

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 42

Senator Beagle

Cosponsors: Senators Cafaro, Eklund, Hite

A BILL

To amend sections 3109.051, 3109.11, 3109.12, and 1
5122.04 and to enact section 5122.041 of the 2
Revised Code regarding minors and outpatient 3
mental health treatment. 4

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

Section 1. That sections 3109.051, 3109.11, 3109.12, and 5
5122.04 be amended and section 5122.041 of the Revised Code be 6
enacted to read as follows: 7

Sec. 3109.051. (A) If a divorce, dissolution, legal 8
separation, or annulment proceeding involves a child and if the 9
court has not issued a shared parenting decree, the court shall 10
consider any mediation report filed pursuant to section 3109.052 11
of the Revised Code and, in accordance with division (C) of this 12
section, shall make a just and reasonable order or decree 13
permitting each parent who is not the residential parent to have 14
parenting time with the child at the time and under the 15
conditions that the court directs, unless the court determines 16
that it would not be in the best interest of the child to permit 17
that parent to have parenting time with the child and includes 18
in the journal its findings of fact and conclusions of law. 19

Whenever possible, the order or decree permitting the parenting 20
time shall ensure the opportunity for both parents to have 21
frequent and continuing contact with the child, unless frequent 22
and continuing contact by either parent with the child would not 23
be in the best interest of the child. The court shall include in 24
its final decree a specific schedule of parenting time for that 25
parent. Except as provided in division (E)(6) of section 3113.31 26
of the Revised Code, if the court, pursuant to this section, 27
grants parenting time to a parent or companionship or visitation 28
rights to any other person with respect to any child, it shall 29
not require the public children services agency to provide 30
supervision of or other services related to that parent's 31
exercise of parenting time or that person's exercise of 32
companionship or visitation rights with respect to the child. 33
This section does not limit the power of a juvenile court 34
pursuant to Chapter 2151. of the Revised Code to issue orders 35
with respect to children who are alleged to be abused, 36
neglected, or dependent children or to make dispositions of 37
children who are adjudicated abused, neglected, or dependent 38
children or of a common pleas court to issue orders pursuant to 39
section 3113.31 of the Revised Code. 40

(B)(1) In a divorce, dissolution of marriage, legal 41
separation, annulment, or child support proceeding that involves 42
a child, the court may grant reasonable companionship or 43
visitation rights to any grandparent, any person related to the 44
child by consanguinity or affinity, or any other person other 45
than a parent, if all of the following apply: 46

(a) The grandparent, relative, or other person files a 47
motion with the court seeking companionship or visitation 48
rights. 49

(b) The court determines that the grandparent, relative, 50
or other person has an interest in the welfare of the child. 51

(c) The court determines that the granting of the 52
companionship or visitation rights is in the best interest of 53
the child. 54

(2) A motion may be filed under division (B)(1) of this 55
section during the pendency of the divorce, dissolution of 56
marriage, legal separation, annulment, or child support 57
proceeding or, if a motion was not filed at that time or was 58
filed at that time and the circumstances in the case have 59
changed, at any time after a decree or final order is issued in 60
the case. 61

(C) When determining whether to grant parenting time 62
rights to a parent pursuant to this section or section 3109.12 63
of the Revised Code or to grant companionship or visitation 64
rights to a grandparent, relative, or other person pursuant to 65
this section or section 3109.11 or 3109.12 of the Revised Code, 66
when establishing a specific parenting time or visitation 67
schedule, and when determining other parenting time matters 68
under this section or section 3109.12 of the Revised Code or 69
visitation matters under this section or section 3109.11 or 70
3109.12 of the Revised Code, the court shall consider any 71
mediation report that is filed pursuant to section 3109.052 of 72
the Revised Code and shall consider all other relevant factors, 73
including, but not limited to, all of the factors listed in 74
division (D) of this section. In considering the factors listed 75
in division (D) of this section for purposes of determining 76
whether to grant parenting time or visitation rights, 77
establishing a specific parenting time or visitation schedule, 78
determining other parenting time matters under this section or 79

