

As Introduced

134th General Assembly

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H. B. No. 508

Representatives West, Creech

Cosponsors: Representatives Bird, LaRe, Hall, Carruthers, Jordan, Stoltzfus, Boggs, Miller, K., Johnson, Wiggam, Young, T., Click, Jones, Galonski, Miller, J., Ingram, Weinstein, Plummer, John, McClain, Lampton, Young, B., Stephens, Cross, Riedel, Baldrige, Abrams, Upchurch, Lipps, Stewart, Ray, Cutrona, Ghanbari, Pavliga, Brinkman, Kick, Fraizer, Hillyer, Swearingen, Loychik, Blackshear, Dean, Koehler, Holmes, Stein, Schmidt, Skindell, Denson, Troy, Howse, Brent, Jarrells, Ginter, Ferguson, White, Gross, SobECKi, Kelly, Seitz

A BILL

To amend sections 2151.23, 2317.02, 2705.031, 1
2710.05, 2710.06, 3105.21, 3105.63, 3105.65, 2
3109.04, 3109.042, 3109.043, 3109.05, 3109.052, 3
3109.06, 3109.061, 3109.09, 3109.11, 3109.12, 4
3109.41, 3109.53, 3109.55, 3109.56, 3109.65, 5
3113.31, 3119.01, 3119.08, 3119.24, 3119.964, 6
3310.51, 3313.98, 3319.321, 3333.26, 3796.24, 7
5104.039, 5120.653, and 5153.16; to amend, for 8
the purpose of adopting new section numbers as 9
indicated in parentheses, sections 3109.043 10
(3109.0436), 3109.052 (3109.0470), and 3109.053 11
(3109.0480); to enact sections 3109.044, 12
3109.045, 3109.046, 3109.047, 3109.0410, 13
3109.0411, 3109.0412, 3109.0413, 3109.0414, 14
3109.0415, 3109.0420, 3109.0421, 3109.0422, 15
3109.0423, 3109.0424, 3109.0425, 3109.0426, 16
3109.0430, 3109.0431, 3109.0432, 3109.0435, 17
3109.0438, 3109.0439, 3109.0440, 3109.0441, 18
3109.0442, 3109.0443, 3109.0445, 3109.0450, 19

3109.0451, 3109.0452, 3109.0453, 3109.0454, 20
3109.0455, 3109.0456, 3109.0457, 3109.0460, 21
3109.0461, 3109.0462, 3109.0463, 3109.0466, 22
3109.0467, 3109.0468, 3109.0475, 3109.0476, 23
3109.0477, 3109.0482, and 3109.0485; and to 24
repeal sections 3109.041 and 3109.051 of the 25
Revised Code regarding the allocation of 26
parental rights and responsibilities to grant 27
equal time and responsibility for a child. 28

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

Section 1. That sections 2151.23, 2317.02, 2705.031, 29
2710.05, 2710.06, 3105.21, 3105.63, 3105.65, 3109.04, 3109.042, 30
3109.043, 3109.05, 3109.052, 3109.06, 3109.061, 3109.09, 31
3109.11, 3109.12, 3109.41, 3109.53, 3109.55, 3109.56, 3109.65, 32
3113.31, 3119.01, 3119.08, 3119.24, 3119.964, 3310.51, 3313.98, 33
3319.321, 3333.26, 3796.24, 5104.039, 5120.653, and 5153.16 be 34
amended; sections 3109.043 (3109.0436), 3109.052 (3109.0470), 35
and 3109.053 (3109.0480) be amended for the purpose of adopting 36
new section numbers as indicated in parentheses; and sections 37
3109.044, 3109.045, 3109.046, 3109.047, 3109.0410, 3109.0411, 38
3109.0412, 3109.0413, 3109.0414, 3109.0415, 3109.0420, 39
3109.0421, 3109.0422, 3109.0423, 3109.0424, 3109.0425, 40
3109.0426, 3109.0430, 3109.0431, 3109.0432, 3109.0435, 41
3109.0438, 3109.0439, 3109.0440, 3109.0441, 3109.0442, 42
3109.0443, 3109.0445, 3109.0450, 3109.0451, 3109.0452, 43
3109.0453, 3109.0454, 3109.0455, 3109.0456, 3109.0457, 44
3109.0460, 3109.0461, 3109.0462, 3109.0463, 3109.0466, 45
3109.0467, 3109.0468, 3109.0475, 3109.0476, 3109.0477, 46

3109.0482, and 3109.0485 of the Revised Code be enacted to read 47
as follows: 48

Sec. 2151.23. (A) The juvenile court has exclusive 49
original jurisdiction under the Revised Code as follows: 50

(1) Concerning any child who on or about the date 51
specified in the complaint, indictment, or information is 52
alleged to have violated section 2151.87 of the Revised Code or 53
an order issued under that section or to be a juvenile traffic 54
offender or a delinquent, unruly, abused, neglected, or 55
dependent child and, based on and in relation to the allegation 56
pertaining to the child, concerning the parent, guardian, or 57
other person having care of a child who is alleged to be an 58
unruly child for being an habitual truant or who is alleged to 59
be a delinquent child for violating a court order regarding the 60
child's prior adjudication as an unruly child for being an 61
habitual truant; 62

(2) Subject to divisions (G), (I), (K), and (V) of section 63
2301.03 of the Revised Code, to determine the custody of any 64
child not a ward of another court of this state; 65

(3) To hear and determine any application for a writ of 66
habeas corpus involving the custody of a child; 67

(4) To exercise the powers and jurisdiction given the 68
probate division of the court of common pleas in Chapter 5122. 69
of the Revised Code, if the court has probable cause to believe 70
that a child otherwise within the jurisdiction of the court is a 71
mentally ill person subject to court order, as defined in 72
section 5122.01 of the Revised Code; 73

(5) To hear and determine all criminal cases charging 74
adults with the violation of any section of this chapter; 75

(6) To hear and determine all criminal cases in which an	76
adult is charged with a violation of division (C) of section	77
2919.21, division (B) (1) of section 2919.22, section 2919.222,	78
division (B) of section 2919.23, or section 2919.24 of the	79
Revised Code, provided the charge is not included in an	80
indictment that also charges the alleged adult offender with the	81
commission of a felony arising out of the same actions that are	82
the basis of the alleged violation of division (C) of section	83
2919.21, division (B) (1) of section 2919.22, section 2919.222,	84
division (B) of section 2919.23, or section 2919.24 of the	85
Revised Code;	86
(7) Under the interstate compact on juveniles in section	87
2151.56 of the Revised Code;	88
(8) Concerning any child who is to be taken into custody	89
pursuant to section 2151.31 of the Revised Code, upon being	90
notified of the intent to take the child into custody and the	91
reasons for taking the child into custody;	92
(9) To hear and determine requests for the extension of	93
temporary custody agreements, and requests for court approval of	94
permanent custody agreements, that are filed pursuant to section	95
5103.15 of the Revised Code;	96
(10) To hear and determine applications for consent to	97
marry pursuant to section 3101.04 of the Revised Code;	98
(11) Subject to divisions (G), (I), (K), and (V) of	99
section 2301.03 of the Revised Code, to hear and determine a	100
request for an order for the support of any child if the request	101
is not ancillary to an action for divorce, dissolution of	102
marriage, annulment, or legal separation, a criminal or civil	103
action involving an allegation of domestic violence, or an	104

action for support brought under Chapter 3115. of the Revised Code;	105 106
(12) Concerning an action commenced under section 121.38 of the Revised Code;	107 108
(13) To hear and determine violations of section 3321.38 of the Revised Code;	109 110
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	111 112 113 114 115
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	116 117 118 119 120 121 122 123
(16) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;	124 125 126 127 128 129
(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code;	130 131
(18) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected,	132 133

or dependent child under section 2151.25 of the Revised Code.	134
(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	135
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(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;	138
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(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	142
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(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	145
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(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;	147
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(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	150
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(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	152
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(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	154
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	156
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	157
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(9) To grant any relief normally available under the laws	160

of this state to enforce a child custody determination made by a 161
court of another state and registered in accordance with section 162
3127.35 of the Revised Code. 163

(C) The juvenile court, except as to juvenile courts that 164
are a separate division of the court of common pleas or a 165
separate and independent juvenile court, has jurisdiction to 166
hear, determine, and make a record of any action for divorce or 167
legal separation that involves the custody or care of children 168
and that is filed in the court of common pleas and certified by 169
the court of common pleas with all the papers filed in the 170
action to the juvenile court for trial, provided that no 171
certification of that nature shall be made to any juvenile court 172
unless the consent of the juvenile judge first is obtained. 173
After a certification of that nature is made and consent is 174
obtained, the juvenile court shall proceed as if the action 175
originally had been begun in that court, except as to awards for 176
spousal support or support due and unpaid at the time of 177
certification, over which the juvenile court has no 178
jurisdiction. 179

(D) The juvenile court, except as provided in division (I) 180
of section 2301.03 of the Revised Code, has jurisdiction to hear 181
and determine all matters as to custody and support of children 182
duly certified by the court of common pleas to the juvenile 183
court after a divorce decree has been granted, including 184
jurisdiction to modify the judgment and decree of the court of 185
common pleas as the same relate to the custody and support of 186
children. 187

(E) The juvenile court, except as provided in division (I) 188
of section 2301.03 of the Revised Code, has jurisdiction to hear 189
and determine the case of any child certified to the court by 190

any court of competent jurisdiction if the child comes within 191
the jurisdiction of the juvenile court as defined by this 192
section. 193

(F) (1) The juvenile court shall exercise its jurisdiction 194
in child custody matters in accordance with sections ~~3109.04-~~ 195
3109.04 to 3109.0445, 3109.0475, 3109.0476, and 3127.01 to 196
3127.53 of the Revised Code and, as applicable, sections 5103.20 197
to 5103.22 or 5103.23 to 5103.237 of the Revised Code. 198

(2) The juvenile court shall exercise its jurisdiction in 199
child support matters in accordance with section 3109.05 of the 200
Revised Code. 201

(G) Any juvenile court that makes or modifies an order for 202
child support shall comply with Chapters 3119., 3121., 3123., 203
and 3125. of the Revised Code. If any person required to pay 204
child support under an order made by a juvenile court on or 205
after April 15, 1985, or modified on or after December 1, 1986, 206
is found in contempt of court for failure to make support 207
payments under the order, the court that makes the finding, in 208
addition to any other penalty or remedy imposed, shall assess 209
all court costs arising out of the contempt proceeding against 210
the person and require the person to pay any reasonable 211
attorney's fees of any adverse party, as determined by the 212
court, that arose in relation to the act of contempt. 213

(H) If a child who is charged with an act that would be an 214
offense if committed by an adult was fourteen years of age or 215
older and under eighteen years of age at the time of the alleged 216
act and if the case is transferred for criminal prosecution 217
pursuant to section 2152.12 of the Revised Code, except as 218
provided in section 2152.121 of the Revised Code, the juvenile 219
court does not have jurisdiction to hear or determine the case 220

subsequent to the transfer. The court to which the case is 221
transferred for criminal prosecution pursuant to that section 222
has jurisdiction subsequent to the transfer to hear and 223
determine the case in the same manner as if the case originally 224
had been commenced in that court, subject to section 2152.121 of 225
the Revised Code, including, but not limited to, jurisdiction to 226
accept a plea of guilty or another plea authorized by Criminal 227
Rule 11 or another section of the Revised Code and jurisdiction 228
to accept a verdict and to enter a judgment of conviction 229
pursuant to the Rules of Criminal Procedure against the child 230
for the commission of the offense that was the basis of the 231
transfer of the case for criminal prosecution, whether the 232
conviction is for the same degree or a lesser degree of the 233
offense charged, for the commission of a lesser-included 234
offense, or for the commission of another offense that is 235
different from the offense charged. 236

(I) If a person under eighteen years of age allegedly 237
commits an act that would be a felony if committed by an adult 238
and if the person is not taken into custody or apprehended for 239
that act until after the person attains twenty-one years of age, 240
the juvenile court does not have jurisdiction to hear or 241
determine any portion of the case charging the person with 242
committing that act. In those circumstances, divisions (A) and 243
(B) of section 2152.12 of the Revised Code do not apply 244
regarding the act, and the case charging the person with 245
committing the act shall be a criminal prosecution commenced and 246
heard in the appropriate court having jurisdiction of the 247
offense as if the person had been eighteen years of age or older 248
when the person committed the act. All proceedings pertaining to 249
the act shall be within the jurisdiction of the court having 250
jurisdiction of the offense, and that court has all the 251

authority and duties in the case that it has in other criminal 252
cases in that court. 253

(J) In exercising its exclusive original jurisdiction 254
under division (A)(16) of this section with respect to any 255
proceedings brought under section 2151.34 or 3113.31 of the 256
Revised Code in which the respondent is a child, the juvenile 257
court retains all dispositional powers consistent with existing 258
rules of juvenile procedure and may also exercise its discretion 259
to adjudicate proceedings as provided in sections 2151.34 and 260
3113.31 of the Revised Code, including the issuance of 261
protection orders or the approval of consent agreements under 262
those sections. 263

Sec. 2317.02. The following persons shall not testify in 264
certain respects: 265

(A) (1) An attorney, concerning a communication made to the 266
attorney by a client in that relation or concerning the 267
attorney's advice to a client, except that the attorney may 268
testify by express consent of the client or, if the client is 269
deceased, by the express consent of the surviving spouse or the 270
executor or administrator of the estate of the deceased client. 271
However, if the client voluntarily reveals the substance of 272
attorney-client communications in a nonprivileged context or is 273
deemed by section 2151.421 of the Revised Code to have waived 274
any testimonial privilege under this division, the attorney may 275
be compelled to testify on the same subject. 276

The testimonial privilege established under this division 277
does not apply concerning either of the following: 278

(a) A communication between a client in a capital case, as 279
defined in section 2901.02 of the Revised Code, and the client's 280

attorney if the communication is relevant to a subsequent 281
ineffective assistance of counsel claim by the client alleging 282
that the attorney did not effectively represent the client in 283
the case; 284

(b) A communication between a client who has since died 285
and the deceased client's attorney if the communication is 286
relevant to a dispute between parties who claim through that 287
deceased client, regardless of whether the claims are by testate 288
or intestate succession or by inter vivos transaction, and the 289
dispute addresses the competency of the deceased client when the 290
deceased client executed a document that is the basis of the 291
dispute or whether the deceased client was a victim of fraud, 292
undue influence, or duress when the deceased client executed a 293
document that is the basis of the dispute. 294

(2) An attorney, concerning a communication made to the 295
attorney by a client in that relationship or the attorney's 296
advice to a client, except that if the client is an insurance 297
company, the attorney may be compelled to testify, subject to an 298
in camera inspection by a court, about communications made by 299
the client to the attorney or by the attorney to the client that 300
are related to the attorney's aiding or furthering an ongoing or 301
future commission of bad faith by the client, if the party 302
seeking disclosure of the communications has made a prima-facie 303
showing of bad faith, fraud, or criminal misconduct by the 304
client. 305

(B) (1) A physician, advanced practice registered nurse, or 306
dentist concerning a communication made to the physician, 307
advanced practice registered nurse, or dentist by a patient in 308
that relation or the advice of a physician, advanced practice 309
registered nurse, or dentist given to a patient, except as 310

otherwise provided in this division, division (B) (2), and 311
division (B) (3) of this section, and except that, if the patient 312
is deemed by section 2151.421 of the Revised Code to have waived 313
any testimonial privilege under this division, the physician or 314
advanced practice registered nurse may be compelled to testify 315
on the same subject. 316

The testimonial privilege established under this division 317
does not apply, and a physician, advanced practice registered 318
nurse, or dentist may testify or may be compelled to testify, in 319
any of the following circumstances: 320

(a) In any civil action, in accordance with the discovery 321
provisions of the Rules of Civil Procedure in connection with a 322
civil action, or in connection with a claim under Chapter 4123. 323
of the Revised Code, under any of the following circumstances: 324

(i) If the patient or the guardian or other legal 325
representative of the patient gives express consent; 326

(ii) If the patient is deceased, the spouse of the patient 327
or the executor or administrator of the patient's estate gives 328
express consent; 329

(iii) If a medical claim, dental claim, chiropractic 330
claim, or optometric claim, as defined in section 2305.113 of 331
the Revised Code, an action for wrongful death, any other type 332
of civil action, or a claim under Chapter 4123. of the Revised 333
Code is filed by the patient, the personal representative of the 334
estate of the patient if deceased, or the patient's guardian or 335
other legal representative. 336

(b) In any civil action concerning court-ordered treatment 337
or services received by a patient, if the court-ordered 338
treatment or services were ordered as part of a case plan 339

journalized under section 2151.412 of the Revised Code or the 340
court-ordered treatment or services are necessary or relevant to 341
dependency, neglect, or abuse or temporary or permanent custody 342
proceedings under Chapter 2151. of the Revised Code. 343

(c) In any criminal action concerning any test or the 344
results of any test that determines the presence or 345
concentration of alcohol, a drug of abuse, a combination of 346
them, a controlled substance, or a metabolite of a controlled 347
substance in the patient's whole blood, blood serum or plasma, 348
breath, urine, or other bodily substance at any time relevant to 349
the criminal offense in question. 350

(d) In any criminal action against a physician, advanced 351
practice registered nurse, or dentist. In such an action, the 352
testimonial privilege established under this division does not 353
prohibit the admission into evidence, in accordance with the 354
Rules of Evidence, of a patient's medical or dental records or 355
other communications between a patient and the physician, 356
advanced practice registered nurse, or dentist that are related 357
to the action and obtained by subpoena, search warrant, or other 358
lawful means. A court that permits or compels a physician, 359
advanced practice registered nurse, or dentist to testify in 360
such an action or permits the introduction into evidence of 361
patient records or other communications in such an action shall 362
require that appropriate measures be taken to ensure that the 363
confidentiality of any patient named or otherwise identified in 364
the records is maintained. Measures to ensure confidentiality 365
that may be taken by the court include sealing its records or 366
deleting specific information from its records. 367

(e) (i) If the communication was between a patient who has 368
since died and the deceased patient's physician, advanced 369

practice registered nurse, or dentist, the communication is 370
relevant to a dispute between parties who claim through that 371
deceased patient, regardless of whether the claims are by 372
testate or intestate succession or by inter vivos transaction, 373
and the dispute addresses the competency of the deceased patient 374
when the deceased patient executed a document that is the basis 375
of the dispute or whether the deceased patient was a victim of 376
fraud, undue influence, or duress when the deceased patient 377
executed a document that is the basis of the dispute. 378

(ii) If neither the spouse of a patient nor the executor 379
or administrator of that patient's estate gives consent under 380
division (B) (1) (a) (ii) of this section, testimony or the 381
disclosure of the patient's medical records by a physician, 382
advanced practice registered nurse, dentist, or other health 383
care provider under division (B) (1) (e) (i) of this section is a 384
permitted use or disclosure of protected health information, as 385
defined in 45 C.F.R. 160.103, and an authorization or 386
opportunity to be heard shall not be required. 387

(iii) Division (B) (1) (e) (i) of this section does not 388
require a mental health professional to disclose psychotherapy 389
notes, as defined in 45 C.F.R. 164.501. 390

(iv) An interested person who objects to testimony or 391
disclosure under division (B) (1) (e) (i) of this section may seek 392
a protective order pursuant to Civil Rule 26. 393

(v) A person to whom protected health information is 394
disclosed under division (B) (1) (e) (i) of this section shall not 395
use or disclose the protected health information for any purpose 396
other than the litigation or proceeding for which the 397
information was requested and shall return the protected health 398
information to the covered entity or destroy the protected 399

health information, including all copies made, at the conclusion 400
of the litigation or proceeding. 401

(2) (a) If any law enforcement officer submits a written 402
statement to a health care provider that states that an official 403
criminal investigation has begun regarding a specified person or 404
that a criminal action or proceeding has been commenced against 405
a specified person, that requests the provider to supply to the 406
officer copies of any records the provider possesses that 407
pertain to any test or the results of any test administered to 408
the specified person to determine the presence or concentration 409
of alcohol, a drug of abuse, a combination of them, a controlled 410
substance, or a metabolite of a controlled substance in the 411
person's whole blood, blood serum or plasma, breath, or urine at 412
any time relevant to the criminal offense in question, and that 413
conforms to section 2317.022 of the Revised Code, the provider, 414
except to the extent specifically prohibited by any law of this 415
state or of the United States, shall supply to the officer a 416
copy of any of the requested records the provider possesses. If 417
the health care provider does not possess any of the requested 418
records, the provider shall give the officer a written statement 419
that indicates that the provider does not possess any of the 420
requested records. 421

(b) If a health care provider possesses any records of the 422
type described in division (B) (2) (a) of this section regarding 423
the person in question at any time relevant to the criminal 424
offense in question, in lieu of personally testifying as to the 425
results of the test in question, the custodian of the records 426
may submit a certified copy of the records, and, upon its 427
submission, the certified copy is qualified as authentic 428
evidence and may be admitted as evidence in accordance with the 429
Rules of Evidence. Division (A) of section 2317.422 of the 430

Revised Code does not apply to any certified copy of records 431
submitted in accordance with this division. Nothing in this 432
division shall be construed to limit the right of any party to 433
call as a witness the person who administered the test to which 434
the records pertain, the person under whose supervision the test 435
was administered, the custodian of the records, the person who 436
made the records, or the person under whose supervision the 437
records were made. 438

(3) (a) If the testimonial privilege described in division 439
(B) (1) of this section does not apply as provided in division 440
(B) (1) (a) (iii) of this section, a physician, advanced practice 441
registered nurse, or dentist may be compelled to testify or to 442
submit to discovery under the Rules of Civil Procedure only as 443
to a communication made to the physician, advanced practice 444
registered nurse, or dentist by the patient in question in that 445
relation, or the advice of the physician, advanced practice 446
registered nurse, or dentist given to the patient in question, 447
that related causally or historically to physical or mental 448
injuries that are relevant to issues in the medical claim, 449
dental claim, chiropractic claim, or optometric claim, action 450
for wrongful death, other civil action, or claim under Chapter 451
4123. of the Revised Code. 452

(b) If the testimonial privilege described in division (B) 453
(1) of this section does not apply to a physician, advanced 454
practice registered nurse, or dentist as provided in division 455
(B) (1) (c) of this section, the physician, advanced practice 456
registered nurse, or dentist, in lieu of personally testifying 457
as to the results of the test in question, may submit a 458
certified copy of those results, and, upon its submission, the 459
certified copy is qualified as authentic evidence and may be 460
admitted as evidence in accordance with the Rules of Evidence. 461

Division (A) of section 2317.422 of the Revised Code does not 462
apply to any certified copy of results submitted in accordance 463
with this division. Nothing in this division shall be construed 464
to limit the right of any party to call as a witness the person 465
who administered the test in question, the person under whose 466
supervision the test was administered, the custodian of the 467
results of the test, the person who compiled the results, or the 468
person under whose supervision the results were compiled. 469

(4) The testimonial privilege described in division (B) (1) 470
of this section is not waived when a communication is made by a 471
physician or advanced practice registered nurse to a pharmacist 472
or when there is communication between a patient and a 473
pharmacist in furtherance of the physician-patient or advanced 474
practice registered nurse-patient relation. 475

(5) (a) As used in divisions (B) (1) to (4) of this section, 476
"communication" means acquiring, recording, or transmitting any 477
information, in any manner, concerning any facts, opinions, or 478
statements necessary to enable a physician, advanced practice 479
registered nurse, or dentist to diagnose, treat, prescribe, or 480
act for a patient. A "communication" may include, but is not 481
limited to, any medical or dental, office, or hospital 482
communication such as a record, chart, letter, memorandum, 483
laboratory test and results, x-ray, photograph, financial 484
statement, diagnosis, or prognosis. 485

(b) As used in division (B) (2) of this section, "health 486
care provider" means a hospital, ambulatory care facility, long- 487
term care facility, pharmacy, emergency facility, or health care 488
practitioner. 489

(c) As used in division (B) (5) (b) of this section: 490

(i) "Ambulatory care facility" means a facility that 491
provides medical, diagnostic, or surgical treatment to patients 492
who do not require hospitalization, including a dialysis center, 493
ambulatory surgical facility, cardiac catheterization facility, 494
diagnostic imaging center, extracorporeal shock wave lithotripsy 495
center, home health agency, inpatient hospice, birthing center, 496
radiation therapy center, emergency facility, and an urgent care 497
center. "Ambulatory health care facility" does not include the 498
private office of a physician, advanced practice registered 499
nurse, or dentist, whether the office is for an individual or 500
group practice. 501

(ii) "Emergency facility" means a hospital emergency 502
department or any other facility that provides emergency medical 503
services. 504

(iii) "Health care practitioner" has the same meaning as 505
in section 4769.01 of the Revised Code. 506

(iv) "Hospital" has the same meaning as in section 3727.01 507
of the Revised Code. 508

(v) "Long-term care facility" means a nursing home, 509
residential care facility, or home for the aging, as those terms 510
are defined in section 3721.01 of the Revised Code; a 511
residential facility licensed under section 5119.34 of the 512
Revised Code that provides accommodations, supervision, and 513
personal care services for three to sixteen unrelated adults; a 514
nursing facility, as defined in section 5165.01 of the Revised 515
Code; a skilled nursing facility, as defined in section 5165.01 516
of the Revised Code; and an intermediate care facility for 517
individuals with intellectual disabilities, as defined in 518
section 5124.01 of the Revised Code. 519

(vi) "Pharmacy" has the same meaning as in section 4729.01 520
of the Revised Code. 521

(d) As used in divisions (B) (1) and (2) of this section, 522
"drug of abuse" has the same meaning as in section 4506.01 of 523
the Revised Code. 524

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 525
section apply to doctors of medicine, doctors of osteopathic 526
medicine, doctors of podiatry, advanced practice registered 527
nurses, and dentists. 528

(7) Nothing in divisions (B) (1) to (6) of this section 529
affects, or shall be construed as affecting, the immunity from 530
civil liability conferred by section 307.628 of the Revised Code 531
or the immunity from civil liability conferred by section 532
2305.33 of the Revised Code upon physicians or advanced practice 533
registered nurses who report an employee's use of a drug of 534
abuse, or a condition of an employee other than one involving 535
the use of a drug of abuse, to the employer of the employee in 536
accordance with division (B) of that section. As used in 537
division (B) (7) of this section, "employee," "employer," and 538
"physician" have the same meanings as in section 2305.33 of the 539
Revised Code and "advanced practice registered nurse" has the 540
same meaning as in section 4723.01 of the Revised Code. 541

(C) (1) A cleric, when the cleric remains accountable to 542
the authority of that cleric's church, denomination, or sect, 543
concerning a confession made, or any information confidentially 544
communicated, to the cleric for a religious counseling purpose 545
in the cleric's professional character. The cleric may testify 546
by express consent of the person making the communication, 547
except when the disclosure of the information is in violation of 548
a sacred trust and except that, if the person voluntarily 549

testifies or is deemed by division (A) (4) (c) of section 2151.421 550
of the Revised Code to have waived any testimonial privilege 551
under this division, the cleric may be compelled to testify on 552
the same subject except when disclosure of the information is in 553
violation of a sacred trust. 554

(2) As used in division (C) of this section: 555

(a) "Cleric" means a member of the clergy, rabbi, priest, 556
Christian Science practitioner, or regularly ordained, 557
accredited, or licensed minister of an established and legally 558
cognizable church, denomination, or sect. 559

(b) "Sacred trust" means a confession or confidential 560
communication made to a cleric in the cleric's ecclesiastical 561
capacity in the course of discipline enjoined by the church to 562
which the cleric belongs, including, but not limited to, the 563
Catholic Church, if both of the following apply: 564

(i) The confession or confidential communication was made 565
directly to the cleric. 566

(ii) The confession or confidential communication was made 567
in the manner and context that places the cleric specifically 568
and strictly under a level of confidentiality that is considered 569
inviolable by canon law or church doctrine. 570

(D) Husband or wife, concerning any communication made by 571
one to the other, or an act done by either in the presence of 572
the other, during coverture, unless the communication was made, 573
or act done, in the known presence or hearing of a third person 574
competent to be a witness; and such rule is the same if the 575
marital relation has ceased to exist; 576

(E) A person who assigns a claim or interest, concerning 577
any matter in respect to which the person would not, if a party, 578

be permitted to testify; 579

(F) A person who, if a party, would be restricted under 580
section 2317.03 of the Revised Code, when the property or thing 581
is sold or transferred by an executor, administrator, guardian, 582
trustee, heir, devisee, or legatee, shall be restricted in the 583
same manner in any action or proceeding concerning the property 584
or thing. 585

(G) (1) A school guidance counselor who holds a valid 586
educator license from the state board of education as provided 587
for in section 3319.22 of the Revised Code, a person licensed 588
under Chapter 4757. of the Revised Code as a licensed 589
professional clinical counselor, licensed professional 590
counselor, social worker, independent social worker, marriage 591
and family therapist or independent marriage and family 592
therapist, or registered under Chapter 4757. of the Revised Code 593
as a social work assistant concerning a confidential 594
communication received from a client in that relation or the 595
person's advice to a client unless any of the following applies: 596

(a) The communication or advice indicates clear and 597
present danger to the client or other persons. For the purposes 598
of this division, cases in which there are indications of 599
present or past child abuse or neglect of the client constitute 600
a clear and present danger. 601

(b) The client gives express consent to the testimony. 602

(c) If the client is deceased, the surviving spouse or the 603
executor or administrator of the estate of the deceased client 604
gives express consent. 605

(d) The client voluntarily testifies, in which case the 606
school guidance counselor or person licensed or registered under 607

Chapter 4757. of the Revised Code may be compelled to testify on 608
the same subject. 609

(e) The court in camera determines that the information 610
communicated by the client is not germane to the counselor- 611
client, marriage and family therapist-client, or social worker- 612
client relationship. 613

(f) A court, in an action brought against a school, its 614
administration, or any of its personnel by the client, rules 615
after an in-camera inspection that the testimony of the school 616
guidance counselor is relevant to that action. 617

(g) The testimony is sought in a civil action and concerns 618
court-ordered treatment or services received by a patient as 619
part of a case plan journalized under section 2151.412 of the 620
Revised Code or the court-ordered treatment or services are 621
necessary or relevant to dependency, neglect, or abuse or 622
temporary or permanent custody proceedings under Chapter 2151. 623
of the Revised Code. 624

(2) Nothing in division (G) (1) of this section shall 625
relieve a school guidance counselor or a person licensed or 626
registered under Chapter 4757. of the Revised Code from the 627
requirement to report information concerning child abuse or 628
neglect under section 2151.421 of the Revised Code. 629

(H) A mediator acting under a mediation order issued under 630
division (A) of section ~~3109.052~~3109.0470 of the Revised Code 631
or otherwise issued in any proceeding for divorce, dissolution, 632
legal separation, annulment, or the allocation of parental 633
rights and responsibilities for the care of children, in any 634
action or proceeding, other than a criminal, delinquency, child 635
abuse, child neglect, or dependent child action or proceeding, 636

that is brought by or against either parent who takes part in 637
mediation in accordance with the order and that pertains to the 638
mediation process, to any information discussed or presented in 639
the mediation process, to the allocation of parental rights and 640
responsibilities for the care of the parents' children, or to 641
the awarding of parenting time rights in relation to their 642
children; 643

(I) A communications assistant, acting within the scope of 644
the communication assistant's authority, when providing 645
telecommunications relay service pursuant to section 4931.06 of 646
the Revised Code or Title II of the "Communications Act of 647
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 648
communication made through a telecommunications relay service. 649
Nothing in this section shall limit the obligation of a 650
communications assistant to divulge information or testify when 651
mandated by federal law or regulation or pursuant to subpoena in 652
a criminal proceeding. 653

Nothing in this section shall limit any immunity or 654
privilege granted under federal law or regulation. 655

(J) (1) A chiropractor in a civil proceeding concerning a 656
communication made to the chiropractor by a patient in that 657
relation or the chiropractor's advice to a patient, except as 658
otherwise provided in this division. The testimonial privilege 659
established under this division does not apply, and a 660
chiropractor may testify or may be compelled to testify, in any 661
civil action, in accordance with the discovery provisions of the 662
Rules of Civil Procedure in connection with a civil action, or 663
in connection with a claim under Chapter 4123. of the Revised 664
Code, under any of the following circumstances: 665

