

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 1013**

**Representative Newman**

---

To amend sections 2151.233, 2151.235, 2151.27, 1  
3105.011, 3109.04, and 3109.06 and to enact 2  
section 3109.402 of the Revised Code to enact 3  
the Family Sovereignty Act to prohibit awarding 4  
custody of a child to a non-parent when the 5  
child's parents are married to each other and 6  
maintaining a family unit and to limit who may 7  
file a complaint alleging abuse, neglect, or 8  
dependency. 9

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

**Section 1.** That sections 2151.233, 2151.235, 2151.27, 10  
3105.011, 3109.04, and 3109.06 be amended and section 3109.402 11  
of the Revised Code be enacted to read as follows: 12

**Sec. 2151.233.** (A) Except as provided in division ~~(B)~~ (C) 13  
of this section, the juvenile court shall not exercise 14  
jurisdiction under division (A) (2), (A) (11), or (B) (4) of 15  
section 2151.23 of the Revised Code or section 2151.231 of the 16  
Revised Code and the domestic relations court shall have 17  
jurisdiction to determine custody or support regarding a child 18  
if ~~any~~ either of the following apply: 19

(1) ~~The child's parents are married to each other.~~ 20

~~(2)~~ The child's parents were married to each other but no longer are married to each other and there is an existing order for custody or support regarding the child or another child of the same parents over which the juvenile court does not have jurisdiction.

~~(3)~~ (2) The determination is ancillary to the parents' pending or prior action for divorce, dissolution of marriage, annulment, or legal separation.

(B) ~~Division~~ Except as provided in division (C) of this section and subject to division (A) (2) of this section, neither the juvenile court nor the domestic relations court shall have jurisdiction to determine custody of a child in an action initiated or maintained by a person who is not the child's parent if the child's parents are married to each other and the child and parents are maintaining a family unit.

(C) Divisions (A) and (B) of this section ~~does~~ do not apply to any case or proceeding brought under Chapter 3115. of the Revised Code, or to any case or proceeding initiated or originating outside of this state.

~~(C) This section shall apply to all cases and proceedings initiated on or after March 22, 2019.~~

(D) As used in this section and sections 2151.234 to 2151.236 of the Revised Code, "domestic relations court" means the division of a court of common pleas that has domestic relations jurisdiction.

**Sec. 2151.235.** (A) Upon its own motion, the motion of a court with domestic relations jurisdiction, or the motion of any interested party, a juvenile court may transfer jurisdiction over an action or an order it has issued for child support or

custody as follows:

~~(1) To the appropriate common pleas court with domestic relations jurisdiction, if the parents of the child subject to the action or order are married to each other and are not parties to a proceeding described in division (C) of this section;~~

~~(2)~~ To the appropriate common pleas court with domestic relations jurisdiction, if the parents of that child were married to each other but no longer are married to each other and there is an existing order for custody or support regarding the child or another child of the same parents over which the juvenile court does not have jurisdiction;

~~(3)~~ (2) To the common pleas court exercising jurisdiction over a protection order issued under section 3113.31 of the Revised Code if that child or both parents of that child are subject to both a child support order and the protection order.

(B) Any transfer made pursuant to division (A) of this section shall require the consent of the appropriate court of common pleas with domestic relations jurisdiction.

(C) Upon its own motion, the motion of a court with domestic relations jurisdiction, or the motion of any interested party, a juvenile court shall transfer, and the domestic relations court shall accept, jurisdiction over an action or an order it has issued for child support or custody to the appropriate common pleas court exercising jurisdiction over a pending divorce, dissolution of marriage, legal separation, or annulment proceeding to which the parents of the child subject to the action or order are parties.

(D) In all cases transferred under division (A) or (C) of

this section, all of the following apply: 79

(1) The juvenile court shall do all of the following: 80

(a) Issue an order granting the request to transfer; 81

(b) Certify the relevant part of the record in the action 82  
or related to the order to the court receiving jurisdiction, 83  
unless the authorizing statute for the domestic and juvenile 84  
courts has combined them into a domestic relations division of 85  
the same court or designated them as a family court and the 86  
transfer would be within the court of the same county. 87

(c) Notify and serve the county child support enforcement 88  
agency administering the case of all transfers in writing. 89

(2) The domestic relations court receiving jurisdiction 90  
shall do both of the following: 91

(a) Issue an order accepting or denying the transfer; 92

(b) Notify and serve the county child support enforcement 93  
agency that is receiving the case or that would have received 94  
the case, in writing, of the order accepting or denying the 95  
transfer. 96

(3) When a child support enforcement agency is notified of 97  
a transfer under division (D)(1) or (2) of this section, the 98  
agency shall take any appropriate action regarding the matter. 99

(E) When the juvenile court action or order being 100  
transferred is due to a pending divorce, dissolution, legal 101  
separation, or annulment proceeding in a common pleas court with 102  
domestic relations jurisdiction: 103

(1) The juvenile court and domestic relations court shall 104  
retain concurrent jurisdiction during the pendency of the action 105

or order. 106

(2) The transfer shall be completed and included in final 107  
orders that are issued regarding child support or custody in the 108  
domestic relations action. 109

(3) If the domestic relations action is dismissed without 110  
final orders being issued regarding child support or custody, 111  
the transfer is not completed and the juvenile court action or 112  
order remains within the jurisdiction of the juvenile court. The 113  
domestic relations court shall notify the juvenile court, the 114  
child support enforcement agency in the county of the juvenile 115  
court, and the parties of the dismissed action. 116

(F) This section applies to all orders in effect prior to 117  
March 22, 2019, and all actions or proceedings initiated on or 118  
after March 22, 2019. 119

**Sec. 2151.27.** ~~(A)(1)~~ (A)(1)(a) Subject to division (A)(2) 120  
of this section, any person having knowledge of a child who 121  
appears to have violated section 2151.87 of the Revised Code or 122  
to be a juvenile traffic offender or to be an unruly, ~~abused,~~ 123  
~~neglected, or dependent~~ child may file a sworn complaint with 124  
respect to that child in the juvenile court of the county in 125  
which the child has a residence or legal settlement or in which 126  
the violation, or unruliness, ~~abuse, neglect, or dependency~~ 127  
allegedly occurred. 128

