the 7063
obligor is receiving or is eligible to receive as a benefit of 7064
employment or as a result of the obligor's termination of 7065
employment, including, but not limited to, unemployment 7066
compensation, workers' compensation benefits, severance pay, sick 7067
leave, lump-sum payments of retirement benefits or contributions, 7068
and bonuses or profit-sharing payments or distributions, and the 7069

amount of such benefits, and include in the notification the 7070
obligor's last known address and telephone number, date of birth, 7071
social security number, and court case number and, if known, the 7072
name and business address of any new employer of the obligor; 7073

(x) A requirement that, no later than the earlier of 7074
forty-five days before the lump-sum payment is to be made or, if 7075
the obligor's right to the lump-sum payment is determined less 7076
than forty-five days before it is to be made, the date on which 7077
that determination is made, the employer notify the child support 7078
enforcement agency of any lump-sum payments of any kind of five 7079
hundred dollars or more that are to be paid to the obligor, hold 7080
the lump-sum payments of five hundred dollars or more for thirty 7081
days after the date on which the lump-sum payments otherwise would 7082
have been paid to the obligor, if the lump-sum payments are 7083
workers' compensation benefits, severance pay, sick leave, 7084
lump-sum payments of retirement benefits or contributions, annual 7085
bonuses, or profit-sharing payments or distributions, and, upon 7086
order of the court, pay any specified amount of the lump-sum 7087
payment to the child support enforcement agency. 7088

(xi) A statement that, in addition to the amount withheld for 7089
support, the employer may withhold a fee from the obligor's 7090
earnings as a charge for its services in complying with the notice 7091
and a specification of the amount that may be withheld. 7092

(c) The court or agency shall send the notice described in 7093
division (D)(1)(b) of this section to the obligor and shall attach 7094
to the notice an additional notice requiring the obligor 7095
immediately to notify the child support enforcement agency, in 7096
writing, of any change in employment, including self-employment, 7097
and of the availability of any other sources of income that can be 7098
the subject of any withholding or deduction requirement described 7099
in division (D) of this section. The court or agency shall serve 7100
the notices upon the obligor at the same time as service of the 7101

support order or, if the support order previously has been issued, 7102
shall send the notices to the obligor by regular mail at the last 7103
known address at the same time that it sends the notice described 7104
in division (D)(1)(b) of this section to the employer. The 7105
notification required of the obligor shall include a description 7106
of the nature of any new employment, the name and business address 7107
of any new employer, and any other information reasonably required 7108
by the court. No obligor shall fail to give the notification 7109
required by division (D)(1)(c) of this section. 7110

(2)(a) If the court or the child support enforcement agency 7111
determines that the obligor is receiving workers' compensation 7112
payments, the court or agency may require the bureau of workers' 7113
compensation or the employer that has been granted the privilege 7114
of paying compensation directly and that is paying workers' 7115
compensation benefits to the obligor to withhold from the 7116
obligor's workers' compensation payments a specified amount for 7117
support in satisfaction of the support order, to begin the 7118
withholding no later than the date of the first payment that 7119
occurs after fourteen working days following the date the notice 7120
was mailed to the bureau or employer under divisions (A)(2) or (B) 7121
and (D)(2)(b) of this section, to send the amount withheld to the 7122
child support enforcement agency designated for that county 7123
pursuant to section 2301.35 of the Revised Code, to send that 7124
amount to the agency immediately but not later than ten days after 7125
the date the payment is made to the obligor, to provide the date 7126
on which the amount was withheld, and to continue the withholding 7127
at intervals specified in the notice until further notice from the 7128
court or agency. To the extent possible, the amount specified in 7129
the notice to be withheld shall satisfy the amount ordered for 7130
support in the support order plus any arrearages that may be owed 7131
by the obligor under any prior support order that pertained to the 7132
same child or spouse, notwithstanding the limitations of section 7133

4123.67 of the Revised Code. However, in no case shall the sum of
the amount specified in the notice to be withheld and any fee
withheld by an employer as a charge for its services exceed the
maximum amount permitted under section 303(b) of the "Consumer
Credit Protection Act," 15 U.S.C. 1673(b).

(b) If the court or agency imposes a withholding requirement
under division (D)(2)(a) of this section, it, within the
applicable period of time specified in division (A), (B), or (C)
of this section, shall send to the bureau of workers' compensation
or the employer that is paying the obligor's workers' compensation
benefits by regular mail a notice that contains all of the
information set forth in divisions (D)(2)(b)(i) to (x) of this
section. The notice is final and is enforceable by the court. The
notice shall contain all of the following:

(i) The amount to be withheld from the obligor's worker's
compensation payments and a statement that the amount actually
withheld for support and other purposes, including the fee
described in division (D)(2)(b)(x) of this section, if applicable,
shall not be in excess of the maximum amounts permitted under
section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C.
1673(b);

(ii) A statement that the bureau or employer is required to
send the amount withheld to the child support enforcement agency
immediately, but not later than ten working days, after the
payment is made to the obligor and is required to report to the
agency the date on which the amount was withheld from the
obligor's payments;

(iii) A statement that the withholding is binding upon the
bureau or employer until further notice from the court or agency;

(iv) If the notice is sent to an employer who is paying the
obligor's worker's compensation benefits, a statement that, if the

employer fails to withhold from the obligor's worker's 7165
compensation payments in accordance with the provisions of the 7166
notice, the employer is liable for the accumulated amount the 7167
employer should have withheld from the obligor's payments; 7168

(v) A statement that the withholding in accordance with the 7169
notice and under the provisions of this section has priority over 7170
any other legal process under the law of this state against the 7171
same payment of benefits; 7172

(vi) The date on which the notice was mailed and a statement 7173
that the bureau or employer is required to implement the 7174
withholding no later than the date of the first payment that 7175
occurs after fourteen working days following the date the notice 7176
was mailed and is required to continue the withholding at the 7177
intervals specified in the notice; 7178

(vii) A requirement that the bureau or employer promptly 7179
notify the child support enforcement agency, in writing, within 7180
ten working days after the date of any termination of the 7181
obligor's workers' compensation benefits; 7182

(viii) A requirement that the bureau or employer include in 7183
all notices the obligor's last known mailing address, last known 7184
residence address, and social security number; 7185

(ix) A requirement that, no later than the earlier of 7186
forty-five days before the lump-sum payment is to be made or, if 7187
the obligor's right to the lump-sum payment is determined less 7188
than forty-five days before it is to be made, the date on which 7189
that determination is made, the bureau or employer notify the 7190
child support enforcement agency of any lump-sum payment of any 7191
kind of five hundred dollars or more that is to be paid to the 7192
obligor, hold the lump-sum payment for thirty days after the date 7193
on which the lump-sum payment otherwise would be paid to the 7194
obligor, and, upon order of the court, pay any specified amount of 7195

the lump-sum payment to the agency. 7196

(x) If the notice is sent to an employer who is paying the 7197
obligor's workers' compensation benefits, a statement that, in 7198
addition to the amount withheld for support, the employer may 7199
withhold a fee from the obligor's benefits as a charge for its 7200
services in complying with the notice and a specification of the 7201
amount that may be withheld. 7202

(c) The court or agency shall send the notice described in 7203
division (D)(2)(b) of this section to the obligor and shall attach 7204
to the notice an additional notice requiring the obligor to 7205
immediately notify the child support enforcement agency, in 7206
writing, of any change in the obligor's workers' compensation 7207
payments, of the obligor's commencement of employment, including 7208
self-employment, and of the availability of any other sources of 7209
income that can be the subject of any withholding or deduction 7210
requirement described in division (D) of this section. The court 7211
or agency shall serve the notices upon the obligor at the same 7212
time as service of the support order or, if the support order 7213
previously has been issued, shall send the notices to the obligor 7214
by regular mail at the obligor's last known address at the same 7215
time that it sends the notice described in division (D)(2)(b) of 7216
this section to the bureau or employer. The additional notice also 7217
shall notify the obligor that upon commencement of employment the 7218
obligor may request the court or the child support enforcement 7219
agency to cancel its workers' compensation payment withholding 7220
notice and instead issue a notice requiring the withholding of an 7221
amount from the obligor's personal earnings for support in 7222
accordance with division (D)(1) of this section and that upon 7223
commencement of employment the court may cancel its workers' 7224
compensation payment withholding notice and instead will issue a 7225
notice requiring the withholding of an amount from the obligor's 7226
personal earnings for support in accordance with division (D)(1) 7227

of this section. The notification required of the obligor shall 7228
include a description of the nature of any new employment, the 7229
name and business address of any new employer, and any other 7230
information reasonably required by the court. 7231

(3)(a) If the court or child support enforcement agency 7232
determines that the obligor is receiving any pension, annuity, 7233
allowance, or other benefit or is to receive or has received a 7234
warrant refunding the individual account from the public employees 7235
retirement system, a municipal retirement system established 7236
subject to sections 145.01 to 145.58 of the Revised Code, the 7237
police and firemen's disability and pension fund, the state 7238
teachers retirement system, the school employees retirement 7239
system, or the state highway patrol retirement system, the court 7240
or agency may require the public employees retirement board, the 7241
board, board of trustees, or other governing entity of any 7242
municipal retirement system, the board of trustees of the police 7243
and firemen's disability and pension fund, the state teachers 7244
retirement board, the school employees retirement board, or the 7245
state highway patrol retirement board to withhold from the 7246
obligor's pension, annuity, allowance, other benefit, or warrant a 7247
specified amount for support in satisfaction of the support order, 7248
to begin the withholding no later than the date of the first 7249
payment that occurs after fourteen working days following the date 7250
the notice was mailed to the board, board of trustees, or other 7251
entity under divisions (A)(2) or (B) and (D)(3)(b) of this 7252
section, to send the amount withheld to the child support 7253
enforcement agency designated for that county pursuant to section 7254
2301.35 of the Revised Code, to send that amount to the agency 7255
immediately but not later than ten days after the date the payment 7256
is made to the obligor, to provide the date on which the amount 7257
was withheld, and to continue the withholding at intervals 7258
specified in the notice until further notice from the court or 7259

agency. To the extent possible, the amount specified in the notice
to be withheld shall satisfy the amount ordered for support in the
support order plus any arrearages that may be owed by the obligor
under any prior support order that pertained to the same child or
spouse, notwithstanding the limitations of sections 2329.66,
2329.70, and 2716.13 of the Revised Code. However, in no case
shall the sum of the amount specified in the notice to be withheld
and any fee withheld by the board, board of trustees, or other
entity as a charge for its services exceed the maximum amount
permitted under section 303(b) of the "Consumer Credit Protection
Act," 15 U.S.C. 1673(b).

(b) If the court or agency imposes a withholding requirement
under division (D)(3)(a) of this section, it, within the
applicable period of time specified in division (A), (B), or (C)
of this section, shall send to the board, board of trustees, or
other entity by regular mail a notice that contains all of the
information set forth in divisions (D)(3)(b)(i) to (ix) of this
section. The notice is final and is enforceable by the court. The
notice shall contain all of the following:

(i) The amount to be withheld from the obligor's pension,
annuity, allowance, other benefit, or warrant and a statement that
the amount actually withheld for support and other purposes,
including the fee described in division (D)(3)(b)(ix) of this
section, shall not be in excess of the maximum amounts permitted
under section 303(b) of the "Consumer Credit Protection Act," 15
U.S.C. 1673(b);

(ii) A statement that the board, board of trustees, or other
entity is required to send the amount withheld to the child
support enforcement agency immediately, but not later than ten
working days, after the payment is made to the obligor and is
required to report to the agency the date on which the amount was
withheld from the obligor's payments;

(iii) A statement that the withholding is binding upon the board, board of trustees, or other entity until further notice from the court or agency;

(iv) A statement that the withholding in accordance with the notice and under the provisions of this section has priority over any other legal process under the law of this state against the same payment of the pension, annuity, allowance, other benefit, or warrant;

(v) The date on which the notice was mailed and a statement that the board, board of trustees, or other entity is required to implement the withholding no later than the date of the first payment that occurs after fourteen working days following the date the notice was mailed and is required to continue the withholding at the intervals specified in the notice;

(vi) A requirement that the board, board of trustees, or other entity promptly notify the child support enforcement agency, in writing, within ten working days after the date of any termination of the obligor's pension, annuity, allowance, or other benefit;

(vii) A requirement that the board, board of trustees, or other entity include in all notices the obligor's last known mailing address, last known residence address, and social security number;

(viii) A requirement that, no later than the earlier of forty-five days before the lump-sum payment is to be made or, if the obligor's right to the lump-sum payment is determined less than forty-five days before it is to be made, the date on which that determination is made, the board, board of trustees, or other entity notify the child support enforcement agency of any lump-sum payment of any kind of five hundred dollars or more that is to be paid to the obligor, hold the lump-sum payment for thirty days

after the date on which the lump-sum payment would otherwise be 7323
paid to the obligor, if the lump-sum payments are lump-sum 7324
payments of retirement benefits or contributions, and, upon order 7325
of the court, pay any specified amount of the lump-sum payment to 7326
the agency. 7327

(ix) A statement that, in addition to the amount withheld for 7328
support, the board, board of trustees, or other entity may 7329
withhold a fee from the obligor's pension, annuity, allowance, 7330
other benefit, or warrant as a charge for its services in 7331
complying with the notice and a specification of the amount that 7332
may be withheld. 7333

(c) The court or agency shall send the notice described in 7334
division (D)(3)(b) of this section to the obligor and shall attach 7335
to the notice an additional notice requiring the obligor 7336
immediately to notify the child support enforcement agency, in 7337
writing, of any change in pension, annuity, allowance, or other 7338
benefit, of the commencement of employment, including 7339
self-employment, and of the availability of any other sources of 7340
income that can be the subject of any withholding or deduction 7341
requirement described in division (D) of this section. The court 7342
or agency shall serve the notices upon the obligor at the same 7343
time as service of the support order or, if the support order 7344
previously has been issued, shall send the notices to the obligor 7345
by regular mail at the last known address at the same time that it 7346
sends the notice described in division (D)(3)(b) of this section 7347
to the board, board of trustees, or other entity. The additional 7348
notice also shall specify that upon commencement of employment the 7349
obligor may request the court or the child support enforcement 7350
agency to issue a notice requiring the withholding of an amount 7351
from personal earnings for support in accordance with division 7352
(D)(1) of this section and that upon commencement of employment 7353
the court may cancel its withholding notice under division 7354

(D)(3)(b) of this section and instead will issue a notice 7355
requiring the withholding of an amount from personal earnings for 7356
support in accordance with division (D)(1) of this section. The 7357
notification required of the obligor shall include a description 7358
of the nature of any new employment, the name and business address 7359
of any new employer, and any other information reasonably required 7360
by the court. 7361

(4)(a) If the court or child support enforcement agency 7362
determines that the obligor is receiving any form of income, 7363
including, but not limited to, disability or sick pay, insurance 7364
proceeds, lottery prize awards, federal, state, or local 7365
government benefits to the extent that the benefits can be 7366
withheld or deducted under any law governing the benefits, any 7367
form of trust fund or endowment fund, vacation pay, commissions 7368
and draws against commissions that are paid on a regular basis, 7369
bonuses or profit-sharing payments or distributions, or any 7370
lump-sum payments, the court or agency may require the person who 7371
pays or otherwise distributes the income to the obligor to 7372
withhold from the obligor's income a specified amount for support 7373
in satisfaction of the support order, to begin the withholding no 7374
later than the date of the first payment that occurs after 7375
fourteen working days following the date the notice was mailed to 7376
the person paying or otherwise distributing the obligor's income 7377
under divisions (A)(2) or (B) and (D)(4)(b) of this section, to 7378
send the amount withheld to the child support enforcement agency 7379
designated for that county pursuant to section 2301.35 of the 7380
Revised Code, to send that amount to the agency immediately but 7381
not later than ten days after the date the payment is made to the 7382
obligor, to provide the date on which the amount was withheld, and 7383
to continue the withholding at intervals specified in the notice 7384
until further notice from the court or agency. To the extent 7385
possible, the amount specified in the notice to be withheld shall 7386

satisfy the amount ordered for support in the support order plus 7387
any arrearages that may be owed by the obligor under any prior 7388
support order that pertained to the same child or spouse, 7389
notwithstanding the limitations of sections 2329.66, 2329.70, and 7390
2716.13 of the Revised Code. However, in no case shall the sum of 7391
the amount specified in the notice to be withheld and any fee 7392
withheld by the person paying or otherwise distributing the 7393
obligor's income as a charge for its services exceed the maximum 7394
amount permitted under section 303(b) of the "Consumer Credit 7395
Protection Act," 15 U.S.C. 1673(b). 7396

(b) If the court or agency imposes a withholding requirement 7397
under division (D)(4)(a) of this section, it, within the 7398
applicable period of time specified in division (A), (B), or (C) 7399
of this section, shall send to the person paying or otherwise 7400
distributing the obligor's income by regular mail a notice that 7401
contains all of the information set forth in divisions 7402
(D)(4)(b)(i) to (ix) of this section. The notice is final and is 7403
enforceable by the court. The notice shall contain all of the 7404
following: 7405

(i) The amount to be withheld from the obligor's income and a 7406
statement that the amount actually withheld for support and other 7407
purposes, including the fee described in division (D)(4)(b)(ix) of 7408
this section, shall not be in excess of the maximum amounts 7409
permitted under section 303(b) of the "Consumer Credit Protection 7410
Act," 15 U.S.C. 1673(b); 7411

(ii) A statement that the person paying or otherwise 7412
distributing the obligor's income is required to send the amount 7413
withheld to the child support enforcement agency immediately, but 7414
not later than ten working days, after the payment is made to the 7415
obligor and is required to report to the agency the date on which 7416
the amount was withheld from the obligor's payments; 7417

(iii) A statement that the withholding is binding upon the 7418
person paying or otherwise distributing the obligor's income until 7419
further notice from the court or agency; 7420

(iv) A statement that the withholding in accordance with the 7421
notice and under the provisions of this section has priority over 7422
any other legal process under the law of this state against the 7423
same payment of the income; 7424

(v) A statement that the person paying or otherwise 7425
distributing the obligor's income is required to implement the 7426
withholding no later than the date of the first payment that 7427
occurs after fourteen working days following the date the notice 7428
was mailed and is required to continue the withholding at the 7429
intervals specified in the notice; 7430

(vi) A requirement that the person paying or otherwise 7431
distributing the obligor's income promptly notify the child 7432
support enforcement agency, in writing, within ten days after the 7433
date of any termination of the obligor's income; 7434

(vii) A requirement that the person paying or otherwise 7435
distributing the obligor's income include in all notices the 7436
obligor's last known mailing address, last known residence 7437
address, and social security number; 7438

(viii) A requirement that, no later than the earlier of 7439
forty-five days before the lump-sum payment is to be made or, if 7440
the obligor's right to the lump-sum payment is determined less 7441
than forty-five days before it is to be made, the date on which 7442
that determination is made, the person paying or otherwise 7443
distributing the obligor's income notify the child support 7444
enforcement agency of any lump-sum payment of any kind of five 7445
hundred dollars or more that is to be paid to the obligor, hold 7446
the lump-sum payment for thirty days after the date on which the 7447
lump-sum payment would otherwise be paid to the obligor, if the 7448

lump-sum payment is sick pay, lump-sum payment of retirement 7449
benefits or contributions, or profit-sharing payments or 7450
distributions, and, upon order of the court, pay any specified 7451
amount of the lump-sum payment to the child support enforcement 7452
agency. 7453

(ix) A statement that, in addition to the amount withheld for 7454
support, the person paying or otherwise distributing the obligor's 7455
income may withhold a fee from the obligor's income as a charge 7456
for its services in complying with the order and a specification 7457
of the amount that may be withheld. 7458

(c) The court or agency shall send the notice described in 7459
division (D)(4)(b) of this section to the obligor and shall attach 7460
to the notice an additional notice requiring the obligor 7461
immediately to notify the child support enforcement agency, in 7462
writing, of any change in income to which the withholding notice 7463
applies, of the commencement of employment, including 7464
self-employment, and of the availability of any other sources of 7465
income that can be the subject of any withholding or deduction 7466
requirement described in division (D) of this section. The court 7467
or agency shall serve the notices upon the obligor at the same 7468
time as service of the support order or, if the support order 7469
previously has been issued, shall send the notices to the obligor 7470
by regular mail at the last known address at the same time that it 7471
sends the notice described in division (D)(4)(b) of this section 7472
to the person paying or otherwise distributing the obligor's 7473
income. The additional notice also shall specify that upon 7474
commencement of employment the obligor may request the court or 7475
child support enforcement agency to issue a notice requiring the 7476
withholding of an amount from the obligor's personal earnings for 7477
support in accordance with division (D)(1) of this section and 7478
that upon commencement of employment the court may cancel its 7479
withholding notice under division (D)(4)(b) of this section and 7480

instead will issue a notice requiring the withholding of an amount 7481
from personal earnings for support in accordance with division 7482
(D)(1) of this section. The notification required of the obligor 7483
shall include a description of the nature of any new employment, 7484
the name and business address of any new employer, and any other 7485
information reasonably required by the court. 7486

(5)(a) If the court or child support enforcement agency 7487
determines that the obligor has funds on deposit in any account in 7488
a financial institution under the jurisdiction of the court, the 7489
court or agency may require any financial institution in which the 7490
obligor's funds are on deposit to deduct from the obligor's 7491
account a specified amount for support in satisfaction of the 7492
support order, to begin the deduction no later than fourteen 7493
working days following the date the notice was mailed to the 7494
financial institution under divisions (A)(2) or (B) and (D)(5)(b) 7495
of this section, to send the amount deducted to the child support 7496
enforcement agency designated for that county pursuant to section 7497
2301.35 of the Revised Code, to send that amount to the agency 7498
immediately but not later than ten days after the date the latest 7499
deduction was made, to provide the date on which the amount was 7500
deducted, and to continue the deduction at intervals specified in 7501
the notice until further notice from the court or agency. To the 7502
extent possible, the amount specified in the notice to be deducted 7503
shall satisfy the amount ordered for support in the support order 7504
plus any arrearages that may be owed by the obligor under any 7505
prior support order that pertained to the same child or spouse, 7506
notwithstanding the limitations of sections 2329.66, 2329.70, and 7507
2716.13 of the Revised Code. However, in no case shall the sum of 7508
the amount specified in the notice to be deducted and the fee 7509
deducted by the financial institution as a charge for its services 7510
exceed the maximum amount permitted under section 303(b) of the 7511
"Consumer Credit Protection Act," 15 U.S.C. 1673(b). 7512

(b) If the court or agency imposes a withholding requirement 7513
under division (D)(5)(a) of this section, it, within the 7514
applicable period of time specified in division (A), (B), or (C) 7515
of this section, shall send to the financial institution by 7516
regular mail a notice that contains all of the information set 7517
forth in divisions (D)(5)(b)(i) to (viii) of this section. The 7518
notice is final and is enforceable by the court. The notice shall 7519
contain all of the following: 7520

(i) The amount to be deducted from the obligor's account and 7521
a statement that the amount actually deducted for support and 7522
other purposes, including the fee described in division 7523
(D)(5)(b)(viii) of this section, shall not be in excess of the 7524
maximum amounts permitted under section 303(b) of the "Consumer 7525
Credit Protection Act," 15 U.S.C. 1673(b); 7526

(ii) A statement that the financial institution is required 7527
to send the amount deducted to the child support enforcement 7528
agency immediately, but not later than ten working days, after the 7529
date the last deduction was made and is required to report to the 7530
agency the date on which the amount was deducted from the 7531
obligor's account; 7532

(iii) A statement that the deduction is binding upon the 7533
financial institution until further notice from the court or 7534
agency; 7535

(iv) A statement that the withholding in accordance with the 7536
notice and under the provisions of this section has priority over 7537
any other legal process under the law of this state against the 7538
same account; 7539

(v) The date on which the notice was mailed and a statement 7540
that the financial institution is required to implement the 7541
deduction no later than fourteen working days following the date 7542
the notice was mailed and is required to continue the deduction at 7543

the intervals specified in the notice; 7544

(vi) A requirement that the financial institution promptly 7545
notify the child support enforcement agency, in writing, within 7546
ten days after the date of any termination of the account from 7547
which the deduction is being made and notify the agency, in 7548
writing, of the opening of a new account at that financial 7549
institution, the account number of the new account, the name of 7550
any other known financial institutions in which the obligor has 7551
any accounts, and the numbers of those accounts; 7552

(vii) A requirement that the financial institution include in 7553
all notices the obligor's last known mailing address, last known 7554
residence address, and social security number; 7555

(viii) A statement that, in addition to the amount deducted 7556
for support, the financial institution may deduct a fee from the 7557
obligor's account as a charge for its services in complying with 7558
the notice and a specification of the amount that may be deducted. 7559

(c) The court or agency shall send the notice described in 7560
division (D)(5)(b) of this section to the obligor and shall attach 7561
to the notice an additional notice requiring the obligor 7562
immediately to notify the child support enforcement agency, in 7563
writing, of any change in the status of the account from which the 7564
amount of support is being deducted or the opening of a new 7565
account with any financial institution, of commencement of 7566
employment, including self-employment, or of the availability of 7567
any other sources of income that can be the subject of any 7568
withholding or deduction requirement described in division (D) of 7569
this section. The court or agency shall serve the notices upon the 7570
obligor at the same time as service of the support order or, if 7571
the support order previously has been issued, shall send the 7572
notices to the obligor by regular mail at the last known address 7573
at the same time that it sends the notice described in division 7574

(D)(5)(b) of this section to the financial institution. The 7575
additional notice also shall specify that upon commencement of 7576
employment, the obligor may request the court or child support 7577
enforcement agency to cancel its financial institution account 7578
deduction notice and instead issue a notice requiring the 7579
withholding of an amount from personal earnings for support in 7580
accordance with division (D)(1) of this section and that upon 7581
commencement of employment the court may cancel its financial 7582
institution account deduction notice under division (D)(5)(b) of 7583
this section and instead will issue a notice requiring the 7584
withholding of an amount from personal earnings for support in 7585
accordance with division (D)(1) of this section. The notification 7586
required of the obligor shall include a description of the nature 7587
of any new accounts opened at a financial institution under the 7588
jurisdiction of the court, the name and business address of that 7589
financial institution, a description of the nature of any new 7590
employment, the name and business address of any new employer, and 7591
any other information reasonably required by the court. 7592

(6) The court may issue an order requiring the obligor to 7593
enter into a cash bond with the court. The court shall issue the 7594
order as part of the support order or, if the support order 7595
previously has been issued, as a separate order. Any cash bond so 7596
required shall be in a sum fixed by the court at not less than 7597
five hundred nor more than ten thousand dollars, conditioned that 7598
the obligor will make payment as previously ordered and will pay 7599
any arrearages under any prior support order that pertained to the 7600
same child or spouse. The order, along with an additional order 7601
requiring the obligor to immediately notify the child support 7602
enforcement agency, in writing, of commencement of employment, 7603
including self-employment, shall be attached to, and shall be 7604
served upon the obligor at the same time as service of, the 7605
support order or, if the support order previously has been issued, 7606

as soon as possible after the issuance of the order under this
division. The additional order also shall specify that upon
commencement of employment the obligor may request the court to
cancel its bond order and instead issue a notice requiring the
withholding of an amount from personal earnings for support in
accordance with division (D)(1) of this section and that upon
commencement of employment the court will proceed to collect on
the bond, if the court determines that payments due under the
support order have not been made and that the amount that has not
been paid is at least equal to the support owed for one month
under the support order, and will issue a notice requiring the
withholding of an amount from personal earnings for support in
accordance with division (D)(1) of this section. The notification
required of the obligor shall include a description of the nature
of any new employment, the name and business address of any new
employer, and any other information reasonably required by the
court.