(a) If the patient or the guardian or other legal 666

representative of the patient gives express consent. 667

(b) If the patient is deceased, the spouse of the patient 668
or the executor or administrator of the patient's estate gives 669
express consent. 670

(c) If a medical claim, dental claim, chiropractic claim, 671
or optometric claim, as defined in section 2305.113 of the 672
Revised Code, an action for wrongful death, any other type of 673
civil action, or a claim under Chapter 4123. of the Revised Code 674
is filed by the patient, the personal representative of the 675
estate of the patient if deceased, or the patient's guardian or 676
other legal representative. 677

(2) If the testimonial privilege described in division (J) 678
(1) of this section does not apply as provided in division (J) 679
(1)(c) of this section, a chiropractor may be compelled to 680
testify or to submit to discovery under the Rules of Civil 681
Procedure only as to a communication made to the chiropractor by 682
the patient in question in that relation, or the chiropractor's 683
advice to the patient in question, that related causally or 684
historically to physical or mental injuries that are relevant to 685
issues in the medical claim, dental claim, chiropractic claim, 686
or optometric claim, action for wrongful death, other civil 687
action, or claim under Chapter 4123. of the Revised Code. 688

(3) The testimonial privilege established under this 689
division does not apply, and a chiropractor may testify or be 690
compelled to testify, in any criminal action or administrative 691
proceeding. 692

(4) As used in this division, "communication" means 693
acquiring, recording, or transmitting any information, in any 694
manner, concerning any facts, opinions, or statements necessary 695

to enable a chiropractor to diagnose, treat, or act for a 696
patient. A communication may include, but is not limited to, any 697
chiropractic, office, or hospital communication such as a 698
record, chart, letter, memorandum, laboratory test and results, 699
x-ray, photograph, financial statement, diagnosis, or prognosis. 700

(K) (1) Except as provided under division (K) (2) of this 701
section, a critical incident stress management team member 702
concerning a communication received from an individual who 703
receives crisis response services from the team member, or the 704
team member's advice to the individual, during a debriefing 705
session. 706

(2) The testimonial privilege established under division 707
(K) (1) of this section does not apply if any of the following 708
are true: 709

(a) The communication or advice indicates clear and 710
present danger to the individual who receives crisis response 711
services or to other persons. For purposes of this division, 712
cases in which there are indications of present or past child 713
abuse or neglect of the individual constitute a clear and 714
present danger. 715

(b) The individual who received crisis response services 716
gives express consent to the testimony. 717

(c) If the individual who received crisis response 718
services is deceased, the surviving spouse or the executor or 719
administrator of the estate of the deceased individual gives 720
express consent. 721

(d) The individual who received crisis response services 722
voluntarily testifies, in which case the team member may be 723
compelled to testify on the same subject. 724

(e) The court in camera determines that the information 725
communicated by the individual who received crisis response 726
services is not germane to the relationship between the 727
individual and the team member. 728

(f) The communication or advice pertains or is related to 729
any criminal act. 730

(3) As used in division (K) of this section: 731

(a) "Crisis response services" means consultation, risk 732
assessment, referral, and on-site crisis intervention services 733
provided by a critical incident stress management team to 734
individuals affected by crisis or disaster. 735

(b) "Critical incident stress management team member" or 736
"team member" means an individual specially trained to provide 737
crisis response services as a member of an organized community 738
or local crisis response team that holds membership in the Ohio 739
critical incident stress management network. 740

(c) "Debriefing session" means a session at which crisis 741
response services are rendered by a critical incident stress 742
management team member during or after a crisis or disaster. 743

(L) (1) Subject to division (L) (2) of this section and 744
except as provided in division (L) (3) of this section, an 745
employee assistance professional, concerning a communication 746
made to the employee assistance professional by a client in the 747
employee assistance professional's official capacity as an 748
employee assistance professional. 749

(2) Division (L) (1) of this section applies to an employee 750
assistance professional who meets either or both of the 751
following requirements: 752

(a) Is certified by the employee assistance certification commission to engage in the employee assistance profession;	753 754
(b) Has education, training, and experience in all of the following:	755 756
(i) Providing workplace-based services designed to address employer and employee productivity issues;	757 758
(ii) Providing assistance to employees and employees' dependents in identifying and finding the means to resolve personal problems that affect the employees or the employees' performance;	759 760 761 762
(iii) Identifying and resolving productivity problems associated with an employee's concerns about any of the following matters: health, marriage, family, finances, substance abuse or other addiction, workplace, law, and emotional issues;	763 764 765 766
(iv) Selecting and evaluating available community resources;	767 768
(v) Making appropriate referrals;	769
(vi) Local and national employee assistance agreements;	770
(vii) Client confidentiality.	771
(3) Division (L)(1) of this section does not apply to any of the following:	772 773
(a) A criminal action or proceeding involving an offense under sections 2903.01 to 2903.06 of the Revised Code if the employee assistance professional's disclosure or testimony relates directly to the facts or immediate circumstances of the offense;	774 775 776 777 778
(b) A communication made by a client to an employee	779

assistance professional that reveals the contemplation or	780
commission of a crime or serious, harmful act;	781
(c) A communication that is made by a client who is an	782
unemancipated minor or an adult adjudicated to be incompetent	783
and indicates that the client was the victim of a crime or	784
abuse;	785
(d) A civil proceeding to determine an individual's mental	786
competency or a criminal action in which a plea of not guilty by	787
reason of insanity is entered;	788
(e) A civil or criminal malpractice action brought against	789
the employee assistance professional;	790
(f) When the employee assistance professional has the	791
express consent of the client or, if the client is deceased or	792
disabled, the client's legal representative;	793
(g) When the testimonial privilege otherwise provided by	794
division (L)(1) of this section is abrogated under law.	795
Sec. 2705.031. (A) As used in this section, "Title IV-D	796
case" has the same meaning as in section 3125.01 of the Revised	797
Code.	798
(B)(1) Any party who has a legal claim to any support	799
ordered for a child, spouse, or former spouse may initiate a	800
contempt action for failure to pay the support. In Title IV-D	801
cases, the contempt action for failure to pay support also may	802
be initiated by an attorney retained by the party who has the	803
legal claim, the prosecuting attorney, or an attorney of the	804
department of job and family services or the child support	805
enforcement agency.	806
(2) Any parent who is granted parenting time rights under	807

a parenting time order ~~or decree~~ issued pursuant to section 808
~~3109.051~~ 3109.0451 or 3109.12 of the Revised Code, any person 809
who is granted visitation rights under a visitation order or 810
decree issued pursuant to section ~~3109.051~~ 3109.0452, 3109.11, or 811
3109.12 of the Revised Code or pursuant to any other provision 812
of the Revised Code, or any other person who is subject to any 813
parenting time or visitation order or decree, may initiate a 814
contempt action for a failure to comply with, or an interference 815
with, the order or decree. 816

(C) In any contempt action initiated pursuant to division 817
(B) of this section, the accused shall appear upon the summons 818
and order to appear that is issued by the court. The summons 819
shall include all of the following: 820

(1) Notice that failure to appear may result in the 821
issuance of an order of arrest, and in cases involving alleged 822
failure to pay support, the issuance of an order for the payment 823
of support by withholding an amount from the personal earnings 824
of the accused or by withholding or deducting an amount from 825
some other asset of the accused; 826

(2) Notice that the accused has a right to counsel, and 827
that if indigent, the accused must apply for a public defender 828
or court appointed counsel within three business days after 829
receipt of the summons; 830

(3) Notice that the court may refuse to grant a 831
continuance at the time of the hearing for the purpose of the 832
accused obtaining counsel, if the accused fails to make a good 833
faith effort to retain counsel or to obtain a public defender; 834

(4) Notice of the potential penalties that could be 835
imposed upon the accused, if the accused is found guilty of 836

contempt for failure to pay support or for a failure to comply 837
with, or an interference with, a parenting time or visitation 838
order or decree; 839

(5) Notice that the court may grant limited driving 840
privileges under section 4510.021 of the Revised Code pursuant 841
to a request made by the accused, if the driver's license was 842
suspended based on a notice issued pursuant to section 3123.54 843
of the Revised Code by the child support enforcement agency and 844
if the request is accompanied by a recent noncertified copy of a 845
driver's abstract from the registrar of motor vehicles. 846

(D) If the accused is served as required by the Rules of 847
Civil Procedure or by any special statutory proceedings that are 848
relevant to the case, the court may order the attachment of the 849
person of the accused upon failure to appear as ordered by the 850
court. 851

(E) The imposition of any penalty for contempt under 852
section 2705.05 of the Revised Code shall not eliminate any 853
obligation of the accused to pay any past, present, or future 854
support obligation or any obligation of the accused to comply 855
with or refrain from interfering with the parenting time or 856
visitation order or decree. The court shall have jurisdiction to 857
make a finding of contempt for the failure to pay support and to 858
impose the penalties set forth in section 2705.05 of the Revised 859
Code in all cases in which past due support is at issue even if 860
the duty to pay support has terminated, and shall have 861
jurisdiction to make a finding of contempt for a failure to 862
comply with, or an interference with, a parenting time or 863
visitation order or decree and to impose the penalties set forth 864
in section 2705.05 of the Revised Code in all cases in which the 865
failure or interference is at issue even if the parenting time 866

or visitation order or decree no longer is in effect. 867

Sec. 2710.05. (A) There is no privilege under section 868
2710.03 of the Revised Code for a mediation communication to 869
which any of the following applies: 870

(1) The mediation communication is contained in a written 871
agreement evidenced by a record signed by all parties to the 872
agreement. 873

(2) The mediation communication is available to the public 874
under section 149.43 of the Revised Code or made during a 875
session of a mediation that is open, or is required by law to be 876
open, to the public; 877

(3) The mediation communication is an imminent threat or 878
statement of a plan to inflict bodily injury or commit a crime 879
of violence. 880

(4) The mediation communication is intentionally used to 881
plan, attempt to commit, or commit a crime or to conceal an 882
ongoing crime or ongoing criminal activity. 883

(5) The mediation communication is sought or offered to 884
prove or disprove a claim or complaint of professional 885
misconduct or malpractice filed against a mediator. 886

(6) Except as otherwise provided in division (C) of this 887
section, the mediation communication is sought or offered to 888
prove or disprove a claim or complaint of professional 889
misconduct or malpractice filed against a mediation party, 890
nonparty participant, or representative of a party based on 891
conduct occurring during a mediation. 892

(7) Except as provided in sections 2317.02 and ~~3109.052~~ 893
3109.0470 of the Revised Code, the mediation communication is 894

sought or offered to prove or disprove abuse, neglect, 895
abandonment, or exploitation in a proceeding in which a child or 896
adult protective services agency is a party, unless the case is 897
referred by a court to mediation and a public agency 898
participates. 899

(8) The mediation communication is required to be 900
disclosed pursuant to section 2921.22 of the Revised Code. 901

(9) The mediation communication is sought in connection 902
with or offered in any criminal proceeding involving a felony, a 903
delinquent child proceeding based on what would be a felony if 904
committed by an adult, or a proceeding initiated by the state or 905
a child protection agency in which it is alleged that a child is 906
an abused, neglected, or dependent child. 907

(B) There is no privilege under section 2710.03 of the 908
Revised Code if a court, administrative agency, or arbitrator 909
finds, after a hearing in camera, that the party seeking 910
discovery or the proponent of the evidence has shown that the 911
evidence is not otherwise available, that the disclosure is 912
necessary in the particular case to prevent a manifest 913
injustice, and that the mediation communication is sought or 914
offered in either of the following: 915

(1) A court proceeding involving a misdemeanor; 916

(2) Except as otherwise provided in division (C) of this 917
section, a proceeding to prove a claim to rescind or reform or a 918
defense to avoid liability on a contract arising out of the 919
mediation. 920

(C) A mediator may not be compelled to provide evidence of 921
a mediation communication referred to in division (A) (6) or (B) 922
(2) of this section. 923

(D) If a mediation communication is not privileged under 924
division (A) or (B) of this section, only the portion of the 925
communication necessary for the application of the exception 926
from nondisclosure may be admitted. Admission of evidence under 927
division (A) or (B) of this section does not render the 928
evidence, or any other mediation communication, discoverable or 929
admissible for any other purpose. 930

Sec. 2710.06. (A) Except as provided in division (B) of 931
this section and section ~~3109.052~~3109.0470 of the Revised Code, 932
a mediator shall not make a report, assessment, evaluation, 933
recommendation, finding, or other communication regarding a 934
mediation to a court, department, agency, or officer of this 935
state or its political subdivisions that may make a ruling on 936
the dispute that is the subject of the mediation. 937

(B) A mediator may disclose any of the following: 938

(1) Whether the mediation occurred or has terminated, 939
whether a settlement was reached, and attendance; 940

(2) A mediation communication as permitted by section 941
2710.05 of the Revised Code; 942

(3) A mediation communication evidencing abuse, neglect, 943
abandonment, or exploitation of an individual to a public agency 944
responsible for protecting individuals against abuse, neglect, 945
abandonment, or exploitation. 946

(C) A communication made in violation of division (A) of 947
this section shall not be considered by a court, administrative 948
agency, or arbitrator. 949

Sec. 3105.21. (A) Upon satisfactory proof of the causes in 950
the complaint for divorce, annulment, or legal separation, the 951
court of common pleas shall make an order for the disposition, 952

care, and maintenance of the children of the marriage, as is in 953
their best interests, and in accordance with ~~section~~sections 954
3109.04 to 3109.0445, 3109.0475, and 3109.0476 of the Revised 955
Code. 956

(B) Upon the failure of proof of the causes in the 957
complaint, the court may make the order for the disposition, 958
care, and maintenance of any dependent child of the marriage as 959
is in the child's best interest, and in accordance with ~~section~~sections 960
3109.04 to 3109.0445, 3109.0475, and 3109.0476 of the 961
Revised Code. 962

(C) Any court of common pleas that makes or modifies an 963
order for child support under this section shall comply with 964
Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If 965
any person required to pay child support under an order made 966
under this section on or after April 15, 1985, or modified on or 967
after December 1, 1986, is found in contempt of court for 968
failure to make support payments under the order, the court that 969
makes the finding, in addition to any other penalty or remedy 970
imposed, shall assess all court costs arising out of the 971
contempt proceeding against the person and require the person to 972
pay any reasonable attorney's fees of any adverse party, as 973
determined by the court, that arose in relation to the act of 974
contempt. 975

Sec. 3105.63. (A) (1) A petition for dissolution of 976
marriage shall be signed by both spouses and shall have attached 977
and incorporated a separation agreement agreed to by both 978
spouses. The separation agreement shall provide for a division 979
of all property; spousal support; if there are minor children of 980
the marriage, the allocation of parental rights and 981
responsibilities for the care of the minor children, the 982

designation of a residential parent and legal custodian of the 983
minor children, child support, and parenting time rights; and, 984
if the spouses so desire, an authorization for the court to 985
modify the amount or terms of spousal support, or the division 986
of property, provided in the separation agreement. If there are 987
minor children of the marriage, the spouses may address the 988
allocation of the parental rights and responsibilities for the 989
care of the minor children by including in the separation 990
agreement a plan under which both parents will have shared 991
rights and responsibilities for the care of the minor children. 992
The spouses shall file the plan with the petition for 993
dissolution of marriage and shall include in the plan the 994
provisions described in ~~division (C) of section 3109.04~~ 3109.047 995
of the Revised Code. 996

(2) The division of property in the separation agreement 997
shall include any participant account, as defined in section 998
148.01 of the Revised Code, of either of the spouses, to the 999
extent of the following: 1000

(a) The moneys that have been deferred by a continuing 1001
member or participating employee, as defined in that section, 1002
and that have been transmitted to the Ohio public employees 1003
deferred compensation board during the marriage and any income 1004
that is derived from the investment of those moneys during the 1005
marriage; 1006

(b) The moneys that have been deferred by an officer or 1007
employee of a municipal corporation and that have been 1008
transmitted to the governing board, administrator, depository, 1009
or trustee of the deferred compensation program of the municipal 1010
corporation during the marriage and any income that is derived 1011
from the investment of those moneys during the marriage; 1012

(c) The moneys that have been deferred by an officer or 1013
employee of a government unit, as defined in section 148.06 of 1014
the Revised Code, and that have been transmitted to the 1015
governing board, as defined in that section, during the marriage 1016
and any income that is derived from the investment of those 1017
moneys during the marriage. 1018

(3) The separation agreement shall not require or permit 1019
the division or disbursement of the moneys and income described 1020
in division (A) (2) of this section to occur in a manner that is 1021
inconsistent with the law, rules, or plan governing the deferred 1022
compensation program involved or prior to the time that the 1023
spouse in whose name the participant account is maintained 1024
commences receipt of the moneys and income credited to the 1025
account in accordance with that law, rules, and plan. 1026

(B) An amended separation agreement may be filed at any 1027
time prior to or during the hearing on the petition for 1028
dissolution of marriage. Upon receipt of a petition for 1029
dissolution of marriage, the court may cause an investigation to 1030
be made pursuant to the Rules of Civil Procedure. 1031

(C) (1) If a petition for dissolution of marriage contains 1032
an authorization for the court to modify the amount or terms of 1033
spousal support provided in the separation agreement, the 1034
modification shall be in accordance with section 3105.18 of the 1035
Revised Code. 1036

(2) If a petition for dissolution of marriage contains an 1037
authorization for the court to modify the division of property 1038
provided in the separation agreement, the modification shall be 1039
made with the express written consent or agreement of both 1040
spouses. 1041

Sec. 3105.65. (A) If, at the time of the hearing, either 1042
spouse is not satisfied with the separation agreement or does 1043
not wish a dissolution of the marriage and if neither spouse 1044
files a motion pursuant to division (C) of this section to 1045
convert the action to an action for divorce, the court shall 1046
dismiss the petition and refuse to validate the proposed 1047
separation agreement. 1048

(B) If, upon review of the testimony of both spouses and 1049
of the report of the investigator pursuant to the Rules of Civil 1050
Procedure, the court approves the separation agreement and any 1051
amendments to it agreed upon by the parties, it shall grant a 1052
decree of dissolution of marriage that incorporates the 1053
separation agreement. If the separation agreement contains a 1054
plan for the exercise of shared parenting by the spouses, the 1055
court shall review the plan in accordance with the provisions of 1056
~~division (D) (1) of section 3109.04~~ sections 3109.0410 to 1057
3109.0413 of the Revised Code that govern the review of a 1058
pleading or motion requesting shared parenting jointly submitted 1059
by both spouses to a marriage. A decree of dissolution of 1060
marriage has the same effect upon the property rights of the 1061
parties, including rights of dower and inheritance, as a decree 1062
of divorce. The court has full power to enforce its decree and 1063
retains jurisdiction to modify all matters pertaining to the 1064
allocation of parental rights and responsibilities for the care 1065
of the children, to the designation of a residential parent and 1066
legal custodian of the children, to child support, to parenting 1067
time of parents with the children, and to visitation for persons 1068
who are not the children's parents. The court, only in 1069
accordance with division (E) (2) of section 3105.18 of the 1070
Revised Code, may modify the amount or terms of spousal support. 1071
The court may modify the division of property provided in the 1072

separation agreement only upon the express written consent or 1073
agreement of both spouses. 1074

(C) At any time before a decree of dissolution of marriage 1075
has been granted under division (B) of this section, either 1076
spouse may convert the action for dissolution of marriage into a 1077
divorce action by filing a motion with the court in which the 1078
action for dissolution of marriage is pending for conversion of 1079
the action for dissolution of marriage. The motion shall contain 1080
a complaint for divorce that contains grounds for a divorce and 1081
that otherwise complies with the Rules of Civil Procedure and 1082
this chapter. The divorce action then shall proceed in 1083
accordance with the Rules of Civil Procedure in the same manner 1084
as if the motion had been the original complaint in the action, 1085
including, but not limited to, the issuance and service of 1086
summons pursuant to Civil Rules 4 to 4.6, except that no court 1087
fees shall be charged upon conversion of the action for 1088
dissolution of marriage into a divorce action under this 1089
division. 1090

~~Sec. 3109.04. (A) In any divorce, legal separation, or 1091
annulment proceeding and in any proceeding pertaining to the 1092
allocation of parental rights and responsibilities for the care 1093
of a child, upon hearing the testimony of either or both parents 1094
and considering any mediation report filed pursuant to section 1095
3109.052 of the Revised Code and in accordance with sections 1096
3127.01 to 3127.53 of the Revised Code, the court shall allocate 1097
the parental rights and responsibilities for the care of the 1098
minor children of the marriage. Subject to division (D) (2) of 1099
this section, the court may allocate the parental rights and 1100
responsibilities for the care of the children in either of the 1101
following ways: 1102~~

~~(1) If neither parent files a pleading or motion in accordance with division (G) of this section, if at least one parent files a pleading or motion under that division but no parent who filed a pleading or motion under that division also files a plan for shared parenting, or if at least one parent files both a pleading or motion and a shared parenting plan under that division but no plan for shared parenting is in the best interest of the children, the court, in a manner consistent with the best interest of the children, shall allocate the parental rights and responsibilities for the care of the children primarily to one of the parents, designate that parent as the residential parent and the legal custodian of the child, and divide between the parents the other rights and responsibilities for the care of the children, including, but not limited to, the responsibility to provide support for the children and the right of the parent who is not the residential parent to have continuing contact with the children.~~

~~(2) If at least one parent files a pleading or motion in accordance with division (G) of this section and a plan for shared parenting pursuant to that division and if a plan for shared parenting is in the best interest of the children and is approved by the court in accordance with division (D) (1) of this section, the court may allocate the parental rights and responsibilities for the care of the children to both parents and issue a shared parenting order requiring the parents to share all or some of the aspects of the physical and legal care of the children in accordance with the approved plan for shared parenting. If the court issues a shared parenting order under this division and it is necessary for the purpose of receiving public assistance, the court shall designate which one of the parents' residences is to serve as the child's home. The child~~

~~support obligations of the parents under a shared parenting order issued under this division shall be determined in accordance with Chapters 3119., 3121., 3123., and 3125. of the Revised Code.~~ 1134
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~~(B)(1) When making the allocation of the parental rights and responsibilities for the care of the children under this section in an original proceeding or in any proceeding for modification of a prior order of the court making the allocation, the court shall take into account that which would be in the best interest of the children. 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 and for purposes of resolving any issues related to the making of that allocation, the court, in its discretion, may and, upon the request of either party, shall interview in chambers any or all of the involved children regarding their wishes and concerns with respect to the allocation.~~ 1138
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~~(2) If the court interviews any child pursuant to division (B)(1) of this section, all of the following apply:~~ 1151
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~~(a) The court, in its discretion, may and, upon the motion of either parent, shall appoint a guardian ad litem for the child.~~ 1153
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~~(b) The court first shall determine the reasoning ability of the child. If the court determines that the child does not have sufficient reasoning ability to express the child's wishes and concern with respect to the allocation of parental rights and responsibilities for the care of the child, it shall not determine the child's wishes and concerns with respect to the allocation. If the court determines that the child has sufficient reasoning ability to express the child's wishes or~~ 1156
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~~concerns with respect to the allocation, it then shall determine— 1164
whether, because of special circumstances, it would not be in— 1165
the best interest of the child to determine the child's wishes— 1166
and concerns with respect to the allocation. If the court— 1167
determines that, because of special circumstances, it would not— 1168
be in the best interest of the child to determine the child's— 1169
wishes and concerns with respect to the allocation, it shall not— 1170
determine the child's wishes and concerns with respect to the— 1171
allocation and shall enter its written findings of fact and— 1172
opinion in the journal. If the court determines that it would be— 1173
in the best interests of the child to determine the child's— 1174
wishes and concerns with respect to the allocation, it shall— 1175
proceed to make that determination. 1176~~

~~(e) The interview shall be conducted in chambers, and no— 1177
person other than the child, the child's attorney, the judge,— 1178
any necessary court personnel, and, in the judge's discretion,— 1179
the attorney of each parent shall be permitted to be present in— 1180
the chambers during the interview. 1181~~

~~(3) No person shall obtain or attempt to obtain from a— 1182
child a written or recorded statement or affidavit setting forth— 1183
the child's wishes and concerns regarding the allocation of— 1184
parental rights and responsibilities concerning the child. No— 1185
court, in determining the child's best interest for purposes of— 1186
making its allocation of the parental rights and— 1187
responsibilities for the care of the child or for purposes of— 1188
resolving any issues related to the making of that allocation,— 1189
shall accept or consider a written or recorded statement or— 1190
affidavit that purports to set forth the child's wishes and— 1191
concerns regarding those matters. 1192~~

~~(C) Prior to trial, the court may cause an investigation— 1193~~

~~to be made as to the character, family relations, past conduct, 1194
earning ability, and financial worth of each parent and may 1195
order the parents and their minor children to submit to medical, 1196
psychological, and psychiatric examinations. The report of the 1197
investigation and examinations shall be made available to either 1198
parent or the parent's counsel of record not less than five days 1199
before trial, upon written request. The report shall be signed 1200
by the investigator, and the investigator shall be subject to 1201
cross-examination by either parent concerning the contents of 1202
the report. The court may tax as costs all or any part of the 1203
expenses for each investigation. 1204~~

~~If the court determines that either parent previously has 1205
been convicted of or pleaded guilty to any criminal offense 1206
involving any act that resulted in a child being a neglected 1207
child, that either parent previously has been determined to be 1208
the perpetrator of the neglectful act that is the basis of an 1209
adjudication that a child is a neglected child, or that there is 1210
reason to believe that either parent has acted in a manner 1211
resulting in a child being a neglected child, the court shall 1212
consider that fact against naming that parent the residential 1213
parent and against granting a shared parenting decree. When the 1214
court allocates parental rights and responsibilities for the 1215
care of children or determines whether to grant shared parenting 1216
in any proceeding, it shall consider whether either parent or 1217
any member of the household of either parent has been convicted 1218
of or pleaded guilty to a violation of section 2919.25 of the 1219
Revised Code or a sexually oriented offense involving a victim 1220
who at the time of the commission of the offense was a member of 1221
the family or household that is the subject of the proceeding, 1222
has been convicted of or pleaded guilty to any sexually oriented 1223
offense or other offense involving a victim who at the time of 1224~~

~~the commission of the offense was a member of the family or~~ 1225
~~household that is the subject of the proceeding and caused~~ 1226
~~physical harm to the victim in the commission of the offense, or~~ 1227
~~has been determined to be the perpetrator of the abusive act~~ 1228
~~that is the basis of an adjudication that a child is an abused~~ 1229
~~child. If the court determines that either parent has been~~ 1230
~~convicted of or pleaded guilty to a violation of section 2919.25~~ 1231
~~of the Revised Code or a sexually oriented offense involving a~~ 1232
~~victim who at the time of the commission of the offense was a~~ 1233
~~member of the family or household that is the subject of the~~ 1234
~~proceeding, has been convicted of or pleaded guilty to any~~ 1235
~~sexually oriented offense or other offense involving a victim~~ 1236
~~who at the time of the commission of the offense was a member of~~ 1237
~~the family or household that is the subject of the proceeding~~ 1238
~~and caused physical harm to the victim in the commission of the~~ 1239
~~offense, or has been determined to be the perpetrator of the~~ 1240
~~abusive act that is the basis of an adjudication that a child is~~ 1241
~~an abused child, it may designate that parent as the residential~~ 1242
~~parent and may issue a shared parenting decree or order only if~~ 1243
~~it determines that it is in the best interest of the child to~~ 1244
~~name that parent the residential parent or to issue a shared~~ 1245
~~parenting decree or order and it makes specific written findings~~ 1246
~~of fact to support its determination.~~ 1247

~~(D) (1) (a) Upon the filing of a pleading or motion by~~ 1248
~~either parent or both parents, in accordance with division (G)~~ 1249
~~of this section, requesting shared parenting and the filing of a~~ 1250
~~shared parenting plan in accordance with that division, the~~ 1251
~~court shall comply with division (D) (1) (a) (i), (ii), or (iii) of~~ 1252
~~this section, whichever is applicable:~~ 1253

~~(i) If both parents jointly make the request in their~~ 1254
~~pleadings or jointly file the motion and also jointly file the~~ 1255

~~plan, the court shall review the parents' plan to determine if~~ 1256
~~it is in the best interest of the children. If the court~~ 1257
~~determines that the plan is in the best interest of the~~ 1258
~~children, the court shall approve it. If the court determines~~ 1259
~~that the plan or any part of the plan is not in the best~~ 1260
~~interest of the children, the court shall require the parents to~~ 1261
~~make appropriate changes to the plan to meet the court's~~ 1262
~~objections to it. If changes to the plan are made to meet the~~ 1263
~~court's objections, and if the new plan is in the best interest~~ 1264
~~of the children, the court shall approve the plan. If changes to~~ 1265
~~the plan are not made to meet the court's objections, or if the~~ 1266
~~parents attempt to make changes to the plan to meet the court's~~ 1267
~~objections, but the court determines that the new plan or any~~ 1268
~~part of the new plan still is not in the best interest of the~~ 1269
~~children, the court may reject the portion of the parents'~~ 1270
~~pleadings or deny their motion requesting shared parenting of~~ 1271
~~the children and proceed as if the request in the pleadings or~~ 1272
~~the motion had not been made. The court shall not approve a plan~~ 1273
~~under this division unless it determines that the plan is in the~~ 1274
~~best interest of the children.~~ 1275

~~(ii) If each parent makes a request in the parent's~~ 1276
~~pleadings or files a motion and each also files a separate plan,~~ 1277
~~the court shall review each plan filed to determine if either is~~ 1278
~~in the best interest of the children. If the court determines~~ 1279
~~that one of the filed plans is in the best interest of the~~ 1280
~~children, the court may approve the plan. If the court~~ 1281
~~determines that neither filed plan is in the best interest of~~ 1282
~~the children, the court may order each parent to submit~~ 1283
~~appropriate changes to the parent's plan or both of the filed~~ 1284
~~plans to meet the court's objections, or may select one of the~~ 1285
~~filed plans and order each parent to submit appropriate changes~~ 1286

~~to the selected plan to meet the court's objections. If changes-~~ 1287
~~to the plan or plans are submitted to meet the court's-~~ 1288
~~objections, and if any of the filed plans with the changes is in-~~ 1289
~~the best interest of the children, the court may approve the-~~ 1290
~~plan with the changes. If changes to the plan or plans are not-~~ 1291
~~submitted to meet the court's objections, or if the parents-~~ 1292
~~submit changes to the plan or plans to meet the court's-~~ 1293
~~objections but the court determines that none of the filed plans-~~ 1294
~~with the submitted changes is in the best interest of the-~~ 1295
~~children, the court may reject the portion of the parents'-~~ 1296
~~pleadings or deny their motions requesting shared parenting of-~~ 1297
~~the children and proceed as if the requests in the pleadings or-~~ 1298
~~the motions had not been made. If the court approves a plan-~~ 1299
~~under this division, either as originally filed or with-~~ 1300
~~submitted changes, or if the court rejects the portion of the-~~ 1301
~~parents' pleadings or denies their motions requesting shared-~~ 1302
~~parenting under this division and proceeds as if the requests in-~~ 1303
~~the pleadings or the motions had not been made, the court shall-~~ 1304
~~enter in the record of the case findings of fact and conclusions-~~ 1305
~~of law as to the reasons for the approval or the rejection or-~~ 1306
~~denial. Division (D) (1) (b) of this section applies in relation-~~ 1307
~~to the approval or disapproval of a plan under this division.~~ 1308

~~(iii) If each parent makes a request in the parent's-~~ 1309
~~pleadings or files a motion but only one parent files a plan, or-~~ 1310
~~if only one parent makes a request in the parent's pleadings or-~~ 1311
~~files a motion and also files a plan, the court in the best-~~ 1312
~~interest of the children may order the other parent to file a-~~ 1313
~~plan for shared parenting in accordance with division (C) of-~~ 1314
~~this section. The court shall review each plan filed to-~~ 1315
~~determine if any plan is in the best interest of the children.~~ 1316
~~If the court determines that one of the filed plans is in the-~~ 1317