(b) A public children services agency or private child 129  
placing agency having knowledge of a child who appears to be an 130  
abused, neglected, or dependent child may file a sworn complaint 131  
with respect to that child in the juvenile court of the county 132  
in which the child has a residence or legal settlement or in 133  
which the abuse, neglect, or dependency allegedly occurred. If 134

an alleged abused, neglected, or dependent child is taken into 135  
custody pursuant to division (D) of section 2151.31 of the 136  
Revised Code or is taken into custody pursuant to division (A) 137  
of section 2151.31 of the Revised Code without the filing of a 138  
complaint and placed into shelter care pursuant to division (C) 139  
of that section, a sworn complaint shall be filed with respect 140  
to the child before the end of the next day after the day on 141  
which the child was taken into custody. 142

(c) The sworn complaint that is filed under division (A) 143  
(1) of this section may be upon information and belief, and, in 144  
addition to the allegation that the child committed the 145  
violation or is an unruly, abused, neglected, or dependent 146  
child, the complaint shall allege the particular facts upon 147  
which the allegation that the child committed the violation or 148  
is an unruly, abused, neglected, or dependent child is based. 149

(2) Any person having knowledge of a child who appears to 150  
be an unruly child for being an habitual truant may file a sworn 151  
complaint with respect to that child and the parent, guardian, 152  
or other person having care of the child in the juvenile court 153  
of the county in which the child has a residence or legal 154  
settlement or in which the child is supposed to attend public 155  
school. The sworn complaint may be upon information and belief 156  
and shall contain the following allegations: 157

(a) That the child is an unruly child for being an 158  
habitual truant and, in addition, the particular facts upon 159  
which that allegation is based; 160

(b) That the parent, guardian, or other person having care 161  
of the child has failed to cause the child's attendance at 162  
school in violation of section 3321.38 of the Revised Code and, 163  
in addition, the particular facts upon which that allegation is 164

based. 165

(B) If a child, before arriving at the age of eighteen 166  
years, allegedly commits an act for which the child may be 167  
adjudicated an unruly child and if the specific complaint 168  
alleging the act is not filed or a hearing on that specific 169  
complaint is not held until after the child arrives at the age 170  
of eighteen years, the court has jurisdiction to hear and 171  
dispose of the complaint as if the complaint were filed and the 172  
hearing held before the child arrived at the age of eighteen 173  
years. 174

(C) If the ~~complainant~~ public children services agency or 175  
private child placing agency filing a complaint in a case in 176  
which a child is alleged to be an abused, neglected, or 177  
dependent child desires permanent custody of the child or 178  
children, temporary custody of the child or children, whether as 179  
the preferred or an alternative disposition, or the placement of 180  
the child in a planned permanent living arrangement, the 181  
complaint shall contain a prayer specifically requesting 182  
permanent custody, temporary custody, or the placement of the 183  
child in a planned permanent living arrangement. 184

(D) Any person with standing under applicable law may file 185  
a complaint for the determination of any other matter over which 186  
the juvenile court is given jurisdiction by section 2151.23 of 187  
the Revised Code. The complaint shall be filed in the county in 188  
which the child who is the subject of the complaint is found or 189  
was last known to be found. 190

(E) A public children services agency, acting pursuant to 191  
a complaint or an action on a complaint filed under this 192  
section, is not subject to the requirements of section 3127.23 193  
of the Revised Code. 194

(F) Upon the filing of a complaint alleging that a child 195  
is an unruly child, the court may hold the complaint in abeyance 196  
pending the child's successful completion of actions that 197  
constitute a method to divert the child from the juvenile court 198  
system. The method may be adopted by a county pursuant to 199  
divisions (D) and (E) of section 121.37 of the Revised Code or 200  
it may be another method that the court considers satisfactory. 201  
If the child completes the actions to the court's satisfaction, 202  
the court may dismiss the complaint. If the child fails to 203  
complete the actions to the court's satisfaction, the court may 204  
consider the complaint. 205

(G) Upon the filing of a complaint that a child is an 206  
unruly child that is based solely on a child being an habitual 207  
truant, the court shall consider an alternative to adjudication, 208  
including actions that constitute a method to divert the child 209  
from the juvenile court system, using the Rules of Juvenile 210  
Procedure, or by any other means if such an alternative is 211  
available to the court and the child has not already 212  
participated or failed to complete one of the available 213  
alternatives. The court shall consider the complaint only as a 214  
matter of last resort. 215

(H) If a complaint that a child is an unruly child based 216  
on the child being an habitual truant proceeds to consideration 217  
by the court, the prosecution shall bear the burden of proving 218  
beyond a reasonable doubt the following: 219

(1) That the child is of compulsory school age, as defined 220  
in section 3321.01 of the Revised Code; 221

(2) That the child was absent without legitimate excuse 222  
for absence from the public school the child was supposed to 223  
attend for thirty or more consecutive hours, forty-two or more 224

hours in one school month, or seventy-two or more hours in a 225  
school year. 226

The child may assert as an affirmative defense the fact 227  
that the child did participate in, or made satisfactory progress 228  
on, any interventions or other alternatives to adjudication as 229  
described in section 3321.191 of the Revised Code. 230

**Sec. 3105.011.** (A) The Subject to division (B) of section 231  
2151.233 of the Revised Code, the court of common pleas 232  
including divisions of courts of domestic relations, has full 233  
equitable powers and jurisdiction appropriate to the 234  
determination of all domestic relations matters. This section is 235  
not a determination by the general assembly that such equitable 236  
powers and jurisdiction do not exist with respect to any such 237  
matter. 238

(B) For purposes of this section, "domestic relations 239  
matters" means both of the following: 240

(1) Any matter committed to the jurisdiction of the 241  
division of domestic relations of common pleas courts under 242  
section 2301.03 of the Revised Code, as well as a complaint for 243  
child support and allocation of parental rights and 244  
responsibilities, including the enforcement and modification of 245  
such orders; 246