The court shall not order an obligor to post a cash bond
under this division unless the court determines that the obligor
has the ability to do so. A child support enforcement agency shall
not issue an order of the type described in this division. If a
child support enforcement agency is required to issue a
withholding or deduction notice under division (D) of this section
but the agency determines that no notice of the type described in
division (D)(1) to (5) of this section would be appropriate, the
agency may request the court to issue a court order under this
division, and, upon the request, the court may issue an order as
described in this division.

(7) If the obligor is unemployed, has no income, and does not
have an account at any financial institution, the court shall
issue an order requiring the obligor to seek employment if the
obligor is able to engage in employment and immediately to notify

the child support enforcement agency upon obtaining employment, 7639
upon obtaining any income, or upon obtaining ownership of any 7640
asset with a value of five hundred dollars or more. The court 7641
shall issue the notice as part of the support order or, if the 7642
support order previously has been issued, as a separate notice. A 7643
child support enforcement agency shall not issue a notice of the 7644
type described in this division. If a child support enforcement 7645
agency is required to issue a withholding or deduction notice 7646
under division (D) of this section but the agency determines that 7647
no notice of the type described in division (D)(1) to (5) of this 7648
section would be appropriate, the agency may request the court to 7649
issue a court order under this division, and, upon the request, 7650
the court may issue an order as described in this division. 7651

(E) If a court or child support enforcement agency is 7652
required under division (A), (B), or (C) of this section or any 7653
other section of the Revised Code to issue one or more notices or 7654
court orders described in division (D) of this section, the court 7655
or agency to the extent possible shall issue a sufficient number 7656
of notices or court orders under division (D) of this section to 7657
provide that the aggregate amount withheld or deducted under those 7658
notices or court orders satisfies the amount ordered for support 7659
in the support order plus any arrearages that may be owed by the 7660
obligor under any prior support order that pertained to the same 7661
child or spouse, notwithstanding the limitations of sections 7662
2329.66, 2329.70, 2716.13, and 4123.67 of the Revised Code. 7663
However, in no case shall the aggregate amount withheld or 7664
deducted and any fees withheld or deducted as a charge for 7665
services exceed the maximum amount permitted under section 303(b) 7666
of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b). 7667

(F)(1) Any withholding or deduction requirement that is 7668
contained in a notice described in division (D) of this section 7669
and that is required to be issued by division (A), (B), or (C) of 7670

this section or any other section of the Revised Code has priority 7671
over any order of attachment, any order in aid of execution, and 7672
any other legal process issued under state law against the same 7673
earnings, payments, or account. 7674

(2) When two or more withholding or deduction notices that 7675
are described in division (D) of this section and that are 7676
required to be issued by division (A), (B), or (C) of this section 7677
or any other section of the Revised Code are received by an 7678
employer, the bureau of workers' compensation, an employer that is 7679
paying more than one person's workers' compensation benefits, the 7680
public employees retirement board, the board, board of trustees, 7681
or other governing entity of any municipal retirement system, the 7682
board of trustees of the police and firemen's disability and 7683
pension fund, the state teachers retirement board, the school 7684
employees retirement board, the state highway patrol retirement 7685
board, a person paying or otherwise distributing income for more 7686
than one obligor, or a financial institution, the employer, bureau 7687
of workers' compensation, employer paying workers' compensation 7688
benefits, board, board of trustees, or other governing entity of a 7689
retirement system, person paying or distributing income to an 7690
obligor, or financial institution shall comply with all of the 7691
requirements contained in the notices to the extent that the total 7692
amount withheld from the obligor's personal earnings, payments, 7693
pensions, annuities, allowances, benefits, other sources of 7694
income, or savings does not exceed the maximum amount permitted 7695
under section 303(b) of the "Consumer Credit Protection Act," 15 7696
U.S.C. 1673(b), withhold or deduct amounts in accordance with the 7697
allocation set forth in divisions (F)(2)(a) and (b) of this 7698
section, notify each court or child support enforcement agency 7699
that issued one of the notices of the allocation, and give 7700
priority to amounts designated in each notice as current support 7701
in the following manner: 7702

(a) If the total of the amounts designated in the notices as current support exceeds the amount available for withholding under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), the employer, bureau of workers' compensation, employer paying workers' compensation benefits, board, board of trustees, or other governing entity of a municipal retirement system, person paying or distributing income to an obligor, or financial institution shall allocate to each notice an amount for current support equal to the amount designated in that notice as current support multiplied by a fraction in which the numerator is the amount of personal earnings, payments, pensions, annuities, allowances, benefits, other sources of income, or savings available for withholding and the denominator is the total amount designated in all of the notices as current support.

(b) If the total of the amounts designated in the notices as current support does not exceed the amount available for withholding under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b), the persons and entities listed in division (F)(2)(a) of this section shall pay all of the amounts designated as current support in the notices and shall allocate to each notice an amount for past-due support equal to the amount designated in that notice as past-due support multiplied by a fraction in which the numerator is the amount of personal earnings, payments, pensions, annuities, allowances, benefits, other sources of income, or savings remaining available for withholding after the payment of current support and the denominator is the total amount designated in all of the notices as past-due support.

(G)(1) Except when a provision specifically authorizes or requires service other than as described in this division, service of any notice on any party, the bureau of workers' compensation, an employer that is paying a person's workers' compensation

benefits, the public employees retirement board, the board, board 7735
of trustees, or other governing entity of any municipal retirement 7736
system, the board of trustees of the police and firemen's 7737
disability and pension fund, the state teachers retirement board, 7738
the school employees retirement board, the state highway patrol 7739
retirement board, a person paying or otherwise distributing an 7740
obligor's income, a financial institution, or an employer, for 7741
purposes of division (A), (B), (C), or (D) of this section, may be 7742
made by personal service or ordinary first class mail directed to 7743
the addressee at the last known address, or, in the case of a 7744
corporation, at its usual place of doing business. Any service of 7745
notice by ordinary first class mail shall be evidenced by a 7746
certificate of mailing filed with the clerk of the court. 7747

(2) Each party to a support order shall notify the child 7748
support enforcement agency of the party's current mailing address 7749
and current residence address at the time of the issuance or 7750
modification of the order and, until further notice of the court 7751
that issues the order, shall notify the agency of any change in 7752
either address immediately after the change occurs. Any willful 7753
failure to comply with this division is contempt of court. No 7754
person shall fail to give the notice required by division (G)(2) 7755
of this section. 7756

(3) Each support order, or modification of a support order, 7757
that is subject to this section shall contain a statement 7758
requiring each party to the order to notify the child support 7759
enforcement agency in writing of the party's current mailing 7760
address, the party's current residence address, and of any changes 7761
in either address and a notice that the requirement to notify the 7762
agency of all changes in either address continues until further 7763
notice from the court and that a willful failure to supply a 7764
correct mailing address or residence address or to provide the 7765
agency with all changes in either address is contempt of court. 7766

(4)(a) The parent who is the residential parent ~~and legal~~ 7767
~~eustodian of a child for whom~~ for purposes of receiving child 7768
support under a support order ~~is issued or the person who~~ 7769
~~otherwise has custody of a child for whom a support order is~~ 7770
~~issued~~ immediately shall notify, and the obligor under a support 7771
order may notify, the child support enforcement agency of any 7772
reason for which the support order should terminate, including, 7773
but not limited to, death, marriage, emancipation, enlistment in 7774
the armed services, deportation, or change of legal or physical 7775
custody of the child. A willful failure to notify the child 7776
support enforcement agency as required by this division is 7777
contempt of court. Upon receipt of a notice pursuant to this 7778
division, the agency immediately shall conduct an investigation to 7779
determine if any reason exists for which the support order should 7780
terminate. If the agency so determines, it immediately shall 7781
notify the court that issued the support order of the reason for 7782
which the support order should terminate. 7783

(b) Upon receipt of a notice given pursuant to division 7784
(G)(4)(a) of this section, the court shall impound any funds 7785
received for the child pursuant to the support order and set the 7786
case for a hearing for a determination of whether the support 7787
order should be terminated or modified or whether the court should 7788
take any other appropriate action. 7789

(c) If the court terminates a support order pursuant to 7790
divisions (G)(4)(a) and (b) of this section, the termination of 7791
the support order also terminates any withholding or deduction 7792
order as described in division (D) or (H) of this section that was 7793
issued relative to the support order prior to December 31, 1993, 7794
and any withholding or deduction notice as described in division 7795
(D) or court order as described in division (D)(6), (D)(7), or (H) 7796
of this section that was issued relative to the support order on 7797
or after December 31, 1993. Upon the termination of any 7798

withholding or deduction order or any withholding or deduction 7799
notice, the court immediately shall notify the appropriate child 7800
support enforcement agency that the order or notice has been 7801
terminated, and the agency immediately shall notify each employer, 7802
financial institution, or other person or entity that was required 7803
to withhold or deduct a sum of money for the payment of support 7804
under the terminated withholding or deduction order or the 7805
terminated withholding or deduction notice that the order or 7806
notice has been terminated and that it is required to cease all 7807
withholding or deduction under the order or notice. 7808

(d) The department of human services shall adopt rules that 7809
provide for both of the following: 7810

(i) The return to the appropriate person of any funds that a 7811
court has impounded under division (G)(4)(b) of this section if 7812
the support order under which the funds were paid has been 7813
terminated pursuant to divisions (G)(4)(a) and (b) of this 7814
section; 7815

(ii) The return to the appropriate person of any other 7816
payments made pursuant to a support order if the payments were 7817
made at any time after the support order under which the funds 7818
were paid has been terminated pursuant to divisions (G)(4)(a) and 7819
(b) of this section. 7820

(5) If any party to a support order requests a modification 7821
of the order or if any obligee under a support order or any person 7822
on behalf of the obligee files any action to enforce a support 7823
order, the court shall notify the child support enforcement agency 7824
that is administering the support order or that will administer 7825
the order after the court's determination of the request or the 7826
action, of the request or the filing. 7827

(6) When a child support enforcement agency receives any 7828
notice under division (G) of section 2151.23, section 2301.37, 7829

division (E) of section 3105.18, division (C) of section 3105.21, 7830
division (A) of section 3109.05, division (F) of section 3111.13, 7831
division (B) of section 3113.04, section 3113.21, section 7832
3113.211, section 3113.212, division (K) of section 3113.31, or 7833
division (D) of section 3115.22 of the Revised Code, it shall 7834
issue the most appropriate notices under division (D) of this 7835
section. Additionally, it shall do all of the following: 7836

(a) If the obligor is subject to a withholding notice issued 7837
under division (D)(1) of this section and the notice relates to 7838
the obligor's change of employment, send a withholding notice 7839
under that division to the new employer of the obligor as soon as 7840
the agency obtains knowledge of that employer; 7841

(b) If the notification received by the agency specifies that 7842
a lump-sum payment of five hundred dollars or more is to be paid 7843
to the obligor, notify the court of the receipt of the notice and 7844
its contents; 7845

(c) Comply with section 3113.212 of the Revised Code, as 7846
appropriate. 7847

(H)(1)(a) For purposes of division (D)(1) of this section, 7848
when a person who fails to comply with a support order that is 7849
subject to that division derives income from self-employment or 7850
commission, is employed by an employer not subject to the 7851
jurisdiction of the court, or is in any other employment situation 7852
that makes the application of that division impracticable, the 7853
court may require the person to enter into a cash bond to the 7854
court in a sum fixed by the court at not less than five hundred 7855
nor more than ten thousand dollars, conditioned that the person 7856
will make payment as previously ordered. 7857

(b) When a court determines at a hearing conducted under 7858
division (B) of this section, or a child support enforcement 7859
agency determines at a hearing or pursuant to an investigation 7860

conducted under division (B) of this section, that the obligor 7861
under the order in relation to which the hearing or investigation 7862
is conducted is unemployed and has no other source of income and 7863
no assets so that the application of divisions (B) and (D) of this 7864
section would be impracticable, the court shall issue an order as 7865
described in division (D)(7) of this section and shall order the 7866
obligor to notify the child support enforcement agency in writing 7867
immediately upon commencement of employment, including 7868
self-employment, of the receipt of workers' compensation payments, 7869
of the receipt of any other source of income, or of the opening of 7870
an account in a financial institution, and to include in the 7871
notification a description of the nature of the employment, the 7872
name and business address of the employer, and any other 7873
information reasonably required by the court. 7874

(2) When a court determines, at a hearing conducted under 7875
division (C)(2) of this section, that an obligor is unemployed, is 7876
not receiving workers' compensation payments, does not have an 7877
account in a financial institution, and has no other source of 7878
income and no assets so that the application of divisions (C)(2) 7879
and (D) of this section would be impracticable, the court shall 7880
issue an order as described in division (D)(7) of this section and 7881
shall order the obligor to notify the child support enforcement 7882
agency, in writing, immediately upon commencement of employment, 7883
including self-employment, of the receipt of workers' compensation 7884
payments, of the receipt of any other source of income, or of the 7885
opening of an account in a financial institution, and to include 7886
in the notification a description of the nature of the employment, 7887
the name and business address of the employer or the name and 7888
address of the financial institution, and any other information 7889
reasonably required by the court. 7890

(3)(a) Upon receipt of a notice from a child support 7891
enforcement agency under division (G)(6) of this section that a 7892

lump-sum payment of five hundred dollars or more is to be paid to 7893
the obligor, the court shall do either of the following: 7894

(i) If the obligor is in default under the support order or 7895
has any unpaid arrearages under the support order, issue an order 7896
requiring the transmittal of the lump-sum payment to the child 7897
support enforcement agency. 7898

(ii) If the obligor is not in default under the support order 7899
and does not have any unpaid arrearages under the support order, 7900
issue an order directing the person who gave the notice to the 7901
court to immediately pay the full amount of the lump-sum payment 7902
to the obligor. 7903

(b) Upon receipt of any moneys pursuant to division (H)(3)(a) 7904
of this section, a child support enforcement agency shall pay the 7905
amount of the lump-sum payment that is necessary to discharge all 7906
of the obligor's arrearages to the obligee and, within two 7907
business days after its receipt of the money, any amount that is 7908
remaining after the payment of the arrearages to the obligor. 7909
7910

(c) Any court that issued an order prior to December 1, 1986, 7911
requiring an employer to withhold an amount from an obligor's 7912
personal earnings for the payment of support shall issue a 7913
supplemental order that does not change the original order or the 7914
related support order requiring the employer to do all of the 7915
following: 7916

(i) No later than the earlier of forty-five days before a 7917
lump-sum payment is to be made or, if the obligor's right to a 7918
lump-sum payment is determined less than forty-five days before it 7919
is to be made, the date on which that determination is made, 7920
notify the child support enforcement agency of any lump-sum 7921
payment of any kind of five hundred dollars or more that is to be 7922
paid to the obligor; 7923

(ii) Hold the lump-sum payment for thirty days after the date 7924
on which it would otherwise be paid to the obligor, if the 7925
lump-sum payment is sick pay, a lump-sum payment of retirement 7926
benefits or contributions, or profit-sharing payments or 7927
distributions; 7928

(iii) Upon order of the court, pay any specified amount of 7929
the lump-sum payment to the child support enforcement agency. 7930

(d) If an employer knowingly fails to notify the child 7931
support enforcement agency in accordance with division (D) of this 7932
section of any lump-sum payment to be made to an obligor, the 7933
employer is liable for any support payment not made to the obligee 7934
as a result of its knowing failure to give the notice as required 7935
by that division. 7936

(I)(1) Any support order, or modification of a support order, 7937
that is subject to this section shall contain the date of birth 7938
and social security number of the obligor. 7939

(2) No withholding or deduction notice described in division 7940
(D) or court order described in division (D)(6) or (7) of this 7941
section shall contain any information other than the information 7942
specifically required by division (A), (B), (C), or (D) of this 7943
section or by any other section of the Revised Code and any 7944
additional information that the issuing court determines may be 7945
necessary to comply with the notice. 7946

(J) No withholding or deduction notice described in division 7947
(D) or court order described in division (D)(6) or (7) of this 7948
section and issued under division (A), (B), or (C) of this section 7949
or any other section of the Revised Code shall be terminated 7950
solely because the obligor pays any part or all of the arrearages 7951
under the support order. 7952

(K)(1) Except as provided in division (K)(2) of this section 7953
and section 2301.42 of the Revised Code and the rules adopted 7954

pursuant to division (C) of that section, if child support 7955
arrearages are owed by an obligor to the obligee and to the 7956
department of human services, any payments received on the 7957
arrearages by the child support enforcement agency first shall be 7958
paid to the obligee until the arrearages owed to the obligee are 7959
paid in full. 7960

(2) Division (K)(1) of this section does not apply to the 7961
collection of past-due child support from refunds of paid federal 7962
taxes pursuant to section 5101.32 of the Revised Code or of 7963
overdue child support from refunds of paid state income taxes 7964
pursuant to sections 5101.321 and 5747.121 of the Revised Code. 7965

(L)(1) Each court with jurisdiction to issue support orders 7966
shall establish rules of court to ensure that the following 7967
percentage of all actions to establish a support requirement or to 7968
modify a previously issued support order be completed within the 7969
following time limits: 7970

(a) Ninety per cent of all of the actions shall be completed 7971
within three months after they were initially filed; 7972

(b) Ninety-eight per cent of all of the actions shall be 7973
completed within six months after they were initially filed; 7974

(c) One hundred per cent of all of the actions shall be 7975
completed within twelve months after they were initially filed. 7976

(2) If a case involves complex legal issues requiring full 7977
judicial review, the court shall issue a temporary support order 7978
within the time limits set forth in division (L)(1) of this 7979
section, which temporary order shall be in effect until a final 7980
support order is issued in the case. All cases in which the 7981
imposition of a notice or order under division (D) of this section 7982
is contested shall be completed within the period of time 7983
specified by law for completion of the case. The failure of a 7984
court to complete a case within the required period does not 7985

affect the ability of any court to issue any order under this 7986
section or any other section of the Revised Code for the payment 7987
of support, does not provide any defense to any order for the 7988
payment of support that is issued under this section or any other 7989
section of the Revised Code, and does not affect any obligation to 7990
pay support. 7991

(3)(a) In any Title IV-D case, the judge, when necessary to 7992
satisfy the federal requirement of expedited process for obtaining 7993
and enforcing support orders, shall appoint referees to make 7994
findings of fact and recommendations for the judge's approval in 7995
the case. All referees appointed pursuant to this division shall 7996
be attorneys admitted to the practice of law in this state. If the 7997
court appoints a referee pursuant to this division, the court may 7998
appoint any additional administrative and support personnel for 7999
the referee. 8000

(b) Any referee appointed pursuant to division (L)(3)(a) of 8001
this section may perform any of the following functions: 8002

(i) The taking of testimony and keeping of a record in the 8003
case; 8004

(ii) The evaluation of evidence and the issuance of 8005
recommendations to establish, modify, and enforce support orders; 8006

(iii) The acceptance of voluntary acknowledgments of support 8007
liability and stipulated agreements setting the amount of support 8008
to be paid; 8009

(iv) The entering of default orders if the obligor does not 8010
respond to notices in the case within a reasonable time after the 8011
notices are issued; 8012

(v) Any other functions considered necessary by the court. 8013

(4) The child support enforcement agency may conduct 8014
administrative reviews of support orders to obtain voluntary 8015

notices or court orders under division (D) of this section and to
correct any errors in the amount of any arrearages owed by an
obligor. The obligor and the obligee shall be notified of the
time, date, and location of the administrative review at least
fourteen days before it is held.

(M)(1) The termination of a support obligation or a support
order does not abate the power of any court to collect overdue and
unpaid support or to punish any person for a failure to comply
with an order of the court or to pay any support as ordered in the
terminated support order and does not abate the authority of a
child support enforcement agency to issue, in accordance with this
section, any notice described in division (D) of this section or
of a court to issue, in accordance with this section, any court
order as described in division (D)(6) or (7) of this section, to
collect any support due or arrearage under the support order.

(2) Any court that has the authority to issue a support order
shall have all powers necessary to enforce that support order, and
all other powers, set forth in this section.

(3) Except as provided in division (M)(4) of this section, a
court may not retroactively modify an obligor's duty to pay a
delinquent support payment.

(4) A court with jurisdiction over a support order may modify
an obligor's duty to pay a support payment that becomes due after
notice of a petition to modify the support order has been given to
each obligee and to the obligor before a final order concerning
the petition for modification is entered.

