

I_135_1898

135th General Assembly
Regular Session
2023-2024

Sub. H. B. No. 14

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 (3109.0469), and 3109.053 11
(3109.0480); to enact sections 3109.044, 12
3109.045, 3109.046, 3109.047, 3109.048, 13
3109.0410, 3109.0411, 3109.0412, 3109.0413, 14
3109.0414, 3109.0415, 3109.0419, 3109.0420, 15
3109.0421, 3109.0422, 3109.0423, 3109.0424, 16
3109.0425, 3109.0426, 3109.0430, 3109.0431, 17
3109.0432, 3109.0433, 3109.0434, 3109.0435, 18
3109.0437, 3109.0438, 3109.0439, 3109.0440, 19
3109.0441, 3109.0442, 3109.0443, 3109.0445, 20
3109.0450, 3109.0451, 3109.0452, 3109.0453, 21
3109.0454, 3109.0455, 3109.0456, 3109.0457, 22



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3109.0461, 3109.0462, 3109.0463, 3109.0466, 23
3109.0467, 3109.0468, 3109.0470, 3109.0471, 24
3109.0472, 3109.0473, 3109.0474, 3109.0475, 25
3109.0476, 3109.0477, 3109.0478, 3109.0479, 26
3109.0481, 3109.0482, 3109.0483, 3109.0484, 27
3109.0485, 3109.0486, 3109.0491, 3109.0492, 28
3109.0493, and 3109.0494; and to repeal sections 29
3109.041 and 3109.051 of the Revised Code 30
regarding the allocation of parental rights and 31
responsibilities to grant substantially equal 32
time and responsibility for a child; and to 33
amend the versions of sections 3109.53 and 34
3119.01 of the Revised Code that are scheduled 35
to take effect on April 3, 2024, and the version 36
of section 5153.16 of the Revised Code that is 37
scheduled to take effect on January 1, 2025, to 38
continue the changes on and after those dates. 39

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

Section 1. That sections 2151.23, 2317.02, 2705.031, 40
2710.05, 2710.06, 3105.21, 3105.63, 3105.65, 3109.04, 3109.042, 41
3109.043, 3109.05, 3109.052, 3109.06, 3109.061, 3109.09, 42
3109.11, 3109.12, 3109.41, 3109.53, 3109.55, 3109.56, 3109.65, 43
3113.31, 3119.01, 3119.08, 3119.24, 3119.964, 3310.51, 3313.98, 44
3319.321, 3333.26, 3796.24, 5104.039, 5120.653, and 5153.16 be 45
amended; sections 3109.043 (3109.0436), 3109.052 (3109.0469), 46
and 3109.053 (3109.0480) be amended for the purpose of adopting 47
new section numbers as indicated in parentheses; and sections 48
3109.044, 3109.045, 3109.046, 3109.047, 3109.048, 3109.0410, 49

3109.0411, 3109.0412, 3109.0413, 3109.0414, 3109.0415, 50
3109.0419, 3109.0420, 3109.0421, 3109.0422, 3109.0423, 51
3109.0424, 3109.0425, 3109.0426, 3109.0430, 3109.0431, 52
3109.0432, 3109.0433, 3109.0434, 3109.0435, 3109.0437, 53
3109.0438, 3109.0439, 3109.0440, 3109.0441, 3109.0442, 54
3109.0443, 3109.0445, 3109.0450, 3109.0451, 3109.0452, 55
3109.0453, 3109.0454, 3109.0455, 3109.0456, 3109.0457, 56
3109.0461, 3109.0462, 3109.0463, 3109.0466, 3109.0467, 57
3109.0468, 3109.0470, 3109.0471, 3109.0472, 3109.0473, 58
3109.0474, 3109.0475, 3109.0476, 3109.0477, 3109.0478, 59
3109.0479, 3109.0481, 3109.0482, 3109.0483, 3109.0484, 60
3109.0485, 3109.0486, 3109.0491, 3109.0492, 3109.0493, and 61
3109.0494 of the Revised Code be enacted to read as follows: 62

Sec. 2151.23. (A) The juvenile court has exclusive 63
original jurisdiction under the Revised Code as follows: 64

(1) Concerning any child who on or about the date 65
specified in the complaint, indictment, or information is 66
alleged to have violated section 2151.87 of the Revised Code or 67
an order issued under that section or to be a juvenile traffic 68
offender or a delinquent, unruly, abused, neglected, or 69
dependent child and, based on and in relation to the allegation 70
pertaining to the child, concerning the parent, guardian, or 71
other person having care of a child who is alleged to be an 72
unruly child for being an habitual truant or who is alleged to 73
be a delinquent child for violating a court order regarding the 74
child's prior adjudication as an unruly child for being an 75
habitual truant; 76

(2) Subject to divisions (G), (I), (K), and (V) of section 77
2301.03 of the Revised Code, to determine the custody of any 78
child not a ward of another court of this state; 79

(3) To hear and determine any application for a writ of habeas corpus involving the custody of a child;	80 81
(4) To exercise the powers and jurisdiction given the probate division of the court of common pleas in Chapter 5122. of the Revised Code, if the court has probable cause to believe that a child otherwise within the jurisdiction of the court is a person with a mental illness subject to court order, as defined in section 5122.01 of the Revised Code;	82 83 84 85 86 87
(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	88 89
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	90 91 92 93 94 95 96 97 98 99 100
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	101 102
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	103 104 105 106
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of	107 108

permanent custody agreements, that are filed pursuant to section 109
5103.15 of the Revised Code; 110

(10) To hear and determine applications for consent to 111
marry pursuant to section 3101.04 of the Revised Code; 112

(11) Subject to divisions (G), (I), (K), and (V) of 113
section 2301.03 of the Revised Code, to hear and determine a 114
request for an order for the support of any child if the request 115
is not ancillary to an action for divorce, dissolution of 116
marriage, annulment, or legal separation, a criminal or civil 117
action involving an allegation of domestic violence, or an 118
action for support brought under Chapter 3115. of the Revised 119
Code; 120

(12) Concerning an action commenced under section 121.38 121
of the Revised Code; 122

(13) To hear and determine violations of section 3321.38 123
of the Revised Code; 124

(14) To exercise jurisdiction and authority over the 125
parent, guardian, or other person having care of a child alleged 126
to be a delinquent child, unruly child, or juvenile traffic 127
offender, based on and in relation to the allegation pertaining 128
to the child; 129

(15) To conduct the hearings, and to make the 130
determinations, adjudications, and orders authorized or required 131
under sections 2152.82 to 2152.86 and Chapter 2950. of the 132
Revised Code regarding a child who has been adjudicated a 133
delinquent child and to refer the duties conferred upon the 134
juvenile court judge under sections 2152.82 to 2152.86 and 135
Chapter 2950. of the Revised Code to magistrates appointed by 136
the juvenile court judge in accordance with Juvenile Rule 40; 137

(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;	138 139 140 141 142 143
(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code;	144 145
(18) To hear and determine a request for a court order to examine and interview a child who may be an abused, neglected, or dependent child under section 2151.25 of the Revised Code.	146 147 148
(B) Except as provided in divisions (G), (I), and (P) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	149 150 151
(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;	152 153 154 155
(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;	156 157 158
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	159 160
(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;	161 162 163
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	164 165

(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	166 167
(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.	168 169 170
(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;	171 172 173
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	174 175 176 177
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile court for trial, provided that no certification of that nature shall be made to any juvenile court unless the consent of the juvenile judge first is obtained. After a certification of that nature is made and consent is obtained, the juvenile court shall proceed as if the action originally had been begun in that court, except as to awards for spousal support or support due and unpaid at the time of certification, over which the juvenile court has no jurisdiction.	178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193
(D) The juvenile court, except as provided in division (I)	194

of section 2301.03 of the Revised Code, has jurisdiction to hear 195
and determine all matters as to custody and support of children 196
duly certified by the court of common pleas to the juvenile 197
court after a divorce decree has been granted, including 198
jurisdiction to modify the judgment and decree of the court of 199
common pleas as the same relate to the custody and support of 200
children. 201

(E) The juvenile court, except as provided in division (I) 202
of section 2301.03 of the Revised Code, has jurisdiction to hear 203
and determine the case of any child certified to the court by 204
any court of competent jurisdiction if the child comes within 205
the jurisdiction of the juvenile court as defined by this 206
section. 207

(F) (1) The juvenile court shall exercise its jurisdiction 208
in child custody matters in accordance with sections 3109.04 to 209
3109.0445, 3109.0482, 3109.0483, and 3127.01 to 3127.53 of the 210
Revised Code and, as applicable, sections 5103.20 to 5103.22 or 211
5103.23 to 5103.237 of the Revised Code. 212

(2) The juvenile court shall exercise its jurisdiction in 213
child support matters in accordance with section 3109.05 of the 214
Revised Code. 215

(G) Any juvenile court that makes or modifies an order for 216
child support shall comply with Chapters 3119., 3121., 3123., 217
and 3125. of the Revised Code. If any person required to pay 218
child support under an order made by a juvenile court on or 219
after April 15, 1985, or modified on or after December 1, 1986, 220
is found in contempt of court for failure to make support 221
payments under the order, the court that makes the finding, in 222
addition to any other penalty or remedy imposed, shall assess 223
all court costs arising out of the contempt proceeding against 224

the person and require the person to pay any reasonable 225
attorney's fees of any adverse party, as determined by the 226
court, that arose in relation to the act of contempt. 227

(H) If a child who is charged with an act that would be an 228
offense if committed by an adult was fourteen years of age or 229
older and under eighteen years of age at the time of the alleged 230
act and if the case is transferred for criminal prosecution 231
pursuant to section 2152.12 of the Revised Code, except as 232
provided in section 2152.121 of the Revised Code, the juvenile 233
court does not have jurisdiction to hear or determine the case 234
subsequent to the transfer. The court to which the case is 235
transferred for criminal prosecution pursuant to that section 236
has jurisdiction subsequent to the transfer to hear and 237
determine the case in the same manner as if the case originally 238
had been commenced in that court, subject to section 2152.121 of 239
the Revised Code, including, but not limited to, jurisdiction to 240
accept a plea of guilty or another plea authorized by Criminal 241
Rule 11 or another section of the Revised Code and jurisdiction 242
to accept a verdict and to enter a judgment of conviction 243
pursuant to the Rules of Criminal Procedure against the child 244
for the commission of the offense that was the basis of the 245
transfer of the case for criminal prosecution, whether the 246
conviction is for the same degree or a lesser degree of the 247
offense charged, for the commission of a lesser-included 248
offense, or for the commission of another offense that is 249
different from the offense charged. Section 2152.022 of the 250
Revised Code applies with respect to the transfer of a case for 251
criminal prosecution as described in this division and the 252
determination of jurisdiction after the transfer and, as 253
described in division (B) of that section, the juvenile court 254
retains jurisdiction over charges included in the complaint or 255

complaints containing the allegation that is the basis of the 256
transfer that are not transferred. 257

(I) If a person under eighteen years of age allegedly 258
commits an act that would be a felony if committed by an adult 259
and if the person is not taken into custody or apprehended for 260
that act until after the person attains twenty-one years of age, 261
the juvenile court does not have jurisdiction to hear or 262
determine any portion of the case charging the person with 263
committing that act. In those circumstances, divisions (A) and 264
(B) of section 2152.12 of the Revised Code do not apply 265
regarding the act, and the case charging the person with 266
committing the act shall be a criminal prosecution commenced and 267
heard in the appropriate court having jurisdiction of the 268
offense as if the person had been eighteen years of age or older 269
when the person committed the act. All proceedings pertaining to 270
the act shall be within the jurisdiction of the court having 271
jurisdiction of the offense, and that court has all the 272
authority and duties in the case that it has in other criminal 273
cases in that court. 274

(J) In exercising its exclusive original jurisdiction 275
under division (A)(16) of this section with respect to any 276
proceedings brought under section 2151.34 or 3113.31 of the 277
Revised Code in which the respondent is a child, the juvenile 278
court retains all dispositional powers consistent with existing 279
rules of juvenile procedure and may also exercise its discretion 280
to adjudicate proceedings as provided in sections 2151.34 and 281
3113.31 of the Revised Code, including the issuance of 282
protection orders or the approval of consent agreements under 283
those sections. 284

Sec. 2317.02. The following persons shall not testify in 285

certain respects: 286

(A) (1) An attorney, concerning a communication made to the 287
attorney by a client in that relation or concerning the 288
attorney's advice to a client, except that the attorney may 289
testify by express consent of the client or, if the client is 290
deceased, by the express consent of the surviving spouse or the 291
executor or administrator of the estate of the deceased client. 292
However, if the client voluntarily reveals the substance of 293
attorney-client communications in a nonprivileged context or is 294
deemed by section 2151.421 of the Revised Code to have waived 295
any testimonial privilege under this division, the attorney may 296
be compelled to testify on the same subject. 297

The testimonial privilege established under this division 298
does not apply concerning either of the following: 299

(a) A communication between a client in a capital case, as 300
defined in section 2901.02 of the Revised Code, and the client's 301
attorney if the communication is relevant to a subsequent 302
ineffective assistance of counsel claim by the client alleging 303
that the attorney did not effectively represent the client in 304
the case; 305

(b) A communication between a client who has since died 306
and the deceased client's attorney if the communication is 307
relevant to a dispute between parties who claim through that 308
deceased client, regardless of whether the claims are by testate 309
or intestate succession or by inter vivos transaction, and the 310
dispute addresses the competency of the deceased client when the 311
deceased client executed a document that is the basis of the 312
dispute or whether the deceased client was a victim of fraud, 313
undue influence, or duress when the deceased client executed a 314
document that is the basis of the dispute. 315

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

(B) (1) A physician, advanced practice registered nurse, or dentist concerning a communication made to the physician, advanced practice registered nurse, or dentist by a patient in that relation or the advice of a physician, advanced practice registered nurse, or dentist given to a patient, except as otherwise provided in this division, division (B) (2), and division (B) (3) of this section, and except that, if the patient is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the physician or advanced practice registered nurse may be compelled to testify on the same subject.

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

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

(i) If the patient or the guardian or other legal representative of the patient gives express consent; 346
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(ii) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent; 348
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(iii) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative. 351
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(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code. 358
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(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the patient's whole blood, blood serum or plasma, breath, urine, or other bodily substance at any time relevant to the criminal offense in question. 365
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(d) In any criminal action against a physician, advanced practice registered nurse, or dentist. In such an action, the testimonial privilege established under this division does not 372
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prohibit the admission into evidence, in accordance with the 375
Rules of Evidence, of a patient's medical or dental records or 376
other communications between a patient and the physician, 377
advanced practice registered nurse, or dentist that are related 378
to the action and obtained by subpoena, search warrant, or other 379
lawful means. A court that permits or compels a physician, 380
advanced practice registered nurse, or dentist to testify in 381
such an action or permits the introduction into evidence of 382
patient records or other communications in such an action shall 383
require that appropriate measures be taken to ensure that the 384
confidentiality of any patient named or otherwise identified in 385
the records is maintained. Measures to ensure confidentiality 386
that may be taken by the court include sealing its records or 387
deleting specific information from its records. 388

(e) (i) If the communication was between a patient who has 389
since died and the deceased patient's physician, advanced 390
practice registered nurse, or dentist, the communication is 391
relevant to a dispute between parties who claim through that 392
deceased patient, regardless of whether the claims are by 393
testate or intestate succession or by inter vivos transaction, 394
and the dispute addresses the competency of the deceased patient 395
when the deceased patient executed a document that is the basis 396
of the dispute or whether the deceased patient was a victim of 397
fraud, undue influence, or duress when the deceased patient 398
executed a document that is the basis of the dispute. 399

(ii) If neither the spouse of a patient nor the executor 400
or administrator of that patient's estate gives consent under 401
division (B) (1) (a) (ii) of this section, testimony or the 402
disclosure of the patient's medical records by a physician, 403
advanced practice registered nurse, dentist, or other health 404
care provider under division (B) (1) (e) (i) of this section is a 405

permitted use or disclosure of protected health information, as 406
defined in 45 C.F.R. 160.103, and an authorization or 407
opportunity to be heard shall not be required. 408

(iii) Division (B) (1) (e) (i) of this section does not 409
require a mental health professional to disclose psychotherapy 410
notes, as defined in 45 C.F.R. 164.501. 411

(iv) An interested person who objects to testimony or 412
disclosure under division (B) (1) (e) (i) of this section may seek 413
a protective order pursuant to Civil Rule 26. 414

(v) A person to whom protected health information is 415
disclosed under division (B) (1) (e) (i) of this section shall not 416
use or disclose the protected health information for any purpose 417
other than the litigation or proceeding for which the 418
information was requested and shall return the protected health 419
information to the covered entity or destroy the protected 420
health information, including all copies made, at the conclusion 421
of the litigation or proceeding. 422

(2) (a) If any law enforcement officer submits a written 423
statement to a health care provider that states that an official 424
criminal investigation has begun regarding a specified person or 425
that a criminal action or proceeding has been commenced against 426
a specified person, that requests the provider to supply to the 427
officer copies of any records the provider possesses that 428
pertain to any test or the results of any test administered to 429
the specified person to determine the presence or concentration 430
of alcohol, a drug of abuse, a combination of them, a controlled 431
substance, or a metabolite of a controlled substance in the 432
person's whole blood, blood serum or plasma, breath, or urine at 433
any time relevant to the criminal offense in question, and that 434
conforms to section 2317.022 of the Revised Code, the provider, 435

except to the extent specifically prohibited by any law of this 436
state or of the United States, shall supply to the officer a 437
copy of any of the requested records the provider possesses. If 438
the health care provider does not possess any of the requested 439
records, the provider shall give the officer a written statement 440
that indicates that the provider does not possess any of the 441
requested records. 442

(b) If a health care provider possesses any records of the 443
type described in division (B) (2) (a) of this section regarding 444
the person in question at any time relevant to the criminal 445
offense in question, in lieu of personally testifying as to the 446
results of the test in question, the custodian of the records 447
may submit a certified copy of the records, and, upon its 448
submission, the certified copy is qualified as authentic 449
evidence and may be admitted as evidence in accordance with the 450
Rules of Evidence. Division (A) of section 2317.422 of the 451
Revised Code does not apply to any certified copy of records 452
submitted in accordance with this division. Nothing in this 453
division shall be construed to limit the right of any party to 454
call as a witness the person who administered the test to which 455
the records pertain, the person under whose supervision the test 456
was administered, the custodian of the records, the person who 457
made the records, or the person under whose supervision the 458
records were made. 459

(3) (a) If the testimonial privilege described in division 460
(B) (1) of this section does not apply as provided in division 461
(B) (1) (a) (iii) of this section, a physician, advanced practice 462
registered nurse, or dentist may be compelled to testify or to 463
submit to discovery under the Rules of Civil Procedure only as 464
to a communication made to the physician, advanced practice 465
registered nurse, or dentist by the patient in question in that 466

relation, or the advice of the physician, advanced practice 467
registered nurse, or dentist given to the patient in question, 468
that related causally or historically to physical or mental 469
injuries that are relevant to issues in the medical claim, 470
dental claim, chiropractic claim, or optometric claim, action 471
for wrongful death, other civil action, or claim under Chapter 472
4123. of the Revised Code. 473

(b) If the testimonial privilege described in division (B) 474
(1) of this section does not apply to a physician, advanced 475
practice registered nurse, or dentist as provided in division 476
(B)(1)(c) of this section, the physician, advanced practice 477
registered nurse, or dentist, in lieu of personally testifying 478
as to the results of the test in question, may submit a 479
certified copy of those results, and, upon its submission, the 480
certified copy is qualified as authentic evidence and may be 481
admitted as evidence in accordance with the Rules of Evidence. 482
Division (A) of section 2317.422 of the Revised Code does not 483
apply to any certified copy of results submitted in accordance 484
with this division. Nothing in this division shall be construed 485
to limit the right of any party to call as a witness the person 486
who administered the test in question, the person under whose 487
supervision the test was administered, the custodian of the 488
results of the test, the person who compiled the results, or the 489
person under whose supervision the results were compiled. 490

(4) The testimonial privilege described in division (B)(1) 491
of this section is not waived when a communication is made by a 492
physician or advanced practice registered nurse to a pharmacist 493
or when there is communication between a patient and a 494
pharmacist in furtherance of the physician-patient or advanced 495
practice registered nurse-patient relation. 496

(5) (a) As used in divisions (B) (1) to (4) of this section, 497
"communication" means acquiring, recording, or transmitting any 498
information, in any manner, concerning any facts, opinions, or 499
statements necessary to enable a physician, advanced practice 500
registered nurse, or dentist to diagnose, treat, prescribe, or 501
act for a patient. A "communication" may include, but is not 502
limited to, any medical or dental, office, or hospital 503
communication such as a record, chart, letter, memorandum, 504
laboratory test and results, x-ray, photograph, financial 505
statement, diagnosis, or prognosis. 506

(b) As used in division (B) (2) of this section, "health 507
care provider" means a hospital, ambulatory care facility, long- 508
term care facility, pharmacy, emergency facility, or health care 509
practitioner. 510

(c) As used in division (B) (5) (b) of this section: 511

(i) "Ambulatory care facility" means a facility that 512
provides medical, diagnostic, or surgical treatment to patients 513
who do not require hospitalization, including a dialysis center, 514
ambulatory surgical facility, cardiac catheterization facility, 515
diagnostic imaging center, extracorporeal shock wave lithotripsy 516
center, home health agency, inpatient hospice, birthing center, 517
radiation therapy center, emergency facility, and an urgent care 518
center. "Ambulatory health care facility" does not include the 519
private office of a physician, advanced practice registered 520
nurse, or dentist, whether the office is for an individual or 521
group practice. 522

(ii) "Emergency facility" means a hospital emergency 523
department or any other facility that provides emergency medical 524
services. 525

(iii) "Health care practitioner" has the same meaning as 526
in section 4769.01 of the Revised Code. 527

(iv) "Hospital" has the same meaning as in section 3727.01 528
of the Revised Code. 529

(v) "Long-term care facility" means a nursing home, 530
residential care facility, or home for the aging, as those terms 531
are defined in section 3721.01 of the Revised Code; a 532
residential facility licensed under section 5119.34 of the 533
Revised Code that provides accommodations, supervision, and 534
personal care services for three to sixteen unrelated adults; a 535
nursing facility, as defined in section 5165.01 of the Revised 536
Code; a skilled nursing facility, as defined in section 5165.01 537
of the Revised Code; and an intermediate care facility for 538
individuals with intellectual disabilities, as defined in 539
section 5124.01 of the Revised Code. 540

(vi) "Pharmacy" has the same meaning as in section 4729.01 541
of the Revised Code. 542

(d) As used in divisions (B)(1) and (2) of this section, 543
"drug of abuse" has the same meaning as in section 4506.01 of 544
the Revised Code. 545

(6) Divisions (B)(1), (2), (3), (4), and (5) of this 546
section apply to doctors of medicine, doctors of osteopathic 547
medicine, doctors of podiatry, advanced practice registered 548
nurses, and dentists. 549

(7) Nothing in divisions (B)(1) to (6) of this section 550
affects, or shall be construed as affecting, the immunity from 551
civil liability conferred by section 307.628 of the Revised Code 552
or the immunity from civil liability conferred by section 553
2305.33 of the Revised Code upon physicians or advanced practice 554

registered nurses who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B)(7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code and "advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(C)(1) A cleric, when the cleric remains accountable to the authority of that cleric's church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the cleric for a religious counseling purpose in the cleric's professional character. The cleric may testify by express consent of the person making the communication, except when the disclosure of the information is in violation of a sacred trust and except that, if the person voluntarily testifies or is deemed by division (A)(4)(c) of section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the cleric may be compelled to testify on the same subject except when disclosure of the information is in violation of a sacred trust.

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

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

(b) "Sacred trust" means a confession or confidential communication made to a cleric in the cleric's ecclesiastical capacity in the course of discipline enjoined by the church to which the cleric belongs, including, but not limited to, the

Catholic Church, if both of the following apply: 585

(i) The confession or confidential communication was made 586
directly to the cleric. 587

(ii) The confession or confidential communication was made 588
in the manner and context that places the cleric specifically 589
and strictly under a level of confidentiality that is considered 590
inviolable by canon law or church doctrine. 591

(D) Husband or wife, concerning any communication made by 592
one to the other, or an act done by either in the presence of 593
the other, during coverture, unless the communication was made, 594
or act done, in the known presence or hearing of a third person 595
competent to be a witness; and such rule is the same if the 596
marital relation has ceased to exist; 597

(E) A person who assigns a claim or interest, concerning 598
any matter in respect to which the person would not, if a party, 599
be permitted to testify; 600

(F) A person who, if a party, would be restricted under 601
section 2317.03 of the Revised Code, when the property or thing 602
is sold or transferred by an executor, administrator, guardian, 603
trustee, heir, devisee, or legatee, shall be restricted in the 604
same manner in any action or proceeding concerning the property 605
or thing. 606

(G) (1) A school guidance counselor who holds a valid 607
educator license from the state board of education as provided 608
for in section 3319.22 of the Revised Code, a person licensed 609
under Chapter 4757. of the Revised Code as a licensed 610
professional clinical counselor, licensed professional 611
counselor, social worker, independent social worker, marriage 612
and family therapist or independent marriage and family 613

therapist, or registered under Chapter 4757. of the Revised Code 614
as a social work assistant concerning a confidential 615
communication received from a client in that relation or the 616
person's advice to a client unless any of the following applies: 617

(a) The communication or advice indicates clear and 618
present danger to the client or other persons. For the purposes 619
of this division, cases in which there are indications of 620
present or past child abuse or neglect of the client constitute 621
a clear and present danger. 622

(b) The client gives express consent to the testimony. 623

(c) If the client is deceased, the surviving spouse or the 624
executor or administrator of the estate of the deceased client 625
gives express consent. 626

(d) The client voluntarily testifies, in which case the 627
school guidance counselor or person licensed or registered under 628
Chapter 4757. of the Revised Code may be compelled to testify on 629
the same subject. 630

(e) The court in camera determines that the information 631
communicated by the client is not germane to the counselor- 632
client, marriage and family therapist-client, or social worker- 633
client relationship. 634

(f) A court, in an action brought against a school, its 635
administration, or any of its personnel by the client, rules 636
after an in-camera inspection that the testimony of the school 637
guidance counselor is relevant to that action. 638

(g) The testimony is sought in a civil action and concerns 639
court-ordered treatment or services received by a patient as 640
part of a case plan journalized under section 2151.412 of the 641
Revised Code or the court-ordered treatment or services are 642

necessary or relevant to dependency, neglect, or abuse or 643
temporary or permanent custody proceedings under Chapter 2151. 644
of the Revised Code. 645

(2) Nothing in division (G)(1) of this section shall 646
relieve a school guidance counselor or a person licensed or 647
registered under Chapter 4757. of the Revised Code from the 648
requirement to report information concerning child abuse or 649
neglect under section 2151.421 of the Revised Code. 650

(H) A mediator acting under a mediation order issued under 651
division (A) of section ~~3109.052~~3109.0469 of the Revised Code 652
or otherwise issued in any proceeding for divorce, dissolution, 653
legal separation, annulment, or the allocation of parental 654
rights and responsibilities for the care of children, in any 655
action or proceeding, other than a criminal, delinquency, child 656
abuse, child neglect, or dependent child action or proceeding, 657
that is brought by or against either parent who takes part in 658
mediation in accordance with the order and that pertains to the 659
mediation process, to any information discussed or presented in 660
the mediation process, to the allocation of parental rights and 661
responsibilities for the care of the parents' children, or to 662
the awarding of parenting time rights in relation to their 663
children; 664

(I) A communications assistant, acting within the scope of 665
the communication assistant's authority, when providing 666
telecommunications relay service pursuant to section 4931.06 of 667
the Revised Code or Title II of the "Communications Act of 668
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 669
communication made through a telecommunications relay service. 670
Nothing in this section shall limit the obligation of a 671
communications assistant to divulge information or testify when 672

mandated by federal law or regulation or pursuant to subpoena in 673
a criminal proceeding. 674

Nothing in this section shall limit any immunity or 675
privilege granted under federal law or regulation. 676

(J) (1) A chiropractor in a civil proceeding concerning a 677
communication made to the chiropractor by a patient in that 678
relation or the chiropractor's advice to a patient, except as 679
otherwise provided in this division. The testimonial privilege 680
established under this division does not apply, and a 681
chiropractor may testify or may be compelled to testify, in any 682
civil action, in accordance with the discovery provisions of the 683
Rules of Civil Procedure in connection with a civil action, or 684
in connection with a claim under Chapter 4123. of the Revised 685
Code, under any of the following circumstances: 686

(a) If the patient or the guardian or other legal 687
representative of the patient gives express consent. 688

(b) If the patient is deceased, the spouse of the patient 689
or the executor or administrator of the patient's estate gives 690
express consent. 691

(c) If a medical claim, dental claim, chiropractic claim, 692
or optometric claim, as defined in section 2305.113 of the 693
Revised Code, an action for wrongful death, any other type of 694
civil action, or a claim under Chapter 4123. of the Revised Code 695
is filed by the patient, the personal representative of the 696
estate of the patient if deceased, or the patient's guardian or 697
other legal representative. 698

(2) If the testimonial privilege described in division (J) 699
(1) of this section does not apply as provided in division (J) 700
(1)(c) of this section, a chiropractor may be compelled to 701

testify or to submit to discovery under the Rules of Civil 702
Procedure only as to a communication made to the chiropractor by 703
the patient in question in that relation, or the chiropractor's 704
advice to the patient in question, that related causally or 705
historically to physical or mental injuries that are relevant to 706
issues in the medical claim, dental claim, chiropractic claim, 707
or optometric claim, action for wrongful death, other civil 708
action, or claim under Chapter 4123. of the Revised Code. 709

(3) The testimonial privilege established under this 710
division does not apply, and a chiropractor may testify or be 711
compelled to testify, in any criminal action or administrative 712
proceeding. 713

(4) As used in this division, "communication" means 714
acquiring, recording, or transmitting any information, in any 715
manner, concerning any facts, opinions, or statements necessary 716
to enable a chiropractor to diagnose, treat, or act for a 717
patient. A communication may include, but is not limited to, any 718
chiropractic, office, or hospital communication such as a 719
record, chart, letter, memorandum, laboratory test and results, 720
x-ray, photograph, financial statement, diagnosis, or prognosis. 721

(K) (1) Except as provided under division (K) (2) of this 722
section, a critical incident stress management team member 723
concerning a communication received from an individual who 724
receives crisis response services from the team member, or the 725
team member's advice to the individual, during a debriefing 726
session. 727

(2) The testimonial privilege established under division 728
(K) (1) of this section does not apply if any of the following 729
are true: 730

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

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

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

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

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

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

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

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

(b) "Critical incident stress management team member" or "team member" means an individual specially trained to provide

crisis response services as a member of an organized community 759
or local crisis response team that holds membership in the Ohio 760
critical incident stress management network. 761

(c) "Debriefing session" means a session at which crisis 762
response services are rendered by a critical incident stress 763
management team member during or after a crisis or disaster. 764

(L) (1) Subject to division (L) (2) of this section and 765
except as provided in division (L) (3) of this section, an 766
employee assistance professional, concerning a communication 767
made to the employee assistance professional by a client in the 768
employee assistance professional's official capacity as an 769
employee assistance professional. 770

(2) Division (L) (1) of this section applies to an employee 771
assistance professional who meets either or both of the 772
following requirements: 773

(a) Is certified by the employee assistance certification 774
commission to engage in the employee assistance profession; 775

(b) Has education, training, and experience in all of the 776
following: 777

(i) Providing workplace-based services designed to address 778
employer and employee productivity issues; 779

(ii) Providing assistance to employees and employees' 780
dependents in identifying and finding the means to resolve 781
personal problems that affect the employees or the employees' 782
performance; 783

(iii) Identifying and resolving productivity problems 784
associated with an employee's concerns about any of the 785
following matters: health, marriage, family, finances, substance 786

abuse or other addiction, workplace, law, and emotional issues;	787
(iv) Selecting and evaluating available community resources;	788 789
(v) Making appropriate referrals;	790
(vi) Local and national employee assistance agreements;	791
(vii) Client confidentiality.	792
(3) Division (L) (1) of this section does not apply to any of the following:	793 794
(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;	795 796 797 798 799
(b) A communication made by a client to an employee assistance professional that reveals the contemplation or commission of a crime or serious, harmful act;	800 801 802
(c) A communication that is made by a client who is an unemancipated minor or an adult adjudicated to be incompetent and indicates that the client was the victim of a crime or abuse;	803 804 805 806
(d) A civil proceeding to determine an individual's mental competency or a criminal action in which a plea of not guilty by reason of insanity is entered;	807 808 809
(e) A civil or criminal malpractice action brought against the employee assistance professional;	810 811
(f) When the employee assistance professional has the express consent of the client or, if the client is deceased or	812 813

disabled, the client's legal representative; 814

(g) When the testimonial privilege otherwise provided by 815
division (L) (1) of this section is abrogated under law. 816

Sec. 2705.031. (A) As used in this section, "Title IV-D 817
case" has the same meaning as in section 3125.01 of the Revised 818
Code. 819

(B) (1) Any party who has a legal claim to any support 820
ordered for a child, spouse, or former spouse may initiate a 821
contempt action for failure to pay the support. In Title IV-D 822
cases, the contempt action for failure to pay support also may 823
be initiated by an attorney retained by the party who has the 824
legal claim, the prosecuting attorney, or an attorney of the 825
department of job and family services or the child support 826
enforcement agency. 827

(2) Any parent who is granted parenting time rights under 828
a parenting time order ~~or decree~~ issued pursuant to section 829
~~3109.051~~ 3109.0451 or 3109.12 of the Revised Code, any person 830
who is granted visitation rights under a visitation order or 831
decree issued pursuant to section ~~3109.051~~ 3109.0452, 3109.11, or 832
3109.12 of the Revised Code or pursuant to any other provision 833
of the Revised Code, or any other person who is subject to any 834
parenting time or visitation order or decree, may initiate a 835
contempt action for a failure to comply with, or an interference 836
with, the order or decree. 837

(C) In any contempt action initiated pursuant to division 838
(B) of this section, the accused shall appear upon the summons 839
and order to appear that is issued by the court. The summons 840
shall include all of the following: 841

(1) Notice that failure to appear may result in the 842

issuance of an order of arrest, and in cases involving alleged 843
failure to pay support, the issuance of an order for the payment 844
of support by withholding an amount from the personal earnings 845
of the accused or by withholding or deducting an amount from 846
some other asset of the accused; 847

(2) Notice that the accused has a right to counsel, and 848
that if indigent, the accused must apply for a public defender 849
or court appointed counsel within three business days after 850
receipt of the summons; 851

(3) Notice that the court may refuse to grant a 852
continuance at the time of the hearing for the purpose of the 853
accused obtaining counsel, if the accused fails to make a good 854
faith effort to retain counsel or to obtain a public defender; 855

(4) Notice of the potential penalties that could be 856
imposed upon the accused, if the accused is found guilty of 857
contempt for failure to pay support or for a failure to comply 858
with, or an interference with, a parenting time or visitation 859
order or decree; 860

(5) Notice that the court may grant limited driving 861
privileges under section 4510.021 of the Revised Code pursuant 862
to a request made by the accused, if the driver's license was 863
suspended based on a notice issued pursuant to section 3123.54 864
of the Revised Code by the child support enforcement agency and 865
if the request is accompanied by a recent noncertified copy of a 866
driver's abstract from the registrar of motor vehicles. 867

(D) If the accused is served as required by the Rules of 868
Civil Procedure or by any special statutory proceedings that are 869
relevant to the case, the court may order the attachment of the 870
person of the accused upon failure to appear as ordered by the 871

court. 872

(E) The imposition of any penalty for contempt under 873
section 2705.05 of the Revised Code shall not eliminate any 874
obligation of the accused to pay any past, present, or future 875
support obligation or any obligation of the accused to comply 876
with or refrain from interfering with the parenting time or 877
visitation order or decree. The court shall have jurisdiction to 878
make a finding of contempt for the failure to pay support and to 879
impose the penalties set forth in section 2705.05 of the Revised 880
Code in all cases in which past due support is at issue even if 881
the duty to pay support has terminated, and shall have 882
jurisdiction to make a finding of contempt for a failure to 883
comply with, or an interference with, a parenting time or 884
visitation order or decree and to impose the penalties set forth 885
in section 2705.05 of the Revised Code in all cases in which the 886
failure or interference is at issue even if the parenting time 887
or visitation order or decree no longer is in effect. 888

Sec. 2710.05. (A) There is no privilege under section 889
2710.03 of the Revised Code for a mediation communication to 890
which any of the following applies: 891

(1) The mediation communication is contained in a written 892
agreement evidenced by a record signed by all parties to the 893
agreement. 894

(2) The mediation communication is available to the public 895
under section 149.43 of the Revised Code or made during a 896
session of a mediation that is open, or is required by law to be 897
open, to the public; 898

(3) The mediation communication is an imminent threat or 899
statement of a plan to inflict bodily injury or commit a crime 900

of violence. 901

(4) The mediation communication is intentionally used to 902
plan, attempt to commit, or commit a crime or to conceal an 903
ongoing crime or ongoing criminal activity. 904

(5) The mediation communication is sought or offered to 905
prove or disprove a claim or complaint of professional 906
misconduct or malpractice filed against a mediator. 907

(6) Except as otherwise provided in division (C) of this 908
section, the mediation communication is sought or offered to 909
prove or disprove a claim or complaint of professional 910
misconduct or malpractice filed against a mediation party, 911
nonparty participant, or representative of a party based on 912
conduct occurring during a mediation. 913

(7) Except as provided in sections 2317.02 and ~~3109.052~~ 914
3109.0469 of the Revised Code, the mediation communication is 915
sought or offered to prove or disprove abuse, neglect, 916
abandonment, or exploitation in a proceeding in which a child or 917
adult protective services agency is a party, unless the case is 918
referred by a court to mediation and a public agency 919
participates. 920

(8) The mediation communication is required to be 921
disclosed pursuant to section 2921.22 of the Revised Code. 922

(9) The mediation communication is sought in connection 923
with or offered in any criminal proceeding involving a felony, a 924
delinquent child proceeding based on what would be a felony if 925
committed by an adult, or a proceeding initiated by the state or 926
a child protection agency in which it is alleged that a child is 927
an abused, neglected, or dependent child. 928

(B) There is no privilege under section 2710.03 of the 929

Revised Code if a court, administrative agency, or arbitrator finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown that the evidence is not otherwise available, that the disclosure is necessary in the particular case to prevent a manifest injustice, and that the mediation communication is sought or offered in either of the following:

(1) A court proceeding involving a misdemeanor;

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

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

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

Sec. 2710.06. (A) Except as provided in division (B) of this section and section ~~3109.052~~3109.0469 of the Revised Code, a mediator shall not make a report, assessment, evaluation, recommendation, finding, or other communication regarding a mediation to a court, department, agency, or officer of this state or its political subdivisions that may make a ruling on the dispute that is the subject of the mediation.

