

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**H. B. No. 806**

**Representative Bird**

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To amend sections 2705.031, 3107.15, 3109.05, 1  
3109.051, 3113.31, and 5153.16 and to enact 2  
section 3109.111 of the Revised Code regarding 3  
minor siblings seeking companionship or 4  
visitation rights with minor siblings. 5

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

**Section 1.** That sections 2705.031, 3107.15, 3109.05, 6  
3109.051, 3113.31, and 5153.16 be amended and section 3109.111 7  
of the Revised Code be enacted to read as follows: 8

**Sec. 2705.031.** (A) As used in this section, "Title IV-D 9  
case" has the same meaning as in section 3125.01 of the Revised 10  
Code. 11

(B) (1) Any party who has a legal claim to any support 12  
ordered for a child, spouse, or former spouse may initiate a 13  
contempt action for failure to pay the support. In Title IV-D 14  
cases, the contempt action for failure to pay support also may 15  
be initiated by an attorney retained by the party who has the 16  
legal claim, the prosecuting attorney, or an attorney of the 17  
department of job and family services or the child support 18  
enforcement agency. 19

(2) Any parent who is granted parenting time rights under 20

a parenting time order or decree issued pursuant to section 21  
3109.051 or 3109.12 of the Revised Code, any person who is 22  
granted visitation rights under a visitation order or decree 23  
issued pursuant to section 3109.051, 3109.11, 3109.111, or 24  
3109.12 of the Revised Code or pursuant to any other provision 25  
of the Revised Code, or any other person who is subject to any 26  
parenting time or visitation order or decree, may initiate a 27  
contempt action for a failure to comply with, or an interference 28  
with, the order or decree. 29

(C) In any contempt action initiated pursuant to division 30  
(B) of this section, the accused shall appear upon the summons 31  
and order to appear that is issued by the court. The summons 32  
shall include all of the following: 33

(1) Notice that failure to appear may result in the 34  
issuance of an order of arrest, and in cases involving alleged 35  
failure to pay support, the issuance of an order for the payment 36  
of support by withholding an amount from the personal earnings 37  
of the accused or by withholding or deducting an amount from 38  
some other asset of the accused; 39

(2) Notice that the accused has a right to counsel, and 40  
that if indigent, the accused must apply for a public defender 41  
or court appointed counsel within three business days after 42  
receipt of the summons; 43

(3) Notice that the court may refuse to grant a 44  
continuance at the time of the hearing for the purpose of the 45  
accused obtaining counsel, if the accused fails to make a good 46  
faith effort to retain counsel or to obtain a public defender; 47

(4) Notice of the potential penalties that could be 48  
imposed upon the accused, if the accused is found guilty of 49

contempt for failure to pay support or for a failure to comply 50  
with, or an interference with, a parenting time or visitation 51  
order or decree; 52

(5) Notice that the court may grant limited driving 53  
privileges under section 4510.021 of the Revised Code pursuant 54  
to a request made by the accused, if the driver's license was 55  
suspended based on a notice issued pursuant to section 3123.54 56  
of the Revised Code by the child support enforcement agency and 57  
if the request is accompanied by a recent noncertified copy of a 58  
driver's abstract from the registrar of motor vehicles. 59

(D) If the accused is served as required by the Rules of 60  
Civil Procedure or by any special statutory proceedings that are 61  
relevant to the case, the court may order the attachment of the 62  
person of the accused upon failure to appear as ordered by the 63  
court. 64

(E) The imposition of any penalty for contempt under 65  
section 2705.05 of the Revised Code shall not eliminate any 66  
obligation of the accused to pay any past, present, or future 67  
support obligation or any obligation of the accused to comply 68  
with or refrain from interfering with the parenting time or 69  
visitation order or decree. The court shall have jurisdiction to 70  
make a finding of contempt for the failure to pay support and to 71  
impose the penalties set forth in section 2705.05 of the Revised 72  
Code in all cases in which past due support is at issue even if 73  
the duty to pay support has terminated, and shall have 74  
jurisdiction to make a finding of contempt for a failure to 75  
comply with, or an interference with, a parenting time or 76  
visitation order or decree and to impose the penalties set forth 77  
in section 2705.05 of the Revised Code in all cases in which the 78  
failure or interference is at issue even if the parenting time 79

or visitation order or decree no longer is in effect. 80

**Sec. 3107.15.** (A) A final decree of adoption and an 81  
interlocutory order of adoption that has become final as issued 82  
by a court of this state, or a decree issued by a jurisdiction 83  
outside this state as recognized pursuant to section 3107.18 of 84  
the Revised Code, shall have the following effects as to all 85  
matters within the jurisdiction or before a court of this state, 86  
whether issued before or after May 30, 1996: 87

(1) (a) Except with respect to a spouse of the petitioner 88  
and relatives of the spouse, to relieve the biological or other 89  
legal parents of the adopted person of all parental rights and 90  
responsibilities, and to terminate all legal relationships 91  
between the adopted person and the adopted person's relatives, 92  
including the adopted person's biological or other legal 93  
parents, so that, except as provided under division (A) (1) (b) of 94  
this section, the adopted person thereafter is a stranger to the 95  
adopted person's former relatives for all purposes including 96  
inheritance and the interpretation or construction of documents, 97  
statutes, and instruments, whether executed before or after the 98  
adoption is decreed, which do not expressly include the person 99  
by name or by some designation not based on a parent and child 100  
or blood relationship; 101

(b) The legal parents of an adopted person may be notified 102  
that a sibling of the adopted person has been placed into out- 103  
of-home care. For the purposes of this division, "sibling" means 104  
a former biological sibling, former legal sibling, or any person 105  
who would have been considered a sibling if not for a 106  
termination or other disruption of parental rights. 107

(2) To create the relationship of parent and child between 108  
petitioner and the adopted person, as if the adopted person were 109

a legitimate blood descendant of the petitioner, for all 110  
purposes including inheritance and applicability of statutes, 111  
documents, and instruments, whether executed before or after the 112  
adoption is decreed, and whether executed or created before or 113  
after May 30, 1996, which do not expressly exclude an adopted 114  
person from their operation or effect; 115

(3) Notwithstanding division (A)(2) of this section, a 116  
person who is eighteen years of age or older at the time the 117  
person is adopted, and the adopted person's lineal descendants, 118  
are not included as recipients of gifts, devises, bequests, or 119  
other transfers of property, including transfers in trust made 120  
to a class of persons including, but not limited to, children, 121  
grandchildren, heirs, issue, lineal descendants, and next of 122  
kin, for purposes of inheritance and applicability of statutes, 123  
documents, and instruments, whether executed or created before 124  
or after May 30, 1996, unless the document or instrument 125  
expressly includes the adopted person by name or expressly 126  
states that it includes a person who is eighteen years of age or 127  
older at the time the person is adopted. 128

(B) Notwithstanding division (A) of this section, if a 129  
parent of a child dies without the relationship of parent and 130  
child having been previously terminated and a spouse of the 131  
living parent thereafter adopts the child, the child's rights 132  
from or through the deceased parent for all purposes, including 133  
inheritance and applicability or construction of documents, 134  
statutes, and instruments, are not restricted or curtailed by 135  
the adoption. 136

(C) Notwithstanding division (A) of this section, if the 137  
relationship of parent and child has not been terminated between 138  
a parent and that parent's child and a spouse of the other 139

parent of the child adopts the child, a grandparent's or 140  
relative's right to companionship or visitation pursuant to 141  
section 3109.11 or 3109.111 of the Revised Code is not 142  
restricted or curtailed by the adoption. 143

(D) An interlocutory order of adoption, while it is in 144  
force, has the same legal effect as a final decree of adoption. 145  
If an interlocutory order of adoption is vacated, it shall be as 146  
though void from its issuance, and the rights, liabilities, and 147  
status of all affected persons that have not become vested are 148  
governed accordingly. 149

**Sec. 3109.05.** (A) (1) In a divorce, dissolution of 150  
marriage, legal separation, or child support proceeding, the 151  
court may order either or both parents to support or help 152  
support their children, without regard to marital misconduct. In 153  
determining the amount reasonable or necessary for child 154  
support, including the medical needs of the child, the court 155  
shall comply with Chapter 3119. of the Revised Code. 156

(2) The court, in accordance with Chapter 3119. of the 157  
Revised Code, shall include in each support order made under 158  
this section the requirement that one or both of the parents 159  
provide for the health care needs of the child to the 160  
satisfaction of the court, and the court shall include in the 161  
support order a requirement that all support payments be made 162  
through the office of child support in the department of job and 163  
family services. 164

(3) The court shall comply with Chapters 3119., 3121., 165  
3123., and 3125. of the Revised Code when it makes or modifies 166  
an order for child support under this section. 167

(B) The juvenile court has exclusive jurisdiction to enter 168

the orders in any case certified to it from another court. 169

(C) If any person required to pay child support under an 170  
order made under division (A) of this section on or after April 171  
15, 1985, or modified on or after December 1, 1986, is found in 172  
contempt of court for failure to make support payments under the 173  
order, the court that makes the finding, in addition to any 174  
other penalty or remedy imposed, shall assess all court costs 175  
arising out of the contempt proceeding against the person and 176  
require the person to pay any reasonable attorney's fees of any 177  
adverse party, as determined by the court, that arose in 178  
relation to the act of contempt and, on or after July 1, 1992, 179  
shall assess interest on any unpaid amount of child support 180  
pursuant to section 3123.17 of the Revised Code. 181

