

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 256

Representatives Williams, LaRe

A BILL

To amend section 3109.042 of the Revised Code to
make changes to the law regarding child custody
for unwed parents.

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

Section 1. That section 3109.042 of the Revised Code be
amended to read as follows:

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Sec. 3109.042. (A) There is a rebuttable presumption
that an unmarried female who gives birth to a child is the sole
residential parent and legal custodian of the child until a
court of competent jurisdiction issues an order designating
another person as the residential parent and legal custodian. A
court designating the residential parent and legal custodian of
a child described in this section shall treat the mother and
father as standing upon an equality when making the designation.

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~~(B)~~ (B) (1) A presumption under division (A) of this
section is rebutted if the natural father of the child
establishes a parent and child relationship by one of the
methods described in section 3111.02 of the Revised Code or upon
the issuance of a lawfully executed birth certificate that
includes the name of the natural father.

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(2) Upon the rebuttal of a presumption under division (B) 20
(1) of this section and except as provided in division (B) (3) of 21
this section, all of the following apply without a judicial 22
proceeding: 23

(a) Both parents are equal residential parents of the 24
child and therefore have equal rights and responsibilities as it 25
relates to parenting time with the child. 26

(b) The exchange of physical custody and parenting time 27
schedule shall be allocated upon agreement of the mother and 28
father of the child. 29

(c) The mother remains the sole legal custodian of the 30
child. 31

(3) Upon the rebuttal of a presumption under division (B) 32
(1) of this section, if the parents do not agree on an equal 33
allocation of physical custody of the child or either parent 34
fails to exercise that parent's rights and responsibilities 35
under division (B) (2) of this section, either parent may 36
initiate a judicial proceeding in a court of competent 37
jurisdiction to determine the allocation of parental rights and 38
responsibilities. 39

(4) Upon the initiation of a judicial proceeding under 40
division (B) (3) of this section, the court shall determine 41
whether either parent failed to undertake, or obstructed the 42
other parent from exercising, the rights and responsibilities 43
provided in division (B) (2) of this section. 44

(5) If the court finds that either of the determinations 45
under division (B) (4) of this section is true, the court shall 46
consider this finding in its allocation of parental rights and 47
responsibilities, in addition to all other requirements and 48

considerations provided in section 3109.04 of the Revised Code. 49

(C) For purposes of this section, full faith and credit 50
shall be given to a birth certificate that was lawfully 51
executed, or a determination of a parent and child relationship 52
that was made, in accordance with the laws of another state. 53

(D) Notwithstanding division (A) or (B) of this section, 54
an unmarried female or male who has been convicted of or pleaded 55
guilty to rape or sexual battery and has been declared under 56
section 3109.501 of the Revised Code to be the parent of a child 57
born as a result of rape or sexual battery shall not be a 58
residential parent ~~and~~ or legal custodian of that child. 59

Section 2. That existing section 3109.042 of the Revised 60
Code is hereby repealed. 61