(B) A mediator may disclose any of the following:	959
(1) Whether the mediation occurred or has terminated,	960
whether a settlement was reached, and attendance;	961
(2) A mediation communication as permitted by section	962
2710.05 of the Revised Code;	963
(3) A mediation communication evidencing abuse, neglect,	964
abandonment, or exploitation of an individual to a public agency	965
responsible for protecting individuals against abuse, neglect,	966
abandonment, or exploitation.	967
(C) A communication made in violation of division (A) of	968
this section shall not be considered by a court, administrative	969
agency, or arbitrator.	970
Sec. 3105.21. (A) Upon satisfactory proof of the causes in	971
the complaint for divorce, annulment, or legal separation, the	972
court of common pleas shall make an order for the disposition,	973
care, and maintenance of the children of the marriage, as is in	974
their best interests, and in accordance with section <u>sections</u>	975
3109.04 <u>to 3109.0445, 3109.0482, and 3109.0483</u> of the Revised	976
Code.	977
(B) Upon the failure of proof of the causes in the	978
complaint, the court may make the order for the disposition,	979
care, and maintenance of any dependent child of the marriage as	980
is in the child's best interest, and in accordance with section	981
<u>sections 3109.04 to 3109.0445, 3109.0482, and 3109.0483</u> of the	982
Revised Code.	983
(C) Any court of common pleas that makes or modifies an	984
order for child support under this section shall comply with	985
Chapters 3119., 3121., 3123., and 3125. of the Revised Code. If	986
any person required to pay child support under an order made	987

under this section on or after April 15, 1985, or modified on or 988
after December 1, 1986, is found in contempt of court for 989
failure to make support payments under the order, the court that 990
makes the finding, in addition to any other penalty or remedy 991
imposed, shall assess all court costs arising out of the 992
contempt proceeding against the person and require the person to 993
pay any reasonable attorney's fees of any adverse party, as 994
determined by the court, that arose in relation to the act of 995
contempt. 996

Sec. 3105.63. (A) (1) A petition for dissolution of 997
marriage shall be signed by both spouses and shall have attached 998
and incorporated a separation agreement agreed to by both 999
spouses. The separation agreement shall provide for a division 1000
of all property; spousal support; if there are minor children of 1001
the marriage, the allocation of parental rights and 1002
responsibilities for the care of the minor children, the 1003
designation of a residential parent and legal custodian of the 1004
minor children, child support, and parenting time rights; and, 1005
if the spouses so desire, an authorization for the court to 1006
modify the amount or terms of spousal support, or the division 1007
of property, provided in the separation agreement. If there are 1008
minor children of the marriage, the spouses may address the 1009
allocation of the parental rights and responsibilities for the 1010
care of the minor children by including in the separation 1011
agreement a plan under which both parents will have shared 1012
rights and responsibilities for the care of the minor children. 1013
The spouses shall file the plan with the petition for 1014
dissolution of marriage and shall include in the plan the 1015
provisions described in ~~division (C) of section 3109.04-3109.046~~ 1016
of the Revised Code. 1017

(2) The division of property in the separation agreement 1018

shall include any participant account, as defined in section 1019
148.01 of the Revised Code, of either of the spouses, to the 1020
extent of the following: 1021

(a) The moneys that have been deferred by a continuing 1022
member or participating employee, as defined in that section, 1023
and that have been transmitted to the Ohio public employees 1024
deferred compensation board during the marriage and any income 1025
that is derived from the investment of those moneys during the 1026
marriage; 1027

(b) The moneys that have been deferred by an officer or 1028
employee of a municipal corporation and that have been 1029
transmitted to the governing board, administrator, depository, 1030
or trustee of the deferred compensation program of the municipal 1031
corporation during the marriage and any income that is derived 1032
from the investment of those moneys during the marriage; 1033

(c) The moneys that have been deferred by an officer or 1034
employee of a government unit, as defined in section 148.06 of 1035
the Revised Code, and that have been transmitted to the 1036
governing board, as defined in that section, during the marriage 1037
and any income that is derived from the investment of those 1038
moneys during the marriage. 1039

(3) The separation agreement shall not require or permit 1040
the division or disbursement of the moneys and income described 1041
in division (A)(2) of this section to occur in a manner that is 1042
inconsistent with the law, rules, or plan governing the deferred 1043
compensation program involved or prior to the time that the 1044
spouse in whose name the participant account is maintained 1045
commences receipt of the moneys and income credited to the 1046
account in accordance with that law, rules, and plan. 1047

(B) An amended separation agreement may be filed at any 1048
time prior to or during the hearing on the petition for 1049
dissolution of marriage. Upon receipt of a petition for 1050
dissolution of marriage, the court may cause an investigation to 1051
be made pursuant to the Rules of Civil Procedure. 1052

(C) (1) If a petition for dissolution of marriage contains 1053
an authorization for the court to modify the amount or terms of 1054
spousal support provided in the separation agreement, the 1055
modification shall be in accordance with section 3105.18 of the 1056
Revised Code. 1057

(2) If a petition for dissolution of marriage contains an 1058
authorization for the court to modify the division of property 1059
provided in the separation agreement, the modification shall be 1060
made with the express written consent or agreement of both 1061
spouses. 1062

Sec. 3105.65. (A) If, at the time of the hearing, either 1063
spouse is not satisfied with the separation agreement or does 1064
not wish a dissolution of the marriage and if neither spouse 1065
files a motion pursuant to division (C) of this section to 1066
convert the action to an action for divorce, the court shall 1067
dismiss the petition and refuse to validate the proposed 1068
separation agreement. 1069

(B) If, upon review of the testimony of both spouses and 1070
of the report of the investigator pursuant to the Rules of Civil 1071
Procedure, the court approves the separation agreement and any 1072
amendments to it agreed upon by the parties, it shall grant a 1073
decree of dissolution of marriage that incorporates the 1074
separation agreement. If the separation agreement contains a 1075
plan for the exercise of shared parenting by the spouses, the 1076
court shall review the plan in accordance with the provisions of 1077

~~division (D) (1) of section 3109.04~~ sections 3109.0410 to 1078
3109.0413 of the Revised Code that govern the review of a 1079
pleading or motion requesting shared parenting jointly submitted 1080
by both spouses to a marriage. A decree of dissolution of 1081
marriage has the same effect upon the property rights of the 1082
parties, including rights of dower and inheritance, as a decree 1083
of divorce. The court has full power to enforce its decree and 1084
retains jurisdiction to modify all matters pertaining to the 1085
allocation of parental rights and responsibilities for the care 1086
of the children, to the designation of a residential parent and 1087
legal custodian of the children, to child support, to parenting 1088
time of parents with the children, and to visitation for persons 1089
who are not the children's parents. The court, only in 1090
accordance with division (E) (2) of section 3105.18 of the 1091
Revised Code, may modify the amount or terms of spousal support. 1092
The court may modify the division of property provided in the 1093
separation agreement only upon the express written consent or 1094
agreement of both spouses. 1095

(C) At any time before a decree of dissolution of marriage 1096
has been granted under division (B) of this section, either 1097
spouse may convert the action for dissolution of marriage into a 1098
divorce action by filing a motion with the court in which the 1099
action for dissolution of marriage is pending for conversion of 1100
the action for dissolution of marriage. The motion shall contain 1101
a complaint for divorce that contains grounds for a divorce and 1102
that otherwise complies with the Rules of Civil Procedure and 1103
this chapter. The divorce action then shall proceed in 1104
accordance with the Rules of Civil Procedure in the same manner 1105
as if the motion had been the original complaint in the action, 1106
including, but not limited to, the issuance and service of 1107
summons pursuant to Civil Rules 4 to 4.6, except that no court 1108

fees shall be charged upon conversion of the action for 1109
dissolution of marriage into a divorce action under this 1110
division. 1111

Sec. 3109.04. ~~(A) In any divorce, legal separation, or 1112
annulment proceeding and in any proceeding pertaining to the 1113
allocation of parental rights and responsibilities for the care 1114
of a child, upon hearing the testimony of either or both parents 1115
and considering any mediation report filed pursuant to section 1116
3109.052 of the Revised Code and in accordance with sections 1117
3127.01 to 3127.53 of the Revised Code, the court shall allocate 1118
the parental rights and responsibilities for the care of the 1119
minor children of the marriage. Subject to division (D) (2) of 1120
this section, the court may allocate the parental rights and 1121
responsibilities for the care of the children in either of the 1122
following ways: 1123~~

~~(1) If neither parent files a pleading or motion in 1124
accordance with division (G) of this section, if at least one 1125
parent files a pleading or motion under that division but no 1126
parent who filed a pleading or motion under that division also 1127
files a plan for shared parenting, or if at least one parent 1128
files both a pleading or motion and a shared parenting plan 1129
under that division but no plan for shared parenting is in the 1130
best interest of the children, the court, in a manner consistent 1131
with the best interest of the children, shall allocate the 1132
parental rights and responsibilities for the care of the 1133
children primarily to one of the parents, designate that parent 1134
as the residential parent and the legal custodian of the child, 1135
and divide between the parents the other rights and 1136
responsibilities for the care of the children, including, but 1137
not limited to, the responsibility to provide support for the 1138
children and the right of the parent who is not the residential 1139~~

~~parent to have continuing contact with the children.~~ 1140

~~(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.~~ 1141
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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~~ 1159
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~~wishes and concerns with respect to the allocation.~~ 1171

~~(2) If the court interviews any child pursuant to division
(B)(1) of this section, all of the following apply:~~ 1172
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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.~~ 1174
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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
concerns with respect to the allocation, it then shall determine
whether, because of special circumstances, it would not be in
the best interest of the child to determine the child's wishes
and concerns with respect to the allocation. If the court
determines that, because of special circumstances, it would not
be in the best interest of the child to determine the child's
wishes and concerns with respect to the allocation, it shall not
determine the child's wishes and concerns with respect to the
allocation and shall enter its written findings of fact and
opinion in the journal. If the court determines that it would be
in the best interests of the child to determine the child's
wishes and concerns with respect to the allocation, it shall
proceed to make that determination.~~ 1177
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~~(c) The interview shall be conducted in chambers, and no
person other than the child, the child's attorney, the judge,
any necessary court personnel, and, in the judge's discretion,~~ 1198
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~~the attorney of each parent shall be permitted to be present in the chambers during the interview.~~

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

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~~(C) Prior to trial, the court may cause an investigation to be made as to the character, family relations, past conduct, earning ability, and financial worth of each parent and may order the parents and their minor children to submit to medical, psychological, and psychiatric examinations. The report of the investigation and examinations shall be made available to either parent or the parent's counsel of record not less than five days before trial, upon written request. The report shall be signed by the investigator, and the investigator shall be subject to cross examination by either parent concerning the contents of the report. The court may tax as costs all or any part of the expenses for each investigation.~~

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~~If the court determines that either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being a neglected child, that either parent previously has been determined to be the perpetrator of the neglectful act that is the basis of an~~

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~~adjudication that a child is a neglected child, or that there is~~ 1231
~~reason to believe that either parent has acted in a manner~~ 1232
~~resulting in a child being a neglected child, the court shall~~ 1233
~~consider that fact against naming that parent the residential~~ 1234
~~parent and against granting a shared parenting decree. When the~~ 1235
~~court allocates parental rights and responsibilities for the~~ 1236
~~care of children or determines whether to grant shared parenting~~ 1237
~~in any proceeding, it shall consider whether either parent or~~ 1238
~~any member of the household of either parent has been convicted~~ 1239
~~of or pleaded guilty to a violation of section 2919.25 of the~~ 1240
~~Revised Code or a sexually oriented offense involving a victim~~ 1241
~~who at the time of the commission of the offense was a member of~~ 1242
~~the family or household that is the subject of the proceeding,~~ 1243
~~has been convicted of or pleaded guilty to any sexually oriented~~ 1244
~~offense or other offense involving a victim who at the time of~~ 1245
~~the commission of the offense was a member of the family or~~ 1246
~~household that is the subject of the proceeding and caused~~ 1247
~~physical harm to the victim in the commission of the offense, or~~ 1248
~~has been determined to be the perpetrator of the abusive act~~ 1249
~~that is the basis of an adjudication that a child is an abused~~ 1250
~~child. If the court determines that either parent has been~~ 1251
~~convicted of or pleaded guilty to a violation of section 2919.25~~ 1252
~~of the Revised Code or a sexually oriented offense involving a~~ 1253
~~victim who at the time of the commission of the offense was a~~ 1254
~~member of the family or household that is the subject of the~~ 1255
~~proceeding, has been convicted of or pleaded guilty to any~~ 1256
~~sexually oriented offense or other offense involving a victim~~ 1257
~~who at the time of the commission of the offense was a member of~~ 1258
~~the family or household that is the subject of the proceeding~~ 1259
~~and caused physical harm to the victim in the commission of the~~ 1260
~~offense, or has been determined to be the perpetrator of the~~ 1261
~~abusive act that is the basis of an adjudication that a child is~~ 1262

~~an abused child, it may designate that parent as the residential parent and may issue a shared parenting decree or order only if it determines that it is in the best interest of the child to name that parent the residential parent or to issue a shared parenting decree or order and it makes specific written findings of fact to support its determination.~~ 1263
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~~(D) (1) (a) Upon the filing of a pleading or motion by either parent or both parents, in accordance with division (G) of this section, requesting shared parenting and the filing of a shared parenting plan in accordance with that division, the court shall comply with division (D) (1) (a) (i), (ii), or (iii) of this section, whichever is applicable:~~ 1269
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~~(i) If both parents jointly make the request in their pleadings or jointly file the motion and also jointly file the plan, the court shall review the parents' plan to determine if it is in the best interest of the children. If the court determines that the plan is in the best interest of the children, the court shall approve it. If the court determines that the plan or any part of the plan is not in the best interest of the children, the court shall require the parents to make appropriate changes to the plan to meet the court's objections to it. If changes to the plan are made to meet the court's objections, and if the new plan is in the best interest of the children, the court shall approve the plan. If changes to the plan are not made to meet the court's objections, or if the parents attempt to make changes to the plan to meet the court's objections, but the court determines that the new plan or any part of the new plan still is not in the best interest of the children, the court may reject the portion of the parents' pleadings or deny their motion requesting shared parenting of the children and proceed as if the request in the pleadings or~~ 1275
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~~the motion had not been made. The court shall not approve a plan~~ 1294
~~under this division unless it determines that the plan is in the~~ 1295
~~best interest of the children.~~ 1296

~~(ii) If each parent makes a request in the parent's~~ 1297
~~pleadings or files a motion and each also files a separate plan,~~ 1298
~~the court shall review each plan filed to determine if either is~~ 1299
~~in the best interest of the children. If the court determines~~ 1300
~~that one of the filed plans is in the best interest of the~~ 1301
~~children, the court may approve the plan. If the court~~ 1302
~~determines that neither filed plan is in the best interest of~~ 1303
~~the children, the court may order each parent to submit~~ 1304
~~appropriate changes to the parent's plan or both of the filed~~ 1305
~~plans to meet the court's objections, or may select one of the~~ 1306
~~filed plans and order each parent to submit appropriate changes~~ 1307
~~to the selected plan to meet the court's objections. If changes~~ 1308
~~to the plan or plans are submitted to meet the court's~~ 1309
~~objections, and if any of the filed plans with the changes is in~~ 1310
~~the best interest of the children, the court may approve the~~ 1311
~~plan with the changes. If changes to the plan or plans are not~~ 1312
~~submitted to meet the court's objections, or if the parents~~ 1313
~~submit changes to the plan or plans to meet the court's~~ 1314
~~objections but the court determines that none of the filed plans~~ 1315
~~with the submitted changes is in the best interest of the~~ 1316
~~children, the court may reject the portion of the parents'~~ 1317
~~pleadings or deny their motions requesting shared parenting of~~ 1318
~~the children and proceed as if the requests in the pleadings or~~ 1319
~~the motions had not been made. If the court approves a plan~~ 1320
~~under this division, either as originally filed or with~~ 1321
~~submitted changes, or if the court rejects the portion of the~~ 1322
~~parents' pleadings or denies their motions requesting shared~~ 1323
~~parenting under this division and proceeds as if the requests in~~ 1324

~~the pleadings or the motions had not been made, the court shall~~ 1325
~~enter in the record of the case findings of fact and conclusions~~ 1326
~~of law as to the reasons for the approval or the rejection or~~ 1327
~~denial. Division (D) (1) (b) of this section applies in relation~~ 1328
~~to the approval or disapproval of a plan under this division.~~ 1329

~~(iii) If each parent makes a request in the parent's~~ 1330
~~pleadings or files a motion but only one parent files a plan, or~~ 1331
~~if only one parent makes a request in the parent's pleadings or~~ 1332
~~files a motion and also files a plan, the court in the best~~ 1333
~~interest of the children may order the other parent to file a~~ 1334
~~plan for shared parenting in accordance with division (C) of~~ 1335
~~this section. The court shall review each plan filed to~~ 1336
~~determine if any plan is in the best interest of the children.~~ 1337
~~If the court determines that one of the filed plans is in the~~ 1338
~~best interest of the children, the court may approve the plan.~~ 1339
~~If the court determines that no filed plan is in the best~~ 1340
~~interest of the children, the court may order each parent to~~ 1341
~~submit appropriate changes to the parent's plan or both of the~~ 1342
~~filed plans to meet the court's objections or may select one~~ 1343
~~filed plan and order each parent to submit appropriate changes~~ 1344
~~to the selected plan to meet the court's objections. If changes~~ 1345
~~to the plan or plans are submitted to meet the court's~~ 1346
~~objections, and if any of the filed plans with the changes is in~~ 1347
~~the best interest of the children, the court may approve the~~ 1348
~~plan with the changes. If changes to the plan or plans are not~~ 1349
~~submitted to meet the court's objections, or if the parents~~ 1350
~~submit changes to the plan or plans to meet the court's~~ 1351
~~objections but the court determines that none of the filed plans~~ 1352
~~with the submitted changes is in the best interest of the~~ 1353
~~children, the court may reject the portion of the parents'~~ 1354
~~pleadings or deny the parents' motion or reject the portion of~~ 1355

~~the parents' pleadings or deny their motions requesting shared parenting of the children and proceed as if the request or requests or the motion or motions had not been made. If the court approves a plan under this division, either as originally filed or with submitted changes, or if the court rejects the portion of the pleadings or denies the motion or motions requesting shared parenting under this division and proceeds as if the request or requests or the motion or motions had not been made, the court shall enter in the record of the case findings of fact and conclusions of law as to the reasons for the approval or the rejection or denial. Division (D) (1) (b) of this section applies in relation to the approval or disapproval of a plan under this division.~~ 1356
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~~(b) The approval of a plan under division (D) (1) (a) (ii) or (iii) of this section is discretionary with the court. The court shall not approve more than one plan under either division and shall not approve a plan under either division unless it determines that the plan is in the best interest of the children. If the court, under either division, does not determine that any filed plan or any filed plan with submitted changes is in the best interest of the children, the court shall not approve any plan.~~ 1369
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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.~~ 1378
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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~~ 1384
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~~approved plan shall be incorporated into a final shared- 1386
parenting decree granting the parents the shared parenting of- 1387
the children. Any final shared parenting decree shall be issued- 1388
at the same time as and shall be appended to the final decree of 1389
dissolution, divorce, annulment, or legal separation arising out 1390
of the action out of which the question of the allocation of- 1391
parental rights and responsibilities for the care of the- 1392
children arose. 1393~~

~~No provisional shared parenting decree shall be issued in- 1394
relation to any shared parenting plan approved under division- 1395
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared- 1396
parenting decree issued under this division has immediate effect 1397
as a final decree on the date of its issuance, subject to- 1398
modification or termination as authorized by this section. 1399~~

~~(2) If the court finds, with respect to any child under- 1400
eighteen years of age, that it is in the best interest of the- 1401
child for neither parent to be designated the residential parent 1402
and legal custodian of the child, it may commit the child to a- 1403
relative of the child or certify a copy of its findings,- 1404
together with as much of the record and the further information, 1405
in narrative form or otherwise, that it considers necessary or- 1406
as the juvenile court requests, to the juvenile court for- 1407
further proceedings, and, upon the certification, the juvenile- 1408
court has exclusive jurisdiction. 1409~~

~~(E)(1)(a) The court shall not modify a prior decree- 1410
allocating parental rights and responsibilities for the care of- 1411
children unless it finds, based on facts that have arisen since- 1412
the prior decree or that were unknown to the court at the time- 1413
of the prior decree, that a change has occurred in the- 1414
circumstances of the child, the child's residential parent, or- 1415~~

~~either of the parents subject to a shared parenting decree, and 1416
that the modification is necessary to serve the best interest of 1417
the child. In applying these standards, the court shall retain 1418
the residential parent designated by the prior decree or the 1419
prior shared parenting decree, unless a modification is in the 1420
best interest of the child and one of the following applies: 1421~~

~~(i) The residential parent agrees to a change in the 1422
residential parent or both parents under a shared parenting 1423
decree agree to a change in the designation of residential 1424
parent. 1425~~

~~(ii) The child, with the consent of the residential parent 1426
or of both parents under a shared parenting decree, has been 1427
integrated into the family of the person seeking to become the 1428
residential parent. 1429~~

~~(iii) The harm likely to be caused by a change of 1430
environment is outweighed by the advantages of the change of 1431
environment to the child. 1432~~

~~(b) One or both of the parents under a prior decree 1433
allocating parental rights and responsibilities for the care of 1434
children that is not a shared parenting decree may file a motion 1435
requesting that the prior decree be modified to give both 1436
parents shared rights and responsibilities for the care of the 1437
children. The motion shall include both a request for 1438
modification of the prior decree and a request for a shared 1439
parenting order that complies with division (G) of this section. 1440
Upon the filing of the motion, if the court determines that a 1441
modification of the prior decree is authorized under division 1442
(E)(1)(a) of this section, the court may modify the prior decree 1443
to grant a shared parenting order, provided that the court shall 1444
not modify the prior decree to grant a shared parenting order 1445~~

~~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.~~ 1446
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~~(2) In addition to a modification authorized under division (E) (1) of this section:~~ 1450
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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 the children, the court, in its discretion, may reject the modifications or make modifications to the proposed modifications or the plan that are in the best interest of the children. Modifications jointly submitted by both parents under a shared parenting decree shall be effective, either as originally filed or as modified by the court, upon their inclusion by the court in the plan. Modifications to the plan made by the court shall be effective upon their inclusion by the court in the plan.~~ 1452
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~~(b) The court may modify the terms of the plan for shared parenting approved by the court and incorporated by it into the shared parenting decree upon its own motion at any time if the court determines that the modifications are in the best interest of the children or upon the request of one or both of the parents under the decree. Modifications under this division may be made at any time. The court shall not make any modification~~ 1469
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~~to the plan under this division, unless the modification is in- 1476
the best interest of the children. 1477~~

~~(c) The court may terminate a prior final shared parenting 1478
decree that includes a shared parenting plan approved under 1479
division (D) (1) (a) (i) of this section upon the request of one or 1480
both of the parents or whenever it determines that shared- 1481
parenting is not in the best interest of the children. The court 1482
may terminate a prior final shared parenting decree that 1483
includes a shared parenting plan approved under division (D) (1) 1484
(a) (ii) or (iii) of this section if it determines, upon its own- 1485
motion or upon the request of one or both parents, that shared- 1486
parenting is not in the best interest of the children. If- 1487
modification of the terms of the plan for shared parenting- 1488
approved by the court and incorporated by it into the final- 1489
shared parenting decree is attempted under division (E) (2) (a) of 1490
this section and the court rejects the modifications, it may 1491
terminate the final shared parenting decree if it determines 1492
that shared parenting is not in the best interest of the 1493
children. 1494~~

~~(d) Upon the termination of a prior final shared parenting 1495
decree under division (E) (2) (c) of this section, the court shall 1496
proceed and issue a modified decree for the allocation of- 1497
parental rights and responsibilities for the care of the 1498
children under the standards applicable under divisions (A),- 1499
(B), and (C) of this section as if no decree for shared 1500
parenting had been granted and as if no request for shared- 1501
parenting ever had been made. 1502~~

~~(F) (1) In determining the best interest of a child- 1503
pursuant to this section, whether on an original decree- 1504
allocating parental rights and responsibilities for the care of- 1505~~

~~children or a modification of a decree allocating those rights and responsibilities, the court shall consider all relevant factors, including, but not limited to:~~ 1506
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~~(a) The wishes of the child's parents regarding the child's care;~~ 1509
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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;~~ 1511
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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;~~ 1516
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~~(d) The child's adjustment to the child's home, school, and community;~~ 1519
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~~(e) The mental and physical health of all persons involved in the situation;~~ 1521
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~~(f) The parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights;~~ 1523
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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;~~ 1526
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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~~ 1530
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~~either parent, in a case in which a child has been adjudicated- 1534
an abused child or a neglected child, previously has been- 1535
determined to be the perpetrator of the abusive or neglectful- 1536
act that is the basis of an adjudication; whether either parent- 1537
or any member of the household of either parent previously has- 1538
been convicted of or pleaded guilty to a violation of section- 1539
2919.25 of the Revised Code or a sexually oriented offense- 1540
involving a victim who at the time of the commission of the- 1541
offense was a member of the family or household that is the- 1542
subject of the current proceeding; whether either parent or any- 1543
member of the household of either parent previously has been- 1544
convicted of or pleaded guilty to any offense involving a victim 1545
who at the time of the commission of the offense was a member of 1546
the family or household that is the subject of the current- 1547
proceeding and caused physical harm to the victim in the- 1548
commission of the offense; and whether there is reason to- 1549
believe that either parent has acted in a manner resulting in a- 1550
child being an abused child or a neglected child;~~ 1551

~~(i) Whether the residential parent or one of the parents- 1552
subject to a shared parenting decree has continuously and- 1553
willfully denied the other parent's right to parenting time in- 1554
accordance with an order of the court;~~ 1555

~~(j) Whether either parent has established a residence, or- 1556
is planning to establish a residence, outside this state.~~ 1557

~~(2) In determining whether shared parenting is in the best 1558
interest of the children, the court shall consider all relevant- 1559
factors, including, but not limited to, the factors enumerated- 1560
in division (F) (1) of this section, the factors enumerated in- 1561
section 3119.23 of the Revised Code, and all of the following- 1562
factors:~~ 1563

~~(a) The ability of the parents to cooperate and make decisions jointly, with respect to the children;~~ 1564
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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;~~ 1566
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~~(c) Any history of, or potential for, child abuse, spouse abuse, other domestic violence, or parental kidnapping by either parent;~~ 1569
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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;~~ 1572
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~~(e) The recommendation of the guardian ad litem of the child, if the child has a guardian ad litem.~~ 1575
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~~(3) When allocating parental rights and responsibilities for the care of children, the court shall not give preference to a parent because of that parent's financial status or condition.~~ 1577
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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~~ 1580
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~~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.~~

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

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

~~(2) On receipt of the notice described in division (I) (1)
of this section, either parent may apply to the court for a~~

~~hearing to expedite an allocation or modification proceeding so that the court can issue an order before the parent's active military service begins. The application shall include the date on which the active military service begins.~~ 1623
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~~The court shall schedule a hearing upon receipt of the application and hold the hearing not later than thirty days after receipt of the application, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist in the case.~~ 1627
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~~The court shall not modify a prior decree allocating parental rights and responsibilities unless the court determines that there has been a change in circumstances of the child, the child's residential parent, or either of the parents subject to a shared parenting decree, and that modification is necessary to serve the best interest of the child. The court shall not find past, present, or possible future active military service in the uniformed services to constitute a change in circumstances justifying modification of a prior decree pursuant to division (E) of this section. The court shall make specific written findings of fact to support any modification under this division.~~ 1632
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~~(3) Nothing in division (I) of this section shall prevent a court from issuing a temporary order allocating or modifying parental rights and responsibilities for the duration of the parent's active military service. A temporary order shall specify whether the parent's active military service is the basis of the order and shall provide for termination of the temporary order and resumption of the prior order within ten days after receipt of notice pursuant to division (I) (5) of this section, unless the other parent demonstrates that resumption of~~ 1644
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~~the prior order is not in the child's best interest.~~ 1653

~~(4) At the request of a parent who is ordered for active
military service in the uniformed services and who is a subject
of a proceeding pertaining to a temporary order for the
allocation or modification of parental rights and
responsibilities, the court shall permit the parent to
participate in the proceeding and present evidence by electronic
means, including communication by telephone, video, or internet
to the extent permitted by the rules of the supreme court of
Ohio.~~ 1654
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~~(5) A parent who is ordered for active military service in
the uniformed services and who is a subject of a proceeding
pertaining to the allocation or modification of parental rights
and responsibilities shall provide written notice to the court,
child support enforcement agency, and the other parent of the
date of termination of the parent's active military service not
later than thirty days after the date on which the service ends.~~ 1663
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~~(J)-(A) As used in this sectionsections 3019.04 to
3109.0436 of the Revised Code:~~ 1670
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(1) "Abused child" has the same meaning as in section 1672
2151.031 of the Revised Code. 1673

(2) ~~"Active military service" means service by a member of
the uniformed services in compliance with military orders to
report for combat operations, contingency operations,
peacekeeping operations, a remote tour of duty, or other active
service for which the member is required to report unaccompanied
by any family member, including any period of illness, recovery
from injury, leave, or other lawful absence during that
operation, duty, or service.~~ 1674
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~~(3) "Decision-making rights and responsibilities" or~~ 1682
~~"decision-making responsibilities" means the ability to~~ 1683
~~determine aspects of the child's life, including the right and~~ 1684
~~duty to protect, train, and discipline the child and decisions~~ 1685
~~regarding food, living conditions, education, and medical care.~~ 1686

(3) "Neglected child" has the same meaning as in section 1687
2151.03 of the Revised Code. 1688

(4) "Sexually oriented offense" has the same meaning as in 1689
section 2950.01 of the Revised Code. 1690

~~(5) "Uniformed services" means the United States armed~~ 1691
~~forces, the army national guard, and the air national guard or~~ 1692
~~any reserve component thereof, or the commissioned corps of the~~ 1693
~~United States public health service.~~ 1694

~~(K) (B) As used in the Revised Code, "shared:~~ 1695

(1) "Companionship or visitation order" means an order 1696
issued under section 3109.0452 of the Revised Code. 1697

(2) "Parental rights and responsibilities order" means any 1698
of the following: 1699

(a) An order issued or modified under section 3109.0412, 1700
3109.0424, 3109.0425, 3109.0426, 3109.0441, or 3109.0442 of the 1701
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 not a decree or order 1706
for shared parenting. 1707

(3) "Parenting time" means the time that a child is 1708
physically located with, and under the care, responsibility, 1709

tutelage, and protection of a parent. 1710

(4) "Parenting time order" means an order issued under section 3109.0451 of the Revised Code. 1711
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(5) "Shared parenting" means that the parents share, in the manner set forth in the plan for shared parenting that is approved by the court under division (D) (1) and described in division (L) (6) of this section, all or some of the aspects of physical and legal care of their children, all or some of the aspects of physical and legal care of their children. 1713
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(6) "Shared parenting order" means any of the following: 1719

(a) Any order allocating parental rights and responsibilities for the care of children as shared parenting that is issued or modified under section 3109.0413, 3109.0439, 3109.0440, or 3109.0443 of the Revised Code; 1720
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(b) An order allocating parental rights and responsibilities for the care of a child issued under section 3109.04 of the Revised Code, as it existed prior to the effective date of this section, that is a decree or order for shared parenting. 1724
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~~(L) For purposes of the Revised Code:~~ 1729

~~(1) A parent who is granted the care, custody, and control of a child under an order that was issued pursuant to this section prior to April 11, 1991, and that does not provide for shared parenting has "custody of the child" and "care, custody, and control of the child" under the order, and is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order.~~ 1730
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~~(2) A parent who primarily is allocated the parental rights and responsibilities for the care of a child and who is designated as the residential parent and legal custodian of the child under an order that is issued pursuant to this section on or after April 11, 1991, and that does not provide for shared parenting has "custody of the child" and "care, custody, and control of the child" under the order, and is the "residential parent," the "residential parent and legal custodian," or the "custodial parent" of the child under the order.~~

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

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

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

~~(6) Unless the context clearly requires otherwise and~~

~~except as otherwise provided in the order, if an order is issued 1768
by a court pursuant to this section and the order provides for 1769
shared parenting of a child, each parent, regardless of where 1770
the child is physically located or with whom the child is 1771
residing at a particular point in time, as specified in the 1772
order, is the "residential parent," the "residential parent and 1773
legal custodian," or the "custodial parent" of the child. 1774~~