(N) If an obligor is in default under a support order and has
a claim against another person of more than one thousand dollars,
the obligor shall notify the child support enforcement agency of
the claim, the nature of the claim, and the name of the person
against whom the claim exists. If an obligor is in default under a

support order and has a claim against another person or is a party 8047
in an action for any judgment, the child support enforcement 8048
agency or the agency's attorney, on behalf of the obligor, 8049
immediately shall file with the court in which the action is 8050
pending a motion to intervene in the action or a creditor's bill. 8051
The motion to intervene shall be prepared and filed pursuant to 8052
Civil Rules 5 and 24(A) and (C). 8053

Nothing in this division shall preclude an obligee from 8054
filing a motion to intervene in any action or a creditor's bill. 8055

(O) If an obligor is receiving unemployment compensation 8056
benefits, an amount may be deducted from those benefits for 8057
purposes of child support, in accordance with section 2301.371 and 8058
division (D)(4) of section 4141.28 of the Revised Code. Any 8059
deduction from a source in accordance with those provisions is in 8060
addition to, and does not preclude, any withholding or deduction 8061
for purposes of support under divisions (A) to (N) of this 8062
section. 8063

(P) As used in this section, and in sections 3113.211 to 8064
3113.217 of the Revised Code: 8065

(1) "Financial institution" means a bank, savings and loan 8066
association, or credit union, or a regulated investment company or 8067
mutual fund in which a person who is required to pay child support 8068
has funds on deposit that are not exempt under the law of this 8069
state or the United States from execution, attachment, or other 8070
legal process. 8071

(2) "Title IV-D case" means any case in which the child 8072
support enforcement agency is enforcing the child support order 8073
pursuant to Title IV-D of the "Social Security Act," 88 Stat. 2351 8074
(1975), 42 U.S.C. 651, as amended. 8075

(3) "Child support enforcement agency" means the child 8076
support enforcement agency designated pursuant to section 2301.35 8077

of the Revised Code.	8078
(4) "Obligor" means the person who is required to pay support under a support order.	8079 8080
(5) "Obligee" means the person who is entitled to receive the support payments under a support order.	8081 8082
(6) "Support order" means an order for the payment of support and, for orders issued or modified on or after December 31, 1993, includes any notices described in division (D) or (H) of this section that are issued in accordance with this section.	8083 8084 8085 8086
(7) "Support" means child support, spousal support, and support for a spouse or former spouse.	8087 8088
(8) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes, but is not limited to, wages, salary, commissions, bonuses, draws against commissions, profit sharing, and vacation pay.	8089 8090 8091 8092
(9) "Default" has the same meaning as in section 2301.34 of the Revised Code.	8093 8094
Sec. 3113.215. (A) As used in this section:	8095
(1) "Income" means either of the following:	8096
(a) For a parent who is employed to full capacity, the gross income of the parent;	8097 8098
(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.	8099 8100 8101
(2) "Gross income" means, except as excluded in this division, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes, but is not limited to, income from salaries, wages, overtime pay and bonuses to the extent described	8102 8103 8104 8105 8106

in division (B)(5)(d) of this section, commissions, royalties, 8107
tips, rents, dividends, severance pay, pensions, interest, trust 8108
income, annuities, social security benefits, workers' compensation 8109
benefits, unemployment insurance benefits, disability insurance 8110
benefits, benefits received by and in the possession of the 8111
veteran who is the beneficiary for any service-connected 8112
disability under a program or law administered by the United 8113
States department of veterans' affairs or veterans' 8114
administration, spousal support actually received from a person 8115
not a party to the support proceeding for which actual gross 8116
income is being determined, and all other sources of income; 8117
income of members of any branch of the United States armed 8118
services or national guard, including, but not limited to, amounts 8119
representing base pay, basic allowance for quarters, basic 8120
allowance for subsistence, supplemental subsistence allowance, 8121
cost of living adjustment, specialty pay, variable housing 8122
allowance, and pay for training or other types of required drills; 8123
self-generated income; and potential cash flow from any source. 8124

"Gross income" does not include any benefits received from 8125
means-tested public assistance programs, including, but not 8126
limited to, aid to families with dependent children, supplemental 8127
security income, food stamps, or disability assistance, does not 8128
include any benefits for any service-connected disability under a 8129
program or law administered by the United States department of 8130
veterans' affairs or veterans' administration that have not been 8131
distributed to the veteran who is the beneficiary of the benefits 8132
and that are in the possession of the United States department of 8133
veterans' affairs or veterans' administration, does not include 8134
any child support received for children who were not born or 8135
adopted during the marriage at issue, does not include amounts 8136
paid for mandatory deductions from wages other than taxes, social 8137
security, or retirement in lieu of social security, including, but 8138

not limited to, union dues, and does not include nonrecurring or 8139
unsustainable income or cash flow items. 8140

(3) "Self-generated income" means gross receipts received by 8141
a parent from self-employment, proprietorship of a business, joint 8142
ownership of a partnership or closely held corporation, and rents 8143
minus ordinary and necessary expenses incurred by the parent in 8144
generating the gross receipts. "Self-generated income" includes 8145
expense reimbursements or in-kind payments received by a parent 8146
from self-employment, the operation of a business, or rents, 8147
including, but not limited to, company cars, free housing, 8148
reimbursed meals, and other benefits, if the reimbursements are 8149
significant and reduce personal living expenses. 8150

(4)(a) "Ordinary and necessary expenses incurred in 8151
generating gross receipts" means actual cash items expended by the 8152
parent or the parent's business and includes depreciation expenses 8153
of replacement business equipment as shown on the books of a 8154
business entity. 8155

(b) Except as specifically included in "ordinary and 8156
necessary expenses incurred in generating gross receipts" by 8157
division (A)(4)(a) of this section, "ordinary and necessary 8158
expenses incurred in generating gross receipts" does not include 8159
depreciation expenses and other noncash items that are allowed as 8160
deductions on any federal tax return of the parent or the parent's 8161
business. 8162

(5) "Potential income" means both of the following for a 8163
parent that the court, or a child support enforcement agency 8164
pursuant to sections 3111.20, 3111.21, and 3111.22 of the Revised 8165
Code, determines is voluntarily unemployed or voluntarily 8166
underemployed: 8167

(a) Imputed income that the court or agency determines the 8168
parent would have earned if fully employed as determined from the 8169

parent's employment potential and probable earnings based on the 8170
parent's recent work history, the parent's occupational 8171
qualifications, and the prevailing job opportunities and salary 8172
levels in the community in which the parent resides; 8173

(b) Imputed income from any nonincome-producing assets of a 8174
parent, as determined from the local passbook savings rate or 8175
another appropriate rate as determined by the court or agency, not 8176
to exceed the rate of interest specified in division (A) of 8177
section 1343.03 of the Revised Code, if the income is significant. 8178

(6) "Child support order" means an order for the payment of 8179
child support. 8180

(7) "Combined gross income" means the combined gross income 8181
of both parents. 8182

(8) "Split ~~parental rights~~ parenting functions and 8183
responsibilities" means a situation in which there is more than 8184
one child who is the subject of an allocation of parental rights 8185
and responsibilities pursuant to former section 3109.04 Of the 8186
Revised Code or an allocation of parenting functions and 8187
responsibilities pursuant to sections 3109.40 to 3109.62 Of the 8188
Revised Code and each parent is the residential parent ~~and legal~~ 8189
~~custodian of~~ for purposes of receiving child support for at least 8190
one of those children. 8191

(9) "Schedule" means the basic child support schedule set 8192
forth in division (D) of this section. 8193

(10) "Worksheet" means the applicable worksheet that is used 8194
to calculate a parent's child support obligation and that is set 8195
forth in divisions (E) and (F) of this section. 8196

(11) "Nonrecurring or unsustainable income or cash flow item" 8197
means any income or cash flow item that the parent receives in any 8198
year or for any number of years not to exceed three years and that 8199

the parent does not expect to continue to receive on a regular 8200
basis. "Nonrecurring or unsustainable income or cash flow item" 8201
does not include a lottery prize award that is not paid in a lump 8202
sum or any other item of income or cash flow that the parent 8203
receives or expects to receive for each year for a period of more 8204
than three years or that the parent receives and invests or 8205
otherwise utilizes to produce income or cash flow for a period of 8206
more than three years. 8207

(12) "Extraordinary medical expenses" means any uninsured 8208
medical expenses that are incurred for a child during a calendar 8209
year and that exceed one hundred dollars for that child during 8210
that calendar year. 8211

(B)(1) In any action in which a child support order is issued 8212
or modified under Chapter 3115. or section 2151.23, 2151.33, 8213
2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13, 8214
3113.04, 3113.07, 3113.216, or 3113.31 of the Revised Code, in any 8215
other proceeding in which the court determines the amount of child 8216
support that will be ordered to be paid pursuant to a child 8217
support order, or when a child support enforcement agency 8218
determines the amount of child support that will be paid pursuant 8219
to an administrative child support order issued pursuant to 8220
sections 3111.20, 3111.21, and 3111.22 of the Revised Code, the 8221
court or agency shall calculate the amount of the obligor's child 8222
support obligation in accordance with the basic child support 8223
schedule in division (D) of this section, the applicable worksheet 8224
in division (E) or (F) of this section, and the other provisions 8225
of this section, shall specify the support obligation as a monthly 8226
amount due, and shall order the support obligation to be paid in 8227
periodic increments as it determines to be in the best interest of 8228
the children. In performing its duties under this section, the 8229
court or agency is not required to accept any calculations in a 8230
worksheet prepared by any party to the action or proceeding. In 8231

any action or proceeding in which the court determines the amount of child support that will be ordered to be paid pursuant to a child support order or when a child support enforcement agency determines the amount of child support that will be paid pursuant to an administrative child support order issued pursuant to sections 3111.20, 3111.21, and 3111.22 of the Revised Code, the amount of child support that would be payable under a child support order, as calculated pursuant to the basic child support schedule in division (D) of this section and pursuant to the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, is rebuttably presumed to be the correct amount of child support due, and the court or agency shall order that amount to be paid as child support unless both of the following apply with respect to an order issued by a court:

(a) The court, after considering the factors and criteria set forth in division (B)(3) of this section, determines that the amount calculated pursuant to the basic child support schedule and pursuant to the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, would be unjust or inappropriate and would not be in the best interest of the child.

(b) The court enters in the journal the amount of child support calculated pursuant to the basic child support schedule and pursuant to the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, its determination that that amount would be unjust or inappropriate and would not be in the best interest of the child, and findings of fact supporting that determination.

(2) In determining the amount of child support to be paid under any child support order, the court, upon its own recommendation or upon the recommendation of the child support

enforcement agency, shall or the child support enforcement agency, 8264
pursuant to sections 3111.20, 3111.21, and 3111.22 of the Revised 8265
Code, shall do all of the following: 8266

(a) If the combined gross income of both parents is less than 8267
six thousand six hundred dollars per year, the court or agency 8268
shall determine the amount of the obligor's child support 8269
obligation on a case-by-case basis using the schedule as a 8270
guideline. The court or agency shall review the obligor's gross 8271
income and living expenses to determine the maximum amount of 8272
child support that it reasonably can order without denying the 8273
obligor the means for self-support at a minimum subsistence level 8274
and shall order a specific amount of child support, unless the 8275
obligor proves to the court or agency that the obligor is totally 8276
unable to pay child support and the court or agency determines 8277
that it would be unjust or inappropriate to order the payment of 8278
child support and enters its determination and supporting findings 8279
of fact in the journal. 8280

(b) If the combined gross income of both parents is greater 8281
than one hundred fifty thousand dollars per year, the court or 8282
agency shall determine the amount of the obligor's child support 8283
obligation on a case-by-case basis and shall consider the needs 8284
and the standard of living of the children who are the subject of 8285
the child support order and of the parents. When the court or 8286
agency determines the amount of the obligor's child support 8287
obligation for parents with a combined gross income greater than 8288
one hundred fifty thousand dollars, the court or agency shall 8289
compute a basic combined child support obligation that is no less 8290
than the same percentage of the parents' combined annual income 8291
that would have been computed under the basic child support 8292
schedule and under the applicable worksheet in division (E) of 8293
this section, through line 24, or in division (F) of this section, 8294
through line 23, for a combined gross income of one hundred fifty 8295

thousand dollars, unless the court or agency determines that it
would be unjust or inappropriate and would not be in the best
interest of the child, obligor, or obligee to order that amount
and enters in the journal the figure, determination, and findings.

(c) The court shall not order an amount of child support that
deviates from the amount of child support that would otherwise
result from the use of the basic child support schedule and the
applicable worksheet in division (E) of this section, through line
24, or in division (F) of this section, through line 23, unless
both of the following apply:

(i) The court, after considering the factors and criteria set
forth in division (B)(3) of this section, determines that the
amount calculated pursuant to the basic child support schedule and
pursuant to the applicable worksheet in division (E) of this
section, through line 24, or in division (F) of this section,
through line 23, would be unjust or inappropriate and would not be
in the best interest of the child;

(ii) The court enters in the journal the amount of child
support calculated pursuant to the basic child support schedule
and pursuant to the applicable worksheet in division (E) of this
section, through line 24, or in division (F) of this section,
through line 23, its determination that that amount would be
unjust or inappropriate and would not be in the best interest of
the child, and findings of fact supporting that determination.

(3) The court, in accordance with divisions (B)(1) and (2)(c)
of this section, may deviate from the amount of support that
otherwise would result from the use of the schedule and the
applicable worksheet in division (E) of this section, through line
24, or in division (F) of this section, through line 23, in cases
in which the application of the schedule and the applicable
worksheet in division (E) of this section, through line 24, or in

division (F) of this section, through line 23, would be unjust or 8327
inappropriate and would not be in the best interest of the child. 8328
In determining whether that amount would be unjust or 8329
inappropriate and would not be in the best interest of the child, 8330
the court may consider any of the following factors and criteria: 8331

(a) Special and unusual needs of the children; 8332

(b) Extraordinary obligations for minor children or 8333
obligations for handicapped children who are not stepchildren and 8334
who are not offspring from the marriage or relationship that is 8335
the basis of the immediate child support determination; 8336

(c) Other court-ordered payments; 8337

(d) ~~Extended times of visitation or extraordinary costs~~ 8338
~~associated with visitation, provided that this division does not~~ 8339
~~authorize and shall not be construed as authorizing any deviation~~ 8340
~~from the schedule and the applicable worksheet in division (E) of~~ 8341
~~this section, through line 24, or in division (F) of this section,~~ 8342
~~through line 23, or any escrowing, impoundment, or withholding of~~ 8343
~~child support because of a denial of or interference with a right~~ 8344
~~of companionship or visitation granted by court order;~~ 8345
Extraordinary circumstances of the parents, including, but not 8346
limited to: 8347

(i) The amount of time that the children spend with each 8348
parent; 8349

(ii) The ability of each parent to maintain adequate housing 8350
for the children; 8351

(iii) Each parent's expenses, including, but not limited to, 8352
child care expenses, school tuition, medical expenses, and dental 8353
expenses. 8354

(e) The obligor obtains additional employment after a child 8355
support order is issued in order to support a second family; 8356

(f) The financial resources and the earning ability of the child;	8357 8358
(g) Disparity in income between parties or households;	8359
(h) Benefits that either parent receives from remarriage or sharing living expenses with another person;	8360 8361
(i) The amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both of the parents;	8362 8363
(j) Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing;	8364 8365 8366
(k) The relative financial resources, other assets and resources, and needs of each parent;	8367 8368
(l) The standard of living and circumstances of each parent and the standard of living the child would have enjoyed had the marriage continued or had the parents been married;	8369 8370 8371
(m) The physical and emotional condition and needs of the child;	8372 8373
(n) The need and capacity of the child for an education and the educational opportunities that would have been available to the child had the circumstances requiring a court order for support not arisen;	8374 8375 8376 8377
(o) The responsibility of each parent for the support of others;	8378 8379
(p) Any other relevant factor.	8380
The court may accept an agreement of the parents that assigns a monetary value to any of the factors and criteria listed in division (B)(3) of this section that are applicable to their situation.	8381 8382 8383 8384
(4) If an obligor or obligee under a child support order	8385

requests the court to modify the amount of support required to be
paid pursuant to the child support order, the court shall
recalculate the amount of support that would be required to be
paid under the support order in accordance with the schedule and
pursuant to the applicable worksheet in division (E) of this
section, through line 24, or in division (F) of this section,
through line 23, and if that amount as recalculated is more than
ten per cent greater than or more than ten per cent less than the
amount of child support that is required to be paid pursuant to
the existing child support order, the deviation from the
recalculated amount that would be required to be paid under the
schedule and the applicable worksheet in division (E) of this
section, through line 24, or in division (F) of this section,
through line 23, shall be considered by the court as a change of
circumstance that is substantial enough to require a modification
of the amount of the child support order. In determining pursuant
to this division the recalculated amount of support that would be
required to be paid under the support order for purposes of
determining whether that recalculated amount is more than ten per
cent greater than or more than ten per cent less than the amount
of child support that is required to be paid pursuant to the
existing child support order, the court shall consider, in
addition to all other factors required by law to be considered,
the cost of health insurance which the obligor, the obligee, or
both the obligor and the obligee have been ordered to obtain for
the children specified in the order. Additionally, if an obligor
or obligee under a child support order requests the court to
modify the amount of support required to be paid pursuant to the
child support order and if the court determines that the amount of
support does not adequately meet the medical needs of the child,
the inadequate coverage shall be considered by the court as a
change of circumstance that is substantial enough to require a
modification of the amount of the child support order. If the

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court determines that the amount of child support required to be paid under the child support order should be changed due to a substantial change of circumstances that was not contemplated at the time of the issuance of the original child support order or the last modification of the child support order, the court shall modify the amount of child support required to be paid under the child support order to comply with the schedule and the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, unless the court determines that the amount calculated pursuant to the basic child support schedule and pursuant to the applicable worksheet in division (E) of this section, through line 24, or in division (F) of this section, through line 23, would be unjust or inappropriate and would not be in the best interest of the child and enters in the journal the figure, determination, and findings specified in division (B)(2)(c) of this section.

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(5) When a court computes the amount of child support required to be paid under a child support order or a child support enforcement agency computes the amount of child support to be paid pursuant to an administrative child support order issued pursuant to section 3111.20, 3111.21, or 3111.22 of the Revised Code, all of the following apply:

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(a) The parents shall verify current and past income and personal earnings with suitable documents, including, but not limited to, paystubs, employer statements, receipts and expense vouchers related to self-generated income, tax returns, and all supporting documentation and schedules for the tax returns.

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(b) The amount of any pre-existing child support obligation of a parent under a child support order and the amount of any court-ordered spousal support paid to a former spouse shall be deducted from the gross income of that parent to the extent that payment under the child support order or that payment of the

court-ordered spousal support is verified by supporting 8451
documentation. 8452

(c) If other minor children who were born to the parent and a 8453
person other than the other parent who is involved in the 8454
immediate child support determination live with the parent, the 8455
court or agency shall deduct an amount from that parent's gross 8456
income that equals the number of such minor children times the 8457
federal income tax exemption for such children less child support 8458
received for them for the year, not exceeding the federal income 8459
tax exemption. 8460

(d) When the court or agency calculates the gross income of a 8461
parent, it shall include the lesser of the following as income 8462
from overtime and bonuses: 8463

(i) The yearly average of all overtime and bonuses received 8464
during the three years immediately prior to the time when the 8465
person's child support obligation is being computed; 8466

(ii) The total overtime and bonuses received during the year 8467
immediately prior to the time when the person's child support 8468
obligation is being computed. 8469

(e) When the court or agency calculates the gross income of a 8470
parent, it shall not include any income earned by the spouse of 8471
that parent. 8472

(f) The court shall not order an amount of child support for 8473
reasonable and ordinary uninsured medical or dental expenses in 8474
addition to the amount of the child support obligation determined 8475
in accordance with the schedule. The court shall issue a separate 8476
order for extraordinary medical or dental expenses, including, but 8477
not limited to, orthodontia, psychological, appropriate private 8478
education, and other expenses, and may consider the expenses in 8479
adjusting a child support order. 8480

(g) When a court or agency calculates the amount of child support to be paid pursuant to a child support order or an administrative child support order, if the combined gross income of both parents is an amount that is between two amounts set forth in the first column of the schedule, the court or agency may use the basic child support obligation that corresponds to the higher of the two amounts in the first column of the schedule, use the basic child support obligation that corresponds to the lower of the two amounts in the first column of the schedule, or calculate a basic child support obligation that is between those two amounts and corresponds proportionally to the parents' actual combined gross income.

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

~~(6)(a) If the court issues a shared parenting order in accordance with section 3109.04 of the Revised Code, the court shall order an amount of child support to be paid under the child support order that is calculated in accordance with the schedule and with the worksheet set forth in division (E) of this section, through line 24, except that, if the application of the schedule and the worksheet, through line 24, would be unjust or inappropriate to the children or either parent and would not be in the best interest of the child because of the extraordinary circumstances of the parents or because of any other factors or criteria set forth in division (B)(3) of this section, the court may deviate from the amount of child support that would be ordered in accordance with the schedule and worksheet, through line 24, shall consider those extraordinary circumstances and other factors or criteria if it deviates from that amount, and shall enter in the journal the amount of child support calculated pursuant to the basic child support schedule and pursuant to the applicable~~

~~worksheet, through line 24, its determination that that amount
would be unjust or inappropriate and would not be in the best
interest of the child, and findings of fact supporting that
determination.~~

~~(b) For the purposes of this division, "extraordinary
circumstances of the parents" includes, but is not limited to, all
of the following:~~

~~(i) The amount of time that the children spend with each
parent;~~

~~(ii) The ability of each parent to maintain adequate housing
for the children;~~

~~(iii) Each parent's expenses, including, but not limited to,
child care expenses, school tuition, medical expenses, and dental
expenses.~~

~~(7)(a) In any action in which a child support order is issued
or modified under Chapter 3115. or section 2151.23, 2151.33,
2151.36, 2151.49, 3105.18, 3105.21, 3109.05, 3109.19, 3111.13,
3113.04, or 3113.31 of the Revised Code or in any other proceeding
in which the court determines the amount of child support that
will be ordered to be paid pursuant to a child support order and
except as otherwise provided in this division, the court shall
issue a minimum support order requiring the obligor to pay a
minimum amount of fifty dollars a month for child support under
the child support order. The court, in its discretion and in
appropriate circumstances, may issue a minimum support order
requiring the obligor to pay an amount of child support that is
less than fifty dollars a month or not requiring the obligor to
pay an amount for support. The appropriate circumstances for which
a court may issue a minimum support order requiring an obligor to
pay an amount of child support that is less than fifty dollars a
month or not requiring the obligor to pay an amount for support~~

include, but are not limited to, the ~~nonresidential parent's~~ 8544
obligor's medically verified or documented physical or mental 8545
disability or institutionalization in a facility for persons with 8546
a mental illness. If the court issues a minimum support order 8547
pursuant to this division and the obligor under the support order 8548
is the recipient of need-based public assistance, any unpaid 8549
amounts of support due under the support order shall accrue as 8550
arrearages from month to month, the obligor's current obligation 8551
to pay the support due under the support order is suspended during 8552
any period of time that the obligor is receiving need-based public 8553
assistance and is complying with any seek work orders issued 8554
pursuant to division (D)(7) of section 3113.21 of the Revised 8555
Code, and the court, obligee, and child support enforcement agency 8556
shall not enforce the obligation of the obligor to pay the amount 8557
of support due under the support order during any period of time 8558
that the obligor is receiving need-based public assistance and is 8559
complying with any seek work orders issued pursuant to division 8560
(D)(7) of section 3113.21 of the Revised Code. 8561

(b) Notwithstanding division (B)~~(7)~~(6)(a) of this section, if 8563
the amount of support payments that federal law requires or 8564
permits to be disregarded in determining eligibility for aid under 8565
Chapter 5107. of the Revised Code exceeds fifty dollars, instead 8566
of fifty dollars the amount of a minimum support order described 8567
in division (B)~~(7)~~(6)(a) of this section shall be the amount 8568
federal law requires or permits to be disregarded. 8569

(C) Except when the parents have split ~~parental rights~~ 8570
parenting functions and responsibilities, a parent's child support 8571
obligation for a child for whom the parent is the residential 8572
parent ~~and legal custodian~~ for purposes of child support shall be 8573
presumed to be spent on that child and shall not become part of a 8574
child support order, and a parent's child support obligation for a 8575

child for whom the parent is not the residential parent ~~and legal~~ 8576
~~eustodian~~ for purposes of child support shall become part of a 8577
child support order. If the parents have split ~~parental rights~~ 8578
parenting functions and responsibilities, the child support 8579
obligations of the parents shall be offset, and the court shall 8580
issue a child support order requiring the parent with the larger 8581
child support obligation to pay the net amount pursuant to the 8582
child support order. If ~~neither parent of a child who is the~~ 8583
~~subject of a child support order is the residential parent and~~ 8584
~~legal custodian of the child and the child~~ resides with a third 8585
party who is the legal custodian of the child pursuant to an order 8586
issued under former section 3109.04 or division (A)(3) of section 8587
3109.49 Of the Revised Code, the court shall issue a child support 8588
order requiring ~~each parent~~ the parents to pay that parent's child 8589
support obligation pursuant to the child support order. 8590

~~Whenever a court issues a child support order, it shall~~ 8591
~~include in the order specific provisions for regular, holiday,~~ 8592
~~vacation, and special visitation in accordance with section~~ 8593
~~3109.05, 3109.11, or 3109.12 of the Revised Code or in accordance~~ 8594
~~with any other applicable section of the Revised Code. The court~~ 8595
shall not authorize or permit the escrowing, impoundment, or 8596
withholding of any child support payment because of a denial of or 8597
interference with a right of visitation ~~included as a specific~~ 8598
~~provision of the child support order or~~ granted pursuant to former 8599
section 3109.051 or 3109.12 or section 3109.59, 3109.60, or 8600
3109.61 Of the Revised Code as a method of enforcing ~~the specific~~ 8601
~~provisions of the child support order dealing with visitation.~~ 8602

~~(D)(1) Except as provided in divisions (D)(2) and (3) of this~~ 8603
~~section, the~~ The following basic child support schedule shall be 8604
used by all courts and child support enforcement agencies when 8605
calculating the amount of child support that will be paid pursuant 8606
to a child support order or an administrative child support order, 8607

unless the combined gross income of the parents is less than 8608
 sixty-six hundred dollars or more than one hundred fifty thousand 8609
 dollars: 8610

Basic Child Support Schedule 8611

<u>Income</u>	Combined GrossNumber of Children					
	One	Two	Three	Four	Five	Six
6600600	600	600	600	600	600	600
7200600	600	600	600	600	600	600
7800600	600	600	600	600	600	600
8400600	600	600	600	600	600	600
9000849	859	868	878	887	896	
96001259	1273	1287	1301	1315	1329	
102001669	1687	1706	1724	1743	1761	
108002076	2099	2122	2145	2168	2192	
114002331	2505	2533	2560	2588	2616	
120002439	2911	2943	2975	3007	3039	
126002546	3318	3354	3390	3427	3463	
132002654	3724	3765	3806	3846	3887	
138002761	4029	4175	4221	4266	4311	
144002869	4186	4586	4636	4685	4735	
150002976	4342	4996	5051	5105	5159	
156003079	4491	5321	5466	5524	5583	
162003179	4635	5490	5877	5940	6003	
168003278	4780	5660	6254	6355	6423	
174003378	4924	5830	6442	6771	6843	
180003478	5069	5999	6629	7186	7262	
186003578	5213	6169	6816	7389	7682	
192003678	5358	6339	7004	7592	8102	
198003778	5502	6508	7191	7796	8341	
204003878	5647	6678	7378	7999	8558	