(2) Actions and proceedings under Chapters 3105., 3109., 247  
3111., 3113., 3115., 3119., 3121., 3123., 3125., and 3127. of 248  
the Revised Code, actions pursuant to section 2151.231 of the 249  
Revised Code, all actions removed from the jurisdiction of the 250  
juvenile court pursuant to section 2151.233 of the Revised Code, 251  
and all matters transferred by the juvenile court pursuant to 252  
section 2151.235 of the Revised Code. 253

**Sec. 3109.04.** (A) In any divorce, legal separation, or 254  
annulment proceeding and in any proceeding pertaining to the 255  
allocation of parental rights and responsibilities for the care 256  
of a child, upon hearing the testimony of either or both parents 257  
and considering any mediation report filed pursuant to section 258  
3109.052 of the Revised Code and in accordance with sections 259  
3127.01 to 3127.53 of the Revised Code, the court shall allocate 260  
the parental rights and responsibilities for the care of the 261  
minor children of the marriage. Subject to division (D)(2) of 262  
this section, the court may allocate the parental rights and 263  
responsibilities for the care of the children in either of the 264  
following ways: 265

(1) If neither parent files a pleading or motion in 266  
accordance with division (G) of this section, if at least one 267  
parent files a pleading or motion under that division but no 268  
parent who filed a pleading or motion under that division also 269  
files a plan for shared parenting, or if at least one parent 270  
files both a pleading or motion and a shared parenting plan 271  
under that division but no plan for shared parenting is in the 272  
best interest of the children, the court, in a manner consistent 273  
with the best interest of the children, shall allocate the 274  
parental rights and responsibilities for the care of the 275  
children primarily to one of the parents, designate that parent 276  
as the residential parent and the legal custodian of the child, 277  
and divide between the parents the other rights and 278  
responsibilities for the care of the children, including, but 279  
not limited to, the responsibility to provide support for the 280  
children and the right of the parent who is not the residential 281  
parent to have continuing contact with the children. 282

(2) If at least one parent files a pleading or motion in 283  
accordance with division (G) of this section and a plan for 284

shared parenting pursuant to that division and if a plan for 285  
shared parenting is in the best interest of the children and is 286  
approved by the court in accordance with division (D)(1) of this 287  
section, the court may allocate the parental rights and 288  
responsibilities for the care of the children to both parents 289  
and issue a shared parenting order requiring the parents to 290  
share all or some of the aspects of the physical and legal care 291  
of the children in accordance with the approved plan for shared 292  
parenting. If the court issues a shared parenting order under 293  
this division and it is necessary for the purpose of receiving 294  
public assistance, the court shall designate which one of the 295  
parents' residences is to serve as the child's home. The child 296  
support obligations of the parents under a shared parenting 297  
order issued under this division shall be determined in 298  
accordance with Chapters 3119., 3121., 3123., and 3125. of the 299  
Revised Code. 300

(B)(1) When making the allocation of the parental rights 301  
and responsibilities for the care of the children under this 302  
section in an original proceeding or in any proceeding for 303  
modification of a prior order of the court making the 304  
allocation, the court shall take into account that which would 305  
be in the best interest of the children. In determining the 306  
child's best interest for purposes of making its allocation of 307  
the parental rights and responsibilities for the care of the 308  
child and for purposes of resolving any issues related to the 309  
making of that allocation, the court, in its discretion, may 310  
and, upon the request of either party, shall interview in 311  
chambers any or all of the involved children regarding their 312  
wishes and concerns with respect to the allocation. 313

(2) If the court interviews any child pursuant to division 314  
(B)(1) of this section, all of the following apply: 315

(a) The court, in its discretion, may and, upon the motion 316  
of either parent, shall appoint a guardian ad litem for the 317  
child. 318

(b) The court first shall determine the reasoning ability 319  
of the child. If the court determines that the child does not 320  
have sufficient reasoning ability to express the child's wishes 321  
and concern with respect to the allocation of parental rights 322  
and responsibilities for the care of the child, it shall not 323  
determine the child's wishes and concerns with respect to the 324  
allocation. If the court determines that the child has 325  
sufficient reasoning ability to express the child's wishes or 326  
concerns with respect to the allocation, it then shall determine 327  
whether, because of special circumstances, it would not be in 328  
the best interest of the child to determine the child's wishes 329  
and concerns with respect to the allocation. If the court 330  
determines that, because of special circumstances, it would not 331  
be in the best interest of the child to determine the child's 332  
wishes and concerns with respect to the allocation, it shall not 333  
determine the child's wishes and concerns with respect to the 334  
allocation and shall enter its written findings of fact and 335  
opinion in the journal. If the court determines that it would be 336  
in the best interests of the child to determine the child's 337  
wishes and concerns with respect to the allocation, it shall 338  
proceed to make that determination. 339

(c) The interview shall be conducted in chambers, and no 340  
person other than the child, the child's attorney, the judge, 341  
any necessary court personnel, and, in the judge's discretion, 342  
the attorney of each parent shall be permitted to be present in 343  
the chambers during the interview. 344

(3) No person shall obtain or attempt to obtain from a 345

child a written or recorded statement or affidavit setting forth 346  
the child's wishes and concerns regarding the allocation of 347  
parental rights and responsibilities concerning the child. No 348  
court, in determining the child's best interest for purposes of 349  
making its allocation of the parental rights and 350  
responsibilities for the care of the child or for purposes of 351  
resolving any issues related to the making of that allocation, 352  
shall accept or consider a written or recorded statement or 353  
affidavit that purports to set forth the child's wishes and 354  
concerns regarding those matters. 355

(C) Prior to trial, the court may cause an investigation 356  
to be made as to the character, family relations, past conduct, 357  
earning ability, and financial worth of each parent and may 358  
order the parents and their minor children to submit to medical, 359  
psychological, and psychiatric examinations. The report of the 360  
investigation and examinations shall be made available to either 361  
parent or the parent's counsel of record not less than five days 362  
before trial, upon written request. The report shall be signed 363  
by the investigator, and the investigator shall be subject to 364  
cross-examination by either parent concerning the contents of 365  
the report. The court may tax as costs all or any part of the 366  
expenses for each investigation. 367