~~(7) Unless the context clearly requires otherwise and 1775
except as otherwise provided in the order, a designation in the 1776
order of a parent as the residential parent for the purpose of 1777
determining the school the child attends, as the custodial 1778
parent for purposes of claiming the child as a dependent 1779
pursuant to section 152(e) of the "Internal Revenue Code of 1780
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, or as the 1781
residential parent for purposes of receiving public assistance 1782
pursuant to division (A) (2) of this section, does not affect the 1783
designation pursuant to division (L) (6) of this section of each 1784
parent as the "residential parent," the "residential parent and 1785
legal custodian," or the "custodial parent" of the child. 1786~~

~~(M) The court shall require each parent of a child to file 1787
an affidavit attesting as to whether the parent, and the members 1788
of the parent's household, have been convicted of or pleaded 1789
guilty to any of the offenses identified in divisions (C) and 1790
(F) (1) (h) of this section. 1791~~

Sec. 3109.042. (A) An unmarried female who gives birth to 1792
a child is the sole residential parent and legal custodian of 1793
the child until a court of competent jurisdiction issues an 1794
order designating another person as the residential parent and 1795
legal custodian allocating parental rights and responsibilities 1796
regarding the child in accordance with sections 3109.04 to 1797

3109.0445, 3109.0482, 3109.0483, and 3127.01 to 3127.53 of the 1798
Revised Code. A court ~~designating the residential parent and~~ 1799
~~legal custodian of a child making an allocation as~~ described in 1800
this section shall treat the mother and father as standing upon 1801
an equality ~~when making the designation.~~ 1802

(B) Notwithstanding division (A) of this section, an 1803
unmarried female who has been convicted of or pleaded guilty to 1804
rape or sexual battery and has been declared under section 1805
3109.501 of the Revised Code to be the parent of a child born as 1806
a result of rape or sexual battery shall not be a residential 1807
parent and legal custodian of that child. 1808

Sec. 3109.044. It is the policy of this state: 1809

(A) To assure that minor children have frequent 1810
associations and a continuing relationship with both parents 1811
after the parents have legally separated, divorced, or dissolved 1812
or annulled their marriage or in situations in which the mother 1813
is unmarried; 1814

(B) To encourage parents to share the rights and 1815
responsibilities of child rearing; 1816

(C) That, to the greatest degree possible, parents share 1817
substantially equally in parenting time and the rights and 1818
responsibilities of rearing their children. 1819

Sec. 3109.045. (A) 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, upon hearing the testimony of either or both parents 1823
and considering any mediation report filed pursuant to section 1824
3109.0469 of the Revised Code and in accordance with sections 1825
3127.01 to 3127.53 of the Revised Code, the court shall allocate 1826

the parental rights and responsibilities for the care of the 1827
minor children of the marriage. Subject to section 3109.0435 of 1828
the Revised Code, the court shall allocate parental rights and 1829
responsibilities for the care of the children in accordance with 1830
the policy stated in section 3109.044 of the Revised Code and in 1831
a manner that promotes the best interest of the children. 1832

(B) In allocating parental rights and responsibilities for 1833
the care of the child, the court shall encourage the parents to 1834
jointly submit a shared parenting agreement under section 1835
3109.047 of the Revised Code. 1836

(C) The court may allocate parental rights and 1837
responsibilities in one of the following ways: 1838

(1) In a shared parenting order issued under section 1839
3109.0413 of the Revised Code; 1840

(2) A parental rights and responsibilities order under 1841
section 3109.0412, 3109.0424, 3109.0425, or 3109.0426 of the 1842
Revised Code. 1843

Sec. 3109.046. Every shared parenting order and parental 1844
rights and responsibilities order shall include all of the 1845
following: 1846

(A) Provisions regarding each child's needs that are 1847
consistent with the child's age, developmental stage, and 1848
maturity; 1849

(B) The designation of a parent for the following 1850
purposes: 1851

(1) Paying and receiving child support, health care 1852
coverage, and cash medical support in accordance with Chapters 1853
3119., 3121., 3123., and 3125. of the Revised Code; 1854

<u>(2) Determining the school district of attendance;</u>	1855
<u>(3) Claiming the child as a dependent for income tax purposes;</u>	1856 1857
<u>(4) For any other purpose requiring designation of one parent, including public assistance, international treaty enforcement, or state or federal law.</u>	1858 1859 1860
<u>(C) The parenting time schedule for weekdays, weekends, holidays, days that hold special meaning to the child or parents, vacations, and other relevant times;</u>	1861 1862 1863
<u>(D) The frequency, time, and method of the child's communication with a parent during the parenting time;</u>	1864 1865
<u>(E) The allocation of decision-making and other responsibilities related to the welfare of the child, including education, child care, health care, and school and extracurricular activities;</u>	1866 1867 1868 1869
<u>(F) The procedure for parenting time, including the meeting location and the person responsible for transportation;</u>	1870 1871
<u>(G) The frequency and method for the parents to communicate with each other about the child;</u>	1872 1873
<u>(H) The process of information sharing and right to access the child's school records, health records, records of the childcare facilities, and school and extracurricular activities;</u>	1874 1875 1876
<u>(I) Any geographical restriction on relocation of the child and notification procedure prior to the relocation of the child pursuant to sections 3109.0470 to 3109.0479 of the Revised Code;</u>	1877 1878 1879 1880
<u>(J) Each parent's responsibility for the child's financial</u>	1881

support, consistent with section 3109.05 and Chapters 3119., 1882
3121., 3123., and 3125. of the Revised Code; 1883

(K) Procedures for the parents to resolve disputes through 1884
nonadversarial dispute resolution processes; 1885

(L) Each parent's responsibility to provide written 1886
notification to the other parent and the court of a change of 1887
contact information, including street address, mailing address, 1888
electronic mail address, or telephone number in compliance with 1889
section 3109.0473 of the Revised Code; 1890

(M) Any other provisions required by statute or the court. 1891

Sec. 3109.047. In any divorce, legal separation, or 1892
annulment proceeding and in any proceeding pertaining to the 1893
allocation of parental rights and responsibilities for the care 1894
of a child, the parents of a child may jointly make and file 1895
with the court a shared parenting agreement for the allocation 1896
of parental rights and responsibilities. 1897

Sec. 3109.048. A shared parenting agreement shall contain 1898
provisions that address all the requirements of section 3109.046 1899
of the Revised Code and shall be filed not later than thirty 1900
days before a hearing to determine the allocation of parental 1901
rights and responsibilities, except that the court may waive the 1902
thirty-day deadline for good cause shown. 1903

Sec. 3109.0410. If the parents have an agreement 1904
allocating the parental rights and responsibilities for the care 1905
of the children, to be incorporated into a shared parenting 1906
order as originally issued or as modified, there is a rebuttable 1907
presumption the agreement is in the best interest of the 1908
children, unless the court finds, by a preponderance of the 1909
evidence, based on the factors listed in section 3109.0411 of 1910

the Revised Code, that the allocation would be detrimental to 1911
the children. 1912

Sec. 3109.0411. In determining whether the presumption 1913
under section 3109.0410 of the Revised Code is rebutted, the 1914
court shall consider all relevant factors, including the 1915
following: 1916

(A) The demonstrated ability of each parent to cooperate 1917
with the other parent and to encourage the sharing of love, 1918
affection, and contact between the child and the other parent. 1919

(B) Any history of child abuse or neglect, spouse abuse, 1920
other domestic violence, or parental kidnapping by either 1921
parent, including whether either parent or any member of the 1922
household of either parent previously has been convicted of or 1923
pleaded guilty to any criminal offense involving any act that 1924
resulted in a child being an abused child or a neglected child; 1925
whether either parent, in a case in which a child has been 1926
adjudicated an abused child or a neglected child, previously has 1927
been determined to be the perpetrator of the abusive or 1928
neglectful act that is the basis of an adjudication; whether 1929
either parent or any member of the household of either parent 1930
previously has been convicted of or pleaded guilty to a 1931
violation of section 2919.25 of the Revised Code or a sexually 1932
oriented offense involving a victim who at the time of the 1933
commission of the offense was a member of the family or 1934
household that is the subject of the current proceeding; whether 1935
either parent or any member of the household of either parent 1936
previously has been convicted of or pleaded guilty to any 1937
offense involving a victim who at the time of the commission of 1938
the offense was a member of the family or household that is the 1939
subject of the current proceeding and caused physical harm to 1940

the victim in the commission of the offense; and whether there 1941
is reason to believe that either parent has acted in a manner 1942
resulting in a child being an abused child or a neglected child; 1943

(C) The mental and physical health of all persons involved 1944
in the situation; 1945

(D) Whether a parent is totally incapable of supporting or 1946
caring for the child. 1947

Sec. 3109.0412. (A) If, based on section 3109.0411 of the 1948
Revised Code, the court determines by a preponderance of the 1949
evidence that the presumption in section 3109.0410 of the 1950
Revised Code is rebutted, the court shall require the parents to 1951
make appropriate changes to the plan or any part of the plan to 1952
meet the court's objections to it, subject to section 3109.0435 1953
of the Revised Code. 1954

(B) If the court determines that changes to the plan meet 1955
the court's objections, the court shall approve the plan. 1956

(C) If the court determines that changes to the plan do 1957
not meet the court's objections, or if the parents attempt to 1958
make changes to the plan to meet the court's objections, but the 1959
court determines that the new plan or any part of the new plan 1960
does not meet the court's objections, the court shall proceed as 1961
if no shared parenting agreement has been filed, pursuant to 1962
sections 3109.0420 to 3109.0426 of the Revised Code. 1963

Sec. 3109.0413. (A) A court shall approve a shared 1964
parenting agreement submitted under section 3109.047 of the 1965
Revised Code if the agreement has not been rebutted based on 1966
section 3109.0411 of the Revised Code, in accordance with 1967
section 3109.0410 of the Revised Code. 1968

(B) If a court approves a shared parenting agreement, the 1969

agreement shall be incorporated into an order granting shared 1970
parenting of the children. Any such order shall be issued at the 1971
same time as and shall be appended to the final decree of 1972
dissolution, divorce, annulment, or legal separation arising out 1973
of the action out of which the question of the allocation of 1974
parental rights and responsibilities for the care of the 1975
children arose. 1976

(C) No provisional order shall be issued in relation to 1977
any shared parenting agreement approved under this section. An 1978
order issued under this section takes immediate effect as a 1979
final order as of the date of its issuance, subject to 1980
modification or termination as authorized by this section. 1981

Sec. 3109.0414. If the court issues an order allocating 1982
parental rights and responsibilities for the care of the 1983
children and the court designates a parent's residence to serve 1984
as the child's home for the purpose of receiving public 1985
assistance or establishing the school district of residence as 1986
required under section 3109.046 of the Revised Code, such a 1987
designation does not affect the child's residency for any other 1988
purpose, nor does it affect a parent's status as a legal 1989
custodian of the child or that parent's status as a residential 1990
parent for any other purpose. 1991

Sec. 3109.0415. (A) Unless the context clearly requires 1992
otherwise, if an order is issued by a court pursuant to sections 1993
3109.0413, 3109.0424, 3109.0425, or 3109.0426 of the Revised 1994
Code and the order provides for shared parenting of a child, 1995
both parents have "custody of the child" or "care, custody, and 1996
control of the child" under the order, to the extent and in the 1997
manner specified in the order. 1998

(B) Unless the context clearly requires otherwise and 1999

except as otherwise provided in the order, if an order is issued 2000
by a court pursuant to sections 3109.0413, 3109.0424, 3109.0425, 2001
and 3109.0426 of the Revised Code and the order provides for 2002
shared parenting of a child, each parent, regardless of where 2003
the child is physically located or with whom the child is 2004
residing at a particular point in time, as specified in the 2005
order, is the "residential parent," the "residential parent and 2006
legal custodian," or the "custodial parent" of the child. 2007

(C) Unless the context clearly requires otherwise and 2008
except as otherwise provided in the order, a designation in the 2009
order of a parent as the residential parent for the purpose of 2010
determining the school the child attends, as the custodial 2011
parent for purposes of claiming the child as a dependent 2012
pursuant to section 152(e) of the "Internal Revenue Code of 2013
1986," 26 U.S.C. 1, as amended, or as the residential parent for 2014
purposes of receiving public assistance pursuant to section 2015
3109.0414 of the Revised Code, does not affect the designation 2016
pursuant to division (B) of this section of each parent as the 2017
"residential parent," the "residential parent and legal 2018
custodian," or the "custodial parent" of the child. 2019

Sec. 3109.0419. (A) When the parents have not entered into 2020
a shared parenting agreement under section 3109.047 of the 2021
Revised Code, with the intent to have it incorporated into an 2022
original order, or a modified decree or order, allocating 2023
parental rights and responsibilities for their children, each 2024
parent shall submit to the court all of the following 2025
information: 2026

(1) The parent's work schedule; 2027

(2) Living arrangements of the parent and the child; 2028

(3) Factors for rebutting a presumption under section 3109.0420 of the Revised Code, if any, based on section 3109.0421 or 3109.0422 of the Revised Code, whichever is applicable; 2029
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(4) Any other circumstances that are relevant to determining the allocation of parental rights and responsibilities and an appropriate parenting time schedule to maximize the child's time with each parent, as determined by the court. 2033
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(B) Each parent shall submit the information in division (A) of this section not later than thirty days before a hearing to determine the allocation of parental rights and responsibilities, except that the court may waive the thirty-day deadline for good cause shown. 2038
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Sec. 3109.0420. When the parents have not entered into a shared parenting agreement under section 3109.047 of the Revised Code, with the intent to have it incorporated into an original order, or a modified decree or order, allocating parental rights and responsibilities for their children, both of the following apply: 2043
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(A) There is a rebuttable presumption that substantially equal decision-making rights and responsibilities between the parents, with both parents remaining legal custodians and residential parents, is in the best interest of the children. This presumption is rebutted only if the court finds by a preponderance of the evidence, based on the factors listed in section 3109.0421 of the Revised Code, that such an arrangement would be detrimental to the children. Before a court determines whether this presumption is rebutted, it shall inquire of each parent whether that parent is requesting substantially equal 2049
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decision-making rights and responsibilities. If a parent objects 2059
to both parents retaining substantially equal decision-making 2060
responsibilities and requests to be designated the sole 2061
residential parent and legal custodian, that parent bears the 2062
burden of proof that the agreement would be detrimental to the 2063
children. If the court finds the presumption is rebutted, it 2064
shall issue findings of fact and conclusions of law supporting 2065
the determination. 2066

(B) There is a rebuttable presumption that substantially 2067
equal parenting time is in the best interest of the children. 2068
This presumption is rebutted only if the court finds by a 2069
preponderance of the evidence, based on the factors listed in 2070
section 3109.0422 of the Revised Code, that a substantially 2071
equal parenting time arrangement would be detrimental to the 2072
children. Before a court determines whether this presumption is 2073
rebutted, it shall inquire of each parent whether that parent is 2074
requesting substantially equal parenting time. If a parent 2075
objects to substantially equal parenting time, that parent bears 2076
the burden of proof that such an arrangement would be 2077
detrimental to the minor children. If the court finds the 2078
presumption is rebutted, it shall issue findings of fact and 2079
conclusions of law supporting the determination. 2080

Sec. 3109.0421. In determining whether the presumption 2081
under division (A) of section 3109.0420 of the Revised Code of 2082
substantially equal decision-making rights and responsibilities 2083
between the parents, with both parents remaining legal 2084
custodians and residential parents, is rebutted, the court shall 2085
consider all relevant factors, including the following: 2086

(A) The demonstrated ability of each parent to cooperate 2087
with the other parent and to encourage the sharing of love, 2088

affection, and contact between the child and the other parent; 2089

(B) Any history of child abuse or neglect, spouse abuse, 2090
other domestic violence, or parental kidnapping by either 2091
parent, including whether either parent or any member of the 2092
household of either parent previously has been convicted of, or 2093
pleaded guilty to, any criminal offense involving any act that 2094
resulted in a child being an abused child or a neglected child; 2095
whether either parent, in a case in which a child has been 2096
adjudicated an abused child or a neglected child, previously has 2097
been determined to be the perpetrator of the abusive or 2098
neglectful act that is the basis of an adjudication; whether 2099
either parent or any member of the household of either parent 2100
previously has been convicted of or pleaded guilty to a 2101
violation of section 2919.25 of the Revised Code or a sexually 2102
oriented offense involving a victim who at the time of the 2103
commission of the offense was a member of the family or 2104
household that is the subject of the current proceeding; whether 2105
either parent or any member of the household of either parent 2106
previously has been convicted of or pleaded guilty to any 2107
offense involving a victim who at the time of the commission of 2108
the offense was a member of the family or household that is the 2109
subject of the current proceeding and caused physical harm to 2110
the victim in the commission of the offense; and whether there 2111
is reason to believe that either parent has acted in a manner 2112
resulting in a child being an abused child or a neglected child. 2113

(C) The mental health of all persons involved in the 2114
situation; 2115

(D) The recommendation of the guardian ad litem of the 2116
child, if the child has a guardian ad litem, provided that the 2117
court does not rely on that recommendation as the sole basis for 2118

its determination and the recommendation is subject to the 2119
policy stated in section 3109.044 of the Revised Code; 2120

(E) Whether a parent is totally incapable of supporting or 2121
caring for the child; 2122

(F) The response of each parent to the court's inquiry 2123
under division (A) of section 3109.0420 of the Revised Code 2124
about whether the parent is requesting substantially equal 2125
decision-making rights and responsibilities. 2126

Sec. 3109.0422. In determining whether the presumption, 2127
under division (B) of section 3109.0420 of the Revised Code of 2128
substantially equal parenting time, is rebutted, the court shall 2129
consider all relevant factors, including the following: 2130

(A) Any history of child abuse, spouse abuse, other 2131
domestic violence, or parental kidnapping by either parent, 2132
including whether either parent or any member of the household 2133
of either parent previously has been convicted of, or pleaded 2134
guilty to, any criminal offense involving any act that resulted 2135
in a child being an abused child or a neglected child; whether 2136
either parent, in a case in which a child has been adjudicated 2137
an abused child or a neglected child, previously has been 2138
determined to be the perpetrator of the abusive or neglectful 2139
act that is the basis of an adjudication; whether either parent 2140
or any member of the household of either parent previously has 2141
been convicted of or pleaded guilty to a violation of section 2142
2919.25 of the Revised Code or a sexually oriented offense 2143
involving a victim who at the time of the commission of the 2144
offense was a member of the family or household that is the 2145
subject of the current proceeding; whether either parent or any 2146
member of the household of either parent previously has been 2147
convicted of or pleaded guilty to any offense involving a victim 2148

who at the time of the commission of the offense was a member of 2149
the family or household that is the subject of the current 2150
proceeding and caused physical harm to the victim in the 2151
commission of the offense; and whether there is reason to 2152
believe that either parent has acted in a manner resulting in a 2153
child being an abused child or a neglected child. 2154

(B) The geographic proximity of the parents to each other 2155
at the time of initial filing, as the proximity relates to the 2156
practical considerations of parenting time and whether a parent 2157
has relocated to impede substantially equal parenting time; 2158

(C) If the court has interviewed the child in chambers 2159
pursuant to section 3109.0430 of the Revised Code, regarding the 2160
child's wishes and concerns as to the allocation of parental 2161
rights and responsibilities concerning the child, the wishes and 2162
concerns of the child, as expressed to the court; 2163

(D) The child's interaction and interrelationship with the 2164
child's parents, siblings, and any other person who has a 2165
significant relationship with the child; 2166

(E) The child's adjustment to the child's home, school, 2167
and community; 2168

(F) The mental and physical health of all persons involved 2169
in the situation; 2170

(G) Whether a parent has continuously and willfully 2171
interfered with or denied the other parent's right to parenting 2172
time in accordance with an order of the court; 2173

(H) Whether either parent has established a residence, or 2174
is planning to establish a residence, outside this state; 2175

(I) The recommendation of the guardian ad litem of the 2176

child, if the child has a guardian ad litem, provided that the 2177
court does not rely on the recommendation as the sole basis for 2178
its determination and the recommendation is subject to the 2179
policy stated in section 3109.044 of the Revised Code; 2180

(J) Whether a parent is totally incapable of supporting or 2181
caring for the child; 2182

(K) The response of each parent to the court's inquiry 2183
under division (B) of section 3109.0420 of the Revised Code 2184
about whether the parent is requesting substantially equal 2185
parenting time. 2186

Sec. 3109.0423. If, based on section 3109.0421 or 2187
3109.0422 of the Revised Code, the court determines by a 2188
preponderance of the evidence that either or both presumptions 2189
under section 3109.0420 of the Revised Code are rebutted, the 2190
court shall determine whether a parent has intentionally done 2191
any of the following: 2192

(A) Misled the court to cause an unnecessary delay, 2193
increase the cost of litigation, or persuade the court to give 2194
that parent a preference regarding decision-making rights and 2195
responsibilities or parenting time, whichever presumption has 2196
been rebutted; 2197

(B) Made false allegations against the other parent of 2198
harm to the child; 2199

(C) Communicated false information to law enforcement, a 2200
public children services agency, or the court in order to gain a 2201
tactical advantage in a proceeding to determine the allocation 2202
of parental rights and responsibilities. 2203

Sec. 3109.0424. (A) If the court determines by a 2204
preponderance of the evidence that the presumption under section 2205

3109.0420 of the Revised Code regarding substantially equal 2206
decision-making responsibilities between the parents is 2207
rebutted, the court shall do the following: 2208

(1) Issue an order designating one parent as the 2209
residential parent and legal custodian of the child; 2210

(2) Allocate most of the decision-making rights and 2211
responsibilities to the parent who has: 2212

(a) Demonstrated a greater and consistent willingness to 2213
cooperate with the other parent and to encourage the sharing of 2214
love, affection, and contact between the child and the other 2215
parent; 2216

(b) Not been determined to have done any of the actions in 2217
section 3109.0423 of the Revised Code. 2218

(B) If the court determines that the substantially equal 2219
decision-making rights and responsibilities presumption is 2220
rebutted, but has not determined that the substantially equal 2221
parenting time presumption under section 3109.0420 of the 2222
Revised Code is rebutted, the court shall award substantially 2223
equal parenting time between the parents. 2224

Sec. 3109.0425. (A) If the court determines by a 2225
preponderance of the evidence that the presumption under section 2226
3109.0420 of the Revised Code regarding substantially equal 2227
parenting time is rebutted, the court shall do the following: 2228

(1) Issue an order allocating parental rights and 2229
responsibilities with unequal parenting time in accordance with 2230
its determination; 2231

(2) Award the majority of parenting time to the parent 2232
who: 2233

(a) Is 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 a preponderance of the evidence that such an award would be detrimental to the child for other reasons provided in section 3109.0422 of the Revised Code; 2234
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(b) Has not been determined to have done any of the actions in section 3109.0423 of the Revised Code. 2242
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(3) Construct a parenting time schedule with the child that is consistent with ensuring the child's welfare. 2244
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(B) If the court determines that the substantially equal parenting time presumption is rebutted, but has not determined that the substantially equal decision-making rights and responsibilities presumption under section 3109.0420 of the Revised Code is rebutted, it shall award substantially equal decision-making rights and responsibilities to the parents. 2246
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Sec. 3109.0426. If the presumptions under section 3109.0420 of the Revised Code have not been rebutted in accordance with section 3109.0421 or 3109.0422 of the Revised Code, the court shall issue an order allocating both of the following to the parents: 2252
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2254
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(A) Substantially equal decision-making rights and responsibilities, with both parents being designated as the residential parent and legal custodian of the child; 2257
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(B) Substantially equal parenting time. 2260

Sec. 3109.0430. (A) In determining the child's best interest for purposes of making its allocation of the parental 2261
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rights and responsibilities for the care of the child and for 2263
purposes of resolving any issues related to the making of that 2264
allocation, the court, in its discretion, may and, upon the 2265
request of either party, shall interview in chambers any or all 2266
of the involved children regarding their wishes and concerns 2267
with respect to the allocation. 2268

(B) If the court interviews any child pursuant to division 2269
(A) of this section, all of the following apply: 2270

(1) The court, in its discretion, may and, upon the motion 2271
of either parent, shall appoint a guardian ad litem for the 2272
child. 2273

(2) The court first shall determine the reasoning ability 2274
of the child. If the court determines that the child does not 2275
have sufficient reasoning ability to express the child's wishes 2276
and concern with respect to the allocation of parental rights 2277
and responsibilities for the care of the child, it shall not 2278
determine the child's wishes and concerns with respect to the 2279
allocation. If the court determines that the child has 2280
sufficient reasoning ability to express the child's wishes or 2281
concerns with respect to the allocation, it then shall determine 2282
whether, because of special circumstances, it would not be in 2283
the best interest of the child to determine the child's wishes 2284
and concerns with respect to the allocation. If the court 2285
determines that, because of special circumstances, it would not 2286
be in the best interest of the child to determine the child's 2287
wishes and concerns with respect to the allocation, it shall not 2288
determine the child's wishes and concerns with respect to the 2289
allocation and shall enter its written findings of fact and 2290
opinion in the journal. If the court determines that it would be 2291
in the best interests of the child to determine the child's 2292

wishes and concerns with respect to the allocation, it shall 2293
proceed to make that determination. 2294

(3) The interview shall be conducted in chambers, and no 2295
person other than the child, the child's attorney, the judge, 2296
any necessary court personnel, and, in the judge's discretion, 2297
the attorney of each parent shall be permitted to be present in 2298
the chambers during the interview. 2299

(C) No person shall obtain or attempt to obtain from a 2300
child a written or recorded statement or affidavit setting forth 2301
the child's wishes and concerns regarding the allocation of 2302
parental rights and responsibilities concerning the child. No 2303
court, in determining the child's best interest for purposes of 2304
making its allocation of the parental rights and 2305
responsibilities for the care of the child or for purposes of 2306
resolving any issues related to the making of that allocation, 2307
shall accept or consider a written or recorded statement or 2308
affidavit that purports to set forth the child's wishes and 2309
concerns regarding those matters. 2310

Sec. 3109.0431. Prior to trial, the court may cause an 2311
investigation to be made as to the character, family relations, 2312
past conduct, earning ability, and financial worth of each 2313
parent and may order the parents and their minor children to 2314
submit to medical, psychological, and psychiatric examinations. 2315
The report of the investigation and examinations shall be made 2316
available to either parent or the parent's counsel of record not 2317
less than five days before trial, upon written request. The 2318
report shall be signed by the investigator, and the investigator 2319
shall be subject to cross-examination by either parent 2320
concerning the contents of the report. The court may tax as 2321
costs all or any part of the expenses for each investigation. 2322

If the court determines that either parent previously has 2323
been convicted of or pleaded guilty to any criminal offense 2324
involving any act that resulted in a child being a neglected 2325
child, that either parent previously has been determined to be 2326
the perpetrator of the neglectful act that is the basis of an 2327
adjudication that a child is a neglected child, or that there is 2328
reason to believe that either parent has acted in a manner 2329
resulting in a child being a neglected child, the court shall 2330
consider that fact against naming that parent the residential 2331
parent and against granting a shared parenting or parental 2332
rights and responsibilities order. When the court allocates 2333
parental rights and responsibilities for the care of children or 2334
determines whether to grant shared parenting in any proceeding, 2335
it shall consider whether either parent or any member of the 2336
household of either parent has been convicted of or pleaded 2337
guilty to a violation of section 2919.25 of the Revised Code or 2338
a sexually oriented offense involving a victim who at the time 2339
of the commission of the offense was a member of the family or 2340
household that is the subject of the proceeding, has been 2341
convicted of or pleaded guilty to any sexually oriented offense 2342
or other offense involving a victim who at the time of the 2343
commission of the offense was a member of the family or 2344
household that is the subject of the proceeding and caused 2345
physical harm to the victim in the commission of the offense, or 2346
has been determined to be the perpetrator of the abusive act 2347
that is the basis of an adjudication that a child is an abused 2348
child. If the court determines that either parent has been 2349
convicted of or pleaded guilty to a violation of section 2919.25 2350
of the Revised Code or a sexually oriented offense involving a 2351
victim who at the time of the commission of the offense was a 2352
member of the family or household that is the subject of the 2353
proceeding, has been convicted of or pleaded guilty to any 2354

sexually oriented offense or other offense involving a victim 2355
who at the time of the commission of the offense was a member of 2356
the family or household that is the subject of the proceeding 2357
and caused physical harm to the victim in the commission of the 2358
offense, or has been determined to be the perpetrator of the 2359
abusive act that is the basis of an adjudication that a child is 2360
an abused child, it may designate that parent as the residential 2361
parent and may issue a shared parenting or parental rights and 2362
responsibilities order only if it determines that it is in the 2363
best interest of the child to name that parent the residential 2364
parent or to issue a shared parenting or parental rights and 2365
responsibilities order and it makes specific written findings of 2366
fact to support its determination. 2367

Sec. 3109.0432. When allocating parental rights and 2368
responsibilities for the care of children, the court shall not 2369
give preference to a parent because of that parent's financial 2370
status or condition. 2371

Sec. 3109.0433. The court shall require each parent of a 2372
child to file an affidavit attesting as to whether the parent, 2373
and the members of the parent's household, have been convicted 2374
of or pleaded guilty to any of the offenses identified in 2375
division (B) of section 3109.0411, division (B) of section 2376
3109.0421, division (A) of section 3109.0422, or section 2377
3109.0431 of the Revised Code. 2378

Sec. 3109.0434. When allocating parental rights and 2379
responsibilities for the care of children in either a shared 2380
parenting order or a parental rights and responsibilities order, 2381
the court shall not draw any presumptions from a temporary order 2382
under section 3109.0436 of the Revised Code or consider a 2383
temporary order as a factor in making a final decision. 2384

Sec. 3109.0435. If the court finds, with respect to any 2385
child under eighteen years of age, that it is in the best 2386
interest of the child for neither parent to be allocated the 2387
parental rights and responsibilities for the child, it may 2388
commit the child to a relative of the child or certify a copy of 2389
its findings, together with as much of the record and the 2390
further information, in narrative form or otherwise, that it 2391
considers necessary or as the juvenile court requests, to the 2392
juvenile court for further proceedings, and, upon the 2393
certification, the juvenile court has exclusive jurisdiction. 2394

Sec. 3109.043 3109.0436. (A) In any proceeding pertaining 2395
to the allocation of parental rights and responsibilities for 2396
the care of a child, when requested in the complaint, answer, or 2397
counterclaim, or by motion served with the pleading, upon 2398
satisfactory proof by affidavit duly filed with the clerk of the 2399
court, the court, without oral hearing and for good cause shown, 2400
may make a temporary order regarding the allocation of parental 2401
rights and responsibilities for the care of the child while the 2402
action is pending. 2403

(B) In accordance with section 3109.044 of the Revised 2404
Code: 2405

(1) If both parents jointly request the terms of a 2406
temporary allocation of parental rights and responsibilities, 2407
the court shall incorporate those terms into the temporary 2408
order, unless the court finds by a preponderance of the evidence 2409
that it would be detrimental to the child. 2410

(2) (a) Except as provided in division (B) (2) (b) of this 2411
section, if requested by a parent when the parents do not agree 2412
on the terms of a temporary allocation of parental rights and 2413
responsibilities, the court shall provide in the temporary order 2414

substantially equal parenting time with the child, unless the 2415
court finds by a preponderance of the evidence that it would be 2416
detrimental to the child. If either parent objects to 2417
substantially equal parenting time, that parent bears the burden 2418
of proof that substantially equal parenting time would be 2419
detrimental to the child. If the court determines by a 2420
preponderance of the evidence that substantially equal parenting 2421
time would be detrimental to the child, it shall issue findings 2422
of fact and conclusions of law supporting the determination. 2423

(b) A reasonable exception to providing substantially 2424
equal parenting time in a temporary order under division (B) (2) 2425
(a) of this section exists if the child is twelve months of age 2426
or younger and the mother is nursing the child. In this 2427
circumstance, a parent does not need to object and prove that 2428
substantially equal parenting time would be detrimental to the 2429
child, and the court does not need to find by a preponderance of 2430
the evidence that it would be detrimental to the child in order 2431
for the court to issue a temporary order allocating the majority 2432
of the parenting time to the mother. 2433

(c) If requested by a parent when the parents do not agree 2434
on the terms of a temporary allocation of parental rights and 2435
responsibilities, the court shall provide in the temporary order 2436
substantially equal decision-making responsibilities for both 2437
parents, unless the court finds by a preponderance of the 2438
evidence that it would be detrimental to the child. If either 2439
parent objects to substantially equal decision-making 2440
responsibilities and requests to be designated as the sole 2441
residential parent and legal custodian of the child, that parent 2442
bears the burden of proof that substantially equal decision- 2443
making responsibilities would be detrimental to the child. If 2444
the court grants the parent's request for the designation as 2445

sole residential parent and legal custodian, it shall issue 2446
findings of fact and conclusions of law supporting the 2447
determination. 2448

(C) If a parent and child relationship has not already 2449
been established pursuant to section 3111.02 of the Revised 2450
Code, the court ~~may~~shall take into consideration when 2451
determining whether to award parenting time, visitation rights, 2452
or temporary custody to a putative father that the putative 2453
father is named on the birth record of the child, the child has 2454
the putative father's surname, or a clear pattern of a parent 2455
and child relationship between the child and the putative father 2456
exists. 2457

(D) The court may extend a temporary order that is issued 2458
under this section if the parents file a joint motion requesting 2459
an extension. 2460

Sec. 3109.0437. The court shall issue a final shared 2461
parenting order under section 3109.0413 of the Revised Code or a 2462
parental rights and responsibilities order under section 2463
3109.0412, 3109.0424, 3109.0425, or 3109.0426 of the Revised 2464
Code not later than nine months after either of the following, 2465
whichever is applicable: 2466

(A) The date that a party files a motion for a temporary 2467
order to allocate parental rights and responsibilities under 2468
division (A) of section 3109.0436 of the Revised Code; 2469

(B) If a temporary order has been extended, the date that 2470
the parties last filed a joint motion requesting an extension 2471
under division (D) of section 3109.0436 of the Revised Code. 2472

Sec. 3109.0438. One or both of the parents under a 2473
parental rights and responsibilities order or a shared parenting 2474

order may file a motion requesting that the order be modified or 2475
terminated in accordance with sections 3109.0439 to 3109.0443 of 2476
the Revised Code. 2477

Sec. 3109.0439. (A) If both parents under a shared 2478
parenting order agree to a modification of the shared parenting 2479
agreement incorporated into the order and jointly file a motion 2480
with the court requesting the modification, the court shall 2481
issue a modified shared parenting order incorporating the 2482
modified agreement, if the court finds the modified agreement is 2483
not detrimental to the child based on the factors under section 2484
3109.0411 of the Revised Code. If the court finds the modified 2485
agreement is detrimental, it shall dismiss the motion requesting 2486
modification. 2487

(B) If one parent under a shared parenting order files a 2488
motion requesting modification of the shared parenting agreement 2489
incorporated into the order, or if both parents file separate 2490
motions requesting modifications of that agreement, the court 2491
may do any of the following, as applicable, provided that, based 2492
on facts that have arisen that were unknown to the court at the 2493
time of the issuance of the existing order, a change has 2494
occurred in the circumstances of the child, the child's 2495
residential parent, or either parent subject to the order: 2496

(1) If the court determines that the requested changes to 2497
the agreement are not detrimental to the child under section 2498
3109.0411 of the Revised Code, issue a modified shared parenting 2499
order that incorporates the modified agreement; 2500

(2) If the court determines that the requested changes to 2501
the agreement are detrimental to the child under section 2502
3109.0411 of the Revised Code and the existing plan is not 2503
detrimental to the child, dismiss the motion to modify the 2504

shared parenting order; 2505

(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. 2506
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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: 2511
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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. 2514
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(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: 2517
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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. 2521
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(2) The disruptive behavior is a material change of circumstances. 2523
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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. 2525
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(B) On termination of the shared parenting order under division (B) of section 3109.0440 of the Revised Code, the court 2531
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shall issue a parental rights and responsibilities order that 2533
designates the nondisruptive parent as the residential parent 2534
and legal custodian of the child in accordance with sections 2535
3109.0421, 3109.0422, 3109.0424, and 3109.0425 of the Revised 2536
Code. 2537