~~best interest of the children, the court may approve the plan. 1318~~
~~If the court determines that no filed plan is in the best 1319~~
~~interest of the children, the court may order each parent to 1320~~
~~submit appropriate changes to the parent's plan or both of the 1321~~
~~filed plans to meet the court's objections or may select one 1322~~
~~filed plan and order each parent to submit appropriate changes 1323~~
~~to the selected plan to meet the court's objections. If changes 1324~~
~~to the plan or plans are submitted to meet the court's 1325~~
~~objections, and if any of the filed plans with the changes is in 1326~~
~~the best interest of the children, the court may approve the 1327~~
~~plan with the changes. If changes to the plan or plans are not 1328~~
~~submitted to meet the court's objections, or if the parents 1329~~
~~submit changes to the plan or plans to meet the court's 1330~~
~~objections but the court determines that none of the filed plans 1331~~
~~with the submitted changes is in the best interest of the 1332~~
~~children, the court may reject the portion of the parents' 1333~~
~~pleadings or deny the parents' motion or reject the portion of 1334~~
~~the parents' pleadings or deny their motions requesting shared 1335~~
~~parenting of the children and proceed as if the request or 1336~~
~~requests or the motion or motions had not been made. If the 1337~~
~~court approves a plan under this division, either as originally 1338~~
~~filed or with submitted changes, or if the court rejects the 1339~~
~~portion of the pleadings or denies the motion or motions 1340~~
~~requesting shared parenting under this division and proceeds as 1341~~
~~if the request or requests or the motion or motions had not been 1342~~
~~made, the court shall enter in the record of the case findings 1343~~
~~of fact and conclusions of law as to the reasons for the 1344~~
~~approval or the rejection or denial. Division (D) (1) (b) of this 1345~~
~~section applies in relation to the approval or disapproval of a 1346~~
~~plan under this division. 1347~~

~~(b) The approval of a plan under division (D) (1) (a) (ii) or 1348~~

~~(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.~~ 1349
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~~(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.~~ 1357
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~~(d) If a court approves a shared parenting plan under division (D) (1) (a) (i), (ii), or (iii) of this section, 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 and responsibilities for the care of the children arose.~~ 1363
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~~No provisional shared parenting decree shall be issued in relation to any shared parenting plan approved under division (D) (1) (a) (i), (ii), or (iii) of this section. 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.~~ 1373
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~~(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, the child's 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.~~ 1409
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~~(b) One or both of the parents under a prior decree allocating parental rights and responsibilities for the care of children that is not a shared parenting decree may file a motion requesting that the prior decree be modified to give both parents shared rights and responsibilities for the care of the children. The motion shall include both a request for modification of the prior decree and a request for a shared parenting order that complies with division (G) of this section. Upon the filing of the motion, if the court determines that a modification of the prior decree is authorized under division (E) (1) (a) of this section, the court may modify the prior decree to grant a shared parenting order, provided that the court shall not modify the prior decree to grant a shared parenting order unless the court complies with divisions (A) and (D) (1) of this section and, in accordance with those divisions, approves the submitted shared parenting plan and determines that shared parenting would be in the best interest of the children.~~ 1412
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~~(2) In addition to a modification authorized under division (E) (1) of this section:~~ 1429
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~~(a) Both parents under a shared parenting decree jointly may modify the terms of the plan for shared parenting approved by the court and incorporated by it into the shared parenting decree. Modifications under this division may be made at any time. The modifications to the plan shall be filed jointly by both parents with the court, and the court shall include them in the plan, unless they are not in the best interest of the children. If the modifications are not in the best interests of~~ 1431
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~~the children, the court, in its discretion, may reject the~~ 1439
~~modifications or make modifications to the proposed~~ 1440
~~modifications or the plan that are in the best interest of the~~ 1441
~~children. Modifications jointly submitted by both parents under~~ 1442
~~a shared parenting decree shall be effective, either as~~ 1443
~~originally filed or as modified by the court, upon their~~ 1444
~~inclusion by the court in the plan. Modifications to the plan~~ 1445
~~made by the court shall be effective upon their inclusion by the~~ 1446
~~court in the plan.~~ 1447

~~(b) The court may modify the terms of the plan for shared~~ 1448
~~parenting approved by the court and incorporated by it into the~~ 1449
~~shared parenting decree upon its own motion at any time if the~~ 1450
~~court determines that the modifications are in the best interest~~ 1451
~~of the children or upon the request of one or both of the~~ 1452
~~parents under the decree. Modifications under this division may~~ 1453
~~be made at any time. The court shall not make any modification~~ 1454
~~to the plan under this division, unless the modification is in~~ 1455
~~the best interest of the children.~~ 1456

~~(c) The court may terminate a prior final shared parenting~~ 1457
~~decree that includes a shared parenting plan approved under~~ 1458
~~division (D) (1) (a) (i) of this section upon the request of one or~~ 1459
~~both of the parents or whenever it determines that shared~~ 1460
~~parenting is not in the best interest of the children. The court~~ 1461
~~may terminate a prior final shared parenting decree that~~ 1462
~~includes a shared parenting plan approved under division (D) (1)~~ 1463
~~(a) (ii) or (iii) of this section if it determines, upon its own~~ 1464
~~motion or upon the request of one or both parents, that shared~~ 1465
~~parenting is not in the best interest of the children. If~~ 1466
~~modification of the terms of the plan for shared parenting~~ 1467
~~approved by the court and incorporated by it into the final~~ 1468
~~shared parenting decree is attempted under division (E) (2) (a) of~~ 1469

~~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.~~ 1470
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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 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.~~ 1474
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~~(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:~~ 1482
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~~(a) The wishes of the child's parents regarding the
child's care;~~ 1488
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~~(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;~~ 1490
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~~(c) The child's interaction and interrelationship with the
child's parents, siblings, and any other person who may
significantly affect the child's best interest;~~ 1495
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~~(d) The child's adjustment to the child's home, school,~~ 1498

~~and community;~~ 1499

~~(e) The mental and physical health of all persons involved in the situation;~~ 1500
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~~(f) The parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights;~~ 1502
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~~(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;~~ 1505
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~~(h) Whether either parent or any member of the household of 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 or any member of the household of either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code or a sexually oriented 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; whether either parent or any member of the household of 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~~ 1509
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~~believe that either parent has acted in a manner resulting in a
child being an abused child or a neglected child;~~ 1529
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~~(i) Whether the residential parent or one of the parents
subject to a shared parenting decree has continuously and
willfully denied the other parent's right to parenting time in
accordance with an order of the court;~~ 1531
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~~(j) Whether either parent has established a residence, or
is planning to establish a residence, outside this state.~~ 1535
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~~(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
section 3119.23 of the Revised Code, and all of the following
factors:~~ 1537
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~~(a) The ability of the parents to cooperate and make
decisions jointly, with respect to the children;~~ 1543
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~~(b) The ability of each parent to encourage the sharing of
love, affection, and contact between the child and the other
parent;~~ 1545
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~~(c) Any history of, or potential for, child abuse, spouse
abuse, other domestic violence, or parental kidnapping by either
parent;~~ 1548
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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;~~ 1551
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~~(e) The recommendation of the guardian ad litem of the
child, if the child has a guardian ad litem.~~ 1554
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~~(3) When allocating parental rights and responsibilities~~ 1556

~~for the care of children, the court shall not give preference to a parent because of that parent's financial status or condition.~~ 1557
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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 a 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 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.~~ 1559
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~~(H) If an appeal is taken from a decision of a court that grants or modifies a decree allocating parental rights and~~ 1586
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~~responsibilities for the care of children, the court of appeals— 1588
shall give the case calendar priority and handle it— 1589
expeditiously. 1590~~

~~(I)(1) Upon receipt of an order for active military— 1591
service in the uniformed services, a parent who is subject to an— 1592
order allocating parental rights and responsibilities or in— 1593
relation to whom an action to allocate parental rights and— 1594
responsibilities is pending and who is ordered for active— 1595
military service shall notify the other parent who is subject to— 1596
the order or in relation to whom the case is pending of the— 1597
order for active military service within three days of receiving— 1598
the military service order. 1599~~

~~(2) On receipt of the notice described in division (I)(1)— 1600
of this section, either parent may apply to the court for a— 1601
hearing to expedite an allocation or modification proceeding so— 1602
that the court can issue an order before the parent's active— 1603
military service begins. The application shall include the date— 1604
on which the active military service begins. 1605~~

~~The court shall schedule a hearing upon receipt of the— 1606
application and hold the hearing not later than thirty days— 1607
after receipt of the application, except that the court shall— 1608
give the case calendar priority and handle the case— 1609
expeditiously if exigent circumstances exist in the case. 1610~~

~~The court shall not modify a prior decree allocating— 1611
parental rights and responsibilities unless the court determines— 1612
that there has been a change in circumstances of the child, the— 1613
child's residential parent, or either of the parents subject to— 1614
a shared parenting decree, and that modification is necessary to— 1615
serve the best interest of the child. The court shall not find— 1616
past, present, or possible future active military service in the— 1617~~

~~uniformed services to constitute a change in circumstances— 1618
justifying modification of a prior decree pursuant to division— 1619
(E) of this section. The court shall make specific written— 1620
findings of fact to support any modification under this— 1621
division. 1622~~

~~(3) Nothing in division (I) of this section shall prevent— 1623
a court from issuing a temporary order allocating or modifying— 1624
parental rights and responsibilities for the duration of the— 1625
parent's active military service. A temporary order shall— 1626
specify whether the parent's active military service is the— 1627
basis of the order and shall provide for termination of the— 1628
temporary order and resumption of the prior order within ten— 1629
days after receipt of notice pursuant to division (I) (5) of this— 1630
section, unless the other parent demonstrates that resumption of— 1631
the prior order is not in the child's best interest. 1632~~

~~(4) At the request of a parent who is ordered for active— 1633
military service in the uniformed services and who is a subject— 1634
of a proceeding pertaining to a temporary order for the— 1635
allocation or modification of parental rights and— 1636
responsibilities, the court shall permit the parent to— 1637
participate in the proceeding and present evidence by electronic— 1638
means, including communication by telephone, video, or internet— 1639
to the extent permitted by the rules of the supreme court of— 1640
Ohio. 1641~~

~~(5) A parent who is ordered for active military service in— 1642
the uniformed services and who is a subject of a proceeding— 1643
pertaining to the allocation or modification of parental rights— 1644
and responsibilities shall provide written notice to the court,— 1645
child support enforcement agency, and the other parent of the— 1646
date of termination of the parent's active military service not— 1647~~

~~later than thirty days after the date on which the service ends.~~ 1648

~~(J)~~ (A) As used in this sectionsections 3019.04 to 1649
3109.0436 of the Revised Code: 1650

(1) "Abused child" has the same meaning as in section 1651
2151.031 of the Revised Code. 1652

(2) ~~"Active military service" means service by a member of~~ 1653
~~the uniformed services in compliance with military orders to~~ 1654
~~report for combat operations, contingency operations,~~ 1655
~~peacekeeping operations, a remote tour of duty, or other active~~ 1656
~~service for which the member is required to report unaccompanied~~ 1657
~~by any family member, including any period of illness, recovery~~ 1658
~~from injury, leave, or other lawful absence during that~~ 1659
~~operation, duty, or service.~~ 1660

~~(3)~~ "Decision-making rights and responsibilities" or 1661
"decision-making responsibilities" means the ability to 1662
determine aspects of the child's life, including the right and 1663
duty to protect, train, and discipline the child and decisions 1664
regarding food, living conditions, education, and medical care. 1665

(3) "Neglected child" has the same meaning as in section 1666
2151.03 of the Revised Code. 1667

(4) "Sexually oriented offense" has the same meaning as in 1668
section 2950.01 of the Revised Code. 1669

~~(5) "Uniformed services" means the United States armed~~ 1670
~~forces, the army national guard, and the air national guard or~~ 1671
~~any reserve component thereof, or the commissioned corps of the~~ 1672
~~United States public health service.~~ 1673

~~(K)~~ (B) As used in the Revised Code, "shared: 1674

(1) "Companionship or visitation order" means an order 1675

issued under section 3109.0452 of the Revised Code. 1676

(2) "Parental rights and responsibilities order" means any 1677
of the following: 1678

(a) An order issued or modified under section 3109.0412, 1679
3109.0424, 3109.0425, 3109.0426, 3109.0441, or 3109.0442 of the 1680
Revised Code; 1681

(b) An order allocating parental rights and 1682
responsibilities for the care of a child issued under section 1683
3109.04 of the Revised Code, as it existed prior to the 1684
effective date of this section, that is not a decree or order 1685
for shared parenting. 1686

(3) "Parenting time" means the time that a child is 1687
physically located with, and under the care, responsibility, 1688
tutelage, and protection of a parent. 1689

(4) "Parenting time order" means an order issued under 1690
section 3109.0451 of the Revised Code. 1691

(5) "Shared parenting" means that the parents share, in 1692
the manner set forth in the plan for shared parenting that is 1693
approved by the court under division (D)(1) and described in 1694
division (L)(6) of this section, all or some of the aspects of 1695
physical and legal care of their children, all or some of the 1696
aspects of physical and legal care of their children. 1697

(6) "Shared parenting order" means any of the following: 1698

(a) Any order allocating parental rights and 1699
responsibilities for the care of children as shared parenting 1700
that is issued or modified under section 3109.0413, 3109.0439, 1701
3109.0440, or 3109.0443 of the Revised Code; 1702

(b) An order allocating parental rights and 1703

responsibilities for the care of a child issued under section 1704
3109.04 of the Revised Code, as it existed prior to the 1705
effective date of this section, that is a decree or order for 1706
shared parenting. 1707

~~(I) For purposes of the Revised Code:~~ 1708

~~(1) A parent who is granted the care, custody, and control~~ 1709
~~of a child under an order that was issued pursuant to this~~ 1710
~~section prior to April 11, 1991, and that does not provide for~~ 1711
~~shared parenting has "custody of the child" and "care, custody,~~ 1712
~~and control of the child" under the order, and is the~~ 1713
~~"residential parent," the "residential parent and legal~~ 1714
~~custodian," or the "custodial parent" of the child under the~~ 1715
~~order.~~ 1716

~~(2) A parent who primarily is allocated the parental~~ 1717
~~rights and responsibilities for the care of a child and who is~~ 1718
~~designated as the residential parent and legal custodian of the~~ 1719
~~child under an order that is issued pursuant to this section on~~ 1720
~~or after April 11, 1991, and that does not provide for shared~~ 1721
~~parenting has "custody of the child" and "care, custody, and~~ 1722
~~control of the child" under the order, and is the "residential~~ 1723
~~parent," the "residential parent and legal custodian," or the~~ 1724
~~"custodial parent" of the child under the order.~~ 1725

~~(3) A parent who is not granted custody of a child under~~ 1726
~~an order that was issued pursuant to this section prior to April~~ 1727
~~11, 1991, and that does not provide for shared parenting is the~~ 1728
~~"parent who is not the residential parent," the "parent who is~~ 1729
~~not the residential parent and legal custodian," or the~~ 1730
~~"noncustodial parent" of the child under the order.~~ 1731

~~(4) A parent who is not primarily allocated the parental~~ 1732

~~rights and responsibilities for the care of a child and who is~~ 1733
~~not designated as the residential parent and legal custodian of~~ 1734
~~the child under an order that is issued pursuant to this section~~ 1735
~~on or after April 11, 1991, and that does not provide for shared~~ 1736
~~parenting is the "parent who is not the residential parent," the~~ 1737
~~"parent who is not the residential parent and legal custodian,"~~ 1738
~~or the "noncustodial parent" of the child under the order.~~ 1739

~~(5) Unless the context clearly requires otherwise, if an~~ 1740
~~order is issued by a court pursuant to this section and the~~ 1741
~~order provides for shared parenting of a child, both parents~~ 1742
~~have "custody of the child" or "care, custody, and control of~~ 1743
~~the child" under the order, to the extent and in the manner~~ 1744
~~specified in the order.~~ 1745

~~(6) Unless the context clearly requires otherwise and~~ 1746
~~except as otherwise provided in the order, if an order is issued~~ 1747
~~by a court pursuant to this section and the order provides for~~ 1748
~~shared parenting of a child, each parent, regardless of where~~ 1749
~~the child is physically located or with whom the child is~~ 1750
~~residing at a particular point in time, as specified in the~~ 1751
~~order, is the "residential parent," the "residential parent and~~ 1752
~~legal custodian," or the "custodial parent" of the child.~~ 1753

~~(7) Unless the context clearly requires otherwise and~~ 1754
~~except as otherwise provided in the order, a designation in the~~ 1755
~~order of a parent as the residential parent for the purpose of~~ 1756
~~determining the school the child attends, as the custodial~~ 1757
~~parent for purposes of claiming the child as a dependent~~ 1758
~~pursuant to section 152(e) of the "Internal Revenue Code of~~ 1759
~~1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, or as the~~ 1760
~~residential parent for purposes of receiving public assistance~~ 1761
~~pursuant to division (A)(2) of this section, does not affect the~~ 1762

~~designation pursuant to division (L) (6) of this section of each parent as the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child.~~ 1763
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~~(M) The court shall require each parent of a child to file an affidavit attesting as to whether the parent, and the members of the parent's household, have been convicted of or pleaded guilty to any of the offenses identified in divisions (C) and (F) (1) (h) of this section.~~ 1766
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Sec. 3109.042. (A) An unmarried female who gives birth to a child is the sole residential parent and legal custodian of the child until a court of competent jurisdiction issues an order ~~designating another person as the residential parent and legal custodian~~allocating parental rights and responsibilities regarding the child in accordance with sections 3109.04 to 3109.0445, 3109.0475, 3109.0476, and 3127.01 to 3127.53 of the Revised Code. A court ~~designating the residential parent and legal custodian of a child~~making an allocation as described in this section shall treat the mother and father as standing upon an equality ~~when making the designation.~~ 1771
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(B) Notwithstanding division (A) of this section, an unmarried female who has been convicted of or pleaded guilty to rape or sexual battery and has been declared under section 3109.501 of the Revised Code to be the parent of a child born as a result of rape or sexual battery shall not be a residential parent and legal custodian of that child. 1782
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Sec. 3109.044. It is the policy of this state to assure that minor children have a continuing full parent and child relationship with parents and to assure to the greatest degree possible that parents share equally in parenting time and the rights and responsibilities of rearing their children after the 1788
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parents have legally separated, divorced, or dissolved or 1793
annulled their marriage or in situations in which the mother is 1794
unmarried. 1795

Sec. 3109.045. (A) In any divorce, legal separation, or 1796
annulment proceeding and in any proceeding pertaining to the 1797
allocation of parental rights and responsibilities for the care 1798
of a child, upon hearing the testimony of either or both parents 1799
and considering any mediation report filed pursuant to section 1800
3109.0470 of the Revised Code and in accordance with sections 1801
3127.01 to 3127.53 of the Revised Code, the court shall allocate 1802
the parental rights and responsibilities for the care of the 1803
minor children of the marriage. Subject to section 3109.0435 of 1804
the Revised Code, the court shall allocate parental rights and 1805
responsibilities for the care of the children in accordance with 1806
the policy stated in section 3109.044 of the Revised Code and in 1807
a manner that promotes the best interest of the children. 1808

(B) In allocating parental rights and responsibilities for 1809
the care of the child, the court shall encourage the parents to 1810
jointly submit a shared parenting agreement under section 1811
3109.046 of the Revised Code. 1812

(C) The court may allocate parental rights and 1813
responsibilities in one of the following ways: 1814

(1) In a shared parenting order issued under section 1815
3109.0413 of the Revised Code; 1816

(2) A parental rights and responsibility order under 1817
section 3109.0412, 3109.0424, 3109.0425, or 3109.0426 of the 1818
Revised Code. 1819

Sec. 3109.046. In any divorce, legal separation, or 1820
annulment proceeding and in any proceeding pertaining to the 1821

allocation of parental rights and responsibilities for the care 1822
of a child, the parents of a child may jointly make and file 1823
with the court a shared parenting agreement for the allocation 1824
of parental rights and responsibilities. 1825

Sec. 3109.047. A shared parenting agreement shall include 1826
provisions covering all factors that are relevant to the care of 1827
the children, including, but not limited to, provisions covering 1828
factors such as physical living arrangements, child support 1829
obligations, provision for the children's medical and dental 1830
care, school placement, and the parent with which the children 1831
will be physically located during legal holidays, school 1832
holidays, and other days of special importance. 1833

Sec. 3109.0410. If the parents have an agreement 1834
allocating the parental rights and responsibilities for the care 1835
of the children, to be incorporated into a shared parenting 1836
order as originally issued or as modified, there is a rebuttable 1837
presumption the agreement is in the best interest of the 1838
children, unless the court finds, by clear and convincing 1839
evidence, based on the factors listed in section 3109.0411 of 1840
the Revised Code, that the allocation would be detrimental to 1841
the children. 1842

Sec. 3109.0411. In determining whether the presumption 1843
under section 3109.0410 of the Revised Code is rebutted, the 1844
court shall consider all relevant factors, including the 1845
following: 1846

(A) The demonstrated ability of each parent to cooperate 1847
with the other parent and to encourage the sharing of love, 1848
affection, and contact between the child and the other parent. 1849

(B) Any history of child abuse or neglect, spouse abuse, 1850

other domestic violence, or parental kidnapping by either 1851
parent, including whether either parent or any member of the 1852
household of either parent previously has been convicted of or 1853
pleaded guilty to any criminal offense involving any act that 1854
resulted in a child being an abused child or a neglected child; 1855
whether either parent, in a case in which a child has been 1856
adjudicated an abused child or a neglected child, previously has 1857
been determined to be the perpetrator of the abusive or 1858
neglectful act that is the basis of an adjudication; whether 1859
either parent or any member of the household of either parent 1860
previously has been convicted of or pleaded guilty to a 1861
violation of section 2919.25 of the Revised Code or a sexually 1862
oriented offense involving a victim who at the time of the 1863
commission of the offense was a member of the family or 1864
household that is the subject of the current proceeding; whether 1865
either parent or any member of the household of either parent 1866
previously has been convicted of or pleaded guilty to any 1867
offense involving a victim who at the time of the commission of 1868
the offense was a member of the family or household that is the 1869
subject of the current proceeding and caused physical harm to 1870
the victim in the commission of the offense; and whether there 1871
is reason to believe that either parent has acted in a manner 1872
resulting in a child being an abused child or a neglected child; 1873

(C) The mental and physical health of all persons involved 1874
in the situation. 1875

Sec. 3109.0412. (A) If, based on section 3109.0411 of the 1876
Revised Code, the court determines by clear and convincing 1877
evidence that the presumption in section 3109.0410 of the 1878
Revised Code is rebutted, the court shall require the parents to 1879
make appropriate changes to the plan or any part of the plan to 1880
meet the court's objections to it, subject to section 3109.0435 1881

of the Revised Code. 1882

(B) If the court determines that changes to the plan meet 1883
the court's objections, the court shall approve the plan. 1884

(C) If the court determines that changes to the plan do 1885
not meet the court's objections, or if the parents attempt to 1886
make changes to the plan to meet the court's objections, but the 1887
court determines that the new plan or any part of the new plan 1888
does not meet the court's objections, the court shall proceed as 1889
if no shared parenting agreement has been filed, pursuant to 1890
sections 3109.0420 to 3109.0426 of the Revised Code. 1891

Sec. 3109.0413. (A) A court shall approve a shared 1892
parenting agreement submitted under section 3109.046 of the 1893
Revised Code if the agreement has not been rebutted based on 1894
section 3109.0411 of the Revised Code, in accordance with 1895
section 3109.0410 of the Revised Code. 1896

(B) If a court approves a shared parenting agreement, the 1897
agreement shall be incorporated into an order granting shared 1898
parenting of the children. Any such order shall be issued at the 1899
same time as and shall be appended to the final decree of 1900
dissolution, divorce, annulment, or legal separation arising out 1901
of the action out of which the question of the allocation of 1902
parental rights and responsibilities for the care of the 1903
children arose. 1904

(C) No provisional order shall be issued in relation to 1905
any shared parenting agreement approved under this section. An 1906
order issued under this section takes immediate effect as a 1907
final order as of the date of its issuance, subject to 1908
modification or termination as authorized by this section. 1909

Sec. 3109.0414. If the court issues an order allocating 1910

parental rights and responsibilities for the care of the 1911
children and it is necessary for the purpose of receiving public 1912
assistance or establishing the school district of residence, the 1913
court shall designate which one of the parents' residences is to 1914
serve as the child's home for that purpose. Such a designation 1915
does not affect the child's residency for any other purpose, nor 1916
does it affect a parent's status as a legal custodian of the 1917
child or that parent's status as a residential parent for any 1918
other purpose. The child support obligations of the parents 1919
under an order issued under section 3109.0413 of the Revised 1920
Code shall be determined in accordance with Chapters 3119., 1921
3121., 3123., and 3125. of the Revised Code. 1922

Sec. 3109.0415. (A) Unless the context clearly requires 1923
otherwise, if an order is issued by a court pursuant to sections 1924
3109.0413, 3109.0424, 3109.0425, or 3109.0426 of the Revised 1925
Code and the order provides for shared parenting of a child, 1926
both parents have "custody of the child" or "care, custody, and 1927
control of the child" under the order, to the extent and in the 1928
manner specified in the order. 1929

(B) Unless the context clearly requires otherwise and 1930
except as otherwise provided in the order, if an order is issued 1931
by a court pursuant to sections 3109.0413, 3109.0424, 3109.0425, 1932
and 3109.0426 of the Revised Code and the order provides for 1933
shared parenting of a child, each parent, regardless of where 1934
the child is physically located or with whom the child is 1935
residing at a particular point in time, as specified in the 1936
order, is the "residential parent," the "residential parent and 1937
legal custodian," or the "custodial parent" of the child. 1938

(C) Unless the context clearly requires otherwise and 1939
except as otherwise provided in the order, a designation in the 1940

order of a parent as the residential parent for the purpose of 1941
determining the school the child attends, as the custodial 1942
parent for purposes of claiming the child as a dependent 1943
pursuant to section 152(e) of the "Internal Revenue Code of 1944
1986," 26 U.S.C. 1, as amended, or as the residential parent for 1945
purposes of receiving public assistance pursuant to section 1946
3109.0414 of the Revised Code, does not affect the designation 1947
pursuant to division (B) of this section of each parent as the 1948
"residential parent," the "residential parent and legal 1949
custodian," or the "custodial parent" of the child. 1950

Sec. 3109.0420. When the parents have not entered into a 1951
shared parenting agreement under section 3109.046 of the Revised 1952
Code, with the intent to have it incorporated into an original 1953
order, or a modified decree or order, allocating parental rights 1954
and responsibilities for their children, both of the following 1955
apply: 1956

(A) There is a rebuttable presumption that equal decision- 1957
making rights and responsibilities between the parents, with 1958
both parents remaining legal custodians and residential parents, 1959
is in the best interest of the children. This presumption is 1960
rebutted only if the court finds by clear and convincing 1961
evidence, based on the factors listed in section 3109.0421 of 1962
the Revised Code, that such an arrangement would be detrimental 1963
to the children. If a parent objects to both parents retaining 1964
equal decision-making responsibilities and requests to be 1965
designated the sole residential parent and legal custodian, that 1966
parent bears the burden of proof that the agreement would be 1967
detrimental to the children. If the court finds the presumption 1968
is rebutted, it shall issue findings of fact and conclusions of 1969
law supporting the determination. 1970

(B) There is a rebuttable presumption that equal parenting time is in the best interest of the children. This presumption is rebutted only if the court finds by clear and convincing evidence, based on the factors listed in section 3109.0422 of the Revised Code, that an equal parenting time arrangement would be detrimental to the minor children. If a parent objects to equal parenting time, that parent bears the burden of proof that such an arrangement would be detrimental to the minor children. If the court finds the presumption is rebutted, it shall issue findings of fact and conclusions of law supporting the determination. 1971
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Sec. 3109.0421. In determining whether the presumption under division (A) of section 3109.0420 of the Revised Code of equal decision-making rights and responsibilities between the parents, with both parents remaining legal custodians and residential parents, is rebutted, the court shall consider all relevant factors, including the following: 1982
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(A) The demonstrated ability of each parent to cooperate with the other parent and to encourage the sharing of love, affection, and contact between the child and the other parent; 1988
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(B) Any history of child abuse or neglect, spouse abuse, other domestic violence, or parental kidnapping by either parent, including whether either parent or any member of the household of 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 1991
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either parent or any member of the household of either parent 2001
previously has been convicted of or pleaded guilty to a 2002
violation of section 2919.25 of the Revised Code or a sexually 2003
oriented offense involving a victim who at the time of the 2004
commission of the offense was a member of the family or 2005
household that is the subject of the current proceeding; whether 2006
either parent or any member of the household of either parent 2007
previously has been convicted of or pleaded guilty to any 2008
offense involving a victim who at the time of the commission of 2009
the offense was a member of the family or household that is the 2010
subject of the current proceeding and caused physical harm to 2011
the victim in the commission of the offense; and whether there 2012
is reason to believe that either parent has acted in a manner 2013
resulting in a child being an abused child or a neglected child. 2014

(C) The mental health of all persons involved in the 2015
situation; 2016

(D) The recommendation of the guardian ad litem of the 2017
child, if the child has a guardian ad litem, provided that the 2018
court does not rely on that recommendation as the sole basis for 2019
its determination and the recommendation is subject to the 2020
policy stated in section 3109.044 of the Revised Code. 2021

Sec. 3109.0422. In determining whether the presumption, 2022
under division (B) of section 3109.0420 of the Revised Code of 2023
equal parenting time, is rebutted, the court shall consider all 2024
relevant factors, including the following: 2025

(A) Any history of child abuse, spouse abuse, other 2026
domestic violence, or parental kidnapping by either parent, 2027
including whether either parent or any member of the household 2028
of either parent previously has been convicted of, or pleaded 2029
guilty to, any criminal offense involving any act that resulted 2030

in a child being an abused child or a neglected child; whether 2031
either parent, in a case in which a child has been adjudicated 2032
an abused child or a neglected child, previously has been 2033
determined to be the perpetrator of the abusive or neglectful 2034
act that is the basis of an adjudication; whether either parent 2035
or any member of the household of either parent previously has 2036
been convicted of or pleaded guilty to a violation of section 2037
2919.25 of the Revised Code or a sexually oriented offense 2038
involving a victim who at the time of the commission of the 2039
offense was a member of the family or household that is the 2040
subject of the current proceeding; whether either parent or any 2041
member of the household of either parent previously has been 2042
convicted of or pleaded guilty to any offense involving a victim 2043
who at the time of the commission of the offense was a member of 2044
the family or household that is the subject of the current 2045
proceeding and caused physical harm to the victim in the 2046
commission of the offense; and whether there is reason to 2047
believe that either parent has acted in a manner resulting in a 2048
child being an abused child or a neglected child. 2049

(B) The geographic proximity of the parents to each other 2050
at the time of initial filing, as the proximity relates to the 2051
practical considerations of parenting time and whether a parent 2052
has relocated to impede equal parenting time; 2053

(C) If the court has interviewed the child in chambers 2054
pursuant to section 3109.0430 of the Revised Code, regarding the 2055
child's wishes and concerns as to the allocation of parental 2056
rights and responsibilities concerning the child, the wishes and 2057
concerns of the child, as expressed to the court; 2058

(D) The child's interaction and interrelationship with the 2059
child's parents, siblings, and any other person who has a 2060

significant relationship with the child; 2061

(E) The child's adjustment to the child's home, school, 2062
and community; 2063

(F) The mental and physical health of all persons involved 2064
in the situation; 2065

(G) Whether a parent has continuously and willfully 2066
interfered with or denied the other parent's right to parenting 2067
time in accordance with an order of the court; 2068

(H) Whether either parent has established a residence, or 2069
is planning to establish a residence, outside this state; 2070

(I) The recommendation of the guardian ad litem of the 2071
child, if the child has a guardian ad litem, provided that the 2072
court does not rely on the recommendation as the sole basis for 2073
its determination and the recommendation is subject to the 2074
policy stated in section 3109.044 of the Revised Code. 2075