(D) The court shall not authorize or permit the escrowing, 182  
impoundment, or withholding of any child support payment ordered 183  
under this section or any other section of the Revised Code 184  
because of a denial of or interference with a right of parenting 185  
time granted to a parent in an order issued under this section 186  
or section 3109.051 or 3109.12 of the Revised Code or 187  
companionship or visitation granted in an order issued under 188  
this section, section 3109.051, 3109.11, 3109.111, 3109.12, or 189  
any other section of the Revised Code, or as a method of 190  
enforcing the specific provisions of any such order dealing with 191  
parenting time or visitation. 192

**Sec. 3109.051.** (A) If a divorce, dissolution, legal 193  
separation, or annulment proceeding involves a child and if the 194  
court has not issued a shared parenting decree, the court shall 195  
consider any mediation report filed pursuant to section 3109.052 196  
of the Revised Code and, in accordance with division (C) of this 197  
section, shall make a just and reasonable order or decree 198

permitting each parent who is not the residential parent to have 199  
parenting time with the child at the time and under the 200  
conditions that the court directs, unless the court determines 201  
that it would not be in the best interest of the child to permit 202  
that parent to have parenting time with the child and includes 203  
in the journal its findings of fact and conclusions of law. 204  
Whenever possible, the order or decree permitting the parenting 205  
time shall ensure the opportunity for both parents to have 206  
frequent and continuing contact with the child, unless frequent 207  
and continuing contact by either parent with the child would not 208  
be in the best interest of the child. The court shall include in 209  
its final decree a specific schedule of parenting time for that 210  
parent. Except as provided in division (E)(6) of section 3113.31 211  
of the Revised Code, if the court, pursuant to this section, 212  
grants parenting time to a parent or companionship or visitation 213  
rights to any other person with respect to any child, it shall 214  
not require the public children services agency to provide 215  
supervision of or other services related to that parent's 216  
exercise of parenting time or that person's exercise of 217  
companionship or visitation rights with respect to the child. 218  
This section does not limit the power of a juvenile court 219  
pursuant to Chapter 2151. of the Revised Code to issue orders 220  
with respect to children who are alleged to be abused, 221  
neglected, or dependent children or to make dispositions of 222  
children who are adjudicated abused, neglected, or dependent 223  
children or of a common pleas court to issue orders pursuant to 224  
section 3113.31 of the Revised Code. 225

(B)(1) In a divorce, dissolution of marriage, legal 226  
separation, annulment, or child support proceeding that involves 227  
a child, the court may grant reasonable companionship or 228  
visitation rights to any grandparent, any person related to the 229

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| child by consanguinity or affinity, or any other person other        | 230 |
| than a parent, if all of the following apply:                        | 231 |
| (a) The grandparent, relative, or other person files a               | 232 |
| motion with the court seeking companionship or visitation            | 233 |
| rights.  | 234 |
| (b) The court determines that the grandparent, relative,             | 235 |
| or other person has an interest in the welfare of the child.         | 236 |
| (c) The court determines that the granting of the                    | 237 |
| companionship or visitation rights is in the best interest of        | 238 |
| the child.   | 239 |
| (2) A motion may be filed under division (B)(1) of this              | 240 |
| section during the pendency of the divorce, dissolution of           | 241 |
| marriage, legal separation, annulment, or child support              | 242 |
| proceeding or, if a motion was not filed at that time or was         | 243 |
| filed at that time and the circumstances in the case have            | 244 |
| changed, at any time after a decree or final order is issued in      | 245 |
| the case.  | 246 |
| (C) When determining whether to grant parenting time                 | 247 |
| rights to a parent pursuant to this section or section 3109.12       | 248 |
| of the Revised Code or to grant companionship or visitation          | 249 |
| rights to a grandparent, relative, or other person pursuant to       | 250 |
| this section or section 3109.11, <u>3109.111</u> , or 3109.12 of the | 251 |
| Revised Code, when establishing a specific parenting time or         | 252 |
| visitation schedule, and when determining other parenting time       | 253 |
| matters under this section or section 3109.12 of the Revised         | 254 |
| Code or visitation matters under this section or section             | 255 |
| 3109.11, <u>3109.111</u> , or 3109.12 of the Revised Code, the court | 256 |
| shall consider any mediation report that is filed pursuant to        | 257 |
| section 3109.052 of the Revised Code and shall consider all          | 258 |

other relevant factors, including, but not limited to, all of 259  
the factors listed in division (D) of this section. In 260  
considering the factors listed in division (D) of this section 261  
for purposes of determining whether to grant parenting time or 262  
visitation rights, establishing a specific parenting time or 263  
visitation schedule, determining other parenting time matters 264  
under this section or section 3109.12 of the Revised Code or 265  
visitation matters under this section or under section 3109.11, 266  
3109.111, or 3109.12 of the Revised Code, and resolving any 267  
issues related to the making of any determination with respect 268  
to parenting time or visitation rights or the establishment of 269  
any specific parenting time or visitation schedule, the court, 270  
in its discretion, may interview in chambers any or all involved 271  
children regarding their wishes and concerns. If the court 272  
interviews any child concerning the child's wishes and concerns 273  
regarding those parenting time or visitation matters, the 274  
interview shall be conducted in chambers, and no person other 275  
than the child, the child's attorney, the judge, any necessary 276  
court personnel, and, in the judge's discretion, the attorney of 277  
each parent shall be permitted to be present in the chambers 278  
during the interview. No person shall obtain or attempt to 279  
obtain from a child a written or recorded statement or affidavit 280  
setting forth the wishes and concerns of the child regarding 281  
those parenting time or visitation matters. A court, in 282  
considering the factors listed in division (D) of this section 283  
for purposes of determining whether to grant any parenting time 284  
or visitation rights, establishing a parenting time or 285  
visitation schedule, determining other parenting time matters 286  
under this section or section 3109.12 of the Revised Code or 287  
visitation matters under this section or under section 3109.11, 288  
3109.111, or 3109.12 of the Revised Code, or resolving any 289  
issues related to the making of any determination with respect 290

to parenting time or visitation rights or the establishment of 291  
any specific parenting time or visitation schedule, shall not 292  
accept or consider a written or recorded statement or affidavit 293  
that purports to set forth the child's wishes or concerns 294  
regarding those parenting time or visitation matters. 295

(D) In determining whether to grant parenting time to a 296  
parent pursuant to this section or section 3109.12 of the 297  
Revised Code or companionship or visitation rights to a 298  
grandparent, relative, or other person pursuant to this section 299  
or section 3109.11, 3109.111, or 3109.12 of the Revised Code, in 300  
establishing a specific parenting time or visitation schedule, 301  
and in determining other parenting time matters under this 302  
section or section 3109.12 of the Revised Code or visitation 303  
matters under this section or section 3109.11, 3109.111, or 304  
3109.12 of the Revised Code, the court shall consider all of the 305  
following factors: 306

(1) The prior interaction and interrelationships of the 307  
child with the child's parents, siblings, and other persons 308  
related by consanguinity or affinity, and with the person who 309  
requested companionship or visitation if that person is not a 310  
parent, sibling, or relative of the child; 311

(2) The geographical location of the residence of each 312  
parent and the distance between those residences, and if the 313  
person is not a parent, the geographical location of that 314  
person's residence and the distance between that person's 315  
residence and the child's residence; 316

(3) The child's and parents' available time, including, 317  
but not limited to, each parent's employment schedule, the 318  
child's school schedule, and the child's and the parents' 319  
holiday and vacation schedule; 320

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| (4) The age of the child;  | 321 |
| (5) The child's adjustment to home, school, and community;       | 322 |
| (6) If the court has interviewed the child in chambers,          | 323 |
| pursuant to division (C) of this section, regarding the wishes   | 324 |
| and concerns of the child as to parenting time by the parent who | 325 |
| is not the residential parent or companionship or visitation by  | 326 |
| the grandparent, relative, or other person who requested         | 327 |
| companionship or visitation, as to a specific parenting time or  | 328 |
| visitation schedule, or as to other parenting time or visitation | 329 |
| matters, the wishes and concerns of the child, as expressed to   | 330 |
| the court;   | 331 |
| (7) The health and safety of the child;                          | 332 |
| (8) The amount of time that will be available for the            | 333 |
| child to spend with siblings;                                    | 334 |
| (9) The mental and physical health of all parties;               | 335 |
| (10) Each parent's willingness to reschedule missed              | 336 |
| parenting time and to facilitate the other parent's parenting    | 337 |
| time rights, and with respect to a person who requested          | 338 |
| companionship or visitation, the willingness of that person to   | 339 |
| reschedule missed visitation;                                    | 340 |
| (11) In relation to parenting time, whether either parent        | 341 |
| previously has been convicted of or pleaded guilty to any        | 342 |
| criminal offense involving any act that resulted in a child      | 343 |
| being an abused child or a neglected child; whether either       | 344 |
| parent, in a case in which a child has been adjudicated an       | 345 |
| abused child or a neglected child, previously has been           | 346 |
| determined to be the perpetrator of the abusive or neglectful    | 347 |
| act that is the basis of the adjudication; and whether there is  | 348 |
| reason to believe that either parent has acted in a manner       | 349 |

resulting in a child being an abused child or a neglected child; 350

(12) In relation to requested companionship or visitation 351  
by a person other than a parent, whether the person previously 352  
has been convicted of or pleaded guilty to any criminal offense 353  
involving any act that resulted in a child being an abused child 354  
or a neglected child; whether the person, in a case in which a 355  
child has been adjudicated an abused child or a neglected child, 356  
previously has been determined to be the perpetrator of the 357  
abusive or neglectful act that is the basis of the adjudication; 358  
whether either parent previously has been convicted of or 359  
pleaded guilty to a violation of section 2919.25 of the Revised 360  
Code involving a victim who at the time of the commission of the 361  
offense was a member of the family or household that is the 362  
subject of the current proceeding; whether either parent 363  
previously has been convicted of an offense involving a victim 364  
who at the time of the commission of the offense was a member of 365  
the family or household that is the subject of the current 366  
proceeding and caused physical harm to the victim in the 367  
commission of the offense; and whether there is reason to 368  
believe that the person has acted in a manner resulting in a 369  
child being an abused child or a neglected child; 370

