

**As Introduced**

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

**H. B. No. 895**

**Representative Brewer**

**Cosponsors: Representatives Lett, Synenberg**

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To amend sections 3109.052 and 3109.055 of the 1  
Revised Code to enact the Ohio Custody Mediation 2  
and Orientation Act. 3

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

**Section 1.** That sections 3109.052 and 3109.055 of the 4  
Revised Code be amended to read as follows: 5

**Sec. 3109.052.** (A) ~~If~~ Except as provided in division (C) 6  
of this section, if a proceeding for divorce, dissolution, legal 7  
separation, annulment, or the allocation of parental rights and 8  
responsibilities for the care of a child involves one or more 9  
children, if the parents of the children do not agree upon an 10  
appropriate allocation of parental rights and responsibilities 11  
for the care of their children or do not agree upon a specific 12  
schedule of parenting time for their children, the court ~~may~~ 13  
shall order the parents to mediate their differences on those 14  
matters in accordance with mediation procedures adopted by the 15  
court by local rule. ~~When~~ 16

The court may waive the mediation requirement under this 17  
division if it determines that mediation is not appropriate. 18  
When the court determines whether mediation is appropriate in 19

any proceeding, it shall consider the best interest of the 20  
children and whether either parent previously has been convicted 21  
of or pleaded guilty to a violation of section 2919.25 of the 22  
Revised Code involving a victim who at the time of the 23  
commission of the offense was a member of the family or 24  
household that is the subject of the proceeding, whether either 25  
parent previously has been convicted of or pleaded guilty to an 26  
offense involving a victim who at the time of the commission of 27  
the offense was a member of the family or household that is the 28  
subject of the proceeding and caused physical harm to the victim 29  
in the commission of the offense, and whether either parent has 30  
been determined to be the perpetrator of the abusive act that is 31  
the basis of an adjudication that a child is an abused child. If 32  
either parent has been convicted of or pleaded guilty to a 33  
violation of section 2919.25 of the Revised Code involving a 34  
victim who at the time of the commission of the offense was a 35  
member of the family or household that is the subject of the 36  
proceeding, has been convicted of or pleaded guilty to any other 37  
offense involving a victim who at the time of the commission of 38  
the offense was a member of the family or household that is the 39  
subject of the proceeding and caused physical harm to the victim 40  
in the commission of the offense, or has been determined to be 41  
the perpetrator of the abusive act that is the basis of an 42  
adjudication that a child is an abused child, the court may 43  
order mediation only if the court determines that it is in the 44  
best interests of the parties to order mediation and makes 45  
specific written findings of fact to support its determination. 46

If a court issues an order pursuant to this division 47  
requiring mediation, it also may order the parents to file a 48  
mediation report within a specified period of time and order the 49  
parents to pay the cost of mediation, unless either or both of 50

the parents file a motion requesting that the court waive that 51  
requirement. Upon the filing of a motion requesting the waiver 52  
of that requirement, the court, for good cause shown, may ~~waive~~ 53  
do any of the following: 54

(1) Waive the requirement that either or both parents pay 55  
the cost of mediation ~~or may require~~ if either or both parents 56  
are indigent; 57

(2) Require one or both parents to pay a reduced cost of 58  
mediation on a sliding scale if either or both parents are 59  
indigent; 60

(3) Require one of the parents to pay the entire cost of 61  
mediation. ~~Any~~ 62

(B) Any mediation procedures adopted by local court rule 63  
for use under this division shall include, but are not limited 64  
to, ~~provisions establishing qualifications for mediators who may~~ 65  
~~be employed or used and provisions~~ ensuring the cost of 66  
mediation does not prohibit any parent from participating in 67  
mediation, establishing standards for the conduct of the 68  
mediation, and establishing qualifications for mediators who may 69  
be employed or used, including requiring mediators to be trained 70  
in all of the following: 71