Sec. 3109.0442. (A) If one parent under a parental rights 2538
and responsibilities order files a motion requesting 2539
modification of the order, or if both parents file separate 2540
motions requesting modifications of the order, the court may 2541
make modifications to the order if it determines both of the 2542
following: 2543

(1) The order is detrimental to the child based on the 2544
factors under sections 3109.0421 and 3109.0422 of the Revised 2545
Code. 2546

(2) That, based on facts that have arisen since the prior 2547
order that were unknown to the court at the time of the prior 2548
order, a change has occurred in the circumstances of the child, 2549
the child's residential parent, or either parent subject to the 2550
order. 2551

(B) The court shall approve only modifications that are 2552
consistent with the requirements of sections 3109.044, 2553
3109.0424, and 3109.0425 of the Revised Code. 2554

Sec. 3109.0443. Both parents under a parental rights and 2555
responsibilities order may jointly file a motion requesting the 2556
court to modify the order as a shared parenting order. The 2557
motion shall include a shared parenting agreement that meets the 2558
requirements of section 3109.046 of the Revised Code. The court 2559
shall comply with the requirements of sections 3109.0410 to 2560
3109.0413 of the Revised Code in making a determination on the 2561

motion and may issue a shared parenting order. 2562

Sec. 3109.0445. If an appeal is taken from a decision of a 2563
court that grants or modifies a decree or order allocating 2564
parental rights and responsibilities for the care of children, 2565
the court of appeals shall give the case calendar priority and 2566
handle it expeditiously. 2567

Sec. 3109.0450. As used in sections 3109.0450 to 2568
3109.0469: 2569

(A) "Abused child" has the same meaning as in section 2570
2151.031 of the Revised Code, and "neglected child" has the same 2571
meaning as in section 2151.03 of the Revised Code. 2572

(B) "Confidential law enforcement investigatory record" 2573
has the same meaning as in section 149.43 of the Revised Code. 2574

(C) "Record" means any record, document, file, or other 2575
material that contains information directly related to a child, 2576
including, but not limited to, any of the following: 2577

(1) Records maintained by public and nonpublic schools; 2578

(2) Records maintained by facilities that provide child 2579
care, as defined in section 5104.01 of the Revised Code, 2580
publicly funded child care, as defined in section 5104.01 of the 2581
Revised Code, or pre-school services operated by or under the 2582
supervision of a school district board of education or a 2583
nonpublic school; 2584

(3) Records maintained by hospitals, other facilities, or 2585
persons providing medical or surgical care or treatment for the 2586
child; 2587

(4) Records maintained by agencies, departments, 2588
instrumentalities, or other entities of the state or any 2589

political subdivision of the state, other than a child support 2590
enforcement agency. Access to records maintained by a child 2591
support enforcement agency is governed by section 3125.16 of the 2592
Revised Code. 2593

Sec. 3109.0451. If a divorce, dissolution, legal 2594
separation, or annulment proceeding involves a child and if the 2595
court has not issued a shared parenting or parental rights and 2596
responsibilities order where both parents are the residential 2597
parent and legal custodian of the child, the court shall make a 2598
just and reasonable order permitting each parent who is not the 2599
residential parent to have parenting time with the child at the 2600
time and under the conditions that the court directs, unless the 2601
court finds by a preponderance of the evidence that it would be 2602
detrimental to the child to permit that parent to have parenting 2603
time with the child, based on the factors provided in section 2604
3109.0453 of the Revised Code. Before a court determines whether 2605
permitting each parent who is not the residential parent to have 2606
parenting time with the child would be detrimental, it shall 2607
inquire of each parent whether that parent is requesting 2608
substantially equal parenting time. If the court determines that 2609
granting such parenting time would be detrimental to the child, 2610
it shall include in the journal its findings of fact and 2611
conclusions of law supporting the determination. Whenever 2612
possible, the order permitting the parenting time shall ensure 2613
the opportunity for both parents to have frequent and continuing 2614
contact with the child, unless frequent and continuing contact 2615
by either parent with the child would not be in the best 2616
interest of the child. The court shall include in its final 2617
order a specific schedule of parenting time for that parent. 2618
Except as provided in division (E) (6) of section 3113.31 of the 2619
Revised Code, if the court, pursuant to this section, grants 2620

parenting time to a parent or companionship or visitation rights 2621
to any other person with respect to any child, it shall not 2622
require the public children services agency to provide 2623
supervision of or other services related to that parent's 2624
exercise of parenting time or that person's exercise of 2625
companionship or visitation rights with respect to the child. 2626
This section does not limit the power of a juvenile court 2627
pursuant to Chapter 2151. of the Revised Code to issue orders 2628
with respect to children who are alleged to be abused, 2629
neglected, or dependent children or to make dispositions of 2630
children who are adjudicated abused, neglected, or dependent 2631
children or of a common pleas court to issue orders pursuant to 2632
section 3113.31 of the Revised Code. 2633

Sec. 3109.0452. (A) In a divorce, dissolution of marriage, 2634
legal separation, annulment, or child support proceeding that 2635
involves a child, the court may grant reasonable companionship 2636
or visitation rights to any grandparent, any person related to 2637
the child by consanguinity or affinity, or any other person 2638
other than a parent, if all of the following apply: 2639

(1) The grandparent, relative, or other person files a 2640
motion with the court seeking companionship or visitation 2641
rights. 2642

(2) The court determines that the grandparent, relative, 2643
or other person has an interest in the welfare of the child. 2644

(3) The court determines that the granting of the 2645
companionship or visitation rights would not be detrimental to 2646
the child, based on the factors in section 3109.0453 of the 2647
Revised Code. 2648

(B) A motion may be filed under division (A) (1) of this 2649

section during the pendency of the divorce, dissolution of 2650
marriage, legal separation, annulment, or child support 2651
proceeding or, if a motion was not filed at that time or was 2652
filed at that time and the circumstances in the case have 2653
changed, at any time after a decree or final order is issued in 2654
the case. 2655

Sec. 3109.0453. In determining whether to grant parenting 2656
time to a parent pursuant to section 3109.0451 or 3109.12 of the 2657
Revised Code or companionship or visitation rights to a 2658
grandparent, relative, or other person pursuant to section 2659
3109.0452, 3109.11 or 3109.12 of the Revised Code, in 2660
establishing a specific parenting time or visitation schedule, 2661
and in determining other parenting time matters under section 2662
3109.0451 or 3109.12 of the Revised Code or visitation matters 2663
under section 3109.0452, 3109.11, or 3109.12 of the Revised 2664
Code, the court shall consider all of the following factors: 2665

(A) The prior interaction and interrelationships of the 2666
child with the child's parents, siblings, and other persons 2667
related by consanguinity or affinity, and with the person who 2668
requested companionship or visitation if that person is not a 2669
parent, sibling, or relative of the child; 2670

(B) The geographical location of the residence of each 2671
parent and the distance between those residences, and if the 2672
person is not a parent, the geographical location of that 2673
person's residence and the distance between that person's 2674
residence and the child's residence; 2675

(C) The child's and parents' available time, including, 2676
but not limited to, each parent's employment schedule, the 2677
child's school schedule, and the child's and the parents' 2678
holiday and vacation schedule; 2679

<u>(D) The age of the child;</u>	2680
<u>(E) The child's adjustment to home, school, and community;</u>	2681
<u>(F) If the court has interviewed the child in chambers,</u>	2682
<u>pursuant to section 3109.0455 of the Revised Code, regarding the</u>	2683
<u>wishes and concerns of the child as to parenting time by the</u>	2684
<u>parent who is not the residential parent or companionship or</u>	2685
<u>visitation by the grandparent, relative, or other person who</u>	2686
<u>requested companionship or visitation, as to a specific</u>	2687
<u>parenting time or visitation schedule, or as to other parenting</u>	2688
<u>time or visitation matters, the wishes and concerns of the</u>	2689
<u>child, as expressed to the court;</u>	2690
<u>(G) The health and safety of the child;</u>	2691
<u>(H) The amount of time that will be available for the</u>	2692
<u>child to spend with siblings;</u>	2693
<u>(I) The mental and physical health of all parties;</u>	2694
<u>(J) Each parent's willingness to reschedule missed</u>	2695
<u>parenting time and to facilitate the other parent's parenting</u>	2696
<u>time rights, and with respect to a person who requested</u>	2697
<u>companionship or visitation, the willingness of that person to</u>	2698
<u>reschedule missed visitation;</u>	2699
<u>(K) In relation to parenting time, whether either parent</u>	2700
<u>previously has been convicted of or pleaded guilty to any</u>	2701
<u>criminal offense involving any act that resulted in a child</u>	2702
<u>being an abused child or a neglected child; whether either</u>	2703
<u>parent, in a case in which a child has been adjudicated an</u>	2704
<u>abused child or a neglected child, previously has been</u>	2705
<u>determined to be the perpetrator of the abusive or neglectful</u>	2706
<u>act that is the basis of the adjudication; and whether there is</u>	2707
<u>reason to believe that either parent has acted in a manner</u>	2708

resulting in a child being an abused child or a neglected child; 2709

(L) In relation to requested companionship or visitation 2710
by a person other than a parent, whether the person previously 2711
has been convicted of or pleaded guilty to any criminal offense 2712
involving any act that resulted in a child being an abused child 2713
or a neglected child; whether the person, in a case in which a 2714
child has been adjudicated an abused child or a neglected child, 2715
previously has been determined to be the perpetrator of the 2716
abusive or neglectful act that is the basis of the adjudication; 2717
whether either parent previously has been convicted of or 2718
pleaded guilty to a violation of section 2919.25 of the Revised 2719
Code involving a victim who at the time of the commission of the 2720
offense was a member of the family or household that is the 2721
subject of the current proceeding; whether either parent 2722
previously has been convicted of an offense involving a victim 2723
who at the time of the commission of the offense was a member of 2724
the family or household that is the subject of the current 2725
proceeding and caused physical harm to the victim in the 2726
commission of the offense; and whether there is reason to 2727
believe that the person has acted in a manner resulting in a 2728
child being an abused child or a neglected child; 2729

(M) Whether the residential parent or one of the parents 2730
subject to a shared parenting or parental rights and 2731
responsibilities order has continuously and willfully denied the 2732
other parent's right to parenting time in accordance with an 2733
order of the court; 2734

(N) Whether either parent has established a residence or 2735
is planning to establish a residence outside this state; 2736

(O) In relation to requested companionship or visitation 2737
by a person other than a parent, the wishes and concerns of the 2738

child's parents, as expressed by them to the court; 2739

(P) In relation to parenting time, the response of each 2740
parent to the court's inquiry under section 3109.0451 of the 2741
Revised Code or division (B) (1) of section 3109.12 of the 2742
Revised Code about whether the parent is requesting 2743
substantially equal parenting time; 2744

(Q) Any other factor in the best interest of the child, as 2745
determined by the court. 2746

Sec. 3109.0454. When determining whether to grant 2747
parenting time rights to a parent pursuant to section 3109.0451 2748
or 3109.12 of the Revised Code or to grant companionship or 2749
visitation rights to a grandparent, relative, or other person 2750
pursuant to section 3109.0452, 3109.11, or 3109.12 of the 2751
Revised Code, when establishing a specific parenting time or 2752
visitation schedule, and when determining other parenting time 2753
matters under section 3109.0451 or 3109.12 of the Revised Code 2754
or visitation matters under section 3109.0452, 3109.11, or 2755
3109.12 of the Revised Code, the court shall consider any 2756
mediation report that is filed pursuant to section 3109.0469 of 2757
the Revised Code and shall consider all other relevant factors, 2758
including, but not limited to, all of the factors listed in 2759
section 3109.0453 of the Revised Code. 2760

Sec. 3109.0455. In considering the factors listed in 2761
section 3109.0453 of the Revised Code for purposes of 2762
determining whether to grant parenting time or visitation 2763
rights, establishing a specific parenting time or visitation 2764
schedule, determining other parenting time matters under section 2765
3109.0451 or section 3109.12 of the Revised Code or visitation 2766
matters under section 3109.0452, 3109.11, or 3109.12 of the 2767
Revised Code, and resolving any issues related to the making of 2768

any determination with respect to parenting time or visitation 2769
rights or the establishment of any specific parenting time or 2770
visitation schedule, the court, in its discretion, may interview 2771
in chambers any or all involved children regarding their wishes 2772
and concerns. If the court interviews any child concerning the 2773
child's wishes and concerns regarding those parenting time or 2774
visitation matters, the interview shall be conducted in 2775
chambers, and no person other than the child, the child's 2776
attorney, the judge, any necessary court personnel, and, in the 2777
judge's discretion, the attorney of each parent shall be 2778
permitted to be present in the chambers during the interview. No 2779
person shall obtain or attempt to obtain from a child a written 2780
or recorded statement or affidavit setting forth the wishes and 2781
concerns of the child regarding those parenting time or 2782
visitation matters. A court, in considering the factors listed 2783
in section 3109.0453 of the Revised Code for purposes of 2784
determining whether to grant any parenting time or visitation 2785
rights, establishing a parenting time or visitation schedule, 2786
determining other parenting time matters under section 3109.0451 2787
or 3109.12 of the Revised Code or visitation matters under 2788
section 3109.0452, 3109.11, or 3109.12 of the Revised Code, or 2789
resolving any issues related to the making of any determination 2790
with respect to parenting time or visitation rights or the 2791
establishment of any specific parenting time or visitation 2792
schedule, shall not accept or consider a written or recorded 2793
statement or affidavit that purports to set forth the child's 2794
wishes or concerns regarding those parenting time or visitation 2795
matters. 2796

Sec. 3109.0456. Any parent who requests parenting time 2797
rights with respect to a child under section 3109.0451 or 2798
3109.12 of the Revised Code or any person who requests 2799

reasonable companionship or visitation rights with respect to a 2800
child under section 3109.0452, 3109.11, or 3109.12 of the 2801
Revised Code, or any other provision of the Revised Code may 2802
file a motion with the court requesting that it waive all or any 2803
part of the costs that may accrue in the proceedings. If the 2804
court determines that the movant is indigent and that the waiver 2805
is in the best interest of the child, the court, in its 2806
discretion, may waive payment of all or any part of the costs of 2807
those proceedings. 2808

Sec. 3109.0457. The remarriage of a residential parent of 2809
a child does not affect the authority of a court under this 2810
section to grant parenting time rights with respect to the child 2811
to the parent who is not the residential parent or to grant 2812
reasonable companionship or visitation rights with respect to 2813
the child to any grandparent, any person related by 2814
consanguinity or affinity, or any other person. 2815

Sec. 3109.0461. (A) Subject to section 3125.16 and 2816
division (F) of section 3319.321 of the Revised Code, a parent 2817
of a child who is not the residential parent of the child is 2818
entitled to access, under the same terms and conditions under 2819
which access is provided to the residential parent, to any 2820
record that is related to the child and to which the residential 2821
parent of the child legally is provided access, unless the court 2822
determines that it would not be in the best interest of the 2823
child for the parent who is not the residential parent to have 2824
access to the records under those same terms and conditions. If 2825
the court determines that the parent of a child who is not the 2826
residential parent should not have access to records related to 2827
the child under the same terms and conditions as provided for 2828
the residential parent, the court shall specify the terms and 2829
conditions under which the parent who is not the residential 2830

parent is to have access to those records, shall enter its 2831
written findings of facts and opinion in the journal, and shall 2832
issue an order containing the terms and conditions to both the 2833
residential parent and the parent of the child who is not the 2834
residential parent. The court shall include in every order 2835
issued pursuant to this division notice that any keeper of a 2836
record who knowingly fails to comply with the order or this 2837
section is in contempt of court. 2838

(B) Subject to section 3125.16 and division (F) of section 2839
3319.321 of the Revised Code, subsequent to the issuance of an 2840
order under division (A) of this section, the keeper of any 2841
record that is related to a particular child and to which the 2842
residential parent legally is provided access shall permit the 2843
parent of the child who is not the residential parent to have 2844
access to the record under the same terms and conditions under 2845
which access is provided to the residential parent, unless the 2846
residential parent has presented the keeper of the record with a 2847
copy of an order issued under division (A) of this section that 2848
limits the terms and conditions under which the parent who is 2849
not the residential parent is to have access to records 2850
pertaining to the child and the order pertains to the record in 2851
question. If the residential parent presents the keeper of the 2852
record with a copy of that type of order, the keeper of the 2853
record shall permit the parent who is not the residential parent 2854
to have access to the record only in accordance with the most 2855
recent order that has been issued pursuant to division (A) of 2856
this section and presented to the keeper by the residential 2857
parent or the parent who is not the residential parent. Any 2858
keeper of any record who knowingly fails to comply with this 2859
section or with any order issued pursuant to this section is in 2860
contempt of court. 2861

(C) The prosecuting attorney of any county may file a 2862
complaint with the court of common pleas of that county 2863
requesting the court to issue a protective order preventing the 2864
disclosure pursuant to division (A) or (B) of this section of 2865
any confidential law enforcement investigatory record. The court 2866
shall schedule a hearing on the motion and give notice of the 2867
date, time, and location of the hearing to all parties. 2868

Sec. 3109.0462. A court that issues a parenting time order 2869
pursuant to section 3109.0451 or 3109.12 of the Revised Code 2870
shall determine whether the parent granted parenting time is to 2871
be permitted access, in accordance with section 5104.039 of the 2872
Revised Code, to any child day-care center that is, or that in 2873
the future may be, attended by the children with whom parenting 2874
time is granted. Unless the court determines that the parent who 2875
is not the residential parent should not have access to the 2876
center to the same extent that the residential parent is granted 2877
access to the center, the parent who is not the residential 2878
parent and who is granted parenting time rights is entitled to 2879
access to the center to the same extent that the residential 2880
parent is granted access to the center. If the court determines 2881
that the parent who is not the residential parent should not 2882
have access to the center to the same extent that the 2883
residential parent is granted such access under section 5104.039 2884
of the Revised Code, the court shall specify the terms and 2885
conditions under which the parent who is not the residential 2886
parent is to have access to the center, provided that the access 2887
shall not be greater than the access that is provided to the 2888
residential parent under section 5104.039 of the Revised Code, 2889
the court shall enter its written findings of fact and opinions 2890
in the journal, and the court shall include the terms and 2891
conditions of access in the parenting time order. 2892

Sec. 3109.0463. (A) Subject to division (F) of section 2893
3319.321 of the Revised Code, when a court issues an order 2894
allocating parental rights and responsibilities for the care of 2895
a child, the parent of the child who is not the residential 2896
parent of the child is entitled to access, under the same terms 2897
and conditions under which access is provided to the residential 2898
parent, to any student activity that is related to the child and 2899
to which the residential parent of the child legally is provided 2900
access, unless the court determines that it would not be in the 2901
best interest of the child to grant the parent who is not the 2902
residential parent access to the student activities under those 2903
same terms and conditions. If the court determines that the 2904
parent of the child who is not the residential parent should not 2905
have access to any student activity that is related to the child 2906
under the same terms and conditions as provided for the 2907
residential parent, the court shall specify the terms and 2908
conditions under which the parent who is not the residential 2909
parent is to have access to those student activities, shall 2910
enter its written findings of facts and opinion in the journal, 2911
and shall issue an order containing the terms and conditions to 2912
both the residential parent and the parent of the child who is 2913
not the residential parent. The court shall include in every 2914
order issued pursuant to this division notice that any school 2915
official or employee who knowingly fails to comply with the 2916
order or this section is in contempt of court. 2917

(B) Subject to division (F) of section 3319.321 of the 2918
Revised Code, subsequent to the issuance of an order under 2919
division (A) of this section, all school officials and employees 2920
shall permit the parent of the child who is not the residential 2921
parent to have access to any student activity under the same 2922
terms and conditions under which access is provided to the 2923

residential parent of the child, unless the residential parent 2924
has presented the school official or employee, the board of 2925
education of the school, or the governing body of the chartered 2926
nonpublic school with a copy of an order issued under division 2927
(A) of this section that limits the terms and conditions under 2928
which the parent who is not the residential parent is to have 2929
access to student activities related to the child and the order 2930
pertains to the student activity in question. If the residential 2931
parent presents the school official or employee, the board of 2932
education of the school, or the governing body of the chartered 2933
nonpublic school with a copy of that type of order, the school 2934
official or employee shall permit the parent who is not the 2935
residential parent to have access to the student activity only 2936
in accordance with the most recent order that has been issued 2937
pursuant to division (A) of this section and presented to the 2938
school official or employee, the board of education of the 2939
school, or the governing body of the chartered nonpublic school 2940
by the residential parent or the parent who is not the 2941
residential parent. Any school official or employee who 2942
knowingly fails to comply with this section or with any order 2943
issued pursuant to division (A) of this section is in contempt 2944
of court. 2945

Sec. 3109.0466. (A) If the court, pursuant to section 2946
3109.0451 of the Revised Code, denies parenting time to a parent 2947
who is not the residential parent or denies a motion for 2948
reasonable companionship or visitation rights filed under 2949
section 3109.0452 of the Revised Code, the court shall state in 2950
writing its findings of fact and conclusions of law in 2951
accordance with Civil Rule 52 and, if applicable, Civil Rule 53 2952
and issue a transition plan pursuant to section 3109.0467 of the 2953
Revised Code. 2954

(B) Each court of common pleas, by rule, shall adopt 2955
standard parenting time guidelines, subject to the policy stated 2956
in section 3109.044 of the Revised Code and the presumption in 2957
division (B) of section 3109.0420 of the Revised Code. A court 2958
has discretion to deviate from its standard parenting time 2959
guidelines based upon factors set forth in section 3109.0453 of 2960
the Revised Code. 2961

Sec. 3109.0467. (A) Subject to division (B) of this 2962
section, if the court denies parenting time to a parent who is 2963
not the residential parent and legal custodian of the child 2964
pursuant to section 3109.0451 of the Revised Code, the court 2965
shall establish a transition plan, to be issued at the same time 2966
as the denial of parenting time, to encourage, facilitate, and 2967
establish or re-establish the relationship between that parent 2968
and the child, provided that the parent has demonstrated a 2969
desire and ability to establish or re-establish a relationship 2970
with the child. 2971

(B) The court shall not issue a transition plan if either 2972
of the following apply regarding the parent who was denied 2973
parenting time: 2974

(1) The parent has a history of any of the actions 2975
described in division (K) of section 3109.0453 of the Revised 2976
Code; 2977

(2) The court, after considering division (B) of section 2978
3109.0453 of the Revised Code, determines that the parent lives 2979
too far away geographically from the child and is not willing to 2980
relocate closer in order to establish or re-establish a 2981
relationship with the child and that parent. 2982

(C) (1) A transition plan issued under this section shall 2983

allow the parent to complete the plan not later than twelve 2984
months after the date of the denial of parenting time and the 2985
issuance of the transition plan, except that a joint motion 2986
requesting the court to modify the parental rights and 2987
responsibilities order as a shared parenting order under 2988
division (D) (1) of this division shall suspend the twelve-month 2989
period for the length of time from the filing of the motion to 2990
the issuance of a decision on the motion. 2991

(2) Satisfactory completion of a transition plan shall be 2992
considered a change in circumstances for the modification of a 2993
parental rights and responsibilities order under section 2994
3109.0442 of the Revised Code. 2995

(D) (1) On or before satisfactory completion of the 2996
transition plan, either of the following may apply: 2997

(a) Both parents may jointly file a motion requesting the 2998
court to modify the parental rights and responsibilities order 2999
as a shared parenting order pursuant section 3109.0443 of the 3000
Revised Code; 3001

(b) One parent may file a motion, or both parents may file 3002
separate motions, requesting modifications of the parental 3003
rights and responsibilities order pursuant to section 3109.0442 3004
of the Revised Code. 3005

(2) If a motion is not filed under division (D) (1) of this 3006
section, the court, on its own motion and upon the parent's 3007
satisfactory completion of the transition plan, shall modify the 3008
parental rights and responsibilities order to provide for 3009
substantially equal decision-making rights and responsibilities 3010
and substantially equal parenting time. 3011

Sec. 3109.0468. The juvenile court has exclusive 3012

jurisdiction to enter the orders in any case certified to it 3013
from another court. 3014

Sec. ~~3109.052~~ 3109.0469. (A) If a proceeding for divorce, 3015
dissolution, legal separation, annulment, or the allocation of 3016
parental rights and responsibilities for the care of a child 3017
involves one or more children, if the parents of the children do 3018
not agree upon an appropriate allocation of parental rights and 3019
responsibilities for the care of their children or do not agree 3020
upon a specific schedule of parenting time for their children, 3021
the court may order the parents to mediate their differences on 3022
those matters in accordance with mediation procedures adopted by 3023
the court by local rule. When the court determines whether 3024
mediation is appropriate in any proceeding, it shall consider 3025
whether either parent previously has been convicted of or 3026
pleaded guilty to a violation of section 2919.25 of the Revised 3027
Code involving a victim who at the time of the commission of the 3028
offense was a member of the family or household that is the 3029
subject of the proceeding, whether either parent previously has 3030
been convicted of or pleaded guilty to an offense involving a 3031
victim who at the time of the commission of the offense was a 3032
member of the family or household that is the subject of the 3033
proceeding and caused physical harm to the victim in the 3034
commission of the offense, and whether either parent has been 3035
determined to be the perpetrator of the abusive act that is the 3036
basis of an adjudication that a child is an abused child. If 3037
either parent has been convicted of or pleaded guilty to a 3038
violation of section 2919.25 of the Revised Code involving a 3039
victim who at the time of the commission of the offense was a 3040
member of the family or household that is the subject of the 3041
proceeding, has been convicted of or pleaded guilty to any other 3042
offense involving a victim who at the time of the commission of 3043

the offense was a member of the family or household that is the 3044
subject of the proceeding and caused physical harm to the victim 3045
in the commission of the offense, or has been determined to be 3046
the perpetrator of the abusive act that is the basis of an 3047
adjudication that a child is an abused child, the court may 3048
order mediation only if the court determines that it is in the 3049
best interests of the parties to order mediation and makes 3050
specific written findings of fact to support its determination. 3051

If a court issues an order pursuant to this division 3052
requiring mediation, it also may order the parents to file a 3053
mediation report within a specified period of time and order the 3054
parents to pay the cost of mediation, unless either or both of 3055
the parents file a motion requesting that the court waive that 3056
requirement. Upon the filing of a motion requesting the waiver 3057
of that requirement, the court, for good cause shown, may waive 3058
the requirement that either or both parents pay the cost of 3059
mediation or may require one of the parents to pay the entire 3060
cost of mediation. Any mediation procedures adopted by local 3061
court rule for use under this division shall include, but are 3062
not limited to, provisions establishing qualifications for 3063
mediators who may be employed or used and provisions 3064
establishing standards for the conduct of the mediation. 3065

(B) If a mediation order is issued under division (A) of 3066
this section and the order requires the parents to file a 3067
mediation report, the mediator and each parent who takes part in 3068
mediation in accordance with the order jointly shall file a 3069
report of the results of the mediation process with the court 3070
that issued the order under that division. A mediation report 3071
shall indicate only whether agreement has been reached on any of 3072
the issues that were the subject of the mediation, and, if 3073
agreement has been reached, the content and details of the 3074

agreement. No mediation report shall contain any background 3075
information concerning the mediation process or any information 3076
discussed or presented in the process. The court shall consider 3077
the mediation report when it allocates parental rights and 3078
responsibilities for the care of children under ~~section 3109.04~~ 3079
sections 3109.04 to 3109.0445, 3109.0482, and 3109.0483 of the 3080
Revised Code and when it establishes a specific schedule of 3081
parenting time under section ~~3109.051~~3109.0451 of the Revised 3082
Code. The court is not bound by the mediation report and shall 3083
consider the best interest of the children when making that 3084
allocation or establishing the parenting time schedule. 3085

(C) If a mediation order is issued under division (A) of 3086
this section, the mediator shall not be made a party to, and 3087
shall not be called as a witness or testify in, any action or 3088
proceeding, other than a criminal, delinquency, child abuse, 3089
child neglect, or dependent child action or proceeding, that is 3090
brought by or against either parent and that pertains to the 3091
mediation process, to any information discussed or presented in 3092
the mediation process, to the allocation of parental rights and 3093
responsibilities for the care of the parents' children, or to 3094
the awarding of parenting time rights in relation to their 3095
children. The mediator shall not be made a party to, or be 3096
called as a witness or testify in, such an action or proceeding 3097
even if both parents give their prior consent to the mediator 3098
being made a party to or being called as a witness or to testify 3099
in the action or proceeding. 3100

(D) Division (A) of this section does not apply to either 3101
of the following: 3102

(1) Any proceeding, or the use of mediation in any 3103
proceeding that is not a proceeding for divorce, dissolution, 3104

legal separation, annulment, or the allocation of parental 3105
rights and responsibilities for the care of a child; 3106

(2) The use of mediation in any proceeding for divorce, 3107
dissolution, legal separation, annulment, or the allocation of 3108
parental rights and responsibilities for the care of a child, in 3109
relation to issues other than the appropriate allocation of 3110
parental rights and responsibilities for the care of the 3111
parents' children and other than a specific parenting time 3112
schedule for the parents' children. 3113

Sec. 3109.0470. A relocation of a parent's or child's 3114
residence occurs when there is a change of address. 3115

Sec. 3109.0471. Except as provided in section 3109.0474 of 3116
the Revised Code: 3117

(A) A relocating parent shall file a notice of intent to 3118
relocate with the clerk of the court where the shared parenting 3119
order or parental rights and responsibilities order was issued. 3120

(B) The clerk shall send a copy of the notice to the last 3121
known address of the nonrelocating parent. 3122

Sec. 3109.0472. A notice of intent to relocate under 3123
section 3109.0471 of the Revised Code shall be filed not later 3124
than sixty days prior to the date of the intended relocation or 3125
not later than ten days after the relocating parent knew of the 3126
intended relocation if the relocating parent cannot satisfy the 3127
sixty-day requirement, absent exigent circumstances. 3128

Sec. 3109.0473. A notice of intent to relocate shall 3129
contain all of the following: 3130

(A) Updated residential address; 3131

(B) Updated mailing address; 3132

<u>(C) Updated telephone number;</u>	3133
<u>(D) Updated electronic mail address;</u>	3134
<u>(E) Date of relocation;</u>	3135
<u>(F) Notice to the nonrelocating parent that any objection to the relocation must be filed not later than thirty days after receipt of the notice of intent to relocate.</u>	3136 3137 3138
<u>Sec. 3109.0474. If the court has not already made a prior finding, or upon the filing of a motion by the relocating parent and a finding by the court that the health, safety, and welfare or liberty of a person, including a child, would be put at risk by the relocating parent filing a notice of intent to relocate under section 3109.0471 of the Revised Code, the court may do any of the following:</u>	3139 3140 3141 3142 3143 3144 3145
<u>(A) Order that the intent to relocate not be disclosed;</u>	3146
<u>(B) Waive the notice requirement to the extent necessary to protect the confidentiality and the health, safety, and welfare of the child or parent;</u>	3147 3148 3149
<u>(C) Consider any other remedy deemed necessary to facilitate the legitimate needs of the parents and protect the best interest of the child;</u>	3150 3151 3152
<u>(D) If appropriate, conduct an ex parte hearing. If the court issues an ex parte order, the court shall schedule a full hearing and give the parents notice of the date, time, and location of the hearing.</u>	3153 3154 3155 3156
<u>Sec. 3109.0475. If a parent fails, without good cause, to file a notice of intent to relocate pursuant to section 3109.0471 of the Revised Code, the court may consider the failure as follows:</u>	3157 3158 3159 3160

(A) As a factor in making its determination regarding the relocation; 3161
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(B) As a factor in determining a modification of a shared parenting agreement that has been incorporated into a shared parenting order or a parental rights and responsibilities order, and the court shall not consider that the child has been integrated into the new surroundings; 3163
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(C) As a basis for ordering the return of the child if the relocation has taken place without notice; 3168
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(D) As a basis for awarding attorney fees and expenses; 3170

(E) As a factor in a finding of contempt. 3171

Sec. 3109.0476. A nonrelocating parent may file a motion objecting to the relocation and seek an order restricting the relocation when the relocation would render any portion of a shared parenting order or a parental rights and responsibilities order impracticable or detrimental to the child. 3172
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Sec. 3109.0477. A motion under section 3109.0476 of the Revised Code shall be filed not later than thirty days after the receipt of the notice of intent to relocate, or the objection shall be waived. 3177
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Sec. 3109.0478. If a motion objecting to a relocation is filed, the court shall conduct a hearing. All matters relating to the relocation objection proceedings shall be given priority scheduling. 3181
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Sec. 3109.0479. In reaching a decision on a proposed temporary or permanent relocation, the court shall determine whether the relocation is detrimental to the child based on the factors in section 3109.0411, 3109.0421, 3109.0422, or 3109.0453 3185
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of the Revised Code, whichever is applicable, and consider all 3189
of the following factors to foster a continuing meaningful 3190
relationship between the child and the nonrelocating parent: 3191

(A) The reason presented for seeking or opposing the 3192
relocation; 3193

(B) The realistic ability to preserve the relationship 3194
between the child and the nonrelocating parent through any 3195
proposed new arrangements that consider the logistics and costs 3196
of contact, access, and parenting time; 3197

(C) The effect the relocation will have on the child's 3198
relationship with extended family; 3199

(D) The enhancement of the quality of life for the child 3200
and the relocating parent that the relocation may afford; 3201

(E) Whether a presumption has previously been rebutted 3202
under section 3109.0411, 3109.0421, 3109.0422, or 3109.0453 of 3203
the Revised Code, whichever is applicable; 3204

(F) The child's stability; 3205

(G) Any other factor the court determines relevant. 3206

Sec. ~~3109.053~~ 3109.0480. In any divorce, legal separation, 3207
or annulment proceeding and in any proceeding pertaining to the 3208
allocation of parental rights and responsibilities for the care 3209
of a child, the court may require, by rule or otherwise, that 3210
the parents attend classes on parenting or other related issues 3211
or obtain counseling before the court issues an order allocating 3212
the parental rights and responsibilities for the care of the 3213
minor children of the marriage. If a court in any proceeding 3214
requires parents to attend classes on parenting or other related 3215
issues or to obtain counseling, the court may require that the 3216

parents' children attend the classes or counseling with the 3217
parents. If the court orders the parents to attend classes or 3218
obtain counseling, the court shall impose the cost of the 3219
classes and counseling on, and may allocate the costs between, 3220
the parents, except that if the court determines that both 3221
parents are indigent, the court shall not impose the cost of the 3222
classes or counseling on the parents. 3223

Sec. 3109.0481. (A) Subject to division (B) of this 3224
section, in any divorce, legal separation, or annulment 3225
proceeding and in any proceeding pertaining to the allocation of 3226
parental rights and responsibilities for the care of the child, 3227
if the court determines, based on an investigation or other 3228
evidence presented to it, that a person intentionally made a 3229
false accusation of child abuse or neglect against a parent, the 3230
court may impose a reasonable monetary sanction against the 3231
person making the accusation. The sanction shall not exceed the 3232
total of all costs directly incurred by the parent as a result 3233
of defending the accusation and reasonable attorney's fees 3234
incurred in recovering the sanction against the person making 3235
the accusation. 3236

(B) If the person who made the accusation is a parent and 3237
the court determines that a sanction under division (A) of this 3238
section would directly and negatively impact the child's well- 3239
being, the court shall order that person to perform an 3240
appropriate amount of community service hours, to be scheduled 3241
when that person is not exercising parenting time with the 3242
child. 3243

(C) If, in any divorce, legal separation, or annulment 3244
proceeding and in any proceeding pertaining to the allocation of 3245
parental rights and responsibilities for the care of a child, a 3246

person intentionally makes an accusation of child abuse or 3247
neglect against a parent that the court has determined to be 3248
false and the accusation results in the accused parent being 3249
denied parenting time, the court shall order reasonable makeup 3250
parenting time for that parent. 3251