(13) Whether the residential parent or one of the parents 371  
subject to a shared parenting decree has continuously and 372  
willfully denied the other parent's right to parenting time in 373  
accordance with an order of the court; 374

(14) Whether either parent has established a residence or 375  
is planning to establish a residence outside this state; 376

(15) In relation to requested companionship or visitation 377  
by a person other than a parent, the wishes and concerns of the 378  
child's parents, as expressed by them to the court; 379

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| (16) Any other factor in the best interest of the child.   | 380   |
| (E) The remarriage of a residential parent of a child does not affect the authority of a court under this section to grant parenting time rights with respect to the child to the parent who is not the residential parent or to grant reasonable companionship or visitation rights with respect to the child to any grandparent, any person related by consanguinity or affinity, or any other person.   | 381<br>382<br>383<br>384<br>385<br>386<br>387               |
| (F) (1) If the court, pursuant to division (A) of this section, denies parenting time to a parent who is not the residential parent or denies a motion for reasonable companionship or visitation rights filed under division (B) of this section and the parent or movant files a written request for findings of fact and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.   | 388<br>389<br>390<br>391<br>392<br>393<br>394<br>395        |
| (2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard parenting time guidelines. A court shall have discretion to deviate from its standard parenting time guidelines based upon factors set forth in division (D) of this section.   | 396<br>397<br>398<br>399<br>400                             |
| (G) (1) If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G) (2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not the residential parent, may | 401<br>402<br>403<br>404<br>405<br>406<br>407<br>408<br>409 |

schedule a hearing with notice to both parents to determine 410  
whether it is in the best interest of the child to revise the 411  
parenting time schedule for the child. 412

(2) When a court grants parenting time rights to a parent 413  
who is not the residential parent, the court shall determine 414  
whether that parent has been convicted of or pleaded guilty to a 415  
violation of section 2919.25 of the Revised Code involving a 416  
victim who at the time of the commission of the offense was a 417  
member of the family or household that is the subject of the 418  
proceeding, has been convicted of or pleaded guilty to any other 419  
offense involving a victim who at the time of the commission of 420  
the offense was a member of the family or household that is the 421  
subject of the proceeding and caused physical harm to the victim 422  
in the commission of the offense, or has been determined to be 423  
the perpetrator of the abusive act that is the basis of an 424  
adjudication that a child is an abused child. If the court 425  
determines that that parent has not been so convicted and has 426  
not been determined to be the perpetrator of an abusive act that 427  
is the basis of a child abuse adjudication, the court shall 428  
issue an order stating that a copy of any notice of relocation 429  
that is filed with the court pursuant to division (G) (1) of this 430  
section will be sent to the parent who is given the parenting 431  
time rights in accordance with division (G) (1) of this section. 432

If the court determines that the parent who is granted the 433  
parenting time rights has been convicted of or pleaded guilty to 434  
a violation of section 2919.25 of the Revised Code involving a 435  
victim who at the time of the commission of the offense was a 436  
member of the family or household that is the subject of the 437  
proceeding, has been convicted of or pleaded guilty to any other 438  
offense involving a victim who at the time of the commission of 439  
the offense was a member of the family or household that is the 440

subject of the proceeding and caused physical harm to the victim 441  
in the commission of the offense, or has been determined to be 442  
the perpetrator of the abusive act that is the basis of an 443  
adjudication that a child is an abused child, it shall issue an 444  
order stating that that parent will not be given a copy of any 445  
notice of relocation that is filed with the court pursuant to 446  
division (G)(1) of this section unless the court determines that 447  
it is in the best interest of the children to give that parent a 448  
copy of the notice of relocation, issues an order stating that 449  
that parent will be given a copy of any notice of relocation 450  
filed pursuant to division (G)(1) of this section, and issues 451  
specific written findings of fact in support of its 452  
determination. 453

(3) If a court, prior to April 11, 1991, issued an order 454  
granting parenting time rights to a parent who is not the 455  
residential parent and did not require the residential parent in 456  
that order to give the parent who is granted the parenting time 457  
rights notice of any change of address and if the residential 458  
parent files a notice of relocation pursuant to division (G)(1) 459  
of this section, the court shall determine if the parent who is 460  
granted the parenting time rights has been convicted of or 461  
pleaded guilty to a violation of section 2919.25 of the Revised 462  
Code involving a victim who at the time of the commission of the 463  
offense was a member of the family or household that is the 464  
subject of the proceeding, has been convicted of or pleaded 465  
guilty to any other offense involving a victim who at the time 466  
of the commission of the offense was a member of the family or 467  
household that is the subject of the proceeding and caused 468  
physical harm to the victim in the commission of the offense, or 469  
has been determined to be the perpetrator of the abusive act 470  
that is the basis of an adjudication that a child is an abused 471

child. If the court determines that the parent who is granted 472  
the parenting time rights has not been so convicted and has not 473  
been determined to be the perpetrator of an abusive act that is 474  
the basis of a child abuse adjudication, the court shall issue 475  
an order stating that a copy of any notice of relocation that is 476  
filed with the court pursuant to division (G)(1) of this section 477  
will be sent to the parent who is granted parenting time rights 478  
in accordance with division (G)(1) of this section. 479

If the court determines that the parent who is granted the 480  
parenting time rights has been convicted of or pleaded guilty to 481  
a violation of section 2919.25 of the Revised Code involving a 482  
victim who at the time of the commission of the offense was a 483  
member of the family or household that is the subject of the 484  
proceeding, has been convicted of or pleaded guilty to any other 485  
offense involving a victim who at the time of the commission of 486  
the offense was a member of the family or household that is the 487  
subject of the proceeding and caused physical harm to the victim 488  
in the commission of the offense, or has been determined to be 489  
the perpetrator of the abusive act that is the basis of an 490  
adjudication that a child is an abused child, it shall issue an 491  
order stating that that parent will not be given a copy of any 492  
notice of relocation that is filed with the court pursuant to 493  
division (G)(1) of this section unless the court determines that 494  
it is in the best interest of the children to give that parent a 495  
copy of the notice of relocation, issues an order stating that 496  
that parent will be given a copy of any notice of relocation 497  
filed pursuant to division (G)(1) of this section, and issues 498  
specific written findings of fact in support of its 499  
determination. 500

(4) If a parent who is granted parenting time rights 501  
pursuant to this section or any other section of the Revised 502

Code is authorized by an order issued pursuant to this section 503  
or any other court order to receive a copy of any notice of 504  
relocation that is filed pursuant to division (G)(1) of this 505  
section or pursuant to court order, if the residential parent 506  
intends to move to a residence other than the residence address 507  
specified in the parenting time order, and if the residential 508  
parent does not want the parent who is granted the parenting 509  
time rights to receive a copy of the relocation notice because 510  
the parent with parenting time rights has been convicted of or 511  
pleaded guilty to a violation of section 2919.25 of the Revised 512  
Code involving a victim who at the time of the commission of the 513  
offense was a member of the family or household that is the 514  
subject of the proceeding, has been convicted of or pleaded 515  
guilty to any other offense involving a victim who at the time 516  
of the commission of the offense was a member of the family or 517  
household that is the subject of the proceeding and caused 518  
physical harm to the victim in the commission of the offense, or 519  
has been determined to be the perpetrator of the abusive act 520  
that is the basis of an adjudication that a child is an abused 521  
child, the residential parent may file a motion with the court 522  
requesting that the parent who is granted the parenting time 523  
rights not receive a copy of any notice of relocation. Upon the 524  
filing of the motion, the court shall schedule a hearing on the 525  
motion and give both parents notice of the date, time, and 526  
location of the hearing. If the court determines that the parent 527  
who is granted the parenting time rights has been so convicted 528  
or has been determined to be the perpetrator of an abusive act 529  
that is the basis of a child abuse adjudication, the court shall 530  
issue an order stating that the parent who is granted the 531  
parenting time rights will not be given a copy of any notice of 532  
relocation that is filed with the court pursuant to division (G) 533  
(1) of this section or that the residential parent is no longer 534

required to give that parent a copy of any notice of relocation 535  
unless the court determines that it is in the best interest of 536  
the children to give that parent a copy of the notice of 537  
relocation, issues an order stating that that parent will be 538  
given a copy of any notice of relocation filed pursuant to 539  
division (G)(1) of this section, and issues specific written 540  
findings of fact in support of its determination. If it does not 541  
so find, it shall dismiss the motion. 542