If the court determines that either parent previously has 368  
been convicted of or pleaded guilty to any criminal offense 369  
involving any act that resulted in a child being a neglected 370  
child, that either parent previously has been determined to be 371  
the perpetrator of the neglectful act that is the basis of an 372  
adjudication that a child is a neglected child, or that there is 373  
reason to believe that either parent has acted in a manner 374  
resulting in a child being a neglected child, the court shall 375  
consider that fact against naming that parent the residential 376

parent and against granting a shared parenting decree. When the 377  
court allocates parental rights and responsibilities for the 378  
care of children or determines whether to grant shared parenting 379  
in any proceeding, it shall consider whether either parent or 380  
any member of the household of either parent has been convicted 381  
of or pleaded guilty to a violation of section 2919.25 of the 382  
Revised Code or a sexually oriented offense involving a victim 383  
who at the time of the commission of the offense was a member of 384  
the family or household that is the subject of the proceeding, 385  
has been convicted of or pleaded guilty to any sexually oriented 386  
offense or other offense involving a victim who at the time of 387  
the commission of the offense was a member of the family or 388  
household that is the subject of the proceeding and caused 389  
physical harm to the victim in the commission of the offense, or 390  
has been determined to be the perpetrator of the abusive act 391  
that is the basis of an adjudication that a child is an abused 392  
child. If the court determines that either parent has been 393  
convicted of or pleaded guilty to a violation of section 2919.25 394  
of the Revised Code or a sexually oriented offense involving a 395  
victim who at the time of the commission of the offense was a 396  
member of the family or household that is the subject of the 397  
proceeding, has been convicted of or pleaded guilty to any 398  
sexually oriented offense or other offense involving a victim 399  
who at the time of the commission of the offense was a member of 400  
the family or household that is the subject of the proceeding 401  
and caused physical harm to the victim in the commission of the 402  
offense, or has been determined to be the perpetrator of the 403  
abusive act that is the basis of an adjudication that a child is 404  
an abused child, it may designate that parent as the residential 405  
parent and may issue a shared parenting decree or order only if 406  
it determines that it is in the best interest of the child to 407  
name that parent the residential parent or to issue a shared 408

parenting decree or order and it makes specific written findings 409  
of fact to support its determination. 410

(D) (1) (a) Upon the filing of a pleading or motion by 411  
either parent or both parents, in accordance with division (G) 412  
of this section, requesting shared parenting and the filing of a 413  
shared parenting plan in accordance with that division, the 414  
court shall comply with division (D) (1) (a) (i), (ii), or (iii) of 415  
this section, whichever is applicable: 416

(i) If both parents jointly make the request in their 417  
pleadings or jointly file the motion and also jointly file the 418  
plan, the court shall review the parents' plan to determine if 419  
it is in the best interest of the children. If the court 420  
determines that the plan is in the best interest of the 421  
children, the court shall approve it. If the court determines 422  
that the plan or any part of the plan is not in the best 423  
interest of the children, the court shall require the parents to 424  
make appropriate changes to the plan to meet the court's 425  
objections to it. If changes to the plan are made to meet the 426  
court's objections, and if the new plan is in the best interest 427  
of the children, the court shall approve the plan. If changes to 428  
the plan are not made to meet the court's objections, or if the 429  
parents attempt to make changes to the plan to meet the court's 430  
objections, but the court determines that the new plan or any 431  
part of the new plan still is not in the best interest of the 432  
children, the court may reject the portion of the parents' 433  
pleadings or deny their motion requesting shared parenting of 434  
the children and proceed as if the request in the pleadings or 435  
the motion had not been made. The court shall not approve a plan 436  
under this division unless it determines that the plan is in the 437  
best interest of the children. 438

(ii) If each parent makes a request in the parent's 439  
pleadings or files a motion and each also files a separate plan, 440  
the court shall review each plan filed to determine if either is 441  
in the best interest of the children. If the court determines 442  
that one of the filed plans is in the best interest of the 443  
children, the court may approve the plan. If the court 444  
determines that neither filed plan is in the best interest of 445  
the children, the court may order each parent to submit 446  
appropriate changes to the parent's plan or both of the filed 447  
plans to meet the court's objections, or may select one of the 448  
filed plans and order each parent to submit appropriate changes 449  
to the selected plan to meet the court's objections. If changes 450  
to the plan or plans are submitted to meet the court's 451  
objections, and if any of the filed plans with the changes is in 452  
the best interest of the children, the court may approve the 453  
plan with the changes. If changes to the plan or plans are not 454  
submitted to meet the court's objections, or if the parents 455  
submit changes to the plan or plans to meet the court's 456  
objections but the court determines that none of the filed plans 457  
with the submitted changes is in the best interest of the 458  
children, the court may reject the portion of the parents' 459  
pleadings or deny their motions requesting shared parenting of 460  
the children and proceed as if the requests in the pleadings or 461  
the motions had not been made. If the court approves a plan 462  
under this division, either as originally filed or with 463  
submitted changes, or if the court rejects the portion of the 464  
parents' pleadings or denies their motions requesting shared 465  
parenting under this division and proceeds as if the requests in 466  
the pleadings or the motions had not been made, the court shall 467  
enter in the record of the case findings of fact and conclusions 468  
of law as to the reasons for the approval or the rejection or 469  
denial. Division (D)(1)(b) of this section applies in relation 470

to the approval or disapproval of a plan under this division. 471

(iii) If each parent makes a request in the parent's 472  
pleadings or files a motion but only one parent files a plan, or 473  
if only one parent makes a request in the parent's pleadings or 474  
files a motion and also files a plan, the court in the best 475  
interest of the children may order the other parent to file a 476  
plan for shared parenting in accordance with division (G) of 477  
this section. The court shall review each plan filed to 478  
determine if any plan is in the best interest of the children. 479  
If the court determines that one of the filed plans is in the 480  
best interest of the children, the court may approve the plan. 481  
If the court determines that no filed plan is in the best 482  
interest of the children, the court may order each parent to 483  
submit appropriate changes to the parent's plan or both of the 484  
filed plans to meet the court's objections or may select one 485  
filed plan and order each parent to submit appropriate changes 486  
to the selected plan to meet the court's objections. If changes 487  
to the plan or plans are submitted to meet the court's 488  
objections, and if any of the filed plans with the changes is in 489  
the best interest of the children, the court may approve the 490  
plan with the changes. If changes to the plan or plans are not 491  
submitted to meet the court's objections, or if the parents 492  
submit changes to the plan or plans to meet the court's 493  
objections but the court determines that none of the filed plans 494  
with the submitted changes is in the best interest of the 495  
children, the court may reject the portion of the parents' 496  
pleadings or deny the parents' motion or reject the portion of 497  
the parents' pleadings or deny their motions requesting shared 498  
parenting of the children and proceed as if the request or 499  
requests or the motion or motions had not been made. If the 500  
court approves a plan under this division, either as originally 501