210003977	5790	6847	7565	8201	8774
216004076	5933	7015	7750	8402	8989
222004176	6075	7182	7936	8602	9204
228004275	6216	7345	8116	8798	9413
234004373	6357	7509	8297	8994	9623
240004471	6498	7672	8478	9190	9832
246004570	6639	7836	8658	9386	10042
252004668	6780	8000	8839	9582	10251
258004767	6920	8163	9020	9778	10461
264004865	7061	8327	9200	9974	10670
270004963	7202	8490	9381	10170	10880
276005054	7332	8642	9548	10351	11074
282005135	7448	8776	9697	10512	11246
288005216	7564	8911	9845	10673	11418
294005297	7678	9045	9995	10833	11592
300005377	7792	9179	10143	10994	11764
306005456	7907	9313	10291	11154	11936
312005535	8022	9447	10439	11315	12107
318005615	8136	9581	10587	11476	12279
324005694	8251	9715	10736	11636	12451
330005774	8366	9849	10884	11797	12623
336005853	8480	9983	11032	11957	12794
342005933	8595	10117	11180	12118	12966
348006012	8709	10251	11328	12279	13138
354006091	8824	10385	11476	12439	13310
360006171	8939	10519	11624	12600	13482
366006250	9053	10653	11772	12761	13653
372006330	9168	10787	11920	12921	13825
378006406	9275	10913	12058	13071	13988
384006447	9335	10984	12137	13156	14079
390006489	9395	11055	12215	13242	14170
396006530	9455	11126	12294	13328	14261
402006571	9515	11197	12373	13413	14353

408006613	9575	11268	12451	13499	14444
414006653	9634	11338	12529	13583	14534
420006694	9693	11409	12607	13667	14624
426006735	9752	11479	12684	13752	14714
432006776	9811	11549	12762	13836	14804
438006817	9871	11619	12840	13921	14894
444006857	9930	11690	12917	14005	14985
450006898	9989	11760	12995	14090	15075
456006939	10049	11830	13073	14174	15165
462006978	10103	11897	13146	14251	15250
468007013	10150	11949	13203	14313	15316
474007048	10197	12000	13260	14375	15382
480007083	10245	12052	13317	14437	15448
486007117	10292	12103	13374	14498	15514
492007152	10339	12155	13432	14560	15580
498007187	10386	12206	13489	14622	15646
504007222	10433	12258	13546	14684	15712
510007257	10481	12309	13603	14745	15778
516007291	10528	12360	13660	14807	15844
522007326	10575	12412	13717	14869	15910
528007361	10622	12463	13774	14931	15976
534007396	10669	12515	13832	14992	16042
540007431	10717	12566	13889	15054	16108
546007468	10765	12622	13946	15120	16178
552007524	10845	12716	14050	15232	16298
558007582	10929	12814	14159	15350	16425
564007643	11016	12918	14273	15474	16558
570007704	11104	13021	14388	15598	16691
576007765	11192	13125	14502	15722	16824
582007825	11277	13225	14613	15842	16953
588007883	11361	13324	14723	15961	17079
594007941	11445	13423	14832	16079	17206
600008000	11529	13522	14941	16197	17333

606008058	11612	13620	15050	16315	17460
612008116	11696	13719	15160	16433	17587
618008175	11780	13818	15269	16552	17714
624008233	11864	13917	15378	16670	17840
630008288	11945	14011	15481	16783	17958
636008344	12024	14102	15582	16893	18075
642008399	12103	14194	15683	17002	18193
648008454	12183	14285	15784	17111	18310
654008510	12262	14376	15885	17220	18427
660008565	12341	14468	15986	17330	18544
666008620	12421	14559	16087	17439	18661
672008676	12500	14650	16188	17548	18778
678008731	12579	14741	16289	17657	18895
684008786	12659	14833	16390	17767	19012
690008842	12738	14924	16491	17876	19129
696008897	12817	15015	16592	17985	19246
702008953	12897	15107	16693	18094	19363
708009008	12974	15196	16791	18201	19476
714009060	13047	15281	16885	18302	19585
720009111	13120	15366	16979	18404	19694
726009163	13194	15451	17073	18506	19803
732009214	13267	15536	17167	18608	19912
738009266	13340	15621	17261	18709	20021
744009318	13413	15706	17355	18811	20130
750009369	13487	15791	17449	18913	20239
756009421	13560	15876	17543	19015	20347
762009473	13633	15961	17636	19116	20456
768009524	13707	16046	17730	19218	20565
774009576	13780	16131	17824	19320	20674
780009627	13853	16216	17918	19422	20783
786009679	13927	16300	18012	19523	20892
792009731	14000	16385	18106	19625	21001
798009782	14073	16470	18200	19727	21109

804009834	14147	16555	18294	19829	21218
810009885	14220	16640	18387	19930	21326
816009936	14292	16723	18480	20030	21434
822009987	14364	16807	18573	20131	21541
8280010038	14439	16891	18665	20235	21651
8340010090	14514	16979	18762	20340	21763
8400010142	14589	17066	18859	20444	21875
8460010194	14663	17154	18956	20549	21987
8520010246	14738	17241	19052	20653	22099
8580010298	14813	17329	19149	20758	22211
8640010350	14887	17417	19246	20863	22323
8700010403	14962	17504	19343	20967	22435
8760010455	15037	17592	19440	21072	22547
8820010507	15111	17679	19537	21176	22659
8880010559	15186	17767	19633	21281	22771
8940010611	15261	17855	19730	21386	22883
9000010663	15335	17942	19827	21490	22995
9060010715	15410	18030	19924	21595	23107
9120010767	15485	18118	20021	21700	23219
9180010819	15559	18205	20118	21804	23331
9240010872	15634	18293	20215	21909	23443
9300010924	15709	18380	20311	22013	23555
9360010976	15783	18468	20408	22118	23667
9420011028	15858	18556	20505	22223	23779
9480011080	15933	18643	20602	22327	23891
9540011132	16007	18731	20699	22432	24003
9600011184	16082	18818	20796	22536	24115
9660011236	16157	18906	20892	22641	24227
9720011289	16231	18994	20989	22746	24339
9780011341	16306	19081	21086	22850	24451
9840011393	16381	19169	21183	22955	24563
9900011446	16450	19255	21279	23062	24676
9960011491	16516	19334	21366	23156	24777

10020011536	16583	19413	21453	23250	24878
10080011581	16649	19491	21539	23345	24978
10140011625	16714	19569	21625	23437	25077
10200011670	16779	19646	21710	23530	25177
10260011714	16844	19724	21796	23623	25276
10320011759	16909	19801	21881	23715	25375
10380011803	16974	19879	21967	23808	25475
10440011847	17039	19956	22052	23901	25574
10500011892	17104	20034	22138	23994	25673
10560011934	17167	20108	22220	24083	25769
10620011979	17232	20186	22305	24176	25868
10680012023	17297	20263	22391	24269	25968
10740012068	17362	20341	22476	24361	26067
10800012110	17425	20415	22559	24451	26162
10860012155	17490	20493	22644	24543	26262
10920012199	17555	20570	22730	24636	26361
10980012243	17620	20648	22815	24729	26460
11040012286	17683	20722	22897	24818	26556
11100012331	17748	20800	22983	24911	26655
11160012375	17813	20877	23068	25004	26755
11220012419	17878	20955	23154	25096	26854
11280012462	17941	21029	23236	25186	26949
11340012506	18006	21107	23322	25278	27049
11400012551	18071	21184	23407	25371	27148
11460012595	18136	21262	23493	25464	27247
11520012640	18202	21339	23578	25557	27347
11580012682	18264	21414	23660	25646	27442
11640012727	18329	21491	23746	25739	27542
11700012771	18394	21569	23831	25832	27641
11760012815	18460	21646	23917	25924	27740
11820012858	18522	21721	23999	26013	27836
11880012902	18587	21798	24084	26106	27935
11940012947	18652	21876	24170	26199	28034

12000012991	18718	21953	24256	26292	28134
12060013034	18780	22028	24338	26381	28229
12120013078	18845	22105	24423	26474	28329
12180013123	18910	22183	24509	26567	28428
12240013167	18976	22260	24594	26659	28527
12300013210	19038	22335	24676	26749	28623
12360013254	19103	22412	24762	26841	28722
12420013299	19168	22490	24847	26934	28821
12480013343	19234	22567	24933	27027	28921
12540013386	19296	22642	25015	27116	29016
12600013430	19361	22719	25101	27209	29115
12660013474	19426	22797	25186	27302	29215
12720013519	19492	22874	25272	27395	29314
12780013561	19554	22949	25354	27484	29410
12840013606	19619	23026	25439	27576	29509
12900013650	19684	23104	25525	27669	29608
12960013695	19750	23181	25610	27762	29708
13020013739	19815	23259	25696	27855	29807
13080013783	19879	23335	25780	27946	29905
13140013828	19945	23414	25868	28041	30007
13200013874	20012	23494	25955	28136	30108
13260013919	20079	23573	26043	28231	30210
13320013963	20143	23649	26127	28323	30308
13380014008	20210	23729	26215	28418	30410
13440014054	20276	23808	26302	28513	30511
13500014099	20343	23887	26390	28608	30613
13560014143	20407	23964	26474	28699	30711
13620014188	20474	24043	26561	28794	30813
13680014234	20541	24123	26649	28889	30914
13740014279	20607	24202	26737	28984	31016
13800014323	20671	24278	26821	29075	31114
13860014368	20738	24358	26908	29170	31215
13920014414	20805	24437	26996	29265	31317

13980014459	20872	24516	27083	29361	31419
14040014503	20936	24593	27168	29452	31517
14100014549	21002	24672	27255	29547	31618
14160014594	21069	24751	27343	29642	31720
14220014639	21136	24831	27430	29737	31822
14280014683	21200	24907	27515	29828	31920
14340014729	21267	24986	27602	29923	32021
14400014774	21333	25066	27690	30018	32123
14460014820	21400	25145	27777	30113	32225
14520014865	21467	25225	27865	30208	32327
14580014909	21531	25301	27949	30300	32424
14640014963	21596	25377	28041	30396	32526
14700015006	21659	25452	28124	30486	32622
14760015049	21722	25527	28207	30576	32718
14820015090	21782	25599	28286	30662	32810
14880015133	21845	25674	28369	30752	32907
14940015176	21908	25749	28452	30842	33003
15000015218	21971	25823	28534	30931	33099

~~(2) Until July 1, 1994, or a later date specified pursuant to~~ 8855
~~division (D)(3) of this section, the following basic child support~~ 8856
~~schedule shall be used by all courts and child support enforcement~~ 8857
~~agencies to calculate the amount of child support that will be~~ 8858
~~paid pursuant to a child support order or an administrative child~~ 8859
~~support order when combined gross income is at least six thousand~~ 8860
~~dollars but not more than twenty one thousand six hundred dollars:~~ 8861

~~Basic Child Support Schedule~~ 8862

Income	Gross Number				
	One	Two	Three	Four	Five
6000	240	372	468	528	576
7200	1068	1308	1428	1608	1656

of
Children

84001884	2244	2388	2688	2736	2784
96002052	3180	3348	3768	3816	3876
108002208	3432	4308	4848	4896	4968
120002439	3684	4620	5208	5676	6060
132002654	3924	4920	5556	6048	6456
144002869	4186	5208	5880	6408	6840
156003079	4491	5508	6204	6756	7224
168003278	4780	5796	6528	7116	7608
180003478	5069	6072	6840	7464	7980
192003678	5358	6339	7140	7788	8352
204003878	5647	6678	7440	8112	8688
216004078	5935	7018	7755	8448	9036

~~(3) The office of budget and management and the department of human services shall conduct a study of the impact on the general revenue fund of implementing the basic child support schedule in division (D)(1) of this section for combined gross incomes of at least six thousand dollars but not more than twenty one thousand six hundred dollars. If, prior to July 1, 1994, the department and the office conclude from the study that implementing the basic child support schedule in division (D)(1) of this section for those incomes will have a negative impact on the general revenue fund, the department shall inform the controlling board of the impact and recommend to the board continued use of the schedule in division (D)(2) until a date which the department shall specify. On receipt of the department's recommendation, the board shall specify a date for discontinuance of the schedule in division (D)(2), which may be the date recommended by the department or any other date considered appropriate by the board. On the date specified by the board, the schedule in division (D)(2) shall cease to be used and child support shall be calculated pursuant to the schedule in division (D)(1) of this section.~~

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(E) When a court or child support enforcement agency calculates the amount of child support that will be required to be paid pursuant to a child support order or an administrative child support order in a proceeding in which one parent is the residential parent ~~and legal custodian of~~ for purposes of receiving child support for all of the children who are the subject of the child support order ~~or the court issues a shared parenting order~~, the court or child support enforcement agency shall use a worksheet that is identical in content and form to the following worksheet:

"Worksheet

..... County Domestic Relations Court (or) 8911

..... County Child Support Enforcement Agency 8912

Child Support Computation 8913

Sole Residential Parent ~~or~~ 8914

~~Shared Parenting Order~~ for purposes 8915

of receiving child support 8916

Name of parties 8917

Case No. 8918

Number of minor children The following parent was 8919

designated as the residential parent ~~and legal custodian~~ 8920

~~(disregard if shared parenting order)~~ for purposes of receiving 8921

child support: 8922

..... mother; father. 8923

Father has pay periods annually; mother has pay 8924

periods annually. 8925

	Column I	Column II	Column III	
	Father	Mother	Combined	

1a. Annual gross income from employment or, when determined appropriate by the court or	\$.....	\$.....		8927
---	---------	---------	--	------

agency, average annual gross
income from employment over a
reasonable period of years
(exclude overtime and
bonuses).....

b. Amount of overtime and bonuses	Father	Mother	8928
Yr. 3			8929
(Three years ago)	\$.....	\$.....	8930
Yr. 2			8931
(Two years ago)	\$.....	\$.....	8932
Yr. 1			8933
(Last calendar year)	\$.....	\$.....	8934
Average:	\$.....	\$.....	8935
(Include in Column I and/or Column 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, 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 three years or	\$.....	\$.....	8936

the year 1 amount, include only the amount reasonably expected to be earned this year.).....			
2. Annual income from interest and dividends (whether or not taxable).....	\$.....	\$.....	8937
3. Annual income from unemployment compensation.....	\$.....	\$.....	8938
4. Annual income from workers' compensation or disability insurance benefits.....	\$.....	\$.....	8939
5. Other annual income (identify).....	\$.....	\$.....	8940
6. Total annual gross income (add lines 1-5).....	\$.....	\$.....	8941
7. Annual court-ordered support paid for other children.....	\$.....	\$.....	8942
8. Adjustment for minor children born to either parent and another parent, which children are living with this parent (number of children times federal income tax exemption less child support received for the year, not to exceed the federal tax exemption).....	\$.....	\$.....	8943
9. Annual court-ordered spousal	\$.....	\$.....	8944

support paid to a former spouse.....			
10. Amount of local income taxes \$.....	\$.....		8945
actually paid or estimated to be paid.....			
11. For self-employed \$.....	\$.....		8946
individuals, deduct 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.....			
12. For self-employed \$.....	\$.....		8947
individuals, deduct ordinary and necessary business expenses.....			
13. Total gross income \$.....	\$.....		8948
adjustments (add lines 7-12).....			
14. Adjusted annual gross income \$.....	\$.....		8949
(subtract line 13 from line 6).....			
15. Combined annual income that		\$.....	8950
is basis for child support order (add line 14, Col. I and Col. II).....			
16. Percentage parent's income to total income			8951
a. Father (divide line 14, Col. I by line 15, Col. III).....%			8952
b. Mother (divide line 14, Col. II by line 15, Col. III)	+	= 100%	8953
%		

17. Basic combined child support obligation (Refer to basic child support schedule in division (D) of section 3113.215 of the Revised Code; in the first column of the schedule, locate the sum that is nearest to the combined annual income listed in line 15, Col. III of this worksheet, then refer to the column of the schedule that corresponds to the number of children in this family. If the income of the parents is more than one sum, and less than another sum, in the first column of the schedule, you may calculate the basic combined child support obligation based upon the obligation for those two sums.).....	\$.....		8954
18. Annual child care expenses for the children who are the subject of this order that are work, employment training, or education related, as approved by the court or agency (deduct the tax credit from annual cost, whether or not claimed).....	\$.....	\$.....	8955
19. Marginal, out-of-pocket costs, necessary to provide for	\$.....	\$.....	8956

health insurance for the children who are the subject of this order.....			
20. Total child care and medical expenses (add lines 18 and 19, Column I and Column II).....	\$.....	\$.....	8957
21. Combined annual child support obligation for this family (add lines 17 and 20, Column I and Column II).....		\$.....	8958
22. Annual support obligation/parent			8959
a. Father (multiply line 21, Col. III, by line 16a).....	\$.....		8960
b. Mother (multiply line 21, Col. III, by line 16b).....		\$.....	8961
23. Adjustment for actual expenses paid for annual child care expenses and marginal, out-of-pocket costs, necessary to provide for health insurance (enter number from line 18 or 19 if applicable).....	\$.....	\$.....	8962
24. Actual annual obligation (subtract line 23 from line 22a or 22b).....	\$.....	\$.....	8963

25. <u>Gross household income per party after exchange of child support (add lines 14 and 24 Column I or II for the residential parent for purposes of receiving child support; subtract line 24 Column I or II from line 14 for the parent who is not the residential parent for purposes of receiving child support)</u>	\$.....	\$.....	8964
26. Comments, rebuttal, or adjustments to correct figures in lines 24, Column I and 24, Column II if they would be unjust or inappropriate and would not be in best interest of the child or children (specific facts to support adjustments must be included).....	\$.....	\$.....	8965
(Addendum sheet may be attached)			8966
27. Final figure (this amount reflects final annual child support obligation).....	\$.....	father/mother obligor	8967
28. For decree: child support per child per week or per month (divide obligor's annual share, line 27, by 12 or 52 and by number of children).....	\$.....		8968
29. For deduction order: child	\$.....		8969

support per pay period
(calculate support per pay
period from figure on line 28)
plus appropriate
poundage.....

Calculations have been reviewed. 8970

Signatures

Father

I do/do not consent.

Sworn to before me and ~~subscribed~~ subscribed in my presence, 8974

this day of, 19... 8975

.....

Notary Public

.....

Mother

I do/do not consent.

Sworn to before me and ~~subscribed~~ subscribed in my presence, 8981

this day of, 19... 8982

.....

Notary Public

.....

Attorney for father

Attorney for mother_

(F) When a court or child support enforcement agency 8987

calculates the amount of child support that will be required to be 8988

paid pursuant to a child support order in a proceeding in which 8989

both parents have split ~~parental rights~~ parenting functions and 8990

responsibilities with respect to the children who are the subject 8991

of the child support order, the court or child support enforcement 8992

agency shall use a worksheet that is identical in content and form 8993

to the following worksheet: 8994

"Worksheet 8995

..... County Domestic Relations Court (or) 8996

..... County Child Support Enforcement Agency				8997
Child Support Computation				8998
Split Parental Rights <u>Parenting Functions</u>				8999
and Responsibilities				9000
Name of parties				9001
Case No.				9002
Number of minor children The following parent was				9003
designated residential parent and legal custodian <u>for purposes of</u>				9004
<u>receiving child support:</u>				9005
..... mother; father.				9006
Father has pay periods annually; mother has pay				9007
periods annually.				9008
	Column I	Column II	Column III	9009
	Father	Mother	Combined	
1a. Annual gross income from \$..... \$.....				9010
employment or, when determined to be appropriate by the court or agency, average annual gross income from employment over a reasonable period of years (exclude overtime and bonuses).....				
b. Amount of overtime and bonuses	Father	Mother		9011
Yr. 3				9012
(Three years ago)	\$.....	\$.....		9013
Yr. 2				9014
(Two years ago)	\$.....	\$.....		9015
Yr. 1				9016
(Last calendar year)	\$.....	\$.....		9017
Average:	\$.....	\$.....		9018

(Include in Column I and/or Column 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, 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 three years or the year 1 amount, include only the amount reasonably expected to be earned this year.).....	\$.....	\$.....	9019
2. Annual income from interest and dividends (whether or not taxable).....	\$.....	\$.....	9020
3. Annual income from unemployment compensation.....	\$.....	\$.....	9021
4. Annual income from workers' compensation or disability insurance benefits.....	\$.....	\$.....	9022

5. Other annual income	\$.....	\$.....	9023
(identify).....			
6. Total annual gross income	\$.....	\$.....	9024
(add lines 1-5).....			
7. Annual court-ordered support paid for other children.....	\$.....	\$.....	9025
8. Adjustment for minor children born to either parent and another parent, which children are living with this parent (number of children times federal income tax exemption less child support received for the year, not to exceed the federal tax exemption).....	\$.....	\$.....	9026
9. Annual court-ordered spousal support paid to a former spouse.....	\$.....	\$.....	9027
10. Amount of local income taxes actually paid or estimated to be paid.....	\$.....	\$.....	9028
11. For self-employed individuals, deduct 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.....	\$.....	\$.....	9029
12. For self-employed	\$.....	\$.....	9030

III of this worksheet, then refer to the column of the schedule that corresponds to the number of children for whom the father is the residential parent ~~and legal custodian~~ for purposes of receiving child support. If the income of the parents is more than one sum, and less than another sum, in the first column of the schedule, you may calculate the basic combined child support obligation based upon the obligation for those two sums.).....

b. For children for whom the mother is the residential parent ~~and the legal custodian~~ for purposes of receiving child support. (Refer to basic child support schedule in division (D) of section ~~3313.215~~ 3113.215 of the Revised Code; in the first column of the schedule, locate the sum that is nearest to the combined annual income listed in line 15, Col. III of this worksheet, then refer to the column of the schedule that corresponds to the number of children for whom the mother is the residential parent ~~and the~~

\$..... 9039

~~legal custodian for purposes of receiving child support.~~ If the income of the parents is more than one sum, and less than another sum, in the first column of the schedule, you may calculate the basic combined child support obligation based upon the obligation for those two sums.).....

18. Annual child care expenses for the children who are the subject of this order that are work, employment training, or education related, as approved by the court or agency (deduct the as approved by the court or agency deduct the tax credit from annual cost, whether or not claimed)	9040
a. Expenses paid by the father.....	9041
b. Expenses paid by the mother.....	9042
19. Marginal, out-of-pocket costs, necessary to provide for health insurance for the children who are the subject of this order	9043
a. Costs paid by the father.....	9044
b. Costs paid by the	9045

mother.....	
20. Total annual child care and medical expenses	9046
a. Of father (add lines 18a and \$..... 19a).....	9047
b. Of mother (add lines 18b and \$..... 19b).....	9048
21. Total annual child support obligation	9049
a. Of father for child(ren) for \$..... whom the mother is the residential parent and legal <u>eustodian for purposes of</u> <u>receiving child support</u> (add lines 20a and 17b and multiply by line 16a).....	9050
b. Of mother for child(ren) for \$..... whom the father is the residential parent and legal <u>eustodian for purposes of</u> <u>receiving child support</u> (add lines 20b and 17b <u>17a</u> and multiply by line 16b).....	9051
22. Adjustment for actual expenses paid for annual child care expenses, and marginal, out-of-pocket costs, necessary to provide for health insurance	9052
a. For father (enter number from \$..... line 20a).....	9053

b. For mother (enter number from line 20b).....	\$.....		9054
23. Actual annual obligation \$..... (subtract line 22a from line 21a and insert in Column I; subtract line 22b from line 21b and insert in Column II).....	\$.....	\$.....	9055
24. Net annual support \$..... obligation (greater amount on line 23 Column I or line 23 Column II minus lesser amount on line 23 Column I or line 23 Column II).....	\$.....	\$.....	9056
25. Gross household income per \$..... party after exchange of child support.....	\$.....	\$.....	9057
(add line 14 and line 24 for the parent receiving a child support payment; subtract line 24 from line 14 for the parent making a child support payment)			9058
26. Comments, rebuttal, or \$..... adjustments to correct figures in lines 24, Column I and 24, Column II if they would be unjust or inappropriate and would not be in best interest of the children (specific facts to support adjustments must be included).....	\$.....	\$.....	9059

(Addendum sheet may be attached) 9060
27. Final figure (this amount \$..... father/mother 9061
reflects final annual child obligor
support
obligation).....

28. For decree: child support \$..... 9062
per child per week or per month
(divide obligor's annual share,
line 27, by 12 or 52 and by the
number of
children).....

29. For deduction order: child \$..... 9063
support per day (calculate
support per pay period from
figure on line 28) and add
appropriate
poundage.....

Calculations have been reviewed. 9064

Signatures
Father
I do/do not consent.

Sworn to before me and ~~subscribed~~ subscribed in my presence, 9068
this day of, 19... 9069

.....
Notary Public

.....
Mother
I do/do not consent.