(1) Family law and custody procedures; 72

(2) Child development; 73

(3) Power imbalance and father involvement issues; 74

(4) Domestic violence screening. 75

~~(B)~~ (C) If a mediation order is issued under division (A) 76  
of this section and the order requires the parents to file a 77  
mediation report, the mediator and each parent who takes part in 78

mediation in accordance with the order jointly shall file a 79  
report of the results of the mediation process with the court 80  
that issued the order under that division. A mediation report 81  
shall indicate only whether agreement has been reached on any of 82  
the issues that were the subject of the mediation, and, if 83  
agreement has been reached, the content and details of the 84  
agreement. No mediation report shall contain any background 85  
information concerning the mediation process or any information 86  
discussed or presented in the process. The court shall consider 87  
the mediation report when it allocates parental rights and 88  
responsibilities for the care of children under section 3109.04 89  
of the Revised Code and when it establishes a specific schedule 90  
of parenting time under section 3109.051 of the Revised Code. 91  
The court is not bound by the mediation report and shall 92  
consider the best interest of the children when making that 93  
allocation or establishing the parenting time schedule. 94

~~(C)~~(D) If a mediation order is issued under division (A) 95  
of this section, the mediator shall not be made a party to, and 96  
shall not be called as a witness or testify in, any action or 97  
proceeding, other than a criminal, delinquency, child abuse, 98  
child neglect, or dependent child action or proceeding, that is 99  
brought by or against either parent and that pertains to the 100  
mediation process, to any information discussed or presented in 101  
the mediation process, to the allocation of parental rights and 102  
responsibilities for the care of the parents' children, or to 103  
the awarding of parenting time rights in relation to their 104  
children. The mediator shall not be made a party to, or be 105  
called as a witness or testify in, such an action or proceeding 106  
even if both parents give their prior consent to the mediator 107  
being made a party to or being called as a witness or to testify 108  
in the action or proceeding. 109

~~(D)~~(E) If a mediation order is issued under division (A) 110  
of this section, each party shall complete a court-approved 111  
orientation session, in-person or online, that explains the 112  
following: 113

(1) The mediation process; 114

(2) The rights and responsibilities of each parent; 115

(3) The potential outcomes of mediation and court trial; 116

(4) Available local resources for parenting education and 117  
father engagement. 118

(F) Division (A) of this section does not apply to either 119  
of the following: 120

(1) Any proceeding, or the use of mediation in any 121  
proceeding that is not a proceeding for divorce, dissolution, 122  
legal separation, annulment, or the allocation of parental 123  
rights and responsibilities for the care of a child; 124

(2) The use of mediation in any proceeding for divorce, 125  
dissolution, legal separation, annulment, or the allocation of 126  
parental rights and responsibilities for the care of a child, in 127  
relation to issues other than the appropriate allocation of 128  
parental rights and responsibilities for the care of the 129  
parents' children and other than a specific parenting time 130  
schedule for the parents' children. 131

**Sec. 3109.055.** (A) If a child is born to an unmarried 132  
woman and the father of the child has acknowledged the child and 133  
that acknowledgment has become final pursuant to section 134  
2151.232, 3111.25, or 3111.821 of the Revised Code or has been 135  
determined in an action under Chapter 3111. of the Revised Code 136  
to be the father of the child, if the parents do not agree upon 137

an appropriate allocation of parental rights and 138  
responsibilities for the care of the children, the court, ~~upon~~ 139  
~~its own motion or the motion of one of the parties, may shall~~ 140  
order the parents to undergo conciliation with a magistrate in 141  
order to resolve any disputes regarding the allocation of 142  
parental rights and responsibilities between the parents in a 143  
case pending before the court. An order requiring conciliation 144  
shall set forth the ~~the~~ name of the magistrate who will serve as 145  
the conciliator and the manner in which the costs of any 146  
conciliation procedures are to be paid. 147