Sec. 3109.0423. The court shall require each parent of a 2076
child to file an affidavit attesting as to whether the parent, 2077
and the members of the parent's household, have been convicted 2078
of or pleaded guilty to any of the offenses identified in 2079
division (B) of section 3109.0411, division (B) of section 2080
3109.0421, division (A) of section 3109.0422, or section 2081
3109.0431 of the Revised Code. 2082

Sec. 3109.0424. (A) If, based on section 3109.0421 of the 2083
Revised Code, the court determines by clear and convincing 2084
evidence that the presumption under section 3109.0420 of the 2085
Revised Code regarding equal decision-making responsibilities 2086
between the parents is rebutted, the court shall do the 2087
following: 2088

(1) Issue an order designating one parent as the residential parent and legal custodian of the child; 2089
2090

(2) Allocate most of the decision-making rights and responsibilities to the parent who has demonstrated a greater and consistent willingness to cooperate with the other parent and to encourage the sharing of love, affection, and contact between the child and the other parent. 2091
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(B) If the court determines that the equal decision-making rights and responsibilities presumption is rebutted, but has not determined that the equal parenting time presumption under section 3109.0420 of the Revised Code is rebutted, the court shall award equal parenting time between the parents. 2096
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2100

Sec. 3109.0425. (A) If, based on any factor specified in section 3109.0422 of the Revised Code, the court determines by clear and convincing evidence that the presumption under section 3109.0420 of the Revised Code regarding equal parenting time is rebutted, the court shall do the following: 2101
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(1) Issue an order allocating parental rights and responsibilities with unequal parenting time in accordance with its determination; 2106
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(2) Award the majority of parenting time to the parent more likely to honor and facilitate parenting time for the other parent or visitation and companionship for others, if the court determines that one parent has interfered with or continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court, unless the court finds by clear and convincing evidence that such an award would be detrimental to the child for other reasons provided in section 3109.0422 of the Revised Code; 2109
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(3) Construct a parenting time schedule with the child 2118
that is consistent with ensuring the child's welfare. 2119

(B) If the court determines that the equal parenting time 2120
presumption is rebutted, but has not determined that the equal 2121
decision-making rights and responsibilities presumption under 2122
section 3109.0420 of the Revised Code is rebutted, it shall 2123
award equal decision-making rights and responsibilities to the 2124
parents. 2125

Sec. 3109.0426. If the presumptions under section 2126
3109.0420 of the Revised Code have not been rebutted in 2127
accordance with section 3109.0421 or 3109.0422 of the Revised 2128
Code, the court shall issue an order allocating both of the 2129
following to the parents: 2130

(A) Equal decision-making rights and responsibilities, 2131
with both parents being designated as the residential parent and 2132
legal custodian of the child; 2133

(B) Equal parenting time. 2134

Sec. 3109.0430. (A) In determining the child's best 2135
interest for purposes of making its allocation of the parental 2136
rights and responsibilities for the care of the child and for 2137
purposes of resolving any issues related to the making of that 2138
allocation, the court, in its discretion, may and, upon the 2139
request of either party, shall interview in chambers any or all 2140
of the involved children regarding their wishes and concerns 2141
with respect to the allocation. 2142

(B) If the court interviews any child pursuant to division 2143
(A) of this section, all of the following apply: 2144

(1) The court, in its discretion, may and, upon the motion 2145
of either parent, shall appoint a guardian ad litem for the 2146

child. 2147

(2) The court first shall determine the reasoning ability 2148
of the child. If the court determines that the child does not 2149
have sufficient reasoning ability to express the child's wishes 2150
and concern with respect to the allocation of parental rights 2151
and responsibilities for the care of the child, it shall not 2152
determine the child's wishes and concerns with respect to the 2153
allocation. If the court determines that the child has 2154
sufficient reasoning ability to express the child's wishes or 2155
concerns with respect to the allocation, it then shall determine 2156
whether, because of special circumstances, it would not be in 2157
the best interest of the child to determine the child's wishes 2158
and concerns with respect to the allocation. If the court 2159
determines that, because of special circumstances, it would not 2160
be in the best interest of the child to determine the child's 2161
wishes and concerns with respect to the allocation, it shall not 2162
determine the child's wishes and concerns with respect to the 2163
allocation and shall enter its written findings of fact and 2164
opinion in the journal. If the court determines that it would be 2165
in the best interests of the child to determine the child's 2166
wishes and concerns with respect to the allocation, it shall 2167
proceed to make that determination. 2168

(3) The interview shall be conducted in chambers, and no 2169
person other than the child, the child's attorney, the judge, 2170
any necessary court personnel, and, in the judge's discretion, 2171
the attorney of each parent shall be permitted to be present in 2172
the chambers during the interview. 2173

(C) No person shall obtain or attempt to obtain from a 2174
child a written or recorded statement or affidavit setting forth 2175
the child's wishes and concerns regarding the allocation of 2176

parental rights and responsibilities concerning the child. No 2177
court, in determining the child's best interest for purposes of 2178
making its allocation of the parental rights and 2179
responsibilities for the care of the child or for purposes of 2180
resolving any issues related to the making of that allocation, 2181
shall accept or consider a written or recorded statement or 2182
affidavit that purports to set forth the child's wishes and 2183
concerns regarding those matters. 2184

Sec. 3109.0431. Prior to trial, the court may cause an 2185
investigation to be made as to the character, family relations, 2186
past conduct, earning ability, and financial worth of each 2187
parent and may order the parents and their minor children to 2188
submit to medical, psychological, and psychiatric examinations. 2189
The report of the investigation and examinations shall be made 2190
available to either parent or the parent's counsel of record not 2191
less than five days before trial, upon written request. The 2192
report shall be signed by the investigator, and the investigator 2193
shall be subject to cross-examination by either parent 2194
concerning the contents of the report. The court may tax as 2195
costs all or any part of the expenses for each investigation. 2196

If the court determines that either parent previously has 2197
been convicted of or pleaded guilty to any criminal offense 2198
involving any act that resulted in a child being a neglected 2199
child, that either parent previously has been determined to be 2200
the perpetrator of the neglectful act that is the basis of an 2201
adjudication that a child is a neglected child, or that there is 2202
reason to believe that either parent has acted in a manner 2203
resulting in a child being a neglected child, the court shall 2204
consider that fact against naming that parent the residential 2205
parent and against granting a shared parenting or parental 2206
rights and responsibilities order. When the court allocates 2207

parental rights and responsibilities for the care of children or 2208
determines whether to grant shared parenting in any proceeding, 2209
it shall consider whether either parent or any member of the 2210
household of either parent has been convicted of or pleaded 2211
guilty to a violation of section 2919.25 of the Revised Code or 2212
a sexually oriented offense involving a victim who at the time 2213
of the commission of the offense was a member of the family or 2214
household that is the subject of the proceeding, has been 2215
convicted of or pleaded guilty to any sexually oriented offense 2216
or other offense involving a victim who at the time of the 2217
commission of the offense was a member of the family or 2218
household that is the subject of the proceeding and caused 2219
physical harm to the victim in the commission of the offense, or 2220
has been determined to be the perpetrator of the abusive act 2221
that is the basis of an adjudication that a child is an abused 2222
child. If the court determines that either parent has been 2223
convicted of or pleaded guilty to a violation of section 2919.25 2224
of the Revised Code or a sexually oriented offense involving a 2225
victim who at the time of the commission of the offense was a 2226
member of the family or household that is the subject of the 2227
proceeding, has been convicted of or pleaded guilty to any 2228
sexually oriented offense or other offense involving a victim 2229
who at the time of the commission of the offense was a member of 2230
the family or household that is the subject of the proceeding 2231
and caused physical harm to the victim in the commission of the 2232
offense, or has been determined to be the perpetrator of the 2233
abusive act that is the basis of an adjudication that a child is 2234
an abused child, it may designate that parent as the residential 2235
parent and may issue a shared parenting or parental rights and 2236
responsibilities order only if it determines that it is in the 2237
best interest of the child to name that parent the residential 2238
parent or to issue a shared parenting or parental rights and 2239

responsibilities order and it makes specific written findings of 2240
fact to support its determination. 2241

Sec. 3109.0432. When allocating parental rights and 2242
responsibilities for the care of children, the court shall not 2243
give preference to a parent because of that parent's financial 2244
status or condition. 2245

Sec. 3109.0435. If the court finds, with respect to any 2246
child under eighteen years of age, that it is in the best 2247
interest of the child for neither parent to be allocated the 2248
parental rights and responsibilities for the child, it may 2249
commit the child to a relative of the child or certify a copy of 2250
its findings, together with as much of the record and the 2251
further information, in narrative form or otherwise, that it 2252
considers necessary or as the juvenile court requests, to the 2253
juvenile court for further proceedings, and, upon the 2254
certification, the juvenile court has exclusive jurisdiction. 2255

Sec. ~~3109.043~~ 3109.0436. (A) In any proceeding pertaining 2256
to the allocation of parental rights and responsibilities for 2257
the care of a child, when requested in the complaint, answer, or 2258
counterclaim, or by motion served with the pleading, upon 2259
satisfactory proof by affidavit duly filed with the clerk of the 2260
court, the court, without oral hearing and for good cause shown, 2261
may make a temporary order regarding the allocation of parental 2262
rights and responsibilities for the care of the child while the 2263
action is pending. 2264

(B) In accordance with section 3109.044 of the Revised 2265
Code: 2266

(1) If both parents jointly request the terms of a 2267
temporary allocation of parental rights and responsibilities, 2268

the court shall incorporate those terms into the temporary 2269
order, unless the court finds by clear and convincing evidence 2270
that it would be detrimental to the child. 2271

(2) (a) If requested by a parent when the parents do not 2272
agree on the terms of a temporary allocation of parental rights 2273
and responsibilities, the court shall provide in the temporary 2274
order equal parenting time with the child, unless the court 2275
finds by clear and convincing evidence that it would be 2276
detrimental to the child. If either parent objects to equal 2277
parenting time, that parent bears the burden of proof that equal 2278
parenting time would be detrimental to the child. If the court 2279
determines by clear and convincing evidence that equal parenting 2280
time would be detrimental to the child, it shall issue findings 2281
of fact and conclusions of law supporting the determination. 2282

(b) If requested by a parent when the parents do not agree 2283
on the terms of a temporary allocation of parental rights and 2284
responsibilities, the court shall provide in the temporary order 2285
equal decision-making responsibilities for both parents, unless 2286
the court finds by clear and convincing evidence that it would 2287
be detrimental to the child. If either parent objects to equal 2288
decision-making responsibilities and requests to be designated 2289
as the sole residential parent and legal custodian of the child, 2290
that parent bears the burden of proof that equal decision-making 2291
responsibilities would be detrimental to the child. If the court 2292
grants the parent's request for the designation as sole 2293
residential parent and legal custodian, it shall issue findings 2294
of fact and conclusions of law supporting the determination. 2295

(C) If a parent and child relationship has not already 2296
been established pursuant to section 3111.02 of the Revised 2297
Code, the court ~~may~~ shall take into consideration when 2298

determining whether to award parenting time, visitation rights, 2299
or temporary custody to a putative father that the putative 2300
father is named on the birth record of the child, the child has 2301
the putative father's surname, or a clear pattern of a parent 2302
and child relationship between the child and the putative father 2303
exists. 2304

Sec. 3109.0438. One or both of the parents under a 2305
parental rights and responsibilities order or a shared parenting 2306
order may file a motion requesting that the order be modified or 2307
terminated in accordance with sections 3109.0439 to 3109.0443 of 2308
the Revised Code. 2309

Sec. 3109.0439. (A) If both parents under a shared 2310
parenting order agree to a modification of the shared parenting 2311
agreement incorporated into the order and jointly file a motion 2312
with the court requesting the modification, the court shall 2313
issue a modified shared parenting order incorporating the 2314
modified agreement, if the court finds the modified agreement is 2315
not detrimental to the child based on the factors under section 2316
3109.0411 of the Revised Code. If the court finds the modified 2317
agreement is detrimental, it shall dismiss the motion requesting 2318
modification. 2319

(B) If one parent under a shared parenting order files a 2320
motion requesting modification of the shared parenting agreement 2321
incorporated into the order, or if both parents file separate 2322
motions requesting modifications of that agreement, the court 2323
may do any of the following, as applicable, provided that, based 2324
on facts that have arisen that were unknown to the court at the 2325
time of the issuance of the existing order, a change has 2326
occurred in the circumstances of the child, the child's 2327
residential parent, or either parent subject to the order: 2328

(1) If the court determines that the requested changes to the agreement are not detrimental to the child under section 3109.0411 of the Revised Code, issue a modified shared parenting order that incorporates the modified agreement; 2329
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(2) If the court determines that the requested changes to the agreement are detrimental to the child under section 3109.0411 of the Revised Code and the existing plan is not detrimental to the child, dismiss the motion to modify the shared parenting order; 2333
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(3) If the court determines that the requested changes to the agreement are detrimental to the child under section 3109.0411 of the Revised Code and the existing plan is detrimental to the child, terminate the existing shared parenting order. 2338
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Sec. 3109.0440. A court may terminate a shared parenting order on the motion of one or both parents if the court determines either of the following: 2343
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(A) The shared parenting agreement incorporated into the order is detrimental to the child based on the factors under section 3109.0411 of the Revised Code. 2346
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2348

(B) One parent demonstrates a pattern of willfully creating conflict in an attempt to disrupt a current or pending shared parenting arrangement and the court determines both of the following by a preponderance of the evidence: 2349
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(1) It is unable to enter a shared parenting order that will reduce areas of conflict caused by the disruptive parent. 2353
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(2) The disruptive behavior is a material change of circumstances. 2355
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Sec. 3109.0441. (A) On termination of a shared parenting order under section 3109.0439 or division (A) of section 3109.0440 of the Revised Code, the court shall issue a parental rights and responsibilities order for the care of the child pursuant to sections 3109.0420 to 3109.0426 of the Revised Code as if no shared parenting order had been issued.

(B) On termination of the shared parenting order under division (B) of section 3109.0440 of the Revised Code, the court shall issue a parental rights and responsibilities order that designates the nondisruptive parent as the residential parent and legal custodian of the child in accordance with sections 3109.0421, 3109.0422, 3109.0424, and 3109.0425 of the Revised Code.

Sec. 3109.0442. (A) If one parent under a parental rights and responsibilities order files a motion requesting modification of the order, or if both parents file separate motions requesting modifications of the order, the court may make modifications to the order if it determines both of the following:

(1) The order is detrimental to the child based on the factors under sections 3109.0421 and 3109.0422 of the Revised Code.

(2) That, based on facts that have arisen since the prior order that were unknown to the court at the time of the prior order, a change has occurred in the circumstances of the child, the child's residential parent, or either parent subject to the order.

(B) The court shall approve only modifications that are consistent with the requirements of sections 3109.044,

3109.0424, and 3109.0425 of the Revised Code. 2386

Sec. 3109.0443. Both parents under a parental rights and 2387
responsibilities order may jointly file a motion requesting the 2388
court to modify the order as a shared parenting order. The 2389
motion shall include a shared parenting agreement that meets the 2390
requirements of section 3109.047 of the Revised Code. The court 2391
shall comply with the requirements of sections 3109.0410 to 2392
3109.0413 of the Revised Code in making a determination on the 2393
motion and may issue a shared parenting order. 2394

Sec. 3109.0445. If an appeal is taken from a decision of a 2395
court that grants or modifies a decree or order allocating 2396
parental rights and responsibilities for the care of children, 2397
the court of appeals shall give the case calendar priority and 2398
handle it expeditiously. 2399

Sec. 3109.0450. As used in sections 3109.0450 to 2400
3109.0470: 2401

(A) "Abused child" has the same meaning as in section 2402
2151.031 of the Revised Code, and "neglected child" has the same 2403
meaning as in section 2151.03 of the Revised Code. 2404

(B) "Confidential law enforcement investigatory record" 2405
has the same meaning as in section 149.43 of the Revised Code. 2406

(C) "Record" means any record, document, file, or other 2407
material that contains information directly related to a child, 2408
including, but not limited to, any of the following: 2409

(1) Records maintained by public and nonpublic schools; 2410

(2) Records maintained by facilities that provide child 2411
care, as defined in section 5104.01 of the Revised Code, 2412
publicly funded child care, as defined in section 5104.01 of the 2413

Revised Code, or pre-school services operated by or under the 2414
supervision of a school district board of education or a 2415
nonpublic school; 2416

(3) Records maintained by hospitals, other facilities, or 2417
persons providing medical or surgical care or treatment for the 2418
child; 2419

(4) Records maintained by agencies, departments, 2420
instrumentalities, or other entities of the state or any 2421
political subdivision of the state, other than a child support 2422
enforcement agency. Access to records maintained by a child 2423
support enforcement agency is governed by section 3125.16 of the 2424
Revised Code. 2425

Sec. 3109.0451. If a divorce, dissolution, legal 2426
separation, or annulment proceeding involves a child and if the 2427
court has not issued a shared parenting or parental rights and 2428
responsibilities order where both parents are the residential 2429
parent and legal custodian of the child, the court shall make a 2430
just and reasonable order permitting each parent who is not the 2431
residential parent to have parenting time with the child at the 2432
time and under the conditions that the court directs, unless the 2433
court finds by clear and convincing evidence that it would be 2434
detrimental to the child to permit that parent to have parenting 2435
time with the child, based on the factors provided in section 2436
3109.0453 of the Revised Code, and includes in the journal its 2437
findings of fact and conclusions of law supporting the 2438
determination. Whenever possible, the order permitting the 2439
parenting time shall ensure the opportunity for both parents to 2440
have frequent and continuing contact with the child, unless 2441
frequent and continuing contact by either parent with the child 2442
would not be in the best interest of the child. The court shall 2443

include in its final order a specific schedule of parenting time 2444
for that parent. Except as provided in division (E) (6) of 2445
section 3113.31 of the Revised Code, if the court, pursuant to 2446
this section, grants parenting time to a parent or companionship 2447
or visitation rights to any other person with respect to any 2448
child, it shall not require the public children services agency 2449
to provide supervision of or other services related to that 2450
parent's exercise of parenting time or that person's exercise of 2451
companionship or visitation rights with respect to the child. 2452
This section does not limit the power of a juvenile court 2453
pursuant to Chapter 2151. of the Revised Code to issue orders 2454
with respect to children who are alleged to be abused, 2455
neglected, or dependent children or to make dispositions of 2456
children who are adjudicated abused, neglected, or dependent 2457
children or of a common pleas court to issue orders pursuant to 2458
section 3113.31 of the Revised Code. 2459

Sec. 3109.0452. (A) In a divorce, dissolution of marriage, 2460
legal separation, annulment, or child support proceeding that 2461
involves a child, the court may grant reasonable companionship 2462
or visitation rights to any grandparent, any person related to 2463
the child by consanguinity or affinity, or any other person 2464
other than a parent, if all of the following apply: 2465

(1) The grandparent, relative, or other person files a 2466
motion with the court seeking companionship or visitation 2467
rights. 2468

(2) The court determines that the grandparent, relative, 2469
or other person has an interest in the welfare of the child. 2470

(3) The court determines that the granting of the 2471
companionship or visitation rights would not be detrimental to 2472
the child, based on the factors in section 3109.0453 of the 2473

Revised Code. 2474

(B) A motion may be filed under division (A)(1) of this 2475
section during the pendency of the divorce, dissolution of 2476
marriage, legal separation, annulment, or child support 2477
proceeding or, if a motion was not filed at that time or was 2478
filed at that time and the circumstances in the case have 2479
changed, at any time after a decree or final order is issued in 2480
the case. 2481

Sec. 3109.0453. In determining whether to grant parenting 2482
time to a parent pursuant to section 3109.0451 or 3109.12 of the 2483
Revised Code or companionship or visitation rights to a 2484
grandparent, relative, or other person pursuant to section 2485
3109.0452, 3109.11 or 3109.12 of the Revised Code, in 2486
establishing a specific parenting time or visitation schedule, 2487
and in determining other parenting time matters under section 2488
3109.0451 or 3109.12 of the Revised Code or visitation matters 2489
under section 3109.0452, 3109.11, or 3109.12 of the Revised 2490
Code, the court shall consider all of the following factors: 2491

(A) The prior interaction and interrelationships of the 2492
child with the child's parents, siblings, and other persons 2493
related by consanguinity or affinity, and with the person who 2494
requested companionship or visitation if that person is not a 2495
parent, sibling, or relative of the child; 2496

(B) The geographical location of the residence of each 2497
parent and the distance between those residences, and if the 2498
person is not a parent, the geographical location of that 2499
person's residence and the distance between that person's 2500
residence and the child's residence; 2501

(C) The child's and parents' available time, including, 2502

but not limited to, each parent's employment schedule, the 2503
child's school schedule, and the child's and the parents' 2504
holiday and vacation schedule; 2505

(D) The age of the child; 2506

(E) The child's adjustment to home, school, and community; 2507

(F) If the court has interviewed the child in chambers, 2508
pursuant to section 3109.0455 of the Revised Code, regarding the 2509
wishes and concerns of the child as to parenting time by the 2510
parent who is not the residential parent or companionship or 2511
visitation by the grandparent, relative, or other person who 2512
requested companionship or visitation, as to a specific 2513
parenting time or visitation schedule, or as to other parenting 2514
time or visitation matters, the wishes and concerns of the 2515
child, as expressed to the court; 2516

(G) The health and safety of the child; 2517

(H) The amount of time that will be available for the 2518
child to spend with siblings; 2519

(I) The mental and physical health of all parties; 2520

(J) Each parent's willingness to reschedule missed 2521
parenting time and to facilitate the other parent's parenting 2522
time rights, and with respect to a person who requested 2523
companionship or visitation, the willingness of that person to 2524
reschedule missed visitation; 2525

(K) In relation to parenting time, whether either parent 2526
previously has been convicted of or pleaded guilty to any 2527
criminal offense involving any act that resulted in a child 2528
being an abused child or a neglected child; whether either 2529
parent, in a case in which a child has been adjudicated an 2530

abused child or a neglected child, previously has been 2531
determined to be the perpetrator of the abusive or neglectful 2532
act that is the basis of the adjudication; and whether there is 2533
reason to believe that either parent has acted in a manner 2534
resulting in a child being an abused child or a neglected child; 2535

(L) In relation to requested companionship or visitation 2536
by a person other than a parent, whether the person previously 2537
has been convicted of or pleaded guilty to any criminal offense 2538
involving any act that resulted in a child being an abused child 2539
or a neglected child; whether the person, in a case in which a 2540
child has been adjudicated an abused child or a neglected child, 2541
previously has been determined to be the perpetrator of the 2542
abusive or neglectful act that is the basis of the adjudication; 2543
whether either parent previously has been convicted of or 2544
pleaded guilty to a violation of section 2919.25 of the Revised 2545
Code involving a victim who at the time of the commission of the 2546
offense was a member of the family or household that is the 2547
subject of the current proceeding; whether either parent 2548
previously has been convicted of an offense involving a victim 2549
who at the time of the commission of the offense was a member of 2550
the family or household that is the subject of the current 2551
proceeding and caused physical harm to the victim in the 2552
commission of the offense; and whether there is reason to 2553
believe that the person has acted in a manner resulting in a 2554
child being an abused child or a neglected child; 2555

(M) Whether the residential parent or one of the parents 2556
subject to a shared parenting or parental rights and 2557
responsibilities order has continuously and willfully denied the 2558
other parent's right to parenting time in accordance with an 2559
order of the court; 2560

(N) Whether either parent has established a residence or
is planning to establish a residence outside this state; 2561
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(O) In relation to requested companionship or visitation
by a person other than a parent, the wishes and concerns of the
child's parents, as expressed by them to the court; 2563
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(P) Any other factor in the best interest of the child. 2566

Sec. 3109.0454. When determining whether to grant
parenting time rights to a parent pursuant to section 3109.0451
or 3109.12 of the Revised Code or to grant companionship or
visitation rights to a grandparent, relative, or other person
pursuant to section 3109.0452, 3109.11, or 3109.12 of the
Revised Code, when establishing a specific parenting time or
visitation schedule, and when determining other parenting time
matters under section 3109.0451 or 3109.12 of the Revised Code
or visitation matters under section 3109.0452, 3109.11, or
3109.12 of the Revised Code, the court shall consider any
mediation report that is filed pursuant to section 3109.0470 of
the Revised Code and shall consider all other relevant factors,
including, but not limited to, all of the factors listed in
section 3109.0453 of the Revised Code. 2567
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Sec. 3109.0455. In considering the factors listed in
section 3109.0453 of the Revised Code for purposes of
determining whether to grant parenting time or visitation
rights, establishing a specific parenting time or visitation
schedule, determining other parenting time matters under section
3109.0451 or section 3109.12 of the Revised Code or visitation
matters under section 3109.0452, 3109.11, or 3109.12 of the
Revised Code, and resolving any issues related to the making of
any determination with respect to parenting time or visitation
rights or the establishment of any specific parenting time or 2581
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visitation schedule, the court, in its discretion, may interview 2591
in chambers any or all involved children regarding their wishes 2592
and concerns. If the court interviews any child concerning the 2593
child's wishes and concerns regarding those parenting time or 2594
visitation matters, the interview shall be conducted in 2595
chambers, and no person other than the child, the child's 2596
attorney, the judge, any necessary court personnel, and, in the 2597
judge's discretion, the attorney of each parent shall be 2598
permitted to be present in the chambers during the interview. No 2599
person shall obtain or attempt to obtain from a child a written 2600
or recorded statement or affidavit setting forth the wishes and 2601
concerns of the child regarding those parenting time or 2602
visitation matters. A court, in considering the factors listed 2603
in section 3109.0453 of the Revised Code for purposes of 2604
determining whether to grant any parenting time or visitation 2605
rights, establishing a parenting time or visitation schedule, 2606
determining other parenting time matters under section 3109.0451 2607
or 3109.12 of the Revised Code or visitation matters under 2608
section 3109.0452, 3109.11, or 3109.12 of the Revised Code, or 2609
resolving any issues related to the making of any determination 2610
with respect to parenting time or visitation rights or the 2611
establishment of any specific parenting time or visitation 2612
schedule, shall not accept or consider a written or recorded 2613
statement or affidavit that purports to set forth the child's 2614
wishes or concerns regarding those parenting time or visitation 2615
matters. 2616

Sec. 3109.0456. Any parent who requests parenting time 2617
rights with respect to a child under section 3109.0451 or 2618
3109.12 of the Revised Code or any person who requests 2619
reasonable companionship or visitation rights with respect to a 2620
child under section 3109.0452, 3109.11, or 3109.12 of the 2621

Revised Code, or any other provision of the Revised Code may 2622
file a motion with the court requesting that it waive all or any 2623
part of the costs that may accrue in the proceedings. If the 2624
court determines that the movant is indigent and that the waiver 2625
is in the best interest of the child, the court, in its 2626
discretion, may waive payment of all or any part of the costs of 2627
those proceedings. 2628

Sec. 3109.0457. The remarriage of a residential parent of 2629
a child does not affect the authority of a court under this 2630
section to grant parenting time rights with respect to the child 2631
to the parent who is not the residential parent or to grant 2632
reasonable companionship or visitation rights with respect to 2633
the child to any grandparent, any person related by 2634
consanguinity or affinity, or any other person. 2635

Sec. 3109.0460. (A) If the residential parent intends to 2636
move to a residence other than the residence specified in the 2637
parenting time order of the court, the parent shall file a 2638
notice of intent to relocate with the court that issued the 2639
order. Except as provided in divisions (B) and (C) of this 2640
section, the court shall send a copy of the notice to the parent 2641
who is not the residential parent. Upon receipt of the notice, 2642
the court may, on its own motion, and shall, upon the motion of 2643
the parent who is not the residential parent, schedule a hearing 2644
with notice to both parents to determine whether it is in the 2645
best interest of the child to revise the parenting time schedule 2646
for the child. 2647

(B) When a court issues a parenting time order to a parent 2648
who is not the residential parent, the court shall determine 2649
whether that parent has been convicted of or pleaded guilty to a 2650
violation of section 2919.25 of the Revised Code involving a 2651

victim who at the time of the commission of the offense was a 2652
member of the family or household that is the subject of the 2653
proceeding, has been convicted of or pleaded guilty to any other 2654
offense involving a victim who at the time of the commission of 2655
the offense was a member of the family or household that is the 2656
subject of the proceeding and caused physical harm to the victim 2657
in the commission of the offense, or has been determined to be 2658
the perpetrator of the abusive act that is the basis of an 2659
adjudication that a child is an abused child. If the court 2660
determines that that parent has not been so convicted and has 2661
not been determined to be the perpetrator of an abusive act that 2662
is the basis of a child abuse adjudication, the court shall 2663
issue an order stating that a copy of any notice of relocation 2664
that is filed with the court pursuant to division (A) of this 2665
section will be sent to the parent who is given the parenting 2666
time rights in accordance with division (A) of this section. 2667

If the court determines that the parent who is granted 2668
parenting time rights has been convicted of or pleaded guilty to 2669
a violation of section 2919.25 of the Revised Code involving a 2670
victim who at the time of the commission of the offense was a 2671
member of the family or household that is the subject of the 2672
proceeding, has been convicted of or pleaded guilty to any other 2673
offense involving a victim who at the time of the commission of 2674
the offense was a member of the family or household that is the 2675
subject of the proceeding and caused physical harm to the victim 2676
in the commission of the offense, or has been determined to be 2677
the perpetrator of the abusive act that is the basis of an 2678
adjudication that a child is an abused child, it shall issue an 2679
order stating that that parent will not be given a copy of any 2680
notice of relocation that is filed with the court pursuant to 2681
division (A) of this section unless the court determines that it 2682

is in the best interest of the children to give that parent a 2683
copy of the notice of relocation, issues an order stating that 2684
that parent will be given a copy of any notice of relocation 2685
filed pursuant to division (A) of this section, and issues 2686
specific written findings of fact in support of its 2687
determination. 2688

(C) If a parent who is granted parenting time rights is 2689
authorized by an order issued pursuant to this section or any 2690
other court order to receive a copy of any notice of relocation 2691
that is filed pursuant to division (A) of this section or 2692
pursuant to court order, if the residential parent intends to 2693
move to a residence other than the residence address specified 2694
in the parenting time order, and if the residential parent does 2695
not want the parent who is granted the parenting time rights to 2696
receive a copy of the relocation notice because the parent with 2697
parenting time rights has been convicted of or pleaded guilty to 2698
a violation of section 2919.25 of the Revised Code involving a 2699
victim who at the time of the commission of the offense was a 2700
member of the family or household that is the subject of the 2701
proceeding, has been convicted of or pleaded guilty to any other 2702
offense involving a victim who at the time of the commission of 2703
the offense was a member of the family or household that is the 2704
subject of the proceeding and caused physical harm to the victim 2705
in the commission of the offense, or has been determined to be 2706
the perpetrator of the abusive act that is the basis of an 2707
adjudication that a child is an abused child, the residential 2708
parent may file a motion with the court requesting that the 2709
parent who is granted the parenting time rights not receive a 2710
copy of any notice of relocation. Upon the filing of the motion, 2711
the court shall schedule a hearing on the motion and give both 2712
parents notice of the date, time, and location of the hearing. 2713

If the court determines that the parent who is granted the 2714
parenting time rights has been so convicted or has been 2715
determined to be the perpetrator of an abusive act that is the 2716
basis of a child abuse adjudication, the court shall issue an 2717
order stating that the parent who is granted the parenting time 2718
rights will not be given a copy of any notice of relocation that 2719
is filed with the court pursuant to division (G)(1) of this 2720
section or that the residential parent is no longer required to 2721
give that parent a copy of any notice of relocation unless the 2722
court determines that it is in the best interest of the children 2723
to give that parent a copy of the notice of relocation, issues 2724
an order stating that that parent will be given a copy of any 2725
notice of relocation filed pursuant to division (A) of this 2726
section, and issues specific written findings of fact in support 2727
of its determination. If it does not so find, it shall dismiss 2728
the motion. 2729