section 3109.12 of the Revised Code or visitation matters under 80
this section or under section 3109.11 or 3109.12 of the Revised 81
Code, and resolving any issues related to the making of any 82
determination with respect to parenting time or visitation 83
rights or the establishment of any specific parenting time or 84
visitation schedule, the court, in its discretion, may interview 85
in chambers any or all involved children regarding their wishes 86
and concerns. If the court interviews any child concerning the 87
child's wishes and concerns regarding those parenting time or 88
visitation matters, the interview shall be conducted in 89
chambers, and no person other than the child, the child's 90
attorney, the judge, any necessary court personnel, and, in the 91
judge's discretion, the attorney of each parent shall be 92
permitted to be present in the chambers during the interview. No 93
person shall obtain or attempt to obtain from a child a written 94
or recorded statement or affidavit setting forth the wishes and 95
concerns of the child regarding those parenting time or 96
visitation matters. A court, in considering the factors listed 97
in division (D) of this section for purposes of determining 98
whether to grant any parenting time or visitation rights, 99
establishing a parenting time or visitation schedule, 100
determining other parenting time matters under this section or 101
section 3109.12 of the Revised Code or visitation matters under 102
this section or under section 3109.11 or 3109.12 of the Revised 103
Code, or resolving any issues related to the making of any 104
determination with respect to parenting time or visitation 105
rights or the establishment of any specific parenting time or 106
visitation schedule, shall not accept or consider a written or 107
recorded statement or affidavit that purports to set forth the 108
child's wishes or concerns regarding those parenting time or 109
visitation matters. 110

(D) In determining whether to grant parenting time to a parent pursuant to this section or section 3109.12 of the Revised Code or companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, in establishing a specific parenting time or visitation schedule, and in determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 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 is not a parent, the geographical location of that person's residence and the distance between that person's residence and the child's residence;

(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule;

(4) The age of the child;

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

(6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes

and concerns of the child as to parenting time by the parent who 140
is not the residential parent or companionship or visitation by 141
the grandparent, relative, or other person who requested 142
companionship or visitation, as to a specific parenting time or 143
visitation schedule, or as to other parenting time or visitation 144
matters, the wishes and concerns of the child, as expressed to 145
the court; 146

(7) The health and safety of the child; 147

(8) The amount of time that will be available for the 148
child to spend with siblings; 149

(9) The mental and physical health of all parties; 150

(10) Each parent's willingness to reschedule missed 151
parenting time and to facilitate the other parent's parenting 152
time rights, and with respect to a person who requested 153
companionship or visitation, the willingness of that person to 154
reschedule missed visitation; 155

(11) In relation to parenting time, whether either parent 156
previously has been convicted of or pleaded guilty to any 157
criminal offense involving any act that resulted in a child 158
being an abused child or a neglected child; whether either 159
parent, in a case in which a child has been adjudicated an 160
abused child or a neglected child, previously has been 161
determined to be the perpetrator of the abusive or neglectful 162
act that is the basis of the adjudication; and whether there is 163
reason to believe that either parent has acted in a manner 164
resulting in a child being an abused child or a neglected child; 165

(12) In relation to requested companionship or visitation 166
by a person other than a parent, whether the person previously 167
has been convicted of or pleaded guilty to any criminal offense 168

involving any act that resulted in a child being an abused child 169
or a neglected child; whether the person, in a case in which a 170
child has been adjudicated an abused child or a neglected child, 171
previously has been determined to be the perpetrator of the 172
abusive or neglectful act that is the basis of the adjudication; 173
whether either parent previously has been convicted of or 174
pleaded guilty to a violation of section 2919.25 of the Revised 175
Code involving a victim who at the time of the commission of the 176
offense was a member of the family or household that is the 177
subject of the current proceeding; whether either parent 178
previously has been convicted of an offense involving a victim 179
who at the time of the commission of the offense was a member of 180
the family or household that is the subject of the current 181
proceeding and caused physical harm to the victim in the 182
commission of the offense; and whether there is reason to 183
believe that the person has acted in a manner resulting in a 184
child being an abused child or a neglected child; 185

(13) Whether the residential parent or one of the parents 186
subject to a shared parenting decree has continuously and 187
willfully denied the other parent's right to parenting time in 188
accordance with an order of the court; 189

(14) Whether either parent has established a residence or 190
is planning to establish a residence outside this state; 191