(D) As used in this section, "person" means a party, a 3252
party's attorney, or a witness. 3253

Sec. 3109.0482. As used in sections 3109.0482 to 3109.0484 3254
of the Revised Code: 3255

(A) "Active military service" means service by a member of 3256
the uniformed services in compliance with military orders to 3257
report for combat operations, contingency operations, 3258
peacekeeping operations, a remote tour of duty, or other active 3259
service for which the member is required to report unaccompanied 3260
by any family member, including any period of illness, recovery 3261
from injury, leave, or other lawful absence during that 3262
operation, duty, or service. 3263

(B) "Uniformed services" means the United States armed 3264
forces, the army national guard, and the air national guard or 3265
any reserve component thereof, or the commissioned corps of the 3266
United States public health service. 3267

Sec. 3109.0483. (A) Upon receipt of an order for active 3268
military service in the uniformed services, a parent who is 3269
subject to an order allocating parental rights and 3270
responsibilities or in relation to whom an action to allocate 3271
parental rights and responsibilities is pending and who is 3272
ordered for active military service shall notify the other 3273
parent who is subject to the order or in relation to whom the 3274
case is pending of the order for active military service within 3275

three days of receiving the military service order. 3276

(B) On receipt of the notice described in division (A) of 3277
this section, either parent may apply to the court for a hearing 3278
to expedite an allocation or modification proceeding so that the 3279
court can issue an order before the parent's active military 3280
service begins. The application shall include the date on which 3281
the active military service begins. 3282

The court shall schedule a hearing upon receipt of the 3283
application and hold the hearing not later than thirty days 3284
after receipt of the application, except that the court shall 3285
give the case calendar priority and handle the case 3286
expeditiously if exigent circumstances exist in the case. 3287

The court shall not modify a prior decree or order 3288
allocating parental rights and responsibilities unless the court 3289
determines that there has been a change in circumstances of the 3290
child, the child's residential parent, or either of the parents 3291
subject to a shared parenting decree or order, and that 3292
modification is necessary to serve the best interest of the 3293
child. The court shall not find past, present, or possible 3294
future active military service in the uniformed services to 3295
constitute a change in circumstances justifying modification of 3296
a prior decree or order pursuant to section 3109.0439, 3297
3109.0442, or 3109.0443 of the Revised Code. The court shall 3298
make specific written findings of fact to support any 3299
modification under this division. 3300

(C) Nothing in this section prevents a court from issuing 3301
a temporary order allocating or modifying parental rights and 3302
responsibilities for the duration of the parent's active 3303
military service. A temporary order shall specify whether the 3304
parent's active military service is the basis of the order and 3305

shall provide for termination of the temporary order and 3306
resumption of the prior order within ten days after receipt of 3307
notice pursuant to division (E) of this section, unless the 3308
other parent demonstrates by a preponderance of the evidence 3309
that the prior order would be detrimental to the child based on 3310
the factors in section 3109.0411 of the Revised Code. 3311

(D) At the request of a parent who is ordered for active 3312
military service in the uniformed services and who is a subject 3313
of a proceeding pertaining to a temporary order for the 3314
allocation or modification of parental rights and 3315
responsibilities, the court shall permit the parent to 3316
participate in the proceeding and present evidence by electronic 3317
means, including communication by telephone, video, or internet 3318
to the extent permitted by the rules of the supreme court of 3319
Ohio. 3320

(E) A parent who is ordered for active military service in 3321
the uniformed services and who is a subject of a proceeding 3322
pertaining to the allocation or modification of parental rights 3323
and responsibilities shall provide written notice to the court, 3324
child support enforcement agency, and the other parent of the 3325
date of termination of the parent's active military service not 3326
later than thirty days after the date on which the service ends. 3327

Sec. 3109.0484. (A) A parent who receives an order for 3328
active military service in the uniformed services and who is 3329
subject to a parenting time order may apply to the court for any 3330
of the following temporary orders for the period extending from 3331
the date of the parent's departure to the date of return: 3332

(1) An order delegating all or part of the parent's 3333
parenting time with the child to a relative or to another person 3334
who has a close and substantial relationship with the child if 3335

the delegation is in the child's best interest; 3336

(2) An order that the other parent make the child 3337
reasonably available for parenting time with the parent when the 3338
parent is on leave from active military service; 3339

(3) An order that the other parent facilitate contact, 3340
including telephone and electronic contact, between the parent 3341
and child while the parent is on active military service. 3342

(B) (1) Upon receipt of an order for active military 3343
service, a parent who is subject to a parenting time order and 3344
seeks an order under division (A) of this section shall notify 3345
the other parent who is subject to the parenting time order and 3346
apply to the court as soon as reasonably possible after receipt 3347
of the order for active military service. The application shall 3348
include the date on which the active military service begins. 3349

(2) The court shall schedule a hearing upon receipt of an 3350
application under this section and hold the hearing not later 3351
than thirty days after its receipt, except that the court shall 3352
give the case calendar priority and handle the case 3353
expeditiously if exigent circumstances exist in the case. No 3354
hearing shall be required if both parents agree to the terms of 3355
the requested temporary order and the court determines that the 3356
order is in the child's best interest. 3357

(3) In determining whether a delegation under division (A) 3358
(1) of this section is in the child's best interest, the court 3359
shall consider all relevant factors, including the factors set 3360
forth in this section. 3361

(4) An order delegating all or part of the parent's 3362
parenting time pursuant to division (A) (1) of this section does 3363
not create standing on behalf of the person to whom parenting 3364

time is delegated to assert visitation or companionship rights 3365
independent of the order. 3366

(C) At the request of a parent who is ordered for active 3367
military service in the uniformed services and who is a subject 3368
of a proceeding pertaining to a parenting time order or 3369
pertaining to a request for companionship rights or visitation 3370
with a child, the court shall permit the parent to participate 3371
in the proceeding and present evidence by electronic means, 3372
including communication by telephone, video, or internet to the 3373
extent permitted by rules of the supreme court of Ohio. 3374

Sec. 3109.0485. The following orders remain in effect but 3375
shall be enforced and modified in accordance with sections 3376
3109.04 to 3109.0486 of the Revised Code as amended and enacted 3377
by this act: 3378

(A) Orders allocating parental rights and responsibilities 3379
for the care of a child issued under section 3109.04 of the 3380
Revised Code as that section existed prior to the effective date 3381
of this act; 3382

(B) Parenting time orders and orders for companionship or 3383
visitation issued under section 3109.051 of the Revised Code as 3384
that section existed prior to the effective date of this act. 3385

Sec. 3109.0486. (A) Each court that issues an order 3386
allocating parental rights and responsibilities of children in a 3387
divorce, dissolution of marriage, legal separation, child 3388
support proceeding, a proceeding under section 3109.12 of the 3389
Revised Code, or any other proceeding in which parents agreed to 3390
a judgment by the court with regard to time that a parent spends 3391
with a child, shall compile a report, to be completed annually, 3392
of data regarding the division of parenting time, as tracked by 3393

overnight stays with a parent. The report shall identify the 3394
type of case involving parenting time, such as a shared 3395
parenting order, parental rights and responsibilities allocation 3396
order, or parenting time order. The report shall also track the 3397
number of cases of agreed judgment entries that were contested 3398
and ordered by the court. The report shall not include any 3399
personally identifiable information. 3400

(B) Records provided in division (A) of this section shall 3401
be published on the court's web site or otherwise made publicly 3402
available, upon request. 3403

Sec. 3109.0491. On filing of a motion and supporting 3404
affidavit alleging interference with parenting time under a 3405
shared parenting order or parental rights and responsibilities 3406
order, a court shall hold a hearing not later than twenty-eight 3407
days after filing, unless for good cause shown the hearing shall 3408
be conducted earlier. 3409

Sec. 3109.0492. Any time prior to ruling upon a motion 3410
alleging interference with parenting time under a shared 3411
parenting order or parental rights and responsibilities order, 3412
the court may issue temporary orders necessary to protect the 3413
relationship between parent and child. 3414

Sec. 3109.0493. After a hearing under section 3109.0491 of 3415
the Revised Code, and upon a finding there has been unreasonable 3416
interference with parenting time under a shared parenting order 3417
or parental rights and responsibilities order, the court shall 3418
issue both of the following: 3419

(A) An award of compensatory parenting time, provided that 3420
compensatory parenting time is not detrimental to the child 3421
based on the factors in section 3109.0411, 3109.0421, 3109.0422, 3422

or 3109.0453 of the Revised Code, whichever is applicable; 3423

(B) An award of any reasonable attorney's fees and court costs arising in relation to the act of interference with parenting time. 3424
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Sec. 3109.0494. After a hearing under section 3109.0491 of the Revised Code, and upon a finding there has been unreasonable interference with parenting time under a shared parenting order or parental rights and responsibilities order, the court may issue any of the following: 3427
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(A) On the court's own motion or upon motion by one or both parents pursuant to section 3109.0439, 3109.0442, or 3109.0443 of the Revised Code, a modified shared parenting order or parental rights and responsibilities order to prevent future interference with parenting time in the best interest of a child; 3432
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(B) An order to require parents or the child to attend counseling, education, or coaching; 3438
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(C) An order to post bond, either in cash or with sufficient sureties, conditioned upon compliance with the parenting time provisions in the shared parenting order or parental rights and responsibilities order; 3440
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(D) An award of reasonable costs and fees for mediation, counseling, parent and child education, and supervised parenting time or exchange; 3444
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(E) Any other remedy that the court considers appropriate. 3447

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 3448
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support their children, without regard to marital misconduct. In 3451
determining the amount reasonable or necessary for child 3452
support, including the medical needs of the child, the court 3453
shall comply with Chapter 3119. of the Revised Code. 3454

(2) The court, in accordance with Chapter 3119. of the 3455
Revised Code, shall include in each support order made under 3456
this section the requirement that one or both of the parents 3457
provide for the health care needs of the child to the 3458
satisfaction of the court, and the court shall include in the 3459
support order a requirement that all support payments be made 3460
through the office of child support in the department of job and 3461
family services. 3462

(3) The court shall comply with Chapters 3119., 3121., 3463
3123., and 3125. of the Revised Code when it makes or modifies 3464
an order for child support under this section. 3465

(B) The juvenile court has exclusive jurisdiction to enter 3466
the orders in any case certified to it from another court. 3467

(C) If any person required to pay child support under an 3468
order made under division (A) of this section on or after April 3469
15, 1985, or modified on or after December 1, 1986, is found in 3470
contempt of court for failure to make support payments under the 3471
order, the court that makes the finding, in addition to any 3472
other penalty or remedy imposed, shall assess all court costs 3473
arising out of the contempt proceeding against the person and 3474
require the person to pay any reasonable attorney's fees of any 3475
adverse party, as determined by the court, that arose in 3476
relation to the act of contempt and, on or after July 1, 1992, 3477
shall assess interest on any unpaid amount of child support 3478
pursuant to section 3123.17 of the Revised Code. 3479

(D) The court shall not authorize or permit the escrowing, 3480
impoundment, or withholding of any child support payment ordered 3481
under this section or any other section of the Revised Code 3482
because of a denial of or interference with a right of parenting 3483
time granted to a parent in an order issued under this section 3484
or section ~~3109.051~~3109.0451 or 3109.12 of the Revised Code or 3485
companionship or visitation granted in an order issued under 3486
this section, section ~~3109.051~~3109.0452, 3109.11, 3109.12, or 3487
any other section of the Revised Code, or as a method of 3488
enforcing the specific provisions of any such order dealing with 3489
parenting time or visitation. 3490

Sec. 3109.06. Except as provided in division (K) of 3491
section 2301.03 of the Revised Code, any court, other than a 3492
juvenile court, that has jurisdiction in any case respecting the 3493
allocation of parental rights and responsibilities for the care 3494
of a child under eighteen years of age and the designation of 3495
the child's place of residence and legal custodian or in any 3496
case respecting the support of a child under eighteen years of 3497
age, may, on its own motion or on motion of any interested 3498
party, certify the record in the case or so much of the record 3499
and such further information, in narrative form or otherwise, as 3500
the court deems necessary or the juvenile court requests, to the 3501
juvenile court for further proceedings; upon the certification, 3502
the juvenile court shall have exclusive jurisdiction. 3503

In cases in which the court of common pleas finds the 3504
parents unsuitable to have the parental rights and 3505
responsibilities for the care of the child or children and 3506
unsuitable to provide the place of residence and to be the legal 3507
custodian of the child or children, consent of the juvenile 3508
court shall not be required to such certification. This section 3509
applies to actions pending on August 28, 1951. 3510

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

Any disposition made pursuant to this section, whether by a juvenile court after a case is certified to it, or by any court upon the death of a person awarded custody of a child, shall be made in accordance with sections 3109.04 to 3109.0445, 3109.0482, 3109.0483, and 3109.42 to 3109.48 of the Revised Code. If an appeal is taken from a decision made pursuant to this section that allocates parental rights and responsibilities for the care of a minor child and designates the child's place of residence and legal custodian, the court of appeals shall give the case calendar priority and handle it expeditiously.

Sec. 3109.061. Nothing in sections 2151.233 to 2151.236

and 2301.03 of the Revised Code shall be construed to prevent a 3542
domestic relations court from certifying a case to a juvenile 3543
court under ~~division (D) (2) of section 3109.04 of the Revised~~ 3544
~~Code 3109.0435 or section 3109.06~~ of the Revised Code. Consent 3545
of the juvenile court shall not be required for the 3546
certification. 3547

As used in this section, "domestic relations court" has 3548
the same meaning as in section 2151.233 of the Revised Code. 3549

Sec. 3109.09. (A) As used in this section, "parent" means 3550
one of the following: 3551

(1) Both parents unless division (A) (2) or (3) of this 3552
section applies; 3553

(2) The parent designated the residential parent and legal 3554
custodian pursuant to an order issued under section ~~3109.04~~ 3555
3109.0412, 3109.0413, 3109.0424, 3109.0425, or 3109.0426 of the 3556
Revised Code ~~that is not a shared parenting order;~~ 3557

(3) The custodial parent of a child born out of wedlock 3558
with respect to whom no custody order has been issued. 3559

(B) Any owner of property, including any board of 3560
education of a city, local, exempted village, or joint 3561
vocational school district, may maintain a civil action to 3562
recover compensatory damages not exceeding ten thousand dollars 3563
and court costs from the parent of a minor if the minor 3564
willfully damages property belonging to the owner or commits 3565
acts cognizable as a "theft offense," as defined in section 3566
2913.01 of the Revised Code, involving the property of the 3567
owner. The action may be joined with an action under Chapter 3568
2737. of the Revised Code against the minor, or the minor and 3569
the minor's parent, to recover the property regardless of value, 3570

but any additional damages recovered from the parent pursuant to 3571
this section shall be limited to compensatory damages not 3572
exceeding ten thousand dollars, as authorized by this section. A 3573
finding of willful destruction of property or of committing acts 3574
cognizable as a theft offense is not dependent upon a prior 3575
finding that the child is a delinquent child or upon the child's 3576
conviction of any criminal offense. 3577

(C) (1) If a court renders a judgment in favor of a board 3578
of education of a city, local, exempted village, or joint 3579
vocational school district in an action brought pursuant to 3580
division (B) of this section, if the board of education agrees 3581
to the parent's performance of community service in lieu of full 3582
payment of the judgment, and if the parent who is responsible 3583
for the payment of the judgment agrees to voluntarily 3584
participate in the performance of community service in lieu of 3585
full payment of the judgment, the court may order the parent to 3586
perform community service in lieu of providing full payment of 3587
the judgment. 3588

(2) If a court, pursuant to division (C) (1) of this 3589
section, orders a parent to perform community service in lieu of 3590
providing full payment of a judgment, the court shall specify in 3591
its order the amount of the judgment, if any, to be paid by the 3592
parent, the type and number of hours of community service to be 3593
performed by the parent, and any other conditions necessary to 3594
carry out the order. 3595

(D) This section shall not apply to a parent of a minor if 3596
the minor was married at the time of the commission of the acts 3597
or violations that would otherwise give rise to a civil action 3598
commenced under this section. 3599

(E) Any action brought pursuant to this section shall be 3600

commenced and heard as in other civil actions. 3601

(F) The monetary limitation upon compensatory damages set 3602
forth in this section does not apply to a civil action brought 3603
pursuant to section 2307.70 of the Revised Code. 3604

Sec. 3109.11. If either the father or mother of an 3605
unmarried minor child is deceased, the court of common pleas of 3606
the county in which the minor child resides may grant the 3607
parents and other relatives of the deceased father or mother 3608
reasonable companionship or visitation rights with respect to 3609
the minor child during the child's minority if the parent or 3610
other relative files a complaint requesting reasonable 3611
companionship or visitation rights and if the court determines 3612
that the granting of the companionship or visitation rights is 3613
in the best interest of the minor child. In determining whether 3614
to grant any person reasonable companionship or visitation 3615
rights with respect to any child, the court shall consider all 3616
relevant factors, including, but not limited to, the factors set 3617
forth in ~~division (D) of section 3109.051-3109.0453~~ of the 3618
Revised Code. ~~Divisions (C), (K), and (L) of section 3109.051-~~ 3619
Sections 3109.0454, 3109.0455, and 3109.0456 of the Revised Code 3620
apply to the determination of reasonable companionship or 3621
visitation rights under this section and to any order granting 3622
any such rights that is issued under this section. 3623

The remarriage of the surviving parent of the child or the 3624
adoption of the child by the spouse of the surviving parent of 3625
the child does not affect the authority of the court under this 3626
section to grant reasonable companionship or visitation rights 3627
with respect to the child to a parent or other relative of the 3628
child's deceased father or mother. 3629

If the court denies a request for reasonable companionship 3630

or visitation rights made pursuant to this section and the 3631
complainant files a written request for findings of fact and 3632
conclusions of law, the court shall state in writing its 3633
findings of fact and conclusions of law in accordance with Civil 3634
Rule 52 and, if applicable, Civil Rule 53. 3635

Except as provided in division (E) (6) of section 3113.31 3636
of the Revised Code, if the court, pursuant to this section, 3637
grants any person companionship or visitation rights with 3638
respect to any child, it shall not require the public children 3639
services agency to provide supervision of or other services 3640
related to that person's exercise of companionship or visitation 3641
rights with respect to the child. This section does not limit 3642
the power of a juvenile court pursuant to Chapter 2151. of the 3643
Revised Code to issue orders with respect to children who are 3644
alleged to be abused, neglected, or dependent children or to 3645
make dispositions of children who are adjudicated abused, 3646
neglected, or dependent children or of a common pleas court to 3647
issue orders pursuant to section 3113.31 of the Revised Code. 3648

Sec. 3109.12. (A) If a child is born to an unmarried 3649
woman, the parents of the woman and any relative of the woman 3650
may file a complaint requesting the court of common pleas of the 3651
county in which the child resides to grant them reasonable 3652
companionship or visitation rights with the child. If a child is 3653
born to an unmarried woman and if the father of the child has 3654
acknowledged the child and that acknowledgment has become final 3655
pursuant to section 2151.232, 3111.25, or 3111.821 of the 3656
Revised Code or has been determined in an action under Chapter 3657
3111. of the Revised Code to be the father of the child, the 3658
father may file a complaint requesting that the court of 3659
appropriate jurisdiction of the county in which the child 3660
resides grant him ~~reasonable~~ parenting time rights with the 3661

child and the parents of the father and any relative of the 3662
father may file a complaint requesting that the court grant them 3663
reasonable companionship or visitation rights with the child. 3664

(B) The court may grant the parenting time rights or 3665
companionship or visitation rights requested under division (A) 3666
of this section, ~~if it determines that the granting of the~~ 3667
~~parenting time rights or companionship or visitation rights is~~ 3668
~~in the best interest of the child. accordingly:~~ 3669

(1) With regard to any order granting parenting time 3670
rights that is issued under this section, there is a presumption 3671
that substantially equal parenting time is in the best interest 3672
of the child, subject to the factors set forth in section 3673
3109.0453 and sections 3109.0454, 3109.0455, 3109.0456, and 3674
3109.0457 of the Revised Code. The court shall not allocate 3675
unequal parenting time unless it inquires of each parent whether 3676
that parent is requesting substantially equal parenting time. 3677

(2) In determining whether to grant ~~reasonable parenting~~ 3678
time rights or reasonable companionship or visitation rights 3679
with respect to any child, the court shall consider all relevant 3680
factors, including, but not limited to, the factors set forth in 3681
~~division (D) of section 3109.051-3109.0453~~ of the Revised Code. 3682
~~Divisions (C), (K), and (L) of section 3109.051~~ Sections 3683
3109.0454, 3109.0455, 3109.0456, and 3109.0457 of the Revised 3684
Code apply to the determination of ~~reasonable parenting time~~ 3685
~~rights or reasonable companionship or visitation rights~~ under 3686
this section and to any order granting any such rights that is 3687
issued under this section. 3688

(C) The marriage or remarriage of the mother or father of 3689
a child does not affect the authority of the court under this 3690
section to grant the natural father ~~reasonable parenting time~~ 3691

rights or the parents or relatives of the natural father or the 3692
parents or relatives of the mother of the child reasonable 3693
companionship or visitation rights with respect to the child. 3694

(D) If the court denies a request for ~~reasonable~~ parenting 3695
time rights or reasonable companionship or visitation rights 3696
made pursuant to division (A) of this section ~~and the~~ 3697
~~complainant files a written request for findings of fact and~~ 3698
~~conclusions of law~~, the court shall state in writing its 3699
findings of fact and conclusions of law in accordance with Civil 3700
Rule 52 and, if applicable, Civil Rule 53. 3701

(E) Except as provided in division (E) (6) of section 3702
3113.31 of the Revised Code, if the court, pursuant to this 3703
section, grants parenting time rights or companionship or 3704
visitation rights with respect to any child, it shall not 3705
require the public children services agency to provide 3706
supervision of or other services related to that parent's 3707
exercise of parenting time rights with the child or that 3708
person's exercise of companionship or visitation rights with the 3709
child. This section does not limit the power of a juvenile court 3710
pursuant to Chapter 2151. of the Revised Code to issue orders 3711
with respect to children who are alleged to be abused, 3712
neglected, or dependent children or to make dispositions of 3713
children who are adjudicated abused, neglected, or dependent 3714
children or of a common pleas court to issue orders pursuant to 3715
section 3113.31 of the Revised Code. 3716

Sec. 3109.41. As used in sections 3109.41 to 3109.48 of 3717
the Revised Code: 3718

(A) A person is "convicted of killing" if the person has 3719
been convicted of or pleaded guilty to a violation of section 3720
2903.01, 2903.02, or 2903.03 of the Revised Code. 3721

(B) "Custody order" means an order designating a person as 3722
the residential parent and legal custodian of a child under 3723
section ~~3109.04~~3109.0412, 3109.0413, 3109.0424, 3109.0425, or 3724
3109.0426 of the Revised Code or any order determining custody 3725
of a child under section 2151.23, 2151.33, 2151.353, 2151.354, 3726
2151.415, 2151.417, 2152.16, 2152.17, 2152.19, 2152.21, or 3727
3113.31 of the Revised Code. 3728

(C) "Visitation order" means an order issued under 3729
division (B) (1) (c) of section 2151.33 or under section 2151.412, 3730
~~3109.051~~3109.0451, 3109.12, or 3113.31 of the Revised Code. 3731

Sec. 3109.53. To create a power of attorney under section 3732
3109.52 of the Revised Code, a parent, guardian, or custodian 3733
shall use a form that is identical in form and content to the 3734
following: 3735

POWER OF ATTORNEY 3736

I, the undersigned, residing at _____, in the county 3737
of _____, state of _____, hereby appoint the child's 3738
grandparent, _____, residing at _____, in the county 3739
of _____, in the state of Ohio, with whom the child of 3740
whom I am the parent, guardian, or custodian is residing, my 3741
attorney in fact to exercise any and all of my rights and 3742
responsibilities regarding the care, physical custody, and 3743
control of the child, _____, born _____, having social 3744
security number (optional) _____, except my authority to 3745
consent to marriage or adoption of the child _____, and to 3746
perform all acts necessary in the execution of the rights and 3747
responsibilities hereby granted, as fully as I might do if 3748
personally present. The rights I am transferring under this 3749
power of attorney include the ability to enroll the child in 3750
school, to obtain from the school district educational and 3751

behavioral information about the child, to consent to all 3752
school-related matters regarding the child, and to consent to 3753
medical, psychological, or dental treatment for the child. This 3754
transfer does not affect my rights in any future proceedings 3755
concerning the custody of the child or the allocation of the 3756
parental rights and responsibilities for the care of the child 3757
and does not give the attorney in fact legal custody of the 3758
child. This transfer does not terminate my right to have regular 3759
contact with the child. 3760

I hereby certify that I am transferring the rights and 3761
responsibilities designated in this power of attorney because 3762
one of the following circumstances exists: 3763

(1) I am: (a) Seriously ill, incarcerated, or about to be 3764
incarcerated, (b) Temporarily unable to provide financial 3765
support or parental guidance to the child, (c) Temporarily 3766
unable to provide adequate care and supervision of the child 3767
because of my physical or mental condition, (d) Homeless or 3768
without a residence because the current residence is destroyed 3769
or otherwise uninhabitable, or (e) In or about to enter a 3770
residential treatment program for substance abuse; 3771

(2) I am a parent of the child, the child's other parent 3772
is deceased, and I have authority to execute the power of 3773
attorney; or 3774

(3) I have a well-founded belief that the power of 3775
attorney is in the child's best interest. 3776

I hereby certify that I am not transferring my rights and 3777
responsibilities regarding the child for the purpose of 3778
enrolling the child in a school or school district so that the 3779
child may participate in the academic or interscholastic 3780

athletic programs provided by that school or district. 3781

I understand that this document does not authorize a child 3782
support enforcement agency to redirect child support payments to 3783
the grandparent designated as attorney in fact. I further 3784
understand that to have an existing child support order modified 3785
or a new child support order issued administrative or judicial 3786
proceedings must be initiated. 3787

If there is a court order naming me the residential parent 3788
and legal custodian of the child who is the subject of this 3789
power of attorney and I am the sole parent signing this 3790
document, I hereby certify that one of the following is the 3791
case: 3792

(1) I have made reasonable efforts to locate and provide 3793
notice of the creation of this power of attorney to the other 3794
parent and have been unable to locate that parent; 3795

(2) The other parent is prohibited from receiving a notice 3796
of relocation; or 3797

(3) The parental rights of the other parent have been 3798
terminated by order of a juvenile court. 3799

This POWER OF ATTORNEY is valid until the occurrence of 3800
whichever of the following events occurs first: (1) I revoke 3801
this POWER OF ATTORNEY in writing and give notice of the 3802
revocation to the grandparent designated as attorney in fact and 3803
the juvenile court with which this POWER OF ATTORNEY was filed; 3804
(2) the child ceases to reside with the grandparent designated 3805
as attorney in fact; (3) this POWER OF ATTORNEY is terminated by 3806
court order; (4) the death of the child who is the subject of 3807
the power of attorney; or (5) the death of the grandparent 3808
designated as the attorney in fact. 3809

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 3810
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 3811
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY 3812
THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING 3813
A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO 3814
\$1,000, OR BOTH. 3815

Witness my hand this _____ day of _____, _____ 3816

Parent/Custodian/Guardian's signature 3817
3818

Parent's signature 3819
3820

Grandparent designated as attorney in fact 3821
3822

State of Ohio) 3823

) ss: 3824

County of _____) 3825

Subscribed, sworn to, and acknowledged before me this _____ day 3826
of _____, _____ 3827

Notary Public 3828
3829

Notices: 3830

1. A power of attorney may be executed only if one of the following 3831
circumstances exists: (1) The parent, guardian, or custodian of the child 3832
is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) 3833
Temporarily unable to provide financial support or parental guidance to 3834
the child; (c) Temporarily unable to provide adequate care and supervision 3835
of the child because of the parent's, guardian's, or custodian's physical 3836

or mental condition; (d) Homeless or without a residence because the 3837
current residence is destroyed or otherwise uninhabitable; or (e) In or 3838
about to enter a residential treatment program for substance abuse; (2) 3839
One of the child's parents is deceased and the other parent, with 3840
authority to do so, seeks to execute a power of attorney; or (3) The 3841
parent, guardian, or custodian has a well-founded belief that the power of 3842
attorney is in the child's best interest. 3843

2. The signatures of the parent, guardian, or custodian of the child and 3844
the grandparent designated as the attorney in fact must be notarized by an 3845
Ohio notary public. 3846

3. A parent, guardian, or custodian who creates a power of attorney must 3847
notify the parent of the child who is not the residential parent and legal 3848
custodian of the child unless one of the following circumstances applies: 3849
(a) the parent is prohibited from receiving a notice of relocation in 3850
accordance with section ~~3109.051~~3109.0474 of the Revised Code of the 3851
creation of the power of attorney; (b) the parent's parental rights have 3852
been terminated by order of a juvenile court pursuant to Chapter 2151. of 3853
the Revised Code; (c) the parent cannot be located with reasonable 3854
efforts; (d) both parents are executing the power of attorney. The notice 3855
must be sent by certified mail not later than five days after the power of 3856
attorney is created and must state the name and address of the person 3857
designated as the attorney in fact. 3858

4. A parent, guardian, or custodian who creates a power of attorney must 3859
file it with the juvenile court of the county in which the attorney in 3860
fact resides, or any other court that has jurisdiction over the child 3861
under a previously filed motion or proceeding. The power of attorney must 3862
be filed not later than five days after the date it is created and be 3863
accompanied by a receipt showing that the notice of creation of the power 3864
of attorney was sent to the parent who is not the residential parent and 3865
legal custodian by certified mail. 3866

5. This power of attorney does not affect the rights of the child's 3867
parents, guardian, or custodian regarding any future proceedings 3868
concerning the custody of the child or the allocation of the parental 3869
rights and responsibilities for the care of the child and does not give 3870
the attorney in fact legal custody of the child. 3871

6. A person or entity that relies on this power of attorney, in good 3872
faith, has no obligation to make any further inquiry or investigation. 3873

7. This power of attorney terminates on the occurrence of whichever of the 3874
following occurs first: (1) the power of attorney is revoked in writing by 3875
the person who created it and that person gives written notice of the 3876
revocation to the grandparent who is the attorney in fact and the juvenile 3877
court with which the power of attorney was filed; (2) the child ceases to 3878
live with the grandparent who is the attorney in fact; (3) the power of 3879
attorney is terminated by court order; (4) the death of the child who is 3880
the subject of the power of attorney; or (5) the death of the grandparent 3881
designated as the attorney in fact. 3882

If this power of attorney terminates other than by the death of the 3883
attorney in fact, the grandparent who served as the attorney in fact shall 3884
notify, in writing, all of the following: 3885

(a) Any schools, health care providers, or health insurance coverage 3886
provider with which the child has been involved through the grandparent; 3887

(b) Any other person or entity that has an ongoing relationship with the 3888
child or grandparent such that the other person or entity would reasonably 3889
rely on the power of attorney unless notified of the termination; 3890

(c) The court in which the power of attorney was filed after its creation; 3891

(d) The parent who is not the residential parent and legal custodian of 3892
the child who is required to be given notice of its creation. The 3893
grandparent shall make the notifications not later than one week after the 3894
date the power of attorney terminates. 3895

8. If this power of attorney is terminated by written revocation of the 3896
person who created it, or the revocation is regarding a second or 3897
subsequent power of attorney, a copy of the revocation must be filed with 3898
the court with which that power of attorney was filed. 3899

Additional information: 3900

To the grandparent designated as attorney in fact: 3901

1. If the child stops living with you, you are required to notify, in 3902
writing, any school, health care provider, or health care insurance 3903
provider to which you have given this power of attorney. You are also 3904
required to notify, in writing, any other person or entity that has an 3905
ongoing relationship with you or the child such that the person or entity 3906
would reasonably rely on the power of attorney unless notified. The 3907
notification must be made not later than one week after the child stops 3908
living with you. 3909

2. You must include with the power of attorney the following information: 3910

(a) The child's present address, the addresses of the places where the 3911
child has lived within the last five years, and the name and present 3912
address of each person with whom the child has lived during that period; 3913

(b) Whether you have participated as a party, a witness, or in any other 3914
capacity in any other litigation, in this state or any other state, that 3915
concerned the allocation, between the parents of the same child, of 3916
parental rights and responsibilities for the care of the child and the 3917
designation of the residential parent and legal custodian of the child or 3918
that otherwise concerned the custody of the same child; 3919

(c) Whether you have information of any parenting proceeding concerning 3920
the child pending in a court of this or any other state; 3921

(d) Whether you know of any person who has physical custody of the child 3922
or claims to be a parent of the child who is designated the residential 3923

parent and legal custodian of the child or to have parenting time rights 3924
with respect to the child or to be a person other than a parent of the 3925
child who has custody or visitation rights with respect to the child; 3926

(e) Whether you previously have been convicted of or pleaded guilty to any 3927
criminal offense involving any act that resulted in a child's being an 3928
abused child or a neglected child or previously have been determined, in a 3929
case in which a child has been adjudicated an abused child or a neglected 3930
child, to be the perpetrator of the abusive or neglectful act that was the 3931
basis of the adjudication. 3932

3. If you receive written notice of revocation of the power of attorney or 3933
the parent, custodian, or guardian removes the child from your home and if 3934
you believe that the revocation or removal is not in the best interest of 3935
the child, you may, within fourteen days, file a complaint in the juvenile 3936
court to seek custody. You may retain physical custody of the child until 3937
the fourteen-day period elapses or, if you file a complaint, until the 3938
court orders otherwise. 3939

To school officials: 3940

1. Except as provided in section 3313.649 of the Revised Code, this power 3941
of attorney, properly completed and notarized, authorizes the child in 3942
question to attend school in the district in which the grandparent 3943
designated as attorney in fact resides and that grandparent is authorized 3944
to provide consent in all school-related matters and to obtain from the 3945
school district educational and behavioral information about the child. 3946
This power of attorney does not preclude the parent, guardian, or 3947
custodian of the child from having access to all school records pertinent 3948
to the child. 3949

2. The school district may require additional reasonable evidence that the 3950
grandparent lives in the school district. 3951

3. A school district or school official that reasonably and in good faith 3952

relies on this power of attorney has no obligation to make any further 3953
inquiry or investigation. 3954

To health care providers: 3955

1. A person or entity that acts in good faith reliance on a power of 3956
attorney to provide medical, psychological, or dental treatment, without 3957
actual knowledge of facts contrary to those stated in the power of 3958
attorney, is not subject to criminal liability or to civil liability to 3959
any person or entity, and is not subject to professional disciplinary 3960
action, solely for such reliance if the power of attorney is completed and 3961
the signatures of the parent, guardian, or custodian of the child and the 3962
grandparent designated as attorney in fact are notarized. 3963

2. The decision of a grandparent designated as attorney in fact, based on 3964
a power of attorney, shall be honored by a health care facility or 3965
practitioner, school district, or school official. 3966

Sec. 3109.55. (A) A person who creates a power of attorney 3967
under section 3109.52 of the Revised Code shall send notice of 3968
the creation to the parent of the child who is not the 3969
residential parent and legal custodian of the child unless one 3970
of the following is the case: 3971

(1) The parent is prohibited from receiving a notice of 3972
relocation in accordance with section ~~3109.051~~ 3109.0474 of the 3973
Revised Code. 3974

(2) The parent's parental rights have been terminated by 3975
order of a juvenile court pursuant to Chapter 2151. of the 3976
Revised Code. 3977

(3) The parent cannot be located with reasonable efforts. 3978

(4) The power of attorney is being created by both 3979
parents. 3980

(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~~3109.0474 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: 4009

(1) The parent who is the residential parent and legal 4010
custodian of the child, as determined by court order or as 4011
provided in section 3109.042 of the Revised Code; 4012