Sec. 3109.0461. (A) Subject to section 3125.16 and 2730
division (F) of section 3319.321 of the Revised Code, a parent 2731
of a child who is not the residential parent of the child is 2732
entitled to access, under the same terms and conditions under 2733
which access is provided to the residential parent, to any 2734
record that is related to the child and to which the residential 2735
parent of the child legally is provided access, unless the court 2736
determines that it would not be in the best interest of the 2737
child for the parent who is not the residential parent to have 2738
access to the records under those same terms and conditions. If 2739
the court determines that the parent of a child who is not the 2740
residential parent should not have access to records related to 2741
the child under the same terms and conditions as provided for 2742
the residential parent, the court shall specify the terms and 2743
conditions under which the parent who is not the residential 2744

parent is to have access to those records, shall enter its 2745
written findings of facts and opinion in the journal, and shall 2746
issue an order containing the terms and conditions to both the 2747
residential parent and the parent of the child who is not the 2748
residential parent. The court shall include in every order 2749
issued pursuant to this division notice that any keeper of a 2750
record who knowingly fails to comply with the order or this 2751
section is in contempt of court. 2752

(B) Subject to section 3125.16 and division (F) of section 2753
3319.321 of the Revised Code, subsequent to the issuance of an 2754
order under division (A) of this section, the keeper of any 2755
record that is related to a particular child and to which the 2756
residential parent legally is provided access shall permit the 2757
parent of the child who is not the residential parent to have 2758
access to the record under the same terms and conditions under 2759
which access is provided to the residential parent, unless the 2760
residential parent has presented the keeper of the record with a 2761
copy of an order issued under division (A) of this section that 2762
limits the terms and conditions under which the parent who is 2763
not the residential parent is to have access to records 2764
pertaining to the child and the order pertains to the record in 2765
question. If the residential parent presents the keeper of the 2766
record with a copy of that type of order, the keeper of the 2767
record shall permit the parent who is not the residential parent 2768
to have access to the record only in accordance with the most 2769
recent order that has been issued pursuant to division (A) of 2770
this section and presented to the keeper by the residential 2771
parent or the parent who is not the residential parent. Any 2772
keeper of any record who knowingly fails to comply with this 2773
section or with any order issued pursuant to this section is in 2774
contempt of court. 2775

(C) The prosecuting attorney of any county may file a 2776
complaint with the court of common pleas of that county 2777
requesting the court to issue a protective order preventing the 2778
disclosure pursuant to division (A) or (B) of this section of 2779
any confidential law enforcement investigatory record. The court 2780
shall schedule a hearing on the motion and give notice of the 2781
date, time, and location of the hearing to all parties. 2782

Sec. 3109.0462. A court that issues a parenting time order 2783
pursuant to section 3109.0451 or 3109.12 of the Revised Code 2784
shall determine whether the parent granted parenting time is to 2785
be permitted access, in accordance with section 5104.039 of the 2786
Revised Code, to any child day-care center that is, or that in 2787
the future may be, attended by the children with whom parenting 2788
time is granted. Unless the court determines that the parent who 2789
is not the residential parent should not have access to the 2790
center to the same extent that the residential parent is granted 2791
access to the center, the parent who is not the residential 2792
parent and who is granted parenting time rights is entitled to 2793
access to the center to the same extent that the residential 2794
parent is granted access to the center. If the court determines 2795
that the parent who is not the residential parent should not 2796
have access to the center to the same extent that the 2797
residential parent is granted such access under section 5104.039 2798
of the Revised Code, the court shall specify the terms and 2799
conditions under which the parent who is not the residential 2800
parent is to have access to the center, provided that the access 2801
shall not be greater than the access that is provided to the 2802
residential parent under section 5104.039 of the Revised Code, 2803
the court shall enter its written findings of fact and opinions 2804
in the journal, and the court shall include the terms and 2805
conditions of access in the parenting time order. 2806

Sec. 3109.0463. (A) Subject to division (F) of section 2807
3319.321 of the Revised Code, when a court issues an order 2808
allocating parental rights and responsibilities for the care of 2809
a child, the parent of the child who is not the residential 2810
parent of the child is entitled to access, under the same terms 2811
and conditions under which access is provided to the residential 2812
parent, to any student activity that is related to the child and 2813
to which the residential parent of the child legally is provided 2814
access, unless the court determines that it would not be in the 2815
best interest of the child to grant the parent who is not the 2816
residential parent access to the student activities under those 2817
same terms and conditions. If the court determines that the 2818
parent of the child who is not the residential parent should not 2819
have access to any student activity that is related to the child 2820
under the same terms and conditions as provided for the 2821
residential parent, the court shall specify the terms and 2822
conditions under which the parent who is not the residential 2823
parent is to have access to those student activities, shall 2824
enter its written findings of facts and opinion in the journal, 2825
and shall issue an order containing the terms and conditions to 2826
both the residential parent and the parent of the child who is 2827
not the residential parent. The court shall include in every 2828
order issued pursuant to this division notice that any school 2829
official or employee who knowingly fails to comply with the 2830
order or this section is in contempt of court. 2831

(B) Subject to division (F) of section 3319.321 of the 2832
Revised Code, subsequent to the issuance of an order under 2833
division (A) of this section, all school officials and employees 2834
shall permit the parent of the child who is not the residential 2835
parent to have access to any student activity under the same 2836
terms and conditions under which access is provided to the 2837

residential parent of the child, unless the residential parent 2838
has presented the school official or employee, the board of 2839
education of the school, or the governing body of the chartered 2840
nonpublic school with a copy of an order issued under division 2841
(A) of this section that limits the terms and conditions under 2842
which the parent who is not the residential parent is to have 2843
access to student activities related to the child and the order 2844
pertains to the student activity in question. If the residential 2845
parent presents the school official or employee, the board of 2846
education of the school, or the governing body of the chartered 2847
nonpublic school with a copy of that type of order, the school 2848
official or employee shall permit the parent who is not the 2849
residential parent to have access to the student activity only 2850
in accordance with the most recent order that has been issued 2851
pursuant to division (A) of this section and presented to the 2852
school official or employee, the board of education of the 2853
school, or the governing body of the chartered nonpublic school 2854
by the residential parent or the parent who is not the 2855
residential parent. Any school official or employee who 2856
knowingly fails to comply with this section or with any order 2857
issued pursuant to division (A) of this section is in contempt 2858
of court. 2859

Sec. 3109.0466. (A) If the court, pursuant to section 2860
3109.0451 of the Revised Code, denies parenting time to a parent 2861
who is not the residential parent or denies a motion for 2862
reasonable companionship or visitation rights filed under 2863
section 3109.0452 of the Revised Code, the court shall state in 2864
writing its findings of fact and conclusions of law in 2865
accordance with Civil Rule 52 and, if applicable, Civil Rule 53. 2866

(B) Each court of common pleas, by rule, shall adopt 2867
standard parenting time guidelines, subject to the policy stated 2868

in section 3109.044 of the Revised Code and the presumption in 2869
division (B) of section 3109.0420 of the Revised Code. A court 2870
has discretion to deviate from its standard parenting time 2871
guidelines based upon factors set forth in section 3109.0453 of 2872
the Revised Code. 2873

Sec. 3109.0467. If any person is found in contempt of 2874
court for failing to comply with or interfering with any order 2875
granting parenting time rights issued pursuant to section 2876
3109.0451 or 3109.12 of the Revised Code or companionship or 2877
visitation rights issued pursuant to section 3109.0452, 3109.11, 2878
or 3109.12 of the Revised Code, or any other provision of the 2879
Revised Code, the court that makes the finding, in addition to 2880
any other penalty or remedy imposed, shall assess all court 2881
costs arising out of the contempt proceeding against the person 2882
and require the person to pay any reasonable attorney's fees of 2883
any adverse party, as determined by the court, that arose in 2884
relation to the act of contempt, and shall award reasonable 2885
compensatory parenting time or visitation to the person whose 2886
right of parenting time or visitation was affected by the 2887
failure or interference if such compensatory parenting time or 2888
visitation is not detrimental to the child pursuant to section 2889
3109.0453 of the Revised Code. Any compensatory parenting time 2890
or visitation awarded under this section shall be included in an 2891
order issued by the court and, to the extent possible, shall be 2892
governed by the same terms and conditions as was the parenting 2893
time or visitation that was affected by the failure or 2894
interference. 2895

Sec. 3109.0468. The juvenile court has exclusive 2896
jurisdiction to enter the orders in any case certified to it 2897
from another court. 2898

Sec. ~~3109.052~~ 3109.0470. (A) If a proceeding for divorce, 2899
dissolution, legal separation, annulment, or the allocation of 2900
parental rights and responsibilities for the care of a child 2901
involves one or more children, if the parents of the children do 2902
not agree upon an appropriate allocation of parental rights and 2903
responsibilities for the care of their children or do not agree 2904
upon a specific schedule of parenting time for their children, 2905
the court may order the parents to mediate their differences on 2906
those matters in accordance with mediation procedures adopted by 2907
the court by local rule. When the court determines whether 2908
mediation is appropriate in any proceeding, it shall consider 2909
whether either parent previously has been convicted of or 2910
pleaded guilty to a violation of section 2919.25 of the Revised 2911
Code involving a victim who at the time of the commission of the 2912
offense was a member of the family or household that is the 2913
subject of the proceeding, whether either parent previously has 2914
been convicted of or pleaded guilty to an offense involving a 2915
victim who at the time of the commission of the offense was a 2916
member of the family or household that is the subject of the 2917
proceeding and caused physical harm to the victim in the 2918
commission of the offense, and whether either parent has been 2919
determined to be the perpetrator of the abusive act that is the 2920
basis of an adjudication that a child is an abused child. If 2921
either parent has been convicted of or pleaded guilty to a 2922
violation of section 2919.25 of the Revised Code involving a 2923
victim who at the time of the commission of the offense was a 2924
member of the family or household that is the subject of the 2925
proceeding, has been convicted of or pleaded guilty to any other 2926
offense involving a victim who at the time of the commission of 2927
the offense was a member of the family or household that is the 2928
subject of the proceeding and caused physical harm to the victim 2929
in the commission of the offense, or has been determined to be 2930

the perpetrator of the abusive act that is the basis of an 2931
adjudication that a child is an abused child, the court may 2932
order mediation only if the court determines that it is in the 2933
best interests of the parties to order mediation and makes 2934
specific written findings of fact to support its determination. 2935

If a court issues an order pursuant to this division 2936
requiring mediation, it also may order the parents to file a 2937
mediation report within a specified period of time and order the 2938
parents to pay the cost of mediation, unless either or both of 2939
the parents file a motion requesting that the court waive that 2940
requirement. Upon the filing of a motion requesting the waiver 2941
of that requirement, the court, for good cause shown, may waive 2942
the requirement that either or both parents pay the cost of 2943
mediation or may require one of the parents to pay the entire 2944
cost of mediation. Any mediation procedures adopted by local 2945
court rule for use under this division shall include, but are 2946
not limited to, provisions establishing qualifications for 2947
mediators who may be employed or used and provisions 2948
establishing standards for the conduct of the mediation. 2949

(B) If a mediation order is issued under division (A) of 2950
this section and the order requires the parents to file a 2951
mediation report, the mediator and each parent who takes part in 2952
mediation in accordance with the order jointly shall file a 2953
report of the results of the mediation process with the court 2954
that issued the order under that division. A mediation report 2955
shall indicate only whether agreement has been reached on any of 2956
the issues that were the subject of the mediation, and, if 2957
agreement has been reached, the content and details of the 2958
agreement. No mediation report shall contain any background 2959
information concerning the mediation process or any information 2960
discussed or presented in the process. The court shall consider 2961

the mediation report when it allocates parental rights and 2962
responsibilities for the care of children under ~~section 3109.04~~ 2963
sections 3109.04 to 3109.0445, 3109.0475, and 3109.0476 of the 2964
Revised Code and when it establishes a specific schedule of 2965
parenting time under section ~~3109.051~~ 3109.0451 of the Revised 2966
Code. The court is not bound by the mediation report and shall 2967
consider the best interest of the children when making that 2968
allocation or establishing the parenting time schedule. 2969

(C) If a mediation order is issued under division (A) of 2970
this section, the mediator shall not be made a party to, and 2971
shall not be called as a witness or testify in, any action or 2972
proceeding, other than a criminal, delinquency, child abuse, 2973
child neglect, or dependent child action or proceeding, that is 2974
brought by or against either parent and that pertains to the 2975
mediation process, to any information discussed or presented in 2976
the mediation process, to the allocation of parental rights and 2977
responsibilities for the care of the parents' children, or to 2978
the awarding of parenting time rights in relation to their 2979
children. The mediator shall not be made a party to, or be 2980
called as a witness or testify in, such an action or proceeding 2981
even if both parents give their prior consent to the mediator 2982
being made a party to or being called as a witness or to testify 2983
in the action or proceeding. 2984

(D) Division (A) of this section does not apply to either 2985
of the following: 2986

(1) Any proceeding, or the use of mediation in any 2987
proceeding that is not a proceeding for divorce, dissolution, 2988
legal separation, annulment, or the allocation of parental 2989
rights and responsibilities for the care of a child; 2990

(2) The use of mediation in any proceeding for divorce, 2991

dissolution, legal separation, annulment, or the allocation of 2992
parental rights and responsibilities for the care of a child, in 2993
relation to issues other than the appropriate allocation of 2994
parental rights and responsibilities for the care of the 2995
parents' children and other than a specific parenting time 2996
schedule for the parents' children. 2997

Sec. 3109.0475. As used in sections 3109.0475 and 2998
3109.0477 of the Revised Code: 2999

(A) "Active military service" means service by a member of 3000
the uniformed services in compliance with military orders to 3001
report for combat operations, contingency operations, 3002
peacekeeping operations, a remote tour of duty, or other active 3003
service for which the member is required to report unaccompanied 3004
by any family member, including any period of illness, recovery 3005
from injury, leave, or other lawful absence during that 3006
operation, duty, or service. 3007

(B) "Uniformed services" means the United States armed 3008
forces, the army national guard, and the air national guard or 3009
any reserve component thereof, or the commissioned corps of the 3010
United States public health service. 3011

Sec. 3109.0476. (A) Upon receipt of an order for active 3012
military service in the uniformed services, a parent who is 3013
subject to an order allocating parental rights and 3014
responsibilities or in relation to whom an action to allocate 3015
parental rights and responsibilities is pending and who is 3016
ordered for active military service shall notify the other 3017
parent who is subject to the order or in relation to whom the 3018
case is pending of the order for active military service within 3019
three days of receiving the military service order. 3020

(B) On receipt of the notice described in division (A) of 3021
this section, either parent may apply to the court for a hearing 3022
to expedite an allocation or modification proceeding so that the 3023
court can issue an order before the parent's active military 3024
service begins. The application shall include the date on which 3025
the active military service begins. 3026

The court shall schedule a hearing upon receipt of the 3027
application and hold the hearing not later than thirty days 3028
after receipt of the application, except that the court shall 3029
give the case calendar priority and handle the case 3030
expeditiously if exigent circumstances exist in the case. 3031

The court shall not modify a prior decree or order 3032
allocating parental rights and responsibilities unless the court 3033
determines that there has been a change in circumstances of the 3034
child, the child's residential parent, or either of the parents 3035
subject to a shared parenting decree or order, and that 3036
modification is necessary to serve the best interest of the 3037
child. The court shall not find past, present, or possible 3038
future active military service in the uniformed services to 3039
constitute a change in circumstances justifying modification of 3040
a prior decree or order pursuant to section 3109.0439, 3041
3109.0442, or 3109.0443 of the Revised Code. The court shall 3042
make specific written findings of fact to support any 3043
modification under this division. 3044

(C) Nothing in this section prevents a court from issuing 3045
a temporary order allocating or modifying parental rights and 3046
responsibilities for the duration of the parent's active 3047
military service. A temporary order shall specify whether the 3048
parent's active military service is the basis of the order and 3049
shall provide for termination of the temporary order and 3050

resumption of the prior order within ten days after receipt of 3051
notice pursuant to division (E) of this section, unless the 3052
other parent demonstrates by clear and convincing evidence that 3053
the prior order would be detrimental to the child based on the 3054
factors in section 3109.0411 of the Revised Code. 3055

(D) At the request of a parent who is ordered for active 3056
military service in the uniformed services and who is a subject 3057
of a proceeding pertaining to a temporary order for the 3058
allocation or modification of parental rights and 3059
responsibilities, the court shall permit the parent to 3060
participate in the proceeding and present evidence by electronic 3061
means, including communication by telephone, video, or internet 3062
to the extent permitted by the rules of the supreme court of 3063
Ohio. 3064

(E) A parent who is ordered for active military service in 3065
the uniformed services and who is a subject of a proceeding 3066
pertaining to the allocation or modification of parental rights 3067
and responsibilities shall provide written notice to the court, 3068
child support enforcement agency, and the other parent of the 3069
date of termination of the parent's active military service not 3070
later than thirty days after the date on which the service ends. 3071

Sec. 3109.0477. (A) A parent who receives an order for 3072
active military service in the uniformed services and who is 3073
subject to a parenting time order may apply to the court for any 3074
of the following temporary orders for the period extending from 3075
the date of the parent's departure to the date of return: 3076

(1) An order delegating all or part of the parent's 3077
parenting time with the child to a relative or to another person 3078
who has a close and substantial relationship with the child if 3079
the delegation is in the child's best interest; 3080

(2) An order that the other parent make the child reasonably available for parenting time with the parent when the parent is on leave from active military service; 3081
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(3) An order that the other parent facilitate contact, including telephone and electronic contact, between the parent and child while the parent is on active military service. 3084
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(B) (1) Upon receipt of an order for active military service, a parent who is subject to a parenting time order and seeks an order under division (A) of this section shall notify the other parent who is subject to the parenting time order and apply to the court as soon as reasonably possible after receipt of the order for active military service. The application shall include the date on which the active military service begins. 3087
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(2) The court shall schedule a hearing upon receipt of an application under this section and hold the hearing not later than thirty days after its receipt, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist in the case. No hearing shall be required if both parents agree to the terms of the requested temporary order and the court determines that the order is in the child's best interest. 3094
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(3) In determining whether a delegation under division (A) (1) of this section is in the child's best interest, the court shall consider all relevant factors, including the factors set forth in this section. 3102
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(4) An order delegating all or part of the parent's parenting time pursuant to division (A) (1) of this section does not create standing on behalf of the person to whom parenting time is delegated to assert visitation or companionship rights 3106
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independent of the order. 3110

(C) At the request of a parent who is ordered for active 3111
military service in the uniformed services and who is a subject 3112
of a proceeding pertaining to a parenting time order or 3113
pertaining to a request for companionship rights or visitation 3114
with a child, the court shall permit the parent to participate 3115
in the proceeding and present evidence by electronic means, 3116
including communication by telephone, video, or internet to the 3117
extent permitted by rules of the supreme court of Ohio. 3118

Sec. ~~3109.053~~ 3109.0480. In any divorce, legal separation, 3119
or annulment proceeding and in any proceeding pertaining to the 3120
allocation of parental rights and responsibilities for the care 3121
of a child, the court may require, by rule or otherwise, that 3122
the parents attend classes on parenting or other related issues 3123
or obtain counseling before the court issues an order allocating 3124
the parental rights and responsibilities for the care of the 3125
minor children of the marriage. If a court in any proceeding 3126
requires parents to attend classes on parenting or other related 3127
issues or to obtain counseling, the court may require that the 3128
parents' children attend the classes or counseling with the 3129
parents. If the court orders the parents to attend classes or 3130
obtain counseling, the court shall impose the cost of the 3131
classes and counseling on, and may allocate the costs between, 3132
the parents, except that if the court determines that both 3133
parents are indigent, the court shall not impose the cost of the 3134
classes or counseling on the parents. 3135

Sec. 3109.0482. The following orders remain in effect but 3136
shall be enforced and modified in accordance with sections 3137
3109.04 to 3109.0485 of the Revised Code as amended and enacted 3138
by . B. ___ of the 134th general assembly: 3139

(A) Orders allocating parental rights and responsibilities for the care of a child issued under section 3109.04 of the Revised Code as that section existed prior to the effective date of . B. ___ of the 134th general assembly; 3140
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(B) Parenting time orders and orders for companionship or visitation issued under section 3109.051 of the Revised Code as that section existed prior to the effective date of . B. ___ of the 134th general assembly. 3144
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Sec. 3109.0485. (A) Each court that issues an order allocating parental rights and responsibilities of children in a divorce, dissolution of marriage, legal separation, child support proceeding, a proceeding under section 3109.12 of the Revised Code, or any other proceeding in which parents agreed to a judgment by the court with regard to time that a parent spends with a child, shall compile a report, to be completed annually, of data regarding the division of parenting time, as tracked by overnight stays with a parent. The report shall identify the type of case involving parenting time, such as a shared parenting order, parental rights and responsibilities allocation order, or parenting time order. The report shall also track the number of cases of agreed judgment entries that were contested and ordered by the court. The report shall not include any personally identifiable information. 3148
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(B) Records provided in division (A) of this section shall be published on the court's web site or otherwise made publicly available, upon request. 3163
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Sec. 3109.05. (A) (1) In a divorce, dissolution of marriage, legal separation, or child support proceeding, the court may order either or both parents to support or help support their children, without regard to marital misconduct. In 3166
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determining the amount reasonable or necessary for child support, including the medical needs of the child, the court shall comply with Chapter 3119. of the Revised Code.

(2) The court, in accordance with Chapter 3119. of the Revised Code, shall include in each support order made under this section the requirement that one or both of the parents provide for the health care needs of the child to the satisfaction of the court, and the court shall include in the support order a requirement that all support payments be made through the office of child support in the department of job and family services.

(3) The court shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code when it makes or modifies an order for child support under this section.

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

(C) If any person required to pay child support under an order made under division (A) of 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 and, on or after July 1, 1992, shall assess interest on any unpaid amount of child support pursuant to section 3123.17 of the Revised Code.

(D) The court shall not authorize or permit the escrowing,

impoundment, or withholding of any child support payment ordered 3199
under this section or any other section of the Revised Code 3200
because of a denial of or interference with a right of parenting 3201
time granted to a parent in an order issued under this section 3202
or section ~~3109.051~~3109.0451 or 3109.12 of the Revised Code or 3203
companionship or visitation granted in an order issued under 3204
this section, section ~~3109.051~~3109.0452, 3109.11, 3109.12, or 3205
any other section of the Revised Code, or as a method of 3206
enforcing the specific provisions of any such order dealing with 3207
parenting time or visitation. 3208

Sec. 3109.06. Except as provided in division (K) of 3209
section 2301.03 of the Revised Code, any court, other than a 3210
juvenile court, that has jurisdiction in any case respecting the 3211
allocation of parental rights and responsibilities for the care 3212
of a child under eighteen years of age and the designation of 3213
the child's place of residence and legal custodian or in any 3214
case respecting the support of a child under eighteen years of 3215
age, may, on its own motion or on motion of any interested 3216
party, certify the record in the case or so much of the record 3217
and such further information, in narrative form or otherwise, as 3218
the court deems necessary or the juvenile court requests, to the 3219
juvenile court for further proceedings; upon the certification, 3220
the juvenile court shall have exclusive jurisdiction. 3221

In cases in which the court of common pleas finds the 3222
parents unsuitable to have the parental rights and 3223
responsibilities for the care of the child or children and 3224
unsuitable to provide the place of residence and to be the legal 3225
custodian of the child or children, consent of the juvenile 3226
court shall not be required to such certification. This section 3227
applies to actions pending on August 28, 1951. 3228

In any case in which a court of common pleas, or other 3229
court having jurisdiction, has issued an order that allocates 3230
parental rights and responsibilities for the care of minor 3231
children and designates their place of residence and legal 3232
custodian of minor children, has made an order for support of 3233
minor children, or has done both, the jurisdiction of the court 3234
shall not abate upon the death of the person awarded custody but 3235
shall continue for all purposes during the minority of the 3236
children. The court, upon its own motion or the motion of either 3237
parent or of any interested person acting on behalf of the 3238
children, may proceed to make further disposition of the case in 3239
the best interests of the children and subject to sections 3240
3109.42 to 3109.48 of the Revised Code. If the children are 3241
under eighteen years of age, it may certify them, pursuant to 3242
this section, to the juvenile court of any county for further 3243
proceedings. After certification to a juvenile court, the 3244
jurisdiction of the court of common pleas, or other court, shall 3245
cease, except as to any payments of spousal support due for the 3246
spouse and support payments due and unpaid for the children at 3247
the time of the certification. 3248

Any disposition made pursuant to this section, whether by 3249
a juvenile court after a case is certified to it, or by any 3250
court upon the death of a person awarded custody of a child, 3251
shall be made in accordance with sections 3109.04 to 3109.0445, 3252
3109.0475, 3109.0476, and 3109.42 to 3109.48 of the Revised 3253
Code. If an appeal is taken from a decision made pursuant to 3254
this section that allocates parental rights and responsibilities 3255
for the care of a minor child and designates the child's place 3256
of residence and legal custodian, the court of appeals shall 3257
give the case calendar priority and handle it expeditiously. 3258

Sec. 3109.061. Nothing in sections 2151.233 to 2151.236 3259

and 2301.03 of the Revised Code shall be construed to prevent a domestic relations court from certifying a case to a juvenile court under ~~division (D) (2) of section 3109.04 of the Revised Code~~ 3109.0435 or ~~section 3109.06~~ of the Revised Code. Consent of the juvenile court shall not be required for the certification.

As used in this section, "domestic relations court" has the same meaning as in section 2151.233 of the Revised Code.

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

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

(2) The parent designated the residential parent and legal custodian pursuant to an order issued under section ~~3109.04~~ 3109.0412, 3109.0413, 3109.0424, 3109.0425, or 3109.0426 of the Revised Code ~~that is not a shared parenting order;~~

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

(B) Any owner of property, including any board of education of a city, local, exempted village, or joint vocational school district, may maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and court costs from the parent of a minor if the minor willfully damages property belonging to the owner or commits acts cognizable as a "theft offense," as defined in section 2913.01 of the Revised Code, involving the property of the owner. The action may be joined with an action under Chapter 2737. of the Revised Code against the minor, or the minor and the minor's parent, to recover the property regardless of value,

but any additional damages recovered from the parent pursuant to 3289
this section shall be limited to compensatory damages not 3290
exceeding ten thousand dollars, as authorized by this section. A 3291
finding of willful destruction of property or of committing acts 3292
cognizable as a theft offense is not dependent upon a prior 3293
finding that the child is a delinquent child or upon the child's 3294
conviction of any criminal offense. 3295

(C) (1) If a court renders a judgment in favor of a board 3296
of education of a city, local, exempted village, or joint 3297
vocational school district in an action brought pursuant to 3298
division (B) of this section, if the board of education agrees 3299
to the parent's performance of community service in lieu of full 3300
payment of the judgment, and if the parent who is responsible 3301
for the payment of the judgment agrees to voluntarily 3302
participate in the performance of community service in lieu of 3303
full payment of the judgment, the court may order the parent to 3304
perform community service in lieu of providing full payment of 3305
the judgment. 3306

(2) If a court, pursuant to division (C) (1) of this 3307
section, orders a parent to perform community service in lieu of 3308
providing full payment of a judgment, the court shall specify in 3309
its order the amount of the judgment, if any, to be paid by the 3310
parent, the type and number of hours of community service to be 3311
performed by the parent, and any other conditions necessary to 3312
carry out the order. 3313

(D) This section shall not apply to a parent of a minor if 3314
the minor was married at the time of the commission of the acts 3315
or violations that would otherwise give rise to a civil action 3316
commenced under this section. 3317

(E) Any action brought pursuant to this section shall be 3318

commenced and heard as in other civil actions. 3319

(F) The monetary limitation upon compensatory damages set 3320
forth in this section does not apply to a civil action brought 3321
pursuant to section 2307.70 of the Revised Code. 3322

Sec. 3109.11. If either the father or mother of an 3323
unmarried minor child is deceased, the court of common pleas of 3324
the county in which the minor child resides may grant the 3325
parents and other relatives of the deceased father or mother 3326
reasonable companionship or visitation rights with respect to 3327
the minor child during the child's minority if the parent or 3328
other relative files a complaint requesting reasonable 3329
companionship or visitation rights and if the court determines 3330
that the granting of the companionship or visitation rights is 3331
in the best interest of the minor child. In determining whether 3332
to grant any person reasonable companionship or visitation 3333
rights with respect to any child, the court shall consider all 3334
relevant factors, including, but not limited to, the factors set 3335
forth in ~~division (D) of section 3109.051-3109.0453~~ of the 3336
Revised Code. ~~Divisions (C), (K), and (L) of section 3109.051-~~ 3337
Sections 3109.0454, 3109.0455, 3109.0456, and 3109.0467 of the 3338
Revised Code apply to the determination of reasonable 3339
companionship or visitation rights under this section and to any 3340
order granting any such rights that is issued under this 3341
section. 3342

The remarriage of the surviving parent of the child or the 3343
adoption of the child by the spouse of the surviving parent of 3344
the child does not affect the authority of the court under this 3345
section to grant reasonable companionship or visitation rights 3346
with respect to the child to a parent or other relative of the 3347
child's deceased father or mother. 3348

If the court denies a request for reasonable companionship 3349
or visitation rights made pursuant to this section and the 3350
complainant files a written request for findings of fact and 3351
conclusions of law, the court shall state in writing its 3352
findings of fact and conclusions of law in accordance with Civil 3353
Rule 52 and, if applicable, Civil Rule 53. 3354

Except as provided in division (E)(6) of section 3113.31 3355
of the Revised Code, if the court, pursuant to this section, 3356
grants any person companionship or visitation rights with 3357
respect to any child, it shall not require the public children 3358
services agency to provide supervision of or other services 3359
related to that person's exercise of companionship or visitation 3360
rights with respect to the child. This section does not limit 3361
the power of a juvenile court pursuant to Chapter 2151. of the 3362
Revised Code to issue orders with respect to children who are 3363
alleged to be abused, neglected, or dependent children or to 3364
make dispositions of children who are adjudicated abused, 3365
neglected, or dependent children or of a common pleas court to 3366
issue orders pursuant to section 3113.31 of the Revised Code. 3367

Sec. 3109.12. (A) If a child is born to an unmarried 3368
woman, the parents of the woman and any relative of the woman 3369
may file a complaint requesting the court of common pleas of the 3370
county in which the child resides to grant them reasonable 3371
companionship or visitation rights with the child. If a child is 3372
born to an unmarried woman and if the father of the child has 3373
acknowledged the child and that acknowledgment has become final 3374
pursuant to section 2151.232, 3111.25, or 3111.821 of the 3375
Revised Code or has been determined in an action under Chapter 3376
3111. of the Revised Code to be the father of the child, the 3377
father may file a complaint requesting that the court of 3378
appropriate jurisdiction of the county in which the child 3379

resides grant him ~~reasonable~~ parenting time rights with the 3380
child and the parents of the father and any relative of the 3381
father may file a complaint requesting that the court grant them 3382
reasonable companionship or visitation rights with the child. 3383

(B) The court may grant the parenting time rights or 3384
companionship or visitation rights requested under division (A) 3385
of this section, ~~if it determines that the granting of the~~ 3386
~~parenting time rights or companionship or visitation rights is~~ 3387
~~in the best interest of the child. accordingly:~~ 3388

(1) With regard to any order granting parenting time 3389
rights that is issued under this section, there is a presumption 3390
that equal parenting time is in the best interest of the child, 3391
subject to the factors set forth in section 3109.0453 and 3392
sections 3109.0454, 3109.0455, 3109.0456, and 3109.0457 of the 3393
Revised Code. 3394

(2) In determining whether to grant ~~reasonable parenting~~ 3395
time rights or reasonable companionship or visitation rights 3396
with respect to any child, the court shall consider all relevant 3397
factors, including, but not limited to, the factors set forth in 3398
~~division (D) of section 3109.051-3109.0453~~ of the Revised Code. 3399
~~Divisions (C), (K), and (L) of section 3109.051~~ Sections 3400
3109.0454, 3109.0455, 3109.0456, and 3109.0457 of the Revised 3401
Code apply to the determination of ~~reasonable parenting time~~ 3402
~~rights or reasonable companionship or visitation rights~~ under 3403
this section and to any order granting any such rights that is 3404
issued under this section. 3405