(15) In relation to requested companionship or visitation 192
by a person other than a parent, the wishes and concerns of the 193
child's parents, as expressed by them to the court; 194

(16) Any other factor in the best interest of the child. 195

(E) The remarriage of a residential parent of a child does 196
not affect the authority of a court under this section to grant 197

parenting time rights with respect to the child to the parent 198
who is not the residential parent or to grant reasonable 199
companionship or visitation rights with respect to the child to 200
any grandparent, any person related by consanguinity or 201
affinity, or any other person. 202

(F) (1) If the court, pursuant to division (A) of this 203
section, denies parenting time to a parent who is not the 204
residential parent or denies a motion for reasonable 205
companionship or visitation rights filed under division (B) of 206
this section and the parent or movant files a written request 207
for findings of fact and conclusions of law, the court shall 208
state in writing its findings of fact and conclusions of law in 209
accordance with Civil Rule 52. 210

(2) On or before July 1, 1991, each court of common pleas, 211
by rule, shall adopt standard parenting time guidelines. A court 212
shall have discretion to deviate from its standard parenting 213
time guidelines based upon factors set forth in division (D) of 214
this section. 215

(G) (1) If the residential parent intends to move to a 216
residence other than the residence specified in the parenting 217
time order or decree of the court, the parent shall file a 218
notice of intent to relocate with the court that issued the 219
order or decree. Except as provided in divisions (G) (2), (3), 220
and (4) of this section, the court shall send a copy of the 221
notice to the parent who is not the residential parent. Upon 222
receipt of the notice, the court, on its own motion or the 223
motion of the parent who is not the residential parent, may 224
schedule a hearing with notice to both parents to determine 225
whether it is in the best interest of the child to revise the 226
parenting time schedule for the child. 227

(2) When a court grants parenting time rights to a parent 228
who is not the residential parent, the court shall determine 229
whether that parent has been convicted of or pleaded guilty to a 230
violation of section 2919.25 of the Revised Code involving a 231
victim who at the time of the commission of the offense was a 232
member of the family or household that is the subject of the 233
proceeding, has been convicted of or pleaded guilty to any other 234
offense involving a victim who at the time of the commission of 235
the offense was a member of the family or household that is the 236
subject of the proceeding and caused physical harm to the victim 237
in the commission of the offense, or has been determined to be 238
the perpetrator of the abusive act that is the basis of an 239
adjudication that a child is an abused child. If the court 240
determines that that parent has not been so convicted and has 241
not been determined to be the perpetrator of an abusive act that 242
is the basis of a child abuse adjudication, the court shall 243
issue an order stating that a copy of any notice of relocation 244
that is filed with the court pursuant to division (G)(1) of this 245
section will be sent to the parent who is given the parenting 246
time rights in accordance with division (G)(1) of this section. 247

If the court determines that the parent who is granted the 248
parenting time rights has been convicted of or pleaded guilty to 249
a violation of section 2919.25 of the Revised Code involving a 250
victim who at the time of the commission of the offense was a 251
member of the family or household that is the subject of the 252
proceeding, has been convicted of or pleaded guilty to any other 253
offense involving a victim who at the time of the commission of 254
the offense was a member of the family or household that is the 255
subject of the proceeding and caused physical harm to the victim 256
in the commission of the offense, or has been determined to be 257
the perpetrator of the abusive act that is the basis of an 258

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 parenting time 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 parenting time 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 parenting time 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 parenting time 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 290
an order stating that a copy of any notice of relocation that is 291
filed with the court pursuant to division (G)(1) of this section 292
will be sent to the parent who is granted parenting time rights 293
in accordance with division (G)(1) of this section. 294

If the court determines that the parent who is granted the 295
parenting time rights has been convicted of or pleaded guilty to 296
a violation of section 2919.25 of the Revised Code involving a 297
victim who at the time of the commission of the offense was a 298
member of the family or household that is the subject of the 299
proceeding, has been convicted of or pleaded guilty to any other 300
offense involving a victim who at the time of the commission of 301
the offense was a member of the family or household that is the 302
subject of the proceeding and caused physical harm to the victim 303
in the commission of the offense, or has been determined to be 304
the perpetrator of the abusive act that is the basis of an 305
adjudication that a child is an abused child, it shall issue an 306
order stating that that parent will not be given a copy of any 307
notice of relocation that is filed with the court pursuant to 308
division (G)(1) of this section unless the court determines that 309
it is in the best interest of the children to give that parent a 310
copy of the notice of relocation, issues an order stating that 311
that parent will be given a copy of any notice of relocation 312
filed pursuant to division (G)(1) of this section, and issues 313
specific written findings of fact in support of its 314
determination. 315