Sworn to before me and ~~subscribed~~ subscribed in my presence, 9075
this day of, 19... 9076

.....
Notary Public

division to both houses of the general assembly.	9111
Sec. 3113.31. (A) As used in this section:	9112
(1) "Domestic violence" means the occurrence of one or more	9113
of the following acts against a family or household member:	9114
(a) Attempting to cause or recklessly causing bodily injury;	9115
(b) Placing another person by the threat of force in fear of	9116
imminent serious physical harm or committing a violation of	9117
section 2903.211 or 2911.211 of the Revised Code;	9118
(c) Committing any act with respect to a child that would	9119
result in the child being an abused child, as defined in section	9120
2151.031 of the Revised Code.	9121
(2) "Court" means the domestic relations division of the	9122
court of common pleas in counties that have a domestic relations	9123
division, and the court of common pleas in counties that do not	9124
have a domestic relations division.	9125
(3) "Family or household member" means any of the following:	9126
(a) Any of the following who is residing with or has resided	9127
with the respondent:	9128
(i) A spouse, a person living as a spouse, or a former spouse	9129
of the respondent;	9130
(ii) A parent or a child of the respondent, or another person	9131
related by consanguinity or affinity to the respondent;	9132
(iii) A parent or a child of a spouse, person living as a	9133
spouse, or former spouse of the respondent, or another person	9134
related by consanguinity or affinity to a spouse, person living as	9135
a spouse, or former spouse of the respondent.	9136
(b) The natural parent of any child of whom the respondent is	9137
the other natural parent.	9138

(4) "Person living as a spouse" means a person who is living 9139
or has lived with the respondent in a common law marital 9140
relationship, who otherwise is cohabiting with the respondent, or 9141
who otherwise has cohabited with the respondent within one year 9142
prior to the date of the alleged occurrence of the act in 9143
question. 9144

(5) "Victim advocate" means a person who provides support and 9145
assistance for a person who files a petition under this section. 9146
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(B) The court has jurisdiction over all proceedings under 9148
this section. The petitioner's right to relief under this section 9149
is not affected by the petitioner's leaving the residence or 9150
household to avoid further domestic violence. 9151

(C) A person may seek relief under this section ~~the person~~ on 9152
the person's own behalf, or any parent or adult household member 9153
may seek relief under this section on behalf of any other family 9154
or household member, by filing a petition with the court. The 9155
petition shall contain or state: 9156

(1) An allegation that the respondent engaged in domestic 9157
violence against a family or household member of the respondent, 9158
including a description of the nature and extent of the domestic 9159
violence; 9160

(2) The relationship of the respondent to the petitioner, and 9161
to the victim if other than the petitioner; 9162

(3) A request for relief under this section. 9163

(D) If a person who files a petition pursuant to this section 9164
requests an ex parte order, the court shall hold an ex parte 9165
hearing on the same day that the petition is filed. The court may, 9166
for good cause shown at the ex parte hearing, enter any temporary 9167
orders, with or without bond, including, but not limited to, an 9168

order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member from domestic violence. Immediate and present danger of domestic violence to the family or household member constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the family or household member with bodily harm or in which the respondent has previously engaged in domestic violence against the family or household member.

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If the court, after an ex parte hearing, issues an order described in division (E)(1)(b) or (c) of this section, the court shall schedule a full hearing that shall be held within seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the full hearing shall be held within ten days after the ex parte hearing. The respondent shall be given notice of, and an opportunity to be heard at, the full hearing.

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If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

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(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members. The order or agreement may:

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(a) Direct the respondent to refrain from abusing the family or household members;

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(b) Grant possession of the residence or household to the

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petitioner or other family or household member, to the exclusion 9200
of the respondent, by evicting the respondent, when the residence 9201
or household is owned or leased solely by the petitioner or other 9202
family or household member, or by ordering the respondent to 9203
vacate the premises, when the residence or household is jointly 9204
owned or leased by the respondent, and the petitioner or other 9205
family or household member; 9206

(c) When the respondent has a duty to support the petitioner 9207
or other family or household member living in the residence or 9208
household and the respondent is the sole owner or lessee of the 9209
residence or household, grant possession of the residence or 9210
household to the petitioner or other family or household member, 9211
to the exclusion of the respondent, by ordering the respondent to 9212
vacate the premises, or, in the case of a consent agreement, allow 9213
the respondent to provide suitable, alternative housing; 9214

(d) Temporarily allocate ~~parental rights~~ parenting functions 9215
and responsibilities for the care of, or establish temporary 9216
visitation rights for persons other than the parents with regard 9217
to, minor children, if no other court has determined, or is 9218
determining, the allocation of ~~parental rights~~ parenting functions 9219
and responsibilities for the minor children or visitation rights 9220
for persons other than the parents; 9221

(e) Require the respondent to maintain support, if the 9222
respondent customarily provides for or contributes to the support 9223
of the family or household member, or if the respondent has a duty 9224
to support the petitioner or family or household member; 9225

(f) Require the respondent, petitioner, victim of domestic 9226
violence, or any combination of those persons, to seek counseling; 9227

(g) Require the respondent to refrain from entering the 9228
residence, school, business, or place of employment of the 9229
petitioner or family or household member; 9230

(h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other family or household member and the apportionment of household and family personal property.

(2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household and a prohibition against the petitioner inviting or admitting the respondent to the residence or household while the order is in effect.

(3)(a) Any protection order or approved consent agreement shall be valid until a date certain, but not later than two years from the date of its issuance or approval.

(b) Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(d) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues an order allocating ~~parental rights~~ parenting functions and responsibilities for the care of children or on the date that a juvenile court in an action brought by the petitioner or respondent issues an order awarding legal custody of minor children. Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(e) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues a support order or on the date that a juvenile court in an action brought by the petitioner or respondent issues

a support order. 9263

(c) Any protection order issued or consent agreement approved 9264
pursuant to this section may be renewed in the same manner as the 9265
original order or agreement was issued or approved. 9266

(4) A court may not issue a protection order that requires a 9267
petitioner to do or to refrain from doing an act that the court 9268
may require a respondent to do or to refrain from doing under 9269
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 9270
section unless all of the following apply: 9271

(a) The respondent files a separate petition for a protection 9272
order in accordance with this section. 9273

(b) The petitioner is served notice of the respondent's 9274
petition at least forty-eight hours before the court holds a 9275
hearing with respect to the respondent's petition, or the 9276
petitioner waives the right to receive this notice. 9277

(c) If the petitioner has requested an ex parte order 9278
pursuant to division (D) of this section, the court does not delay 9279
any hearing required by that division beyond the time specified in 9280
that division in order to consolidate the hearing with a hearing 9281
on the petition filed by the respondent. 9282

(d) After a full hearing at which the respondent presents 9283
evidence in support of the request for a protection order and the 9284
petitioner is afforded an opportunity to defend against that 9285
evidence, the court determines that the petitioner has committed 9286
an act of domestic violence or has violated a temporary protection 9287
order issued pursuant to section 2919.26 of the Revised Code, that 9288
both the petitioner and the respondent acted primarily as 9289
aggressors, and that neither the petitioner nor the respondent 9290
acted primarily in self-defense. 9291

(5) No order or agreement under this section shall in any 9292
manner affect title to any real property. 9293

(6)(a) If a petitioner, or the child of a petitioner, ~~who~~ 9294
obtains a protection order or consent agreement pursuant to 9295
division (E)(1) of this section or a temporary protection order 9296
pursuant to section 2919.26 of the Revised Code and is the subject 9297
of a visitation or companionship order issued pursuant to ~~section~~ 9298
~~former section~~ 3109.051 ~~or~~ 3109.12, ~~or section~~ 3109.59, ~~3109.11~~ 9299
~~3109.60~~, or ~~3109.12~~ 3109.61 of the Revised Code granting 9300
visitation or companionship rights to the respondent or division 9301
~~(E)(1)(d) of this section granting visitation or companionship~~ 9302
~~rights to the respondent~~ a parenting decree allocating parenting 9303
functions and responsibilities for the child between the 9304
petitioner and respondent issued pursuant to sections 3109.40 to 9305
3109.62 Of the Revised Code, the court may require the public 9306
children services agency of the county in which the court is 9307
located to provide supervision of the respondent's ~~exercise of~~ 9308
~~visitation or companionship rights~~ physical contact with respect 9309
~~to the child for a period not to exceed nine months, if the court~~ 9310
~~makes the following findings of fact:~~ 9311

~~(i) The child is in danger from the respondent;~~ 9312

~~(ii) No other person or agency is available to provide the~~ 9313
~~supervision or other services.~~ 9314

(b) If a child is the subject of a parenting decree 9315
allocating parenting functions and responsibilities for a child 9316
issued pursuant to sections 3109.40 to 3109.62 Of the Revised Code 9317
and the decree pursuant to section 3109.50 Of the Revised Code 9318
requires one of the parent's physical contact with the child to be 9319
supervised, the court may require the public children services 9320
agency of the county in which the court is located to provide 9321
supervision of that parent's physical contact with the child. 9322

(c) A court that requires an agency to provide supervision ~~or~~ 9323
~~other services~~ pursuant to division (E)(6)(a) or (b) of this 9324

section shall order the respondent to reimburse the agency for the 9325
cost of providing the supervision or other services, if it 9326
determines that the respondent has sufficient income or resources 9327
to pay that cost. 9328

(F)(1) A copy of any protection order, or consent agreement, 9329
that is issued or approved under this section shall be issued by 9330
the court to the petitioner, to the respondent, and to all law 9331
enforcement agencies that have jurisdiction to enforce the order 9332
or agreement. The court shall direct that a copy of an order be 9333
delivered to the respondent on the same day that the order is 9334
entered. 9335

(2) All law enforcement agencies shall establish and maintain 9336
an index for the protection orders and the approved consent 9337
agreements delivered to the agencies pursuant to division (F)(1) 9338
of this section. With respect to each order and consent agreement 9339
delivered, each agency shall note on the index, the date and time 9340
that it received the order or consent agreement. 9341

(3) Regardless of whether the petitioner has registered the 9342
order or agreement in the county in which the officer's agency has 9343
jurisdiction pursuant to division (N) of this section, any officer 9344
of a law enforcement agency shall enforce a protection order 9345
issued or consent agreement approved by any court in this state in 9346
accordance with the provisions of the order or agreement, 9347
including removing the respondent from the premises, if 9348
appropriate. 9349

(G) Any proceeding under this section shall be conducted in 9350
accordance with the Rules of Civil Procedure, except that an order 9351
under this section may be obtained with or without bond. The 9352
remedies and procedures provided in this section are in addition 9353
to, and not in lieu of, any other available civil or criminal 9354
remedies. 9355

(H) The filing of proceedings under this section does not 9356
excuse a person from filing any report or giving any notice 9357
required by section 2151.421 of the Revised Code or by any other 9358
law. When a petition under this section alleges domestic violence 9359
against minor children, the court shall report the fact, or cause 9360
reports to be made, to a county, township, or municipal peace 9361
officer under section 2151.421 of the Revised Code. 9362

(I) Any law enforcement agency that investigates a domestic 9363
dispute shall provide information to the family or household 9364
members involved regarding the relief available under this section 9365
and section 2919.26 of the Revised Code. 9366

(J) Notwithstanding any provision of law to the contrary, no 9367
court shall charge a fee for the filing of a petition pursuant to 9368
this section. 9369

(K)(1) Each order for support made or modified under this 9370
section on or after December 31, 1993, shall include as part of 9371
the order a general provision, as described in division (A)(1) of 9372
section 3113.21 of the Revised Code, requiring the withholding or 9373
deduction of wages or assets of the obligor under the order as 9374
described in division (D) of section 3113.21 of the Revised Code 9375
or another type of appropriate requirement as described in 9376
division (D)(6), (D)(7), or (H) of that section, to ensure that 9377
withholding or deduction from the wages or assets of the obligor 9378
is available from the commencement of the support order for 9379
collection of the support and of any arrearages that occur; a 9380
statement requiring all parties to the order to notify the child 9381
support enforcement agency in writing of their current mailing 9382
address, their current residence address, and any changes in 9383
either address; and a notice that the requirement to notify the 9384
agency of all changes in either address continues until further 9385
notice from the court. The court shall comply with sections 9386
3113.21 to 3113.219 of the Revised Code when it makes or modifies 9387

an order for child support under this section on or after April 12, 1990. 9388
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If any person required to pay child support under an order made under this section on or after April 15, 1985, or modified under this section on or after December 31, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt. 9390
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(2) Notwithstanding section 3109.01 of the Revised Code, if a court issues a child support order under this section, the order shall remain in effect beyond the child's eighteenth birthday as long as the child continuously attends on a full-time basis any recognized and accredited high school. Any parent ordered to pay support under a child support order issued under this section shall continue to pay support under the order, including during seasonal vacation periods, until the order terminates. 9400
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(L)(1) A person who violates a protection order issued or a consent agreement approved under this section is subject to the following sanctions: 9408
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(a) Criminal prosecution for a violation of section 2919.27 of the Revised Code, if the violation of the protection order or consent agreement constitutes a violation of that section; 9411
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(b) Punishment for contempt of court. 9414

(2) The punishment of a person for contempt of court for violation of a protection order issued or a consent agreement approved under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. 9415
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However, a person punished for contempt of court is entitled to 9419
credit for the punishment imposed upon conviction of a violation 9420
of that section, and a person convicted of a violation of that 9421
section shall not subsequently be punished for contempt of court 9422
arising out of the same activity. 9423

(M) In all stages of a proceeding under this section, a 9424
petitioner may be accompanied by a victim advocate. 9425

(N)(1) A petitioner who obtains a protection order or consent 9426
agreement under this section or a temporary protection order under 9427
section 2919.26 of the Revised Code may provide notice of the 9428
issuance or approval of the order or agreement to the judicial and 9429
law enforcement officials in any county other than the county in 9430
which the order is issued or the agreement is approved by 9431
registering that order or agreement in the other county pursuant 9432
to division (N)(2) of this section and filing a copy of the 9433
registered order or registered agreement with a law enforcement 9434
agency in the other county in accordance with that division. 9435

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(2) A petitioner may register a temporary protection order, 9437
protection order, or consent agreement in a county other than the 9438
county in which the court that issued the order or approved the 9439
agreement is located in the following manner: 9440

(a) The petitioner shall obtain a certified copy of the order 9441
or agreement from the clerk of the court that issued the order or 9442
approved the agreement and present that certified copy to the 9443
clerk of the court of common pleas or the clerk of a municipal 9444
court or county court in the county in which the order or 9445
agreement is to be registered. 9446

(b) Upon accepting the certified copy of the order or 9447
agreement for registration, the clerk of the court of common 9448
pleas, municipal court, or county court shall place an endorsement 9449

of registration on the order or agreement and give the petitioner 9450
a copy of the order or agreement that bears that proof of 9451
registration. 9452

(3) The clerk of each court of common pleas, the clerk of 9453
each municipal court, and the clerk of each county court shall 9454
maintain a registry of certified copies of temporary protection 9455
orders, protection orders, or consent agreements that have been 9456
issued or approved by courts in other counties and that have been 9457
registered with the clerk. 9458

(4) If a petitioner who obtains a protection order or consent 9459
agreement under this section or a temporary protection order under 9460
section 2919.26 of the Revised Code wishes to register the order 9461
or agreement in any county other than the county in which the 9462
order was issued or the agreement was approved, pursuant to 9463
divisions (N)(1) to (3) of this section, and if the petitioner is 9464
indigent, both of the following apply: 9465

(a) If the petitioner submits to the clerk of the court that 9466
issued the order or approved the agreement satisfactory proof that 9467
the petitioner is indigent, the clerk may waive any fee that 9468
otherwise would be required for providing the petitioner with a 9469
certified copy of the order or agreement to be used for purposes 9470
of divisions (N)(1) to (3) of this section; 9471

(b) If the petitioner submits to the clerk of the court of 9472
common pleas or the clerk of a municipal court or county court in 9473
the county in which the order or agreement is to be registered 9474
satisfactory proof that the petitioner is indigent, the clerk may 9475
waive any fee that otherwise would be required for accepting for 9476
registration a certified copy of the order or agreement, for 9477
placing an endorsement of registration on the order or agreement, 9478
or for giving the petitioner a copy of the order or agreement that 9479
bears the proof of registration. 9480

Sec. 3313.64. (A) As used in this section and in section 9481
3313.65 of the Revised Code: 9482

(1) "Parent" means either parent, unless the parents are 9483
separated or divorced or their marriage has been dissolved or 9484
annulled, in which case "parent" means the parent who is the 9485
residential parent and legal custodian of the child. When a child 9486
is in the legal custody of a government agency or a person other 9487
than the child's natural or adoptive parent, "parent" means the 9488
parent with residual ~~parental rights~~ parenting functions, 9489
privileges, and responsibilities. When a child is in the permanent 9490
custody of a government agency or a person other than the child's 9491
natural or adoptive parent, "parent" means the parent who was 9492
divested of ~~parental rights~~ parenting functions and 9493
responsibilities for the care of the child and the right to have 9494
the child live with the parent and be the legal custodian of the 9495
child and all residual ~~parental rights~~ parenting functions, 9496
privileges, and responsibilities. 9497

(2) "Legal custody," "permanent custody," and "residual 9498
parental rights, privileges, and responsibilities" have the same 9499
meanings as in section 2151.011 of the Revised Code. 9500

(3) "School district" or "district" means a city, local, or 9501
exempted village school district and excludes any school operated 9502
in an institution maintained by the department of youth services. 9503

(4) Except as used in division (C)(2) of this section, "home" 9504
means a home, institution, family foster home, group home, or 9505
other residential facility in this state that receives and cares 9506
for children, to which any of the following applies: 9507

(a) The home is licensed, certified, or approved for such 9508
purpose by the state or is maintained by the department of youth 9509
services. 9510

(b) The home is operated by a person who is licensed, 9511
certified, or approved by the state to operate the home for such 9512
purpose. 9513

(c) The home accepted the child through a placement by a 9514
person licensed, certified, or approved to place a child in such a 9515
home by the state. 9516

(d) The home is a children's home created under section 9517
5153.21 or 5153.36 of the Revised Code. 9518

(5) "Agency" means all of the following: 9519

(a) A children services board or county department of human 9520
services that has assumed the administration of child welfare 9521
functions prescribed by Chapter 5153. of the Revised Code; 9522

(b) An organization that holds a certificate issued by the 9523
Ohio department of human services in accordance with the 9524
requirements of section 5103.03 of the Revised Code and assumes 9525
temporary or permanent custody of children through commitment, 9526
agreement, or surrender, and places children in family homes for 9527
the purpose of adoption; 9528

(c) Comparable agencies of other states or countries that 9529
have complied with applicable requirements of section 2151.39, or 9530
sections 5103.20 to 5103.28 of the Revised Code. 9531

(6) A child is placed for adoption if either of the following 9532
occurs: 9533

(a) An agency to which the child has been permanently 9534
committed or surrendered enters into an agreement with a person 9535
pursuant to section 5103.06 of the Revised Code for the care and 9536
adoption of the child. 9537

(b) The child's natural parent places the child pursuant to 9538
section 5103.16 of the Revised Code with a person who will care 9539
for and adopt the child. 9540

(7) "Handicapped preschool child" means a handicapped child, 9541
as defined by division (A) of section 3323.01 of the Revised Code, 9542
who is at least three years of age but is not of compulsory school 9543
age, as defined in section 3321.01 of the Revised Code, and who 9544
has not entered kindergarten. 9545

(8) "Child," unless otherwise indicated, includes handicapped 9546
preschool children. 9547

(B) Except as otherwise provided in section 3321.01 of the 9548
Revised Code for admittance to kindergarten and first grade, a 9549
child who is at least five but under twenty-two years of age and 9550
any handicapped preschool child shall be admitted to school as 9551
provided in this division. 9552

(1) A child shall be admitted to the schools of the school 9553
district in which the child's parent resides. 9554

(2) A child who does not reside in the district where the 9555
child's parent resides shall be admitted to the schools of the 9556
district in which the child resides if any of the following 9557
applies: 9558

(a) The child is in the legal or permanent custody of a 9559
government agency or a person other than the child's natural or 9560
adoptive parent. 9561

(b) The child resides in a home. 9562

(c) The child requires special education. 9563

(3) A child who is not entitled under division (B)(2) of this 9564
section to be admitted to the schools of the district where the 9565
child resides and who is residing with a resident of this state 9566
with whom the child has been placed for adoption shall be admitted 9567
to the schools of the district where the child resides unless 9568
either of the following applies: 9569

(a) The placement for adoption has been terminated. 9570

(b) Another school district is required to admit the child 9571
under division (B)(1) of this section. 9572

Division (B) of this section does not prohibit the board of 9573
education of a school district from placing a handicapped child 9574
who resides in the district in a special education program outside 9575
of the district or its schools in compliance with Chapter 3323. of 9576
the Revised Code. 9577

(C) A district shall not charge tuition for children admitted 9578
under division (B)(1) or (3) of this section. If the district 9579
admits a child under division (B)(2) of this section, tuition 9580
shall be paid to the district that admits the child as follows: 9581
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(1) If the child receives special education in accordance 9583
with Chapter 3323. of the Revised Code, tuition shall be paid in 9584
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of 9585
the Revised Code regardless of who has custody of the child or 9586
whether the child resides in a home. 9587

(2) Except as otherwise provided in division (C)(2)(d) of 9588
this section, if the child is in the permanent or legal custody of 9589
a government agency or person other than the child's parent, 9590
tuition shall be paid by: 9591

(a) The district in which the child's parent resided at the 9592
time the court removed the child from home or at the time the 9593
court vested legal or permanent custody of the child in the person 9594
or government agency, whichever occurred first; or 9595

(b) If the parent's residence at the time the court removed 9596
the child from home or placed the child in the legal or permanent 9597
custody of the person or government agency is unknown, tuition 9598
shall be paid by the district in which the child resided at the 9599
time the child was removed from home or placed in legal or 9600
permanent custody, whichever occurred first; or 9601

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.357 of the Revised Code by the court at the time it vests custody of the child in the person or government agency.

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable

attorney's fees. If the prosecuting attorney or city director of
law represents the board in such action, costs and reasonable
attorney's fees awarded by the court, based upon the prosecuting
attorney's, director's, or one of their designee's time spent
preparing and presenting the case, shall be deposited in the
county or city general fund.

(E) A board of education may enroll a child free of any
tuition obligation for a period not to exceed sixty days, on the
sworn statement of an adult resident of the district that the
resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school
under this division, no tuition shall be charged by the school
district of attendance and no other school district shall be
required to pay tuition for the individual's attendance.
Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years
of age who live apart from their parents, support themselves by
their own labor, and have not successfully completed the high
school curriculum or the individualized education program
developed for the person by the high school pursuant to section
3323.08 of the Revised Code, are entitled to attend school in the
district in which they reside.

(2) Any child under eighteen years of age who is married is
entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in
which either of the child's parents is employed if the child has a
medical condition that may require emergency medical attention.
The parent of a child entitled to attend school under division
(F)(3) of this section shall submit to the board of education of
the district in which the parent is employed a statement from the
child's physician certifying that the child's medical condition

may require emergency medical attention. The statement shall be 9664
supported by such other evidence as the board may require. 9665

(4) Any child residing with a person other than the child's 9666
parent is entitled, for a period not to exceed twelve months, to 9667
attend school in the district in which that person resides if the 9668
child's parent files an affidavit with the superintendent of the 9669
district in which the person with whom the child is living resides 9670
stating all of the following: 9671

(a) That the parent is serving outside of the state in the 9672
armed services of the United States; 9673

(b) That the parent intends to reside in the district upon 9674
returning to this state; 9675

(c) The name and address of the person with whom the child is 9676
living while the parent is outside the state. 9677

(5) Any child under the age of twenty-two who, after the 9678
death of a parent, resides in a school district other than the 9679
district in which the child attended school at the time of the 9680
parent's death is entitled to continue to attend school in the 9681
district in which the child attended school at the time of the 9682
parent's death for the remainder of the school year, subject to 9683
approval of that district board. 9684

(6) A child under the age of twenty-two years who resides 9685
with a parent who is having a new house built in a school district 9686
outside the district where the parent is residing is entitled to 9687
attend school for a period of time in the district where the new 9688
house is being built. In order to be entitled to such attendance, 9689
the parent shall provide the district superintendent with the 9690
following: 9691

(a) A sworn statement explaining the situation, revealing the 9692
location of the house being built, and stating the parent's 9693

intention to reside there upon its completion; 9694

(b) A statement from the builder confirming that a new house 9695
is being built for the parent and that the house is at the 9696
location indicated in the parent's statement. 9697

(7) A child under the age of twenty-two residing with a 9698
parent who has a contract to purchase a house in a school district 9699
outside the district where the parent is residing and who is 9700
waiting upon the date of closing of the mortgage loan for the 9701
purchase of such house is entitled to attend school for a period 9702
of time in the district where the house is being purchased. In 9703
order to be entitled to such attendance, the parent shall provide 9704
the district superintendent with the following: 9705

(a) A sworn statement explaining the situation, revealing the 9706
location of the house being purchased, and stating the parent's 9707
intent to reside there; 9708

(b) A statement from a real estate broker or bank officer 9709
confirming that the parent has a contract to purchase the house, 9710
that the parent is waiting upon the date of closing of the 9711
mortgage loan, and that the house is at the location indicated in 9712
the parent's statement. 9713

The district superintendent shall establish a period of time 9714
not to exceed ninety days during which the child entitled to 9715
attend school under division (F)(6) or (7) of this section may 9716
attend without tuition obligation. A student attending a school 9717
under division (F)(6) or (7) of this section shall be eligible to 9718
participate in interscholastic athletics under the auspices of 9719
that school, provided the board of education of the school 9720
district where the student's parent resides, by a formal action, 9721
releases the student to participate in interscholastic athletics 9722
at the school where the student is attending, and provided the 9723
student receives any authorization required by a public agency or 9724

private organization of which the school district is a member 9725
exercising authority over interscholastic sports. 9726

(8) A child whose parent is a full-time employee of a city, 9727
local, or exempted village school district may be admitted to the 9728
schools of the district where the child's parent is employed, 9729
provided the board of education establishes such an admission 9730
policy by resolution adopted by a majority of its members. Any 9731
such policy shall take effect on the first day of the school year 9732
and the effective date of any amendment or repeal may not be prior 9733
to the first day of the subsequent school year. The policy shall 9734
be uniformly applied to all such children and shall provide for 9735
the admission of any such child upon request of the parent. No 9736
child may be admitted under this policy after the first day of 9737
classes of any school year. 9738

(9) A child who is with the child's parent under the care of 9739
a shelter for victims of domestic violence, as defined in section 9740
3113.33 of the Revised Code, is entitled to attend school free in 9741
the district in which the child is with his parent, and no other 9742
school district shall be required to pay tuition for the child's 9743
attendance in that school district. 9744

The enrollment of a child in a school district under this 9745
division shall not be denied due to a delay in the school 9746
district's receipt of any records required under section 3313.672 9747
of the Revised Code or any other records required for enrollment. 9748
Any days of attendance and any credits earned by a child while 9749
enrolled in a school district under this division shall be 9750
transferred to and accepted by any school district in which the 9751
child subsequently enrolls. The state board of education shall 9752
adopt rules to ensure compliance with this division. 9753

(10) Any child under the age of twenty-two whose parent has 9754
moved out of the school district after the commencement of classes 9755

in the child's senior year of high school is entitled, subject to 9756
the approval of that district board, to attend school in the 9757
district in which the child attended school at the time of the 9758
parental move for the remainder of the school year and for one 9759
additional semester or equivalent term. A district board may also 9760
adopt a policy specifying extenuating circumstances under which a 9761
student may continue to attend school under division (F)(10) of 9762
this section for an additional period of time in order to 9763
successfully complete the high school curriculum for the 9764
individualized education program developed for the student by the 9765
high school pursuant to section 3323.08 of the Revised Code. 9766

(11) As used in this division, "grandparent" means a parent 9767
of a parent of a child. A child under the age of twenty-two years 9768
who is in the custody of the child's parent, resides with a 9769
grandparent, and does not require special education is entitled to 9770
attend the schools of the district in which the child's 9771
grandparent resides, provided that, prior to such attendance in 9772
any school year, the board of education of the school district in 9773
which the child's grandparent resides and the board of education 9774
of the school district in which the child's parent resides enter 9775
into a written agreement specifying that good cause exists for 9776
such attendance, describing the nature of this good cause, and 9777
consenting to such attendance. 9778

In lieu of a consent form signed by a parent, a board of 9779
education may request the grandparent of a child attending school 9780
in the district in which the grandparent resides pursuant to 9781
division (F)(11) of this section to complete any consent form 9782
required by the district, including any authorization required by 9783
sections 3313.712 and 3313.713 of the Revised Code. Upon request, 9784
the grandparent shall complete any consent form required by the 9785
district. A school district shall not incur any liability solely 9786
because of its receipt of a consent form from a grandparent in 9787

lieu of a parent.