(H)(1) Subject to section 3125.16 and division (F) of 543  
section 3319.321 of the Revised Code, a parent of a child who is 544  
not the residential parent of the child is entitled to access, 545  
under the same terms and conditions under which access is 546  
provided to the residential parent, to any record that is 547  
related to the child and to which the residential parent of the 548  
child legally is provided access, unless the court determines 549  
that it would not be in the best interest of the child for the 550  
parent who is not the residential parent to have access to the 551  
records under those same terms and conditions. If the court 552  
determines that the parent of a child who is not the residential 553  
parent should not have access to records related to the child 554  
under the same terms and conditions as provided for the 555  
residential parent, the court shall specify the terms and 556  
conditions under which the parent who is not the residential 557  
parent is to have access to those records, shall enter its 558  
written findings of facts and opinion in the journal, and shall 559  
issue an order containing the terms and conditions to both the 560  
residential parent and the parent of the child who is not the 561  
residential parent. The court shall include in every order 562  
issued pursuant to this division notice that any keeper of a 563  
record who knowingly fails to comply with the order or division 564  
(H) of this section is in contempt of court. 565

(2) Subject to section 3125.16 and division (F) of section 566  
3319.321 of the Revised Code, subsequent to the issuance of an 567  
order under division (H) (1) of this section, the keeper of any 568  
record that is related to a particular child and to which the 569  
residential parent legally is provided access shall permit the 570  
parent of the child who is not the residential parent to have 571  
access to the record under the same terms and conditions under 572  
which access is provided to the residential parent, unless the 573  
residential parent has presented the keeper of the record with a 574  
copy of an order issued under division (H) (1) of this section 575  
that limits the terms and conditions under which the parent who 576  
is not the residential parent is to have access to records 577  
pertaining to the child and the order pertains to the record in 578  
question. If the residential parent presents the keeper of the 579  
record with a copy of that type of order, the keeper of the 580  
record shall permit the parent who is not the residential parent 581  
to have access to the record only in accordance with the most 582  
recent order that has been issued pursuant to division (H) (1) of 583  
this section and presented to the keeper by the residential 584  
parent or the parent who is not the residential parent. Any 585  
keeper of any record who knowingly fails to comply with division 586  
(H) of this section or with any order issued pursuant to 587  
division (H) (1) of this section is in contempt of court. 588

(3) The prosecuting attorney of any county may file a 589  
complaint with the court of common pleas of that county 590  
requesting the court to issue a protective order preventing the 591  
disclosure pursuant to division (H) (1) or (2) of this section of 592  
any confidential law enforcement investigatory record. The court 593  
shall schedule a hearing on the motion and give notice of the 594  
date, time, and location of the hearing to all parties. 595

(I) A court that issues a parenting time order or decree 596

pursuant to this section or section 3109.12 of the Revised Code 597  
shall determine whether the parent granted the right of 598  
parenting time is to be permitted access, in accordance with 599  
section 5104.039 of the Revised Code, to any child care center 600  
that is, or that in the future may be, attended by the children 601  
with whom the right of parenting time is granted. Unless the 602  
court determines that the parent who is not the residential 603  
parent should not have access to the center to the same extent 604  
that the residential parent is granted access to the center, the 605  
parent who is not the residential parent and who is granted 606  
parenting time rights is entitled to access to the center to the 607  
same extent that the residential parent is granted access to the 608  
center. If the court determines that the parent who is not the 609  
residential parent should not have access to the center to the 610  
same extent that the residential parent is granted such access 611  
under section 5104.039 of the Revised Code, the court shall 612  
specify the terms and conditions under which the parent who is 613  
not the residential parent is to have access to the center, 614  
provided that the access shall not be greater than the access 615  
that is provided to the residential parent under section 616  
5104.039 of the Revised Code, the court shall enter its written 617  
findings of fact and opinions in the journal, and the court 618  
shall include the terms and conditions of access in the 619  
parenting time order or decree. 620

(J) (1) Subject to division (F) of section 3319.321 of the 621  
Revised Code, when a court issues an order or decree allocating 622  
parental rights and responsibilities for the care of a child, 623  
the parent of the child who is not the residential parent of the 624  
child is entitled to access, under the same terms and conditions 625  
under which access is provided to the residential parent, to any 626  
student activity that is related to the child and to which the 627

residential parent of the child legally is provided access, 628  
unless the court determines that it would not be in the best 629  
interest of the child to grant the parent who is not the 630  
residential parent access to the student activities under those 631  
same terms and conditions. If the court determines that the 632  
parent of the child who is not the residential parent should not 633  
have access to any student activity that is related to the child 634  
under the same terms and conditions as provided for the 635  
residential parent, the court shall specify the terms and 636  
conditions under which the parent who is not the residential 637  
parent is to have access to those student activities, shall 638  
enter its written findings of facts and opinion in the journal, 639  
and shall issue an order containing the terms and conditions to 640  
both the residential parent and the parent of the child who is 641  
not the residential parent. The court shall include in every 642  
order issued pursuant to this division notice that any school 643  
official or employee who knowingly fails to comply with the 644  
order or division (J) of this section is in contempt of court. 645

(2) Subject to division (F) of section 3319.321 of the 646  
Revised Code, subsequent to the issuance of an order under 647  
division (J) (1) of this section, all school officials and 648  
employees shall permit the parent of the child who is not the 649  
residential parent to have access to any student activity under 650  
the same terms and conditions under which access is provided to 651  
the residential parent of the child, unless the residential 652  
parent has presented the school official or employee, the board 653  
of education of the school, or the governing body of the 654  
chartered nonpublic school with a copy of an order issued under 655  
division (J) (1) of this section that limits the terms and 656  
conditions under which the parent who is not the residential 657  
parent is to have access to student activities related to the 658

child and the order pertains to the student activity in 659  
question. If the residential parent presents the school official 660  
or employee, the board of education of the school, or the 661  
governing body of the chartered nonpublic school with a copy of 662  
that type of order, the school official or employee shall permit 663  
the parent who is not the residential parent to have access to 664  
the student activity only in accordance with the most recent 665  
order that has been issued pursuant to division (J) (1) of this 666  
section and presented to the school official or employee, the 667  
board of education of the school, or the governing body of the 668  
chartered nonpublic school by the residential parent or the 669  
parent who is not the residential parent. Any school official or 670  
employee who knowingly fails to comply with division (J) of this 671  
section or with any order issued pursuant to division (J) (1) of 672  
this section is in contempt of court. 673

(K) If any person is found in contempt of court for 674  
failing to comply with or interfering with any order or decree 675  
granting parenting time rights issued pursuant to this section 676  
or section 3109.12 of the Revised Code or companionship or 677  
visitation rights issued pursuant to this section, section 678  
3109.11, 3109.111, or 3109.12 of the Revised Code, or any other 679  
provision of the Revised Code, the court that makes the finding, 680  
in addition to any other penalty or remedy imposed, shall assess 681  
all court costs arising out of the contempt proceeding against 682  
the person and require the person to pay any reasonable 683  
attorney's fees of any adverse party, as determined by the 684  
court, that arose in relation to the act of contempt, and may 685  
award reasonable compensatory parenting time or visitation to 686  
the person whose right of parenting time or visitation was 687  
affected by the failure or interference if such compensatory 688  
parenting time or visitation is in the best interest of the 689

child. Any compensatory parenting time or visitation awarded 690  
under this division shall be included in an order issued by the 691  
court and, to the extent possible, shall be governed by the same 692  
terms and conditions as was the parenting time or visitation 693  
that was affected by the failure or interference. 694

(L) Any parent who requests reasonable parenting time 695  
rights with respect to a child under this section or section 696  
3109.12 of the Revised Code or any person who requests 697  
reasonable companionship or visitation rights with respect to a 698  
child under this section, section 3109.11, 3109.111, or 3109.12 699  
of the Revised Code, or any other provision of the Revised Code 700  
may file a motion with the court requesting that it waive all or 701  
any part of the costs that may accrue in the proceedings. If the 702  
court determines that the movant is indigent and that the waiver 703  
is in the best interest of the child, the court, in its 704  
discretion, may waive payment of all or any part of the costs of 705  
those proceedings. 706

(M) (1) A parent who receives an order for active military 707  
service in the uniformed services and who is subject to a 708  
parenting time order may apply to the court for any of the 709  
following temporary orders for the period extending from the 710  
date of the parent's departure to the date of return: 711

(a) An order delegating all or part of the parent's 712  
parenting time with the child to a relative or to another person 713  
who has a close and substantial relationship with the child if 714  
the delegation is in the child's best interest; 715

(b) An order that the other parent make the child 716  
reasonably available for parenting time with the parent when the 717  
parent is on leave from active military service; 718

(c) An order that the other parent facilitate contact, 719  
including telephone and electronic contact, between the parent 720  
and child while the parent is on active military service. 721

(2) (a) Upon receipt of an order for active military 722  
service, a parent who is subject to a parenting time order and 723  
seeks an order under division (M) (1) of this section shall 724  
notify the other parent who is subject to the parenting time 725  
order and apply to the court as soon as reasonably possible 726  
after receipt of the order for active military service. The 727  
application shall include the date on which the active military 728  
service begins. 729

(b) The court shall schedule a hearing upon receipt of an 730  
application under division (M) of this section and hold the 731  
hearing not later than thirty days after its receipt, except 732  
that the court shall give the case calendar priority and handle 733  
the case expeditiously if exigent circumstances exist in the 734  
case. No hearing shall be required if both parents agree to the 735  
terms of the requested temporary order and the court determines 736  
that the order is in the child's best interest. 737

(c) In determining whether a delegation under division (M) 738  
(1) (a) of this section is in the child's best interest, the 739  
court shall consider all relevant factors, including the factors 740  
set forth in division (D) of this section. 741

(d) An order delegating all or part of the parent's 742  
parenting time pursuant to division (M) (1) (a) of this section 743  
does not create standing on behalf of the person to whom 744  
parenting time is delegated to assert ~~visitation or~~ 745  
companionship or visitation rights independent of the order. 746