(4) If a parent who is granted parenting time rights 316
pursuant to this section or any other section of the Revised 317
Code is authorized by an order issued pursuant to this section 318
or any other court order to receive a copy of any notice of 319
relocation that is filed pursuant to division (G)(1) of this 320

section or pursuant to court order, if the residential parent 321
intends to move to a residence other than the residence address 322
specified in the parenting time order, and if the residential 323
parent does not want the parent who is granted the parenting 324
time rights to receive a copy of the relocation notice because 325
the parent with parenting time rights has been convicted of or 326
pleaded guilty to a violation of section 2919.25 of the Revised 327
Code involving a victim who at the time of the commission of the 328
offense was a member of the family or household that is the 329
subject of the proceeding, has been convicted of or pleaded 330
guilty to any other offense involving a victim who at the time 331
of the commission of the offense was a member of the family or 332
household that is the subject of the proceeding and caused 333
physical harm to the victim in the commission of the offense, or 334
has been determined to be the perpetrator of the abusive act 335
that is the basis of an adjudication that a child is an abused 336
child, the residential parent may file a motion with the court 337
requesting that the parent who is granted the parenting time 338
rights not receive a copy of any notice of relocation. Upon the 339
filing of the motion, the court shall schedule a hearing on the 340
motion and give both parents notice of the date, time, and 341
location of the hearing. If the court determines that the parent 342
who is granted the parenting time rights has been so convicted 343
or has been determined to be the perpetrator of an abusive act 344
that is the basis of a child abuse adjudication, the court shall 345
issue an order stating that the parent who is granted the 346
parenting time rights will not be given a copy of any notice of 347
relocation that is filed with the court pursuant to division (G) 348
(1) of this section or that the residential parent is no longer 349
required to give that parent a copy of any notice of relocation 350
unless the court determines that it is in the best interest of 351
the children to give that parent a copy of the notice of 352

relocation, issues an order stating that that parent will be 353
given a copy of any notice of relocation filed pursuant to 354
division (G) (1) of this section, and issues specific written 355
findings of fact in support of its determination. If it does not 356
so find, it shall dismiss the motion. 357

(H) (1) Subject to section 3125.16 and division (F) of 358
section 3319.321 of the Revised Code, a parent of a child who is 359
not the residential parent of the child is entitled to access, 360
under the same terms and conditions under which access is 361
provided to the residential parent, to any record that is 362
related to the child and to which the residential parent of the 363
child legally is provided access, unless the court determines 364
that it would not be in the best interest of the child for the 365
parent who is not the residential parent to have access to the 366
records under those same terms and conditions. If the court 367
determines that the parent of a child who is not the residential 368
parent should not have access to records related to the child 369
under the same terms and conditions as provided for the 370
residential parent, the court shall specify the terms and 371
conditions under which the parent who is not the residential 372
parent is to have access to those records, shall enter its 373
written findings of facts and opinion in the journal, and shall 374
issue an order containing the terms and conditions to both the 375
residential parent and the parent of the child who is not the 376
residential parent. The court shall include in every order 377
issued pursuant to this division notice that any keeper of a 378
record who knowingly fails to comply with the order or division 379
(H) of this section is in contempt of court. 380

(2) Subject to section 3125.16 and division (F) of section 381
3319.321 of the Revised Code, subsequent to the issuance of an 382
order under division (H) (1) of this section, the keeper of any 383