filed or with submitted changes, or if the court rejects the 502  
portion of the pleadings or denies the motion or motions 503  
requesting shared parenting under this division and proceeds as 504  
if the request or requests or the motion or motions had not been 505  
made, the court shall enter in the record of the case findings 506  
of fact and conclusions of law as to the reasons for the 507  
approval or the rejection or denial. Division (D) (1) (b) of this 508  
section applies in relation to the approval or disapproval of a 509  
plan under this division. 510

(b) The approval of a plan under division (D) (1) (a) (ii) or 511  
(iii) of this section is discretionary with the court. The court 512  
shall not approve more than one plan under either division and 513  
shall not approve a plan under either division unless it 514  
determines that the plan is in the best interest of the 515  
children. If the court, under either division, does not 516  
determine that any filed plan or any filed plan with submitted 517  
changes is in the best interest of the children, the court shall 518  
not approve any plan. 519

(c) Whenever possible, the court shall require that a 520  
shared parenting plan approved under division (D) (1) (a) (i), 521  
(ii), or (iii) of this section ensure the opportunity for both 522  
parents to have frequent and continuing contact with the child, 523  
unless frequent and continuing contact with any parent would not 524  
be in the best interest of the child. 525

(d) If a court approves a shared parenting plan under 526  
division (D) (1) (a) (i), (ii), or (iii) of this section, the 527  
approved plan shall be incorporated into a final shared 528  
parenting decree granting the parents the shared parenting of 529  
the children. Any final shared parenting decree shall be issued 530  
at the same time as and shall be appended to the final decree of 531

dissolution, divorce, annulment, or legal separation arising out 532  
of the action out of which the question of the allocation of 533  
parental rights and responsibilities for the care of the 534  
children arose. 535

No provisional shared parenting decree shall be issued in 536  
relation to any shared parenting plan approved under division 537  
(D) (1) (a) (i), (ii), or (iii) of this section. A final shared 538  
parenting decree issued under this division has immediate effect 539  
as a final decree on the date of its issuance, subject to 540  
modification or termination as authorized by this section. 541

(2) If ~~In any divorce, dissolution of marriage, legal~~ 542  
separation, or annulment proceeding, if the court finds, with 543  
respect to any child under eighteen years of age, that it is in 544  
the best interest of the child for neither parent to be 545  
designated the residential parent and legal custodian of the 546  
child, it may commit the child to a relative of the child or 547  
certify a copy of its findings, together with as much of the 548  
record and the further information, in narrative form or 549  
otherwise, that it considers necessary or as the juvenile court 550  
requests, to the juvenile court for further proceedings, and, 551  
upon the certification, the juvenile court has exclusive 552  
jurisdiction. 553

(E) (1) (a) The court shall not modify a prior decree 554  
allocating parental rights and responsibilities for the care of 555  
children unless it finds, based on facts that have arisen since 556  
the prior decree or that were unknown to the court at the time 557  
of the prior decree, that a change has occurred in the 558  
circumstances of the child, the child's residential parent, or 559  
either of the parents subject to a shared parenting decree, and 560  
that the modification is necessary to serve the best interest of 561

the child. In applying these standards, the court shall retain 562  
the residential parent designated by the prior decree or the 563  
prior shared parenting decree, unless a modification is in the 564  
best interest of the child and one of the following applies: 565

(i) The residential parent agrees to a change in the 566  
residential parent or both parents under a shared parenting 567  
decree agree to a change in the designation of residential 568  
parent. 569

(ii) The child, with the consent of the residential parent 570  
or of both parents under a shared parenting decree, has been 571  
integrated into the family of the person seeking to become the 572  
residential parent. 573

(iii) The harm likely to be caused by a change of 574  
environment is outweighed by the advantages of the change of 575  
environment to the child. 576

(b) One or both of the parents under a prior decree 577  
allocating parental rights and responsibilities for the care of 578  
children that is not a shared parenting decree may file a motion 579  
requesting that the prior decree be modified to give both 580  
parents shared rights and responsibilities for the care of the 581  
children. The motion shall include both a request for 582  
modification of the prior decree and a request for a shared 583  
parenting order that complies with division (G) of this section. 584  
Upon the filing of the motion, if the court determines that a 585  
modification of the prior decree is authorized under division 586  
(E) (1) (a) of this section, the court may modify the prior decree 587  
to grant a shared parenting order, provided that the court shall 588  
not modify the prior decree to grant a shared parenting order 589  
unless the court complies with divisions (A) and (D) (1) of this 590  
section and, in accordance with those divisions, approves the 591

submitted shared parenting plan and determines that shared 592  
parenting would be in the best interest of the children. 593

(2) In addition to a modification authorized under 594  
division (E)(1) of this section: 595

(a) Both parents under a shared parenting decree jointly 596  
may modify the terms of the plan for shared parenting approved 597  
by the court and incorporated by it into the shared parenting 598  
decree. Modifications under this division may be made at any 599  
time. The modifications to the plan shall be filed jointly by 600  
both parents with the court, and the court shall include them in 601  
the plan, unless they are not in the best interest of the 602  
children. If the modifications are not in the best interests of 603  
the children, the court, in its discretion, may reject the 604  
modifications or make modifications to the proposed 605  
modifications or the plan that are in the best interest of the 606  
children. Modifications jointly submitted by both parents under 607  
a shared parenting decree shall be effective, either as 608  
originally filed or as modified by the court, upon their 609  
inclusion by the court in the plan. Modifications to the plan 610  
made by the court shall be effective upon their inclusion by the 611  
court in the plan. 612