(C) The marriage or remarriage of the mother or father of 3406
a child does not affect the authority of the court under this 3407
section to grant the natural father ~~reasonable~~ parenting time 3408
rights or the parents or relatives of the natural father or the 3409

parents or relatives of the mother of the child reasonable 3410
companionship or visitation rights with respect to the child. 3411

(D) If the court denies a request for ~~reasonable~~ parenting 3412
time rights or reasonable companionship or visitation rights 3413
made pursuant to division (A) of this section ~~and the~~ 3414
~~complainant files a written request for findings of fact and~~ 3415
~~conclusions of law,~~ the court shall state in writing its 3416
findings of fact and conclusions of law in accordance with Civil 3417
Rule 52 and, if applicable, Civil Rule 53. 3418

(E) Except as provided in division (E) (6) of section 3419
3113.31 of the Revised Code, if the court, pursuant to this 3420
section, grants parenting time rights or companionship or 3421
visitation rights with respect to any child, it shall not 3422
require the public children services agency to provide 3423
supervision of or other services related to that parent's 3424
exercise of parenting time rights with the child or that 3425
person's exercise of companionship or visitation rights with the 3426
child. This section does not limit the power of a juvenile court 3427
pursuant to Chapter 2151. of the Revised Code to issue orders 3428
with respect to children who are alleged to be abused, 3429
neglected, or dependent children or to make dispositions of 3430
children who are adjudicated abused, neglected, or dependent 3431
children or of a common pleas court to issue orders pursuant to 3432
section 3113.31 of the Revised Code. 3433

Sec. 3109.41. As used in sections 3109.41 to 3109.48 of 3434
the Revised Code: 3435

(A) A person is "convicted of killing" if the person has 3436
been convicted of or pleaded guilty to a violation of section 3437
2903.01, 2903.02, or 2903.03 of the Revised Code. 3438

(B) "Custody order" means an order designating a person as 3439
the residential parent and legal custodian of a child under 3440
section ~~3109.04~~3109.0412, 3109.0413, 3109.0424, 3109.0425, or 3441
3109.0426 of the Revised Code or any order determining custody 3442
of a child under section 2151.23, 2151.33, 2151.353, 2151.354, 3443
2151.415, 2151.417, 2152.16, 2152.17, 2152.19, 2152.21, or 3444
3113.31 of the Revised Code. 3445

(C) "Visitation order" means an order issued under 3446
division (B) (1) (c) of section 2151.33 or under section 2151.412, 3447
~~3109.051~~3109.0451, 3109.12, or 3113.31 of the Revised Code. 3448

Sec. 3109.53. To create a power of attorney under section 3449
3109.52 of the Revised Code, a parent, guardian, or custodian 3450
shall use a form that is identical in form and content to the 3451
following: 3452

POWER OF ATTORNEY 3453

I, the undersigned, residing at _____, in the county 3454
of _____, state of _____, hereby appoint the child's 3455
grandparent, _____, residing at _____, in the county 3456
of _____, in the state of Ohio, with whom the child of 3457
whom I am the parent, guardian, or custodian is residing, my 3458
attorney in fact to exercise any and all of my rights and 3459
responsibilities regarding the care, physical custody, and 3460
control of the child, _____, born _____, having social 3461
security number (optional) _____, except my authority to 3462
consent to marriage or adoption of the child _____, and to 3463
perform all acts necessary in the execution of the rights and 3464
responsibilities hereby granted, as fully as I might do if 3465
personally present. The rights I am transferring under this 3466
power of attorney include the ability to enroll the child in 3467
school, to obtain from the school district educational and 3468

behavioral information about the child, to consent to all 3469
school-related matters regarding the child, and to consent to 3470
medical, psychological, or dental treatment for the child. This 3471
transfer does not affect my rights in any future proceedings 3472
concerning the custody of the child or the allocation of the 3473
parental rights and responsibilities for the care of the child 3474
and does not give the attorney in fact legal custody of the 3475
child. This transfer does not terminate my right to have regular 3476
contact with the child. 3477

I hereby certify that I am transferring the rights and 3478
responsibilities designated in this power of attorney because 3479
one of the following circumstances exists: 3480

(1) I am: (a) Seriously ill, incarcerated, or about to be 3481
incarcerated, (b) Temporarily unable to provide financial 3482
support or parental guidance to the child, (c) Temporarily 3483
unable to provide adequate care and supervision of the child 3484
because of my physical or mental condition, (d) Homeless or 3485
without a residence because the current residence is destroyed 3486
or otherwise uninhabitable, or (e) In or about to enter a 3487
residential treatment program for substance abuse; 3488

(2) I am a parent of the child, the child's other parent 3489
is deceased, and I have authority to execute the power of 3490
attorney; or 3491

(3) I have a well-founded belief that the power of 3492
attorney is in the child's best interest. 3493

I hereby certify that I am not transferring my rights and 3494
responsibilities regarding the child for the purpose of 3495
enrolling the child in a school or school district so that the 3496
child may participate in the academic or interscholastic 3497

athletic programs provided by that school or district. 3498

I understand that this document does not authorize a child 3499
support enforcement agency to redirect child support payments to 3500
the grandparent designated as attorney in fact. I further 3501
understand that to have an existing child support order modified 3502
or a new child support order issued administrative or judicial 3503
proceedings must be initiated. 3504

If there is a court order naming me the residential parent 3505
and legal custodian of the child who is the subject of this 3506
power of attorney and I am the sole parent signing this 3507
document, I hereby certify that one of the following is the 3508
case: 3509

(1) I have made reasonable efforts to locate and provide 3510
notice of the creation of this power of attorney to the other 3511
parent and have been unable to locate that parent; 3512

(2) The other parent is prohibited from receiving a notice 3513
of relocation; or 3514

(3) The parental rights of the other parent have been 3515
terminated by order of a juvenile court. 3516

This POWER OF ATTORNEY is valid until the occurrence of 3517
whichever of the following events occurs first: (1) I revoke 3518
this POWER OF ATTORNEY in writing and give notice of the 3519
revocation to the grandparent designated as attorney in fact and 3520
the juvenile court with which this POWER OF ATTORNEY was filed; 3521
(2) the child ceases to reside with the grandparent designated 3522
as attorney in fact; (3) this POWER OF ATTORNEY is terminated by 3523
court order; (4) the death of the child who is the subject of 3524
the power of attorney; or (5) the death of the grandparent 3525
designated as the attorney in fact. 3526

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 3527
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 3528
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY 3529
THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING 3530
A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO 3531
\$1,000, OR BOTH. 3532

Witness my hand this _____ day of _____, _____ 3533

Parent/Custodian/Guardian's signature 3534
3535

Parent's signature 3536
3537

Grandparent designated as attorney in fact 3538
3539

State of Ohio) 3540

) ss: 3541

County of _____) 3542

Subscribed, sworn to, and acknowledged before me this _____ day 3543
of _____, _____ 3544

Notary Public 3545
3546

Notices: 3547

1. A power of attorney may be executed only if one of the following 3548
circumstances exists: (1) The parent, guardian, or custodian of the child 3549
is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) 3550
Temporarily unable to provide financial support or parental guidance to 3551
the child; (c) Temporarily unable to provide adequate care and supervision 3552
of the child because of the parent's, guardian's, or custodian's physical 3553

or mental condition; (d) Homeless or without a residence because the 3554
current residence is destroyed or otherwise uninhabitable; or (e) In or 3555
about to enter a residential treatment program for substance abuse; (2) 3556
One of the child's parents is deceased and the other parent, with 3557
authority to do so, seeks to execute a power of attorney; or (3) The 3558
parent, guardian, or custodian has a well-founded belief that the power of 3559
attorney is in the child's best interest. 3560

2. The signatures of the parent, guardian, or custodian of the child and 3561
the grandparent designated as the attorney in fact must be notarized by an 3562
Ohio notary public. 3563

3. A parent, guardian, or custodian who creates a power of attorney must 3564
notify the parent of the child who is not the residential parent and legal 3565
custodian of the child unless one of the following circumstances applies: 3566
(a) the parent is prohibited from receiving a notice of relocation in 3567
accordance with section ~~3109.051~~3109.0460 of the Revised Code of the 3568
creation of the power of attorney; (b) the parent's parental rights have 3569
been terminated by order of a juvenile court pursuant to Chapter 2151. of 3570
the Revised Code; (c) the parent cannot be located with reasonable 3571
efforts; (d) both parents are executing the power of attorney. The notice 3572
must be sent by certified mail not later than five days after the power of 3573
attorney is created and must state the name and address of the person 3574
designated as the attorney in fact. 3575

4. A parent, guardian, or custodian who creates a power of attorney must 3576
file it with the juvenile court of the county in which the attorney in 3577
fact resides, or any other court that has jurisdiction over the child 3578
under a previously filed motion or proceeding. The power of attorney must 3579
be filed not later than five days after the date it is created and be 3580
accompanied by a receipt showing that the notice of creation of the power 3581
of attorney was sent to the parent who is not the residential parent and 3582
legal custodian by certified mail. 3583

5. This power of attorney does not affect the rights of the child's 3584
parents, guardian, or custodian regarding any future proceedings 3585
concerning the custody of the child or the allocation of the parental 3586
rights and responsibilities for the care of the child and does not give 3587
the attorney in fact legal custody of the child. 3588

6. A person or entity that relies on this power of attorney, in good 3589
faith, has no obligation to make any further inquiry or investigation. 3590

7. This power of attorney terminates on the occurrence of whichever of the 3591
following occurs first: (1) the power of attorney is revoked in writing by 3592
the person who created it and that person gives written notice of the 3593
revocation to the grandparent who is the attorney in fact and the juvenile 3594
court with which the power of attorney was filed; (2) the child ceases to 3595
live with the grandparent who is the attorney in fact; (3) the power of 3596
attorney is terminated by court order; (4) the death of the child who is 3597
the subject of the power of attorney; or (5) the death of the grandparent 3598
designated as the attorney in fact. 3599

If this power of attorney terminates other than by the death of the 3600
attorney in fact, the grandparent who served as the attorney in fact shall 3601
notify, in writing, all of the following: 3602

(a) Any schools, health care providers, or health insurance coverage 3603
provider with which the child has been involved through the grandparent; 3604

(b) Any other person or entity that has an ongoing relationship with the 3605
child or grandparent such that the other person or entity would reasonably 3606
rely on the power of attorney unless notified of the termination; 3607

(c) The court in which the power of attorney was filed after its creation; 3608

(d) The parent who is not the residential parent and legal custodian of 3609
the child who is required to be given notice of its creation. The 3610
grandparent shall make the notifications not later than one week after the 3611
date the power of attorney terminates. 3612

8. If this power of attorney is terminated by written revocation of the 3613
person who created it, or the revocation is regarding a second or 3614
subsequent power of attorney, a copy of the revocation must be filed with 3615
the court with which that power of attorney was filed. 3616

Additional information: 3617

To the grandparent designated as attorney in fact: 3618

1. If the child stops living with you, you are required to notify, in 3619
writing, any school, health care provider, or health care insurance 3620
provider to which you have given this power of attorney. You are also 3621
required to notify, in writing, any other person or entity that has an 3622
ongoing relationship with you or the child such that the person or entity 3623
would reasonably rely on the power of attorney unless notified. The 3624
notification must be made not later than one week after the child stops 3625
living with you. 3626

2. You must include with the power of attorney the following information: 3627

(a) The child's present address, the addresses of the places where the 3628
child has lived within the last five years, and the name and present 3629
address of each person with whom the child has lived during that period; 3630

(b) Whether you have participated as a party, a witness, or in any other 3631
capacity in any other litigation, in this state or any other state, that 3632
concerned the allocation, between the parents of the same child, of 3633
parental rights and responsibilities for the care of the child and the 3634
designation of the residential parent and legal custodian of the child or 3635
that otherwise concerned the custody of the same child; 3636

(c) Whether you have information of any parenting proceeding concerning 3637
the child pending in a court of this or any other state; 3638

(d) Whether you know of any person who has physical custody of the child 3639
or claims to be a parent of the child who is designated the residential 3640

parent and legal custodian of the child or to have parenting time rights 3641
with respect to the child or to be a person other than a parent of the 3642
child who has custody or visitation rights with respect to the child; 3643

(e) Whether you previously have been convicted of or pleaded guilty to any 3644
criminal offense involving any act that resulted in a child's being an 3645
abused child or a neglected child or previously have been determined, in a 3646
case in which a child has been adjudicated an abused child or a neglected 3647
child, to be the perpetrator of the abusive or neglectful act that was the 3648
basis of the adjudication. 3649

3. If you receive written notice of revocation of the power of attorney or 3650
the parent, custodian, or guardian removes the child from your home and if 3651
you believe that the revocation or removal is not in the best interest of 3652
the child, you may, within fourteen days, file a complaint in the juvenile 3653
court to seek custody. You may retain physical custody of the child until 3654
the fourteen-day period elapses or, if you file a complaint, until the 3655
court orders otherwise. 3656

To school officials: 3657

1. Except as provided in section 3313.649 of the Revised Code, this power 3658
of attorney, properly completed and notarized, authorizes the child in 3659
question to attend school in the district in which the grandparent 3660
designated as attorney in fact resides and that grandparent is authorized 3661
to provide consent in all school-related matters and to obtain from the 3662
school district educational and behavioral information about the child. 3663
This power of attorney does not preclude the parent, guardian, or 3664
custodian of the child from having access to all school records pertinent 3665
to the child. 3666

2. The school district may require additional reasonable evidence that the 3667
grandparent lives in the school district. 3668

3. A school district or school official that reasonably and in good faith 3669

relies on this power of attorney has no obligation to make any further 3670
inquiry or investigation. 3671

To health care providers: 3672

1. A person or entity that acts in good faith reliance on a power of 3673
attorney to provide medical, psychological, or dental treatment, without 3674
actual knowledge of facts contrary to those stated in the power of 3675
attorney, is not subject to criminal liability or to civil liability to 3676
any person or entity, and is not subject to professional disciplinary 3677
action, solely for such reliance if the power of attorney is completed and 3678
the signatures of the parent, guardian, or custodian of the child and the 3679
grandparent designated as attorney in fact are notarized. 3680

2. The decision of a grandparent designated as attorney in fact, based on 3681
a power of attorney, shall be honored by a health care facility or 3682
practitioner, school district, or school official. 3683

Sec. 3109.55. (A) A person who creates a power of attorney 3684
under section 3109.52 of the Revised Code shall send notice of 3685
the creation to the parent of the child who is not the 3686
residential parent and legal custodian of the child unless one 3687
of the following is the case: 3688

(1) The parent is prohibited from receiving a notice of 3689
relocation in accordance with section ~~3109.051~~ 3109.0460 of the 3690
Revised Code. 3691

(2) The parent's parental rights have been terminated by 3692
order of a juvenile court pursuant to Chapter 2151. of the 3693
Revised Code. 3694

(3) The parent cannot be located with reasonable efforts. 3695

(4) The power of attorney is being created by both 3696
parents. 3697

(B) The notice shall be sent by certified mail not later than five days after the power of attorney is created. The notice shall state the name and address of the person designated as the attorney in fact.

Sec. 3109.56. When a parent seeks to create a power of attorney pursuant to section 3109.52 of the Revised Code, all of the following apply:

(A) The power of attorney shall be executed by both parents if any of the following apply:

(1) The parents are married to each other and are living as husband and wife.

(2) The child is the subject of a shared parenting order issued pursuant to section ~~3109.04~~ 3109.0413 of the Revised Code.

(3) The child is the subject of a ~~custody-parental rights and responsibilities~~ order issued pursuant to section ~~3109.04~~ 3109.0412, 3109.0424, 3109.0425, or 3109.0426 of the Revised Code unless one of the following is the case:

(a) The parent who is not the residential parent and legal custodian is prohibited from receiving a notice of relocation in accordance with section ~~3109.051~~ 3109.0460 of the Revised Code.

(b) The parental rights of the parent who is not the residential parent and legal custodian have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code.

(c) The parent who is not the residential parent and legal custodian cannot be located with reasonable efforts.

(B) In all other cases, the power of attorney may be

executed only by one of the following persons: 3726

(1) The parent who is the residential parent and legal 3727
custodian of the child, as determined by court order or as 3728
provided in section 3109.042 of the Revised Code; 3729

(2) The parent with whom the child is residing the 3730
majority of the school year in cases in which no court has 3731
issued an order designating a parent as the residential parent 3732
and legal custodian of the child or section 3109.042 of the 3733
Revised Code is not applicable. 3734

Sec. 3109.65. (A) Except as provided in division (B) of 3735
this section, if a child is living with a grandparent who has 3736
made reasonable attempts to locate and contact both of the 3737
child's parents, or the child's guardian or custodian, but has 3738
been unable to do so, the grandparent may obtain authority to 3739
exercise care, physical custody, and control of the child 3740
including authority to enroll the child in school, to discuss 3741
with the school district the child's educational progress, to 3742
consent to all school-related matters regarding the child, and 3743
to consent to medical, psychological, or dental treatment for 3744
the child by executing a caretaker authorization affidavit in 3745
accordance with section 3109.67 of the Revised Code. 3746

(B) The grandparent may execute a caretaker authorization 3747
affidavit without attempting to locate the following parent: 3748

(1) If paternity has not been established with regard to 3749
the child, the child's father. 3750

(2) If the child is the subject of a custody order, the 3751
following parent: 3752

(a) A parent who is prohibited from receiving a notice of 3753
relocation in accordance with section ~~3109.051~~3109.0460 of the 3754

Revised Code;	3755
(b) A parent whose parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code.	3756 3757 3758
Sec. 3113.31. (A) As used in this section:	3759
(1) "Domestic violence" means any of the following:	3760
(a) The occurrence of one or more of the following acts against a family or household member:	3761 3762
(i) Attempting to cause or recklessly causing bodily injury;	3763 3764
(ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;	3765 3766 3767
(iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;	3768 3769 3770
(iv) Committing a sexually oriented offense.	3771
(b) The occurrence of one or more of the acts identified in divisions (A) (1) (a) (i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.	3772 3773 3774 3775
(2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement	3776 3777 3778 3779 3780 3781

approved under this section resides if the respondent is less than eighteen years of age. 3782
3783

(3) "Family or household member" means any of the following: 3784
3785

(a) Any of the following who is residing with or has resided with the respondent: 3786
3787

(i) A spouse, a person living as a spouse, or a former spouse of the respondent; 3788
3789

(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent; 3790
3791
3792

(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent. 3793
3794
3795
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(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent. 3797
3798
3799

(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question. 3800
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(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 3806
3807
3808

(6) "Sexually oriented offense" has the same meaning as in 3809

section 2950.01 of the Revised Code. 3810

(7) "Companion animal" has the same meaning as in section 3811
959.131 of the Revised Code. 3812

(8) "Dating relationship" means a relationship between 3813
individuals who have, or have had, a relationship of a romantic 3814
or intimate nature. "Dating relationship" does not include a 3815
casual acquaintanceship or ordinary fraternization in a business 3816
or social context. 3817

(9) "Person with whom the respondent is or was in a dating 3818
relationship" means an adult who, at the time of the conduct in 3819
question, is in a dating relationship with the respondent who 3820
also is an adult or who, within the twelve months preceding the 3821
conduct in question, has had a dating relationship with the 3822
respondent who also is an adult. 3823

(B) The court has jurisdiction over all proceedings under 3824
this section. The petitioner's right to relief under this 3825
section is not affected by the petitioner's leaving the 3826
residence or household to avoid further domestic violence. 3827

(C) A person may seek relief under this section on the 3828
person's own behalf, or any parent or adult household member may 3829
seek relief under this section on behalf of any other family or 3830
household member, by filing a petition with the court. The 3831
petition shall contain or state: 3832

(1) An allegation that the respondent engaged in domestic 3833
violence against a family or household member of the respondent 3834
or against a person with whom the respondent is or was in a 3835
dating relationship, including a description of the nature and 3836
extent of the domestic violence; 3837

(2) The relationship of the respondent to the petitioner, 3838

and to the victim if other than the petitioner; 3839

(3) If the petition is for protection of a person with 3840
whom the respondent is or was in a dating relationship, the 3841
facts upon which the court may conclude that a dating 3842
relationship existed between the person to be protected and the 3843
respondent; 3844

(4) A request for relief under this section. 3845

(D) (1) If a person who files a petition pursuant to this 3846
section requests an ex parte order, the court shall hold an ex 3847
parte hearing on the same day that the petition is filed. The 3848
court, for good cause shown at the ex parte hearing, may enter 3849
any temporary orders, with or without bond, including, but not 3850
limited to, an order described in division (E) (1) (a), (b), or 3851
(c) of this section, that the court finds necessary to protect 3852
the family or household member or the person with whom the 3853
respondent is or was in a dating relationship from domestic 3854
violence. Immediate and present danger of domestic violence to 3855
the family or household member or to the person with whom the 3856
respondent is or was in a dating relationship constitutes good 3857
cause for purposes of this section. Immediate and present danger 3858
includes, but is not limited to, situations in which the 3859
respondent has threatened the family or household member or 3860
person with whom the respondent is or was in a dating 3861
relationship with bodily harm, in which the respondent has 3862
threatened the family or household member or person with whom 3863
the respondent is or was in a dating relationship with a 3864
sexually oriented offense, or in which the respondent previously 3865
has been convicted of, pleaded guilty to, or been adjudicated a 3866
delinquent child for an offense that constitutes domestic 3867
violence against the family or household member or person with 3868

whom the respondent is or was in a dating relationship. 3869

(2) (a) If the court, after an ex parte hearing, issues an 3870
order described in division (E) (1) (b) or (c) of this section, 3871
the court shall schedule a full hearing for a date that is 3872
within seven court days after the ex parte hearing. If any other 3873
type of protection order that is authorized under division (E) 3874
of this section is issued by the court after an ex parte 3875
hearing, the court shall schedule a full hearing for a date that 3876
is within ten court days after the ex parte hearing. The court 3877
shall give the respondent notice of, and an opportunity to be 3878
heard at, the full hearing. The court shall hold the full 3879
hearing on the date scheduled under this division unless the 3880
court grants a continuance of the hearing in accordance with 3881
this division. Under any of the following circumstances or for 3882
any of the following reasons, the court may grant a continuance 3883
of the full hearing to a reasonable time determined by the 3884
court: 3885

(i) Prior to the date scheduled for the full hearing under 3886
this division, the respondent has not been served with the 3887
petition filed pursuant to this section and notice of the full 3888
hearing. 3889

(ii) The parties consent to the continuance. 3890

(iii) The continuance is needed to allow a party to obtain 3891
counsel. 3892

(iv) The continuance is needed for other good cause. 3893

(b) An ex parte order issued under this section does not 3894
expire because of a failure to serve notice of the full hearing 3895
upon the respondent before the date set for the full hearing 3896
under division (D) (2) (a) of this section or because the court 3897

grants a continuance under that division. 3898

(3) If a person who files a petition pursuant to this 3899
section does not request an ex parte order, or if a person 3900
requests an ex parte order but the court does not issue an ex 3901
parte order after an ex parte hearing, the court shall proceed 3902
as in a normal civil action and grant a full hearing on the 3903
matter. 3904

(E) (1) After an ex parte or full hearing, the court may 3905
grant any protection order, with or without bond, or approve any 3906
consent agreement to bring about a cessation of domestic 3907
violence against the family or household members or persons with 3908
whom the respondent is or was in a dating relationship. The 3909
order or agreement may: 3910

(a) Direct the respondent to refrain from abusing or from 3911
committing sexually oriented offenses against the family or 3912
household members or persons with whom the respondent is or was 3913
in a dating relationship; 3914

(b) With respect to a petition involving family or 3915
household members, grant possession of the residence or 3916
household to the petitioner or other family or household member, 3917
to the exclusion of the respondent, by evicting the respondent, 3918
when the residence or household is owned or leased solely by the 3919
petitioner or other family or household member, or by ordering 3920
the respondent to vacate the premises, when the residence or 3921
household is jointly owned or leased by the respondent, and the 3922
petitioner or other family or household member; 3923

(c) With respect to a petition involving family or 3924
household members, when the respondent has a duty to support the 3925
petitioner or other family or household member living in the 3926

residence or household and the respondent is the sole owner or 3927
lessee of the residence or household, grant possession of the 3928
residence or household to the petitioner or other family or 3929
household member, to the exclusion of the respondent, by 3930
ordering the respondent to vacate the premises, or, in the case 3931
of a consent agreement, allow the respondent to provide 3932
suitable, alternative housing; 3933

(d) With respect to a petition involving family or 3934
household members, temporarily allocate parental rights and 3935
responsibilities for the care of, or establish temporary 3936
parenting time rights with regard to, minor children, if no 3937
other court has determined, or is determining, the allocation of 3938
parental rights and responsibilities for the minor children or 3939
parenting time rights; 3940

(e) With respect to a petition involving family or 3941
household members, require the respondent to maintain support, 3942
if the respondent customarily provides for or contributes to the 3943
support of the family or household member, or if the respondent 3944
has a duty to support the petitioner or family or household 3945
member; 3946

(f) Require the respondent, petitioner, victim of domestic 3947
violence, or any combination of those persons, to seek 3948
counseling; 3949

(g) Require the respondent to refrain from entering the 3950
residence, school, business, or place of employment of the 3951
petitioner or, with respect to a petition involving family or 3952
household members, a family or household member; 3953

(h) Grant other relief that the court considers equitable 3954
and fair, including, but not limited to, ordering the respondent 3955

to permit the use of a motor vehicle by the petitioner or, with 3956
respect to a petition involving family or household members, 3957
other family or household members and the apportionment of 3958
household and family personal property; 3959

(i) Require that the respondent not remove, damage, hide, 3960
harm, or dispose of any companion animal owned or possessed by 3961
the petitioner; 3962

(j) Authorize the petitioner to remove a companion animal 3963
owned by the petitioner from the possession of the respondent; 3964

(k) Require a wireless service transfer in accordance with 3965
sections 3113.45 to 3113.459 of the Revised Code. 3966

(2) If a protection order has been issued pursuant to this 3967
section in a prior action involving the respondent and the 3968
petitioner or, with respect to a petition involving family or 3969
household members, one or more of the family or household 3970
members or victims, the court may include in a protection order 3971
that it issues a prohibition against the respondent returning to 3972
the residence or household. If it includes a prohibition against 3973
the respondent returning to the residence or household in the 3974
order, it also shall include in the order provisions of the type 3975
described in division (E)(7) of this section. This division does 3976
not preclude the court from including in a protection order or 3977
consent agreement, in circumstances other than those described 3978
in this division, a requirement that the respondent be evicted 3979
from or vacate the residence or household or refrain from 3980
entering the residence, school, business, or place of employment 3981
of the petitioner or, with respect to a petition involving 3982
family or household members, a family or household member, and, 3983
if the court includes any requirement of that type in an order 3984
or agreement, the court also shall include in the order 3985

provisions of the type described in division (E) (7) of this 3986
section. 3987

(3) (a) Any protection order issued or consent agreement 3988
approved under this section shall be valid until a date certain, 3989
but not later than five years from the date of its issuance or 3990
approval, or not later than the date a respondent who is less 3991
than eighteen years of age attains nineteen years of age, unless 3992
modified or terminated as provided in division (E) (8) of this 3993
section. 3994

(b) With respect to an order involving family or household 3995
members, subject to the limitation on the duration of an order 3996
or agreement set forth in division (E) (3) (a) of this section, 3997
any order under division (E) (1) (d) of this section shall 3998
terminate on the date that a court in an action for divorce, 3999
dissolution of marriage, or legal separation brought by the 4000
petitioner or respondent issues an order allocating parental 4001
rights and responsibilities for the care of children or on the 4002
date that a juvenile court in an action brought by the 4003
petitioner or respondent issues an order awarding legal custody 4004
of minor children. Subject to the limitation on the duration of 4005
an order or agreement set forth in division (E) (3) (a) of this 4006
section, any order under division (E) (1) (e) of this section 4007
shall terminate on the date that a court in an action for 4008
divorce, dissolution of marriage, or legal separation brought by 4009
the petitioner or respondent issues a support order or on the 4010
date that a juvenile court in an action brought by the 4011
petitioner or respondent issues a support order. 4012

(c) Any protection order issued or consent agreement 4013
approved pursuant to this section may be renewed in the same 4014
manner as the original order or agreement was issued or 4015

approved. 4016

(4) A court may not issue a protection order that requires 4017
a petitioner to do or to refrain from doing an act that the 4018
court may require a respondent to do or to refrain from doing 4019
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 4020
this section unless all of the following apply: 4021

(a) The respondent files a separate petition for a 4022
protection order in accordance with this section. 4023

(b) The petitioner is served notice of the respondent's 4024
petition at least forty-eight hours before the court holds a 4025
hearing with respect to the respondent's petition, or the 4026
petitioner waives the right to receive this notice. 4027

(c) If the petitioner has requested an ex parte order 4028
pursuant to division (D) of this section, the court does not 4029
delay any hearing required by that division beyond the time 4030
specified in that division in order to consolidate the hearing 4031
with a hearing on the petition filed by the respondent. 4032

(d) After a full hearing at which the respondent presents 4033
evidence in support of the request for a protection order and 4034
the petitioner is afforded an opportunity to defend against that 4035
evidence, the court determines that the petitioner has committed 4036
an act of domestic violence or has violated a temporary 4037
protection order issued pursuant to section 2919.26 of the 4038
Revised Code, that both the petitioner and the respondent acted 4039
primarily as aggressors, and that neither the petitioner nor the 4040
respondent acted primarily in self-defense. 4041

(5) No protection order issued or consent agreement 4042
approved under this section shall in any manner affect title to 4043
any real property. 4044

(6) (a) With respect to an order involving family or household members, if a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E) (1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section ~~3109.051~~3109.0451 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section ~~3109.051~~3109.0452, 3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of this section granting parenting time rights to the respondent, the court may require the public children services agency of the county in which the court is located to provide supervision of the respondent's exercise of parenting time or visitation or companionship rights with respect to the child for a period not to exceed nine months, if the court makes the following findings of fact:

(i) The child is in danger from the respondent;

(ii) No other person or agency is available to provide the supervision.

(b) A court that requires an agency to provide supervision pursuant to division (E) (6) (a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.