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 parenting time order or decree pursuant to this section or section 3109.12 of the Revised Code shall determine whether the parent granted the right of parenting time is to be permitted access, in accordance with

section 5104.039 of the Revised Code, to any child day-care 415
center that is, or that in the future may be, attended by the 416
children with whom the right of parenting time is granted. 417
Unless the court determines that the parent who is not the 418
residential parent should not have access to the center to the 419
same extent that the residential parent is granted access to the 420
center, the parent who is not the residential parent and who is 421
granted parenting time rights is entitled to access to the 422
center to the same extent that the residential parent is granted 423
access to the center. If the court determines that the parent 424
who is not the residential parent should not have access to the 425
center to the same extent that the residential parent is granted 426
such access under section 5104.039 of the Revised Code, the 427
court shall specify the terms and conditions under which the 428
parent who is not the residential parent is to have access to 429
the center, provided that the access shall not be greater than 430
the access that is provided to the residential parent under 431
section 5104.039 of the Revised Code, the court shall enter its 432
written findings of fact and opinions in the journal, and the 433
court shall include the terms and conditions of access in the 434
parenting time order or decree. 435

(J) (1) Subject to division (F) of section 3319.321 of the 436
Revised Code, when a court issues an order or decree allocating 437
parental rights and responsibilities for the care of a child, 438
the parent of the child who is not the residential parent of the 439
child is entitled to access, under the same terms and conditions 440
under which access is provided to the residential parent, to any 441
student activity that is related to the child and to which the 442
residential parent of the child legally is provided access, 443
unless the court determines that it would not be in the best 444
interest of the child to grant the parent who is not the 445

residential parent access to the student activities under those 446
same terms and conditions. If the court determines that the 447
parent of the child who is not the residential parent should not 448
have access to any student activity that is related to the child 449
under the same terms and conditions as provided for the 450
residential parent, the court shall specify the terms and 451
conditions under which the parent who is not the residential 452
parent is to have access to those student activities, shall 453
enter its written findings of facts and opinion in the journal, 454
and shall issue an order containing the terms and conditions to 455
both the residential parent and the parent of the child who is 456
not the residential parent. The court shall include in every 457
order issued pursuant to this division notice that any school 458
official or employee who knowingly fails to comply with the 459
order or division (J) of this section is in contempt of court. 460

(2) Subject to division (F) of section 3319.321 of the 461
Revised Code, subsequent to the issuance of an order under 462
division (J)(1) of this section, all school officials and 463
employees shall permit the parent of the child who is not the 464
residential parent to have access to any student activity under 465
the same terms and conditions under which access is provided to 466
the residential parent of the child, unless the residential 467
parent has presented the school official or employee, the board 468
of education of the school, or the governing body of the 469
chartered nonpublic school with a copy of an order issued under 470
division (J)(1) of this section that limits the terms and 471
conditions under which the parent who is not the residential 472
parent is to have access to student activities related to the 473
child and the order pertains to the student activity in 474
question. If the residential parent presents the school official 475
or employee, the board of education of the school, or the 476

governing body of the chartered nonpublic school with a copy of 477
that type of order, the school official or employee shall permit 478
the parent who is not the residential parent to have access to 479
the student activity only in accordance with the most recent 480
order that has been issued pursuant to division (J)(1) of this 481
section and presented to the school official or employee, the 482
board of education of the school, or the governing body of the 483
chartered nonpublic school by the residential parent or the 484
parent who is not the residential parent. Any school official or 485
employee who knowingly fails to comply with division (J) of this 486
section or with any order issued pursuant to division (J)(1) of 487
this section is in contempt of court. 488

(K) When a court issues an order or decree allocating 489
parental rights and responsibilities for the care of a child, 490
the parent of the child who is not the residential parent is 491
entitled to notice regarding outpatient mental health services 492
provided pursuant to section 5122.04 of the Revised Code under 493
the same terms and conditions as the residential parent, unless 494
the court determines that it would not be in the best interest 495
of the child to notify the parent who is not the residential 496
parent of those services. If the court determines that the 497
parent of a child who is not the residential parent should not 498
be notified regarding outpatient mental health services for the 499
child, the court shall include in the journal its written 500
findings of fact and opinion. 501