(b) The court may modify the terms of the plan for shared 613  
parenting approved by the court and incorporated by it into the 614  
shared parenting decree upon its own motion at any time if the 615  
court determines that the modifications are in the best interest 616  
of the children or upon the request of one or both of the 617  
parents under the decree. Modifications under this division may 618  
be made at any time. The court shall not make any modification 619  
to the plan under this division, unless the modification is in 620  
the best interest of the children. 621

(c) The court may terminate a prior final shared parenting 622  
decree that includes a shared parenting plan approved under 623  
division (D) (1) (a) (i) of this section upon the request of one or 624  
both of the parents or whenever it determines that shared 625  
parenting is not in the best interest of the children. The court 626  
may terminate a prior final shared parenting decree that 627  
includes a shared parenting plan approved under division (D) (1) 628  
(a) (ii) or (iii) of this section if it determines, upon its own 629  
motion or upon the request of one or both parents, that shared 630  
parenting is not in the best interest of the children. If 631  
modification of the terms of the plan for shared parenting 632  
approved by the court and incorporated by it into the final 633  
shared parenting decree is attempted under division (E) (2) (a) of 634  
this section and the court rejects the modifications, it may 635  
terminate the final shared parenting decree if it determines 636  
that shared parenting is not in the best interest of the 637  
children. 638

(d) Upon the termination of a prior final shared parenting 639  
decree under division (E) (2) (c) of this section, the court shall 640  
proceed and issue a modified decree for the allocation of 641  
parental rights and responsibilities for the care of the 642  
children under the standards applicable under divisions (A), 643  
(B), and (C) of this section as if no decree for shared 644  
parenting had been granted and as if no request for shared 645  
parenting ever had been made. 646

(F) (1) In determining the best interest of a child 647  
pursuant to this section, whether on an original decree 648  
allocating parental rights and responsibilities for the care of 649  
children or a modification of a decree allocating those rights 650  
and responsibilities, the court shall consider all relevant 651  
factors, including, but not limited to: 652

(a) The wishes of the child's parents regarding the 653  
child's care; 654

(b) If the court has interviewed the child in chambers 655  
pursuant to division (B) of this section regarding the child's 656  
wishes and concerns as to the allocation of parental rights and 657  
responsibilities concerning the child, the wishes and concerns 658  
of the child, as expressed to the court; 659

(c) The child's interaction and interrelationship with the 660  
child's parents, siblings, and any other person who may 661  
significantly affect the child's best interest; 662

(d) The child's adjustment to the child's home, school, 663  
and community; 664

(e) The mental and physical health of all persons involved 665  
in the situation; 666

(f) The parent more likely to honor and facilitate court- 667  
approved parenting time rights or visitation and companionship 668  
rights; 669

(g) Whether either parent has failed to make all child 670  
support payments, including all arrearages, that are required of 671  
that parent pursuant to a child support order under which that 672  
parent is an obligor; 673

(h) Whether either parent or any member of the household 674  
of either parent previously has been convicted of or pleaded 675  
guilty to any criminal offense involving any act that resulted 676  
in a child being an abused child or a neglected child; whether 677  
either parent, in a case in which a child has been adjudicated 678  
an abused child or a neglected child, previously has been 679  
determined to be the perpetrator of the abusive or neglectful 680  
act that is the basis of an adjudication; whether either parent 681

or any member of the household of either parent previously has 682  
been convicted of or pleaded guilty to a violation of section 683  
2919.25 of the Revised Code or a sexually oriented offense 684  
involving a victim who at the time of the commission of the 685  
offense was a member of the family or household that is the 686  
subject of the current proceeding; whether either parent or any 687  
member of the household of either parent previously has been 688  
convicted of or pleaded guilty to any offense involving a victim 689  
who at the time of the commission of the offense was a member of 690  
the family or household that is the subject of the current 691  
proceeding and caused physical harm to the victim in the 692  
commission of the offense; and whether there is reason to 693  
believe that either parent has acted in a manner resulting in a 694  
child being an abused child or a neglected child; 695

(i) Whether the residential parent or one of the parents 696  
subject to a shared parenting decree has continuously and 697  
willfully denied the other parent's right to parenting time in 698  
accordance with an order of the court; 699

(j) Whether either parent has established a residence, or 700  
is planning to establish a residence, outside this state. 701

(2) In determining whether shared parenting is in the best 702  
interest of the children, the court shall consider all relevant 703  
factors, including, but not limited to, the factors enumerated 704  
in division (F)(1) of this section, the factors enumerated in 705  
section 3119.23 of the Revised Code, and all of the following 706  
factors: 707

(a) The ability of the parents to cooperate and make 708  
decisions jointly, with respect to the children; 709

(b) The ability of each parent to encourage the sharing of 710

love, affection, and contact between the child and the other 711  
parent; 712

(c) Any history of, or potential for, child abuse, spouse 713  
abuse, other domestic violence, or parental kidnapping by either 714  
parent; 715

(d) The geographic proximity of the parents to each other, 716  
as the proximity relates to the practical considerations of 717  
shared parenting; 718

(e) The recommendation of the guardian ad litem of the 719  
child, if the child has a guardian ad litem. 720

(3) When allocating parental rights and responsibilities 721  
for the care of children, the court shall not give preference to 722  
a parent because of that parent's financial status or condition. 723