(2) The parent with whom the child is residing the 4013
majority of the school year in cases in which no court has 4014
issued an order designating a parent as the residential parent 4015
and legal custodian of the child or section 3109.042 of the 4016
Revised Code is not applicable. 4017

Sec. 3109.65. (A) Except as provided in division (B) of 4018
this section, if a child is living with a grandparent who has 4019
made reasonable attempts to locate and contact both of the 4020
child's parents, or the child's guardian or custodian, but has 4021
been unable to do so, the grandparent may obtain authority to 4022
exercise care, physical custody, and control of the child 4023
including authority to enroll the child in school, to discuss 4024
with the school district the child's educational progress, to 4025
consent to all school-related matters regarding the child, and 4026
to consent to medical, psychological, or dental treatment for 4027
the child by executing a caretaker authorization affidavit in 4028
accordance with section 3109.67 of the Revised Code. 4029

(B) The grandparent may execute a caretaker authorization 4030
affidavit without attempting to locate the following parent: 4031

(1) If paternity has not been established with regard to 4032
the child, the child's father. 4033

(2) If the child is the subject of a custody order, the 4034
following parent: 4035

(a) A parent who is prohibited from receiving a notice of 4036
relocation in accordance with section ~~3109.051~~3109.0474 of the 4037

Revised Code; 4038

(b) A parent whose parental rights have been terminated by 4039
order of a juvenile court pursuant to Chapter 2151. of the 4040
Revised Code. 4041

Sec. 3113.31. (A) As used in this section: 4042

(1) "Domestic violence" means any of the following: 4043

(a) The occurrence of one or more of the following acts 4044
against a family or household member: 4045

(i) Attempting to cause or recklessly causing bodily 4046
injury; 4047

(ii) Placing another person by the threat of force in fear 4048
of imminent serious physical harm or committing a violation of 4049
section 2903.211 or 2911.211 of the Revised Code; 4050

(iii) Committing any act with respect to a child that 4051
would result in the child being an abused child, as defined in 4052
section 2151.031 of the Revised Code; 4053

(iv) Committing a sexually oriented offense. 4054

(b) The occurrence of one or more of the acts identified 4055
in divisions (A)(1)(a)(i) to (iv) of this section against a 4056
person with whom the respondent is or was in a dating 4057
relationship. 4058

(2) "Court" means the domestic relations division of the 4059
court of common pleas in counties that have a domestic relations 4060
division and the court of common pleas in counties that do not 4061
have a domestic relations division, or the juvenile division of 4062
the court of common pleas of the county in which the person to 4063
be protected by a protection order issued or a consent agreement 4064

approved under this section resides if the respondent is less than eighteen years of age. 4065
4066

(3) "Family or household member" means any of the following: 4067
4068

(a) Any of the following who is residing with or has resided with the respondent: 4069
4070

(i) A spouse, a person living as a spouse, or a former spouse of the respondent; 4071
4072

(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent; 4073
4074
4075

(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. 4076
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4079

(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent. 4080
4081
4082

(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. 4083
4084
4085
4086
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4088

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 4089
4090
4091

(6) "Sexually oriented offense" has the same meaning as in 4092

section 2950.01 of the Revised Code. 4093

(7) "Companion animal" has the same meaning as in section 4094
959.131 of the Revised Code. 4095

(8) "Dating relationship" means a relationship between 4096
individuals who have, or have had, a relationship of a romantic 4097
or intimate nature. "Dating relationship" does not include a 4098
casual acquaintanceship or ordinary fraternization in a business 4099
or social context. 4100

(9) "Person with whom the respondent is or was in a dating 4101
relationship" means an individual who, at the time of the 4102
conduct in question, is in a dating relationship with the 4103
respondent who is an adult or who, within the twelve months 4104
preceding the conduct in question, has had a dating relationship 4105
with the respondent who is an adult. 4106

(B) The court has jurisdiction over all proceedings under 4107
this section. The petitioner's right to relief under this 4108
section is not affected by the petitioner's leaving the 4109
residence or household to avoid further domestic violence. 4110

(C) A person may seek relief under this section on the 4111
person's own behalf, or any parent or adult household member may 4112
seek relief under this section on behalf of any other family or 4113
household member, by filing a petition with the court. The 4114
petition shall contain or state: 4115

(1) An allegation that the respondent engaged in domestic 4116
violence against a family or household member of the respondent 4117
or against a person with whom the respondent is or was in a 4118
dating relationship, including a description of the nature and 4119
extent of the domestic violence; 4120

(2) The relationship of the respondent to the petitioner, 4121

and to the victim if other than the petitioner; 4122

(3) If the petition is for protection of a person with 4123
whom the respondent is or was in a dating relationship, the 4124
facts upon which the court may conclude that a dating 4125
relationship existed between the person to be protected and the 4126
respondent; 4127

(4) A request for relief under this section. 4128

(D) (1) If a person who files a petition pursuant to this 4129
section requests an ex parte order, the court shall hold an ex 4130
parte hearing on the same day that the petition is filed. The 4131
court, for good cause shown at the ex parte hearing, may enter 4132
any temporary orders, with or without bond, including, but not 4133
limited to, an order described in division (E) (1) (a), (b), or 4134
(c) of this section, that the court finds necessary to protect 4135
the family or household member or the person with whom the 4136
respondent is or was in a dating relationship from domestic 4137
violence. Immediate and present danger of domestic violence to 4138
the family or household member or to the person with whom the 4139
respondent is or was in a dating relationship constitutes good 4140
cause for purposes of this section. Immediate and present danger 4141
includes, but is not limited to, situations in which the 4142
respondent has threatened the family or household member or 4143
person with whom the respondent is or was in a dating 4144
relationship with bodily harm, in which the respondent has 4145
threatened the family or household member or person with whom 4146
the respondent is or was in a dating relationship with a 4147
sexually oriented offense, or in which the respondent previously 4148
has been convicted of, pleaded guilty to, or been adjudicated a 4149
delinquent child for an offense that constitutes domestic 4150
violence against the family or household member or person with 4151

whom the respondent is or was in a dating relationship. 4152

(2) (a) If the court, after an ex parte hearing, issues an 4153
order described in division (E) (1) (b) or (c) of this section, 4154
the court shall schedule a full hearing for a date that is 4155
within seven court days after the ex parte hearing. If any other 4156
type of protection order that is authorized under division (E) 4157
of this section is issued by the court after an ex parte 4158
hearing, the court shall schedule a full hearing for a date that 4159
is within ten court days after the ex parte hearing. The court 4160
shall give the respondent notice of, and an opportunity to be 4161
heard at, the full hearing. The court shall hold the full 4162
hearing on the date scheduled under this division unless the 4163
court grants a continuance of the hearing in accordance with 4164
this division. Under any of the following circumstances or for 4165
any of the following reasons, the court may grant a continuance 4166
of the full hearing to a reasonable time determined by the 4167
court: 4168

(i) Prior to the date scheduled for the full hearing under 4169
this division, the respondent has not been served with the 4170
petition filed pursuant to this section and notice of the full 4171
hearing. 4172

(ii) The parties consent to the continuance. 4173

(iii) The continuance is needed to allow a party to obtain 4174
counsel. 4175

(iv) The continuance is needed for other good cause. 4176

(b) An ex parte order issued under this section does not 4177
expire because of a failure to serve notice of the full hearing 4178
upon the respondent before the date set for the full hearing 4179
under division (D) (2) (a) of this section or because the court 4180

grants a continuance under that division. 4181

(3) If a person who files a petition pursuant to this 4182
section does not request an ex parte order, or if a person 4183
requests an ex parte order but the court does not issue an ex 4184
parte order after an ex parte hearing, the court shall proceed 4185
as in a normal civil action and grant a full hearing on the 4186
matter. 4187

(E) (1) After an ex parte or full hearing, the court may 4188
grant any protection order, with or without bond, or approve any 4189
consent agreement to bring about a cessation of domestic 4190
violence against the family or household members or persons with 4191
whom the respondent is or was in a dating relationship. The 4192
order or agreement may: 4193

(a) Direct the respondent to refrain from abusing or from 4194
committing sexually oriented offenses against the family or 4195
household members or persons with whom the respondent is or was 4196
in a dating relationship; 4197

(b) With respect to a petition involving family or 4198
household members, grant possession of the residence or 4199
household to the petitioner or other family or household member, 4200
to the exclusion of the respondent, by evicting the respondent, 4201
when the residence or household is owned or leased solely by the 4202
petitioner or other family or household member, or by ordering 4203
the respondent to vacate the premises, when the residence or 4204
household is jointly owned or leased by the respondent, and the 4205
petitioner or other family or household member; 4206

(c) With respect to a petition involving family or 4207
household members, when the respondent has a duty to support the 4208
petitioner or other family or household member living in the 4209

residence or household and the respondent is the sole owner or 4210
lessee of the residence or household, grant possession of the 4211
residence or household to the petitioner or other family or 4212
household member, to the exclusion of the respondent, by 4213
ordering the respondent to vacate the premises, or, in the case 4214
of a consent agreement, allow the respondent to provide 4215
suitable, alternative housing; 4216

(d) With respect to a petition involving family or 4217
household members, temporarily allocate parental rights and 4218
responsibilities for the care of, or establish temporary 4219
parenting time rights with regard to, minor children, if no 4220
other court has determined, or is determining, the allocation of 4221
parental rights and responsibilities for the minor children or 4222
parenting time rights; 4223

(e) With respect to a petition involving family or 4224
household members, require the respondent to maintain support, 4225
if the respondent customarily provides for or contributes to the 4226
support of the family or household member, or if the respondent 4227
has a duty to support the petitioner or family or household 4228
member; 4229

(f) Require the respondent, petitioner, victim of domestic 4230
violence, or any combination of those persons, to seek 4231
counseling; 4232

(g) Require the respondent to refrain from entering the 4233
residence, school, business, or place of employment of the 4234
petitioner or, with respect to a petition involving family or 4235
household members, a family or household member; 4236

(h) Grant other relief that the court considers equitable 4237
and fair, including, but not limited to, ordering the respondent 4238

to permit the use of a motor vehicle by the petitioner or, with 4239
respect to a petition involving family or household members, 4240
other family or household members and the apportionment of 4241
household and family personal property; 4242

(i) Require that the respondent not remove, damage, hide, 4243
harm, or dispose of any companion animal owned or possessed by 4244
the petitioner; 4245

(j) Authorize the petitioner to remove a companion animal 4246
owned by the petitioner from the possession of the respondent; 4247

(k) Require a wireless service transfer in accordance with 4248
sections 3113.45 to 3113.459 of the Revised Code. 4249

(2) If a protection order has been issued pursuant to this 4250
section in a prior action involving the respondent and the 4251
petitioner or, with respect to a petition involving family or 4252
household members, one or more of the family or household 4253
members or victims, the court may include in a protection order 4254
that it issues a prohibition against the respondent returning to 4255
the residence or household. If it includes a prohibition against 4256
the respondent returning to the residence or household in the 4257
order, it also shall include in the order provisions of the type 4258
described in division (E)(7) of this section. This division does 4259
not preclude the court from including in a protection order or 4260
consent agreement, in circumstances other than those described 4261
in this division, a requirement that the respondent be evicted 4262
from or vacate the residence or household or refrain from 4263
entering the residence, school, business, or place of employment 4264
of the petitioner or, with respect to a petition involving 4265
family or household members, a family or household member, and, 4266
if the court includes any requirement of that type in an order 4267
or agreement, the court also shall include in the order 4268

provisions of the type described in division (E) (7) of this 4269
section. 4270

(3) (a) Any protection order issued or consent agreement 4271
approved under this section shall be valid until a date certain, 4272
but not later than five years from the date of its issuance or 4273
approval, or not later than the date a respondent who is less 4274
than eighteen years of age attains nineteen years of age, unless 4275
modified or terminated as provided in division (E) (8) of this 4276
section. 4277

(b) With respect to an order involving family or household 4278
members, subject to the limitation on the duration of an order 4279
or agreement set forth in division (E) (3) (a) of this section, 4280
any order under division (E) (1) (d) of this section shall 4281
terminate on the date that a court in an action for divorce, 4282
dissolution of marriage, or legal separation brought by the 4283
petitioner or respondent issues an order allocating parental 4284
rights and responsibilities for the care of children or on the 4285
date that a juvenile court in an action brought by the 4286
petitioner or respondent issues an order awarding legal custody 4287
of minor children. Subject to the limitation on the duration of 4288
an order or agreement set forth in division (E) (3) (a) of this 4289
section, any order under division (E) (1) (e) of this section 4290
shall terminate on the date that a court in an action for 4291
divorce, dissolution of marriage, or legal separation brought by 4292
the petitioner or respondent issues a support order or on the 4293
date that a juvenile court in an action brought by the 4294
petitioner or respondent issues a support order. 4295

(c) Any protection order issued or consent agreement 4296
approved pursuant to this section may be renewed in the same 4297
manner as the original order or agreement was issued or 4298

approved. 4299

(4) A court may not issue a protection order that requires 4300
a petitioner to do or to refrain from doing an act that the 4301
court may require a respondent to do or to refrain from doing 4302
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 4303
this section unless all of the following apply: 4304

(a) The respondent files a separate petition for a 4305
protection order in accordance with this section. 4306

(b) The petitioner is served notice of the respondent's 4307
petition at least forty-eight hours before the court holds a 4308
hearing with respect to the respondent's petition, or the 4309
petitioner waives the right to receive this notice. 4310

(c) If the petitioner has requested an ex parte order 4311
pursuant to division (D) of this section, the court does not 4312
delay any hearing required by that division beyond the time 4313
specified in that division in order to consolidate the hearing 4314
with a hearing on the petition filed by the respondent. 4315

(d) After a full hearing at which the respondent presents 4316
evidence in support of the request for a protection order and 4317
the petitioner is afforded an opportunity to defend against that 4318
evidence, the court determines that the petitioner has committed 4319
an act of domestic violence or has violated a temporary 4320
protection order issued pursuant to section 2919.26 of the 4321
Revised Code, that both the petitioner and the respondent acted 4322
primarily as aggressors, and that neither the petitioner nor the 4323
respondent acted primarily in self-defense. 4324

(5) No protection order issued or consent agreement 4325
approved under this section shall in any manner affect title to 4326
any real property. 4327

(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 4358
that the order or agreement cannot be waived or nullified by an 4359
invitation to the respondent from the petitioner or other family 4360
or household member to enter the residence, school, business, or 4361
place of employment or by the respondent's entry into one of 4362
those places otherwise upon the consent of the petitioner or 4363
other family or household member. 4364

(b) Division (E) (7) (a) of this section does not limit any 4365
discretion of a court to determine that a respondent charged 4366
with a violation of section 2919.27 of the Revised Code, with a 4367
violation of a municipal ordinance substantially equivalent to 4368
that section, or with contempt of court, which charge is based 4369
on an alleged violation of a protection order issued or consent 4370
agreement approved under this section, did not commit the 4371
violation or was not in contempt of court. 4372

(8) (a) The court may modify or terminate as provided in 4373
division (E) (8) of this section a protection order or consent 4374
agreement that was issued after a full hearing under this 4375
section. The court that issued the protection order or approved 4376
the consent agreement shall hear a motion for modification or 4377
termination of the protection order or consent agreement 4378
pursuant to division (E) (8) of this section. 4379

(b) Either the petitioner or the respondent of the 4380
original protection order or consent agreement may bring a 4381
motion for modification or termination of a protection order or 4382
consent agreement that was issued or approved after a full 4383
hearing. The court shall require notice of the motion to be made 4384
as provided by the Rules of Civil Procedure. If the petitioner 4385
for the original protection order or consent agreement has 4386
requested that the petitioner's address be kept confidential, 4387

the court shall not disclose the address to the respondent of 4388
the original protection order or consent agreement or any other 4389
person, except as otherwise required by law. The moving party 4390
has the burden of proof to show, by a preponderance of the 4391
evidence, that modification or termination of the protection 4392
order or consent agreement is appropriate because either the 4393
protection order or consent agreement is no longer needed or 4394
because the terms of the original protection order or consent 4395
agreement are no longer appropriate. 4396

(c) In considering whether to modify or terminate a 4397
protection order or consent agreement issued or approved under 4398
this section, the court shall consider all relevant factors, 4399
including, but not limited to, the following: 4400

(i) Whether the petitioner consents to modification or 4401
termination of the protection order or consent agreement; 4402

(ii) Whether the petitioner fears the respondent; 4403

(iii) The current nature of the relationship between the 4404
petitioner and the respondent; 4405

(iv) The circumstances of the petitioner and respondent, 4406
including the relative proximity of the petitioner's and 4407
respondent's workplaces and residences and whether the 4408
petitioner and respondent have minor children together; 4409

(v) Whether the respondent has complied with the terms and 4410
conditions of the original protection order or consent 4411
agreement; 4412

(vi) Whether the respondent has a continuing involvement 4413
with illegal drugs or alcohol; 4414

(vii) Whether the respondent has been convicted of, 4415

pleaded guilty to, or been adjudicated a delinquent child for an 4416
offense of violence since the issuance of the protection order 4417
or approval of the consent agreement; 4418

(viii) Whether any other protection orders, consent 4419
agreements, restraining orders, or no contact orders have been 4420
issued against the respondent pursuant to this section, section 4421
2919.26 of the Revised Code, any other provision of state law, 4422
or the law of any other state; 4423

(ix) Whether the respondent has participated in any 4424
domestic violence treatment, intervention program, or other 4425
counseling addressing domestic violence and whether the 4426
respondent has completed the treatment, program, or counseling; 4427

(x) The time that has elapsed since the protection order 4428
was issued or since the consent agreement was approved; 4429

(xi) The age and health of the respondent; 4430

(xii) When the last incident of abuse, threat of harm, or 4431
commission of a sexually oriented offense occurred or other 4432
relevant information concerning the safety and protection of the 4433
petitioner or other protected parties. 4434

(d) If a protection order or consent agreement is modified 4435
or terminated as provided in division (E) (8) of this section, 4436
the court shall issue copies of the modified or terminated order 4437
or agreement as provided in division (F) of this section. A 4438
petitioner may also provide notice of the modification or 4439
termination to the judicial and law enforcement officials in any 4440
county other than the county in which the order or agreement is 4441
modified or terminated as provided in division (N) of this 4442
section. 4443

(e) If the respondent moves for modification or 4444

termination of a protection order or consent agreement pursuant 4445
to this section and the court denies the motion, the court may 4446
assess costs against the respondent for the filing of the 4447
motion. 4448

(9) Any protection order issued or any consent agreement 4449
approved pursuant to this section shall include a provision that 4450
the court will automatically seal all of the records of the 4451
proceeding in which the order is issued or agreement approved on 4452
the date the respondent attains the age of nineteen years unless 4453
the petitioner provides the court with evidence that the 4454
respondent has not complied with all of the terms of the 4455
protection order or consent agreement. The protection order or 4456
consent agreement shall specify the date when the respondent 4457
attains the age of nineteen years. 4458

(F) (1) A copy of any protection order, or consent 4459
agreement, that is issued, approved, modified, or terminated 4460
under this section shall be issued by the court to the 4461
petitioner, to the respondent, and to all law enforcement 4462
agencies that have jurisdiction to enforce the order or 4463
agreement. The court shall direct that a copy of an order be 4464
delivered to the respondent on the same day that the order is 4465
entered. 4466

(2) Upon the issuance of a protection order or the 4467
approval of a consent agreement under this section, the court 4468
shall provide the parties to the order or agreement with the 4469
following notice orally or by form: 4470

"NOTICE 4471

As a result of this order or consent agreement, it may be 4472
unlawful for you to possess or purchase a firearm, including a 4473

rifle, pistol, or revolver, or ammunition pursuant to federal 4474
law under 18 U.S.C. 922(g) (8) for the duration of this order or 4475
consent agreement. If you have any questions whether this law 4476
makes it illegal for you to possess or purchase a firearm or 4477
ammunition, you should consult an attorney." 4478

(3) All law enforcement agencies shall establish and 4479
maintain an index for the protection orders and the approved 4480
consent agreements delivered to the agencies pursuant to 4481
division (F) (1) of this section. With respect to each order and 4482
consent agreement delivered, each agency shall note on the index 4483
the date and time that it received the order or consent 4484
agreement. 4485

(4) Regardless of whether the petitioner has registered 4486
the order or agreement in the county in which the officer's 4487
agency has jurisdiction pursuant to division (N) of this 4488
section, any officer of a law enforcement agency shall enforce a 4489
protection order issued or consent agreement approved by any 4490
court in this state in accordance with the provisions of the 4491
order or agreement, including removing the respondent from the 4492
premises, if appropriate. 4493

(G) (1) Any proceeding under this section shall be 4494
conducted in accordance with the Rules of Civil Procedure, 4495
except that an order under this section may be obtained with or 4496
without bond. An order issued under this section, other than an 4497
ex parte order, that grants a protection order or approves a 4498
consent agreement, that refuses to grant a protection order or 4499
approve a consent agreement that modifies or terminates a 4500
protection order or consent agreement, or that refuses to modify 4501
or terminate a protection order or consent agreement, is a 4502
final, appealable order. The remedies and procedures provided in 4503

this section are in addition to, and not in lieu of, any other 4504
available civil or criminal remedies. 4505

(2) If as provided in division (G) (1) of this section an 4506
order issued under this section, other than an ex parte order, 4507
refuses to grant a protection order, the court, on its own 4508
motion, shall order that the ex parte order issued under this 4509
section and all of the records pertaining to that ex parte order 4510
be sealed after either of the following occurs: 4511

(a) No party has exercised the right to appeal pursuant to 4512
Rule 4 of the Rules of Appellate Procedure. 4513

(b) All appellate rights have been exhausted. 4514

(H) The filing of proceedings under this section does not 4515
excuse a person from filing any report or giving any notice 4516
required by section 2151.421 of the Revised Code or by any other 4517
law. When a petition under this section alleges domestic 4518
violence against minor children, the court shall report the 4519
fact, or cause reports to be made, to a county, township, or 4520
municipal peace officer under section 2151.421 of the Revised 4521
Code. 4522

(I) Any law enforcement agency that investigates a 4523
domestic dispute shall provide information to the family or 4524
household members involved, or the persons in the dating 4525
relationship who are involved, whichever is applicable regarding 4526
the relief available under this section and, for family or 4527
household members, section 2919.26 of the Revised Code. 4528

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 4529
section and regardless of whether a protection order is issued 4530
or a consent agreement is approved by a court of another county 4531
or a court of another state, no court or unit of state or local 4532

government shall charge the petitioner any fee, cost, deposit, 4533
or money in connection with the filing of a petition pursuant to 4534
this section or in connection with the filing, issuance, 4535
registration, modification, enforcement, dismissal, withdrawal, 4536
or service of a protection order, consent agreement, or witness 4537
subpoena or for obtaining a certified copy of a protection order 4538
or consent agreement. 4539

(2) Regardless of whether a protection order is issued or 4540
a consent agreement is approved pursuant to this section, the 4541
court may assess costs against the respondent in connection with 4542
the filing, issuance, registration, modification, enforcement, 4543
dismissal, withdrawal, or service of a protection order, consent 4544
agreement, or witness subpoena or for obtaining a certified copy 4545
of a protection order or consent agreement. 4546

(K) (1) The court shall comply with Chapters 3119., 3121., 4547
3123., and 3125. of the Revised Code when it makes or modifies 4548
an order for child support under this section. 4549

(2) If any person required to pay child support under an 4550
order made under this section on or after April 15, 1985, or 4551
modified under this section on or after December 31, 1986, is 4552
found in contempt of court for failure to make support payments 4553
under the order, the court that makes the finding, in addition 4554
to any other penalty or remedy imposed, shall assess all court 4555
costs arising out of the contempt proceeding against the person 4556
and require the person to pay any reasonable attorney's fees of 4557
any adverse party, as determined by the court, that arose in 4558
relation to the act of contempt. 4559

(L) (1) A person who violates a protection order issued or 4560
a consent agreement approved under this section is subject to 4561
the following sanctions: 4562

(a) Criminal prosecution or a delinquent child proceeding 4563
for a violation of section 2919.27 of the Revised Code, if the 4564
violation of the protection order or consent agreement 4565
constitutes a violation of that section; 4566

(b) Punishment for contempt of court. 4567

(2) The punishment of a person for contempt of court for 4568
violation of a protection order issued or a consent agreement 4569
approved under this section does not bar criminal prosecution of 4570
the person or a delinquent child proceeding concerning the 4571
person for a violation of section 2919.27 of the Revised Code. 4572
However, a person punished for contempt of court is entitled to 4573
credit for the punishment imposed upon conviction of or 4574
adjudication as a delinquent child for a violation of that 4575
section, and a person convicted of or adjudicated a delinquent 4576
child for a violation of that section shall not subsequently be 4577
punished for contempt of court arising out of the same activity. 4578

(M) In all stages of a proceeding under this section, a 4579
petitioner may be accompanied by a victim advocate. 4580

(N) (1) A petitioner who obtains a protection order or 4581
consent agreement under this section or a temporary protection 4582
order under section 2919.26 of the Revised Code may provide 4583
notice of the issuance or approval of the order or agreement to 4584
the judicial and law enforcement officials in any county other 4585
than the county in which the order is issued or the agreement is 4586
approved by registering that order or agreement in the other 4587
county pursuant to division (N) (2) of this section and filing a 4588
copy of the registered order or registered agreement with a law 4589
enforcement agency in the other county in accordance with that 4590
division. A person who obtains a protection order issued by a 4591
court of another state may provide notice of the issuance of the 4592

order to the judicial and law enforcement officials in any 4593
county of this state by registering the order in that county 4594
pursuant to section 2919.272 of the Revised Code and filing a 4595
copy of the registered order with a law enforcement agency in 4596
that county. 4597

(2) A petitioner may register a temporary protection 4598
order, protection order, or consent agreement in a county other 4599
than the county in which the court that issued the order or 4600
approved the agreement is located in the following manner: 4601

(a) The petitioner shall obtain a certified copy of the 4602
order or agreement from the clerk of the court that issued the 4603
order or approved the agreement and present that certified copy 4604
to the clerk of the court of common pleas or the clerk of a 4605
municipal court or county court in the county in which the order 4606
or agreement is to be registered. 4607

(b) Upon accepting the certified copy of the order or 4608
agreement for registration, the clerk of the court of common 4609
pleas, municipal court, or county court shall place an 4610
endorsement of registration on the order or agreement and give 4611
the petitioner a copy of the order or agreement that bears that 4612
proof of registration. 4613

(3) The clerk of each court of common pleas, the clerk of 4614
each municipal court, and the clerk of each county court shall 4615
maintain a registry of certified copies of temporary protection 4616
orders, protection orders, or consent agreements that have been 4617
issued or approved by courts in other counties and that have 4618
been registered with the clerk. 4619

(O) Nothing in this section prohibits the domestic 4620
relations division of a court of common pleas in counties that 4621

have a domestic relations division or a court of common pleas in 4622
counties that do not have a domestic relations division from 4623
designating a minor child as a protected party on a protection 4624
order or consent agreement. 4625

Sec. 3119.01. (A) As used in the Revised Code, "child 4626
support enforcement agency" means a child support enforcement 4627
agency designated under former section 2301.35 of the Revised 4628
Code prior to October 1, 1997, or a private or government entity 4629
designated as a child support enforcement agency under section 4630
307.981 of the Revised Code. 4631

(B) As used in this chapter and Chapters 3121., 3123., and 4632
3125. of the Revised Code: 4633

(1) "Administrative child support order" means any order 4634
issued by a child support enforcement agency for the support of 4635
a child pursuant to section 3109.19 or 3111.81 of the Revised 4636
Code or former section 3111.211 of the Revised Code, section 4637
3111.21 of the Revised Code as that section existed prior to 4638
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 4639
Code as those sections existed prior to March 22, 2001. 4640

(2) "Child support order" means either a court child 4641
support order or an administrative child support order. 4642

(3) "Obligee" means the person who is entitled to receive 4643
the support payments under a support order. 4644

(4) "Obligor" means the person who is required to pay 4645
support under a support order. 4646

(5) "Support order" means either an administrative child 4647
support order or a court support order. 4648

(C) As used in this chapter: 4649

(1) "Cash medical support" means an amount ordered to be 4650
paid in a child support order toward the ordinary medical 4651
expenses incurred during a calendar year. 4652

(2) "Child care cost" means annual out-of-pocket costs for 4653
the care and supervision of a child or children subject to the 4654
order that is related to work or employment training. 4655

(3) "Court child support order" means any order issued by 4656
a court for the support of a child pursuant to Chapter 3115. of 4657
the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 4658
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 4659
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised 4660
Code, or division (B) of former section 3113.21 of the Revised 4661
Code. 4662

(4) "Court-ordered parenting time" means the amount of 4663
parenting time a parent is to have under a parenting time order 4664
or the amount of time the children are to be in the physical 4665
custody of a parent under a shared parenting order or parental 4666
rights and responsibilities order. 4667

(5) "Court support order" means either a court child 4668
support order or an order for the support of a spouse or former 4669
spouse issued pursuant to Chapter 3115. of the Revised Code, 4670
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 4671
division (B) of former section 3113.21 of the Revised Code. 4672

(6) "CPI-U" means the consumer price index for all urban 4673
consumers, published by the United States department of labor, 4674
bureau of labor statistics. 4675

(7) "Extraordinary medical expenses" means any uninsured 4676
medical expenses incurred for a child during a calendar year 4677
that exceed the total cash medical support amount owed by the 4678

parents during that year. 4679

(8) "Federal poverty level" has the same meaning as in 4680
section 5121.30 of the Revised Code. 4681

(9) "Income" means either of the following: 4682

(a) For a parent who is employed to full capacity, the 4683
gross income of the parent; 4684

(b) For a parent who is unemployed or underemployed, the 4685
sum of the gross income of the parent and any potential income 4686
of the parent. 4687

(10) "Income share" means the percentage derived from a 4688
comparison of each parent's annual income after allowable 4689
deductions and credits as indicated on the worksheet to the 4690
total annual income of both parents. 4691

(11) "Insurer" means any person authorized under Title 4692
XXXIX of the Revised Code to engage in the business of insurance 4693
in this state, any health insuring corporation, and any legal 4694
entity that is self-insured and provides benefits to its 4695
employees or members. 4696

(12) "Gross income" means, except as excluded in division 4697
(C)(12) of this section, the total of all earned and unearned 4698
income from all sources during a calendar year, whether or not 4699
the income is taxable, and includes income from salaries, wages, 4700
overtime pay, and bonuses to the extent described in division 4701
(D) of section 3119.05 of the Revised Code; commissions; 4702
royalties; tips; rents; dividends; severance pay; pensions; 4703
interest; trust income; annuities; social security benefits, 4704
including retirement, disability, and survivor benefits that are 4705
not means-tested; workers' compensation benefits; unemployment 4706
insurance benefits; disability insurance benefits; benefits that 4707

are not means-tested and that are received by and in the 4708
possession of the veteran who is the beneficiary for any 4709
service-connected disability under a program or law administered 4710
by the United States department of veterans' affairs or 4711
veterans' administration; spousal support actually received; and 4712
all other sources of income. "Gross income" includes income of 4713
members of any branch of the United States armed services or 4714
national guard, including, amounts representing base pay, basic 4715
allowance for quarters, basic allowance for subsistence, 4716
supplemental subsistence allowance, cost of living adjustment, 4717
specialty pay, variable housing allowance, and pay for training 4718
or other types of required drills; self-generated income; and 4719
potential cash flow from any source. 4720

"Gross income" does not include any of the following: 4721

(a) Benefits received from means-tested government 4722
administered programs, including Ohio works first; prevention, 4723
retention, and contingency; means-tested veterans' benefits; 4724
supplemental security income; supplemental nutrition assistance 4725
program; disability financial assistance; or other assistance 4726
for which eligibility is determined on the basis of income or 4727
assets; 4728

(b) Benefits for any service-connected disability under a 4729
program or law administered by the United States department of 4730
veterans' affairs or veterans' administration that are not 4731
means-tested, that have not been distributed to the veteran who 4732
is the beneficiary of the benefits, and that are in the 4733
possession of the United States department of veterans' affairs 4734
or veterans' administration; 4735

(c) Child support amounts received for children who are 4736
not included in the current calculation; 4737

(d) Amounts paid for mandatory deductions from wages such 4738
as union dues but not taxes, social security, or retirement in 4739
lieu of social security; 4740

(e) Nonrecurring or unsustainable income or cash flow 4741
items; 4742

(f) Adoption assistance, kinship guardianship assistance, 4743
and foster care maintenance payments made pursuant to Title IV-E 4744
of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 4745
(1980), as amended; 4746

(g) State kinship guardianship assistance described in 4747
section 5153.163 of the Revised Code and payment from the 4748
kinship support program described in section 5101.881 of the 4749
Revised Code. 4750

(13) "Nonrecurring or unsustainable income or cash flow 4751
item" means an income or cash flow item the parent receives in 4752
any year or for any number of years not to exceed three years 4753
that the parent does not expect to continue to receive on a 4754
regular basis. "Nonrecurring or unsustainable income or cash 4755
flow item" does not include a lottery prize award that is not 4756
paid in a lump sum or any other item of income or cash flow that 4757
the parent receives or expects to receive for each year for a 4758
period of more than three years or that the parent receives and 4759
invests or otherwise uses to produce income or cash flow for a 4760
period of more than three years. 4761

(14) "Ordinary medical expenses" includes copayments and 4762
deductibles, and uninsured medical-related costs for the 4763
children of the order. 4764

(15)(a) "Ordinary and necessary expenses incurred in 4765
generating gross receipts" means actual cash items expended by 4766

the parent or the parent's business and includes depreciation 4767
expenses of business equipment as shown on the books of a 4768
business entity. 4769

(b) Except as specifically included in "ordinary and 4770
necessary expenses incurred in generating gross receipts" by 4771
division (C) (15) (a) of this section, "ordinary and necessary 4772
expenses incurred in generating gross receipts" does not include 4773
depreciation expenses and other noncash items that are allowed 4774
as deductions on any federal tax return of the parent or the 4775
parent's business. 4776

(16) "Personal earnings" means compensation paid or 4777
payable for personal services, however denominated, and includes 4778
wages, salary, commissions, bonuses, draws against commissions, 4779
profit sharing, vacation pay, or any other compensation. 4780

(17) "Potential income" means both of the following for a 4781
parent who the court pursuant to a court support order, or a 4782
child support enforcement agency pursuant to an administrative 4783
child support order, determines is voluntarily unemployed or 4784
voluntarily underemployed: 4785

(a) Imputed income that the court or agency determines the 4786
parent would have earned if fully employed as determined from 4787
the following criteria: 4788

(i) The parent's prior employment experience; 4789

(ii) The parent's education; 4790

(iii) The parent's physical and mental disabilities, if 4791
any; 4792

(iv) The availability of employment in the geographic area 4793
in which the parent resides; 4794

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	4795 4796
(vi) The parent's special skills and training;	4797
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	4798 4799
(viii) The age and special needs of the child for whom child support is being calculated under this section;	4800 4801
(ix) The parent's increased earning capacity because of experience;	4802 4803
(x) The parent's decreased earning capacity because of a felony conviction;	4804 4805
(xi) Any other relevant factor.	4806
(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.	4807 4808 4809 4810 4811 4812
(18) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	4813 4814
(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,	4815 4816 4817 4818 4819 4820 4821 4822

and other benefits, if the reimbursements are significant and 4823
reduce personal living expenses. 4824

(20) "Self-sufficiency reserve" means the minimal amount 4825
necessary for an obligor to adequately subsist upon, as 4826
determined under section 3119.021 of the Revised Code. 4827

(21) "Split parental rights and responsibilities" means a 4828
situation in which there is more than one child who is the 4829
subject of an allocation of parental rights and responsibilities 4830
and each parent is the residential parent and legal custodian of 4831
at least one of those children. 4832