(L) If any person is found in contempt of court for 502
failing to comply with or interfering with any order or decree 503
granting parenting time rights issued pursuant to this section 504
or section 3109.12 of the Revised Code or companionship or 505
visitation rights issued pursuant to this section, section 506
3109.11 or 3109.12 of the Revised Code, or any other provision 507

of the Revised Code, the court that makes the finding, in 508
addition to any other penalty or remedy imposed, shall assess 509
all court costs arising out of the contempt proceeding against 510
the person and require the person to pay any reasonable 511
attorney's fees of any adverse party, as determined by the 512
court, that arose in relation to the act of contempt, and may 513
award reasonable compensatory parenting time or visitation to 514
the person whose right of parenting time or visitation was 515
affected by the failure or interference if such compensatory 516
parenting time or visitation is in the best interest of the 517
child. Any compensatory parenting time or visitation awarded 518
under this division shall be included in an order issued by the 519
court and, to the extent possible, shall be governed by the same 520
terms and conditions as was the parenting time or visitation 521
that was affected by the failure or interference. 522

~~(L)~~ (M) Any parent who requests reasonable parenting time 523
rights with respect to a child under this section or section 524
3109.12 of the Revised Code or any person who requests 525
reasonable companionship or visitation rights with respect to a 526
child under this section, section 3109.11 or 3109.12 of the 527
Revised Code, or any other provision of the Revised Code may 528
file a motion with the court requesting that it waive all or any 529
part of the costs that may accrue in the proceedings. If the 530
court determines that the movant is indigent and that the waiver 531
is in the best interest of the child, the court, in its 532
discretion, may waive payment of all or any part of the costs of 533
those proceedings. 534

~~(M)~~ (N) (1) A parent who receives an order for active 535
military service in the uniformed services and who is subject to 536
a parenting time order may apply to the court for any of the 537
following temporary orders for the period extending from the 538

date of the parent's departure to the date of return: 539

(a) An order delegating all or part of the parent's 540
parenting time with the child to a relative or to another person 541
who has a close and substantial relationship with the child if 542
the delegation is in the child's best interest; 543

(b) An order that the other parent make the child 544
reasonably available for parenting time with the parent when the 545
parent is on leave from active military service; 546

(c) An order that the other parent facilitate contact, 547
including telephone and electronic contact, between the parent 548
and child while the parent is on active military service. 549

(2) (a) Upon receipt of an order for active military 550
service, a parent who is subject to a parenting time order and 551
seeks an order under division ~~(M)~~(N)(1) of this section shall 552
notify the other parent who is subject to the parenting time 553
order and apply to the court as soon as reasonably possible 554
after receipt of the order for active military service. The 555
application shall include the date on which the active military 556
service begins. 557

(b) The court shall schedule a hearing upon receipt of an 558
application under division ~~(M)~~(N) of this section and hold the 559
hearing not later than thirty days after its receipt, except 560
that the court shall give the case calendar priority and handle 561
the case expeditiously if exigent circumstances exist in the 562
case. No hearing shall be required if both parents agree to the 563
terms of the requested temporary order and the court determines 564
that the order is in the child's best interest. 565

(c) In determining whether a delegation under division ~~(M)~~ 566
(N)(1) (a) of this section is in the child's best interest, the 567

court shall consider all relevant factors, including the factors 568
set forth in division (D) of this section. 569

(d) An order delegating all or part of the parent's 570
parenting time pursuant to division ~~(M)~~(N)(1)(a) of this section 571
does not create standing on behalf of the person to whom 572
parenting time is delegated to assert visitation or 573
companionship rights independent of the order. 574

(3) At the request of a parent who is ordered for active 575
military service in the uniformed services and who is a subject 576
of a proceeding pertaining to a parenting time order or 577
pertaining to a request for companionship rights or visitation 578
with a child, the court shall permit the parent to participate 579
in the proceeding and present evidence by electronic means, 580
including communication by telephone, video, or internet to the 581
extent permitted by rules of the supreme court of Ohio. 582

~~(N)~~(O) The juvenile court has exclusive jurisdiction to 583
enter the orders in any case certified to it from another court. 584

~~(O)~~(P) As used in this section: 585

(1) "Abused child" has the same meaning as in section 586
2151.031 of the Revised Code, and "neglected child" has the same 587
meaning as in section 2151.03 of the Revised Code. 588

(2) "Active military service" and "uniformed services" 589
have the same meanings as in section 3109.04 of the Revised 590
Code. 591