(G) Either parent or both parents of any children may file 724  
a pleading or motion with the court requesting the court to 725  
grant both parents shared parental rights and responsibilities 726  
for the care of the children in a proceeding held pursuant to 727  
division (A) of this section. If a pleading or motion requesting 728  
shared parenting is filed, the parent or parents filing the 729  
pleading or motion also shall file with the court a plan for the 730  
exercise of shared parenting by both parents. If each parent 731  
files a pleading or motion requesting shared parenting but only 732  
one parent files a plan or if only one parent files a pleading 733  
or motion requesting shared parenting and also files a plan, the 734  
other parent as ordered by the court shall file with the court a 735  
plan for the exercise of shared parenting by both parents. The 736  
plan for shared parenting shall be filed with the petition for 737  
dissolution of marriage, if the question of parental rights and 738  
responsibilities for the care of the children arises out of an 739

action for dissolution of marriage, or, in other cases, at a 740  
time at least thirty days prior to the hearing on the issue of 741  
the parental rights and responsibilities for the care of the 742  
children. A plan for shared parenting shall include provisions 743  
covering all factors that are relevant to the care of the 744  
children, including, but not limited to, provisions covering 745  
factors such as physical living arrangements, child support 746  
obligations, provision for the children's medical and dental 747  
care, school placement, and the parent with which the children 748  
will be physically located during legal holidays, school 749  
holidays, and other days of special importance. 750

(H) If an appeal is taken from a decision of a court that 751  
grants or modifies a decree allocating parental rights and 752  
responsibilities for the care of children, the court of appeals 753  
shall give the case calendar priority and handle it 754  
expeditiously. 755

(I) (1) Upon receipt of an order for active military 756  
service in the uniformed services, a parent who is subject to an 757  
order allocating parental rights and responsibilities or in 758  
relation to whom an action to allocate parental rights and 759  
responsibilities is pending and who is ordered for active 760  
military service shall notify the other parent who is subject to 761  
the order or in relation to whom the case is pending of the 762  
order for active military service within three days of receiving 763  
the military service order. 764

(2) On receipt of the notice described in division (I) (1) 765  
of this section, either parent may apply to the court for a 766  
hearing to expedite an allocation or modification proceeding so 767  
that the court can issue an order before the parent's active 768  
military service begins. The application shall include the date 769

on which the active military service begins. 770

The court shall schedule a hearing upon receipt of the 771  
application and hold the hearing not later than thirty days 772  
after receipt of the application, except that the court shall 773  
give the case calendar priority and handle the case 774  
expeditiously if exigent circumstances exist in the case. 775

The court shall not modify a prior decree allocating 776  
parental rights and responsibilities unless the court determines 777  
that there has been a change in circumstances of the child, the 778  
child's residential parent, or either of the parents subject to 779  
a shared parenting decree, and that modification is necessary to 780  
serve the best interest of the child. The court shall not find 781  
past, present, or possible future active military service in the 782  
uniformed services to constitute a change in circumstances 783  
justifying modification of a prior decree pursuant to division 784  
(E) of this section. The court shall make specific written 785  
findings of fact to support any modification under this 786  
division. 787

(3) Nothing in division (I) of this section shall prevent 788  
a court from issuing a temporary order allocating or modifying 789  
parental rights and responsibilities for the duration of the 790  
parent's active military service. A temporary order shall 791  
specify whether the parent's active military service is the 792  
basis of the order and shall provide for termination of the 793  
temporary order and resumption of the prior order within ten 794  
days after receipt of notice pursuant to division (I) (5) of this 795  
section, unless the other parent demonstrates that resumption of 796  
the prior order is not in the child's best interest. 797

(4) At the request of a parent who is ordered for active 798  
military service in the uniformed services and who is a subject 799

of a proceeding pertaining to a temporary order for the 800  
allocation or modification of parental rights and 801  
responsibilities, the court shall permit the parent to 802  
participate in the proceeding and present evidence by electronic 803  
means, including communication by telephone, video, or internet 804  
to the extent permitted by the rules of the supreme court of 805  
Ohio. 806

(5) A parent who is ordered for active military service in 807  
the uniformed services and who is a subject of a proceeding 808  
pertaining to the allocation or modification of parental rights 809  
and responsibilities shall provide written notice to the court, 810  
child support enforcement agency, and the other parent of the 811  
date of termination of the parent's active military service not 812  
later than thirty days after the date on which the service ends. 813

(J) As used in this section: 814

(1) "Abused child" has the same meaning as in section 815  
2151.031 of the Revised Code. 816

(2) "Active military service" means service by a member of 817  
the uniformed services in compliance with military orders to 818  
report for combat operations, contingency operations, 819  
peacekeeping operations, a remote tour of duty, or other active 820  
service for which the member is required to report unaccompanied 821  
by any family member, including any period of illness, recovery 822  
from injury, leave, or other lawful absence during that 823  
operation, duty, or service. 824

(3) "Neglected child" has the same meaning as in section 825  
2151.03 of the Revised Code. 826

(4) "Sexually oriented offense" has the same meaning as in 827  
section 2950.01 of the Revised Code. 828

(5) "Uniformed services" means the United States armed 829  
forces, the army national guard, and the air national guard or 830  
any reserve component thereof, or the commissioned corps of the 831  
United States public health service. 832

(K) As used in the Revised Code, "shared parenting" means 833  
that the parents share, in the manner set forth in the plan for 834  
shared parenting that is approved by the court under division 835  
(D) (1) and described in division (L) (6) of this section, all or 836  
some of the aspects of physical and legal care of their 837  
children. 838

(L) For purposes of the Revised Code: 839

(1) A parent who is granted the care, custody, and control 840  
of a child under an order that was issued pursuant to this 841  
section prior to April 11, 1991, and that does not provide for 842  
shared parenting has "custody of the child" and "care, custody, 843  
and control of the child" under the order, and is the 844  
"residential parent," the "residential parent and legal 845  
custodian," or the "custodial parent" of the child under the 846  
order. 847

(2) A parent who primarily is allocated the parental 848  
rights and responsibilities for the care of a child and who is 849  
designated as the residential parent and legal custodian of the 850  
child under an order that is issued pursuant to this section on 851  
or after April 11, 1991, and that does not provide for shared 852  
parenting has "custody of the child" and "care, custody, and 853  
control of the child" under the order, and is the "residential 854  
parent," the "residential parent and legal custodian," or the 855  
"custodial parent" of the child under the order. 856

(3) A parent who is not granted custody of a child under 857

an order that was issued pursuant to this section prior to April 858  
11, 1991, and that does not provide for shared parenting is the 859  
"parent who is not the residential parent," the "parent who is 860  
not the residential parent and legal custodian," or the 861  
"noncustodial parent" of the child under the order. 862