(3) At the request of a parent who is ordered for active 747

military service in the uniformed services and who is a subject 748  
of a proceeding pertaining to a parenting time order or 749  
pertaining to a request for companionship ~~rights~~ or visitation 750  
rights with a child, the court shall permit the parent to 751  
participate in the proceeding and present evidence by electronic 752  
means, including communication by telephone, video, or internet 753  
to the extent permitted by rules of the supreme court of Ohio. 754

(N) The juvenile court has exclusive jurisdiction to enter 755  
the orders in any case certified to it from another court. 756

(O) As used in this section: 757

(1) "Abused child" has the same meaning as in section 758  
2151.031 of the Revised Code, and "neglected child" has the same 759  
meaning as in section 2151.03 of the Revised Code. 760

(2) "Active military service" and "uniformed services" 761  
have the same meanings as in section 3109.04 of the Revised 762  
Code. 763

(3) "Confidential law enforcement investigatory record" 764  
has the same meaning as in section 149.43 of the Revised Code. 765

(4) "Parenting time order" means an order establishing the 766  
amount of time that a child spends with the parent who is not 767  
the residential parent or the amount of time that the child is 768  
to be physically located with a parent under a shared parenting 769  
order. 770

(5) "Record" means any record, document, file, or other 771  
material that contains information directly related to a child, 772  
including, but not limited to, any of the following: 773

(a) Records maintained by public and nonpublic schools; 774

(b) Records maintained by facilities that provide child 775

care, as defined in section 5104.01 of the Revised Code, 776  
publicly funded child care, as defined in section 5104.01 of the 777  
Revised Code, or pre-school services operated by or under the 778  
supervision of a school district board of education or a 779  
nonpublic school; 780

(c) Records maintained by hospitals, other facilities, or 781  
persons providing medical or surgical care or treatment for the 782  
child; 783

(d) Records maintained by agencies, departments, 784  
instrumentalities, or other entities of the state or any 785  
political subdivision of the state, other than a child support 786  
enforcement agency. Access to records maintained by a child 787  
support enforcement agency is governed by section 3125.16 of the 788  
Revised Code. 789

**Sec. 3109.111.** (A) For purposes of this section, "sibling" 790  
includes a sibling, half sibling, or stepsibling by birth, 791  
adoption, or marriage. 792

(B) (1) Notwithstanding any contrary provision of sections 793  
3109.051, 3109.11, and 3109.12 of the Revised Code, a minor 794  
sibling; a minor sibling's parent, legal guardian, or legal 795  
custodian; or a next friend of the minor sibling who is at least 796  
eighteen years of age may file a motion with the court for a 797  
child's minor sibling to be granted reasonable companionship or 798  
visitation rights with respect to the child under any of the 799  
following circumstances: 800

(a) The child's parent or stepparent is deceased. 801

(b) A divorce, dissolution, legal separation, or annulment 802  
proceeding involving the child is pending. 803

(c) The child is born to an unmarried woman and the father 804

of the child has established a parent and child relationship 805  
pursuant to Chapter 3111. of the Revised Code, provided that the 806  
sibling seeking companionship or visitation rights has 807  
demonstrated by clear and convincing evidence that the minor 808  
children are siblings. 809

(2) Upon filing a motion under division (B)(1) of this 810  
section, a party shall file a proposed schedule and other terms 811  
for companionship or visitation between the siblings. Whenever 812  
possible, all parties shall collaborate to develop a proposed 813  
schedule and terms that are in the best interest of the child. 814

(3) If a sibling is unable to be represented by an 815  
attorney, the court may appoint an attorney for the sibling at 816  
the court's expense. 817

(C) The court shall grant a minor sibling reasonable 818  
companionship or visitation rights with the minor child if the 819  
court determines that granting companionship or visitation 820  
rights is in the best interest of the child. 821

(D)(1) In determining whether granting the sibling 822  
reasonable companionship or visitation rights is in the best 823  
interest of the child pursuant to division (C) of this section, 824  
the court shall consider all relevant factors, including the 825  
following: 826

(a) The factors set forth in division (D) of section 827  
3109.051 of the Revised Code; 828

(b) Evidence that the relationship between the child and 829  
the sibling is mutually beneficial; 830

(c) Whether granting the sibling companionship or 831  
visitation rights with the child will adversely affect the 832  
parent and child relationship of either the child or the 833

sibling. 834

(2) In making a determination under division (D) (1) of 835  
this section, the court shall not consider the sex of the 836  
children or the children's parents. 837

(E) (1) In any proceeding under this section, the court 838  
shall make a just and reasonable order permitting a minor 839  
sibling to have visitation or companionship rights with the 840  
child at the time and under the conditions that the court 841  
directs if the court determines that it is in the best interest 842  
of the child. An order granting companionship or visitation 843  
rights shall ensure the opportunity for the minor sibling to 844  
have frequent and continuing contact with the child and any 845  
other siblings shown to be involved. If the court determines 846  
that granting companionship or visitation rights under this 847  
section would not be in the best interest of the child, the 848  
court shall include in the journal its findings of fact and 849  
conclusions of law supporting that determination. 850

(2) The court shall not require a hearing on a motion for 851  
companionship or visitation under this section if both of the 852  
following apply: 853

(a) All parties agree to a schedule and all other terms of 854  
the order; 855

(b) The court determines that the schedule and terms are 856  
in the best interest of the children. 857

(3) The court shall include in its final order a specific 858  
schedule of companionship or visitation and any other relevant 859  
terms. 860

(F) (1) Any party described in division (B) (2) of this 861  
section may file a motion requesting modification of a prior 862

order issued under this section. Except as provided under 863  
division (F) (2) of this section, the court shall schedule a 864  
hearing with notice to all parties to determine whether it is in 865  
the best interest of the child to revise the schedule or other 866  
terms of companionship or visitation for the child. The hearing 867  
shall be held not later than sixty days after the motion is 868  
filed. 869

(2) If the residential parent has filed a notice of intent 870  
to relocate pursuant to section 3109.051 of the Revised Code, 871  
the court shall send a copy of the notice to each sibling who 872  
has been awarded companionship or visitation rights with the 873  
child who resides with that parent. Upon receipt of the notice, 874  
the court, on its own motion or the motion of any party 875  
described under division (B) (2) of this section who is not the 876  
residential parent, may schedule a hearing with notice to all 877  
parties to determine whether it is in the best interest of the 878  
child to revise the schedule or other terms of companionship or 879  
visitation for the child. The hearing shall be held not later 880  
than sixty days prior to the residential parent's relocation. 881

(3) The court shall not modify a prior order granting or 882  
denying a minor sibling's companionship or visitation rights 883  
under this section unless the court determines that there has 884  
been a material change in the circumstances of the child or the 885  
minor sibling and that modification is necessary to serve the 886  
best interest of the child. The court shall make specific 887  
written findings of fact to support any modification under this 888  
division. 889

(G) If the parties cannot agree on modification of a prior 890  
order under division (F) of this section, the court shall refer 891  
the matter to mediation pursuant to section 3109.051 of the 892

Revised Code. If mediation is not possible without undue delay 893  
or hardship to a party, the party may request a waiver from the 894  
court. If a waiver is sought, the court shall hold an 895  
evidentiary hearing and the party seeking the waiver shall 896  
demonstrate the undue delay or hardship by clear and convincing 897  
evidence. Upon making the determination, the court shall include 898  
in the journal its findings of fact and conclusions of law 899  
supporting its decision. 900

(H) Except as provided in division (E) (6) of section 901  
3113.31 of the Revised Code, if the court, pursuant to this 902  
section, grants any person companionship or visitation rights 903  
with respect to any child, it shall not require the public 904  
children services agency to provide supervision of or other 905  
services related to that person's exercise of companionship or 906  
visitation rights with respect to the child. This section does 907  
not limit the power of a juvenile court pursuant to Chapter 908  
2151. of the Revised Code to issue orders with respect to 909  
children who are alleged to be abused, neglected, or dependent 910  
children or to make dispositions of children who are adjudicated 911  
abused, neglected, or dependent children or of a common pleas 912  
court to issue orders pursuant to section 3113.31 of the Revised 913  
Code. 914

(I) The supreme court of Ohio shall prescribe a form to 915  
facilitate ease in filing for companionship and visitation 916  
rights and modification of a prior order issued for 917  
companionship or visitation rights by a minor sibling in 918  
accordance with this section. 919