(3) "Confidential law enforcement investigatory record" 592
has the same meaning as in section 149.43 of the Revised Code. 593

(4) "Parenting time order" means an order establishing the 594
amount of time that a child spends with the parent who is not 595

the residential parent or the amount of time that the child is 596
to be physically located with a parent under a shared parenting 597
order. 598

(5) "Record" means any record, document, file, or other 599
material that contains information directly related to a child, 600
including, but not limited to, any of the following: 601

(a) Records maintained by public and nonpublic schools; 602

(b) Records maintained by facilities that provide child 603
care, as defined in section 5104.01 of the Revised Code, 604
publicly funded child care, as defined in section 5104.01 of the 605
Revised Code, or pre-school services operated by or under the 606
supervision of a school district board of education or a 607
nonpublic school; 608

(c) Records maintained by hospitals, other facilities, or 609
persons providing medical or surgical care or treatment for the 610
child; 611

(d) Records maintained by agencies, departments, 612
instrumentalities, or other entities of the state or any 613
political subdivision of the state, other than a child support 614
enforcement agency. Access to records maintained by a child 615
support enforcement agency is governed by section 3125.16 of the 616
Revised Code. 617

Sec. 3109.11. If either the father or mother of an 618
unmarried minor child is deceased, the court of common pleas of 619
the county in which the minor child resides may grant the 620
parents and other relatives of the deceased father or mother 621
reasonable companionship or visitation rights with respect to 622
the minor child during the child's minority if the parent or 623
other relative files a complaint requesting reasonable 624

companionship or visitation rights and if the court determines 625
that the granting of the companionship or visitation rights is 626
in the best interest of the minor child. In determining whether 627
to grant any person reasonable companionship or visitation 628
rights with respect to any child, the court shall consider all 629
relevant factors, including, but not limited to, the factors set 630
forth in division (D) of section 3109.051 of the Revised Code. 631
Divisions (C), ~~(K)~~, and (L), and (M) of section 3109.051 of the 632
Revised Code apply to the determination of reasonable 633
companionship or visitation rights under this section and to any 634
order granting any such rights that is issued under this 635
section. 636

The remarriage of the surviving parent of the child or the 637
adoption of the child by the spouse of the surviving parent of 638
the child does not affect the authority of the court under this 639
section to grant reasonable companionship or visitation rights 640
with respect to the child to a parent or other relative of the 641
child's deceased father or mother. 642

If the court denies a request for reasonable companionship 643
or visitation rights made pursuant to this section and the 644
complainant files a written request for findings of fact and 645
conclusions of law, the court shall state in writing its 646
findings of fact and conclusions of law in accordance with Civil 647
Rule 52. 648

Except as provided in division (E) (6) of section 3113.31 649
of the Revised Code, if the court, pursuant to this section, 650
grants any person companionship or visitation rights with 651
respect to any child, it shall not require the public children 652
services agency to provide supervision of or other services 653
related to that person's exercise of companionship or visitation 654

rights with respect to the child. This section does not limit 655
the power of a juvenile court pursuant to Chapter 2151. of the 656
Revised Code to issue orders with respect to children who are 657
alleged to be abused, neglected, or dependent children or to 658
make dispositions of children who are adjudicated abused, 659
neglected, or dependent children or of a common pleas court to 660
issue orders pursuant to section 3113.31 of the Revised Code. 661

Sec. 3109.12. (A) If a child is born to an unmarried 662
woman, the parents of the woman and any relative of the woman 663
may file a complaint requesting the court of common pleas of the 664
county in which the child resides to grant them reasonable 665
companionship or visitation rights with the child. If a child is 666
born to an unmarried woman and if the father of the child has 667
acknowledged the child and that acknowledgment has become final 668
pursuant to section 2151.232, 3111.25, or 3111.821 of the 669
Revised Code or has been determined in an action under Chapter 670
3111. of the Revised Code to be the father of the child, the 671
father may file a complaint requesting that the court of 672
appropriate jurisdiction of the county in which the child 673
resides grant him reasonable parenting time rights with the 674
child and the parents of the father and any relative of the 675
father may file a complaint requesting that the court grant them 676
reasonable companionship or visitation rights with the child. 677