(7) (a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or, with respect to a petition involving family or household members, a family or

household member, the order or agreement shall state clearly 4075
that the order or agreement cannot be waived or nullified by an 4076
invitation to the respondent from the petitioner or other family 4077
or household member to enter the residence, school, business, or 4078
place of employment or by the respondent's entry into one of 4079
those places otherwise upon the consent of the petitioner or 4080
other family or household member. 4081

(b) Division (E) (7) (a) of this section does not limit any 4082
discretion of a court to determine that a respondent charged 4083
with a violation of section 2919.27 of the Revised Code, with a 4084
violation of a municipal ordinance substantially equivalent to 4085
that section, or with contempt of court, which charge is based 4086
on an alleged violation of a protection order issued or consent 4087
agreement approved under this section, did not commit the 4088
violation or was not in contempt of court. 4089

(8) (a) The court may modify or terminate as provided in 4090
division (E) (8) of this section a protection order or consent 4091
agreement that was issued after a full hearing under this 4092
section. The court that issued the protection order or approved 4093
the consent agreement shall hear a motion for modification or 4094
termination of the protection order or consent agreement 4095
pursuant to division (E) (8) of this section. 4096

(b) Either the petitioner or the respondent of the 4097
original protection order or consent agreement may bring a 4098
motion for modification or termination of a protection order or 4099
consent agreement that was issued or approved after a full 4100
hearing. The court shall require notice of the motion to be made 4101
as provided by the Rules of Civil Procedure. If the petitioner 4102
for the original protection order or consent agreement has 4103
requested that the petitioner's address be kept confidential, 4104

the court shall not disclose the address to the respondent of 4105
the original protection order or consent agreement or any other 4106
person, except as otherwise required by law. The moving party 4107
has the burden of proof to show, by a preponderance of the 4108
evidence, that modification or termination of the protection 4109
order or consent agreement is appropriate because either the 4110
protection order or consent agreement is no longer needed or 4111
because the terms of the original protection order or consent 4112
agreement are no longer appropriate. 4113

(c) In considering whether to modify or terminate a 4114
protection order or consent agreement issued or approved under 4115
this section, the court shall consider all relevant factors, 4116
including, but not limited to, the following: 4117

(i) Whether the petitioner consents to modification or 4118
termination of the protection order or consent agreement; 4119

(ii) Whether the petitioner fears the respondent; 4120

(iii) The current nature of the relationship between the 4121
petitioner and the respondent; 4122

(iv) The circumstances of the petitioner and respondent, 4123
including the relative proximity of the petitioner's and 4124
respondent's workplaces and residences and whether the 4125
petitioner and respondent have minor children together; 4126

(v) Whether the respondent has complied with the terms and 4127
conditions of the original protection order or consent 4128
agreement; 4129

(vi) Whether the respondent has a continuing involvement 4130
with illegal drugs or alcohol; 4131

(vii) Whether the respondent has been convicted of, 4132

pleaded guilty to, or been adjudicated a delinquent child for an 4133
offense of violence since the issuance of the protection order 4134
or approval of the consent agreement; 4135

(viii) Whether any other protection orders, consent 4136
agreements, restraining orders, or no contact orders have been 4137
issued against the respondent pursuant to this section, section 4138
2919.26 of the Revised Code, any other provision of state law, 4139
or the law of any other state; 4140

(ix) Whether the respondent has participated in any 4141
domestic violence treatment, intervention program, or other 4142
counseling addressing domestic violence and whether the 4143
respondent has completed the treatment, program, or counseling; 4144

(x) The time that has elapsed since the protection order 4145
was issued or since the consent agreement was approved; 4146

(xi) The age and health of the respondent; 4147

(xii) When the last incident of abuse, threat of harm, or 4148
commission of a sexually oriented offense occurred or other 4149
relevant information concerning the safety and protection of the 4150
petitioner or other protected parties. 4151

(d) If a protection order or consent agreement is modified 4152
or terminated as provided in division (E) (8) of this section, 4153
the court shall issue copies of the modified or terminated order 4154
or agreement as provided in division (F) of this section. A 4155
petitioner may also provide notice of the modification or 4156
termination to the judicial and law enforcement officials in any 4157
county other than the county in which the order or agreement is 4158
modified or terminated as provided in division (N) of this 4159
section. 4160

(e) If the respondent moves for modification or 4161

termination of a protection order or consent agreement pursuant 4162
to this section and the court denies the motion, the court may 4163
assess costs against the respondent for the filing of the 4164
motion. 4165

(9) Any protection order issued or any consent agreement 4166
approved pursuant to this section shall include a provision that 4167
the court will automatically seal all of the records of the 4168
proceeding in which the order is issued or agreement approved on 4169
the date the respondent attains the age of nineteen years unless 4170
the petitioner provides the court with evidence that the 4171
respondent has not complied with all of the terms of the 4172
protection order or consent agreement. The protection order or 4173
consent agreement shall specify the date when the respondent 4174
attains the age of nineteen years. 4175

(F) (1) A copy of any protection order, or consent 4176
agreement, that is issued, approved, modified, or terminated 4177
under this section shall be issued by the court to the 4178
petitioner, to the respondent, and to all law enforcement 4179
agencies that have jurisdiction to enforce the order or 4180
agreement. The court shall direct that a copy of an order be 4181
delivered to the respondent on the same day that the order is 4182
entered. 4183

(2) Upon the issuance of a protection order or the 4184
approval of a consent agreement under this section, the court 4185
shall provide the parties to the order or agreement with the 4186
following notice orally or by form: 4187

"NOTICE 4188

As a result of this order or consent agreement, it may be 4189
unlawful for you to possess or purchase a firearm, including a 4190

rifle, pistol, or revolver, or ammunition pursuant to federal 4191
law under 18 U.S.C. 922(g)(8) for the duration of this order or 4192
consent agreement. If you have any questions whether this law 4193
makes it illegal for you to possess or purchase a firearm or 4194
ammunition, you should consult an attorney." 4195

(3) All law enforcement agencies shall establish and 4196
maintain an index for the protection orders and the approved 4197
consent agreements delivered to the agencies pursuant to 4198
division (F)(1) of this section. With respect to each order and 4199
consent agreement delivered, each agency shall note on the index 4200
the date and time that it received the order or consent 4201
agreement. 4202

(4) Regardless of whether the petitioner has registered 4203
the order or agreement in the county in which the officer's 4204
agency has jurisdiction pursuant to division (N) of this 4205
section, any officer of a law enforcement agency shall enforce a 4206
protection order issued or consent agreement approved by any 4207
court in this state in accordance with the provisions of the 4208
order or agreement, including removing the respondent from the 4209
premises, if appropriate. 4210

(G)(1) Any proceeding under this section shall be 4211
conducted in accordance with the Rules of Civil Procedure, 4212
except that an order under this section may be obtained with or 4213
without bond. An order issued under this section, other than an 4214
ex parte order, that grants a protection order or approves a 4215
consent agreement, that refuses to grant a protection order or 4216
approve a consent agreement that modifies or terminates a 4217
protection order or consent agreement, or that refuses to modify 4218
or terminate a protection order or consent agreement, is a 4219
final, appealable order. The remedies and procedures provided in 4220

this section are in addition to, and not in lieu of, any other 4221
available civil or criminal remedies. 4222

(2) If as provided in division (G) (1) of this section an 4223
order issued under this section, other than an ex parte order, 4224
refuses to grant a protection order, the court, on its own 4225
motion, shall order that the ex parte order issued under this 4226
section and all of the records pertaining to that ex parte order 4227
be sealed after either of the following occurs: 4228

(a) No party has exercised the right to appeal pursuant to 4229
Rule 4 of the Rules of Appellate Procedure. 4230

(b) All appellate rights have been exhausted. 4231

(H) The filing of proceedings under this section does not 4232
excuse a person from filing any report or giving any notice 4233
required by section 2151.421 of the Revised Code or by any other 4234
law. When a petition under this section alleges domestic 4235
violence against minor children, the court shall report the 4236
fact, or cause reports to be made, to a county, township, or 4237
municipal peace officer under section 2151.421 of the Revised 4238
Code. 4239

(I) Any law enforcement agency that investigates a 4240
domestic dispute shall provide information to the family or 4241
household members involved, or the persons in the dating 4242
relationship who are involved, whichever is applicable regarding 4243
the relief available under this section and, for family or 4244
household members, section 2919.26 of the Revised Code. 4245

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 4246
section and regardless of whether a protection order is issued 4247
or a consent agreement is approved by a court of another county 4248
or a court of another state, no court or unit of state or local 4249

government shall charge the petitioner any fee, cost, deposit, 4250
or money in connection with the filing of a petition pursuant to 4251
this section or in connection with the filing, issuance, 4252
registration, modification, enforcement, dismissal, withdrawal, 4253
or service of a protection order, consent agreement, or witness 4254
subpoena or for obtaining a certified copy of a protection order 4255
or consent agreement. 4256

(2) Regardless of whether a protection order is issued or 4257
a consent agreement is approved pursuant to this section, the 4258
court may assess costs against the respondent in connection with 4259
the filing, issuance, registration, modification, enforcement, 4260
dismissal, withdrawal, or service of a protection order, consent 4261
agreement, or witness subpoena or for obtaining a certified copy 4262
of a protection order or consent agreement. 4263

(K) (1) The court shall comply with Chapters 3119., 3121., 4264
3123., and 3125. of the Revised Code when it makes or modifies 4265
an order for child support under this section. 4266

(2) If any person required to pay child support under an 4267
order made under this section on or after April 15, 1985, or 4268
modified under this section on or after December 31, 1986, is 4269
found in contempt of court for failure to make support payments 4270
under the order, the court that makes the finding, in addition 4271
to any other penalty or remedy imposed, shall assess all court 4272
costs arising out of the contempt proceeding against the person 4273
and require the person to pay any reasonable attorney's fees of 4274
any adverse party, as determined by the court, that arose in 4275
relation to the act of contempt. 4276

(L) (1) A person who violates a protection order issued or 4277
a consent agreement approved under this section is subject to 4278
the following sanctions: 4279

(a) Criminal prosecution or a delinquent child proceeding 4280
for a violation of section 2919.27 of the Revised Code, if the 4281
violation of the protection order or consent agreement 4282
constitutes a violation of that section; 4283

(b) Punishment for contempt of court. 4284

(2) The punishment of a person for contempt of court for 4285
violation of a protection order issued or a consent agreement 4286
approved under this section does not bar criminal prosecution of 4287
the person or a delinquent child proceeding concerning the 4288
person for a violation of section 2919.27 of the Revised Code. 4289
However, a person punished for contempt of court is entitled to 4290
credit for the punishment imposed upon conviction of or 4291
adjudication as a delinquent child for a violation of that 4292
section, and a person convicted of or adjudicated a delinquent 4293
child for a violation of that section shall not subsequently be 4294
punished for contempt of court arising out of the same activity. 4295

(M) In all stages of a proceeding under this section, a 4296
petitioner may be accompanied by a victim advocate. 4297

(N) (1) A petitioner who obtains a protection order or 4298
consent agreement under this section or a temporary protection 4299
order under section 2919.26 of the Revised Code may provide 4300
notice of the issuance or approval of the order or agreement to 4301
the judicial and law enforcement officials in any county other 4302
than the county in which the order is issued or the agreement is 4303
approved by registering that order or agreement in the other 4304
county pursuant to division (N) (2) of this section and filing a 4305
copy of the registered order or registered agreement with a law 4306
enforcement agency in the other county in accordance with that 4307
division. A person who obtains a protection order issued by a 4308
court of another state may provide notice of the issuance of the 4309

order to the judicial and law enforcement officials in any 4310
county of this state by registering the order in that county 4311
pursuant to section 2919.272 of the Revised Code and filing a 4312
copy of the registered order with a law enforcement agency in 4313
that county. 4314

(2) A petitioner may register a temporary protection 4315
order, protection order, or consent agreement in a county other 4316
than the county in which the court that issued the order or 4317
approved the agreement is located in the following manner: 4318

(a) The petitioner shall obtain a certified copy of the 4319
order or agreement from the clerk of the court that issued the 4320
order or approved the agreement and present that certified copy 4321
to the clerk of the court of common pleas or the clerk of a 4322
municipal court or county court in the county in which the order 4323
or agreement is to be registered. 4324

(b) Upon accepting the certified copy of the order or 4325
agreement for registration, the clerk of the court of common 4326
pleas, municipal court, or county court shall place an 4327
endorsement of registration on the order or agreement and give 4328
the petitioner a copy of the order or agreement that bears that 4329
proof of registration. 4330

(3) The clerk of each court of common pleas, the clerk of 4331
each municipal court, and the clerk of each county court shall 4332
maintain a registry of certified copies of temporary protection 4333
orders, protection orders, or consent agreements that have been 4334
issued or approved by courts in other counties and that have 4335
been registered with the clerk. 4336

(O) Nothing in this section prohibits the domestic 4337
relations division of a court of common pleas in counties that 4338

have a domestic relations division or a court of common pleas in 4339
counties that do not have a domestic relations division from 4340
designating a minor child as a protected party on a protection 4341
order or consent agreement. 4342

Sec. 3119.01. (A) As used in the Revised Code, "child 4343
support enforcement agency" means a child support enforcement 4344
agency designated under former section 2301.35 of the Revised 4345
Code prior to October 1, 1997, or a private or government entity 4346
designated as a child support enforcement agency under section 4347
307.981 of the Revised Code. 4348

(B) As used in this chapter and Chapters 3121., 3123., and 4349
3125. of the Revised Code: 4350

(1) "Administrative child support order" means any order 4351
issued by a child support enforcement agency for the support of 4352
a child pursuant to section 3109.19 or 3111.81 of the Revised 4353
Code or former section 3111.211 of the Revised Code, section 4354
3111.21 of the Revised Code as that section existed prior to 4355
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 4356
Code as those sections existed prior to March 22, 2001. 4357

(2) "Child support order" means either a court child 4358
support order or an administrative child support order. 4359

(3) "Obligee" means the person who is entitled to receive 4360
the support payments under a support order. 4361

(4) "Obligor" means the person who is required to pay 4362
support under a support order. 4363

(5) "Support order" means either an administrative child 4364
support order or a court support order. 4365

(C) As used in this chapter: 4366

(1) "Cash medical support" means an amount ordered to be 4367
paid in a child support order toward the ordinary medical 4368
expenses incurred during a calendar year. 4369

(2) "Child care cost" means annual out-of-pocket costs for 4370
the care and supervision of a child or children subject to the 4371
order that is related to work or employment training. 4372

(3) "Court child support order" means any order issued by 4373
a court for the support of a child pursuant to Chapter 3115. of 4374
the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 4375
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 4376
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised 4377
Code, or division (B) of former section 3113.21 of the Revised 4378
Code. 4379

(4) "Court-ordered parenting time" means the amount of 4380
parenting time a parent is to have under a parenting time order 4381
or the amount of time the children are to be in the physical 4382
custody of a parent under a shared parenting order or parental 4383
rights and responsibilities order. 4384

(5) "Court support order" means either a court child 4385
support order or an order for the support of a spouse or former 4386
spouse issued pursuant to Chapter 3115. of the Revised Code, 4387
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 4388
division (B) of former section 3113.21 of the Revised Code. 4389

(6) "CPI-U" means the consumer price index for all urban 4390
consumers, published by the United States department of labor, 4391
bureau of labor statistics. 4392

(7) "Extraordinary medical expenses" means any uninsured 4393
medical expenses incurred for a child during a calendar year 4394
that exceed the total cash medical support amount owed by the 4395

parents during that year. 4396

(8) "Federal poverty level" has the same meaning as in 4397
section 5121.30 of the Revised Code. 4398

(9) "Income" means either of the following: 4399

(a) For a parent who is employed to full capacity, the 4400
gross income of the parent; 4401

(b) For a parent who is unemployed or underemployed, the 4402
sum of the gross income of the parent and any potential income 4403
of the parent. 4404

(10) "Income share" means the percentage derived from a 4405
comparison of each parent's annual income after allowable 4406
deductions and credits as indicated on the worksheet to the 4407
total annual income of both parents. 4408

(11) "Insurer" means any person authorized under Title 4409
XXXIX of the Revised Code to engage in the business of insurance 4410
in this state, any health insuring corporation, and any legal 4411
entity that is self-insured and provides benefits to its 4412
employees or members. 4413

(12) "Gross income" means, except as excluded in division 4414
(C)(12) of this section, the total of all earned and unearned 4415
income from all sources during a calendar year, whether or not 4416
the income is taxable, and includes income from salaries, wages, 4417
overtime pay, and bonuses to the extent described in division 4418
(D) of section 3119.05 of the Revised Code; commissions; 4419
royalties; tips; rents; dividends; severance pay; pensions; 4420
interest; trust income; annuities; social security benefits, 4421
including retirement, disability, and survivor benefits that are 4422
not means-tested; workers' compensation benefits; unemployment 4423
insurance benefits; disability insurance benefits; benefits that 4424

are not means-tested and that are received by and in the 4425
possession of the veteran who is the beneficiary for any 4426
service-connected disability under a program or law administered 4427
by the United States department of veterans' affairs or 4428
veterans' administration; spousal support actually received; and 4429
all other sources of income. "Gross income" includes income of 4430
members of any branch of the United States armed services or 4431
national guard, including, amounts representing base pay, basic 4432
allowance for quarters, basic allowance for subsistence, 4433
supplemental subsistence allowance, cost of living adjustment, 4434
specialty pay, variable housing allowance, and pay for training 4435
or other types of required drills; self-generated income; and 4436
potential cash flow from any source. 4437

"Gross income" does not include any of the following: 4438

(a) Benefits received from means-tested government 4439
administered programs, including Ohio works first; prevention, 4440
retention, and contingency; means-tested veterans' benefits; 4441
supplemental security income; supplemental nutrition assistance 4442
program; disability financial assistance; or other assistance 4443
for which eligibility is determined on the basis of income or 4444
assets; 4445

(b) Benefits for any service-connected disability under a 4446
program or law administered by the United States department of 4447
veterans' affairs or veterans' administration that are not 4448
means-tested, that have not been distributed to the veteran who 4449
is the beneficiary of the benefits, and that are in the 4450
possession of the United States department of veterans' affairs 4451
or veterans' administration; 4452

(c) Child support amounts received for children who are 4453
not included in the current calculation; 4454

(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	4455 4456 4457
(e) Nonrecurring or unsustainable income or cash flow items;	4458 4459
(f) Adoption assistance, kinship guardianship assistance, and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended;	4460 4461 4462 4463
(g) State kinship guardianship assistance described in section 5153.163 of the Revised Code and payment from the kinship support program described in section 5101.881 of the Revised Code.	4464 4465 4466 4467
(13) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.	4468 4469 4470 4471 4472 4473 4474 4475 4476 4477 4478
(14) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children of the order.	4479 4480 4481
(15) (a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by	4482 4483

the parent or the parent's business and includes depreciation 4484
expenses of business equipment as shown on the books of a 4485
business entity. 4486

(b) Except as specifically included in "ordinary and 4487
necessary expenses incurred in generating gross receipts" by 4488
division (C) (15) (a) of this section, "ordinary and necessary 4489
expenses incurred in generating gross receipts" does not include 4490
depreciation expenses and other noncash items that are allowed 4491
as deductions on any federal tax return of the parent or the 4492
parent's business. 4493

(16) "Personal earnings" means compensation paid or 4494
payable for personal services, however denominated, and includes 4495
wages, salary, commissions, bonuses, draws against commissions, 4496
profit sharing, vacation pay, or any other compensation. 4497

(17) "Potential income" means both of the following for a 4498
parent who the court pursuant to a court support order, or a 4499
child support enforcement agency pursuant to an administrative 4500
child support order, determines is voluntarily unemployed or 4501
voluntarily underemployed: 4502

(a) Imputed income that the court or agency determines the 4503
parent would have earned if fully employed as determined from 4504
the following criteria: 4505

(i) The parent's prior employment experience; 4506

(ii) The parent's education; 4507

(iii) The parent's physical and mental disabilities, if 4508
any; 4509

(iv) The availability of employment in the geographic area 4510
in which the parent resides; 4511

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	4512 4513
(vi) The parent's special skills and training;	4514
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	4515 4516
(viii) The age and special needs of the child for whom child support is being calculated under this section;	4517 4518
(ix) The parent's increased earning capacity because of experience;	4519 4520
(x) The parent's decreased earning capacity because of a felony conviction;	4521 4522
(xi) Any other relevant factor.	4523
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	4524 4525 4526 4527 4528 4529
(18) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	4530 4531
(19) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals,	4532 4533 4534 4535 4536 4537 4538 4539

and other benefits, if the reimbursements are significant and 4540
reduce personal living expenses. 4541

(20) "Self-sufficiency reserve" means the minimal amount 4542
necessary for an obligor to adequately subsist upon, as 4543
determined under section 3119.021 of the Revised Code. 4544

(21) "Split parental rights and responsibilities" means a 4545
situation in which there is more than one child who is the 4546
subject of an allocation of parental rights and responsibilities 4547
and each parent is the residential parent and legal custodian of 4548
at least one of those children. 4549

(22) "Worksheet" means the applicable worksheet created in 4550
rules adopted under section 3119.022 of the Revised Code that is 4551
used to calculate a parent's child support obligation. 4552

Sec. 3119.08. Whenever a court issues a child support 4553
order, it shall include in the order specific provisions for 4554
regular, holiday, vacation, parenting time, and special 4555
visitation in accordance with section ~~3109.051~~3109.0451, 4556
3109.0452, 3109.11, or 3109.12 of the Revised Code or in 4557
accordance with any other applicable section of the Revised 4558
Code. 4559

Sec. 3119.24. (A) (1) A court that issues a parental rights 4560
and responsibilities order or shared parenting order ~~in~~ 4561
~~accordance with section 3109.04 of the Revised Code~~ shall order 4562
an amount of child support to be paid under the child support 4563
order that is calculated in accordance with the schedule and 4564
with the worksheet, except that, if that amount would be unjust 4565
or inappropriate to the children or either parent and therefore 4566
not in the best interest of the child because of the 4567
extraordinary circumstances of the parents or because of any 4568

other factors or criteria set forth in section 3119.23 of the Revised Code, the court may deviate from that amount.

(2) The court shall consider extraordinary circumstances and other factors or criteria if it deviates from the amount described in division (A)(1) of this section and shall enter in the journal the amount described in division (A)(1) of this section its determination that the amount would be unjust or inappropriate and therefore not in the best interest of the child, and findings of fact supporting its determination.

(B) For the purposes of this section, "extraordinary circumstances of the parents" includes all of the following:

(1) The ability of each parent to maintain adequate housing for the children;

(2) Each parent's expenses, including child care expenses, school tuition, medical expenses, dental expenses, and any other expenses the court considers relevant;

(3) Any other circumstances the court considers relevant.

Sec. 3119.964. (A) If a court grants relief from a judgment, order, or determination pursuant to section 3119.962 of the Revised Code and if the person who is relieved or the male minor has been granted parenting time rights pursuant to an order issued under section ~~3109.051~~3109.0451 or 3109.12 of the Revised Code, or if any relative of the person or male minor has been granted companionship or visitation rights with the child pursuant to an order issued under section ~~3109.051~~3109.0452 or 3109.12 of the Revised Code, the court shall determine whether the order granting those rights should be terminated, modified, or continued.

(B) If a court grants relief from a child support order

pursuant to section 3119.962 of the Revised Code and support 4598
arrearages are owed, the court may issue an order canceling that 4599
arrearage. Nothing in this section limits any actions that may 4600
be taken by the person or male minor granted relief under this 4601
section to recover support paid under the child support order 4602
from which relief was granted. 4603

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 4604
the Revised Code: 4605

(A) "Alternative public provider" means either of the 4606
following providers that agrees to enroll a child in the 4607
provider's special education program to implement the child's 4608
individualized education program and to which the eligible 4609
applicant owes fees for the services provided to the child: 4610

(1) A school district that is not the school district in 4611
which the child is entitled to attend school or the child's 4612
school district of residence, if different; 4613

(2) A public entity other than a school district. 4614

(B) "Child with a disability" and "individualized 4615
education program" have the same meanings as in section 3323.01 4616
of the Revised Code. 4617

(C) "Eligible applicant" means any of the following: 4618

(1) Either of the natural or adoptive parents of a 4619
qualified special education child, except as otherwise specified 4620
in this division. When the marriage of the natural or adoptive 4621
parents of the student has been terminated by a divorce, 4622
dissolution of marriage, or annulment, or when the natural or 4623
adoptive parents of the student are living separate and apart 4624
under a legal separation decree, and a court has issued an order 4625
allocating the parental rights and responsibilities with respect 4626

to the child, "eligible applicant" means the residential parent 4627
as designated by the court. If the court issues a shared 4628
parenting ~~decre~~order or an order under section 3109.0426 of the 4629
Revised Code, "eligible applicant" means either parent. 4630
"Eligible applicant" does not mean a parent whose custodial 4631
rights have been terminated. 4632

(2) The custodian of a qualified special education child, 4633
when a court has granted temporary, legal, or permanent custody 4634
of the child to an individual other than either of the natural 4635
or adoptive parents of the child or to a government agency; 4636

(3) The guardian of a qualified special education child, 4637
when a court has appointed a guardian for the child; 4638

(4) The grandparent of a qualified special education 4639
child, when the grandparent is the child's attorney in fact 4640
under a power of attorney executed under sections 3109.51 to 4641
3109.62 of the Revised Code or when the grandparent has executed 4642
a caretaker authorization affidavit under sections 3109.65 to 4643
3109.73 of the Revised Code; 4644

(5) The surrogate parent appointed for a qualified special 4645
education child pursuant to division (B) of section 3323.05 and 4646
section 3323.051 of the Revised Code; 4647

(6) A qualified special education child, if the child does 4648
not have a custodian or guardian and the child is at least 4649
eighteen years of age. 4650

(D) "Entitled to attend school" means entitled to attend 4651
school in a school district under sections 3313.64 and 3313.65 4652
of the Revised Code. 4653

(E) "Formula ADM" has the same meaning as in section 4654
3317.02 of the Revised Code. 4655

(F) "Qualified special education child" is a child for 4656
whom all of the following conditions apply: 4657

(1) The child is at least five years of age and less than 4658
twenty-two years of age. 4659

(2) The school district in which the child is entitled to 4660
attend school, or the child's school district of residence if 4661
different, has identified the child as a child with a 4662
disability. 4663

(3) The school district in which the child is entitled to 4664
attend school, or the child's school district of residence if 4665
different, has developed an individualized education program 4666
under Chapter 3323. of the Revised Code for the child. 4667

(4) The child either: 4668

(a) Was enrolled in the schools of the school district in 4669
which the child is entitled to attend school in any grade from 4670
kindergarten through twelve in the school year prior to the 4671
school year in which a scholarship is first sought for the 4672
child; 4673

(b) Is eligible to enter school in any grade kindergarten 4674
through twelve in the school district in which the child is 4675
entitled to attend school in the school year in which a 4676
scholarship is first sought for the child. 4677

(5) The department of education has not approved a 4678
scholarship for the child under the educational choice 4679
scholarship pilot program, under sections 3310.01 to 3310.17 of 4680
the Revised Code, the autism scholarship program, under section 4681
3310.41 of the Revised Code, or the pilot project scholarship 4682
program, under sections 3313.974 to 3313.979 of the Revised Code 4683
for the same school year in which a scholarship under the Jon 4684

Peterson special needs scholarship program is sought. 4685

(6) The child and the child's parents are in compliance 4686
with the state compulsory attendance law under Chapter 3321. of 4687
the Revised Code. 4688

(G) "Registered private provider" means a nonpublic school 4689
or other nonpublic entity that has been registered by the 4690
superintendent of public instruction under section 3310.58 of 4691
the Revised Code. 4692

(H) "Scholarship" means a scholarship awarded under the 4693
Jon Peterson special needs scholarship program pursuant to 4694
sections 3310.51 to 3310.64 of the Revised Code. 4695

(I) "School district of residence" has the same meaning as 4696
in section 3323.01 of the Revised Code. A community school 4697
established under Chapter 3314. of the Revised Code is not a 4698
"school district of residence" for purposes of sections 3310.51 4699
to 3310.64 of the Revised Code. 4700

(J) "School year" has the same meaning as in section 4701
3313.62 of the Revised Code. 4702

(K) "Special education program" means a school or facility 4703
that provides special education and related services to children 4704
with disabilities. 4705

Sec. 3313.98. Notwithstanding division (D) of section 4706
3311.19 and division (D) of section 3311.52 of the Revised Code, 4707
the provisions of this section and sections 3313.981 to 3313.983 4708
of the Revised Code that apply to a city school district do not 4709
apply to a joint vocational or cooperative education school 4710
district unless expressly specified. 4711

(A) As used in this section and sections 3313.981 to 4712

3313.983 of the Revised Code:	4713
(1) "Parent" means either of the natural or adoptive	4714
parents of a student, except under the following conditions:	4715
(a) When the marriage of the natural or adoptive parents	4716
of the student has been terminated by a divorce, dissolution of	4717
marriage, or annulment or the natural or adoptive parents of the	4718
student are living separate and apart under a legal separation	4719
decree and the court has issued an order allocating the parental	4720
rights and responsibilities with respect to the student,	4721
"parent" means the residential parent as designated by the court	4722
except that "parent" means either parent when the court issues a	4723
shared parenting decree <u>order or an order under section 3109.0426</u>	4724
<u>of the Revised Code.</u>	4725
(b) When a court has granted temporary or permanent	4726
custody of the student to an individual or agency other than	4727
either of the natural or adoptive parents of the student,	4728
"parent" means the legal custodian of the child.	4729
(c) When a court has appointed a guardian for the student,	4730
"parent" means the guardian of the student.	4731
(2) "Native student" means a student entitled under	4732
section 3313.64 or 3313.65 of the Revised Code to attend school	4733
in a district adopting a resolution under this section.	4734
(3) "Adjacent district" means a city, exempted village, or	4735
local school district having territory that abuts the territory	4736
of a district adopting a resolution under this section.	4737
(4) "Adjacent district student" means a student entitled	4738
under section 3313.64 or 3313.65 of the Revised Code to attend	4739
school in an adjacent district.	4740

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

(6) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the secretary of health and human services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.

(7) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.

(9) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.