**Sec. 3113.31.** (A) As used in this section: 920

(1) "Domestic violence" means any of the following: 921

|  |  |
|--|--|
| (a) The occurrence of one or more of the following acts against a family or household member:  | 922<br>923   |
| (i) Attempting to cause or recklessly causing bodily injury;   | 924<br>925   |
| (ii) Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;  | 926<br>927<br>928                                    |
| (iii) Committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Revised Code;   | 929<br>930<br>931                                    |
| (iv) Committing a sexually oriented offense.   | 932  |
| (b) The occurrence of one or more of the acts identified in divisions (A)(1)(a)(i) to (iv) of this section against a person with whom the respondent is or was in a dating relationship.   | 933<br>934<br>935<br>936                             |
| (2) "Court" means the domestic relations division of the court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age. | 937<br>938<br>939<br>940<br>941<br>942<br>943<br>944 |
| (3) "Family or household member" means any of the following:   | 945<br>946   |
| (a) Any of the following who is residing with or has resided with the respondent:  | 947<br>948   |
| (i) A spouse, a person living as a spouse, or a former   | 949  |

|   |  |
|---|--|
| spouse of the respondent;   | 950                                    |
| (ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;   | 951<br>952<br>953                      |
| (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.  | 954<br>955<br>956<br>957               |
| (b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.   | 958<br>959<br>960                      |
| (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. | 961<br>962<br>963<br>964<br>965<br>966 |
| (5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.  | 967<br>968<br>969                      |
| (6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.   | 970<br>971                             |
| (7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.  | 972<br>973                             |
| (8) "Dating relationship" means a relationship between individuals who have, or have had, a relationship of a romantic or intimate nature. "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business  | 974<br>975<br>976<br>977               |

|  |  |
|--|--|
| or social context.   | 978                                    |
| (9) "Person with whom the respondent is or was in a dating relationship" means an individual who, at the time of the conduct in question, is in a dating relationship with the respondent who is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with the respondent who is an adult. | 979<br>980<br>981<br>982<br>983<br>984 |
| (B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.   | 985<br>986<br>987<br>988               |
| (C) A person may seek relief under this section on the person's own behalf, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state:  | 989<br>990<br>991<br>992<br>993        |
| (1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent or against a person with whom the respondent is or was in a dating relationship, including a description of the nature and extent of the domestic violence;  | 994<br>995<br>996<br>997<br>998        |
| (2) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner;  | 999<br>1000                            |
| (3) If the petition is for protection of a person with whom the respondent is or was in a dating relationship, the facts upon which the court may conclude that a dating relationship existed between the person to be protected and the respondent;   | 1001<br>1002<br>1003<br>1004<br>1005   |
| (4) A request for relief under this section.   | 1006                                   |

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

(2) (a) If the court, after an ex parte hearing, issues an order described in division (E) (1) (b) or (c) of this section, the court shall schedule a full hearing for a date that is within seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the court shall schedule a full hearing for a date that

is within ten court days after the ex parte hearing. The court 1038  
shall give the respondent notice of, and an opportunity to be 1039  
heard at, the full hearing. The court shall hold the full 1040  
hearing on the date scheduled under this division unless the 1041  
court grants a continuance of the hearing in accordance with 1042  
this division. Under any of the following circumstances or for 1043  
any of the following reasons, the court may grant a continuance 1044  
of the full hearing to a reasonable time determined by the 1045  
court: 1046

(i) Prior to the date scheduled for the full hearing under 1047  
this division, the respondent has not been served with the 1048  
petition filed pursuant to this section and notice of the full 1049  
hearing. 1050

(ii) The parties consent to the continuance. 1051

(iii) The continuance is needed to allow a party to obtain 1052  
counsel. 1053

(iv) The continuance is needed for other good cause. 1054

(b) An ex parte order issued under this section does not 1055  
expire because of a failure to serve notice of the full hearing 1056  
upon the respondent before the date set for the full hearing 1057  
under division (D) (2) (a) of this section or because the court 1058  
grants a continuance under that division. 1059

(3) If a person who files a petition pursuant to this 1060  
section does not request an ex parte order, or if a person 1061  
requests an ex parte order but the court does not issue an ex 1062  
parte order after an ex parte hearing, the court shall proceed 1063  
as in a normal civil action and grant a full hearing on the 1064  
matter. 1065

(E) (1) After an ex parte or full hearing, the court may 1066

grant any protection order, with or without bond, or approve any 1067  
consent agreement to bring about a cessation of domestic 1068  
violence against the family or household members or persons with 1069  
whom the respondent is or was in a dating relationship. The 1070  
order or agreement may: 1071

(a) Direct the respondent to refrain from abusing or from 1072  
committing sexually oriented offenses against the family or 1073  
household members or persons with whom the respondent is or was 1074  
in a dating relationship; 1075

(b) With respect to a petition involving family or 1076  
household members, grant possession of the residence or 1077  
household to the petitioner or other family or household member, 1078  
to the exclusion of the respondent, by evicting the respondent, 1079  
when the residence or household is owned or leased solely by the 1080  
petitioner or other family or household member, or by ordering 1081  
the respondent to vacate the premises, when the residence or 1082  
household is jointly owned or leased by the respondent, and the 1083  
petitioner or other family or household member; 1084

(c) With respect to a petition involving family or 1085  
household members, when the respondent has a duty to support the 1086  
petitioner or other family or household member living in the 1087  
residence or household and the respondent is the sole owner or 1088  
lessee of the residence or household, grant possession of the 1089  
residence or household to the petitioner or other family or 1090  
household member, to the exclusion of the respondent, by 1091  
ordering the respondent to vacate the premises, or, in the case 1092  
of a consent agreement, allow the respondent to provide 1093  
suitable, alternative housing; 1094

(d) With respect to a petition involving family or 1095  
household members, temporarily allocate parental rights and 1096

responsibilities for the care of, or establish temporary 1097  
parenting time rights with regard to, minor children, if no 1098  
other court has determined, or is determining, the allocation of 1099  
parental rights and responsibilities for the minor children or 1100  
parenting time rights; 1101

(e) With respect to a petition involving family or 1102  
household members, require the respondent to maintain support, 1103  
if the respondent customarily provides for or contributes to the 1104  
support of the family or household member, or if the respondent 1105  
has a duty to support the petitioner or family or household 1106  
member; 1107

(f) Require the respondent, petitioner, victim of domestic 1108  
violence, or any combination of those persons, to seek 1109  
counseling; 1110

(g) Require the respondent to refrain from entering the 1111  
residence, school, business, or place of employment of the 1112  
petitioner or, with respect to a petition involving family or 1113  
household members, a family or household member; 1114

(h) Grant other relief that the court considers equitable 1115  
and fair, including, but not limited to, ordering the respondent 1116  
to permit the use of a motor vehicle by the petitioner or, with 1117  
respect to a petition involving family or household members, 1118  
other family or household members and the apportionment of 1119  
household and family personal property; 1120

(i) Require that the respondent not remove, damage, hide, 1121  
harm, or dispose of any companion animal owned or possessed by 1122  
the petitioner; 1123

(j) Authorize the petitioner to remove a companion animal 1124  
owned by the petitioner from the possession of the respondent; 1125

(k) Require a wireless service transfer in accordance with 1126  
sections 3113.45 to 3113.459 of the Revised Code. 1127

(2) If a protection order has been issued pursuant to this 1128  
section in a prior action involving the respondent and the 1129  
petitioner or, with respect to a petition involving family or 1130  
household members, one or more of the family or household 1131  
members or victims, the court may include in a protection order 1132  
that it issues a prohibition against the respondent returning to 1133  
the residence or household. If it includes a prohibition against 1134  
the respondent returning to the residence or household in the 1135  
order, it also shall include in the order provisions of the type 1136  
described in division (E) (7) of this section. This division does 1137  
not preclude the court from including in a protection order or 1138  
consent agreement, in circumstances other than those described 1139  
in this division, a requirement that the respondent be evicted 1140  
from or vacate the residence or household or refrain from 1141  
entering the residence, school, business, or place of employment 1142  
of the petitioner or, with respect to a petition involving 1143  
family or household members, a family or household member, and, 1144  
if the court includes any requirement of that type in an order 1145  
or agreement, the court also shall include in the order 1146  
provisions of the type described in division (E) (7) of this 1147  
section. 1148

(3) (a) Any protection order issued or consent agreement 1149  
approved under this section shall be valid until a date certain, 1150  
but not later than five years from the date of its issuance or 1151  
approval, or not later than the date a respondent who is less 1152  
than eighteen years of age attains nineteen years of age, unless 1153  
modified or terminated as provided in division (E) (8) of this 1154  
section. 1155

(b) With respect to an order involving family or household members, subject to the limitation on the duration of an order or agreement set forth in division (E) (3) (a) of this section, any order under division (E) (1) (d) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues an order allocating parental rights and responsibilities for the care of children or on the date that a juvenile court in an action brought by the petitioner or respondent issues an order awarding legal custody of minor children. Subject to the limitation on the duration of an order or agreement set forth in division (E) (3) (a) of this section, any order under division (E) (1) (e) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues a support order or on the date that a juvenile court in an action brought by the petitioner or respondent issues a support order.

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

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

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

(b) The petitioner is served notice of the respondent's

petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice.