(B) The court may grant the parenting time rights or 678
companionship or visitation rights requested under division (A) 679
of this section, if it determines that the granting of the 680
parenting time rights or companionship or visitation rights is 681
in the best interest of the child. In determining whether to 682
grant reasonable parenting time rights or reasonable 683
companionship or visitation rights with respect to any child, 684
the court shall consider all relevant factors, including, but 685

not limited to, the factors set forth in division (D) of section 686
3109.051 of the Revised Code. Divisions (C), ~~(K)~~, and ~~(L)~~, and 687
(M) of section 3109.051 of the Revised Code apply to the 688
determination of reasonable parenting time rights or reasonable 689
companionship or visitation rights under this section and to any 690
order granting any such rights that is issued under this 691
section. 692

The marriage or remarriage of the mother or father of a 693
child does not affect the authority of the court under this 694
section to grant the natural father reasonable parenting time 695
rights or the parents or relatives of the natural father or the 696
parents or relatives of the mother of the child reasonable 697
companionship or visitation rights with respect to the child. 698

If the court denies a request for reasonable parenting 699
time rights or reasonable companionship or visitation rights 700
made pursuant to division (A) of this section and the 701
complainant files a written request for findings of fact and 702
conclusions of law, the court shall state in writing its 703
findings of fact and conclusions of law in accordance with Civil 704
Rule 52. 705

Except as provided in division (E) (6) of section 3113.31 706
of the Revised Code, if the court, pursuant to this section, 707
grants parenting time rights or companionship or visitation 708
rights with respect to any child, it shall not require the 709
public children services agency to provide supervision of or 710
other services related to that parent's exercise of parenting 711
time rights with the child or that person's exercise of 712
companionship or visitation rights with the child. This section 713
does not limit the power of a juvenile court pursuant to Chapter 714
2151. of the Revised Code to issue orders with respect to 715

children who are alleged to be abused, neglected, or dependent 716
children or to make dispositions of children who are adjudicated 717
abused, neglected, or dependent children or of a common pleas 718
court to issue orders pursuant to section 3113.31 of the Revised 719
Code. 720

Sec. 5122.04. (A) Upon the request of a minor ~~fourteen-~~ 721
eleven years of age or older, a mental health professional may 722
provide outpatient mental health services, excluding the use of 723
medication, without the consent or knowledge of the minor's 724
parent or guardian. Except as otherwise provided in this 725
section, the minor's parent or guardian shall not be informed of 726
the services without the minor's consent unless the mental 727
health professional treating the minor determines that there is 728
a compelling need for disclosure based on a substantial 729
probability of harm to the minor or to other persons, and if the 730
minor is notified of the mental health professional's intent to 731
inform the minor's parent, or guardian. 732

(B) Services provided to a minor pursuant to this section 733
shall be limited to not more than six sessions ~~or thirty days of~~ 734
~~services whichever occurs sooner.~~ After the sixth session ~~or~~ 735
~~thirty days of services,~~ the mental health professional shall 736
terminate the services or, with the consent of the minor, notify 737
the parent, or guardian, to obtain consent to provide further 738
outpatient services. 739

(C) The minor's parent or guardian shall not be liable for 740
the costs of services which are received by a minor under 741
division (A). 742

(D) Nothing in this section relieves a mental health 743
professional from the obligations of section 2151.421 of the 744
Revised Code. 745

(E) A mental health professional is not liable in damages to a minor's parent or guardian in a civil action for injury, death, or loss allegedly resulting from services provided to a minor under division (A) of this section. 746
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(F) As used in this section, "mental health professional" 750
has the same meaning as in section 340.02 of the Revised Code. 751

Sec. 5122.041. When a mental health professional notifies a minor's parent or guardian, pursuant to section 5122.04 of the Revised Code, that the minor is receiving mental health services, the mental health professional also shall notify the parent of the child who is not the residential parent, unless a court has determined, pursuant to division (K) of section 3109.051 of the Revised Code, that it would not be in the best interest of the minor for the parent who is not the residential parent to be notified. 752
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Section 2. That existing sections 3109.051, 3109.11, 761
3109.12, and 5122.04 of the Revised Code are hereby repealed. 762

Section 3. This act shall be known as "Dylan's Voice." 763