Either or both of the parents file a motion requesting 148  
that the court waive, in whole or in part, payment of the 149  
conciliation costs by the parents. Upon the filing of a motion 150  
requesting the waiver of payment, the court, for good cause 151  
shown, may do any of the following: 152

(1) Waive the requirement that either or both parents pay 153  
the cost of conciliation if either or both parents are indigent; 154

(2) Require one or both parents to pay a reduced cost of 155  
conciliation on a sliding scale if either or both parents are 156  
indigent; 157

(3) Require one of the parents to pay the entire cost of 158  
conciliation. 159

(B) Any conciliation procedures adopted by local court 160  
rule for use under this section shall require conciliators to be 161  
trained in all of the following: 162

(1) Family law and custody procedures; 163

(2) Child development; 164

(3) Power imbalance and father involvement issues; 165

(4) Domestic violence screening. 166

~~(B)~~(C) A magistrate who serves as a conciliator shall use 167  
conciliation procedures to resolve a dispute regarding the 168  
allocation of parental rights and responsibilities and, upon 169  
resolution of the dispute, issue an order regarding the 170  
allocation of parental rights and responsibilities, parenting 171  
time, or companionship or visitation pursuant to section 172  
2151.23, 3109.04, or 3109.12 of the Revised Code. The 173  
conciliation procedures may include without limitation the use 174  
of family counselors and service agencies, community health 175  
services, physicians, licensed psychologists, or clergy. If the 176  
magistrate orders the parties to undergo family counseling, the 177  
magistrate shall name the counselor and set forth the required 178  
type of counseling, the length of time for the counseling, and 179  
any other specific conditions. No order regarding the allocation 180  
of parental rights and responsibilities, parenting time, or 181  
companionship or visitation shall be issued until the 182  
conciliation has concluded and been reported to the magistrate. 183

(D) The court may waive the conciliation requirement under 184  
division (A) of this section if it determines that conciliation 185  
is not appropriate. When the court determines whether 186  
conciliation is appropriate, it shall consider the best interest 187  
of the children and whether either parent previously has been 188  
convicted of or pleaded guilty to a violation of section 2919.25 189  
of the Revised Code involving a victim who at the time of the 190  
commission of the offense was a member of the family or 191  
household that is the subject of the proceeding, whether either 192  
parent previously has been convicted of or pleaded guilty to an 193  
offense involving a victim who at the time of the commission of 194  
the offense was a member of the family or household that is the 195  
subject of the proceeding and caused physical harm to the victim 196

in the commission of the offense, and whether either parent has 197  
been determined to be the perpetrator of the abusive act that is 198  
the basis of an adjudication that a child is an abused child. If 199  
either parent has been convicted of or pleaded guilty to a 200  
violation of section 2919.25 of the Revised Code involving a 201  
victim who at the time of the commission of the offense was a 202  
member of the family or household that is the subject of the 203  
proceeding, has been convicted of or pleaded guilty to any other 204  
offense involving a victim who at the time of the commission of 205  
the offense was a member of the family or household that is the 206  
subject of the proceeding and caused physical harm to the victim 207  
in the commission of the offense, or has been determined to be 208  
the perpetrator of the abusive act that is the basis of an 209  
adjudication that a child is an abused child, the court may 210  
order conciliation only if the court determines that it is in 211  
the best interests of the parties to order conciliation and 212  
makes specific written findings of fact to support its 213  
determination. 214

(E) If a conciliation order is issued under division (A) 215  
of this section, each party shall complete a court-approved 216  
orientation session, in-person or online, that explains the 217  
following: 218

(1) The conciliation process; 219

(2) The rights and responsibilities of each parent; 220

(3) The potential outcomes of conciliation and court 221  
trial; 222

(4) Available local resources for parenting education and 223  
father engagement. 224

**Section 2.** That existing sections 3109.052 and 3109.055 of 225

the Revised Code are hereby repealed. 226

**Section 3.** This act shall be known as the Ohio Custody 227  
Mediation and Orientation Act. 228