(22) "Worksheet" means the applicable worksheet created in 4833
rules adopted under section 3119.022 of the Revised Code that is 4834
used to calculate a parent's child support obligation. 4835

Sec. 3119.08. Whenever a court issues a child support 4836
order, it shall include in the order specific provisions for 4837
regular, holiday, vacation, parenting time, and special 4838
visitation in accordance with section ~~3109.051~~3109.0451, 4839
3109.0452, 3109.11, or 3109.12 of the Revised Code or in 4840
accordance with any other applicable section of the Revised 4841
Code. 4842

Sec. 3119.24. (A) (1) A court that issues a parental rights 4843
and responsibilities order or shared parenting order ~~in~~ 4844
~~accordance with section 3109.04 of the Revised Code~~ shall order 4845
an amount of child support to be paid under the child support 4846
order that is calculated in accordance with the schedule and 4847
with the worksheet, except that, if that amount would be unjust 4848
or inappropriate to the children or either parent and therefore 4849
not in the best interest of the child because of the 4850
extraordinary circumstances of the parents or because of any 4851

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 4881
arrearages are owed, the court may issue an order canceling that 4882
arrearage. Nothing in this section limits any actions that may 4883
be taken by the person or male minor granted relief under this 4884
section to recover support paid under the child support order 4885
from which relief was granted. 4886

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 4887
the Revised Code: 4888

(A) "Alternative public provider" means either of the 4889
following providers that agrees to enroll a child in the 4890
provider's special education program to implement the child's 4891
individualized education program and to which the eligible 4892
applicant owes fees for the services provided to the child: 4893

(1) A school district that is not the school district in 4894
which the child is entitled to attend school or the child's 4895
school district of residence, if different; 4896

(2) A public entity other than a school district. 4897

(B) "Child with a disability" and "individualized 4898
education program" have the same meanings as in section 3323.01 4899
of the Revised Code. 4900

(C) "Eligible applicant" means any of the following: 4901

(1) Either of the natural or adoptive parents of a 4902
qualified special education child, except as otherwise specified 4903
in this division. When the marriage of the natural or adoptive 4904
parents of the student has been terminated by a divorce, 4905
dissolution of marriage, or annulment, or when the natural or 4906
adoptive parents of the student are living separate and apart 4907
under a legal separation decree, and a court has issued an order 4908
allocating the parental rights and responsibilities with respect 4909

to the child, "eligible applicant" means the residential parent 4910
as designated by the court. If the court issues a shared 4911
parenting-decree_order_or_an_order_under_section_3109.0426_of 4912
the Revised Code, "eligible applicant" means either parent. 4913
"Eligible applicant" does not mean a parent whose custodial 4914
rights have been terminated. 4915

(2) The custodian of a qualified special education child, 4916
when a court has granted temporary, legal, or permanent custody 4917
of the child to an individual other than either of the natural 4918
or adoptive parents of the child or to a government agency; 4919

(3) The guardian of a qualified special education child, 4920
when a court has appointed a guardian for the child; 4921

(4) The grandparent of a qualified special education 4922
child, when the grandparent is the child's attorney in fact 4923
under a power of attorney executed under sections 3109.51 to 4924
3109.62 of the Revised Code or when the grandparent has executed 4925
a caretaker authorization affidavit under sections 3109.65 to 4926
3109.73 of the Revised Code; 4927

(5) The surrogate parent appointed for a qualified special 4928
education child pursuant to division (B) of section 3323.05 and 4929
section 3323.051 of the Revised Code; 4930

(6) A qualified special education child, if the child does 4931
not have a custodian or guardian and the child is at least 4932
eighteen years of age. 4933

(D) "Entitled to attend school" means entitled to attend 4934
school in a school district under sections 3313.64 and 3313.65 4935
of the Revised Code. 4936

(E) "Formula ADM" has the same meaning as in section 4937
3317.02 of the Revised Code. 4938

(F) "Qualified special education child" is a child for 4939
whom all of the following conditions apply: 4940

(1) The child is at least five years of age and less than 4941
twenty-two years of age. 4942

(2) The school district in which the child is entitled to 4943
attend school, or the child's school district of residence if 4944
different, has identified the child as a child with a 4945
disability. 4946

(3) The school district in which the child is entitled to 4947
attend school, or the child's school district of residence if 4948
different, has developed an individualized education program 4949
under Chapter 3323. of the Revised Code for the child. 4950

(4) The child either: 4951

(a) Was enrolled in the schools of the school district in 4952
which the child is entitled to attend school in any grade from 4953
kindergarten through twelve in the school year prior to the 4954
school year in which a scholarship is first sought for the 4955
child; 4956

(b) Is eligible to enter school in any grade kindergarten 4957
through twelve in the school district in which the child is 4958
entitled to attend school in the school year in which a 4959
scholarship is first sought for the child. 4960

(5) The department of education and workforce has not 4961
approved a scholarship for the child under the educational 4962
choice scholarship pilot program, under sections 3310.01 to 4963
3310.17 of the Revised Code, the autism scholarship program, 4964
under section 3310.41 of the Revised Code, or the pilot project 4965
scholarship program, under sections 3313.974 to 3313.979 of the 4966
Revised Code for the same school year in which a scholarship 4967

under the Jon Peterson special needs scholarship program is 4968
sought. 4969

(6) The child and the child's parents are in compliance 4970
with the state compulsory attendance law under Chapter 3321. of 4971
the Revised Code. 4972

(G) "Registered private provider" means a nonpublic school 4973
or other nonpublic entity that has been registered by the 4974
superintendent of public instruction under section 3310.58 of 4975
the Revised Code prior to ~~the effective date of this amendment~~ 4976
October 3, 2023, or the department of education and workforce on 4977
or after that date. 4978

(H) "Scholarship" means a scholarship awarded under the 4979
Jon Peterson special needs scholarship program pursuant to 4980
sections 3310.51 to 3310.64 of the Revised Code. 4981

(I) "School district of residence" has the same meaning as 4982
in section 3323.01 of the Revised Code. A community school 4983
established under Chapter 3314. of the Revised Code is not a 4984
"school district of residence" for purposes of sections 3310.51 4985
to 3310.64 of the Revised Code. 4986

(J) "School year" has the same meaning as in section 4987
3313.62 of the Revised Code. 4988

(K) "Special education program" means a school or facility 4989
that provides special education and related services to children 4990
with disabilities. 4991

Sec. 3313.98. Notwithstanding division (D) of section 4992
3311.19 and division (D) of section 3311.52 of the Revised Code, 4993
the provisions of this section and sections 3313.981 to 3313.983 4994
of the Revised Code that apply to a city school district do not 4995
apply to a joint vocational or cooperative education school 4996

district unless expressly specified.	4997
(A) As used in this section and sections 3313.981 to 3313.983 of the Revised Code:	4998
(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:	4999
(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:	5000
(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:	5001
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student,	5002
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student,	5003
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student,	5004
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student,	5005
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student,	5006
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student,	5007
"parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree <u>order or an order under section 3109.0426 of the Revised Code.</u>	5008
"parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree <u>order or an order under section 3109.0426 of the Revised Code.</u>	5009
"parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree <u>order or an order under section 3109.0426 of the Revised Code.</u>	5010
"parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree <u>order or an order under section 3109.0426 of the Revised Code.</u>	5011
(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student,	5012
(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student,	5013
(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student,	5014
"parent" means the legal custodian of the child.	5015
(c) When a court has appointed a guardian for the student,	5016
"parent" means the guardian of the student.	5017
(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.	5018
(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.	5019
(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.	5020
(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.	5021
(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.	5022
(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.	5023
(4) "Adjacent district student" means a student entitled	5024

under section 3313.64 or 3313.65 of the Revised Code to attend 5025
school in an adjacent district. 5026

(5) "Adjacent district joint vocational student" means an 5027
adjacent district student who enrolls in a city, exempted 5028
village, or local school district pursuant to this section and 5029
who also enrolls in a joint vocational school district that does 5030
not contain the territory of the district for which that student 5031
is a native student and does contain the territory of the city, 5032
exempted village, or local district in which the student 5033
enrolls. 5034

(6) "Poverty line" means the poverty line established by 5035
the director of the United States office of management and 5036
budget as revised by the secretary of health and human services 5037
in accordance with section 673(2) of the "Community Services 5038
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 5039

(7) "IEP" has the same meaning as in section 3323.01 of 5040
the Revised Code. 5041

(8) "Other district" means a city, exempted village, or 5042
local school district having territory outside of the territory 5043
of a district adopting a resolution under this section. 5044

(9) "Other district student" means a student entitled 5045
under section 3313.64 or 3313.65 of the Revised Code to attend 5046
school in an other district. 5047

(10) "Other district joint vocational student" means a 5048
student who is enrolled in any city, exempted village, or local 5049
school district and who also enrolls in a joint vocational 5050
school district that does not contain the territory of the 5051
district for which that student is a native student in 5052
accordance with a policy adopted under section 3313.983 of the 5053

Revised Code. 5054

(B) (1) The board of education of each city, local, and 5055
exempted village school district shall adopt a resolution 5056
establishing for the school district one of the following 5057
policies: 5058

(a) A policy that entirely prohibits the enrollment of 5059
students from adjacent districts or other districts, other than 5060
students for whom tuition is paid in accordance with section 5061
3317.08 of the Revised Code; 5062

(b) A policy that permits enrollment of students from all 5063
adjacent districts in accordance with policy statements 5064
contained in the resolution; 5065

(c) A policy that permits enrollment of students from all 5066
other districts in accordance with policy statements contained 5067
in the resolution. 5068

(2) A policy permitting enrollment of students from 5069
adjacent or from other districts, as applicable, shall provide 5070
for all of the following: 5071

(a) Application procedures, including deadlines for 5072
application and for notification of students and the 5073
superintendent of the applicable district whenever an adjacent 5074
or other district student's application is approved. 5075

(b) Procedures for admitting adjacent or other district 5076
applicants free of any tuition obligation to the district's 5077
schools, including, but not limited to: 5078

(i) The establishment of district capacity limits by grade 5079
level, school building, and education program; 5080

(ii) A requirement that all native students wishing to be 5081

enrolled in the district will be enrolled and that any adjacent 5082
or other district students previously enrolled in the district 5083
shall receive preference over first-time applicants; 5084

(iii) Procedures to ensure that an appropriate racial 5085
balance is maintained in the district schools. 5086

(C) Except as provided in section 3313.982 of the Revised 5087
Code, the procedures for admitting adjacent or other district 5088
students, as applicable, shall not include: 5089

(1) Any requirement of academic ability, or any level of 5090
athletic, artistic, or other extracurricular skills; 5091

(2) Limitations on admitting applicants because of 5092
disability, except that a board may refuse to admit a student 5093
receiving services under Chapter 3323. of the Revised Code, if 5094
the services described in the student's IEP are not available in 5095
the district's schools; 5096

(3) A requirement that the student be proficient in the 5097
English language; 5098

(4) Rejection of any applicant because the student has 5099
been subject to disciplinary proceedings, except that if an 5100
applicant has been suspended or expelled by the student's 5101
district for ten consecutive days or more in the term for which 5102
admission is sought or in the term immediately preceding the 5103
term for which admission is sought, the procedures may include a 5104
provision denying admission of such applicant. 5105

(D) (1) Each school board permitting only enrollment of 5106
adjacent district students shall provide information about the 5107
policy adopted under this section, including the application 5108
procedures and deadlines, to the superintendent and the board of 5109
education of each adjacent district and, upon request, to the 5110

parent of any adjacent district student. 5111

(2) Each school board permitting enrollment of other 5112
district students shall provide information about the policy 5113
adopted under this section, including the application procedures 5114
and deadlines, upon request, to the board of education of any 5115
other school district or to the parent of any student anywhere 5116
in the state. 5117

(E) Any school board shall accept all credits toward 5118
graduation earned in adjacent or other district schools by an 5119
adjacent or other district student or a native student. 5120

(F) (1) No board of education may adopt a policy 5121
discouraging or prohibiting its native students from applying to 5122
enroll in the schools of an adjacent or any other district that 5123
has adopted a policy permitting such enrollment, except that: 5124

(a) A district may object to the enrollment of a native 5125
student in an adjacent or other district in order to maintain an 5126
appropriate racial balance. 5127

(b) The board of education of a district receiving funds 5128
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 5129
may adopt a resolution objecting to the enrollment of its native 5130
students in adjacent or other districts if at least ten per cent 5131
of its students are included in the determination of the United 5132
States secretary of education made under section 20 U.S.C.A. 5133
238(a). 5134

(2) If a board objects to enrollment of native students 5135
under this division, any adjacent or other district shall refuse 5136
to enroll such native students unless tuition is paid for the 5137
students in accordance with section 3317.08 of the Revised Code. 5138
An adjacent or other district enrolling such students may not 5139

receive funding for those students in accordance with section 5140
3313.981 of the Revised Code. 5141

(G) The department of education and workforce shall 5142
monitor school districts to ensure compliance with this section 5143
and the districts' policies. The department may adopt rules 5144
requiring uniform application procedures, deadlines for 5145
application, notification procedures, and record-keeping 5146
requirements for all school boards that adopt policies 5147
permitting the enrollment of adjacent or other district 5148
students, as applicable. If the department adopts such rules, no 5149
school board shall adopt a policy that conflicts with those 5150
rules. 5151

(H) A resolution adopted by a board of education under 5152
this section that entirely prohibits the enrollment of students 5153
from adjacent and from other school districts does not abrogate 5154
any agreement entered into under section 3313.841 or 3313.92 of 5155
the Revised Code or any contract entered into under section 5156
3313.90 of the Revised Code between the board of education 5157
adopting the resolution and the board of education of any 5158
adjacent or other district or prohibit these boards of education 5159
from entering into any such agreement or contract. 5160

(I) Nothing in this section shall be construed to permit 5161
or require the board of education of a city, exempted village, 5162
or local school district to exclude any native student of the 5163
district from enrolling in the district. 5164

Sec. 3319.321. (A) No person shall release, or permit 5165
access to, the directory information concerning any students 5166
attending a public school to any person or group for use in a 5167
profit-making plan or activity. Notwithstanding division (B) (4) 5168
of section 149.43 of the Revised Code, a person may require 5169

disclosure of the requestor's identity or the intended use of 5170
the directory information concerning any students attending a 5171
public school to ascertain whether the directory information is 5172
for use in a profit-making plan or activity. 5173

(B) No person shall release, or permit access to, 5174
personally identifiable information other than directory 5175
information concerning any student attending a public school, 5176
for purposes other than those identified in division (C), (E), 5177
(G), or (H) of this section, without the written consent of the 5178
parent, guardian, or custodian of each such student who is less 5179
than eighteen years of age, or without the written consent of 5180
each such student who is eighteen years of age or older. 5181

(1) For purposes of this section, "directory information" 5182
includes a student's name, address, telephone listing, date and 5183
place of birth, major field of study, participation in 5184
officially recognized activities and sports, weight and height 5185
of members of athletic teams, dates of attendance, date of 5186
graduation, and awards received. 5187

(2) (a) Except as provided in division (B) (2) (b) of this 5188
section, no school district board of education shall impose any 5189
restriction on the presentation of directory information that it 5190
has designated as subject to release in accordance with the 5191
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 5192
571, 20 U.S.C. 1232q, as amended, to representatives of the 5193
armed forces, business, industry, charitable institutions, other 5194
employers, and institutions of higher education unless such 5195
restriction is uniformly imposed on each of these types of 5196
representatives, except that if a student eighteen years of age 5197
or older or a student's parent, guardian, or custodian has 5198
informed the board that any or all such information should not 5199

be released without such person's prior written consent, the 5200
board shall not release that information without such person's 5201
prior written consent. 5202

(b) The names and addresses of students in grades ten 5203
through twelve shall be released to a recruiting officer for any 5204
branch of the United States armed forces who requests such 5205
information, except that such data shall not be released if the 5206
student or student's parent, guardian, or custodian submits to 5207
the board a written request not to release such data. Any data 5208
received by a recruiting officer shall be used solely for the 5209
purpose of providing information to students regarding military 5210
service and shall not be released to any person other than 5211
individuals within the recruiting services of the armed forces. 5212

(3) Except for directory information and except as 5213
provided in division (E), (G), or (H) of this section, 5214
information covered by this section that is released shall only 5215
be transferred to a third or subsequent party on the condition 5216
that such party will not permit any other party to have access 5217
to such information without written consent of the parent, 5218
guardian, or custodian, or of the student who is eighteen years 5219
of age or older. 5220

(4) Except as otherwise provided in this section, any 5221
parent of a student may give the written parental consent 5222
required under this section. Where parents are separated or 5223
divorced, the written parental consent required under this 5224
section may be obtained from either parent, subject to any 5225
agreement between such parents or court order governing the 5226
rights of such parents. In the case of a student whose legal 5227
guardian is in an institution, a person independent of the 5228
institution who has no other conflicting interests in the case 5229

shall be appointed by the board of education of the school 5230
district in which the institution is located to give the written 5231
parental consent required under this section. 5232

(5) (a) A parent of a student who is not the student's 5233
residential parent, upon request, shall be permitted access to 5234
any records or information concerning the student under the same 5235
terms and conditions under which access to the records or 5236
information is available to the residential parent of that 5237
student, provided that the access of the parent who is not the 5238
residential parent is subject to any agreement between the 5239
parents, to division (F) of this section, and, to the extent 5240
described in division (B) (5) (b) of this section, is subject to 5241
~~any court~~ a parenting time order issued pursuant to section 5242
~~3109.051-3109.0451~~ of the Revised Code and any other court order 5243
governing the rights of the parents. 5244

(b) If the residential parent of a student has presented 5245
the keeper of a record or information that is related to the 5246
student with a copy of an order issued under ~~division (H) (1) of~~ 5247
~~section 3109.051-3109.0461~~ of the Revised Code that limits the 5248
terms and conditions under which the parent who is not the 5249
residential parent of the student is to have access to records 5250
and information pertaining to the student or with a copy of any 5251
other court order governing the rights of the parents that so 5252
limits those terms and conditions, and if the order pertains to 5253
the record or information in question, the keeper of the record 5254
or information shall provide access to the parent who is not the 5255
residential parent only to the extent authorized in the order. 5256
If the residential parent has presented the keeper of the record 5257
or information with such an order, the keeper of the record 5258
shall permit the parent who is not the residential parent to 5259
have access to the record or information only in accordance with 5260

the most recent such order that has been presented to the keeper 5261
by the residential parent or the parent who is not the 5262
residential parent. 5263

(C) Nothing in this section shall limit the administrative 5264
use of public school records by a person acting exclusively in 5265
the person's capacity as an employee of a board of education or 5266
of the state or any of its political subdivisions, any court, or 5267
the federal government, and nothing in this section shall 5268
prevent the transfer of a student's record to an educational 5269
institution for a legitimate educational purpose. However, 5270
except as provided in this section, public school records shall 5271
not be released or made available for any other purpose. 5272
Fingerprints, photographs, or records obtained pursuant to 5273
section 3313.96 or 3319.322 of the Revised Code, or pursuant to 5274
division (E) of this section, or any medical, psychological, 5275
guidance, counseling, or other information that is derived from 5276
the use of the fingerprints, photographs, or records, shall not 5277
be admissible as evidence against the minor who is the subject 5278
of the fingerprints, photographs, or records in any proceeding 5279
in any court. The provisions of this division regarding the 5280
administrative use of records by an employee of the state or any 5281
of its political subdivisions or of a court or the federal 5282
government shall be applicable only when the use of the 5283
information is required by a state statute adopted before 5284
November 19, 1974, or by federal law. 5285

(D) A board of education may require, subject to division 5286
(E) of this section, a person seeking to obtain copies of public 5287
school records to pay the cost of reproduction and, in the case 5288
of data released under division (B)(2)(b) of this section, to 5289
pay for any mailing costs, which payment shall not exceed the 5290
actual cost to the school. 5291

(E) A principal or chief administrative officer of a 5292
public school, or any employee of a public school who is 5293
authorized to handle school records, shall provide access to a 5294
student's records to a law enforcement officer who indicates 5295
that the officer is conducting an investigation and that the 5296
student is or may be a missing child, as defined in section 5297
2901.30 of the Revised Code. Free copies of information in the 5298
student's record shall be provided, upon request, to the law 5299
enforcement officer, if prior approval is given by the student's 5300
parent, guardian, or legal custodian. Information obtained by 5301
the officer shall be used solely in the investigation of the 5302
case. The information may be used by law enforcement agency 5303
personnel in any manner that is appropriate in solving the case, 5304
including, but not limited to, providing the information to 5305
other law enforcement officers and agencies and to the bureau of 5306
criminal identification and investigation for purposes of 5307
computer integration pursuant to section 2901.30 of the Revised 5308
Code. 5309

(F) No person shall release to a parent of a student who 5310
is not the student's residential parent or to any other person, 5311
or permit a parent of a student who is not the student's 5312
residential parent or permit any other person to have access to, 5313
any information about the location of any elementary or 5314
secondary school to which a student has transferred or 5315
information that would enable the parent who is not the 5316
student's residential parent or the other person to determine 5317
the location of that elementary or secondary school, if the 5318
elementary or secondary school to which the student has 5319
transferred and that requested the records of the student under 5320
section 3313.672 of the Revised Code informs the elementary or 5321
secondary school from which the student's records are obtained 5322

that the student is under the care of a shelter for victims of 5323
domestic violence, as defined in section 3113.33 of the Revised 5324
Code. 5325

(G) A principal or chief administrative officer of a 5326
public school, or any employee of a public school who is 5327
authorized to handle school records, shall comply with any order 5328
issued pursuant to division (D)(1) of section 2151.14 of the 5329
Revised Code, any request for records that is properly made 5330
pursuant to division (D)(3)(a) of section 2151.14 or division 5331
(A) of section 2151.141 of the Revised Code, and any 5332
determination that is made by a court pursuant to division (D) 5333
(3)(b) of section 2151.14 or division (B)(1) of section 2151.141 5334
of the Revised Code. 5335

(H) Notwithstanding any provision of this section, a 5336
principal of a public school, to the extent permitted by the 5337
"Family Educational Rights and Privacy Act of 1974," shall make 5338
the report required in section 3319.45 of the Revised Code that 5339
a pupil committed any violation listed in division (A) of 5340
section 3313.662 of the Revised Code on property owned or 5341
controlled by, or at an activity held under the auspices of, the 5342
board of education, regardless of whether the pupil was sixteen 5343
years of age or older. The principal is not required to obtain 5344
the consent of the pupil who is the subject of the report or the 5345
consent of the pupil's parent, guardian, or custodian before 5346
making a report pursuant to section 3319.45 of the Revised Code. 5347

Sec. 3333.26. (A) Any citizen of this state who has 5348
resided within the state for one year, who was in the active 5349
service of the United States as a soldier, sailor, nurse, or 5350
marine between September 1, 1939, and September 2, 1945, and who 5351
has been honorably discharged from that service, shall be 5352

admitted to any school, college, or university that receives 5353
state funds in support thereof, without being required to pay 5354
any tuition or matriculation fee, but is not relieved from the 5355
payment of laboratory or similar fees. 5356

(B) (1) As used in this section: 5357

(a) "Volunteer firefighter" has the meaning as in division 5358
(B) (1) of section 146.01 of the Revised Code. 5359

(b) "Public service officer" means an Ohio firefighter, 5360
volunteer firefighter, police officer, member of the state 5361
highway patrol, employee designated to exercise the powers of 5362
police officers pursuant to section 1545.13 of the Revised Code, 5363
or other peace officer as defined by division (B) of section 5364
2935.01 of the Revised Code, or a person holding any equivalent 5365
position in another state. 5366

(c) "Qualified former spouse" means the former spouse of a 5367
public service officer, or of a member of the armed services of 5368
the United States, who is the custodial parent of a minor child 5369
of that marriage pursuant to an order allocating the parental 5370
rights and responsibilities for care of the child issued 5371
pursuant to section ~~3109.04~~ 3109.0412, 3109.0413, 3109.0424, 5372
3109.0425, or 3109.0426 of the Revised Code. 5373

(d) "Operation enduring freedom" means that period of 5374
conflict which began October 7, 2001, and ends on a date 5375
declared by the president of the United States or the congress. 5376

(e) "Operation Iraqi freedom" means that period of 5377
conflict which began March 20, 2003, and ends on a date declared 5378
by the president of the United States or the congress. 5379

(f) "Combat zone" means an area that the president of the 5380
United States by executive order designates, for purposes of 26 5381

U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat.

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

A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans and severely disabled veterans' children scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans and severely disabled veterans' children scholarship board reduces the percentage of tuition covered by a war orphans and severely disabled veterans' children scholarship below one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division for a child of a member of the armed services of the United States killed in the line of duty during operation enduring

freedom or operation Iraqi freedom shall be reduced by the same 5413
percentage. 5414

(3) Subject to division (D) of this section, any resident 5415
of this state who is the spouse or qualified former spouse of a 5416
public service officer killed in the line of duty, and who is 5417
admitted to any state university or college as defined in 5418
division (A)(1) of section 3345.12 of the Revised Code, 5419
community college, state community college, university branch, 5420
or technical college, shall not be required to pay any tuition 5421
or any student fee for up to four academic years of education, 5422
which shall be at the undergraduate level, or a certificate 5423
program as prescribed under division (E) of this section. 5424

(4) Any resident of this state who is the spouse or 5425
qualified former spouse of a member of the armed services of the 5426
United States killed in the line of duty while serving in a 5427
combat zone after May 7, 1975, and who is admitted to any state 5428
university or college as defined in division (A)(1) of section 5429
3345.12 of the Revised Code, community college, state community 5430
college, university branch, or technical college, shall not be 5431
required to pay any tuition or any student fee for up to four 5432
years of academic education, which shall be at the undergraduate 5433
level, or a certificate program as prescribed under division (E) 5434
of this section. In order to qualify under division (B)(4) of 5435
this section, the spouse or qualified former spouse shall have 5436
been a resident of this state at the time the member was killed 5437
in the line of duty. 5438

(C) Any institution that is not subject to division (B) of 5439
this section and that holds a valid certificate of registration 5440
issued under Chapter 3332. of the Revised Code, a valid 5441
certificate issued under Chapter 4709. of the Revised Code, or a 5442

valid license issued under Chapter 4713. of the Revised Code, or 5443
that is nonprofit and has a certificate of authorization issued 5444
under section 1713.02 of the Revised Code, or that is a private 5445
institution exempt from regulation under Chapter 3332. of the 5446
Revised Code as prescribed in section 3333.046 of the Revised 5447
Code, which reduces tuition and student fees of a student who is 5448
eligible to attend an institution of higher education under the 5449
provisions of division (B) of this section by an amount 5450
indicated by the chancellor of higher education shall be 5451
eligible to receive a grant in that amount from the chancellor. 5452

Each institution that enrolls students under division (B) 5453
of this section shall report to the chancellor, by the first day 5454
of July of each year, the number of students who were so 5455
enrolled and the average amount of all such tuition and student 5456
fees waived during the preceding year. The chancellor shall 5457
determine the average amount of all such tuition and student 5458
fees waived during the preceding year. The average amount of the 5459
tuition and student fees waived under division (B) of this 5460
section during the preceding year shall be the amount of grants 5461
that participating institutions shall receive under this 5462
division during the current year, but no grant under this 5463
division shall exceed the tuition and student fees due and 5464
payable by the student prior to the reduction referred to in 5465
this division. The grants shall be made for two certificate 5466
programs or four years of undergraduate education of an eligible 5467
student. 5468

(D) Notwithstanding anything to the contrary in section 5469
3333.31 of the Revised Code, for the purposes of divisions (B) 5470
(2) and (3) of this section, the child, spouse, or qualified 5471
former spouse of a public service officer or a member of the 5472
armed services of the United States killed in the line of duty 5473

shall be considered a resident of this state for the purposes of 5474
this section if the child, spouse, or qualified former spouse 5475
was a resident of this state at the time that the public service 5476
officer or member of the armed services was killed. 5477

However, no child, spouse, or qualified former spouse of a 5478
public service officer or a member of the armed services of the 5479
United States killed in the line of duty shall be required to be 5480
a resident of this state at the time the public service officer 5481
or member of the armed services of the United States was killed 5482
in order to receive benefits under divisions (B) (2) and (3) of 5483
this section. 5484

(E) A child, spouse, or qualified former spouse of a 5485
public service officer or a member of the armed services killed 5486
in the line of duty shall receive benefits for a certificate 5487
program in accordance with division (B) or (C) of this section, 5488
except that a particular child, spouse, or qualified former 5489
spouse shall not receive benefits for: 5490

(1) More than two certificate programs; 5491

(2) A total number of academic credits or instructional 5492
hours equivalent to more than four academic years; 5493

(3) For any particular academic year, an amount that is 5494
greater than eight thousand dollars. 5495

Sec. 3796.24. (A) The holder of a license, as defined in 5496
section 4776.01 of the Revised Code, is not subject to 5497
professional disciplinary action solely for engaging in 5498
professional or occupational activities related to medical 5499
marijuana. 5500

(B) Unless there is clear and convincing evidence that a 5501
child is unsafe, the use, possession, or administration of 5502

medical marijuana in accordance with this chapter shall not be 5503
the sole or primary basis for any of the following: 5504

(1) An adjudication under section 2151.28 of the Revised 5505
Code determining that a child is an abused, neglected, or 5506
dependent child; 5507

(2) An allocation of parental rights and responsibilities 5508
under section ~~3109.04~~ 3109.0412, 3109.0413, 3109.0424, 5509
3109.0425, or 3109.0426 of the Revised Code; 5510

(3) A parenting time order under section ~~3109.051~~ 5511
3109.0451 or 3109.12 of the Revised Code. 5512

(C) Notwithstanding any conflicting provision of the 5513
Revised Code, the use or possession of medical marijuana in 5514
accordance with this chapter shall not be used as a reason for 5515
disqualifying a patient from medical care or from including a 5516
patient on a transplant waiting list. 5517

(D) Notwithstanding any conflicting provision of the 5518
Revised Code, the use, possession, administration, cultivation, 5519
processing, testing, or dispensing of medical marijuana in 5520
accordance with this chapter shall not be used as the sole or 5521
primary reason for taking action under any criminal or civil 5522
statute in the forfeiture or seizure of any property or asset. 5523

(E) Notwithstanding any conflicting provision of the 5524
Revised Code, a person's status as a registered patient or 5525
caregiver is not a sufficient basis for conducting a field 5526
sobriety test on the person or for suspending the person's 5527
driver's license. To conduct any field sobriety test, a law 5528
enforcement officer must have an independent, factual basis 5529
giving reasonable suspicion that the person is operating a 5530
vehicle under the influence of marijuana or with a prohibited 5531

concentration of marijuana in the person's whole blood, blood 5532
serum, plasma, breath, or urine. 5533

(F) Notwithstanding any conflicting provision of the 5534
Revised Code, a person's status as a registered patient or 5535
caregiver shall not be used as the sole or primary basis for 5536
rejecting the person as a tenant unless the rejection is 5537
required by federal law. 5538

(G) This chapter does not do any of the following: 5539

(1) Require a physician to recommend that a patient use 5540
medical marijuana to treat a qualifying medical condition; 5541

(2) Permit the use, possession, or administration of 5542
medical marijuana other than as authorized by this chapter; 5543

(3) Permit the use, possession, or administration of 5544
medical marijuana on federal land located in this state; 5545

(4) Require any public place to accommodate a registered 5546
patient's use of medical marijuana; 5547

(5) Prohibit any public place from accommodating a 5548
registered patient's use of medical marijuana; 5549

(6) Restrict research related to marijuana conducted at a 5550
state university, academic medical center, or private research 5551
and development organization as part of a research protocol 5552
approved by an institutional review board or equivalent entity. 5553

Sec. 5104.039. (A) Any parent who is the residential 5554
parent and legal custodian of a child enrolled in a child care 5555
center and any custodian or guardian of such a child shall be 5556
permitted unlimited access to the center during its hours of 5557
operation for the purposes of contacting their children, 5558
evaluating the care provided by the center, evaluating the 5559

premises of the center, or for other purposes approved by the 5560
director. A parent of a child enrolled in a child care center 5561
who is not the child's residential parent shall be permitted 5562
unlimited access to the center during its hours of operation for 5563
those purposes under the same terms and conditions under which 5564
the residential parent of that child is permitted access to the 5565
center for those purposes. However, the access of the parent who 5566
is not the residential parent is subject to any agreement 5567
between the parents and, to the extent described in division (B) 5568
of this section, is subject to any terms and conditions limiting 5569
the right of access of the parent who is not the residential 5570
parent, as described in ~~division (I) of section 3109.051~~ 5571
3109.0462 of the Revised Code, that are contained in a parenting 5572
time order or decree issued under that section, section 3109.12 5573
of the Revised Code, or any other provision of the Revised Code. 5574

(B) If a parent who is the residential parent of a child 5575
has presented the administrator or the administrator's designee 5576
with a copy of a parenting time order that limits the terms and 5577
conditions under which the parent who is not the residential 5578
parent is to have access to the center, as described in ~~division~~ 5579
~~(I) of section 3109.051~~ 3109.0462 of the Revised Code, the 5580
parent who is not the residential parent shall be provided 5581
access to the center only to the extent authorized in the order. 5582
If the residential parent has presented such an order, the 5583
parent who is not the residential parent shall be permitted 5584
access to the center only in accordance with the most recent 5585
order that has been presented to the administrator or the 5586
administrator's designee by the residential parent or the parent 5587
who is not the residential parent. 5588

(C) Upon entering the premises pursuant to division (A) or 5589
(B) of this section, the parent who is the residential parent 5590

and legal custodian, the parent who is not the residential 5591
parent, or the custodian or guardian shall notify the 5592
administrator or the administrator's designee of the parent's, 5593
custodian's, or guardian's presence. 5594

Sec. 5120.653. An inmate's participation in the prison 5595
nursery program may be terminated by the department of 5596
rehabilitation and correction if one of the following occurs: 5597

(A) The inmate fails to comply with the agreement entered 5598
into under division (A) of section 5120.652 of the Revised Code. 5599

(B) The inmate's child becomes seriously ill, cannot meet 5600
medical criteria established by the department of rehabilitation 5601
and correction for the program, or otherwise cannot safely 5602
participate in the program. 5603

(C) A court issues an order that designates a person other 5604
than the inmate as the child's residential parent and legal 5605
custodian. 5606

(D) A juvenile court, in an action brought pursuant to 5607
division (A) (2) of section 2151.23 of the Revised Code, grants 5608
custody of the child to a person other than the inmate. 5609

(E) ~~An A shared parenting order or order under section~~ 5610
~~3109.0426 of the Revised Code is issued pursuant to section~~ 5611
~~3109.04 of the Revised Code granting shared parenting of~~ 5612
~~regarding the child.~~ 5613

(F) An order of disposition regarding the child is issued 5614
pursuant to division (A) (2), (3), or (4) of section 2151.353 of 5615
the Revised Code granting temporary, permanent, or legal custody 5616
of the child to a person, other than the inmate, or to a public 5617
children services agency or private child placing agency. 5618

(G) The inmate is released from imprisonment. 5619

Sec. 5153.16. (A) Except as provided in section 2151.422 5620
of the Revised Code, in accordance with rules adopted under 5621
section 5153.166 of the Revised Code, and on behalf of children 5622
in the county whom the public children services agency considers 5623
to be in need of public care or protective services, the public 5624
children services agency shall do all of the following: 5625

(1) Make an investigation concerning any child alleged to 5626
be an abused, neglected, or dependent child; 5627

(2) Enter into agreements with the parent, guardian, or 5628
other person having legal custody of any child, or with the 5629
department of job and family services, department of mental 5630
health and addiction services, department of developmental 5631
disabilities, other department, any certified organization 5632
within or outside the county, or any agency or institution 5633
outside the state, having legal custody of any child, with 5634
respect to the custody, care, or placement of any child, or with 5635
respect to any matter, in the interests of the child, provided 5636
the permanent custody of a child shall not be transferred by a 5637
parent to the public children services agency without the 5638
consent of the juvenile court; 5639