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

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

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

(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 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, 3109.111, 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 1216  
agency of the county in which the court is located to provide 1217  
supervision of the respondent's exercise of parenting time or 1218  
visitation or companionship rights with respect to the child for 1219  
a period not to exceed nine months, if the court makes the 1220  
following findings of fact: 1221

(i) The child is in danger from the respondent; 1222

(ii) No other person or agency is available to provide the 1223  
supervision. 1224

(b) A court that requires an agency to provide supervision 1225  
pursuant to division (E) (6) (a) of this section shall order the 1226  
respondent to reimburse the agency for the cost of providing the 1227  
supervision, if it determines that the respondent has sufficient 1228  
income or resources to pay that cost. 1229

(7) (a) If a protection order issued or consent agreement 1230  
approved under this section includes a requirement that the 1231  
respondent be evicted from or vacate the residence or household 1232  
or refrain from entering the residence, school, business, or 1233  
place of employment of the petitioner or, with respect to a 1234  
petition involving family or household members, a family or 1235  
household member, the order or agreement shall state clearly 1236  
that the order or agreement cannot be waived or nullified by an 1237  
invitation to the respondent from the petitioner or other family 1238  
or household member to enter the residence, school, business, or 1239  
place of employment or by the respondent's entry into one of 1240  
those places otherwise upon the consent of the petitioner or 1241  
other family or household member. 1242

(b) Division (E) (7) (a) of this section does not limit any 1243  
discretion of a court to determine that a respondent charged 1244

with a violation of section 2919.27 of the Revised Code, with a 1245  
violation of a municipal ordinance substantially equivalent to 1246  
that section, or with contempt of court, which charge is based 1247  
on an alleged violation of a protection order issued or consent 1248  
agreement approved under this section, did not commit the 1249  
violation or was not in contempt of court. 1250

(8) (a) The court may modify or terminate as provided in 1251  
division (E) (8) of this section a protection order or consent 1252  
agreement that was issued after a full hearing under this 1253  
section. The court that issued the protection order or approved 1254  
the consent agreement shall hear a motion for modification or 1255  
termination of the protection order or consent agreement 1256  
pursuant to division (E) (8) of this section. 1257

(b) Either the petitioner or the respondent of the 1258  
original protection order or consent agreement may bring a 1259  
motion for modification or termination of a protection order or 1260  
consent agreement that was issued or approved after a full 1261  
hearing. The court shall require notice of the motion to be made 1262  
as provided by the Rules of Civil Procedure. If the petitioner 1263  
for the original protection order or consent agreement has 1264  
requested that the petitioner's address be kept confidential, 1265  
the court shall not disclose the address to the respondent of 1266  
the original protection order or consent agreement or any other 1267  
person, except as otherwise required by law. The moving party 1268  
has the burden of proof to show, by a preponderance of the 1269  
evidence, that modification or termination of the protection 1270  
order or consent agreement is appropriate because either the 1271  
protection order or consent agreement is no longer needed or 1272  
because the terms of the original protection order or consent 1273  
agreement are no longer appropriate. 1274

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

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

(ii) Whether the petitioner fears the respondent;

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

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

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

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

(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;

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

(ix) Whether the respondent has participated in any

domestic violence treatment, intervention program, or other 1303  
counseling addressing domestic violence and whether the 1304  
respondent has completed the treatment, program, or counseling; 1305

(x) The time that has elapsed since the protection order 1306  
was issued or since the consent agreement was approved; 1307

(xi) The age and health of the respondent; 1308

(xii) When the last incident of abuse, threat of harm, or 1309  
commission of a sexually oriented offense occurred or other 1310  
relevant information concerning the safety and protection of the 1311  
petitioner or other protected parties. 1312

(d) If a protection order or consent agreement is modified 1313  
or terminated as provided in division (E)(8) of this section, 1314  
the court shall issue copies of the modified or terminated order 1315  
or agreement as provided in division (F) of this section. A 1316  
petitioner may also provide notice of the modification or 1317  
termination to the judicial and law enforcement officials in any 1318  
county other than the county in which the order or agreement is 1319  
modified or terminated as provided in division (N) of this 1320  
section. 1321

(e) If the respondent moves for modification or 1322  
termination of a protection order or consent agreement pursuant 1323  
to this section and the court denies the motion, the court may 1324  
assess costs against the respondent for the filing of the 1325  
motion. 1326

(9) Any protection order issued or any consent agreement 1327  
approved pursuant to this section shall include a provision that 1328  
the court will automatically seal all of the records of the 1329  
proceeding in which the order is issued or agreement approved on 1330  
the date the respondent attains the age of nineteen years unless 1331

the petitioner provides the court with evidence that the 1332  
respondent has not complied with all of the terms of the 1333  
protection order or consent agreement. The protection order or 1334  
consent agreement shall specify the date when the respondent 1335  
attains the age of nineteen years. 1336

(F) (1) A copy of any protection order, or consent 1337  
agreement, that is issued, approved, modified, or terminated 1338  
under this section shall be issued by the court to the 1339  
petitioner, to the respondent, and to all law enforcement 1340  
agencies that have jurisdiction to enforce the order or 1341  
agreement. The court shall direct that a copy of an order be 1342  
delivered to the respondent on the same day that the order is 1343  
entered. 1344

(2) Upon the issuance of a protection order or the 1345  
approval of a consent agreement under this section, the court 1346  
shall provide the parties to the order or agreement with the 1347  
following notice orally or by form: 1348

"NOTICE 1349

As a result of this order or consent agreement, it may be 1350  
unlawful for you to possess or purchase a firearm, including a 1351  
rifle, pistol, or revolver, or ammunition pursuant to federal 1352  
law under 18 U.S.C. 922(g) (8) for the duration of this order or 1353  
consent agreement. If you have any questions whether this law 1354  
makes it illegal for you to possess or purchase a firearm or 1355  
ammunition, you should consult an attorney." 1356

(3) All law enforcement agencies shall establish and 1357  
maintain an index for the protection orders and the approved 1358  
consent agreements delivered to the agencies pursuant to 1359  
division (F) (1) of this section. With respect to each order and 1360

consent agreement delivered, each agency shall note on the index 1361  
the date and time that it received the order or consent 1362  
agreement. 1363

(4) Regardless of whether the petitioner has registered 1364  
the order or agreement in the county in which the officer's 1365  
agency has jurisdiction pursuant to division (N) of this 1366  
section, any officer of a law enforcement agency shall enforce a 1367  
protection order issued or consent agreement approved by any 1368  
court in this state in accordance with the provisions of the 1369  
order or agreement, including removing the respondent from the 1370  
premises, if appropriate. 1371

(G) (1) Any proceeding under this section shall be 1372  
conducted in accordance with the Rules of Civil Procedure, 1373  
except that an order under this section may be obtained with or 1374  
without bond. An order issued under this section, other than an 1375  
ex parte order, that grants a protection order or approves a 1376  
consent agreement, that refuses to grant a protection order or 1377  
approve a consent agreement that modifies or terminates a 1378  
protection order or consent agreement, or that refuses to modify 1379  
or terminate a protection order or consent agreement, is a 1380  
final, appealable order. The remedies and procedures provided in 1381  
this section are in addition to, and not in lieu of, any other 1382  
available civil or criminal remedies. 1383

(2) If as provided in division (G) (1) of this section an 1384  
order issued under this section, other than an ex parte order, 1385  
refuses to grant a protection order, the court, on its own 1386  
motion, shall order that the ex parte order issued under this 1387  
section and all of the records pertaining to that ex parte order 1388  
be sealed after either of the following occurs: 1389

(a) No party has exercised the right to appeal pursuant to 1390

|  |      |
|--|------|
| Rule 4 of the Rules of Appellate Procedure.                      | 1391 |
| (b) All appellate rights have been exhausted.                    | 1392 |
| (H) The filing of proceedings under this section does not        | 1393 |
| excuse a person from filing any report or giving any notice      | 1394 |
| required by section 2151.421 of the Revised Code or by any other | 1395 |
| law. When a petition under this section alleges domestic         | 1396 |
| violence against minor children, the court shall report the      | 1397 |
| fact, or cause reports to be made, to a county, township, or     | 1398 |
| municipal peace officer under section 2151.421 of the Revised    | 1399 |
| Code.  | 1400 |
| (I) Any law enforcement agency that investigates a               | 1401 |
| domestic dispute shall provide information to the family or      | 1402 |
| household members involved, or the persons in the dating         | 1403 |
| relationship who are involved, whichever is applicable regarding | 1404 |
| the relief available under this section and, for family or       | 1405 |
| household members, section 2919.26 of the Revised Code.          | 1406 |
| (J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this     | 1407 |
| section and regardless of whether a protection order is issued   | 1408 |
| or a consent agreement is approved by a court of another county  | 1409 |
| or a court of another state, no court or unit of state or local  | 1410 |
| government shall charge the petitioner any fee, cost, deposit,   | 1411 |
| or money in connection with the filing of a petition pursuant to | 1412 |
| this section or in connection with the filing, issuance,         | 1413 |
| registration, modification, enforcement, dismissal, withdrawal,  | 1414 |
| or service of a protection order, consent agreement, or witness  | 1415 |
| subpoena or for obtaining a certified copy of a protection order | 1416 |
| or consent agreement.  | 1417 |
| (2) Regardless of whether a protection order is issued or        | 1418 |
| a consent agreement is approved pursuant to this section, the    | 1419 |

court may assess costs against the respondent in connection with 1420  
the filing, issuance, registration, modification, enforcement, 1421  
dismissal, withdrawal, or service of a protection order, consent 1422  
agreement, or witness subpoena or for obtaining a certified copy 1423  
of a protection order or consent agreement. 1424

(K) (1) The court shall comply with Chapters 3119., 3121., 1425  
3123., and 3125. of the Revised Code when it makes or modifies 1426  
an order for child support under this section. 1427

(2) If any person required to pay child support under an 1428  
order made under this section on or after April 15, 1985, or 1429  
modified under this section on or after December 31, 1986, is 1430  
found in contempt of court for failure to make support payments 1431  
under the order, the court that makes the finding, in addition 1432  
to any other penalty or remedy imposed, shall assess all court 1433  
costs arising out of the contempt proceeding against the person 1434  
and require the person to pay any reasonable attorney's fees of 1435  
any adverse party, as determined by the court, that arose in 1436  
relation to the act of contempt. 1437

(L) (1) A person who violates a protection order issued or 1438  
a consent agreement approved under this section is subject to 1439  
the following sanctions: 1440

(a) Criminal prosecution or a delinquent child proceeding 1441  
for a violation of section 2919.27 of the Revised Code, if the 1442  
violation of the protection order or consent agreement 1443  
constitutes a violation of that section; 1444

