**As Introduced**

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

**H. B. No. 895**

**Representative Brewer**
**Cosponsors: Representatives Lett, Synenberg**

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

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

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

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

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

any proceeding, it shall consider the best interest of the children and whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, whether either parent previously has been convicted of or pleaded guilty to an offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, and whether either parent has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If either parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, the court may order mediation only if the court determines that it is in the best interests of the parties to order mediation and makes specific written findings of fact to support its determination.

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

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

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

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

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

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

(1) Family law and custody procedures;

(2) Child development;

(3) Power imbalance and father involvement issues;

(4) Domestic violence screening.

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

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

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

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

(1) The mediation process;

(2) The rights and responsibilities of each parent;

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

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

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

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

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

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

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

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

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

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

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

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

(1) Family law and custody procedures;

(2) Child development;

(3) Power imbalance and father involvement issues;

(4) Domestic violence screening.

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

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

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

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

(1) The conciliation process;

(2) The rights and responsibilities of each parent;

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

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

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

the Revised Code are hereby repealed.

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