(4) A parent who is not primarily allocated the parental 863  
rights and responsibilities for the care of a child and who is 864  
not designated as the residential parent and legal custodian of 865  
the child under an order that is issued pursuant to this section 866  
on or after April 11, 1991, and that does not provide for shared 867  
parenting is the "parent who is not the residential parent," the 868  
"parent who is not the residential parent and legal custodian," 869  
or the "noncustodial parent" of the child under the order. 870

(5) Unless the context clearly requires otherwise, if an 871  
order is issued by a court pursuant to this section and the 872  
order provides for shared parenting of a child, both parents 873  
have "custody of the child" or "care, custody, and control of 874  
the child" under the order, to the extent and in the manner 875  
specified in the order. 876

(6) Unless the context clearly requires otherwise and 877  
except as otherwise provided in the order, if an order is issued 878  
by a court pursuant to this section and the order provides for 879  
shared parenting of a child, each parent, regardless of where 880  
the child is physically located or with whom the child is 881  
residing at a particular point in time, as specified in the 882  
order, is the "residential parent," the "residential parent and 883  
legal custodian," or the "custodial parent" of the child. 884

(7) Unless the context clearly requires otherwise and 885  
except as otherwise provided in the order, a designation in the 886  
order of a parent as the residential parent for the purpose of 887

determining the school the child attends, as the custodial 888  
parent for purposes of claiming the child as a dependent 889  
pursuant to section 152(e) of the "Internal Revenue Code of 890  
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, or as the 891  
residential parent for purposes of receiving public assistance 892  
pursuant to division (A)(2) of this section, does not affect the 893  
designation pursuant to division (L)(6) of this section of each 894  
parent as the "residential parent," the "residential parent and 895  
legal custodian," or the "custodial parent" of the child. 896

(M) The court shall require each parent of a child to file 897  
an affidavit attesting as to whether the parent, and the members 898  
of the parent's household, have been convicted of or pleaded 899  
guilty to any of the offenses identified in divisions (C) and 900  
(F)(1)(h) of this section. 901

**Sec. 3109.06.** Except as provided in division (K) of 902  
section 2301.03 of the Revised Code, any court, other than a 903  
juvenile court, that has jurisdiction in any case respecting the 904  
allocation of parental rights and responsibilities for the care 905  
of a child under eighteen years of age and the designation of 906  
the child's place of residence and legal custodian or in any 907  
case respecting the support of a child under eighteen years of 908  
age, may, on its own motion or on motion of any interested 909  
party, certify the record in the case or so much of the record 910  
and such further information, in narrative form or otherwise, as 911  
the court deems necessary or the juvenile court requests, to the 912  
juvenile court for further proceedings; upon the certification, 913  
the juvenile court shall have exclusive jurisdiction. 914

~~In cases in which the court of common pleas finds the 915  
parents unsuitable to have the parental rights and 916  
responsibilities for the care of the child or children and 917~~

~~unsuitable to provide the place of residence and to be the legal 918  
custodian of the child or children, consent of the juvenile 919  
court shall not be required to such certification. This section 920  
applies to actions pending on August 28, 1951. 921~~

In any case in which a court of common pleas, or other 922  
court having jurisdiction, has issued an order that allocates 923  
parental rights and responsibilities for the care of minor 924  
children and designates their place of residence and legal 925  
custodian of minor children, has made an order for support of 926  
minor children, or has done both, the jurisdiction of the court 927  
shall not abate upon the death of the person awarded custody but 928  
shall continue for all purposes during the minority of the 929  
children. The court, upon its own motion or the motion of either 930  
parent or of any interested person acting on behalf of the 931  
children, may proceed to make further disposition of the case in 932  
the best interests of the children and subject to sections 933  
3109.42 to 3109.48 of the Revised Code. If the children are 934  
under eighteen years of age, it may certify them, pursuant to 935  
this section, to the juvenile court of any county for further 936  
proceedings. After certification to a juvenile court, the 937  
jurisdiction of the court of common pleas, or other court, shall 938  
cease, except as to any payments of spousal support due for the 939  
spouse and support payments due and unpaid for the children at 940  
the time of the certification. 941

Any disposition made pursuant to this section, whether by 942  
a juvenile court after a case is certified to it, or by any 943  
court upon the death of a person awarded custody of a child, 944  
shall be made in accordance with sections 3109.04 and 3109.42 to 945  
3109.48 of the Revised Code. If an appeal is taken from a 946  
decision made pursuant to this section that allocates parental 947  
rights and responsibilities for the care of a minor child and 948

designates the child's place of residence and legal custodian, 949  
the court of appeals shall give the case calendar priority and 950  
handle it expeditiously. 951

Sec. 3109.402. Because parents have a paramount, 952  
constitutionally protected right to the care, custody, and 953  
control of their children, the court shall safeguard the 954  
integrity of the family unit when the child's parents are 955  
married to each other and living together with the child. 956  
Nothing in Chapter 3109. of the Revised Code shall be construed 957  
to permit a person who is not the child's parent to initiate a 958  
custody or support proceeding regarding a child whose parents 959  
are married to each other and the child and parents are 960  
maintaining a family unit, unless the proceeding is ancillary to 961  
a pending action between the parents for divorce, dissolution of 962  
marriage, annulment, or legal separation. 963

**Section 2.** That existing sections 2151.233, 2151.235, 964  
2151.27, 3105.011, 3109.04, and 3109.06 of the Revised Code are 965  
hereby repealed. 966

**Section 3.** Beginning on the effective date of this 967  
section, a court shall do both of the following regarding any 968  
pending proceeding initiated by a person who is not the child's 969  
parent for the custody of a child whose parents are married to 970  
each other and maintaining a family unit: 971

(A) Dismiss the proceeding for lack of standing and 972  
jurisdiction; 973

(B) Order the person who initiated the proceeding to pay 974  
all reasonable attorney's fees, court costs, and any other 975  
expenses incurred by the parents in association with the action. 976

Because parents have a paramount, constitutionally 977

|                                                            |     |
|------------------------------------------------------------|-----|
| protected right to the care, custody, and control of their | 978 |
| children, this section is remedial in nature.              | 979 |