(3) Enter into a contract with an agency providing 5640
prevention services in an effort to prevent neglect or abuse, to 5641
enhance a child's welfare, and to preserve the family unit 5642
intact. 5643

(4) Accept custody of children committed to the public 5644
children services agency by a court exercising juvenile 5645
jurisdiction; 5646

(5) Provide such care as the public children services 5647

agency considers to be in the best interests of any child 5648
adjudicated to be an abused, neglected, or dependent child the 5649
agency finds to be in need of public care or service; 5650

(6) Provide social services to any unmarried girl 5651
adjudicated to be an abused, neglected, or dependent child who 5652
is pregnant with or has been delivered of a child; 5653

(7) Make available to the children with medical handicaps 5654
program of the department of health at its request any 5655
information concerning a child with a disability found to be in 5656
need of treatment under sections 3701.021 to 3701.028 of the 5657
Revised Code who is receiving services from the public children 5658
services agency; 5659

(8) Provide temporary emergency care for any child 5660
considered by the public children services agency to be in need 5661
of such care, without agreement or commitment; 5662

(9) Find certified foster homes, within or outside the 5663
county, for the care of children, including children with 5664
disabilities from other counties attending special schools in 5665
the county; 5666

(10) Subject to the approval of the board of county 5667
commissioners and the state department of job and family 5668
services, establish and operate a training school or enter into 5669
an agreement with any municipal corporation or other political 5670
subdivision of the county respecting the operation, acquisition, 5671
or maintenance of any children's home, training school, or other 5672
institution for the care of children maintained by such 5673
municipal corporation or political subdivision; 5674

(11) Acquire and operate a county children's home, 5675
establish, maintain, and operate a receiving home for the 5676

temporary care of children, or procure certified foster homes 5677
for this purpose; 5678

(12) Enter into an agreement with the trustees of any 5679
district children's home, respecting the operation of the 5680
district children's home in cooperation with the other county 5681
boards in the district; 5682

(13) Cooperate with, make its services available to, and 5683
act as the agent of persons, courts, the department of job and 5684
family services, the department of health, and other 5685
organizations within and outside the state, in matters relating 5686
to the welfare of children, except that the public children 5687
services agency shall not be required to provide supervision of 5688
or other services related to the exercise of parenting time 5689
rights granted pursuant to section ~~3109.051~~3109.0451 or 3109.12 5690
of the Revised Code or companionship or visitation rights 5691
granted pursuant to section ~~3109.051~~3109.0452, 3109.11, or 5692
3109.12 of the Revised Code unless a juvenile court, pursuant to 5693
Chapter 2151. of the Revised Code, or a common pleas court, 5694
pursuant to division (E) (6) of section 3113.31 of the Revised 5695
Code, requires the provision of supervision or other services 5696
related to the exercise of the parenting time rights or 5697
companionship or visitation rights; 5698

(14) Make investigations at the request of any 5699
superintendent of schools in the county or the principal of any 5700
school concerning the application of any child adjudicated to be 5701
an abused, neglected, or dependent child for release from 5702
school, where such service is not provided through a school 5703
attendance department; 5704

(15) Administer funds provided under Title IV-E of the 5705
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 5706

amended, in accordance with rules adopted under section 5101.141 5707
of the Revised Code; 5708

(16) In addition to administering Title IV-E adoption 5709
assistance funds, enter into agreements to make adoption 5710
assistance payments under section 5153.163 of the Revised Code; 5711

(17) Implement a system of safety and risk assessment, in 5712
accordance with rules adopted by the director of job and family 5713
services, to assist the public children services agency in 5714
determining the risk of abuse or neglect to a child; 5715

(18) Enter into a plan of cooperation with the board of 5716
county commissioners under section 307.983 of the Revised Code 5717
and comply with each fiscal agreement the board enters into 5718
under section 307.98 of the Revised Code that include family 5719
services duties of public children services agencies and 5720
contracts the board enters into under sections 307.981 and 5721
307.982 of the Revised Code that affect the public children 5722
services agency; 5723

(19) Make reasonable efforts to prevent the removal of an 5724
alleged or adjudicated abused, neglected, or dependent child 5725
from the child's home, eliminate the continued removal of the 5726
child from the child's home, or make it possible for the child 5727
to return home safely, except that reasonable efforts of that 5728
nature are not required when a court has made a determination 5729
under division (A) (2) of section 2151.419 of the Revised Code; 5730

(20) Make reasonable efforts to place the child in a 5731
timely manner in accordance with the permanency plan approved 5732
under division (E) of section 2151.417 of the Revised Code and 5733
to complete whatever steps are necessary to finalize the 5734
permanent placement of the child; 5735

(21) Administer a Title IV-A program identified under 5736
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 5737
that the department of job and family services provides for the 5738
public children services agency to administer under the 5739
department's supervision pursuant to section 5101.801 of the 5740
Revised Code; 5741

(22) Administer the kinship permanency incentive program 5742
created under section 5101.802 of the Revised Code under the 5743
supervision of the director of job and family services; 5744

(23) Provide independent living services pursuant to 5745
sections 2151.81 to 2151.84 of the Revised Code; 5746

(24) File a missing child report with a local law 5747
enforcement agency upon becoming aware that a child in the 5748
custody of the public children services agency is or may be 5749
missing. 5750

(B) The public children services agency shall use the 5751
system implemented pursuant to division (A) (17) of this section 5752
in connection with an investigation undertaken pursuant to 5753
division (G) (1) of section 2151.421 of the Revised Code to 5754
assess both of the following: 5755

(1) The ongoing safety of the child; 5756

(2) The appropriateness of the intensity and duration of 5757
the services provided to meet child and family needs throughout 5758
the duration of a case. 5759

(C) Except as provided in section 2151.422 of the Revised 5760
Code, in accordance with rules of the director of job and family 5761
services, and on behalf of children in the county whom the 5762
public children services agency considers to be in need of 5763
public care or protective services, the public children services 5764

agency may do the following: 5765

(1) Provide or find, with other child serving systems, 5766
specialized foster care for the care of children in a 5767
specialized foster home, as defined in section 5103.02 of the 5768
Revised Code, certified under section 5103.03 of the Revised 5769
Code; 5770

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 5771
this section, contract with the following for the purpose of 5772
assisting the agency with its duties: 5773

(i) County departments of job and family services; 5774

(ii) Boards of alcohol, drug addiction, and mental health 5775
services; 5776

(iii) County boards of developmental disabilities; 5777

(iv) Regional councils of political subdivisions 5778
established under Chapter 167. of the Revised Code; 5779

(v) Private and government providers of services; 5780

(vi) Managed care organizations and prepaid health plans. 5781

(b) A public children services agency contract under 5782
division (C) (2) (a) of this section regarding the agency's duties 5783
under section 2151.421 of the Revised Code may not provide for 5784
the entity under contract with the agency to perform any service 5785
not authorized by the department's rules. 5786

(c) Only a county children services board appointed under 5787
section 5153.03 of the Revised Code that is a public children 5788
services agency may contract under division (C) (2) (a) of this 5789
section. If an entity specified in division (B) or (C) of 5790
section 5153.02 of the Revised Code is the public children 5791

services agency for a county, the board of county commissioners 5792
may enter into contracts pursuant to section 307.982 of the 5793
Revised Code regarding the agency's duties. 5794

Section 2. That existing sections 2151.23, 2317.02, 5795
2705.031, 2710.05, 2710.06, 3105.21, 3105.63, 3105.65, 3109.04, 5796
3109.042, 3109.043, 3109.05, 3109.052, 3109.053, 3109.06, 5797
3109.061, 3109.09, 3109.11, 3109.12, 3109.41, 3109.53, 3109.55, 5798
3109.56, 3109.65, 3113.31, 3119.01, 3119.08, 3119.24, 3119.964, 5799
3310.51, 3313.98, 3319.321, 3333.26, 3796.24, 5104.039, 5800
5120.653, and 5153.16 of the Revised Code are hereby repealed. 5801

Section 3. That sections 3109.041 and 3109.051 of the 5802
Revised Code are hereby repealed. 5803

Section 4. That the versions of sections 3109.53 and 5804
3119.01 of the Revised Code that are scheduled to take effect 5805
April 3, 2024, be amended to read as follows: 5806

Sec. 3109.53. To create a power of attorney under section 5807
3109.52 of the Revised Code, a parent, guardian, or custodian 5808
shall use a form that is identical in form and content to the 5809
following: 5810

POWER OF ATTORNEY 5811

I, the undersigned, residing at _____, in the county 5812
of _____, state of _____, hereby appoint the child's 5813
grandparent, _____, residing at _____, in the county 5814
of _____, in the state of Ohio, with whom the child of 5815
whom I am the parent, guardian, or custodian is residing, my 5816
attorney in fact to exercise any and all of my rights and 5817
responsibilities regarding the care, physical custody, and 5818
control of the child, _____, born _____, having social 5819
security number (optional) _____, except my authority to 5820

consent to marriage or adoption of the child _____, and to 5821
perform all acts necessary in the execution of the rights and 5822
responsibilities hereby granted, as fully as I might do if 5823
personally present. The rights I am transferring under this 5824
power of attorney include the ability to enroll the child in 5825
school, to obtain from the school district educational and 5826
behavioral information about the child, to consent to all 5827
school-related matters regarding the child, and to consent to 5828
medical, psychological, or dental treatment for the child. This 5829
transfer does not affect my rights in any future proceedings 5830
concerning the custody of the child or the allocation of the 5831
parental rights and responsibilities for the care of the child 5832
and does not give the attorney in fact legal custody of the 5833
child. This transfer does not terminate my right to have regular 5834
contact with the child. 5835

I hereby certify that I am transferring the rights and 5836
responsibilities designated in this power of attorney because 5837
one of the following circumstances exists: 5838

(1) I am: (a) Seriously ill, incarcerated, or about to be 5839
incarcerated, (b) Temporarily unable to provide financial 5840
support or parental guidance to the child, (c) Temporarily 5841
unable to provide adequate care and supervision of the child 5842
because of my physical or mental condition, (d) Homeless or 5843
without a residence because the current residence is destroyed 5844
or otherwise uninhabitable, or (e) In or about to enter a 5845
residential treatment program for substance abuse; 5846

(2) I am a parent of the child, the child's other parent 5847
is deceased, and I have authority to execute the power of 5848
attorney; or 5849

(3) I have a well-founded belief that the power of 5850

attorney is in the child's best interest. 5851

I hereby certify that I am not transferring my rights and 5852
responsibilities regarding the child for the purpose of 5853
enrolling the child in a school or school district so that the 5854
child may participate in the academic or interscholastic 5855
athletic programs provided by that school or district. 5856

If there is a court order naming me the residential parent 5857
and legal custodian of the child who is the subject of this 5858
power of attorney and I am the sole parent signing this 5859
document, I hereby certify that one of the following is the 5860
case: 5861

(1) I have made reasonable efforts to locate and provide 5862
notice of the creation of this power of attorney to the other 5863
parent and have been unable to locate that parent; 5864

(2) The other parent is prohibited from receiving a notice 5865
of relocation; or 5866

(3) The parental rights of the other parent have been 5867
terminated by order of a juvenile court. 5868

This POWER OF ATTORNEY is valid until the occurrence of 5869
whichever of the following events occurs first: (1) I revoke 5870
this POWER OF ATTORNEY in writing and give notice of the 5871
revocation to the grandparent designated as attorney in fact and 5872
the juvenile court with which this POWER OF ATTORNEY was filed; 5873
(2) the child ceases to reside with the grandparent designated 5874
as attorney in fact; (3) this POWER OF ATTORNEY is terminated by 5875
court order; (4) the death of the child who is the subject of 5876
the power of attorney; or (5) the death of the grandparent 5877
designated as the attorney in fact. 5878

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 5879

STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 5880
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY 5881
THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING 5882
A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO 5883
\$1,000, OR BOTH. 5884

Witness my hand this _____ day of _____, _____ 5885

_____ 5886

Parent/Custodian/Guardian's signature 5887

_____ 5888

Parent's signature 5889

_____ 5890

Grandparent designated as attorney in fact 5891

State of Ohio) 5892

) ss: 5893

County of _____) 5894

Subscribed, sworn to, and acknowledged before me this _____ day 5895

of _____, _____ 5896

_____ 5897

Notary Public 5898

Notices: 5899

1. A power of attorney may be executed only if one of the 5900

following circumstances exists: (1) The parent, guardian, or 5901

custodian of the child is: (a) Seriously ill, incarcerated, or 5902

about to be incarcerated; (b) Temporarily unable to provide 5903

financial support or parental guidance to the child; (c) 5904

Temporarily unable to provide adequate care and supervision of 5905
the child because of the parent's, guardian's, or custodian's 5906
physical or mental condition; (d) Homeless or without a 5907
residence because the current residence is destroyed or 5908
otherwise uninhabitable; or (e) In or about to enter a 5909
residential treatment program for substance abuse; (2) One of 5910
the child's parents is deceased and the other parent, with 5911
authority to do so, seeks to execute a power of attorney; or (3) 5912
The parent, guardian, or custodian has a well-founded belief 5913
that the power of attorney is in the child's best interest. 5914

2. The signatures of the parent, guardian, or custodian of the 5915
child and the grandparent designated as the attorney in fact 5916
must be notarized by an Ohio notary public. 5917

3. A parent, guardian, or custodian who creates a power of 5918
attorney must notify the parent of the child who is not the 5919
residential parent and legal custodian of the child unless one 5920
of the following circumstances applies: (a) the parent is 5921
prohibited from receiving a notice of relocation in accordance 5922
with section ~~3109.051~~3109.0474 of the Revised Code of the 5923
creation of the power of attorney; (b) the parent's parental 5924
rights have been terminated by order of a juvenile court 5925
pursuant to Chapter 2151. of the Revised Code; (c) the parent 5926
cannot be located with reasonable efforts; (d) both parents are 5927
executing the power of attorney. The notice must be sent by 5928
certified mail not later than five days after the power of 5929
attorney is created and must state the name and address of the 5930
person designated as the attorney in fact. 5931

4. A parent, guardian, or custodian who creates a power of 5932
attorney must file it with the juvenile court of the county in 5933
which the attorney in fact resides, or any other court that has 5934

jurisdiction over the child under a previously filed motion or 5935
proceeding. The power of attorney must be filed not later than 5936
five days after the date it is created and be accompanied by a 5937
receipt showing that the notice of creation of the power of 5938
attorney was sent to the parent who is not the residential 5939
parent and legal custodian by certified mail. 5940

5. This power of attorney does not affect the rights of the 5941
child's parents, guardian, or custodian regarding any future 5942
proceedings concerning the custody of the child or the 5943
allocation of the parental rights and responsibilities for the 5944
care of the child and does not give the attorney in fact legal 5945
custody of the child. 5946

6. A person or entity that relies on this power of attorney, in 5947
good faith, has no obligation to make any further inquiry or 5948
investigation. 5949

7. This power of attorney terminates on the occurrence of 5950
whichever of the following occurs first: (1) the power of 5951
attorney is revoked in writing by the person who created it and 5952
that person gives written notice of the revocation to the 5953
grandparent who is the attorney in fact and the juvenile court 5954
with which the power of attorney was filed; (2) the child ceases 5955
to live with the grandparent who is the attorney in fact; (3) 5956
the power of attorney is terminated by court order; (4) the 5957
death of the child who is the subject of the power of attorney; 5958
or (5) the death of the grandparent designated as the attorney 5959
in fact. 5960

If this power of attorney terminates other than by the 5961
death of the attorney in fact, the grandparent who served as the 5962
attorney in fact shall notify, in writing, all of the following: 5963

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

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

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

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

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

Additional information:

To the grandparent designated as attorney in fact:

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

2. You must include with the power of attorney the following 5993
information: 5994

(a) The child's present address, the addresses of the 5995
places where the child has lived within the last five years, and 5996
the name and present address of each person with whom the child 5997
has lived during that period; 5998

(b) Whether you have participated as a party, a witness, 5999
or in any other capacity in any other litigation, in this state 6000
or any other state, that concerned the allocation, between the 6001
parents of the same child, of parental rights and 6002
responsibilities for the care of the child and the designation 6003
of the residential parent and legal custodian of the child or 6004
that otherwise concerned the custody of the same child; 6005

(c) Whether you have information of any parenting 6006
proceeding concerning the child pending in a court of this or 6007
any other state; 6008

(d) Whether you know of any person who has physical 6009
custody of the child or claims to be a parent of the child who 6010
is designated the residential parent and legal custodian of the 6011
child or to have parenting time rights with respect to the child 6012
or to be a person other than a parent of the child who has 6013
custody or visitation rights with respect to the child; 6014

(e) Whether you previously have been convicted of or 6015
pleaded guilty to any criminal offense involving any act that 6016
resulted in a child's being an abused child or a neglected child 6017
or previously have been determined, in a case in which a child 6018
has been adjudicated an abused child or a neglected child, to be 6019
the perpetrator of the abusive or neglectful act that was the 6020
basis of the adjudication. 6021

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

To school officials:

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

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

3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation.

To health care providers:

1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal

liability or to civil liability to any person or entity, and is 6051
not subject to professional disciplinary action, solely for such 6052
reliance if the power of attorney is completed and the 6053
signatures of the parent, guardian, or custodian of the child 6054
and the grandparent designated as attorney in fact are 6055
notarized. 6056

2. The decision of a grandparent designated as attorney in fact, 6057
based on a power of attorney, shall be honored by a health care 6058
facility or practitioner, school district, or school official. 6059

Sec. 3119.01. (A) As used in the Revised Code, "child 6060
support enforcement agency" means a child support enforcement 6061
agency designated under former section 2301.35 of the Revised 6062
Code prior to October 1, 1997, or a private or government entity 6063
designated as a child support enforcement agency under section 6064
307.981 of the Revised Code. 6065

(B) As used in this chapter and Chapters 3121., 3123., and 6066
3125. of the Revised Code: 6067

(1) "Administrative child support order" means any order 6068
issued by a child support enforcement agency for the support of 6069
a child pursuant to section 3109.19 or 3111.81 of the Revised 6070
Code or former section 3111.211 of the Revised Code, section 6071
3111.21 of the Revised Code as that section existed prior to 6072
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 6073
Code as those sections existed prior to March 22, 2001. 6074

(2) "Child support order" means either a court child 6075
support order or an administrative child support order. 6076

(3) "Obligee" means the person who is entitled to receive 6077
the support payments under a support order. 6078

(4) "Obligor" means the person who is required to pay 6079

support under a support order. 6080

(5) "Support order" means either an administrative child 6081
support order or a court support order. 6082

(C) As used in this chapter: 6083

(1) "Caretaker" means any of the following, other than a 6084
parent: 6085

(a) A person with whom the child resides for at least 6086
thirty consecutive days, and who is the child's primary 6087
caregiver; 6088

(b) A person who is receiving public assistance on behalf 6089
of the child; 6090

(c) A person or agency with legal custody of the child, 6091
including a county department of job and family services or a 6092
public children services agency; 6093

(d) A guardian of the person or the estate of a child; 6094

(e) Any other appropriate court or agency with custody of 6095
the child. 6096

"Caretaker" excludes a "host family" as defined under 6097
section 2151.90 of the Revised Code. 6098

(2) "Cash medical support" means an amount ordered to be 6099
paid in a child support order toward the ordinary medical 6100
expenses incurred during a calendar year. 6101

(3) "Child care cost" means annual out-of-pocket costs for 6102
the care and supervision of a child or children subject to the 6103
order that is related to work or employment training. 6104

(4) "Court child support order" means any order issued by 6105
a court for the support of a child pursuant to Chapter 3115. of 6106

the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 6107
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 6108
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised 6109
Code, or division (B) of former section 3113.21 of the Revised 6110
Code. 6111

(5) "Court-ordered parenting time" means the amount of 6112
parenting time a parent is to have under a parenting time order 6113
or the amount of time the children are to be in the physical 6114
custody of a parent under a shared parenting order or parental 6115
rights and responsibilities order. 6116

(6) "Court support order" means either a court child 6117
support order or an order for the support of a spouse or former 6118
spouse issued pursuant to Chapter 3115. of the Revised Code, 6119
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 6120
division (B) of former section 3113.21 of the Revised Code. 6121

(7) "CPI-U" means the consumer price index for all urban 6122
consumers, published by the United States department of labor, 6123
bureau of labor statistics. 6124

(8) "Extraordinary medical expenses" means any uninsured 6125
medical expenses incurred for a child during a calendar year 6126
that exceed the total cash medical support amount owed by the 6127
parents during that year. 6128

(9) "Federal poverty level" has the same meaning as in 6129
section 5121.30 of the Revised Code. 6130

(10) "Income" means either of the following: 6131

(a) For a parent who is employed to full capacity, the 6132
gross income of the parent; 6133

(b) For a parent who is unemployed or underemployed, the 6134

sum of the gross income of the parent and any potential income 6135
of the parent. 6136

(11) "Income share" means the percentage derived from a 6137
comparison of each parent's annual income after allowable 6138
deductions and credits as indicated on the worksheet to the 6139
total annual income of both parents. 6140

(12) "Insurer" means any person authorized under Title 6141
XXXIX of the Revised Code to engage in the business of insurance 6142
in this state, any health insuring corporation, and any legal 6143
entity that is self-insured and provides benefits to its 6144
employees or members. 6145

(13) "Gross income" means, except as excluded in division 6146
(C) (13) of this section, the total of all earned and unearned 6147
income from all sources during a calendar year, whether or not 6148
the income is taxable, and includes income from salaries, wages, 6149
overtime pay, and bonuses to the extent described in division 6150
(D) of section 3119.05 of the Revised Code; commissions; 6151
royalties; tips; rents; dividends; severance pay; pensions; 6152
interest; trust income; annuities; social security benefits, 6153
including retirement, disability, and survivor benefits that are 6154
not means-tested; workers' compensation benefits; unemployment 6155
insurance benefits; disability insurance benefits; benefits that 6156
are not means-tested and that are received by and in the 6157
possession of the veteran who is the beneficiary for any 6158
service-connected disability under a program or law administered 6159
by the United States department of veterans' affairs or 6160
veterans' administration; spousal support actually received; and 6161
all other sources of income. "Gross income" includes income of 6162
members of any branch of the United States armed services or 6163
national guard, including, amounts representing base pay, basic 6164

allowance for quarters, basic allowance for subsistence, 6165
supplemental subsistence allowance, cost of living adjustment, 6166
specialty pay, variable housing allowance, and pay for training 6167
or other types of required drills; self-generated income; and 6168
potential cash flow from any source. 6169

"Gross income" does not include any of the following: 6170

(a) Benefits received from means-tested government 6171
administered programs, including Ohio works first; prevention, 6172
retention, and contingency; means-tested veterans' benefits; 6173
supplemental security income; supplemental nutrition assistance 6174
program; disability financial assistance; or other assistance 6175
for which eligibility is determined on the basis of income or 6176
assets; 6177

(b) Benefits for any service-connected disability under a 6178
program or law administered by the United States department of 6179
veterans' affairs or veterans' administration that are not 6180
means-tested, that have not been distributed to the veteran who 6181
is the beneficiary of the benefits, and that are in the 6182
possession of the United States department of veterans' affairs 6183
or veterans' administration; 6184

(c) Child support amounts received for children who are 6185
not included in the current calculation; 6186

(d) Amounts paid for mandatory deductions from wages such 6187
as union dues but not taxes, social security, or retirement in 6188
lieu of social security; 6189

(e) Nonrecurring or unsustainable income or cash flow 6190
items; 6191

(f) Adoption assistance, kinship guardianship assistance, 6192
and foster care maintenance payments made pursuant to Title IV-E 6193

of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 6194
(1980), as amended; 6195

(g) State kinship guardianship assistance described in 6196
section 5153.163 of the Revised Code and payment from the 6197
kinship support program described in section 5101.881 of the 6198
Revised Code. 6199

(14) "Nonrecurring or unsustainable income or cash flow 6200
item" means an income or cash flow item the parent receives in 6201
any year or for any number of years not to exceed three years 6202
that the parent does not expect to continue to receive on a 6203
regular basis. "Nonrecurring or unsustainable income or cash 6204
flow item" does not include a lottery prize award that is not 6205
paid in a lump sum or any other item of income or cash flow that 6206
the parent receives or expects to receive for each year for a 6207
period of more than three years or that the parent receives and 6208
invests or otherwise uses to produce income or cash flow for a 6209
period of more than three years. 6210

(15) "Ordinary medical expenses" includes copayments and 6211
deductibles, and uninsured medical-related costs for the 6212
children of the order. 6213

(16) (a) "Ordinary and necessary expenses incurred in 6214
generating gross receipts" means actual cash items expended by 6215
the parent or the parent's business and includes depreciation 6216
expenses of business equipment as shown on the books of a 6217
business entity. 6218

(b) Except as specifically included in "ordinary and 6219
necessary expenses incurred in generating gross receipts" by 6220
division (C) (16) (a) of this section, "ordinary and necessary 6221
expenses incurred in generating gross receipts" does not include 6222

depreciation expenses and other noncash items that are allowed 6223
as deductions on any federal tax return of the parent or the 6224
parent's business. 6225

(17) "Personal earnings" means compensation paid or 6226
payable for personal services, however denominated, and includes 6227
wages, salary, commissions, bonuses, draws against commissions, 6228
profit sharing, vacation pay, or any other compensation. 6229

(18) "Potential income" means both of the following for a 6230
parent who the court pursuant to a court support order, or a 6231
child support enforcement agency pursuant to an administrative 6232
child support order, determines is voluntarily unemployed or 6233
voluntarily underemployed: 6234

(a) Imputed income that the court or agency determines the 6235
parent would have earned if fully employed as determined from 6236
the following criteria: 6237

(i) The parent's prior employment experience; 6238

(ii) The parent's education; 6239

(iii) The parent's physical and mental disabilities, if 6240
any; 6241

(iv) The availability of employment in the geographic area 6242
in which the parent resides; 6243

(v) The prevailing wage and salary levels in the 6244
geographic area in which the parent resides; 6245

(vi) The parent's special skills and training; 6246

(vii) Whether there is evidence that the parent has the 6247
ability to earn the imputed income; 6248

(viii) The age and special needs of the child for whom 6249

child support is being calculated under this section; 6250

(ix) The parent's increased earning capacity because of 6251
experience; 6252

(x) The parent's decreased earning capacity because of a 6253
felony conviction; 6254

(xi) Any other relevant factor. 6255

(b) Imputed income from any nonincome-producing assets of 6256
a parent, as determined from the local passbook savings rate or 6257
another appropriate rate as determined by the court or agency, 6258
not to exceed the rate of interest specified in division (A) of 6259
section 1343.03 of the Revised Code, if the income is 6260
significant. 6261

(19) "Schedule" means the basic child support schedule 6262
created pursuant to section 3119.021 of the Revised Code. 6263

(20) "Self-generated income" means gross receipts received 6264
by a parent from self-employment, proprietorship of a business, 6265
joint ownership of a partnership or closely held corporation, 6266
and rents minus ordinary and necessary expenses incurred by the 6267
parent in generating the gross receipts. "Self-generated income" 6268
includes expense reimbursements or in-kind payments received by 6269
a parent from self-employment, the operation of a business, or 6270
rents, including company cars, free housing, reimbursed meals, 6271
and other benefits, if the reimbursements are significant and 6272
reduce personal living expenses. 6273

(21) "Self-sufficiency reserve" means the minimal amount 6274
necessary for an obligor to adequately subsist upon, as 6275
determined under section 3119.021 of the Revised Code. 6276

(22) "Split parental rights and responsibilities" means a 6277

situation in which there is more than one child who is the 6278
subject of an allocation of parental rights and responsibilities 6279
and each parent is the residential parent and legal custodian of 6280
at least one of those children. 6281

(23) "Worksheet" means the applicable worksheet created in 6282
rules adopted under section 3119.022 of the Revised Code that is 6283
used to calculate a parent's child support obligation. 6284

Section 5. That the existing versions of sections 3109.53 6285
and 3119.01 of the Revised Code that are scheduled to take 6286
effect April 3, 2024, are hereby repealed. 6287

Section 6. Sections 4 and 5 of this act take effect April 6288
3, 2024. 6289

Section 7. That the version of section 5153.16 of the 6290
Revised Code that is scheduled to take effect January 1, 2025, 6291
be amended to read as follows: 6292

Sec. 5153.16. (A) Except as provided in section 2151.422 6293
of the Revised Code, in accordance with rules adopted under 6294
section 5153.166 of the Revised Code, and on behalf of children 6295
in the county whom the public children services agency considers 6296
to be in need of public care or protective services, the public 6297
children services agency shall do all of the following: 6298

(1) Make an investigation concerning any child alleged to 6299
be an abused, neglected, or dependent child; 6300

(2) Enter into agreements with the parent, guardian, or 6301
other person having legal custody of any child, or with the 6302
department of children and youth, department of mental health 6303
and addiction services, department of developmental 6304
disabilities, other department, any certified organization 6305
within or outside the county, or any agency or institution 6306

outside the state, having legal custody of any child, with 6307
respect to the custody, care, or placement of any child, or with 6308
respect to any matter, in the interests of the child, provided 6309
the permanent custody of a child shall not be transferred by a 6310
parent to the public children services agency without the 6311
consent of the juvenile court; 6312

(3) Enter into a contract with an agency providing 6313
prevention services in an effort to prevent neglect or abuse, to 6314
enhance a child's welfare, and to preserve the family unit 6315
intact. 6316

(4) Accept custody of children committed to the public 6317
children services agency by a court exercising juvenile 6318
jurisdiction; 6319

(5) Provide such care as the public children services 6320
agency considers to be in the best interests of any child 6321
adjudicated to be an abused, neglected, or dependent child the 6322
agency finds to be in need of public care or service; 6323

(6) Provide social services to any unmarried girl 6324
adjudicated to be an abused, neglected, or dependent child who 6325
is pregnant with or has been delivered of a child; 6326

(7) Make available to the children with medical handicaps 6327
program of the department of health at its request any 6328
information concerning a child with a disability found to be in 6329
need of treatment under sections 3701.021 to 3701.028 of the 6330
Revised Code who is receiving services from the public children 6331
services agency; 6332

(8) Provide temporary emergency care for any child 6333
considered by the public children services agency to be in need 6334
of such care, without agreement or commitment; 6335

(9) Find certified foster homes, within or outside the 6336
county, for the care of children, including children with 6337
disabilities from other counties attending special schools in 6338
the county; 6339

(10) Subject to the approval of the board of county 6340
commissioners and the department of children and youth, 6341
establish and operate a training school or enter into an 6342
agreement with any municipal corporation or other political 6343
subdivision of the county respecting the operation, acquisition, 6344
or maintenance of any children's home, training school, or other 6345
institution for the care of children maintained by such 6346
municipal corporation or political subdivision; 6347

(11) Acquire and operate a county children's home, 6348
establish, maintain, and operate a receiving home for the 6349
temporary care of children, or procure certified foster homes 6350
for this purpose; 6351

(12) Enter into an agreement with the trustees of any 6352
district children's home, respecting the operation of the 6353
district children's home in cooperation with the other county 6354
boards in the district; 6355

(13) Cooperate with, make its services available to, and 6356
act as the agent of persons, courts, the department of children 6357
and youth, the department of health, and other organizations 6358
within and outside the state, in matters relating to the welfare 6359
of children, except that the public children services agency 6360
shall not be required to provide supervision of or other 6361
services related to the exercise of parenting time rights 6362
granted pursuant to section ~~3109.051~~3109.0451 or 3109.12 of the 6363
Revised Code or companionship or visitation rights granted 6364
pursuant to section ~~3109.051~~3109.0452, 3109.11, or 3109.12 of 6365

the Revised Code unless a juvenile court, pursuant to Chapter 6366
2151. of the Revised Code, or a common pleas court, pursuant to 6367
division (E)(6) of section 3113.31 of the Revised Code, requires 6368
the provision of supervision or other services related to the 6369
exercise of the parenting time rights or companionship or 6370
visitation rights; 6371

(14) Make investigations at the request of any 6372
superintendent of schools in the county or the principal of any 6373
school concerning the application of any child adjudicated to be 6374
an abused, neglected, or dependent child for release from 6375
school, where such service is not provided through a school 6376
attendance department; 6377

(15) Administer funds provided under Title IV-E of the 6378
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 6379
amended, in accordance with rules adopted under section 5101.141 6380
of the Revised Code; 6381

(16) In addition to administering Title IV-E adoption 6382
assistance funds, enter into agreements to make adoption 6383
assistance payments under section 5153.163 of the Revised Code; 6384

(17) Implement a system of safety and risk assessment, in 6385
accordance with rules adopted by the director of children and 6386
youth, to assist the public children services agency in 6387
determining the risk of abuse or neglect to a child; 6388

(18) Enter into a plan of cooperation with the board of 6389
county commissioners under section 307.983 of the Revised Code 6390
and comply with each fiscal agreement the board enters into 6391
under section 307.98 of the Revised Code that include family 6392
services duties of public children services agencies and 6393
contracts the board enters into under sections 307.981 and 6394

307.982 of the Revised Code that affect the public children services agency; 6395
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(19) Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except that reasonable efforts of that nature are not required when a court has made a determination under division (A) (2) of section 2151.419 of the Revised Code; 6397
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(20) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan approved under division (E) of section 2151.417 of the Revised Code and to complete whatever steps are necessary to finalize the permanent placement of the child; 6404
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(21) Administer a Title IV-A program identified under division (A) (4) (c) or (h) of section 5101.80 of the Revised Code that the department of children and youth provides for the public children services agency to administer under the department's supervision pursuant to section 5101.801 of the Revised Code; 6409
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(22) Administer the kinship permanency incentive program created under section 5101.802 of the Revised Code under the supervision of the director of children and youth; 6415
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(23) Provide independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code; 6418
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(24) File a missing child report with a local law enforcement agency upon becoming aware that a child in the custody of the public children services agency is or may be missing. 6420
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(B) The public children services agency shall use the system implemented pursuant to division (A) (17) of this section in connection with an investigation undertaken pursuant to division (G) (1) of section 2151.421 of the Revised Code to assess both of the following:

(1) The ongoing safety of the child;

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of children and youth, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

(i) County departments of job and family services;

(ii) Boards of alcohol, drug addiction, and mental health services;

(iii) County boards of developmental disabilities;

(iv) Regional councils of political subdivisions

established under Chapter 167. of the Revised Code; 6452

(v) Private and government providers of services; 6453

(vi) Managed care organizations and prepaid health plans. 6454

(b) A public children services agency contract under 6455
division (C) (2) (a) of this section regarding the agency's duties 6456
under section 2151.421 of the Revised Code may not provide for 6457
the entity under contract with the agency to perform any service 6458
not authorized by the department's rules. 6459

(c) Only a county children services board appointed under 6460
section 5153.03 of the Revised Code that is a public children 6461
services agency may contract under division (C) (2) (a) of this 6462
section. If an entity specified in division (B) or (C) of 6463
section 5153.02 of the Revised Code is the public children 6464
services agency for a county, the board of county commissioners 6465
may enter into contracts pursuant to section 307.982 of the 6466
Revised Code regarding the agency's duties. 6467

Section 8. That the existing version of section 5153.16 of 6468
the Revised Code that is scheduled to take effect January 1, 6469
2025, is hereby repealed. 6470

Section 9. Sections 7 and 8 of this act take effect 6471
January 1, 2025. 6472

Section 10. Section 2151.23 of the Revised Code is 6473
presented in this act as a composite of the section as amended 6474
by H.B. 110, H.B. 281, H.B. 518, and S.B. 288, all of the 134th 6475
General Assembly. The General Assembly, applying the principle 6476
stated in division (B) of section 1.52 of the Revised Code that 6477
amendments are to be harmonized if reasonably capable of 6478
simultaneous operation, finds that the composite is the 6479
resulting version of the section in effect prior to the 6480

effective date of the section as presented in this act.

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