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Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

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(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

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(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

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(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

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While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

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A student attending a school of a district pursuant to this division shall be allowed to participate in all student

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activities, including interscholastic athletics, at the school 9819
where the student is attending on the same basis as any student 9820
who has always attended the schools of that district while of 9821
compulsory school age. 9822

(G) A board of education, after approving admission, may 9823
waive tuition for students who will temporarily reside in the 9824
district and who are either of the following: 9825

(1) Residents or domiciliaries of a foreign nation who 9826
request admission as foreign exchange students; 9827

(2) Residents or domiciliaries of the United States but not 9828
of Ohio who request admission as participants in an exchange 9829
program operated by a student exchange organization. 9830

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 9831
3327.04, and 3327.06 of the Revised Code, a child may attend 9832
school or participate in a special education program in a school 9833
district other than in the district where the child is entitled to 9834
attend school under division (B) of this section. 9835

(I) This division does not apply to a child receiving special 9836
education. 9837

A school district required to pay tuition pursuant to 9838
division (C)(2) or (3) of this section or section 3313.65 of the 9839
Revised Code shall have an amount deducted under division (G) of 9840
section 3317.023 of the Revised Code equal to its own tuition rate 9841
for the same period of attendance. A school district entitled to 9842
receive tuition pursuant to division (C)(2) or (3) of this section 9843
or section 3313.65 of the Revised Code shall have an amount 9844
credited under division (G) of section 3317.023 of the Revised 9845
Code equal to its own tuition rate for the same period of 9846
attendance. If the tuition rate credited to the district of 9847
attendance exceeds the rate deducted from the district required to 9848
pay tuition, the department of education shall pay the district of 9849

attendance the difference from amounts deducted from all 9850
districts' payments under division (G) of section 3317.023 of the 9851
Revised Code but not credited to other school districts under such 9852
division and from appropriations made for such purpose. The 9853
treasurer of each school district shall, by the fifteenth day of 9854
January and July, furnish the superintendent of public instruction 9855
a report of the names of each child who attended the district's 9856
schools under divisions (C)(2) and (3) of this section or section 9857
3313.65 of the Revised Code during the preceding six calendar 9858
months, the duration of the attendance of those children, the 9859
school district responsible for tuition on behalf of the child, 9860
and any other information that the superintendent requires. 9861

Upon receipt of the report the superintendent, pursuant to 9862
division (G) of section 3317.023 of the Revised Code, shall deduct 9863
each district's tuition obligations under divisions (C)(2) and (3) 9864
of this section or section 3313.65 of the Revised Code and pay to 9865
the district of attendance that amount plus any amount required to 9866
be paid by the state. 9867

(J) In the event of a disagreement, the superintendent of 9868
public instruction shall determine the school district in which 9869
the parent resides. 9870

(K) Nothing in this section requires or authorizes, or shall 9871
be construed to require or authorize, the admission to a public 9872
school in this state of a pupil who has been permanently excluded 9873
from public school attendance by the superintendent of public 9874
instruction pursuant to sections 3301.121 and 3313.662 of the 9875
Revised Code. 9876

Sec. 3313.672. (A)(1) At the time of ~~his~~ initial entry to a 9877
public or nonpublic school, a pupil shall present to the person in 9878
charge of admission any records given ~~him~~ the pupil by the public 9879
or nonpublic elementary or secondary school ~~he~~ the pupil most 9880

recently attended; a certified copy of an order or decree, or 9881
modification of such an order or decree ~~allocating parental rights~~ 9882
~~and responsibilities for the care of a child and,~~ designating a 9883
residential parent and legal custodian of the child, as provided 9884
in division (B) of this section, if that type of order or decree 9885
has been issued; and a certification of birth issued pursuant to 9886
Chapter 3705. of the Revised Code, a comparable certificate or 9887
certification issued pursuant to the statutes of another state, 9888
territory, possession, or nation, or a document in lieu of a 9889
certificate or certification as described in divisions (A)(1)(a) 9890
to (e) of this section. Any of the following shall be accepted in 9891
lieu of a certificate or certification of birth by the person in 9892
charge of admission: 9893

(a) A passport or attested transcript of a passport filed 9894
with a registrar of passports at a point of entry of the United 9895
States showing the date and place of birth of the child; 9896

(b) An attested transcript of the certificate of birth; 9897

(c) An attested transcript of the certificate of baptism or 9898
other religious record showing the date and place of birth of the 9899
child; 9900

(d) An attested transcript of a hospital record showing the 9901
date and place of birth of the child; 9902

(e) A birth affidavit. 9903

(2) Within twenty-four hours of the entry into the school of 9904
a pupil described in division (A)(1) of this section, a school 9905
official shall request the pupil's official records from the 9906
public or nonpublic elementary or secondary school ~~he~~ the pupil 9907
most recently attended. If the public or nonpublic school the 9908
pupil claims to have most recently attended indicates that it has 9909
no record of the pupil's attendance or the records are not 9910

received within fourteen days of the date of request, or if the 9911
pupil does not present a certification of birth described in 9912
division (A)(1) of this section, a comparable certificate or 9913
certification from another state, territory, possession, or 9914
nation, or another document specified in divisions (A)(1)(a) to 9915
(d) of this section, the principal or chief administrative officer 9916
of the school shall notify the law enforcement agency having 9917
jurisdiction in the area where the pupil resides of this fact and 9918
of the possibility that the pupil may be a missing child, as 9919
defined in section 2901.30 of the Revised Code. 9920

(B) Whenever an order or decree ~~allocating parental rights~~ 9921
~~and responsibilities for the care of a child and~~ designating a 9922
residential parent and legal custodian of the child, including a 9923
temporary order, is issued resulting from an action of divorce, 9924
alimony, annulment, or dissolution of marriage, and the order or 9925
decree pertains to a child who is a pupil in a public or nonpublic 9926
school, the residential parent of the child shall notify the 9927
school of those allocations and designations by providing the 9928
person in charge of admission at the pupil's school with a 9929
certified copy of the order or decree that made the allocation and 9930
designation. Whenever there is a modification of any order or 9931
decree ~~allocating parental rights and responsibilities for the~~ 9932
~~care of a child and~~ designating a residential parent and legal 9933
custodian of the child that has been submitted to a school, the 9934
residential parent shall provide the person in charge of admission 9935
at the pupil's school with a certified copy of the order or decree 9936
that makes the modification. 9937

(C) If, at the time of a pupil's initial entry to a public or 9938
nonpublic school, the pupil is under the care of a shelter for 9939
victims of domestic violence, as defined in section 3113.33 of the 9940
Revised Code, the pupil or ~~his~~ the pupil's parent shall notify the 9941
school of that fact. Upon being so informed, the school shall 9942

inform the elementary or secondary school from which it requests 9943
the pupil's records of that fact. 9944

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 9945
and division (D) of section 3311.52 of the Revised Code, the 9946
provisions of this section and sections 3313.981 to 3313.983 of 9947
the Revised Code that apply to a city school district do not apply 9948
to a joint vocational or cooperative education school district 9949
unless expressly specified. 9950

(A) As used in this section and sections 3313.981 to 3313.983 9951
of the Revised Code: 9952

(1) "Parent" means either of the natural or adoptive parents 9953
of a student, except under the following conditions: 9954

(a) When the marriage of the natural or adoptive parents of 9955
the student has been terminated by a divorce, dissolution of 9956
marriage, or annulment or the natural or adoptive parents of the 9957
student are living separate and apart under a legal separation 9958
decree ~~and the court has issued an order allocating the parental~~ 9959
~~rights and responsibilities with respect to the student~~, "parent" 9960
means ~~the~~ either of the following: 9961

(i) ~~The~~ residential parent as designated by the court ~~except~~ 9962
~~that "parent" means either~~ under a decree allocating parental 9963
rights and responsibilities issued pursuant to former section 9964
3109.04 Of the Revised Code; 9965

(ii) Either parent ~~when the court issues~~ under a shared 9966
parenting ~~decree order or under a parenting decree allocating~~ 9967
parenting functions and responsibilities pursuant to sections 9968
3109.40 to 3109.62 Of the Revised Code. 9969

(b) When a court has granted temporary or permanent custody 9970
of the student to an individual or agency other than either of the 9971
natural or adoptive parents of the student, "parent" means the 9972

legal custodian of the child.	9973
(c) When a court has appointed a guardian for the student,	9974
"parent" means the guardian of the student.	9975
(2) "Native student" means a student entitled under section	9976
3313.64 or 3313.65 of the Revised Code to attend school in a	9977
district adopting a resolution under this section.	9978
(3) "Adjacent district" means a city, exempted village, or	9979
local school district having territory that abuts the territory of	9980
a district adopting a resolution under this section.	9981
(4) "Adjacent district student" means a student entitled	9982
under section 3313.64 or 3313.65 of the Revised Code to attend	9983
school in an adjacent district.	9984
(5) "Adjacent district joint vocational student" means an	9985
adjacent district student who enrolls in a city, exempted village,	9986
or local school district pursuant to this section and who also	9987
enrolls in a joint vocational school district that does not	9988
contain the territory of the district for which that student is a	9989
native student and does contain the territory of the city,	9990
exempted village, or local district in which the student enrolls.	9991
(6) "Adjusted formula amount" means the dollar formula amount	9992
specified in section 3317.022 of the Revised Code multiplied by	9993
the cost-of-doing-business factor for a district defined in	9994
division (E) of section 3317.02 of the Revised Code.	9995
(7) "Poverty line" means the poverty line established by the	9996
director of the United States office of management and budget as	9997
revised by the director of the office of community services in	9998
accordance with section 673(2) of the "Community Services Block	9999
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.	10000
(8) "IEP" means an individualized education program defined	10001
by division (E) of section 3323.01 of the Revised Code.	10002

(B) The board of education of each city, local, and exempted village school district shall adopt a resolution pertaining to enrollment of students from adjacent districts. The resolution shall, beginning with the school year that begins July 1, 1993, either entirely prohibit the enrollment of students from adjacent districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code, or shall permit enrollment of students from all adjacent districts in accordance with a policy contained in the resolution. A policy permitting enrollment of students from adjacent districts shall provide for all of the following:

(1) Application procedures, including deadlines for application and for notification of students and the superintendents of adjacent districts whenever an adjacent district student's application is approved.

(2) Procedures for admitting applicants from adjacent schools free of any tuition obligation to the district's schools, including but not limited to:

(a) The establishment of district capacity limits by grade level, school building, and education program;

(b) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent district students previously enrolled in the district shall receive preference over first-time applicants;

(c) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent district students shall not include:

(1) Any requirement of academic ability, or any level of

athletic, artistic, or other extracurricular skills; 10033

(2) Limitations on admitting applicants because of 10034
handicapping conditions, except that a board may refuse to admit 10035
an adjacent district student receiving services under Chapter 10036
3323. of the Revised Code, if the services described in the 10037
student's IEP are not available in the district's schools; 10038

(3) A requirement that the student be proficient in the 10039
English language; 10040

(4) Rejection of any applicant because the student has been 10041
subject to disciplinary proceedings, except that if an applicant 10042
has been suspended or expelled by the adjacent district for ten 10043
consecutive days or more in the term for which admission is sought 10044
or in the term immediately preceding the term for which admission 10045
is sought, the procedures may include a provision denying 10046
admission of such applicant. 10047

(D) Each school board shall provide information about the 10048
policy adopted under this section, including the application 10049
procedures and deadlines, to the superintendent and the board of 10050
education of each adjacent district and, upon request, to the 10051
parent of any adjacent district student. 10052

(E) Any school board shall accept all credits toward 10053
graduation earned in adjacent district schools by an adjacent 10054
district student or a native student. 10055

(F)(1) No board of education may adopt a policy discouraging 10056
or prohibiting its native students from applying to enroll in the 10057
schools of an adjacent district that has adopted a policy 10058
permitting such enrollment, except that: 10059

(a) A district may object to the enrollment of a native 10060
student in an adjacent district in order to maintain an 10061
appropriate racial balance. 10062

(b) The board of education of a district receiving funds 10063
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 10064
may adopt a resolution objecting to the enrollment of its native 10065
students in adjacent districts if at least ten per cent of its 10066
students are included in the determination of the United States 10067
secretary of education made under section 20 U.S.C.A. 238(a). 10068

(2) If a board objects to enrollment of native students under 10069
this division, any adjacent district shall refuse to enroll such 10070
native students unless tuition is paid for the students in 10071
accordance with section 3317.08 of the Revised Code. An adjacent 10072
district enrolling such students may not receive funding for those 10073
students in accordance with section 3313.981 of the Revised Code. 10074

(G) The state board of education shall monitor school 10075
districts to ensure compliance with this section and the 10076
districts' policies. The board may adopt rules requiring uniform 10077
application procedures, deadlines for application, notification 10078
procedures, and record keeping requirements for all school boards 10079
that adopt policies permitting the enrollment of adjacent district 10080
students. If the state board adopts such rules, no school board 10081
shall adopt a policy that conflicts with those rules. 10082

(H) A resolution adopted by a board of education under this 10083
section that entirely prohibits the enrollment of students from 10084
adjacent school districts does not abrogate any agreement entered 10085
into under section 3313.841 or 3313.92 of the Revised Code or any 10086
contract entered into under section 3313.90 of the Revised Code 10087
between the board of education adopting the resolution and the 10088
board of education of any adjacent district or prohibit these 10089
boards of education from entering into any such agreement or 10090
contract. 10091

(I) Nothing in this section shall be construed to permit or 10092
require the board of education of a city, exempted village, or 10093

local school district to exclude any native student of the 10094
district from enrolling in the district. 10095

Sec. 3319.321. (A) No person shall release, or permit access 10096
to, the names or other personally identifiable information 10097
concerning any students attending a public school to any person or 10098
group for use in a profit-making plan or activity. 10099

(B) No person shall release, or permit access to, personally 10100
identifiable information other than directory information 10101
concerning any student attending a public school, for purposes 10102
other than those identified in division (C), (E), (G), or (H) of 10103
this section, without the written consent of the parent, guardian, 10104
or custodian of each such student who is less than eighteen years 10105
of age, or without the written consent of each such student who is 10106
eighteen years of age or older. 10107

(1) For purposes of this section, "directory information" 10108
includes a student's name, address, telephone listing, date and 10109
place of birth, major field of study, participation in officially 10110
recognized activities and sports, weight and height of members of 10111
athletic teams, dates of attendance, date of graduation, and 10112
awards received. 10113

(2)(a) Except as provided in division (B)(2)(b) of this 10114
section, no school district board of education shall impose any 10115
restriction on the presentation of directory information that it 10116
has designated as subject to release in accordance with the 10117
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 10118
20 U.S.C. 1232q, as amended, to representatives of the armed 10119
forces, business, industry, charitable institutions, other 10120
employers, and institutions of higher education unless such 10121
restriction is uniformly imposed on each of these types of 10122
representatives, except that if a student eighteen years of age or 10123
older or a student's parent, guardian, or custodian has informed 10124

the board that any or all such information should not be released 10125
without such person's prior written consent, the board shall not 10126
release that information without such person's prior written 10127
consent. 10128

(b) The names and addresses of students in grades ten through 10129
twelve shall be released to a recruiting officer for any branch of 10130
the United States armed forces who requests such information, 10131
except that such data shall not be released if the student or 10132
student's parent, guardian, or custodian submits to the board a 10133
written request not to release such data. Any data received by a 10134
recruiting officer shall be used solely for the purpose of 10135
providing information to students regarding military service and 10136
shall not be released to any person other than individuals within 10137
the recruiting services of the armed forces. 10138

(3) Except for directory information and except as provided 10139
in division (E), (G), or (H) of this section, information covered 10140
by this section that is released shall only be transferred to a 10141
third or subsequent party on the condition that such party will 10142
not permit any other party to have access to such information 10143
without written consent of the parent, guardian, or custodian, or 10144
of the student who is eighteen years of age or older. 10145

(4) Except as otherwise provided in this section, any parent 10146
of a student may give the written parental consent required under 10147
this section. Where parents are separated or divorced, the written 10148
parental consent required under this section may be obtained from 10149
either parent, subject to any agreement between such parents or 10150
court order governing the rights of such parents. In the case of a 10151
student whose legal guardian is in an institution, a person 10152
independent of the institution who has no other conflicting 10153
interests in the case shall be appointed by the board of education 10154
of the school district in which the institution is located to give 10155
the written parental consent required under this section. 10156

(5)(a) ~~A~~ Each parent of a student ~~who is not the student's~~ residential parent, upon request, shall be permitted access to any records or information concerning the student under the same terms and conditions under which access to the records or information is available to ~~the residential~~ any parent of ~~that~~ a student, provided that the access of ~~the~~ a parent ~~who is not the residential parent~~ is subject to any agreement between the parents, to division (F) of this section, and, to the extent described in division (B)(5)(b) of this section, is subject to any court order issued pursuant to former section 3109.051 or any court order containing a limitation in section 3109.50 of the Revised Code and any other court order governing the rights of the parents.

(b) If ~~the residential~~ a parent of a student has presented the keeper of a record or information that is related to the student with a copy of an order issued under division (H)(1) of former section 3109.051 of the Revised Code or a copy of an order containing a limitation under section 3109.50 Of the Revised Code that limits the terms and conditions under which the other parent ~~who is not the residential parent~~ of the student is to have access to records and information pertaining to the student or with a copy of any other court order governing the rights of the parents that so limits those terms and conditions, and if the order pertains to the record or information in question, the keeper of the record or information shall provide access to the other parent ~~who is not the residential parent~~ only to the extent authorized in the order. If ~~the residential~~ a parent has presented the keeper of the record or information with ~~such~~ an order that limits the terms and conditions under which the other parent is to have access to records and information pertaining to the student, the keeper of the record shall permit the other parent ~~who is not the residential parent~~ to have access to the record or information

only in accordance with the most recent such order that has been 10189
presented to the keeper by ~~the residential~~ either parent ~~or the~~ 10190
~~parent who is not the residential parent.~~ 10191

(C) Nothing in this section shall limit the administrative 10192
use of public school records by a person acting exclusively in the 10193
person's capacity as an employee of a board of education or of the 10194
state or any of its political subdivisions, any court, or the 10195
federal government, and nothing in this section shall prevent the 10196
transfer of a student's record to an educational institution for a 10197
legitimate educational purpose. However, except as provided in 10198
this section, public school records shall not be released or made 10199
available for any other purpose. Fingerprints, photographs, or 10200
records obtained pursuant to section 3313.96 or 3319.322 of the 10201
Revised Code, or pursuant to division (E) of this section, or any 10202
medical, psychological, guidance, counseling, or other information 10203
that is derived from the use of the fingerprints, photographs, or 10204
records, shall not be admissible as evidence against the minor who 10205
is the subject of the fingerprints, photographs, or records in any 10206
proceeding in any court. The provisions of this division regarding 10207
the administrative use of records by an employee of the state or 10208
any of its political subdivisions or of a court or the federal 10209
government shall be applicable only when the use of the 10210
information is required by a state statute adopted before November 10211
19, 1974, or by federal law. 10212

(D) A board of education may require, subject to division (E) 10213
of this section, a person seeking to obtain copies of public 10214
school records to pay the cost of reproduction and, in the case of 10215
data released under division (B)(2)(b) of this section, to pay for 10216
any mailing costs, which payment shall not exceed the actual cost 10217
to the school. 10218

(E) A principal or chief administrative officer of a public 10219
school, or any employee of a public school who is authorized to 10220

handle school records, shall provide access to a student's records 10221
to a law enforcement officer who indicates that the officer is 10222
conducting an investigation and that the student is or may be a 10223
missing child, as defined in section 2901.30 of the Revised Code. 10224
Free copies of information in the student's record shall be 10225
provided, upon request, to the law enforcement officer, if prior 10226
approval is given by the student's parent, guardian, or legal 10227
custodian. Information obtained by the officer shall be used 10228
solely in the investigation of the case. The information may be 10229
used by law enforcement agency personnel in any manner that is 10230
appropriate in solving the case, including, but not limited to, 10231
providing the information to other law enforcement officers and 10232
agencies and to the bureau of criminal identification and 10233
investigation for purposes of computer integration pursuant to 10234
section 2901.30 of the Revised Code. 10235

(F) No person shall release to a parent of a student who is 10236
not the student's residential parent or to any other person, or 10237
permit a parent of a student who is not the student's residential 10238
parent or permit any other person to have access to, any 10239
information about the location of any elementary or secondary 10240
school to which a student has transferred or information that 10241
would enable the parent who is not the student's residential 10242
parent or the other person to determine the location of that 10243
elementary or secondary school, if the elementary or secondary 10244
school to which the student has transferred and that requested the 10245
records of the student under section 3313.672 of the Revised Code 10246
informs the elementary or secondary school from which the 10247
student's records are obtained that the student is under the care 10248
of a shelter for victims of domestic violence, as defined in 10249
section 3113.33 of the Revised Code. 10250

(G) A principal or chief administrative officer of a public 10251
school, or any employee of a public school who is authorized to 10252

handle school records, shall comply with any order issued pursuant 10253
to division (D)(1) of section 2151.14 of the Revised Code, any 10254
request for records that is properly made pursuant to division 10255
(D)(3)(a) of section 2151.14 or division (A) of section 2151.141 10256
of the Revised Code, and any determination that is made by a court 10257
pursuant to division (D)(3)(b) of section 2151.14 or division 10258
(B)(1) of section 2151.141 of the Revised Code. 10259

(H) Notwithstanding any provision of this section, a 10260
principal of a public school, to the extent permitted by the 10261
"Family Educational Rights and Privacy Act of 1974," shall make 10262
the report required in section 3319.45 of the Revised Code that a 10263
pupil committed any violation listed in division (A) of section 10264
3313.662 of the Revised Code on property owned or controlled by, 10265
or at an activity held under the auspices of, the board of 10266
education, regardless of whether the pupil was sixteen years of 10267
age or older. The principal is not required to obtain the consent 10268
of the pupil who is the subject of the report or the consent of 10269
the pupil's parent, guardian, or custodian before making a report 10270
pursuant to section 3319.45 of the Revised Code. 10271

Sec. 5101.31. (A) As used in this section: 10272

(1) "Child support enforcement agency" means an agency 10273
designated as a child support enforcement agency under section 10274
2301.25 of the Revised Code. 10275

(2) "Law enforcement entity" means a public entity that 10276
employs a law enforcement officer. 10277

(B) The division of child support is hereby created in the 10278
department of human services. The division shall establish and 10279
administer a program of child support enforcement, which program 10280
shall meet the requirements of Title IV-D of the "Social Security 10281
Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, and any 10282

rules promulgated under Title IV-D. The program of child support enforcement shall include, but not be limited to, the location of absent parents, the establishment of parentage, the establishment and modification of child support orders and medical support orders, the enforcement of support orders, and the collection of support obligations. 10283
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The department shall charge an application fee of up to twenty-five dollars, as determined by rule adopted by the department pursuant to Chapter 119. of the Revised Code, for furnishing services under Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, to persons not receiving aid to dependent children. The department shall adopt rules pursuant to Chapter 119. of the Revised Code authorizing counties, at their option, to waive the payment of the fee. The application fee, unless waived pursuant to rules adopted by the department pursuant to this section, shall be paid by those persons. 10289
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(C) The division of child support shall establish, by rule adopted pursuant to Chapter 119. of the Revised Code, a program of spousal support enforcement in conjunction with child support enforcement. The program shall conform, to the extent practicable, to the program for child support enforcement established pursuant to division (B) of this section. 10300
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(D) The department of human services shall enter into an agreement with the secretary of health and human services, as authorized by the "Parental Kidnapping Prevention Act of 1980," 94 Stat. 3572, 42 U.S.C. 663, as amended, under which the services of the parent locator service established pursuant to Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as amended, shall be made available to this state for the purpose of determining the whereabouts of any absent parent or child in order to enforce a law with respect to the unlawful taking or restraint 10306
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of a child, or to make or enforce a determination as to the 10315
allocation, between the parents of a child, of the parental rights 10316
and responsibilities, made pursuant to former section 3109.04 Of 10317
the Revised Code or of the parenting functions and 10318
responsibilities made pursuant to sections 3109.40 to 3109.62 Of 10319
the Revised Code, for the care of a child and the designation of 10320
the residential parent and legal custodian of a child or otherwise 10321
as to the custody of a child. 10322

(E) The division of child support shall not use any social 10323
security number made available to it under section 3705.07 of the 10324
Revised Code for any purpose other than child support enforcement. 10325

(F) Except as provided by the rules adopted pursuant to this 10326
division, no person shall disclose information concerning 10327
applicants for and recipients of Title IV-D support enforcement 10328
program services provided by a child support enforcement agency. 10329
The department of human services shall adopt rules governing 10330
access to, and use and disclosure of, information concerning 10331
applicants for and recipients of Title IV-D support enforcement 10332
program services provided by a child support enforcement agency. 10333
The rules shall be consistent with the requirements of Title IV-D 10334
of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, 10335
as amended, and any rules adopted under Title IV-D. 10336

(G)(1) Except as provided in division (G)(2) of this section, 10337
the department of human services shall have access to any 10338
information in the possession of any officer, board, commission, 10339
or agency of the state that would aid the department in locating 10340
an absent parent or child pursuant to division (D) of this 10341
section, unless release of the information is prohibited by 10342
federal law. 10343

(2) The department of taxation, the bureau of motor vehicles, 10344
and a law enforcement entity shall provide information the 10345

division of child support requests from the department, bureau, or
entity that will enable the division to locate a parent the
division or a child support enforcement agency is seeking pursuant
to child support enforcement activities. The department, bureau,
or entity may provide such information to a child support
enforcement agency at the agency's request or require the agency
to request that the division of child support request the
information for the agency. The division shall request the
information from the department, bureau, or entity on the request
of a child support enforcement agency.