(b) Punishment for contempt of court. 1445

(2) The punishment of a person for contempt of court for 1446  
violation of a protection order issued or a consent agreement 1447  
approved under this section does not bar criminal prosecution of 1448

the person or a delinquent child proceeding concerning the 1449  
person for a violation of section 2919.27 of the Revised Code. 1450  
However, a person punished for contempt of court is entitled to 1451  
credit for the punishment imposed upon conviction of or 1452  
adjudication as a delinquent child for a violation of that 1453  
section, and a person convicted of or adjudicated a delinquent 1454  
child for a violation of that section shall not subsequently be 1455  
punished for contempt of court arising out of the same activity. 1456

(M) In all stages of a proceeding under this section, a 1457  
petitioner may be accompanied by a victim advocate. 1458

(N) (1) A petitioner who obtains a protection order or 1459  
consent agreement under this section or a temporary protection 1460  
order under section 2919.26 of the Revised Code may provide 1461  
notice of the issuance or approval of the order or agreement to 1462  
the judicial and law enforcement officials in any county other 1463  
than the county in which the order is issued or the agreement is 1464  
approved by registering that order or agreement in the other 1465  
county pursuant to division (N) (2) of this section and filing a 1466  
copy of the registered order or registered agreement with a law 1467  
enforcement agency in the other county in accordance with that 1468  
division. A person who obtains a protection order issued by a 1469  
court of another state may provide notice of the issuance of the 1470  
order to the judicial and law enforcement officials in any 1471  
county of this state by registering the order in that county 1472  
pursuant to section 2919.272 of the Revised Code and filing a 1473  
copy of the registered order with a law enforcement agency in 1474  
that county. 1475

(2) A petitioner may register a temporary protection 1476  
order, protection order, or consent agreement in a county other 1477  
than the county in which the court that issued the order or 1478

approved the agreement is located in the following manner: 1479

(a) The petitioner shall obtain a certified copy of the 1480  
order or agreement from the clerk of the court that issued the 1481  
order or approved the agreement and present that certified copy 1482  
to the clerk of the court of common pleas or the clerk of a 1483  
municipal court or county court in the county in which the order 1484  
or agreement is to be registered. 1485

(b) Upon accepting the certified copy of the order or 1486  
agreement for registration, the clerk of the court of common 1487  
pleas, municipal court, or county court shall place an 1488  
endorsement of registration on the order or agreement and give 1489  
the petitioner a copy of the order or agreement that bears that 1490  
proof of registration. 1491

(3) The clerk of each court of common pleas, the clerk of 1492  
each municipal court, and the clerk of each county court shall 1493  
maintain a registry of certified copies of temporary protection 1494  
orders, protection orders, or consent agreements that have been 1495  
issued or approved by courts in other counties and that have 1496  
been registered with the clerk. 1497

(O) Nothing in this section prohibits the domestic 1498  
relations division of a court of common pleas in counties that 1499  
have a domestic relations division or a court of common pleas in 1500  
counties that do not have a domestic relations division from 1501  
designating a minor child as a protected party on a protection 1502  
order or consent agreement. 1503

**Sec. 5153.16.** (A) Except as provided in section 2151.422 1504  
of the Revised Code, in accordance with rules adopted under 1505  
section 5153.166 of the Revised Code, and on behalf of children 1506  
in the county whom the public children services agency considers 1507

to be in need of public care or protective services, the public 1508  
children services agency shall do all of the following: 1509

(1) Make an investigation concerning any child alleged to 1510  
be an abused, neglected, or dependent child; 1511

(2) Enter into agreements with the parent, guardian, or 1512  
other person having legal custody of any child, or with the 1513  
department of children and youth, department of ~~mental~~ 1514  
behavioral health and addiction services, department of 1515  
developmental disabilities, other department, any certified 1516  
organization within or outside the county, or any agency or 1517  
institution outside the state, having legal custody of any 1518  
child, with respect to the custody, care, or placement of any 1519  
child, or with respect to any matter, in the interests of the 1520  
child, provided the permanent custody of a child shall not be 1521  
transferred by a parent to the public children services agency 1522  
without the consent of the juvenile court; 1523

(3) Enter into a contract with an agency providing 1524  
prevention services in an effort to prevent neglect or abuse, to 1525  
enhance a child's welfare, and to preserve the family unit 1526  
intact when referring a family for prevention services under 1527  
division (J) of section 2151.421 of the Revised Code. 1528

(4) Accept custody of children committed to the public 1529  
children services agency by a court exercising juvenile 1530  
jurisdiction; 1531

(5) Provide such care as the public children services 1532  
agency considers to be in the best interests of any child 1533  
adjudicated to be an abused, neglected, or dependent child the 1534  
agency finds to be in need of public care or service; 1535

(6) Provide social services to any unmarried girl 1536

adjudicated to be an abused, neglected, or dependent child who 1537  
is pregnant with or has been delivered of a child; 1538

(7) Make available to the children with medical handicaps 1539  
program of the department of health at its request any 1540  
information concerning a child with a disability found to be in 1541  
need of treatment under sections 3701.021 to 3701.028 of the 1542  
Revised Code who is receiving services from the public children 1543  
services agency; 1544

(8) Provide temporary emergency care for any child 1545  
considered by the public children services agency to be in need 1546  
of such care, without agreement or commitment; 1547

(9) Find certified foster homes, within or outside the 1548  
county, for the care of children, including children with 1549  
disabilities from other counties attending special schools in 1550  
the county; 1551

(10) Subject to the approval of the board of county 1552  
commissioners and the department of children and youth, 1553  
establish and operate a training school or enter into an 1554  
agreement with any municipal corporation or other political 1555  
subdivision of the county respecting the operation, acquisition, 1556  
or maintenance of any children's home, training school, or other 1557  
institution for the care of children maintained by such 1558  
municipal corporation or political subdivision; 1559

(11) Acquire and operate a county children's home, 1560  
establish, maintain, and operate a receiving home for the 1561  
temporary care of children, or procure certified foster homes 1562  
for this purpose; 1563

(12) Enter into an agreement with the trustees of any 1564  
district children's home, respecting the operation of the 1565

district children's home in cooperation with the other county 1566  
boards in the district; 1567

(13) Cooperate with, make its services available to, and 1568  
act as the agent of persons, courts, the department of children 1569  
and youth, the department of health, and other organizations 1570  
within and outside the state, in matters relating to the welfare 1571  
of children, except that the public children services agency 1572  
shall not be required to provide supervision of or other 1573  
services related to the exercise of parenting time rights 1574  
granted pursuant to section 3109.051 or 3109.12 of the Revised 1575  
Code or companionship or visitation rights granted pursuant to 1576  
section 3109.051, 3109.11, 3109.111, or 3109.12 of the Revised 1577  
Code unless a juvenile court, pursuant to Chapter 2151. of the 1578  
Revised Code, or a common pleas court, pursuant to division (E) 1579  
(6) of section 3113.31 of the Revised Code, requires the 1580  
provision of supervision or other services related to the 1581  
exercise of the parenting time rights or companionship or 1582  
visitation rights; 1583

(14) Make investigations at the request of any 1584  
superintendent of schools in the county or the principal of any 1585  
school concerning the application of any child adjudicated to be 1586  
an abused, neglected, or dependent child for release from 1587  
school, where such service is not provided through a school 1588  
attendance department; 1589

(15) Administer funds provided under Title IV-E of the 1590  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 1591  
amended, in accordance with rules adopted under section 5180.42 1592  
of the Revised Code; 1593

(16) In addition to administering Title IV-E adoption 1594  
assistance funds, enter into agreements to make adoption 1595

assistance payments under section 5153.163 of the Revised Code; 1596

(17) Implement a system of safety and risk assessment, in 1597  
accordance with rules adopted by the director of children and 1598  
youth, to assist the public children services agency in 1599  
determining the risk of abuse or neglect to a child; 1600

(18) Enter into a plan of cooperation with the board of 1601  
county commissioners under section 307.983 of the Revised Code 1602  
and comply with each fiscal agreement the board enters into 1603  
under section 307.98 of the Revised Code that include family 1604  
services duties of public children services agencies and 1605  
contracts the board enters into under sections 307.981 and 1606  
307.982 of the Revised Code that affect the public children 1607  
services agency; 1608

(19) Make reasonable efforts to prevent the removal of an 1609  
alleged or adjudicated abused, neglected, or dependent child 1610  
from the child's home, eliminate the continued removal of the 1611  
child from the child's home, or make it possible for the child 1612  
to return home safely, except that reasonable efforts of that 1613  
nature are not required when a court has made a determination 1614  
under division (A) (2) of section 2151.419 of the Revised Code; 1615

(20) Make reasonable efforts to place the child in a 1616  
timely manner in accordance with the permanency plan approved 1617  
under division (E) of section 2151.417 of the Revised Code and 1618  
to complete whatever steps are necessary to finalize the 1619  
permanent placement of the child; 1620

(21) Administer a Title IV-A program identified under 1621  
division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 1622  
that the department of children and youth provides for the 1623  
public children services agency to administer under the 1624

department's supervision pursuant to section 5101.801 of the Revised Code;

(22) Administer the kinship permanency incentive program created under section 5180.52 of the Revised Code under the supervision of the director of children and youth;

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

(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.

(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;

(v) Private and government providers of services;

(vi) Managed care organizations and prepaid health plans.

(b) A public children services agency contract under division (C) (2) (a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.

(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C) (2) (a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.

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| <b>Section 2.</b> That existing sections 2705.031, 3107.15,     | 1680 |
| 3109.05, 3109.051, 3113.31, and 5153.16 of the Revised Code are | 1681 |
| hereby repealed.  | 1682 |