(10) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B) (1) The board of education of each city, local, and

exempted village school district shall adopt a resolution 4770
establishing for the school district one of the following 4771
policies: 4772

(a) A policy that entirely prohibits the enrollment of 4773
students from adjacent districts or other districts, other than 4774
students for whom tuition is paid in accordance with section 4775
3317.08 of the Revised Code; 4776

(b) A policy that permits enrollment of students from all 4777
adjacent districts in accordance with policy statements 4778
contained in the resolution; 4779

(c) A policy that permits enrollment of students from all 4780
other districts in accordance with policy statements contained 4781
in the resolution. 4782

(2) A policy permitting enrollment of students from 4783
adjacent or from other districts, as applicable, shall provide 4784
for all of the following: 4785

(a) Application procedures, including deadlines for 4786
application and for notification of students and the 4787
superintendent of the applicable district whenever an adjacent 4788
or other district student's application is approved. 4789

(b) Procedures for admitting adjacent or other district 4790
applicants free of any tuition obligation to the district's 4791
schools, including, but not limited to: 4792

(i) The establishment of district capacity limits by grade 4793
level, school building, and education program; 4794

(ii) A requirement that all native students wishing to be 4795
enrolled in the district will be enrolled and that any adjacent 4796
or other district students previously enrolled in the district 4797

shall receive preference over first-time applicants; 4798

(iii) Procedures to ensure that an appropriate racial 4799
balance is maintained in the district schools. 4800

(C) Except as provided in section 3313.982 of the Revised 4801
Code, the procedures for admitting adjacent or other district 4802
students, as applicable, shall not include: 4803

(1) Any requirement of academic ability, or any level of 4804
athletic, artistic, or other extracurricular skills; 4805

(2) Limitations on admitting applicants because of 4806
disability, except that a board may refuse to admit a student 4807
receiving services under Chapter 3323. of the Revised Code, if 4808
the services described in the student's IEP are not available in 4809
the district's schools; 4810

(3) A requirement that the student be proficient in the 4811
English language; 4812

(4) Rejection of any applicant because the student has 4813
been subject to disciplinary proceedings, except that if an 4814
applicant has been suspended or expelled by the student's 4815
district for ten consecutive days or more in the term for which 4816
admission is sought or in the term immediately preceding the 4817
term for which admission is sought, the procedures may include a 4818
provision denying admission of such applicant. 4819

(D) (1) Each school board permitting only enrollment of 4820
adjacent district students shall provide information about the 4821
policy adopted under this section, including the application 4822
procedures and deadlines, to the superintendent and the board of 4823
education of each adjacent district and, upon request, to the 4824
parent of any adjacent district student. 4825

(2) Each school board permitting enrollment of other 4826
district students shall provide information about the policy 4827
adopted under this section, including the application procedures 4828
and deadlines, upon request, to the board of education of any 4829
other school district or to the parent of any student anywhere 4830
in the state. 4831

(E) Any school board shall accept all credits toward 4832
graduation earned in adjacent or other district schools by an 4833
adjacent or other district student or a native student. 4834

(F) (1) No board of education may adopt a policy 4835
discouraging or prohibiting its native students from applying to 4836
enroll in the schools of an adjacent or any other district that 4837
has adopted a policy permitting such enrollment, except that: 4838

(a) A district may object to the enrollment of a native 4839
student in an adjacent or other district in order to maintain an 4840
appropriate racial balance. 4841

(b) The board of education of a district receiving funds 4842
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 4843
may adopt a resolution objecting to the enrollment of its native 4844
students in adjacent or other districts if at least ten per cent 4845
of its students are included in the determination of the United 4846
States secretary of education made under section 20 U.S.C.A. 4847
238(a). 4848

(2) If a board objects to enrollment of native students 4849
under this division, any adjacent or other district shall refuse 4850
to enroll such native students unless tuition is paid for the 4851
students in accordance with section 3317.08 of the Revised Code. 4852
An adjacent or other district enrolling such students may not 4853
receive funding for those students in accordance with section 4854

3313.981 of the Revised Code. 4855

(G) The state board of education shall monitor school 4856
districts to ensure compliance with this section and the 4857
districts' policies. The board may adopt rules requiring uniform 4858
application procedures, deadlines for application, notification 4859
procedures, and record-keeping requirements for all school 4860
boards that adopt policies permitting the enrollment of adjacent 4861
or other district students, as applicable. If the state board 4862
adopts such rules, no school board shall adopt a policy that 4863
conflicts with those rules. 4864

(H) A resolution adopted by a board of education under 4865
this section that entirely prohibits the enrollment of students 4866
from adjacent and from other school districts does not abrogate 4867
any agreement entered into under section 3313.841 or 3313.92 of 4868
the Revised Code or any contract entered into under section 4869
3313.90 of the Revised Code between the board of education 4870
adopting the resolution and the board of education of any 4871
adjacent or other district or prohibit these boards of education 4872
from entering into any such agreement or contract. 4873

(I) Nothing in this section shall be construed to permit 4874
or require the board of education of a city, exempted village, 4875
or local school district to exclude any native student of the 4876
district from enrolling in the district. 4877

Sec. 3319.321. (A) No person shall release, or permit 4878
access to, the directory information concerning any students 4879
attending a public school to any person or group for use in a 4880
profit-making plan or activity. Notwithstanding division (B) (4) 4881
of section 149.43 of the Revised Code, a person may require 4882
disclosure of the requestor's identity or the intended use of 4883
the directory information concerning any students attending a 4884

public school to ascertain whether the directory information is 4885
for use in a profit-making plan or activity. 4886

(B) No person shall release, or permit access to, 4887
personally identifiable information other than directory 4888
information concerning any student attending a public school, 4889
for purposes other than those identified in division (C), (E), 4890
(G), or (H) of this section, without the written consent of the 4891
parent, guardian, or custodian of each such student who is less 4892
than eighteen years of age, or without the written consent of 4893
each such student who is eighteen years of age or older. 4894

(1) For purposes of this section, "directory information" 4895
includes a student's name, address, telephone listing, date and 4896
place of birth, major field of study, participation in 4897
officially recognized activities and sports, weight and height 4898
of members of athletic teams, dates of attendance, date of 4899
graduation, and awards received. 4900

(2) (a) Except as provided in division (B) (2) (b) of this 4901
section, no school district board of education shall impose any 4902
restriction on the presentation of directory information that it 4903
has designated as subject to release in accordance with the 4904
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 4905
571, 20 U.S.C. 1232q, as amended, to representatives of the 4906
armed forces, business, industry, charitable institutions, other 4907
employers, and institutions of higher education unless such 4908
restriction is uniformly imposed on each of these types of 4909
representatives, except that if a student eighteen years of age 4910
or older or a student's parent, guardian, or custodian has 4911
informed the board that any or all such information should not 4912
be released without such person's prior written consent, the 4913
board shall not release that information without such person's 4914

prior written consent. 4915

(b) The names and addresses of students in grades ten 4916
through twelve shall be released to a recruiting officer for any 4917
branch of the United States armed forces who requests such 4918
information, except that such data shall not be released if the 4919
student or student's parent, guardian, or custodian submits to 4920
the board a written request not to release such data. Any data 4921
received by a recruiting officer shall be used solely for the 4922
purpose of providing information to students regarding military 4923
service and shall not be released to any person other than 4924
individuals within the recruiting services of the armed forces. 4925

(3) Except for directory information and except as 4926
provided in division (E), (G), or (H) of this section, 4927
information covered by this section that is released shall only 4928
be transferred to a third or subsequent party on the condition 4929
that such party will not permit any other party to have access 4930
to such information without written consent of the parent, 4931
guardian, or custodian, or of the student who is eighteen years 4932
of age or older. 4933

(4) Except as otherwise provided in this section, any 4934
parent of a student may give the written parental consent 4935
required under this section. Where parents are separated or 4936
divorced, the written parental consent required under this 4937
section may be obtained from either parent, subject to any 4938
agreement between such parents or court order governing the 4939
rights of such parents. In the case of a student whose legal 4940
guardian is in an institution, a person independent of the 4941
institution who has no other conflicting interests in the case 4942
shall be appointed by the board of education of the school 4943
district in which the institution is located to give the written 4944

parental consent required under this section. 4945

(5) (a) A parent of a student who is not the student's 4946
residential parent, upon request, shall be permitted access to 4947
any records or information concerning the student under the same 4948
terms and conditions under which access to the records or 4949
information is available to the residential parent of that 4950
student, provided that the access of the parent who is not the 4951
residential parent is subject to any agreement between the 4952
parents, to division (F) of this section, and, to the extent 4953
described in division (B) (5) (b) of this section, is subject to 4954
~~any court a parenting time order~~ issued pursuant to section 4955
~~3109.051-3109.0451~~ of the Revised Code and any other court order 4956
governing the rights of the parents. 4957

(b) If the residential parent of a student has presented 4958
the keeper of a record or information that is related to the 4959
student with a copy of an order issued under ~~division (H) (1) of~~ 4960
section ~~3109.051-3109.0461~~ of the Revised Code that limits the 4961
terms and conditions under which the parent who is not the 4962
residential parent of the student is to have access to records 4963
and information pertaining to the student or with a copy of any 4964
other court order governing the rights of the parents that so 4965
limits those terms and conditions, and if the order pertains to 4966
the record or information in question, the keeper of the record 4967
or information shall provide access to the parent who is not the 4968
residential parent only to the extent authorized in the order. 4969
If the residential parent has presented the keeper of the record 4970
or information with such an order, the keeper of the record 4971
shall permit the parent who is not the residential parent to 4972
have access to the record or information only in accordance with 4973
the most recent such order that has been presented to the keeper 4974
by the residential parent or the parent who is not the 4975

residential parent. 4976

(C) Nothing in this section shall limit the administrative 4977
use of public school records by a person acting exclusively in 4978
the person's capacity as an employee of a board of education or 4979
of the state or any of its political subdivisions, any court, or 4980
the federal government, and nothing in this section shall 4981
prevent the transfer of a student's record to an educational 4982
institution for a legitimate educational purpose. However, 4983
except as provided in this section, public school records shall 4984
not be released or made available for any other purpose. 4985
Fingerprints, photographs, or records obtained pursuant to 4986
section 3313.96 or 3319.322 of the Revised Code, or pursuant to 4987
division (E) of this section, or any medical, psychological, 4988
guidance, counseling, or other information that is derived from 4989
the use of the fingerprints, photographs, or records, shall not 4990
be admissible as evidence against the minor who is the subject 4991
of the fingerprints, photographs, or records in any proceeding 4992
in any court. The provisions of this division regarding the 4993
administrative use of records by an employee of the state or any 4994
of its political subdivisions or of a court or the federal 4995
government shall be applicable only when the use of the 4996
information is required by a state statute adopted before 4997
November 19, 1974, or by federal law. 4998

(D) A board of education may require, subject to division 4999
(E) of this section, a person seeking to obtain copies of public 5000
school records to pay the cost of reproduction and, in the case 5001
of data released under division (B) (2) (b) of this section, to 5002
pay for any mailing costs, which payment shall not exceed the 5003
actual cost to the school. 5004

(E) A principal or chief administrative officer of a 5005

public school, or any employee of a public school who is 5006
authorized to handle school records, shall provide access to a 5007
student's records to a law enforcement officer who indicates 5008
that the officer is conducting an investigation and that the 5009
student is or may be a missing child, as defined in section 5010
2901.30 of the Revised Code. Free copies of information in the 5011
student's record shall be provided, upon request, to the law 5012
enforcement officer, if prior approval is given by the student's 5013
parent, guardian, or legal custodian. Information obtained by 5014
the officer shall be used solely in the investigation of the 5015
case. The information may be used by law enforcement agency 5016
personnel in any manner that is appropriate in solving the case, 5017
including, but not limited to, providing the information to 5018
other law enforcement officers and agencies and to the bureau of 5019
criminal identification and investigation for purposes of 5020
computer integration pursuant to section 2901.30 of the Revised 5021
Code. 5022

(F) No person shall release to a parent of a student who 5023
is not the student's residential parent or to any other person, 5024
or permit a parent of a student who is not the student's 5025
residential parent or permit any other person to have access to, 5026
any information about the location of any elementary or 5027
secondary school to which a student has transferred or 5028
information that would enable the parent who is not the 5029
student's residential parent or the other person to determine 5030
the location of that elementary or secondary school, if the 5031
elementary or secondary school to which the student has 5032
transferred and that requested the records of the student under 5033
section 3313.672 of the Revised Code informs the elementary or 5034
secondary school from which the student's records are obtained 5035
that the student is under the care of a shelter for victims of 5036

domestic violence, as defined in section 3113.33 of the Revised Code. 5037
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(G) A principal or chief administrative officer of a public school, or any employee of a public school who is authorized to handle school records, shall comply with any order issued pursuant to division (D) (1) of section 2151.14 of the Revised Code, any request for records that is properly made pursuant to division (D) (3) (a) of section 2151.14 or division (A) of section 2151.141 of the Revised Code, and any determination that is made by a court pursuant to division (D) (3) (b) of section 2151.14 or division (B) (1) of section 2151.141 of the Revised Code. 5039
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(H) Notwithstanding any provision of this section, a principal of a public school, to the extent permitted by the "Family Educational Rights and Privacy Act of 1974," shall make the report required in section 3319.45 of the Revised Code that a pupil committed any violation listed in division (A) of section 3313.662 of the Revised Code on property owned or controlled by, or at an activity held under the auspices of, the board of education, regardless of whether the pupil was sixteen years of age or older. The principal is not required to obtain the consent of the pupil who is the subject of the report or the consent of the pupil's parent, guardian, or custodian before making a report pursuant to section 3319.45 of the Revised Code. 5049
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Sec. 3333.26. (A) Any citizen of this state who has resided within the state for one year, who was in the active service of the United States as a soldier, sailor, nurse, or marine between April 6, 1917, and November 11, 1918, and who has been honorably discharged from that service, shall be admitted to any school, college, or university that receives state funds 5061
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in support thereof, without being required to pay any tuition or 5067
matriculation fee, but is not relieved from the payment of 5068
laboratory or similar fees. 5069

(B) (1) As used in this section: 5070

(a) "Volunteer firefighter" has the meaning as in division 5071
(B) (1) of section 146.01 of the Revised Code. 5072

(b) "Public service officer" means an Ohio firefighter, 5073
volunteer firefighter, police officer, member of the state 5074
highway patrol, employee designated to exercise the powers of 5075
police officers pursuant to section 1545.13 of the Revised Code, 5076
or other peace officer as defined by division (B) of section 5077
2935.01 of the Revised Code, or a person holding any equivalent 5078
position in another state. 5079

(c) "Qualified former spouse" means the former spouse of a 5080
public service officer, or of a member of the armed services of 5081
the United States, who is the custodial parent of a minor child 5082
of that marriage pursuant to an order allocating the parental 5083
rights and responsibilities for care of the child issued 5084
pursuant to section ~~3109.04~~ 3109.0412, 3109.0413, 3109.0424, 5085
3109.0425, or 3109.0426 of the Revised Code. 5086

(d) "Operation enduring freedom" means that period of 5087
conflict which began October 7, 2001, and ends on a date 5088
declared by the president of the United States or the congress. 5089

(e) "Operation Iraqi freedom" means that period of 5090
conflict which began March 20, 2003, and ends on a date declared 5091
by the president of the United States or the congress. 5092

(f) "Combat zone" means an area that the president of the 5093
United States by executive order designates, for purposes of 26 5094
U.S.C. 112, as an area in which armed forces of the United 5095

States are or have engaged in combat. 5096

(2) Subject to division (D) of this section, any resident 5097
of this state who is under twenty-six years of age, or under 5098
thirty years of age if the resident has been honorably 5099
discharged from the armed services of the United States, who is 5100
the child of a public service officer killed in the line of duty 5101
or of a member of the armed services of the United States killed 5102
in the line of duty during operation enduring freedom or 5103
operation Iraqi freedom, and who is admitted to any state 5104
university or college as defined in division (A)(1) of section 5105
3345.12 of the Revised Code, community college, state community 5106
college, university branch, or technical college shall not be 5107
required to pay any tuition or any student fee for up to four 5108
academic years of education, which shall be at the undergraduate 5109
level, or a certificate program as prescribed under division (E) 5110
of this section. 5111

A child of a member of the armed services of the United 5112
States killed in the line of duty during operation enduring 5113
freedom or operation Iraqi freedom is eligible for a waiver of 5114
tuition and student fees under this division only if the student 5115
is not eligible for a war orphans and severely disabled 5116
veterans' children scholarship authorized by Chapter 5910. of 5117
the Revised Code. In any year in which the war orphans and 5118
severely disabled veterans' children scholarship board reduces 5119
the percentage of tuition covered by a war orphans and severely 5120
disabled veterans' children scholarship below one hundred per 5121
cent pursuant to division (A) of section 5910.04 of the Revised 5122
Code, the waiver of tuition and student fees under this division 5123
for a child of a member of the armed services of the United 5124
States killed in the line of duty during operation enduring 5125
freedom or operation Iraqi freedom shall be reduced by the same 5126

percentage. 5127

(3) Subject to division (D) of this section, any resident 5128
of this state who is the spouse or qualified former spouse of a 5129
public service officer killed in the line of duty, and who is 5130
admitted to any state university or college as defined in 5131
division (A)(1) of section 3345.12 of the Revised Code, 5132
community college, state community college, university branch, 5133
or technical college, shall not be required to pay any tuition 5134
or any student fee for up to four academic years of education, 5135
which shall be at the undergraduate level, or a certificate 5136
program as prescribed under division (E) of this section. 5137

(4) Any resident of this state who is the spouse or 5138
qualified former spouse of a member of the armed services of the 5139
United States killed in the line of duty while serving in a 5140
combat zone after May 7, 1975, and who is admitted to any state 5141
university or college as defined in division (A)(1) of section 5142
3345.12 of the Revised Code, community college, state community 5143
college, university branch, or technical college, shall not be 5144
required to pay any tuition or any student fee for up to four 5145
years of academic education, which shall be at the undergraduate 5146
level, or a certificate program as prescribed under division (E) 5147
of this section. In order to qualify under division (B)(4) of 5148
this section, the spouse or qualified former spouse shall have 5149
been a resident of this state at the time the member was killed 5150
in the line of duty. 5151

(C) Any institution that is not subject to division (B) of 5152
this section and that holds a valid certificate of registration 5153
issued under Chapter 3332. of the Revised Code, a valid 5154
certificate issued under Chapter 4709. of the Revised Code, or a 5155
valid license issued under Chapter 4713. of the Revised Code, or 5156

that is nonprofit and has a certificate of authorization issued 5157
under section 1713.02 of the Revised Code, or that is a private 5158
institution exempt from regulation under Chapter 3332. of the 5159
Revised Code as prescribed in section 3333.046 of the Revised 5160
Code, which reduces tuition and student fees of a student who is 5161
eligible to attend an institution of higher education under the 5162
provisions of division (B) of this section by an amount 5163
indicated by the chancellor of higher education shall be 5164
eligible to receive a grant in that amount from the chancellor. 5165

Each institution that enrolls students under division (B) 5166
of this section shall report to the chancellor, by the first day 5167
of July of each year, the number of students who were so 5168
enrolled and the average amount of all such tuition and student 5169
fees waived during the preceding year. The chancellor shall 5170
determine the average amount of all such tuition and student 5171
fees waived during the preceding year. The average amount of the 5172
tuition and student fees waived under division (B) of this 5173
section during the preceding year shall be the amount of grants 5174
that participating institutions shall receive under this 5175
division during the current year, but no grant under this 5176
division shall exceed the tuition and student fees due and 5177
payable by the student prior to the reduction referred to in 5178
this division. The grants shall be made for two certificate 5179
programs or four years of undergraduate education of an eligible 5180
student. 5181

(D) Notwithstanding anything to the contrary in section 5182
3333.31 of the Revised Code, for the purposes of divisions (B) 5183
(2) and (3) of this section, the child, spouse, or qualified 5184
former spouse of a public service officer or a member of the 5185
armed services of the United States killed in the line of duty 5186
shall be considered a resident of this state for the purposes of 5187

this section if the child, spouse, or qualified former spouse 5188
was a resident of this state at the time that the public service 5189
officer or member of the armed services was killed. 5190

However, no child, spouse, or qualified former spouse of a 5191
public service officer or a member of the armed services of the 5192
United States killed in the line of duty shall be required to be 5193
a resident of this state at the time the public service officer 5194
or member of the armed services of the United States was killed 5195
in order to receive benefits under divisions (B) (2) and (3) of 5196
this section. 5197

(E) A child, spouse, or qualified former spouse of a 5198
public service officer or a member of the armed services killed 5199
in the line of duty shall receive benefits for a certificate 5200
program in accordance with division (B) or (C) of this section, 5201
except that a particular child, spouse, or qualified former 5202
spouse shall not receive benefits for: 5203

(1) More than two certificate programs; 5204

(2) A total number of academic credits or instructional 5205
hours equivalent to more than four academic years; 5206

(3) For any particular academic year, an amount that is 5207
greater than eight thousand dollars. 5208

Sec. 3796.24. (A) The holder of a license, as defined in 5209
section 4776.01 of the Revised Code, is not subject to 5210
professional disciplinary action solely for engaging in 5211
professional or occupational activities related to medical 5212
marijuana. 5213

(B) Unless there is clear and convincing evidence that a 5214
child is unsafe, the use, possession, or administration of 5215
medical marijuana in accordance with this chapter shall not be 5216

the sole or primary basis for any of the following: 5217

(1) An adjudication under section 2151.28 of the Revised 5218
Code determining that a child is an abused, neglected, or 5219
dependent child; 5220

(2) An allocation of parental rights and responsibilities 5221
under section ~~3109.04~~3109.0412, 3109.0413, 3109.0424, 5222
3109.0425, or 3109.0426 of the Revised Code; 5223

(3) A parenting time order under section ~~3109.051~~ 5224
3109.0451 or 3109.12 of the Revised Code. 5225

(C) Notwithstanding any conflicting provision of the 5226
Revised Code, the use or possession of medical marijuana in 5227
accordance with this chapter shall not be used as a reason for 5228
disqualifying a patient from medical care or from including a 5229
patient on a transplant waiting list. 5230

(D) Notwithstanding any conflicting provision of the 5231
Revised Code, the use, possession, administration, cultivation, 5232
processing, testing, or dispensing of medical marijuana in 5233
accordance with this chapter shall not be used as the sole or 5234
primary reason for taking action under any criminal or civil 5235
statute in the forfeiture or seizure of any property or asset. 5236

(E) Notwithstanding any conflicting provision of the 5237
Revised Code, a person's status as a registered patient or 5238
caregiver is not a sufficient basis for conducting a field 5239
sobriety test on the person or for suspending the person's 5240
driver's license. To conduct any field sobriety test, a law 5241
enforcement officer must have an independent, factual basis 5242
giving reasonable suspicion that the person is operating a 5243
vehicle under the influence of marijuana or with a prohibited 5244
concentration of marijuana in the person's whole blood, blood 5245

serum, plasma, breath, or urine.	5246
(F) Notwithstanding any conflicting provision of the Revised Code, a person's status as a registered patient or caregiver shall not be used as the sole or primary basis for rejecting the person as a tenant unless the rejection is required by federal law.	5247 5248 5249 5250 5251
(G) This chapter does not do any of the following:	5252
(1) Require a physician to recommend that a patient use medical marijuana to treat a qualifying medical condition;	5253 5254
(2) Permit the use, possession, or administration of medical marijuana other than as authorized by this chapter;	5255 5256
(3) Permit the use, possession, or administration of medical marijuana on federal land located in this state;	5257 5258
(4) Require any public place to accommodate a registered patient's use of medical marijuana;	5259 5260
(5) Prohibit any public place from accommodating a registered patient's use of medical marijuana;	5261 5262
(6) Restrict research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.	5263 5264 5265 5266
Sec. 5104.039. (A) Any 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	5267 5268 5269 5270 5271 5272 5273

director. A parent of a child enrolled in a child day-care 5274
center who is not the child's residential parent shall be 5275
permitted unlimited access to the center during its hours of 5276
operation for those purposes under the same terms and conditions 5277
under which the residential parent of that child is permitted 5278
access to the center for those purposes. However, the access of 5279
the parent who is not the residential parent is subject to any 5280
agreement between the parents and, to the extent described in 5281
division (B) of this section, is subject to any terms and 5282
conditions limiting the right of access of the parent who is not 5283
the residential parent, as described in ~~division (I) of section~~ 5284
~~3109.051~~ 3109.0462 of the Revised Code, that are contained in a 5285
parenting time order or decree issued under that section, 5286
section 3109.12 of the Revised Code, or any other provision of 5287
the Revised Code. 5288

(B) If a parent who is the residential parent of a child 5289
has presented the administrator or the administrator's designee 5290
with a copy of a parenting time order that limits the terms and 5291
conditions under which the parent who is not the residential 5292
parent is to have access to the center, as described in ~~division~~ 5293
~~(I) of section 3109.051~~ 3109.0462 of the Revised Code, the 5294
parent who is not the residential parent shall be provided 5295
access to the center only to the extent authorized in the order. 5296
If the residential parent has presented such an order, the 5297
parent who is not the residential parent shall be permitted 5298
access to the center only in accordance with the most recent 5299
order that has been presented to the administrator or the 5300
administrator's designee by the residential parent or the parent 5301
who is not the residential parent. 5302

(C) Upon entering the premises pursuant to division (A) or 5303
(B) of this section, the parent who is the residential parent 5304

and legal custodian, the parent who is not the residential 5305
parent, or the custodian or guardian shall notify the 5306
administrator or the administrator's designee of the parent's, 5307
custodian's, or guardian's presence. 5308

Sec. 5120.653. An inmate's participation in the prison 5309
nursery program may be terminated by the department of 5310
rehabilitation and correction if one of the following occurs: 5311

(A) The inmate fails to comply with the agreement entered 5312
into under division (A) of section 5120.652 of the Revised Code. 5313

(B) The inmate's child becomes seriously ill, cannot meet 5314
medical criteria established by the department of rehabilitation 5315
and correction for the program, or otherwise cannot safely 5316
participate in the program. 5317

(C) A court issues an order that designates a person other 5318
than the inmate as the child's residential parent and legal 5319
custodian. 5320

(D) A juvenile court, in an action brought pursuant to 5321
division (A) (2) of section 2151.23 of the Revised Code, grants 5322
custody of the child to a person other than the inmate. 5323

(E) ~~An A shared parenting order or order under section~~ 5324
~~3109.0426 of the Revised Code is issued pursuant to section~~ 5325
~~3109.04 of the Revised Code granting shared parenting of~~ 5326
~~regarding the child.~~ 5327

(F) An order of disposition regarding the child is issued 5328
pursuant to division (A) (2), (3), or (4) of section 2151.353 of 5329
the Revised Code granting temporary, permanent, or legal custody 5330
of the child to a person, other than the inmate, or to a public 5331
children services agency or private child placing agency. 5332

- (G) The inmate is released from imprisonment. 5333
- Sec. 5153.16.** (A) Except as provided in section 2151.422 5334
of the Revised Code, in accordance with rules adopted under 5335
section 5153.166 of the Revised Code, and on behalf of children 5336
in the county whom the public children services agency considers 5337
to be in need of public care or protective services, the public 5338
children services agency shall do all of the following: 5339
- (1) Make an investigation concerning any child alleged to 5340
be an abused, neglected, or dependent child; 5341
- (2) Enter into agreements with the parent, guardian, or 5342
other person having legal custody of any child, or with the 5343
department of job and family services, department of mental 5344
health and addiction services, department of developmental 5345
disabilities, other department, any certified organization 5346
within or outside the county, or any agency or institution 5347
outside the state, having legal custody of any child, with 5348
respect to the custody, care, or placement of any child, or with 5349
respect to any matter, in the interests of the child, provided 5350
the permanent custody of a child shall not be transferred by a 5351
parent to the public children services agency without the 5352
consent of the juvenile court; 5353
- (3) Accept custody of children committed to the public 5354
children services agency by a court exercising juvenile 5355
jurisdiction; 5356
- (4) Provide such care as the public children services 5357
agency considers to be in the best interests of any child 5358
adjudicated to be an abused, neglected, or dependent child the 5359
agency finds to be in need of public care or service; 5360
- (5) Provide social services to any unmarried girl 5361

adjudicated to be an abused, neglected, or dependent child who 5362
is pregnant with or has been delivered of a child; 5363

(6) Make available to the bureau for children with medical 5364
handicaps of the department of health at its request any 5365
information concerning a crippled child found to be in need of 5366
treatment under sections 3701.021 to 3701.028 of the Revised 5367
Code who is receiving services from the public children services 5368
agency; 5369

(7) Provide temporary emergency care for any child 5370
considered by the public children services agency to be in need 5371
of such care, without agreement or commitment; 5372

(8) Find certified foster homes, within or outside the 5373
county, for the care of children, including handicapped children 5374
from other counties attending special schools in the county; 5375

(9) Subject to the approval of the board of county 5376
commissioners and the state department of job and family 5377
services, establish and operate a training school or enter into 5378
an agreement with any municipal corporation or other political 5379
subdivision of the county respecting the operation, acquisition, 5380
or maintenance of any children's home, training school, or other 5381
institution for the care of children maintained by such 5382
municipal corporation or political subdivision; 5383

(10) Acquire and operate a county children's home, 5384
establish, maintain, and operate a receiving home for the 5385
temporary care of children, or procure certified foster homes 5386
for this purpose; 5387

(11) Enter into an agreement with the trustees of any 5388
district children's home, respecting the operation of the 5389
district children's home in cooperation with the other county 5390

boards in the district; 5391

(12) Cooperate with, make its services available to, and 5392
act as the agent of persons, courts, the department of job and 5393
family services, the department of health, and other 5394
organizations within and outside the state, in matters relating 5395
to the welfare of children, except that the public children 5396
services agency shall not be required to provide supervision of 5397
or other services related to the exercise of parenting time 5398
rights granted pursuant to section ~~3109.051~~3109.0451 or 3109.12 5399
of the Revised Code or companionship or visitation rights 5400
granted pursuant to section ~~3109.051~~3109.0452, 3109.11, or 5401
3109.12 of the Revised Code unless a juvenile court, pursuant to 5402
Chapter 2151. of the Revised Code, or a common pleas court, 5403
pursuant to division (E) (6) of section 3113.31 of the Revised 5404
Code, requires the provision of supervision or other services 5405
related to the exercise of the parenting time rights or 5406
companionship or visitation rights; 5407

(13) Make investigations at the request of any 5408
superintendent of schools in the county or the principal of any 5409
school concerning the application of any child adjudicated to be 5410
an abused, neglected, or dependent child for release from 5411
school, where such service is not provided through a school 5412
attendance department; 5413

(14) Administer funds provided under Title IV-E of the 5414
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 5415
amended, in accordance with rules adopted under section 5101.141 5416
of the Revised Code; 5417

(15) In addition to administering Title IV-E adoption 5418
assistance funds, enter into agreements to make adoption 5419
assistance payments under section 5153.163 of the Revised Code; 5420

(16) Implement a system of safety and risk assessment, in 5421
accordance with rules adopted by the director of job and family 5422
services, to assist the public children services agency in 5423
determining the risk of abuse or neglect to a child; 5424

(17) Enter into a plan of cooperation with the board of 5425
county commissioners under section 307.983 of the Revised Code 5426
and comply with each fiscal agreement the board enters into 5427
under section 307.98 of the Revised Code that include family 5428
services duties of public children services agencies and 5429
contracts the board enters into under sections 307.981 and 5430
307.982 of the Revised Code that affect the public children 5431
services agency; 5432

(18) Make reasonable efforts to prevent the removal of an 5433
alleged or adjudicated abused, neglected, or dependent child 5434
from the child's home, eliminate the continued removal of the 5435
child from the child's home, or make it possible for the child 5436
to return home safely, except that reasonable efforts of that 5437
nature are not required when a court has made a determination 5438
under division (A) (2) of section 2151.419 of the Revised Code; 5439

(19) Make reasonable efforts to place the child in a 5440
timely manner in accordance with the permanency plan approved 5441
under division (E) of section 2151.417 of the Revised Code and 5442
to complete whatever steps are necessary to finalize the 5443
permanent placement of the child; 5444

(20) Administer a Title IV-A program identified under 5445
division (A) (4) (c) or (g) of section 5101.80 of the Revised Code 5446
that the department of job and family services provides for the 5447
public children services agency to administer under the 5448
department's supervision pursuant to section 5101.801 of the 5449
Revised Code; 5450

(21) Administer the kinship permanency incentive program 5451
created under section 5101.802 of the Revised Code under the 5452
supervision of the director of job and family services; 5453

(22) Provide independent living services pursuant to 5454
sections 2151.81 to 2151.84 of the Revised Code; 5455

(23) File a missing child report with a local law 5456
enforcement agency upon becoming aware that a child in the 5457
custody of the public children services agency is or may be 5458
missing. 5459

(B) The public children services agency shall use the 5460
system implemented pursuant to division (A) (16) of this section 5461
in connection with an investigation undertaken pursuant to 5462
division (G) (1) of section 2151.421 of the Revised Code to 5463
assess both of the following: 5464

(1) The ongoing safety of the child; 5465

(2) The appropriateness of the intensity and duration of 5466
the services provided to meet child and family needs throughout 5467
the duration of a case. 5468

(C) Except as provided in section 2151.422 of the Revised 5469
Code, in accordance with rules of the director of job and family 5470
services, and on behalf of children in the county whom the 5471
public children services agency considers to be in need of 5472
public care or protective services, the public children services 5473
agency may do the following: 5474

(1) Provide or find, with other child serving systems, 5475
specialized foster care for the care of children in a 5476
specialized foster home, as defined in section 5103.02 of the 5477
Revised Code, certified under section 5103.03 of the Revised 5478
Code; 5479

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 5480
this section, contract with the following for the purpose of 5481
assisting the agency with its duties: 5482

(i) County departments of job and family services; 5483

(ii) Boards of alcohol, drug addiction, and mental health 5484
services; 5485

(iii) County boards of developmental disabilities; 5486

(iv) Regional councils of political subdivisions 5487
established under Chapter 167. of the Revised Code; 5488

(v) Private and government providers of services; 5489

(vi) Managed care organizations and prepaid health plans. 5490

(b) A public children services agency contract under 5491
division (C) (2) (a) of this section regarding the agency's duties 5492
under section 2151.421 of the Revised Code may not provide for 5493
the entity under contract with the agency to perform any service 5494
not authorized by the department's rules. 5495

(c) Only a county children services board appointed under 5496
section 5153.03 of the Revised Code that is a public children 5497
services agency may contract under division (C) (2) (a) of this 5498
section. If an entity specified in division (B) or (C) of 5499
section 5153.02 of the Revised Code is the public children 5500
services agency for a county, the board of county commissioners 5501
may enter into contracts pursuant to section 307.982 of the 5502
Revised Code regarding the agency's duties. 5503

Section 2. That existing sections 2151.23, 2317.02, 5504
2705.031, 2710.05, 2710.06, 3105.21, 3105.63, 3105.65, 3109.04, 5505
3109.042, 3109.043, 3109.05, 3109.052, 3109.053, 3109.06, 5506
3109.061, 3109.09, 3109.11, 3109.12, 3109.41, 3109.53, 3109.55, 5507

3109.56, 3109.65, 3113.31, 3119.01, 3119.08, 3119.24, 3119.964, 5508
3310.51, 3313.98, 3319.321, 3333.26, 3796.24, 5104.039, 5509
5120.653, and 5153.16 of the Revised Code are hereby repealed. 5510

Section 3. That sections 3109.041 and 3109.051 of the 5511
Revised Code are hereby repealed. 5512