The only information the department shall provide the
division or an agency under this section is the name and address
of a parent the division or agency is seeking. The information the
bureau or entity shall provide to the division or an agency under
this section is the information Title IV-D of the "Social Security
Act" requires the division or agency be able to receive.

The division or agency shall reimburse the department,
bureau, or entity for the cost of providing the information. If
the division requests the information for an agency, the agency
shall reimburse the division for reimbursing the department,
bureau, or entity.

Sec. 5101.324. (A) The department of human services, in
accordance with Chapter 119. of the Revised Code, shall adopt
rules governing a child support enforcement agency in establishing
a paternity compliance unit and in adopting a paternity compliance
plan pursuant to section 2301.357 of the Revised Code. The rules
shall include, but shall not be limited to, provisions for the
following:

(1) The procedure an agency shall follow to adopt and submit
a paternity plan to the department of human services;

(2) The information an agency shall include in its adopted paternity compliance plan, including, but not limited to, the manner in which the agency will service Title IV-D cases in accordance with federally mandated timeframes and the manner in which the agency intends to service more cases in order to meet the federal requirements;

(3) A requirement that all plans adopted by an agency include establishing a paternity compliance unit;

(4) Any other procedures or requirements the department decides are necessary to adopt a paternity compliance plan and to establish a paternity compliance unit.

(B) The department of human services shall report annually to the speaker of the house of representatives and the president of the senate regarding the paternity compliance plans and paternity compliance units and the progress the county agencies have made toward meeting the federal requirements for quickly and efficiently establishing parent and child relationships due to the paternity compliance plans and units. The report shall include statistics on how long a case takes to establish paternity and the result of each request for a determination of the existence or nonexistence of paternity.

(C) The department of human services shall prepare pamphlets that discuss the benefit of establishing a parent and child relationship, the proper procedure for establishing a parent and child relationship between a father and his child, and a toll-free telephone number that interested persons may call for more information regarding the procedures for establishing a parent and child relationship. The department shall make available the pamphlets to the department of health and to any individual who requests a pamphlet.

(D)(1) The department of human services shall prepare an

acknowledgment of paternity statement that includes in boldface
type at the top of the statement the rights and responsibilities
of and the due process safeguards afforded to a person who
acknowledges that he is the natural father of a child, including
that if an alleged father acknowledges a parent and child
relationship he assumes the parental duty of support, that both
signators waive any right to a jury trial in order to ensure
expediency in resolving the question of the existence of a parent
and child relationship, and that the natural father has the right
to ~~petition a court~~ bring an action pursuant to section ~~3109.12~~
3109.62 of the Revised Code for an order ~~granting him reasonable~~
visitation with respect to allocating parenting functions and
responsibilities for the care of the child and ~~to petition the~~
~~court for custody of the child pursuant to section 2151.23 of the~~
~~Revised Code~~ between the parents. The statement shall include
basic instructions for completing the form, including instructions
that both the natural father and the mother or other legal
guardian or custodian of the child are required to sign the
statement before two competent and disinterested witnesses who are
eighteen years of age or older. The statement shall include
signature lines for the mother or other legal guardian or
custodian of the child, the natural father, and each witness.

(2) The department of human services shall prepare an
agreement to genetic testing statement that includes a statement
that the mother and the alleged natural father agree to be bound
by the results of genetic testing, that both signators waive any
right to a jury trial in order to ensure expediency in resolving
the question of the existence of a parent and child relationship,
that if the results of the genetic testing show a ninety-five per
cent or greater probability that the alleged father is the natural
father of the child, the administrative officer of the child
support enforcement agency will issue an administrative order

determining the existence of a parent and child relationship, that 10439
if the results show a less than ninety-five per cent probability 10440
that the alleged father is the natural father of the child but do 10441
not exclude him as the father, the administrative officer will 10442
issue an administrative order stating that the results are 10443
inconclusive as to whether the alleged natural father is the 10444
natural father of the child, and, if the results of genetic 10445
testing exclude the alleged natural father as the natural father 10446
of the child, the agency will issue an order determining the 10447
nonexistence of a parent and child relationship, that if the 10448
agency determines a parent and child relationship exists between 10449
the alleged father and the child, the father assumes the parental 10450
duty of support and he may be required to pay child support, and 10451
that if a parent and child relationship exists between the alleged 10452
father and the child, the father has the right to ~~petition a court~~ 10453
bring an action pursuant to section ~~3109.12~~ 3109.62 of the Revised 10454
Code for an order ~~granting him reasonable visitation with respect~~ 10455
~~to~~ allocating parenting functions and responsibilities for the 10456
care of the child and to petition the court for custody of the 10457
~~child pursuant to section 2151.23 of the Revised Code~~ between the 10458
parents. The statement shall include basic instructions for 10459
completing the agreement, including that both the mother and the 10460
alleged natural father must sign the agreement before two 10461
competent and disinterested witnesses who are eighteen years of 10462
age or older. The statement shall include signature lines for the 10463
mother, the alleged natural father, and each witness. 10464

(3) The department of human services shall make available the 10465
statement acknowledging paternity and the agreement to genetic 10466
testing to each county child support enforcement agency, the 10467
department of health, and any other person or agency that requests 10468
copies. 10469

Sec. 5104.011. (A) The director of human services shall 10470
promulgate rules pursuant to Chapter 119. of the Revised Code 10471
governing the operation of child day-care centers, including, but 10472
not limited to, parent cooperative centers, part-time centers, 10473
drop-in centers, and school child centers, which rules shall 10474
reflect the various forms of child day-care and the needs of 10475
children receiving child day-care or publicly funded child 10476
day-care and, no later than January 1, 1992, shall include 10477
specific rules for school child day-care centers that are 10478
developed in consultation with the department of education. The 10479
rules shall not require an existing school facility that is in 10480
compliance with applicable building codes to undergo an additional 10481
building code inspection or to have structural modifications. The 10482
rules shall include the following: 10483

(1) Submission of a site plan and descriptive plan of 10484
operation to demonstrate how the center proposes to meet the 10485
requirements of this chapter and rules promulgated pursuant to 10486
this chapter for the initial license application; 10487

(2) Standards for ensuring that the physical surroundings of 10488
the center are safe and sanitary including, but not limited to, 10489
the physical environment, the physical plant, and the equipment of 10490
the center; 10491

(3) Standards for the supervision, care, and discipline of 10492
children receiving child day-care or publicly funded child 10493
day-care in the center; 10494

(4) Standards for a program of activities, and for play 10495
equipment, materials, and supplies, to enhance the development of 10496
each child; however, any educational curricula, philosophies, and 10497
methodologies that are developmentally appropriate and that 10498
enhance the social, emotional, intellectual, and physical 10499
development of each child shall be permissible. As used in this 10500

division, "program" does not include instruction in religious or 10501
moral doctrines, beliefs, or values that is conducted at child 10502
day-care centers owned and operated by churches and does include 10503
methods of disciplining children at child day-care centers. 10504

(5) Admissions policies and procedures, health care policies 10505
and procedures, including, but not limited to, procedures for the 10506
isolation of children with communicable diseases, first aid and 10507
emergency procedures, procedures for discipline and supervision of 10508
children, standards for the provision of nutritious meals and 10509
snacks, and procedures for screening children and employees, 10510
including, but not limited to, any necessary physical examinations 10511
and immunizations; 10512

(6) Methods for encouraging parental participation in the 10513
center and methods for ensuring that the rights of children, 10514
parents, and employees are protected and that responsibilities of 10515
parents and employees are met; 10516

(7) Procedures for ensuring the safety and adequate 10517
supervision of children traveling off the premises of the center 10518
while under the care of a center employee; 10519

(8) Procedures for record keeping, organization, and 10520
administration; 10521

(9) Procedures for issuing, renewing, denying, and revoking a 10522
license that are not otherwise provided for in Chapter 119. of the 10523
Revised Code; 10524

(10) Inspection procedures; 10525

(11) Procedures and standards for setting initial and renewal 10526
license application fees; 10527

(12) Procedures for receiving, recording, and responding to 10528
complaints about centers; 10529

(13) Procedures for enforcing section 5104.04 of the Revised 10530

Code; 10531

(14) A standard requiring the inclusion, on and after July 1, 1987, of a current department of human services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules promulgated pursuant to this chapter; 10532
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(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day-care centers adopted under this division shall be consistent with divisions (B)(6) and (C)(1) of this section. 10538
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(16) Procedures to be used by licensees for checking the references of potential employees of centers and procedures to be used by the director for checking the references of applicants for licenses to operate centers; 10544
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(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the center; 10548
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(18) Any other procedures and standards necessary to carry out this chapter. 10552
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(B)(1) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child day-care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that 10554
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are not available for the care of children, as determined by the
director, in meeting the space requirement of this division, and
bathrooms shall be counted in determining square footage only if
they are used exclusively by children enrolled in the center,
except that the exclusion of hallways, kitchens, storage areas,
bathrooms not used exclusively by children enrolled in the center,
and any other areas not available for the care of children from
the minimum of thirty-five square feet of usable indoor floor
space shall not apply to:

(a) Centers licensed prior to or on September 1, 1986, that
continue under licensure after that date;

(b) Centers licensed prior to or on September 1, 1986, that
are issued a new license after that date solely due to a change of
ownership of the center.

(2) The child day-care center shall have on the site a safe
outdoor play space which is enclosed by a fence or otherwise
protected from traffic or other hazards. The play space shall
contain not less than sixty square feet per child using such space
at any one time, and shall provide an opportunity for supervised
outdoor play each day in suitable weather. The director may exempt
a center from the requirement of this division, if an outdoor play
space is not available and if all of the following are met:

(a) The center provides an indoor recreation area that has
not less than sixty square feet per child using the space at any
one time, that has a minimum of one thousand four hundred forty
square feet of space, and that is separate from the indoor space
required under division (B)(1) of this section.

(b) The director has determined that there is regularly
available and scheduled for use a conveniently accessible and safe
park, playground, or similar outdoor play area for play or

recreation. 10593

(c) The children are closely supervised during play and while 10594
traveling to and from the area. 10595

The director also shall exempt from the requirement of this 10596
division a child day-care center that was licensed prior to 10597
September 1, 1986, if the center received approval from the 10598
director prior to September 1, 1986, to use a park, playground, or 10599
similar area, not connected with the center, for play or 10600
recreation in lieu of the outdoor space requirements of this 10601
section and if the children are closely supervised both during 10602
play and while traveling to and from the area and except if the 10603
director determines upon investigation and inspection pursuant to 10604
section 5104.04 of the Revised Code and rules promulgated pursuant 10605
to that section that the park, playground, or similar area, as 10606
well as access to and from the area, is unsafe for the children. 10607

(3) The child day-care center shall have at least two 10608
responsible adults available on the premises at all times when 10609
seven or more children are in the center. The center shall 10610
organize the children in the center in small groups, shall provide 10611
child-care staff to give continuity of care and supervision to the 10612
children on a day-by-day basis, and shall ensure that no child is 10613
left alone or unsupervised. Except as otherwise provided in 10614
division (E) of this section, the maximum number of children per 10615
child-care staff member and maximum group size, by age category of 10616
children, are as follows: 10617

	Maximum Number of		10618
	Children Per	Maximum	10619
Age Category	Child-Care	Group	10620
of Children	Staff Member	Size	10621
(a) Infants:			10622
(i) Less than twelve			10623
months old	5:1, or		10624

	12:2 if two		10625
	child-care		10626
	staff members		10627
	are in the room	12	10628
(ii) At least twelve			10629
months old, but			10630
less than eighteen			10631
months old	6:1	12	10632
(b) Toddlers:			10633
(i) At least eighteen			10634
months old, but			10635
less than thirty			10636
months old	7:1	14	10637
(ii) At least thirty months			10638
old, but less than			10639
three years old	8:1	16	10640
(c) Pre-school children:			10641
(i) Three years old	12:1	24	10642
(ii) Four years old and			10643
five years old who			10644
are not school			10645
children	14:1	28	10646
(d) School children:			10647
(i) A child who is			10648
enrolled in or is			10649
eligible to be			10650
enrolled in a grade			10651
of kindergarten			10652
or above, but			10653
is less than			10654
eleven years old	18:1	36	10655
(ii) Eleven through fourteen			10656
years old	20:1	40	10657

Except as otherwise provided in division (E) of this section, 10658
the maximum number of children per child-care staff member and 10659
maximum group size requirements of the younger age group shall 10660
apply when age groups are combined. 10661

(4)(a) The child day-care center administrator shall show the 10662
director both of the following: 10663

(i) Evidence of at least high school graduation or 10664
certification of high school equivalency by the state board of 10665
education or the appropriate agency of another state; 10666

(ii) Evidence of having completed at least two years of 10667
training in an accredited college, university, or technical 10668
college, including courses in child development or early childhood 10669
education, or at least two years of experience in supervising and 10670
giving daily care to children attending an organized group 10671
program. 10672

(b) In addition to the requirements of division (B)(4)(a) of 10673
this section, any administrator employed or designated on or after 10674
September 1, 1986, shall show evidence of, and any administrator 10675
employed or designated prior to September 1, 1986, shall show 10676
evidence within six years after such date of, at least one of the 10677
following: 10678

(i) Two years of experience working as a child-care staff 10679
member in a center and at least four courses in child development 10680
or early childhood education from an accredited college, 10681
university, or technical college, except that a person who has two 10682
years of experience working as a child-care staff member in a 10683
particular center and who has been promoted to or designated as 10684
administrator of that center shall have one year from the time the 10685
person was promoted to or designated as administrator to complete 10686
the required four courses; 10687

(ii) Two years of training, including at least four courses 10688

in child development or early childhood education from an 10689
accredited college, university, or technical college; 10690

(iii) A child development associate credential issued by the 10691
national child development associate credentialing commission; 10692

(iv) An associate or higher degree in child development or 10693
early childhood education from an accredited college, technical 10694
college, or university, or a license designated for teaching in an 10695
associate teaching position in a preschool setting issued by the 10696
state board of education. 10697

(5) All child-care staff members of a child day-care center 10698
shall be at least eighteen years of age, and shall furnish the 10699
director evidence of at least high school graduation or 10700
certification of high school equivalency by the state board of 10701
education or the appropriate agency of another state or evidence 10702
of completion of a training program approved by the department of 10703
human services or state board of education, except as follows: 10704

(a) A child-care staff member may be less than eighteen years 10705
of age if the staff member is either of the following: 10706

(i) A graduate of a two-year vocational child-care training 10707
program approved by the state board of education; 10708

(ii) A student enrolled in the second year of a vocational 10709
child-care training program approved by the state board of 10710
education which leads to high school graduation, provided that the 10711
student performs the student's duties in the child day-care center 10712
under the continuous supervision of an experienced child-care 10713
staff member, receives periodic supervision from the vocational 10714
child-care training program teacher-coordinator in the student's 10715
high school, and meets all other requirements of this chapter and 10716
rules promulgated pursuant to this chapter. 10717

(b) A child-care staff member shall be exempt from the 10718

educational requirements of this division if the staff member: 10719

(i) Prior to January 1, 1972, was employed or designated by a 10720
child day-care center and has been continuously employed since 10721
either by the same child day-care center employer or at the same 10722
child day-care center; or 10723

(ii) Is a student enrolled in the second year of a vocational 10724
child-care training program approved by the state board of 10725
education which leads to high school graduation, provided that the 10726
student performs the student's duties in the child day-care center 10727
under the continuous supervision of an experienced child-care 10728
staff member, receives periodic supervision from the vocational 10729
child-care training program teacher-coordinator in the student's 10730
high school, and meets all other requirements of this chapter and 10731
rules promulgated pursuant to this chapter. 10732

(6) Every child day-care staff member of a child day-care 10733
center annually shall complete fifteen hours of inservice training 10734
in child development or early childhood education, child abuse 10735
recognition and prevention, first aid, and in prevention, 10736
recognition, and management of communicable diseases, until a 10737
total of forty-five hours of training has been completed, unless 10738
the staff member furnishes one of the following to the director: 10739

(a) Evidence of an associate or higher degree in child 10740
development or early childhood education from an accredited 10741
college, university, or technical college; 10742

(b) A license designated for teaching in an associate 10743
teaching position in a preschool setting issued by the state board 10744
of education; 10745

(c) Evidence of a child development associate credential; 10746

(d) Evidence of a preprimary credential from the American 10747
Montessori society or the association Montessori international. 10748

For the purposes of division (B)(6) of this section, "hour" means 10749
sixty minutes. 10750

(7) The administrator of each child day-care center shall 10751
prepare at least once annually and for each group of children at 10752
the center a roster of names and telephone numbers of parents, 10753
custodians, or guardians of each group of children attending the 10754
center and upon request shall furnish the roster for each group to 10755
the parents, custodians, or guardians of the children in that 10756
group. The administrator may prepare a roster of names and 10757
telephone numbers of all parents, custodians, or guardians of 10758
children attending the center and upon request shall furnish the 10759
roster to the parents, custodians, or guardians of the children 10760
who attend the center. The administrator shall not include in any 10761
roster the name or telephone number of any parent, custodian, or 10762
guardian who requests the administrator not to include the 10763
parent's, custodian's, or guardian's name or number and shall not 10764
furnish any roster to any person other than a parent, custodian, 10765
or guardian of a child who attends the center. 10766

(C)(1) Each child day-care center shall have on the center 10767
premises and readily available at all times at least one 10768
child-care staff member who has completed a course in first aid 10769
and in prevention, recognition, and management of communicable 10770
diseases which is approved by the state department of health and a 10771
staff member who has completed a course in child abuse recognition 10772
and prevention training which is approved by the department of 10773
human services. 10774

(2) The administrator of each child day-care center shall 10775
maintain enrollment, health, and attendance records for all 10776
children attending the center and health and employment records 10777
for all center employees. The records shall be confidential, 10778
except as otherwise provided in division (B)(7) of this section 10779
and except that they shall be disclosed by the administrator to 10780

the director upon request for the purpose of administering and
enforcing this chapter and rules adopted pursuant to this chapter.
Neither the center nor the licensee, administrator, or employees
of the center shall be civilly or criminally liable in damages or
otherwise for records disclosed to the director by the
administrator pursuant to this division. It shall be a defense to
any civil or criminal charge based upon records disclosed by the
administrator to the director that the records were disclosed
pursuant to this division.

(3)(a) ~~Any~~ Each parent ~~who is the residential parent and~~
~~legal custodian~~ of a child enrolled in a child day-care center and
any custodian or guardian of such a child shall be permitted
unlimited access to the center during its hours of operation for
the purposes of contacting their children, evaluating the care
provided by the center, evaluating the premises of the center, or
for other purposes approved by the director. ~~A parent of a child~~
~~enrolled in a child day care center who is not the child's~~
~~residential parent shall be permitted unlimited access to the~~
~~center during its hours of operation for those purposes under the~~
~~same terms and conditions under which the residential parent of~~
~~that child is permitted access to the center for those purposes.~~
However, the access of ~~the~~ a parent ~~who is not the residential~~
~~parent~~ is subject to any agreement between ~~the~~ unmarried parents
of a child and, to the extent described in division (C)(3)(b) of
this section, is subject to any terms and conditions limiting the
right of access of ~~the~~ a parent ~~who is not the residential parent,~~
as described in division (I) of former section 3109.051 or section
3109.50 of the Revised Code, that are contained in a visitation
order or decree issued under ~~that~~ former section 3109.051 or
3109.12 Of the Revised Code, section ~~3109.11~~ 3109.59, 3109.60, or
~~3109.12~~ 3109.61 of the Revised Code, or any other provision of the
Revised Code.

(b) If a parent ~~who is the residential parent~~ of a child has 10813
presented the administrator or the administrator's designee with a 10814
copy of ~~a visitation~~ an order issued under division (I) of former 10815
section 3109.051 or a copy of an order containing a limitation 10816
under section 3109.50 Of the Revised Code that limits the terms 10817
and conditions under which the other parent ~~who is not the~~ 10818
~~residential parent~~ is to have access to the center, ~~as described~~ 10819
~~in division (I) of section 3109.051 of the Revised Code~~, the other 10820
parent ~~who is not the residential parent~~ shall be provided access 10821
to the center only to the extent authorized in the order. If ~~the~~ 10822
~~residential~~ a parent has presented such an order, the other parent 10823
~~who is not the residential parent~~ shall be permitted access to the 10824
center only in accordance with the most recent order that has been 10825
presented to the administrator or the administrator's designee by 10826
~~the residential~~ either parent ~~or the parent who is not the~~ 10827
~~residential parent~~. 10828

(c) Upon entering the premises pursuant to division (C)(3)(a) 10829
or (b) of this section, ~~the parent who is the residential parent~~ 10830
~~and legal custodian, the parent who is not the residential parent,~~ 10831
~~or the~~ a parent, custodian, or guardian shall notify the 10832
administrator or the administrator's designee of the parent's, 10833
custodian's, or guardian's presence. 10834

(D) The director of human services, in addition to the rules 10835
adopted under division (A) of this section, shall adopt rules 10836
establishing minimum requirements for child day-care centers. The 10837
rules shall include, but not be limited to, the requirements set 10838
forth in divisions (B) and (C) of this section. Except as provided 10839
in section 5104.07 of the Revised Code, the rules shall not change 10840
the square footage requirements of division (B)(1) or (2) of this 10841
section; the maximum number of children per child-care staff 10842
member and maximum group size requirements of division (B)(3) of 10843
this section; the educational and experience requirements of 10844

division (B)(4) of this section; the age, educational, and 10845
experience requirements of division (B)(5) of this section; the 10846
number of inservice training hours required under division (B)(6) 10847
of this section; or the requirement for at least annual 10848
preparation of a roster for each group of children of names and 10849
telephone numbers of parents, custodians, or guardians of each 10850
group of children attending the center that must be furnished upon 10851
request to any parent, custodian, or guardian of any child in that 10852
group required under division (B)(7) of this section; however, the 10853
rules shall provide procedures for determining compliance with 10854
those requirements. 10855

(E)(1) When age groups are combined, the maximum number of 10856
children per child-care staff member shall be determined by the 10857
age of the youngest child in the group, except that when no more 10858
than one child thirty months of age or older receives services in 10859
a group in which all the other children are in the next older age 10860
group, the maximum number of children per child-care staff member 10861
and maximum group size requirements of the older age group 10862
established under division (B)(3) of this section shall apply. 10863

(2) The maximum number of toddlers or pre-school children per 10864
child-care staff member in a room where children are napping shall 10865
be twice the maximum number of children per child-care staff 10866
member established under division (B)(3) of this section if all 10867
the following criteria are met: 10868

(a) At least one child-care staff member is present in the 10869
room. 10870

(b) Sufficient child-care staff members are on the child 10871
day-care center premises to meet the maximum number of children 10872
per child-care staff member requirements established under 10873
division (B)(3) of this section. 10874

(c) Naptime preparations are complete and all napping 10875

children are resting or sleeping on cots. 10876

(d) The maximum number established under division (E)(2) of 10877
this section is in effect for no more than one and one-half hours 10878
during a twenty-four-hour day. 10879

(F) The director of human services shall promulgate rules 10880
pursuant to Chapter 119. of the Revised Code governing the 10881
operation of type A family day-care homes, including, but not 10882
limited to, parent cooperative type A homes, part-time type A 10883
homes, drop-in type A homes, and school child type A homes, which 10884
shall reflect the various forms of child day-care and the needs of 10885
children receiving child day-care. The rules shall include the 10886
following: 10887

(1) Submission of a site plan and descriptive plan of 10888
operation to demonstrate how the type A home proposes to meet the 10889
requirements of this chapter and rules promulgated pursuant to 10890
this chapter for the initial license application; 10891

(2) Standards for ensuring that the physical surroundings of 10892
the type A home are safe and sanitary, including, but not limited 10893
to, the physical environment, the physical plant, and the 10894
equipment of the type A home; 10895

(3) Standards for the supervision, care, and discipline of 10896
children receiving child day-care or publicly funded child 10897
day-care in the type A home; 10898

(4) Standards for a program of activities, and for play 10899
equipment, materials, and supplies, to enhance the development of 10900
each child; however, any educational curricula, philosophies, and 10901
methodologies that are developmentally appropriate and that 10902
enhance the social, emotional, intellectual, and physical 10903
development of each child shall be permissible; 10904

(5) Admissions policies and procedures, health care policies 10905

and procedures, including, but not limited to, procedures for the	10906
isolation of children with communicable diseases, first aid and	10907
emergency procedures, procedures for discipline and supervision of	10908
children, standards for the provision of nutritious meals and	10909
snacks, and procedures for screening children and employees,	10910
including, but not limited to, any necessary physical examinations	10911
and immunizations;	10912
(6) Methods for encouraging parental participation in the	10913
type A home and methods for ensuring that the rights of children,	10914
parents, and employees are protected and that the responsibilities	10915
of parents and employees are met;	10916
(7) Procedures for ensuring the safety and adequate	10917
supervision of children traveling off the premises of the type A	10918
home while under the care of a type A home employee;	10919
(8) Procedures for record keeping, organization, and	10920
administration;	10921
(9) Procedures for issuing, renewing, denying, and revoking a	10922
license that are not otherwise provided for in Chapter 119. of the	10923
Revised Code;	10924
(10) Inspection procedures;	10925
(11) Procedures and standards for setting initial and renewal	10926
license application fees;	10927
(12) Procedures for receiving, recording, and responding to	10928
complaints about type A homes;	10929
(13) Procedures for enforcing section 5104.04 of the Revised	10930
Code;	10931
(14) A standard requiring the inclusion, on or after July 1,	10932
1987, of a current department of human services toll-free	10933
telephone number on each type A home provisional license or	10934
license which any person may use to report a suspected violation	10935

by the type A home of this chapter or rules promulgated pursuant	10936
this chapter;	10937
(15) Requirements for the training of administrators and	10938
child-care staff members in first aid, in prevention, recognition,	10939
and management of communicable diseases, and in child abuse	10940
recognition and prevention;	10941
(16) Procedures to be used by licensees for checking the	10942
references of potential employees of type A homes and procedures	10943
to be used by the director for checking the references of	10944
applicants for licenses to operate type A homes;	10945
(17) Standards providing for the special needs of children	10946
who are handicapped or who require treatment for health conditions	10947
while the child is receiving child day-care or publicly funded	10948
child day-care in the type A home;	10949
(18) Standards for the maximum number of children per	10950
child-care staff member;	10951
(19) Requirements for the amount of usable indoor floor space	10952
for each child;	10953
(20) Requirements for safe outdoor play space;	10954
(21) Qualifications and training requirements for	10955
administrators and for child-care staff members;	10956
(22) Procedures for granting a parent who is the residential	10957
parent and legal custodian, or a custodian or guardian access to	10958
the type A home during its hours of operation;	10959
(23) Standards for the preparation and distribution of a	10960
roster of parents, custodians, and guardians;	10961
(24) Any other procedures and standards necessary to carry	10962
out this chapter.	10963
(G) The director of human services shall promulgate rules	10964

pursuant to Chapter 119. of the Revised Code governing the 10965
certification of type B family day-care homes. The rules shall 10966
include procedures, standards, and other necessary provisions for 10967
granting limited certification to type B family day-care homes 10968
that are operated by adult providers who provide child day-care 10969
for eligible children who are great-grandchildren, grandchildren, 10970
nieces, nephews, or siblings of the provider or for eligible 10971
children whose caretaker parent is a grandchild, child, niece, 10972
nephew, or sibling of the provider. The rules shall require, and 10973
shall include procedures for the director to ensure, that type B 10974
family day-care homes that receive a limited certification provide 10975
child day-care to children in a safe and sanitary manner. With 10976
regard to providers who apply for limited certification, a 10977
provider shall be granted a provisional limited certification on 10978
signing a declaration under oath attesting that the provider meets 10979
the standards for limited certification. Such provisional limited 10980
certifications shall remain in effect for no more than sixty 10981
calendar days and shall entitle the provider to offer publicly 10982
funded child day-care during the provisional period. Prior to the 10983
expiration of the provisional limited certificate, a county 10984
department of human services shall inspect the home and shall 10985
grant limited certification to the provider if the provider meets 10986
the requirements of this division. Limited certificates remain 10987
valid for two years unless earlier revoked. Providers operating 10988
under limited certification shall be inspected annually. 10989

The rules shall provide for safeguarding the health, safety, 10990
and welfare of children receiving child day-care or publicly 10991
funded child day-care in a certified type B home and shall include 10992
the following: 10993

(1) Standards for ensuring that the type B home and the 10994
physical surroundings of the type B home are safe and sanitary, 10995
including, but not limited to, physical environment, physical 10996

plant, and equipment;	10997
(2) Standards for the supervision, care, and discipline of children receiving child day-care or publicly funded child day-care in the home;	10998 10999 11000
(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	11001 11002 11003 11004 11005 11006
(4) Admission policies and procedures, health care, first aid and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and authorized providers, including, but not limited to, any necessary physical examinations and immunizations;	11007 11008 11009 11010 11011 11012
(5) Methods of encouraging parental participation and ensuring that the rights of children, parents, and authorized providers are protected and the responsibilities of parents and authorized providers are met;	11013 11014 11015 11016
(6) Standards for the safe transport of children when under the care of authorized providers;	11017 11018
(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	11019 11020
(8) Procedures for the inspection of type B family day-care homes that require, at a minimum, that each type B family day-care home be inspected prior to certification to ensure that the home is safe and sanitary;	11021 11022 11023 11024
(9) Procedures for record keeping and evaluation;	11025
(10) Procedures for receiving, recording, and responding to	11026

complaints;	11027
(11) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child day-care or publicly funded child day-care in the type B home;	11028 11029 11030 11031
(12) Requirements for the amount of usable indoor floor space for each child;	11032 11033
(13) Requirements for safe outdoor play space;	11034
(14) Qualification and training requirements for authorized providers;	11035 11036
(15) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	11037 11038 11039
(16) Any other procedures and standards necessary to carry out this chapter.	11040 11041
(H) The director shall promulgate rules pursuant to Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall include procedures, standards, and other necessary provisions for granting limited certification to in-home aides who provide child day-care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the in-home aide or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the in-home aide. The rules shall require, and shall include procedures for the director to ensure, that in-home aides that receive a limited certification provide child day-care to children in a safe and sanitary manner. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child day-care in their own home and shall include the following:	11042 11043 11044 11045 11046 11047 11048 11049 11050 11051 11052 11053 11054 11055 11056

- (1) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including, but not limited to, physical environment, physical plant, and equipment; 11057
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- (2) Standards for the supervision, care, and discipline of children receiving publicly funded child day-care in their own home; 11061
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- (3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible; 11064
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- (4) Health care, first aid, and emergency procedures, procedures for the care of sick children, procedures for discipline and supervision of children, nutritional standards, and procedures for screening children and in-home aides, including, but not limited to, any necessary physical examinations and immunizations; 11070
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- (5) Methods of encouraging parental participation and ensuring that the rights of children, parents, and in-home aides are protected and the responsibilities of parents and in-home aides are met; 11076
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- (6) Standards for the safe transport of children when under the care of in-home aides; 11080
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- (7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates; 11082
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- (8) Procedures for inspection of homes of children receiving publicly funded child day-care in their own homes; 11084
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- (9) Procedures for record keeping and evaluation; 11086

(10) Procedures for receiving, recording, and responding to complaints;	11087 11088
(11) Qualifications and training requirements for in-home aides;	11089 11090
(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child day-care in the child's own home;	11091 11092 11093 11094
(13) Any other procedures and standards necessary to carry out this chapter.	11095 11096
(I) The director of human services shall send copies of proposed rules to each licensee and each county director of human services and shall give public notice of hearings regarding the rules to each licensee and each county director of human services at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. Prior to the effective date of a rule, the director of human services shall provide copies of the adopted rule to each licensee and each county director of human services.	11097 11098 11099 11100 11101 11102 11103 11104 11105
The county director of human services shall send copies of proposed rules to each authorized provider and in-home aide and shall give public notice of hearings regarding the rules to each authorized provider and in-home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. Prior to the effective date of a rule, the county director of human services shall provide copies of the adopted rule to each authorized provider and in-home aide.	11106 11107 11108 11109 11110 11111 11112 11113
Additional copies of proposed and adopted rules shall be made available by the director of human services to the public on request at no charge.	11114 11115 11116

(J) The director of human services shall review all rules promulgated pursuant to this chapter at least once every seven years. 11117
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(K) Notwithstanding any provision of the Revised Code, the director of human services shall not regulate in any way under this chapter or rules promulgated pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values. 11120
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Sec. 5139.01. (A) As used in this chapter: 11124

(1) "Commitment" means the transfer of the physical custody of a child or youth from the court to the department of youth services. 11125
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(2) "Permanent commitment" means a commitment that vests legal custody of a child in the department of youth services. 11128
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(3) "Legal custody," insofar as it pertains to the status that is created when a child is permanently committed to the department of youth services, means a legal status in which the department has the following rights and responsibilities: the right to have physical possession of the child; the right and duty to train, protect, and control the child; the responsibility to provide the child with food, clothing, shelter, education, and medical care; and the right to determine where and with whom the child shall live, subject to the minimum periods of, or periods of, institutional care prescribed in section 2151.355 of the Revised Code; provided, that these rights and responsibilities are exercised subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child, and subject to any residual ~~parental rights~~ parenting functions and responsibilities retained by the parents of the child. 11130
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(4) Unless the context requires a different meaning, "institution" means a state facility that is created by the 11145
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general assembly and that is under the management and control of 11147
the department of youth services or a private entity with which 11148
the department has contracted for the institutional care and 11149
custody of felony delinquents. 11150

(5) "Full-time care" means care for twenty-four hours a day 11151
for over a period of at least two consecutive weeks. 11152

(6) "Placement" means the conditional release of a child 11153
under the terms and conditions that are specified by the 11154
department of youth services. The department shall retain legal 11155
custody of a child released pursuant to division (B) of section 11156
2151.38 of the Revised Code or division (C) of section 5139.06 of 11157
the Revised Code until the time that it discharges the child or 11158
until the legal custody is terminated as otherwise provided by 11159
law. 11160

(7) "Home placement" means the placement of a child in the 11161
home of the child's parent or parents or in the home of the 11162
guardian of the child's person. 11163

(8) "Discharge" means that the department of youth services' 11164
legal custody of a child is terminated. 11165

(9) "Release" means the termination of a child's stay in an 11166
institution. A child released pursuant to division (B) of section 11167
2151.38 or pursuant to division (C) of section 5139.06 of the 11168
Revised Code shall be on parole until discharged pursuant to 11169
division (C)(5) of section 5139.06 of the Revised Code or until 11170
legal custody is terminated as otherwise provided by law. 11171

(10) "Delinquent child" has the same meaning as in section 11172
2151.02 of the Revised Code. 11173

(11) "Felony delinquent" means any child who is at least 11174
twelve years of age but less than eighteen years of age and who is 11175
adjudicated a delinquent child for having committed an act that if 11176

committed by an adult would be a felony. "Felony delinquent" 11177
includes any adult who is between the ages of eighteen and 11178
twenty-one and who is in the legal custody of the department of 11179
youth services for having committed an act that if committed by an 11180
adult would be a felony. 11181

(12) "Juvenile traffic offender" has the same meaning as in 11182
section 2151.021 of the Revised Code. 11183

(13) "Public safety beds" means all of the following: 11184

(a) Felony delinquents who have been committed to the 11185
department of youth services for the commission of an act, other 11186
than a violation of section 2911.01 or 2911.11 of the Revised 11187
Code, that is a category one offense or a category two offense and 11188
who are in the care and custody of an institution or have been 11189
diverted from care and custody in an institution and placed in a 11190
community corrections facility; 11191

(b) Felony delinquents who, while committed to the department 11192
of youth services and in the care and custody of an institution or 11193
a community corrections facility, are adjudicated delinquent 11194
children for having committed in that institution or community 11195
corrections facility an act that if committed by an adult would be 11196
a felony or a misdemeanor; 11197

(c) Children who satisfy all of the following: 11198

(i) They are at least twelve years of age but less than 11199
eighteen years of age. 11200

(ii) They are adjudicated delinquent children for having 11201
committed acts that if committed by an adult would be a felony. 11202

(iii) They are committed to the department of youth services 11203
by the juvenile court of a county that has had one-tenth of one 11204
per cent or less of the statewide adjudications for felony 11205
delinquents as averaged, through December 31, 1995, for the past 11206

two fiscal years or as averaged, on and after January 1, 1996, for 11207
the past four fiscal years. 11208

(iv) They are in the care and custody of an institution or a 11209
community corrections facility. 11210

(d) Felony delinquents who, while committed to the department 11211
of youth services and in the care and custody of an institution, 11212
commit in that institution an act that if committed by an adult 11213
would be a felony, who are serving administrative time, as defined 11214
by rules of the department adopted pursuant to division (E) of 11215
section 5139.04 of the Revised Code, for having committed that 11216
act, and who have been institutionalized or institutionalized in a 11217
secure facility for the minimum period of time specified in 11218
division (A)(4) or (5) of section 2151.355 of the Revised Code. 11219
11220

(e) Felony delinquents who are subject to and serving a 11221
three-year period of commitment order imposed by a juvenile court 11222
pursuant to division (A)(7) of section 2151.355 of the Revised 11223
Code for an act, other than a violation of section 2911.11 of the 11224
Revised Code, that would be a category one offense or category two 11225
offense if committed by an adult. 11226

(14) "State target youth" means twenty-five per cent of the 11227
projected total number of felony delinquents for each year of a 11228
biennium, factoring in revocations and recommitments. 11229

(15) Unless the context requires a different meaning, 11230
"community corrections facility" means a county or multicounty 11231
rehabilitation center for felony delinquents who have been 11232
committed to the department of youth services and diverted from 11233
care and custody in an institution and placed in the 11234
rehabilitation center pursuant to division (E) of section 5139.36 11235
of the Revised Code. 11236

(16) "Secure facility" means any facility that is designed 11237

and operated to ensure that all of its entrances and exits are 11238
under the exclusive control of its staff and to ensure that, 11239
because of that exclusive control, no child who has been 11240
institutionalized in the facility may leave the facility without 11241
permission or supervision. 11242

(17) "Community residential program" means a program that 11243
satisfies both of the following: 11244

(a) It is housed in a building or other structure that has no 11245
associated major restraining construction, including, but not 11246
limited to, a security fence. 11247

(b) It provides twenty-four-hour care, supervision, and 11248
programs for felony delinquents who are in residence. 11249

(18) "Category one offense" and "category two offense" have 11250
the same meanings as in section 2151.26 of the Revised Code. 11251

(B) There is hereby created the department of youth services. 11252
The governor shall appoint the director of the department with the 11253
advice and consent of the senate. The director shall hold office 11254
during the term of the appointing governor but subject to removal 11255
at the pleasure of the governor. Except as otherwise authorized in 11256
section 108.05 of the Revised Code, the director shall devote the 11257
director's entire time to the duties of the director's office and 11258
shall hold no other office or position of trust or profit during 11259
the director's term of office. 11260

The director is the chief executive and administrative 11261
officer of the department and has all the powers of a department 11262
head set forth in Chapter 121. of the Revised Code. The director 11263
may adopt rules for the government of the department, the conduct 11264
of its officers and employees, the performance of its business, 11265
and the custody, use, and preservation of the department's 11266
records, papers, books, documents, and property. The director 11267
shall be an appointing authority within the meaning of Chapter 11268

124. of the Revised Code. Whenever this or any other chapter or 11269
section of the Revised Code imposes a duty on or requires an 11270
action of the department, the duty or action shall be performed by 11271
the director or, upon the director's order, in the name of the 11272
department. 11273

Sec. 5153.16. (A) As used in this section and section 11274
5153.164 of the Revised Code, "child care facility" means a public 11275
twenty-four-hour residential facility for six or more children. 11276

(B) Subject to the rules and standards of the state 11277
department of human services and on behalf of children in the 11278
county whom the children services agency considers to be in need 11279
of public care or protective services, the public children 11280
services agency shall do all of the following: 11281

(1) Make an investigation concerning any child alleged to be 11282
an abused, neglected, or dependent child; 11283

(2) Enter into agreements with the parent, guardian, or other 11284
person having legal custody of any child, or with the state 11285
department of human services, department of mental health, 11286
department of mental retardation and developmental disabilities, 11287
other department, any certified organization within or outside the 11288
county, or any agency or institution outside the state, having 11289
legal custody of any child, with respect to the custody, care, or 11290
placement of any child, or with respect to any matter, in the 11291
interests of the child, provided the permanent custody of a child 11292
shall not be transferred by a parent to the public children 11293
services agency without the consent of the juvenile court; 11294

(3) Accept custody of children committed to the public 11295
children services agency by a court exercising juvenile 11296
jurisdiction; 11297

(4) Provide such care as the public children services agency 11298

considers to be in the best interests of any child adjudicated to 11299
be an abused, neglected, or dependent child the agency finds to be 11300
in need of public care or service; 11301

(5) Provide social services to any unmarried girl adjudicated 11302
to be an abused, neglected, or dependent child who is pregnant 11303
with or has been delivered of a child; 11304

(6) Make available to the bureau for children with medical 11305
handicaps of the department of health at its request any 11306
information concerning a crippled child found to be in need of 11307
treatment under sections 3701.021 to 3701.028 of the Revised Code 11308
who is receiving services from the public children services 11309
agency; 11310

(7) Provide temporary emergency care for any child considered 11311
by the public children services agency to be in need of such care, 11312
without agreement or commitment; 11313

(8) Find family foster homes, within or outside the county, 11314
for the care of children, including handicapped children from 11315
other counties attending special schools in the county; 11316

(9) Subject to the approval of the board of county 11317
commissioners and the state department of human services, 11318
establish and operate a training school or enter into an agreement 11319
with any municipal corporation or other political subdivision of 11320
the county respecting the operation, acquisition, or maintenance 11321
of any children's home, training school, or other institution for 11322
the care of children maintained by such municipal corporation or 11323
political subdivision; 11324

(10) Acquire and operate a county children's home, establish, 11325
maintain, and operate a receiving home for the temporary care of 11326
children, or procure family foster homes for this purpose; 11327
11328

(11) Enter into an agreement with the trustees of any 11329
district children's home, respecting the operation of the district 11330
children's home in cooperation with the other county boards in the 11331
district; 11332

(12) Cooperate with, make its services available to, and act 11333
as the agent of persons, courts, the department of human services, 11334
the department of health, and other organizations within and 11335
outside the state, in matters relating to the welfare of children, 11336
except that the public children services agency shall not be 11337
required to provide supervision of or other services related to 11338
the exercise of companionship or visitation rights granted 11339
pursuant to ~~section~~ former sections 3109.051 or 3109.12, or 11340
section 3109.59, ~~3109.11~~ 3109.60, or ~~3109.12~~ 3109.61 of the 11341
Revised Code unless a juvenile court, pursuant to Chapter 2151. of 11342
the Revised Code, or a common pleas court, pursuant to division 11343
(E)(6) of section 3113.31 of the Revised Code, requires the 11344
provision of supervision or other services related to the exercise 11345
of the companionship or visitation rights; 11346

(13) Make investigations at the request of any superintendent 11347
of schools in the county or the principal of any school concerning 11348
the application of any child adjudicated to be an abused, 11349
neglected, or dependent child for release from school, where such 11350
service is not provided through a school attendance department; 11351
11352

(14) Administer funds provided under Title IV-E of the 11353
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 11354
amended, in accordance with rules adopted by the state department 11355
of human services under section 5101.141 of the Revised Code; 11356

(15) In addition to administering Title IV-E adoption 11357
assistance funds, enter into agreements to make adoption 11358
assistance payments under section 5153.163 of the Revised Code; 11359

(16) On or before the fifteenth day of April of each year, 11360
conduct, or contract with an independent contractor to conduct, an 11361
annual evaluation of the services provided by the public children 11362
services agency to children under its care, including, but not 11363
limited to, services provided in child care facilities during the 11364
previous calendar year under the plan required by division (D) of 11365
section 5101.14 of the Revised Code; 11366

(17) Implement a system of risk assessment, in accordance 11367
with rules adopted by the state department of human services, to 11368
assist the public children services agency in determining the risk 11369
of abuse or neglect to a child. 11370

(C) The public children services agency shall use the system 11371
implemented pursuant to division (B)(17) of this section in 11372
connection with an investigation undertaken pursuant to division 11373
(F)(1) of section 2151.421 of the Revised Code and may use the 11374
system at any other time the agency is involved with any child 11375
when the agency determines that risk assessment is necessary. 11376

(D) Subject to the rules and standards of the state 11377
department of human services and on behalf of children in the 11378
county whom the public children services agency considers to be in 11379
need of public care or protective services, the public children 11380
services agency may provide or find, with other child serving 11381
systems, treatment foster care for the care of children in a 11382
treatment foster home, as defined in section 2151.011 of the 11383
Revised Code. 11384

Section 2. That existing sections 2105.18, 2111.08, 2151.23, 11385
2151.411, 2151.56, 2301.03, 2307.50, 2307.70, 2317.02, 2705.031, 11386
3101.01, 3105.21, 3105.63, 3105.65, 3107.15, 3109.03, 3109.04, 11387
3109.05, 3109.051, 3109.06, 3109.09, 3109.11, 3109.12, 3109.21, 11388
3109.27, 3109.28, 3109.34, 3111.13, 3111.23, 3113.21, 3113.215, 11389
3113.31, 3313.64, 3313.672, 3313.98, 3319.321, 5101.31, 5101.324, 11390

5104.011, 5139.01, and 5153.16, and sections 3109.041 and 3109.052 11391
of the Revised Code are hereby repealed. 11392

Section 3. The General Assembly hereby requests that the 11393
Supreme Court promptly adopt rules consistent with section 11394
3109.581 of the Revised Code to create forms for the request for 11395
enforcement, affidavit in support of the request for enforcement, 11396
and the order to appear to be used in proceedings under section 11397
3109.58 of the Revised Code, promptly adopt rules consistent with 11398
section 3109.55 of the Revised Code that establish minimum 11399
qualification standards that a person must meet in order to act as 11400
a mediator pursuant to section 3109.55 of the Revised Code, and 11401
promptly adopt rules consistent with section 3109.54 of the 11402
Revised Code that establish minimum curriculum requirements for 11403
parenting education seminars and certification standards for 11404
parenting education seminar providers. 11405

Section 4. Section 2301.03 of the Revised Code is presented 11406
in this act as a composite of the section as amended by both Sub. 11407
H.B. 377 and Am. Sub. S.B. 269 of the 121st General Assembly, with 11408
the new language of neither of the acts shown in capital letters. 11409
Section 2317.02 of the Revised Code is presented in this act as a 11410
composite of the section as amended by both Sub. S.B. 223 and Am. 11411
Sub. S.B. 230 of the 121st General Assembly, with the new language 11412
of neither of the acts shown in capital letters. Section 3113.21 11413
of the Revised Code is presented in this act as a composite of the 11414
section as amended by both Sub. H.B. 274 and Am. Sub. S.B. 292 of 11415
the 121st General Assembly, with the new language of neither of 11416
the acts shown in capital letters. Section 3113.31 of the Revised 11417
Code is presented in this act as a composite of the section as 11418
amended by both Sub. H.B. 274 and Am. Sub. H.B. 438 of the 121st 11419
General Assembly, with the new language of neither of the acts 11420
shown in capital letters. This is in recognition of the principle 11421

stated in division (B) of section 1.52 of the Revised Code that	11422
such amendments are to be harmonized where not substantively	11423
irreconcilable and constitutes a legislative finding that such is	11424
the resulting version in effect prior to the effective date of	11425
this act.	11426